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Panel on Food Safety and Environmental Hygiene

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 14 July 2015**

Regulation of safety of edible oil

Purpose

This paper provides background information on issues relating to the regulation of safety of edible oil and summarizes the main concerns of members of the Panel on Food Safety and Environmental Hygiene ("the Panel") on the subject.

Background

2. According to the Administration, the food legislation in Hong Kong has not specified any safety standard for edible oil. Section 54 of the Public Health and Municipal Services Ordinance (Cap. 132) ("PHMSO") stipulates that all food for sale in Hong Kong must be fit for human consumption. Section 52 of PHMSO also provides that any person sells to the prejudice of a purchaser any food which is not of the nature, substance or quality of the food demanded by the purchaser shall be guilty of an offence. The Centre for Food Safety ("CFS") under the Food and Environmental Hygiene Department ("FEHD") has been monitoring the quality of local edible oil to ensure that the oil meets legal requirements and is fit for human consumption¹.

3. When the Panel discussed with the Administration issues relating to substandard cooking oil ("gutter oil") at its special meeting on 3 January 2013, a motion was passed at the meeting, urging the Government to expeditiously amend the legislation to regulate the carcinogen Benzo[a]pyrene ("BaP") so as

¹ According to the Administration, CFS had adopted the international practice for ascertaining the quality of cooking oil, i.e. by conducting tests on the amount of BaP, aflatoxins and metal contaminants contained in the oil. In 2013, CFS took, under the regular Food Surveillance Programme, some 450 edible oil samples at the import, wholesale and retail levels for testing. All samples were found to be satisfactory.

to guarantee the safe consumption of cooking oil by the public. Subsequently, the Administration advised the Panel in June 2013 that CFS had established an action level of 10 mcg/kg for BaP in cooking oil (LC Paper No. CB(2)1431/12-13(01))².

4. Following the "substandard lard incident"³ in September 2014, the Panel held a special meeting on 25 September to discuss with the Administration food safety issues relating to the incident. Members were advised that the Food and Health Bureau ("FHB") and the Environment Bureau ("ENB") had agreed in principle to amend the law to safeguard food safety of edible oil, and CFS would step up the inspection of edible oil from other places (including Taiwan) by increasing the number of samples by at least 20% over the previous year. According to the Administration, since there was no scientific definition of the so-called "gutter oil" or "substandard lard", the legislation should deal with the raw ingredients for the production of edible oil. The Administration's preliminary ideas on the proposed legislation included making it a statutory requirement that "used cooking oil" or "substandard oil" not intended for human consumption must not be used as ingredient for the production of edible oil, and all edible oil must comply with the proposed statutory requirement. Before the enactment of the proposed legislation, FEHD and the Environmental Protection Department ("EPD") would work together to strengthen the regulation and monitoring of the recycling of local used cooking oil. Consideration would be given to requiring, through the licensing conditions for restaurant and food factory licence of FEHD, all used cooking oil to be handed over to collectors or recyclers recognized by EPD and all records to be properly kept to prevent at source the used cooking oil from re-entering the food chain. ENB would in parallel consider legislative amendments to strengthen the regulatory efforts.

Members' concerns

5. Members' main views and concerns on the regulation of safety of edible oil expressed at the Panel special meetings on 3 January 2013 and 25 September 2014 are summarized in the ensuing paragraphs.

² If a BaP level higher than 10 mcg/kg but lower than 20 mcg/kg was detected in cooking oil, CFS would take enforcement action in accordance with section 52 of PHMSO although the public health concern was low under the risk assessment. If a BaP level of 20 mcg/kg was detected in cooking oil, indicating a public health concern under risk assessment, CFS would take enforcement action in accordance with section 54 of PHMSO and initiate a mandatory recall of the cooking oil concerned.

³ On 4 September 2014, the Taiwanese authorities announced the detection of "substandard lard" and the use of it in the production of food for sale in the Taiwan market. The follow-up actions taken by the Administration are detailed in its paper provided for the Panel meeting on 25 September 2014 (LC Paper No. CB(2)2310/13-14(01)).

Regulation of safety of edible oil

6. Members noted that under the existing legislation, any person who carried on the business of producing (including mixing and refining) edible oil was required to obtain a licence from FEHD. However, there was no licensing requirement for importing edible oil. Members expressed dissatisfaction over the slow progress of the Administration on the regulation of the food safety of edible oil. The Administration was urged to tighten the regulation on importing and packaging edible oil, as well as to introduce a statutory limit on BaP in cooking oil.

7. The Administration advised that following the "substandard lard incident" in 2014, it had decided to step up the regulation of the safety standards of and the ingredients used for manufacturing edible oil through administrative measures in the short-term and legislation in the long-term. The proposed legal standard for edible oil would be made with reference to relevant international standards as well as in consultation with experts' views. The Administration would seek to launch a public consultation on the legislative proposals later in 2014 or in early 2015.

Requirements for official certificates

8. Members noted that the Administration's preliminary ideas on the proposed regulation included requirement on the edible oil importers to provide an official certificate issued by the place of origin or a certificate issued by an independent testing institution recognized by the government of the place of origin for inspection by FEHD. Members were concerned that the legislative process for the regulation of the import of edible oil might take a long time as the Administration had to liaise with the relevant authorities in the exporting countries regarding the requirements for certificates. Concerns were also raised about the verification of the authenticity of the certificates and the impact on the supply as well as the prices of edible oil products.

9. The Administration advised that it would make its best efforts in liaising with exporting countries of edible oil on the proposed requirement for the provision of official certificates. After the implementation of such requirement, verification would be conducted to ensure the authenticity of certificates. It was the Administration's intention to devise a mechanism that would, on the one hand, effectively regulate the quality of imported cooking oil products, and, on the other hand, only bring minimal impact on the supply and prices of such products.

Regulation of the recycling of used cooking oil

10. Members raised concern that the used cooking oil was processed and

re-sold as edible oil in Hong Kong market, and used by food premises and food factories. The Administration was urged to introduce measures to prevent the used cooking oil from re-entering the food chain as edible oil products. According to the Administration, manufacturers of edible oil must obtain a valid licence and should not use improper ingredients (such as used cooking oil) to produce edible oil. ENB would consider legislative amendments to regulate the collection and handling of used cooking oil. Before the enactment of the legislation, EPD and FEHD would collaborate to implement an administrative measure to require, through the licensing conditions for restaurants and food factories, all used cooking oil to be handed over to collectors or recyclers recognized by EPD.

Latest development

11. The Administration will brief the Panel on the public consultation on the legislative proposals regarding regulation of safety of edible oil at the meeting on 14 July 2015.

Relevant papers

12. A list of the relevant papers on the Legislative Council website is in the **Appendix**.

Council Business Division 2
Legislative Council Secretariat
7 July 2015

**Relevant papers on
the proposed regulation of safety of edible oil**

Committee	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	1.3.2013 (Item I)	Agenda Minutes
	25.9.2014 (Item I)	Agenda Minutes

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