



中華人民共和國香港特別行政區政府總部食物及衛生局  
Food and Health Bureau, Government Secretariat  
The Government of the Hong Kong Special Administrative Region  
The People's Republic of China

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10 June 2011

Ms Kitty CHENG  
Assistant Legal Adviser  
Legal Service Division  
Legislative Council Secretariat  
Legislative Council Building  
8 Jackson Road  
Hong Kong  
(Fax : 2877 5029)

Dear Ms CHENG,

**G.N.(E.) 20 and G.N.(E.) 21 of 2011 made under section 78B of the  
Public Health and Municipal Services Ordinance (Cap. 312)**

Thank you for your letter of 7 June 2011.

Please find attached our bilingual response to the questions raised in your letter. Please feel free to let us know if you have further questions.

Yours sincerely,

(Kevin YEUNG)  
for Secretary for Food and Health

**Response to questions from Assistant Legal Advisor on  
G.N.(E.) No. 20 and G.N.(E.) No. 21 of 2011 made under section 78B  
of the Public Health and Municipal Services Ordinance (Cap. 132)**

(a) "Commencement" refers to the time when the Orders took effect, i.e. 12:00 noon on 31 May 2011 for the Order published in the Gazette as G.N.(E.) No. 20, and 12:00 noon on 2 June 2011 for the Order published in the Gazette as G.N.(E.) No. 21.

(b) Importers/distributors are required to display posters on their respective premises with, inter alia, the full name, address and telephone number of the recalling trader(s), who may be the concerned importers/distributors and/or other trader(s) appointed by them to conduct the recall. As a recall has been ordered, importers/distributors are required to put down the details of the recalling trader(s) in the posters and thus we do not expect a scenario where there is no recalling trader involved or appointed. If an importer is a recalling trader, his details will also be provided in the poster.

(c) The "unsafe food" refers to the food specified in Annex A of the Orders. The obligation imposed under this paragraph applies to recalling trader(s), who may be the concerned importers and/or other trader(s) appointed by them to conduct the recall. If the importer is not the recalling trader, he is not obliged to retract the food himself but he is still obliged to ensure the recalling trader(s) he appointed retract(s) the food as required under this paragraph.

(d) and (e) Corrective actions taken to improve effectiveness of the recall may be initiated by the importers or requested by the Food and Environmental Hygiene Department (FEHD). For example, the importers may proactively or upon advice by FEHD, modify the recall arrangement such as altering the locations for food to be returned taking into account actual circumstances and the progress of the recall. Concerned importers are required to provide FEHD progress reports on a bi-weekly basis with the details of, inter alia, such corrective actions. Such corrective actions are also required to be included in the final report submitted to FEHD within one month from the date of completion of recall.

(f) With reference to Orders published in the Gazette as G.N.(E.) No. 20 and G.N.(E.) No. 21, "the defect" refers to the presence of di(2-ethylhexyl)phthalate (DEHP) in food specified at Annex A at levels which may pose a risk to human health. Concerned importers are required to submit final reports to FEHD within one month from the date of completion of recall containing, inter alia, the means of preventing recurrence of such defect in the food dealt by the importers. Such information is important for DFEH to decide when and whether to revoke the Orders or any of them.