

**Consumer Council Submission to
the Bills Committee on
Public Health and Municipal Services (Amendment) Bill 2008**

4 December 2008

The Consumer Council ("CC") is pleased to provide views on the proposed Public Health and Municipal Services (Amendment) Bill 2008.

CC supports the proposal concerning the prohibition of import and supply of problem food and mandatory recall, in the same way that CC supported a similar proposal in the context of the Proposed Food Safety Bill in its submission to the Food and Health Bureau back in March 2008.

In view of the recent Melamine incidents with a wide range of foods found contaminated and the public expectation of more effective control in the event of a food incident, CC agrees there is a need to amend Cap 132 ahead of the introduction of the full Food Safety Bill to empower the Director of Food and Environmental Hygiene ("DFEH") to make orders if it is necessary to prevent or reduce the possibility of danger to public health or to mitigate any adverse consequence of a danger to public health.

CC believes empowering DFEH under Cap 132 to make orders administratively to prohibit the import and supply of problem food and direct problem food supplied be recalled on reasonable grounds can timely and effectively protect public health and consumer welfare in case of food incidents.

CC notes that, as stated in paragraph 7 of Legislative Council Brief (FH CR 1/3231/07), DFEH would take into consideration various factors in deciding whether there are reasonable grounds for him to make the proposed section 78B orders. As section 78B orders would have great impact on the society, the trade and consumers, CC trusts that the DFEH would weigh these factors with prudence. For that matter, CC welcomes the requirement in the proposed section 78B(3)(c) that a section 78B order must specify the reason for making the order.

In the case of a public recall, CC considers it important for the trade to tackle the issue of consumer redress in arranging a public recall announcement to compensate for the loss of consumers in the event of a food incident.

CC therefore repeats its previous suggestion made to the Administration that the authority (DFEH) should issue guidelines on recall procedures for the trade on such matters as the set up of consumer hotlines, channels for return of products and the issue of consumer redress.

In conclusion, CC would like to see the Amendment Bill enacted and implemented as soon as practicable.

December 2008