

29th September 2015

By Mail and Email

To: Panel on Food Safety and Environmental Hygiene

Dear Sir/Madam,

Re: Submission to the Panel on Legislative Proposals on Regulation of Edible Fats and Oils and Recycling of "Waste Cooking Oils"

Our Association is greatly concerned that the above Legislative Proposal would cause great hardship to the trade, especially, SME suppliers, that cannot obtain the required certification for importation and to comply with food traceability requirement in addition to those under the newly amended Food Safety Ordinance (Cap.612). We further question the marginal benefit in tightening the "safety parameters" in excess to those of CODEX and other jurisdictions. We noticed that some parameters are under Codex standard for Contaminants and Toxins, while some are simply referred as Codex standards. Are all these, so-called, "safety parameters" in the Proposal critical to food safety? Or, some of these "safety parameters" are national standard for desirable characteristic of the food items? Why CODEX stated N/A on some parameters, and different jurisdiction have set different requirements for same parameters?

We, therefore, strongly request the Administration to carry out a detailed Regulatory Impact Assessment (RIA) on the additional certification and food traceability requirements and further quantify the benefit to public health by tightening the "safety parameters" to the proposed level as stated in the Consultation Paper.

We are not aware of any major jurisdiction in the world required such certification for importation as stated in the Consultation for "all" edible Fats and Oils; there are some requirements on high risk oils, but not "all" edible Fats and Oils. Such certifications are generally required for perishable and food of high risk nature. Edible Fats and Oils are generally not perishable and not high risk in nature. The Edible Oils and Fats sold in the market are packaged similar to all other pre-packaged food. There was hardly any incident reported in Hong Kong on food safety problem with Edible Oil and Fats, no more than other food categories. We hope the proposed regulation is not a knee-jerk response to the isolated "Substandard Lard" incident without considering the true value of the proposal in protecting public health and the impact to the trade and consumer choices. As we shared with the Administration time and again, Hong Kong is a small market relies almost solely on food import and many items are imported in small quantity. Varieties and choices of foods are what make Hong Kong, as cited from the Consultation Paper, a centre of gastronomic delights and a shopping paradise. Food safety is certainly first priority,

which we agree wholeheartedly. Keeping in mind food safety is essential, however, over-regulating would form unnecessary trade barrier, restrict importation, limit food choices and generally is not good for Hong Kong as a whole. We, thus, suggest the Administration to carry out a detailed RIA before taking further step on this issue. The additional certification requirement should not be taken lightly.

We believe existing legislations are sufficient to safeguard against cases like "Substandard Lard". More surveillance and slight amendment to existing legislation may further protect the public against substandard Lard or other substandard oils and fats. However, we are of a view that the standard of safety parameters as proposed in the Consultation Paper do not all contributed to substandard products that are harmful to human health. We agree that toxin and contamination standard should be revised to meet international standard such as CODEX. But, the effect of Erucic Acid on human health is controversial as stated in EU Buyers Requirement for Vegetable Oil and Oilseeds and CODEX requirement on Aflatoxins and Benzo(a)pyrene are N/A. We, therefore, question if the Administration has any scientific documentation on setting the proposed safety parameters. Again, a RIA should also cover the reasoning on a scientific base in setting the proposed safety parameters. The Administration should not just choose the most stringent standard from all jurisdictions cited in the Consultation Paper as our standard.

In conclusion, we support food safety regulation to protect public health. We do not support the proposal in the Consultation Document for "Legislative Proposals on Regulation of Edible Fats and Oils and Recycling of Waste Cooking Oils."

Yours truly,

Albert Tang
Chairman – Government Policy Committee
Hong Kong Suppliers Association