

立法會
Legislative Council

LC Paper No. LS10/14-15

Paper for the Panel on Food Safety and Environmental Hygiene

**Legal Service Division Report on
a food safety order made under section 30
of the Food Safety Ordinance (Cap. 612) (G.N. (E.) 31 of 2014)
Gazetted on 29 October 2014**

Further to the Legal Service Division Report to the meeting of the Panel on Food Safety and Environmental Hygiene (the Panel) on 25 September 2014 (LC Paper No. LS75/13-14), a further food safety order was published in the gazette on 29 October 2014 (the Order). The Order is not subsidiary legislation and is therefore not subject to amendment by the Legislative Council.

2. The Administration will brief the Panel on an update of the sub-standard lard incident and food safety issues of cooking oil, as well as the Order, at the Panel meeting on 11 November 2014. All Members are invited to attend the meeting.
3. The Director of Food and Environmental Hygiene has made the Order pursuant to section 30 of Cap. 612. The Order –
 - (a) prohibits all persons from importing into, or supplying within, Hong Kong the food specified in Annex A to the Order (the Specified Food), that is intended for human consumption, for the period from noon on 29 October 2014 until further notice; and
 - (b) directs that the Specified Food, that is intended for human consumption and has been supplied, be recalled within a period of 14 days from noon on 29 October 2014, and be disposed of subsequently, in the manner specified in Annex C to the Order.
4. The Specified Food comprises of all edible fats and oils produced by CHENG I Food Co. Ltd. and TING HSIN Oil & Fat Industrial Co. Ltd., and all food products made with the above-mentioned fats and oils (including but not limited to the products specified in the Appendix to Annex A).

5. The Order has taken effect from noon on 29 October 2014. The effect of the Order is to –

- (a) prohibit the import into, and supply of, the Specified Food within Hong Kong from the commencement of the Order until further notice; and
- (b) require the recall of the Specified Food within a period of 14 days from the commencement of the Order, and the disposal of the Specified Food in the manner so specified.

Any person who contravenes a term of the Order commits an offence and is liable on conviction to a fine at level 6 (up to \$100,000) and to imprisonment (up to 12 months).

6. Annex B to the Order sets out the reasons for, and the principal factors that led to, the making of the Order, which relates to the incident of the use of substandard lard. As set out in Annex B to the Order on health effects, according to Taiwan authorities, the substandard fats and oils were produced from collected waste oils and/or substandard ingredients such as lard for animal feeds, and such fats and oils are subject to contamination by harmful substances, such as benzo[a]pyrene, aflatoxins and metallic contaminants, etc. These harmful substances can cause cancers or other adverse health effects to consumers, thus presenting possible danger to public health.

7. Annex C to the Order sets out the manner in which the recall and disposal of the Specified Food should be conducted by importers, distributors and retailers.

8. Members may refer to the LegCo Brief (File Ref. FHB/F/5/1/1) issued by the Food and Health Bureau dated 30 October 2014 for background information.

9. As advised by the Clerk to the Panel, the Administration has not consulted the Panel on the Order. It will however update the Panel on the sub-standard lard incident and food safety issues of cooking oil at the Panel meeting on 11 November 2014.

Prepared by

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