



Legislative Proposals on Regulation of Edible Fats and Oils and Recycling of "Waste Cooking Oils": Views from HKCTC Food Panel

to: edible_oils@fehd.gov.hk

29/9/2015 15:57

cc: wco_consultation@epd.gov.hk,

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1 個附件檔



Letter to Dr Gloria Tam dated 29 Sept 2015.pdf

I refer to the public consultation on 'Legislative Proposals on Regulation of Edible Fats and Oils and Recycling of "Waste Cooking Oils"'.

Attached please find the submission from the Hong Kong Council for Testing and Certification (HKCTC) Panel on Promoting Testing and Certification Services in Food Trade. Hard copy of the letter has just been sent by mail today, and your side may receive it within this week.

If you have any questions, please do not hesitate to contact the undersigned or Ms Lynn Ho, secretary to the Panel

Regards,
Kesson Lee
Secretary-General
Hong Kong Council for Testing and Certification

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Our ref. : ITC/HKCTC/13-8/1 C Pt. 2

Your ref. :

29 September 2015

Dr Gloria Tam, JP
Controller, Centre for Food Safety
Food and Environmental Hygiene Department
43/F, Queensway Government Offices
66 Queensway
Hong Kong

Dear Dr Tam,

On behalf of the Panel on Promoting Testing and Certification Services in Food Trade (the Food Panel) set up by the Hong Kong Council for Testing and Certification (HKCTC), I write to offer our views in response to the Legislative Proposals on Regulation of Edible Fats and Oils and Recycling of “Waste Cooking Oils” published by the Government in July 2015 (the Proposals).

The HKCTC is a non-statutory advisory body set up by the Government in 2009 to spearhead the development of testing and certification industry. Since then, HKCTC has offered advices to the Government and implemented different measures, through its Secretariat, in promoting the local testing and certification industry. Six panels are formed under the HKCTC to explore opportunities in specific trades and act as a platform for exchange of information. The Food Panel is one of them and its Members are veterans and professionals in food trade, food testing, academics specialising in food science, and other sectors including representatives from relevant public bodies. For your

information, current membership list of the Food Panel is attached at Annex to this letter

The Food Panel is glad that the Food and Environmental Hygiene Department (FEHD) briefed Members about the Proposals at our recent meeting in September. Members took the opportunity to seek clarification from FEHD and discussed about the Proposals. I am pleased to present their views below.

In general, while the Food Panel welcomes Government's efforts in enhancing food safety, it also considers that the Proposals are not yet mature and require further work to fill in the details. The Food Panel acknowledges that the Proposals are in the consultation stage only and the Government will take into account public views in formulating final proposals. Members also understand the difficulties in drawing up any new proposals that may have far reaching implications. Nonetheless, the Food Panel suggests the Government should further elaborate the policy considerations as well as the implementation details in the next stage. Members expect further consultation would be conducted when more details and elaboration are available.

In particular, the Food Panel believes that the Government should provide enough justifications for the proposed legislative control over edible fats and oils, and how the control fits with the current regime. While the importation of some food products such as poultry, milk products and game meats are supported by good reasons, whether the same justifications are applicable to the current Proposals are not so clear. Some Members also expressed concerns whether the legislative control, if adopted, would become a new model that the Government would follow in future in tackling similar food incidents, and the possible reaction from the exporting jurisdictions given that Hong Kong relies largely on imported food products. Possible additional costs involved may create a burden on the food and catering trade.

Other more specific comments are set out below –

- (a) Large scale sample testing of fats and oils at the retail or wholesale levels might not be as effective as control over the origin and the processing.
- (b) Commercial testing laboratories in Hong Kong are ready to provide the testing service according to the proposed standards and the equipment and techniques required are either readily available or not difficult to procure or acquire. Whether there would be enough business to sustain the service, however, is another question.
- (c) It is recommended that the standard levels set out at Annex V of the Proposals should be supported by detailed risk analysis.
- (d) The wordings of “official certificate” and “certificate issued by an officially recognised independent testing institution” in the Proposals (e.g. paragraph 4.12) are vague. Judging from the context of the Proposals, the term “certificate” is referring to a “test report” issued after the fats or oils are tested. The Panel is of the view that correct and precise wordings should be adopted in the future legislation.
- (e) There should be very clear requirements about the validity period, standards, and other details to be included in the proposed “official certificate” and “certificate issued by an officially recognised independent testing institution”.
- (f) In some jurisdictions, the concerned governmental agencies might be reluctant to issue or even do not issue the certificates as required in the Proposals. There are also concerns that the quality and levels in different places are different from those of Hong Kong.

- (g) The Food Panel strongly believes that local testing laboratories accredited by Hong Kong Accreditation Service (HKAS)¹ under the Innovation and Technology Commission should be accepted by the Government for supporting the implementation of the regulatory measures set out in the Proposals. Accredited local testing laboratories have the necessary expertise and the local food trade trusts the accreditation awarded by HKAS. Future legislation should not rule out Hong Kong testing laboratories.
- (h) Exemption should be provided in future legislation so that import of fat and oil samples to Hong Kong for testing by local laboratories would be permitted. The Proposals, as they are, would virtually make it impossible for Hong Kong testing laboratories to test and issue reports in this regard even though the fats and oils imported are not for human consumption.
- (i) The Government may study further about the control of “waste cooking oils” and how to regulate the use of such oils in cooking. Control at the origin and the supply chain rather than testing could be a better way. The Food Panel, however, expressed understanding that it was not easy to implement.

I do wish to emphasize that commercial testing laboratories in Hong Kong are prepared to provide relevant testing service on a commercial basis to support the Government in enhancing the safety of edible fats and oils. While not all of them are accredited by HKAS for the necessary tests, we do not foresee great difficulties for the laboratories

¹ For reference, accreditation is voluntary in Hong Kong. Accreditation is test-specific and only refers to the specific tests listed in the scope of accreditation of the laboratory. Accreditation criteria of the Hong Kong Laboratory Accreditation Scheme (HOKLAS) operated by HKAS are in accordance with ISO/IEC 17025:2005 “General Requirements for the competence of testing and calibration laboratories”. Further information can be found at the website www.hkas.gov.hk.

to do so within a short period as long as there are enough reasons or business for them to apply. The requirement that importers should obtain an endorsed test report for the tests concerned from a local accredited laboratory would be a good enough incentive. In line with the Government's objective to promote the testing and certification industry, and given the experience of our professionals and the accreditation system, the future regime should allow importers to engage accredited testing laboratories in Hong Kong and the test reports (or "certificates") issued by them should be acceptable to the relevant regulatory authorities. We are willing to work out the details with you should FEHD consider it acceptable.

The testing and certification industry stands ready to contribute to the enhancement of food safety in Hong Kong and we earnestly request your kind consideration of our views. HKCTC and the Food Panel welcome further opportunities to exchange views on different food testing matters with Centre for Food Safety and you are also welcome to consult us again in future.

Yours sincerely,

Secretary-General
Hong Kong Council for Testing and Certification

c.c. Environmental Protection Department
(Attn: Waste Reduction and Recycling Group)
By e-mail: wco_consultation@epd.gov.hk

**Hong Kong Council for Testing and Certification
Panel on Promoting Testing and Certification Services in Food Trade**

Membership

Convener

Mr LEUNG Wing-lup, Gregory, SBS, JP

Members

Dr CHOY Wai-fun, Priscilla

Mr CHUNG Hung-hing, Ken

Dr HO Shiu-woon, Allen

Mr KO Kwok-on, Andy

Ms KWAN Ching-yi, Miranda

Prof. KWAN Hoi-shan, BBS, JP

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Mr Bryan PENG

Mr POON Kuen-fai, Richard

Mr WONG Ka-wo, Simon, JP

Prof. WONG Wing-tak

Prof. WONG Woon-chung, Jonathan, MH

Mr WU Tze-chiu, Edmond

Secretary-General of Hong Kong Council for Testing and Certification

Representative of Food and Environmental Hygiene Department

Representative of Government Laboratory

Representative of Hong Kong Consumer Council

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Representative of Hong Kong Trade Development Council

Representative of Vegetable Marketing Organisation

Representative of Vocational Training Council