

Prepackaged preserved mustard sample detected with excessive preservative and in breach of food labelling regulation

The Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department announced today (November 27) that a prepackaged preserved mustard sample was found to contain a preservative, sulphur dioxide, at a level exceeding the legal limit, and the name of sulphite was not declared on the food label. Members of the public should not consume the affected batch of the product. The trade should also stop using or selling the affected batch of the product immediately if they possess it.

Product details are as follows:

Product name: Chao Zhou Preserved Mustard
Brand: You Hua
Manufacturer: (Not available in English)
Place of origin: China
Net weight: 225 grams per pack
Best-before date: March 28, 2020

"The CFS collected the above-mentioned sample from a shop in North Point for testing under its routine Food Surveillance Programme. The test result showed that the sample contained sulphur dioxide at a level of 451 parts per million (ppm), exceeding the legal limit of 100 ppm. The name of sulphite was also not declared on the food label of the sample," a CFS spokesman said.

"The CFS has informed the vendor concerned of the irregularity and instructed it to stop sale and remove from shelves the affected batch of the product. The importer concerned, Kai Bo Food Supermarket, has initiated a recall. Members of the public may call the importer's hotline at 3987 8041 during office hours for enquiries about the recall. The CFS is also tracing the source of the affected product," the spokesman added.

Sulphur dioxide is a commonly used preservative in a variety of foods including dried vegetables, dried fruits, pickled vegetables and salted fish products. This preservative is of low toxicity. As it is water soluble, most of it can be removed through washing and cooking. However, susceptible individuals who are allergic to this preservative may experience breathing difficulties, headache and nausea after consumption.

The spokesman reminded the food trade that the use of preservatives in food must comply with the Preservatives in Food Regulation (Cap 132BD). Furthermore, the Food and Drugs (Composition and Labelling) Regulations (Cap 132W) require that for all prepackaged food for sale in Hong Kong containing sulphite in a concentration of 10 parts per million or more, the functional

class of the sulphite and its name shall be specified in the list of ingredients. Offenders are liable to a maximum fine of \$50,000 and six months' imprisonment upon conviction.

The CFS will alert the trade, continue to follow up on the incident and take appropriate action. Investigation is ongoing.

[Recall of two ranitidine-containing products \(with photos\)](#)

The Department of Health (DH) today (November 27) endorsed two licensed drug suppliers, Cera Medical Limited (Cera) and Sincerity (Asia) Company Limited (Sincerity), to recall two ranitidine-containing products from the market as a precautionary measure due to the presence of an impurity in the products.

The affected products are:

Supplier	Product	Hong Kong Registration Number
Cera	Emtac 150 Tab 150mg	HK-59353
Sincerity	Ranitid 150 Tab 150mg	HK-59429

In view of the recent recall of ranitidine-containing products, the DH proactively collected samples of similar products from the market for analysis. Test results from the Government Laboratory revealed that the above products contain an impurity of N-nitrosodimethylamine (NDMA). NDMA is a probable human carcinogen based on results from laboratory tests. As a precautionary measure, the concerned suppliers are voluntarily recalling the affected products from the market.

The DH noted that certain ranitidine-containing products were found to contain NDMA in other countries, therefore a letter was sent to healthcare professionals on September 18 notifying them about the issue. Since September 24, the DH has endorsed the recalls of a total of 23 ranitidine-containing products. The DH noted that overseas drug regulatory authorities have been reviewing the safety impact of the impurity found in the ranitidine-containing products. The DH will closely monitor the development of the issue and any safety updates of the drug issued by overseas drug regulatory authorities for consideration of action deemed necessary.

The above products are over-the-counter medicines used for the treatment of gastric diseases. According to the suppliers, the affected

products have been supplied to local private doctors, pharmacies and medicine companies.

The companies have set up hotlines to answer related enquiries: Cera (2695 8587), and Sincerity (2544 1401).

"So far, the DH has not received any adverse reaction reports in connection with the products. The DH will closely monitor the recall," a spokesman for the DH said.

"Patients who are taking the above products should seek advice from their healthcare professionals for appropriate arrangements. There are alternative medicines available on the market with similar indications," the spokesman added.



[Rescheduling of LegCo Public Accounts Committee meeting](#)

The following is issued on behalf of the Legislative Council Secretariat:

The closed meeting of the Legislative Council (LegCo) Public Accounts Committee originally to be held tomorrow (November 28) has been rescheduled for next Monday (December 2) at 10am in Conference Room 4 of the LegCo Complex.

[Alice Ho Miu Ling Nethersole Hospital announces sentinel event](#)

The following is issued on behalf of the Hospital Authority:

The spokesperson for Alice Ho Miu Ling Nethersole Hospital (AHNH) announced a sentinel event today (November 27):

A patient with swallowing difficulties and desaturation was transferred to AHNH for treatment and feeding via nasogastric tube.

In the afternoon on November 23, the patient pulled out the nasogastric tube. After the tube was reinserted, an X-ray examination was performed and the patient's gastric aspirates were also tested for acidity in accordance with the prevailing protocol. No abnormalities were detected. Nasogastric tube feeding with feeding formula and water was recommenced the same night and in the early hours of the next day. The patient subsequently developed cardiac arrest and was transferred to the Intensive Care Unit after resuscitation by clinical staff. The clinical team reviewed prior X-ray results and found that the nasogastric tube was inserted into the patient's left lung.

The patient's condition deteriorated and he succumbed on November 26. The case has been referred to the Coroner for further follow-up. The hospital is deeply saddened by the incident. The hospital has met with the patient's family to offer its apologies and explain the incident.

The hospital is highly concerned about the incident and has reported to the Hospital Authority Head Office via the Advance Incident Reporting System. A root cause analysis investigation will be conducted to look into the incident. The investigation report will be submitted to the Head Office in eight weeks.

The hospital will maintain close communication with the patient's family, explain the investigation findings and provide them with available assistance.

[LCQ 14: Police access into premises for law enforcement](#)

Following is a question by the Hon Wu Chi-wai and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today

(November 27):

Question:

€€€€€The Police have stated that under sections 50(3) and (4) of the Police Force Ordinance (Cap 232), if police officers have reasonable doubts that someone may have committed a criminal offence in any public or private place, police officers have the power to enter the place concerned to make arrests. Section 50(3) of Cap 232 provides that "[i]f any police officer has reason to believe that any person to be arrested has entered into or is in any place the person residing in or in charge of such place shall on demand of that police officer allow him free ingress thereto and afford all reasonable facilities for search therein". Regarding law enforcement by police officers on private premises (including various types of subsidised sale housing), will the Government inform this Council:

(1) of the respective numbers of searches, conducted by police officers in each month since June this year under (a) sections 50(3) or (4) of Cap 232 and (b) search warrants issued by magistrates, involving entry into the following types of private premises: (i) shopping arcades, (ii) shops outside shopping arcades, (iii) common areas outside residential buildings in private housing estates (e.g. private roads and gardens), (iv) common areas of private residential buildings (e.g. lobbies and staircases), (v) private residential flats, and (vi) others (set out in the table below);

Month	The power under which police officers entered the premises concerned	(i)	(ii)	(iii)	(iv)	(v)	(vi)	Total
	(a)							
	(b)							
...								
	Total							

(2) of the number of persons arrested in each month since June this year by police officers on private premises, with a breakdown by the six types of premises mentioned in (1) (set out in a table of the same format as the table above);

(3) as some members of the public are concerned that in recent months, some police officers, in the absence of any definite person(s) to be arrested, forced entry into private housing estates and shopping arcades, and conducted stop-and-searches on the residents and customers of shopping arcades in the form of fishing expedition, whether the Security Bureau and the Police Force have reviewed such mode of operation, and whether they have found cases in which police officers entered private premises to enforce the law without lawful authorisation under Cap 232; if they have found such cases, of the

details;

(4) whether it is mandatory for police officers, when entering private premises under section 50(3) of Cap 232, to provide, either proactively or on request, information to "the person residing in or in charge of such place" as referred to in that subsection to prove that there is/are "person(s) to be arrested" on the premises; if so, of the details of the relevant information; if not, the reasons for that;

(5) of the number of occasions in each month since June this year on which police officers used weapons in the common areas in private housing estates (including various types of subsidised sale housing), with a breakdown of the quantities of the weapons used by name of estate and type of weapon (e.g. tear gas rounds, sponge rounds and bean bag rounds);

(6) whether section 50 of Cap 232 authorises the Police to carry out dispersal operations on private premises; if not, of the provisions in Cap 232 under which the Police may carry out such operations on private premises;

(7) of the pieces of legislation, apart from Cap 232, that authorise the Police to enforce the law and carry out dispersal operations by means of firing tear gas rounds, etc. on private premises; and

(8) of the details of the guidelines and notices issued by the Police since June this year to the property management sector on issues relating to the entry of police officers into private premises to carry out law enforcement actions?

Reply:

President,

ã€ã€ã€The Hong Kong law applies to all places in the territory and nowhere is above the law. Therefore, if anyone contravenes the law anywhere in Hong Kong, it is the statutory duty of the Police to take actions.

ã€ã€ã€Section 10 of the Police Force Ordinance (PFO) (Cap 232) stipulates that the duties of the police force include taking lawful measures for preserving the public safety, preventing and detecting crimes and offences, as well as preventing injury to life and property.

ã€ã€ã€Section 50(3) of PFO stipulates that if any police officer has reason to believe that any person to be arrested has entered into or is in any place, the person residing in or in charge of such place shall allow the police officer free ingress thereto and afford all reasonable facilities for search therein. Section 50(4) of PFO also stipulates that "it shall be lawful in any case for a person acting under a warrant and in any case in which a warrant may issue but cannot be obtained without affording the person to be arrested an opportunity of escape from a police officer, to enter such place and search therein".

My reply to various parts of the question is as follows:

(1), (2) and (5) There have been ongoing protests and clashes in Hong Kong since June, with violent conflicts breaking out in various districts across the territory. Apart from illegally blocking roads and paralysing the traffic, a large number of protesters gathered in different shopping malls. Some rioters repeatedly committed serious illegal acts, wantonly vandalising shops in shopping malls by spraying paints or graffiti, trashing shops, setting fires and sabotaging facilities in shops, vandalising escalators, fire service equipment and closed circuit televisions, madly assaulting people with different views, etc. To stop the violence, the Police must take actions and deploy officers to the relevant shopping malls to apprehend rioters or disperse the gathering crowds and control the situation, with a view to restoring public safety and public order.

Besides the violent incidents in shopping malls, some rioters also gathered outside private housing estates, engaging in illegal acts which breached the social peace, such as assaulting police officers by throwing hard objects at them. In light of these illegal acts, it was lawful, reasonable and necessary for the Police to make arrests.

The Police have strict guidelines on the use of force. Police officers may use appropriate force only when it is necessary. Since early June this year, over 900 demonstrations, processions and public meetings took place in Hong Kong. As at November 9, the Police used around 7 000 tear gas rounds, 2 700 rubber bullets, 600 bean bag rounds and 790 sponge rounds in the relevant operations.

As at November 14, the Police arrested 4 319 people. As for the other breakdown figures requested in the question, the Police do not maintain or are unable to disclose such lest it affects the Police's operation.

(3), (6) and (7) Apart from PFO, section 17(2) of the Public Order Ordinance (Cap 245) also provides that any police officer of or above the rank of inspector may stop or disperse any gathering or procession whatsoever or wheresoever if he reasonably believes that the same is likely to cause or lead to a breach of the peace.

In the judgment handed down by the High Court in the recent injunction order application relating to the Chinese University of Hong Kong, the court has affirmed the following two important principles:

(a) It should be noted that it is part of the obligations and duties of a police officer to take all steps which appear to the officer to be necessary for keeping the peace, for preventing crime, or for protecting property from criminal injury. The police has wide statutory duties and owes a duty to the public to enforce the law which he could be compelled to perform. (Note 1)

(b) At common law, where a police officer is off private premises, it would be within the officer's duty to enter such premises to prevent a breach of the peace. (Note 2)

Therefore, if a person is suspected to have committed a criminal offence or breached social peace in public or private premises, such as housing estates, shopping malls, Mass Transit Railway or schools, the Police have the power to enter into such premises to take appropriate actions to prevent a breach of social peace. This is not confined to arrest operations. We totally disagree with the biased allegation of "a fishing expedition" mentioned in the question. As always, the Police will by all means ensure that any operations conducted by them are appropriate, lawful and reasonable.

(4) When police officers tender a request to the person residing in or in charge of a place under section 50(3) of PFO for entering that place to make arrest, they will, where practicable and without prejudice to the arrest operation, provide information as appropriate.

Nevertheless, the law does not require police officers to identify the specific person to be pursued and arrested before entry. In paragraph 10 of the judgment handed down by the High Court in the injunction order application relating to the Chinese University of Hong Kong, the court clearly affirmed that:

"Contextually, it is contrary to common sense to require the police to identify the specific person to be arrested before entry, in the situation where the police actually witnessed the commission of the crime in question and immediately took steps to apprehend the person who he reasonably suspects of being guilty of the offence."

(8) Since June this year, the Police have released twice information on the Police's access into premises for law enforcement to the security and property management industries. The relevant information is set out at Annex.

Note 1: §14 So Tsun Fung v CP [2019] HKCFI 2799

Note 2: §15 So Tsun Fung v CP [2019] HKCFI 2799