



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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電話號碼 Tel nos. : 3509 8925
傳真號碼 Fax nos. : 2136 3281

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Clerk to Legislative Council
Panel on Food Safety and Environmental Hygiene
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn: Mr Jove CHAN)
(Fax: 2869 6794)

Dear Mr Chan,

**Legislative Council Panel on Food Safety and Environmental Hygiene
Follow-up actions in relation to suspected substandard cooking oil**

Regarding the motion on regulation of Benzo[a]pyrene (BaP) moved by Hon. WONG Kwok-hing and passed by the Legislative Council Panel on Food Safety and Environmental Hygiene (the Panel) at its special meeting on 3 January 2013, and the follow-up matters raised by the Panel at its meetings on 21 January 2013 and 12 March 2013 in relation to suspected substandard cooking oil, our reply is set out below.

We understand that Members are very concerned about the safety of cooking oil. During the Panel meeting on 3 January 2013, we explained in detail the investigation work and follow-up measures undertaken by the Food and Environmental Hygiene Department (FEHD) and its Centre for Food Safety (CFS) in relation to suspected substandard cooking oil.

Regulating the level of BaP in cooking oil

The Government reviews the existing food legislation from time to time to safeguard public health and consumer interests. The food safety standards established by the Codex Alimentarius Commission (Codex) are important references for the Government.

At present, Codex as well as many developed countries (e.g. the United States, Australia, New Zealand, Japan and Singapore, etc.) have not set any upper limits on BaP in food. The Hong Kong legislation also does not stipulate a statutory limit on BaP in food. However, Section 54 of the Public Health and Municipal Services Ordinance (Cap. 132) (PHMSO) stipulates that all food for sale must be fit for human consumption. Section 52 of PHMSO also provides that if any person sells to the prejudice of a purchaser any food which is not of the nature, or not of the substance, or not of the quality, of the food demanded by the purchaser, he shall be guilty of an offence. CFS would normally conduct risk assessment to ascertain whether the food concerned would pose a risk to human health and whether it is fit for human consumption. If necessary, CFS could invoke the relevant provisions in the legislation to take enforcement action to ensure food safety.

CFS established an action level of 10 micrograms per kilogram (mcg/kg) for BaP in cooking oil in January this year, after taking into account the standards of different countries / jurisdictions and the results of risk assessment using the margin of exposure (MOE) approach¹, as well as consulting the Expert Committee on Food Safety (ECFS). If a BaP level of 20 mcg/kg is detected in cooking oil, indicating a public health concern under risk assessment, the CFS will take enforcement action in accordance with Section 54 of PHMSO and initiate a mandatory recall of the cooking oil concerned. If a BaP level higher than 10 mcg/kg but lower than 20 mcg/kg is detected in cooking oil, CFS can still take enforcement action in accordance with Section 52 of PHMSO although the public health concern is low under the risk assessment.

¹ MOE is used to assess the degree of health concern. The smaller the MOE, the higher the health concern, and vice versa. The Joint Food and Agriculture Organization/World Health Organization Expert Committee on Food Additives considers that an MOE value of lower than 10 000 indicates public health concern. If a BaP level at 20 mcg/kg is detected in cooking oil, the MOE calculated under risk assessment will be lower than 10 000.

The Government will continue to monitor the formulation of relevant standards by Codex, international developments and the results of food surveillance, before deciding whether there is a need to establish a statutory limit on BaP in cooking oil.

Surveillance work on cooking oil

In view of the finding of suspected substandard cooking oil last December, the CFS has embarked on another targeted food surveillance project on cooking oil. Samples have been taken from different stages in the food supply chain, covering importers, manufacturers, distributors, wholesalers, retailers and restaurants, and tested for BaP, metallic contamination and aflatoxin. The findings of the project were announced on 1 February 2013. Out of 102 samples, 79 were found to have contained BaP with a level ranging from 0.1 to 8.8 mcg/kg, which were all lower than the action level of 10 mcg/kg formulated by the CFS after consulting the ECFS.

Although all the test results were satisfactory, CFS will continue to keep a close watch on the safety of cooking oil in Hong Kong. CFS has included BaP testing in the routine surveillance of cooking oil in order to strengthen monitoring and ensure that the cooking oil on sale in the market is safe and fit for human consumption.

Follow-up action against the distributor who failed to maintain transaction records

After the finding of suspected substandard cooking oil last December, CFS has invoked the stipulations under the Food Safety Ordinance (Cap. 612) (FSO) and effectively traced the source and distribution of the affected cooking oil according to the sale records kept by the importer and the distributors so that necessary inspection could be conducted to ensure the effectiveness of the recall action and that the batch of cooking oil in question was no longer used by the business operators.

In the course of the investigation, CFS has, in accordance with the prevailing enforcement strategy, issued a warning letter to a registered food distributor who failed to produce food transaction records, requesting him to take necessary action to comply with the requirement stipulated in

FSO within 14 days, failing which prosecution will be initiated. The food trader concerned has submitted food transaction records for inspection by staff of CFS before the deadline.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Leung', with a long horizontal flourish extending to the right.

(Jeff LEUNG)
for Secretary for Food and Health