

**Advisory Council on Food and Environmental Hygiene**

**Minutes of the 57<sup>th</sup> Meeting  
held at 2:30 p.m. on Tuesday, 2 December 2014,  
at Room 601, 6/F, Former Central Government Offices,  
11 Ice House Street, Hong Kong.**

Mr. Felix FONG Wo, BBS, JP	(Chairman)
Prof. Thomas CHAN Yan-keung, BBS, JP	Mr. Abraham CHAN Yu-ling
Ms. Phyllis CHEUK Fung-ting	Dr. CHUNG Shan-shan
Mr. Allen HO	Dr. HO Pak-leung
Prof. Kenneth LEUNG Mei-ye	Ms. Winnie LI Hiu-lee
Mrs. Marion LAI, JP	Permanent Secretary for Food and Health (Food)
Dr. LEUNG Siu-fai, JP	Acting Director of Agriculture, Fisheries and Conservation
Miss Vivian LAU Lee-kwan, JP	Director of Food and Environmental Hygiene
Dr. Winnie LAU Tin-wai,	Senior Medical & Health Officer (Disease Prevention), Department of Health
Miss Hanny LAM	Principal Assistant Secretary for Food and Health (Food) <sup>3</sup> (Secretary of ACFEH)

**Absent with Apologies**

Prof. Paul CHAN Kay-sheung	Ms. Josephine KEA Chi-shun
Mr. Alan LEE Chi-keung, MH	Dr Lilian LEONG FUNG Ling-ye, BBS, JP
Mrs. Sandra MAK	Prof. WONG Po-choi, MH
Prof. LO Yuk-lam	

## **In Attendance**

### **Food and Health Bureau (FHB)**

Mr. Philip CHAN, JP	Deputy Secretary for Food and Health (Food) 2
Mr. Jeff LEUNG	Principal Assistant Secretary for Food and Health (Food)1
Mr. Desmond WONG	Assistant Secretary for Food and Health (Food)4

### **Food and Environmental Hygiene Department (FEHD)**

Dr TAM Lai-fan, Gloria, JP	Controller, Centre for Food Safety
Dr LEE Siu-yuen, JP	Assistant Director (Food Surveillance & Control)
Dr HO Yuk-yin, JP	Consultant (Community Medicine) (Risk Assessment & Communication)
Dr YEUNG Tse-kiu, Samuel	Principal Medical Officer (Risk Assessment & Communication)
Dr LAU Cheong-chi, Andrew	Senior Medical Officer (Emergency Response)

## Opening Remarks

1. The Chairman welcomed members to the meeting.

### **Agenda Item 1: Confirmation of the Minutes of the Last Meeting**

2. The minutes were confirmed without amendments.

### **Agenda Item 2 : Matters Arising from the Minutes of the Last Meeting**

3. There were no matters arising from the minutes of the last meeting.

### **Agenda Item 3 : Update on the Substandard Lard Incident and food Safety Issues of Cooking Oil (ACFEH Paper No. 10/2014)**

4. Dr Andrew LAU introduced the paper.

5. In response to Dr CHUNG Shan-shan's enquiry on whether there were any tracking system for cooking oil and the issue of competent authority, Mr. Philip CHAN explained that the Administration was considering prohibiting the use of "waste cooking oil" and "substandard oil" not intended for human consumption (such as "substandard lard") for the production of edible oil on sale in Hong Kong. In parallel, Environment Protection Department (EPD) and Food and Environmental Hygiene Department (FEHD) were working together to strengthen the regulation and monitoring of the recycling of local waste cooking oil. They were considering requiring, through the licensing conditions for restaurant and food factory licence of FEHD, all waste cooking oil to be handed over to collectors or recyclers recognized by EPD with proper record keeping to prevent the waste cooking oil from being re-channelled for human consumption. In this regard, EPD was engaging Hong Kong Quality Assurance Agency (HKQAA) on an accreditation scheme for collectors or recyclers for waste cooking oil. Ms. Winnie LI commented that EPD should publish the list of waste cooking oil collectors and recyclers for the catering industry to learn more about the recycling procedures.

6. Mr. Abraham CHAN asked for clarifications on whether the Government would require importers to provide certificates issued by the exporting countries. Mr. Philip CHAN explained that it was proposed that edible oil importers would be required under the legislation to provide an official certificate issued by a competent authority of 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 the FEHD. Copies of the certificate must also be provided to their distributors, or retailers or food premises supplied with the oil for FEHD's inspection. He added that FEHD would conduct spot checks on retailers, distributors and food premises.

7. Dr HO Pak-leung commented that if the volume of consumption of cooking oil by food premises was larger than the volume of recycling, it would be evident that some edible oil had been reused. Mr. Philip CHAN replied that the record of the consumption of edible oil might not be a proper way to track whether used cooking oil had been re-channelled back.

8. In response to Dr CHUNG Shan-shan's enquiry on whether there was any chemical testing to confirm edible oil would be fit for human consumption, Dr Gloria TAM replied that 238 samples had been taken after the incident. The testing results of all samples were satisfactory except two lard samples with peroxide value found exceeding the Codex specification. The Codex specification concerned was intended for voluntary application by commercial partners, not by Government for regulatory purposes. Ms. Vivian LAU added that peroxide value was not a safety indicator. Instead it was a quality parameter to indicate the oxidation level of edible oil. A peroxide value exceeding the Codex specification only suggested edible oil with a lower quality. In general, substandard lard or edible oils were manufactured by substandard raw materials. Therefore, a more effective way would be conducting on-site checks in the manufacturing plants. Mr. Allen HO echoed with Dr Gloria TAM and Ms. Vivian LAU that the peroxide value was not an indication for food safety of edible oil. Edible oil with peroxide value exceeding the Codex specification would still be fit for human consumption. Checking and monitoring at the manufacturing grounds would be a feasible option.

9. Ms. Winnie LI asked whether Government could extend their sampling from edible oil to cover salt, sugar and rice, which were commonly consumed by Hong Kong residents. Dr Gloria TAM replied that Centre for Food Safety (CFS) had been ensuring the safety of food on sale in Hong Kong through various measures including the risk-based Food Surveillance Programme.

10. The Chairman commented that substandard lard or waste cooking oil were all unfit for human consumption. Selling substandard edible oil would only be charged by giving false statement or declarations, which were relatively mild offences with low penalty. He suggested the proposed legislative amendments should impose a heavy penalty.

11. Ms. Phyllis CHEUK commented that there might be a loophole if the cooking oil recycled for industrial use was exported for human consumption. Mr. Philip CHAN replied that if the proposed regulation on recycling of waste cooking oil was in place, waste cooking oil could only be collected by authorised collectors or recyclers and a tracing mechanism would be established to trace the movement of waste cooking oil. Ms. Vivian LAU added that EPD and HKQAA would carry out checks on these authorised collectors and recyclers to ensure their standards. She added that the incident in September 2014 involving “Globalway Corporation Limited” (“Globalway”) was not about malpractices of collectors or recyclers. Instead it was about suspected fraudulent practice of “Globalway”.

12. Dr CHUNG Shan-shan asked whether an extra licensing condition would be imposed on waste cooking oil recyclers. She commented that there might be a chance for waste cooking oil dumped at landfills to be recycled back to food supply chain. Mr. Philip CHAN replied that if food premises disposed waste cooking oil to unauthorised collectors or recyclers, FEHD might cancel the licence of concerned food premises.

13. Ms. Phyllis CHEUK commented that it would be an extra burden for the catering industry, and that there might not be enough waste cooking oil to sustain the waste oil recycling industry. Eventually, the waste oil recycling industry would be dominated by a few oligarchs. Ms Winnie LI considered it important that the Government should ensure that there would be sufficient number of waste oil collectors and recyclers. Mrs Marion LAI responded that the proposed regulation was only at the consultation stage. The proposed regulation aimed at protecting consumers and the food safety of Hong Kong, which could only be achieved by regulating every step of recycling waste oil.

**Agenda Item 4 : Proposed regulatory framework on nutrition and health claims on infant formula, follow-up formula and prepackaged foods for infants and young children under the age of 36 months in Hong Kong (ACFEH paper No. 11/2014) – Confidential Item**

14. The discussions are kept in strict confidence.

**Agenda Item 5 : Implementation of the Food Safety Ordinance (ACFEH Paper No. 12/2014)**

15. Dr LEE Siu-yuen introduced the paper.

16. Dr CHUNG Shan-shan asked about the exemption under the Ordinance enjoyed by local farms and fish farms, and whether exemption would still be granted if these local farms occasionally sell their products to individual citizens or considered as food retailers in these occasions. Dr LEE explained that if a farm principally supplied food in Hong Kong by wholesale, it had to be registered as a food distributor. However, as a trade facilitation measure, food distributors who had already registered or had obtained a licence under other ordinances listed in Schedule 1 of the Ordinance would be exempted from the registration requirement, e.g mariculturists registered under the Marine Fish Culture Ordinance (Cap. 353) under the Agriculture, Fisheries and Conservation Department.

17. Dr HO Pak-leung noted that the number of prosecution was relatively low. He suggested CFS should look into the safety of food products distributed by food importers and distributors which were not required to register under the Food Safety Ordinance.

18. In response to Ms. Phyllis CHEUK's enquiry for hawkers in keeping food acquisition records, Dr LEE said that the present scheme had been piloted on wet market retailers and hawkers before implementation and the record-keeping was satisfactory. FEHD would conduct more briefing sessions to educate hawkers if necessary. FEHD would still treat them as food distributors and retailers and carried out prosecution as and when necessary.

**Agenda Item 6 : Implementation of the Nutrition Labelling Scheme (ACFEH Paper No. 13/2014)**

19. Dr LEE Siu-yuen introduced the paper.

20. Dr CHUNG Shan-shan asked the major categories for the 228 cases of non-compliance with the Scheme. Dr LEE replied that CFS in general allowed a 20% discrepancy between "values on nutrition labels" and "values from testing and measurement" (commonly known as "tolerance limit"). Dr CHUNG further

enquired whether the 20% tolerance limit would misdirect customers. Dr LEE replied that the 20% tolerance limit would not hamper food safety. Whenever CFS detected major discrepancy between the “values on nutrition labelling” and “values from testing and measurement”, CFS would inspect more food items from the same category to make sure the discrepancies would not cause safety issues.

21. Ms. Vivian LAU commented that it was important to be transparent and would consider disclosing the convicted food manufacturers to the public. FEHD would consult the Department of Justice (DoJ) in case there was possible legal challenge.

22. In response to Ms. Phyllis CHEUK's question on the required timing to process a small volume exemption application, Dr LEE Siu-yuen remarked that there was a performance pledge and would inform the Council in a post-meeting note.

*[Post-meeting Note: An applicant for small volume exemption would be notified of the result of the application within 14 working days after receipt of application. For successful application, applicant would be requested to pay the prescribed exemption fee before the effective date of the exemption. Once payment was received, a formal approval letter with the exemption number and validity period of exemption would be issued within 7 working days.]*

23. The Chairman commented that nutrition labelling should be extended to the menu in restaurants. The Chairman noted that many drivers consumed food with a high level of salt and lacked physical exercises, which made them vulnerable to stroke. Therefore, he urged the Government to educate restaurant operators to provide nutrition information of their food in their menu. Prof. CHAN shared the Chairman's view that both nutrition labelling and warning signs should be put up in restaurants to warn consumers not to eat unhealthy food. Ms Phyllis CHEUK quoted the example of McDonald's in France, which would put out warning signs of the cholesterol content of its food items.

24. Mr Philip CHAN commented that successful promotion of reduction of salt and sugar intake in Hong Kong would rely on the tripartite collaboration between the Government, the food trade and consumers. The Government was engaging food manufacturing industry in reducing the salt and sugar content in food. The Chairman agreed that the Government should encourage more restaurants allowing customers to custom-made their orders.

**Agenda Item 7 : Plan for Food Surveillance Programme in 2015  
(ACFEH Paper No. 14/2014)**

25. The discussions are kept in strict confidence.

**Agenda Item 8 : Any other business**

26. There being no further business, the meeting was adjourned at 5:30 p.m. The Secretariat would inform members of the date of the next meeting in due course.

**Secretariat  
Advisory Council on Food and Environmental Hygiene  
February 2015**