



Submission to Legislative Council
Bills Committee on Food Safety Bill
14 July 2010

The Hong Kong Retail Management Association supports the proposed Food Safety Bill. However, we would like to point out a few areas in the Bill that need further considerations. The areas are summarized as follows:

1. The latitude that the Director of Food and Environmental Hygiene can initiate a recall is wide as he/she can make such order simply based on reasonable grounds. The factors he/she can use for justification include a wide range of information that he/she deems appropriate. As such, HKRMA proposes that a monitoring system (e.g. in form of an expert committee) should be in place to review or regulate the issuance of such order.
2. Even though the appeal time to the Municipal Services Appeals Board (MSAB) for any person who felt aggrieved by the Director of Food and Environmental Hygiene (DFEH) has been extended from 14 to 28 days, it is still considered inadequate if the trader has to perform laboratory testing, particularly if repeated tests are required to assure accuracy.
3. For compensation, the hurdle remains big. A trader who suffers losses as a result of the order of recall will be compensated by the Government, only if the MSAB later varies or sets aside the order and the DFEH has no reasonable grounds to make the order of recall at the time it is made. Such requirements would present a very high hurdle and make it very difficult, if not impossible, for affected traders to make a successful claim for compensation. We therefore suggest that affected traders should be entitled to compensation as long as the order is set aside by the MSAB, without having to prove that the Government has no reasonable grounds to make the order of recall.



**HONG KONG
RETAIL MANAGEMENT
ASSOCIATION**

香港零售管理協會

The Association hopes the Bills Committee will give due consideration to our concerns and suggestions stated above. We look forward to working with the Government and relevant parties to safeguard food safety and public health.