



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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15 January 2015

Ms Alice Leung
Clerk to Panel on Food Safety and
Environmental Hygiene
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Fax: 2509 9055)

Dear Ms Leung,

**LegCo Panel on Food Safety and Environmental Hygiene
Follow-up Measures on Problem Food Products
Produced by Husi Food Factory in Shanghai**

When the captioned subject was discussed by the LegCo Panel on Food Safety and Environmental Hygiene (Panel) at its special meeting on 3 September 2014, Members requested the Government to provide supplementary information. Our reply is set out as follows.

Time taken by the nine food chains (namely McDonald's Restaurants (Hong Kong) Limited (McDonald's HK), Pizza Hut, IKEA, Yoshinoya Hong Kong, Burger King, Starbucks, KFC, 7-Eleven and Subway) in responding to (i) the Centre for Food Safety's (CFS) enquiries about whether they had imported food from Husi's plants in the Mainland; and/or (ii) CFS's requests for providing the required transaction records on food imported from Husi's plants in the Mainland

2. When the food safety issues involving food products manufactured by Husi food factory in Shanghai were reported in the local media in the latter half of July 2014, CFS contacted the nine food chains immediately to enquire whether they had imported any food products manufactured by Husi plants in the Mainland and request them to provide the food import records. McDonald's HK had taken three days to confirm officially the information on all the food imported from Husi plants in the Mainland, while the other eight food chains responded within one or two days, and produced the information required for inspection by CFS's staff.

Whether the Administration would consider increasing the maximum penalties for failure to comply with the record keeping requirements as stipulated in the Food Safety Ordinance (FSO) (Cap. 612)

3. Sections 21 to 24 of FSO (Cap. 612) stipulate that a person, who in the course of business, imports, acquires or supplies by wholesale food in Hong Kong is required to keep transaction records of the business from which the food was acquired and the business to which it was supplied. A person who commits an offence under these sections is liable to a maximum fine of \$10,000 or to imprisonment for three months.

4. The Government plans to conduct in 2015 a comprehensive review of the food safety-related penalties under the Public Health and Municipal Services Ordinance (PHMSO) (Cap. 132) and its subsidiary legislation, as well as those under FSO.

Whether the Administration would consider specifying the time requirement for food traders to respond to CFS's requests for the required transaction records in case of food incident

5. Under section 27 of FSO, the Director of Food and Environmental Hygiene (DFEH) may, for the purpose of exercising powers or performing functions under FSO, require to inspect, make a copy of or take an extract from a record kept by food traders. While FSO does not specify a time limit for submission of such information, section 40(1) of the Interpretation and General Clauses Ordinance (Cap. 1) stipulates that "where any Ordinance confers upon any person power to do or enforce the doing of any act or thing, all such powers shall be deemed to be also conferred as are reasonably necessary to enable the person to do or enforce the doing of the

act or thing". As such, DFEH may, in requiring the person concerned to submit the information required under section 27 of FSO, stipulate a reasonable time limit, which may be as short as 24 hours where necessary, having regard to the exigencies of individual cases.

Follow-up actions to be taken by the Administration in enhancing the regulation of cooked meat

6. At present, cooked meat, like all other food, is regulated by section 54 of PHMSO which provides that all food intended for human consumption for sale in Hong Kong, whether imported or locally produced, must be fit for human consumption. CFS takes food samples at the import, wholesale and retail levels for testing to ensure that all meat products in the market are safe.

7. In response to the Husi incident, the public and LegCo Members were concerned whether cooked meat should be subject to more stringent control. The Government is open-minded about this. We are currently reviewing the relevant legislation, and plan to consult the public in mid-2015 regarding the regulation of cooked meat. CFS would also step up the inspection of cooked meat this year.

To provide the Panel with information on the results of the investigation into the Husi food factories by the Mainland authorities when available

8. CFS has contacted the relevant Mainland authority to enquire about the incident and is awaiting a reply.

Yours sincerely,



(Henry LAI)

for Secretary for Food and Health