

LCQ12: Handling of complaints about food consumed at food premises

Following is a question by the Hon Chan Kin-por and a written reply by the Secretary for Environment and Ecology, Mr Tse Chin-wan, in the Legislative Council today (October 23):

Question:

Members of the public may lodge a complaint to the Food and Environmental Hygiene Department (FEHD) by calling its 24-hour hotline if they find the food consumed at a food premises is unsanitary or contains foreign substances. The complaint will be handled by duty FEHD health inspectors. It is learnt that as health inspectors take time to arrive at the food premises concerned, some health inspectors will advise those complainants who are unable to wait at the food premises to properly keep the food samples for collection by the FEHD officers at a later time. There are views that such practice may affect the laboratory test results. In this connection, will the Government inform this Council:

- (1) of the number of complaint cases about unsanitary food consumed at food premises received through the aforesaid hotline in the past three years, with a breakdown by type of complaints;
- (2) among the complaint cases mentioned in (1), of the respective percentages of cases in which food samples were collected by duty health inspectors on-site and kept by the complainants themselves;
- (3) among the complaint cases mentioned in (1), of the number of cases in which the offenders were prosecuted;
- (4) of the existing staffing establishment of health inspectors and the average time they need to arrive at the scene to collect samples of problem food; and
- (5) whether it will conduct a comprehensive review of the workflow of handling complaints about unsanitary food consumed at food premises to ensure fairness of investigation and to protect the rights and interests of both the food premises and the customers; if so, of the details; if not, the reasons for that?

Reply:

President,

The reply to the question raised by the Hon Chan Kin-por is as follows:

The Food and Environmental Hygiene Department (FEHD) attaches great importance to food safety and the hygienic conditions of food premises. The FEHD conducts regular inspections of food premises to check their hygienic

conditions (food storage and handling, condition of premises, etc.) to ensure that licensees operate in accordance with regulations, and provides relevant health education for the trade. Members of the public who wish to lodge complaints regarding suspected unhygienic food or presence of foreign substances in food from restaurants may contact FEHD 24-hour hotline or FEHD offices. Upon receiving the complaint, the health inspector on duty will contact the complainant as soon as possible and follow up with investigation at the scene.

If the complainant is unable or unwilling to wait for the health inspector to arrive at the restaurant, the health inspector will, after gaining an initial understanding of the actual situation, provide guidance to the complainant on how to keep the exhibit properly, including how to keep the exhibit so as to maintain its condition. The FEHD officers will conduct a thorough investigation on the complaint, including meeting with the person in charge of the restaurant under complaint and inspecting the hygienic conditions of the premises concerned, and sending the exhibit for examination or testing depending on the circumstances. The Centre for Food Safety will also offer advice on the examination or testing parameters according to the circumstances and needs of the case.

To ensure that every complaint cases is handled in a fair manner, FEHD officers will conduct a detailed review of each case taking into account various factors comprehensively. In addition to the examination or analysis results, the prosecution decision will also consider whether the exhibit was handled and kept properly, the conclusion from inspection of the premises' environment and statements and information provided by staff of the restaurant under complaint etc.

(1) A breakdown on the number of complaints about unhygienic food etc. handled by the FEHD by category in the past three years is set out below:

Type of complaints	Number		
	2021	2022	2023
Unwholesome food	2 055	1 679	2 937
Foreign substances in food (e.g. body parts of insects or excreta of animals)	1 642	1 635	1 976
Deteriorated or mouldy food	649	577	804
Others (e.g. chemicals in food or food improperly handled)	914	943	1 186
Total	5 260	4 834	6 903

(2) The FEHD does not keep the relevant statistics.

(3) The FEHD investigates complaints regarding unhygienic food from

restaurants etc. If there is sufficient evidence, the Department will initiate prosecution against the sellers of such food in accordance to the Public Health and Municipal Services Ordinance (Cap. 132) and its subsidiary legislation. However, in most cases, it is often challenging to obtain sufficient evidence to initiate prosecution, as the complainants had expressed unwillingness to testify in court. Over the past three years (i.e. 2021-2023), the number of convictions for violations of the relevant legislation was 82, 70 and 81 respectively.

Even in cases where there is insufficient evidence for prosecution (e.g. the complainant is unwilling to testify in court or complete a statement of food complaint), the FEHD will still conduct inspections of the premises concerned. If any irregularities are found during inspections, the FEHD will take appropriate follow-up actions.

(4) The FEHD maintains Health Inspectors on duty at various times to respond to public inquiries or requests for assistance. During office hours, one to two Health Inspectors are on duty at each of the FEHD's 19 District Environmental Hygiene Offices across Hong Kong to manage routine work and food complaints in their respective districts. Outside office hours, one to two Health Inspectors are on duty at each of the three regional duty rooms in Hong Kong, Kowloon and the New Territories to handle enquiries or requests for assistance in the region. Upon receipt of any complaint regarding unhygienic food or related issues, the duty officer will process it as soon as possible. The FEHD does not keep the statistics on the time taken by officers to collect exhibit at the scene.

(5) The FEHD reviews its workflow from time to time. The Environmental Hygiene Offices in various districts will continue to investigate complaint cases expeditiously according to the resources available and the actual situation, and handle each complaint case in a fair and impartial manner to safeguard the interests of both restaurants and diners.