

LCQ9: Online food ordering platforms

Following is a question by Professor the Hon Priscilla Leung and a written reply by the Secretary for Environment and Ecology, Mr Tse Chin-wan, in the Legislative Council today (March 20):

Question:

It has been reported that earlier on, the Consumer Council conducted real-life tests on six online food ordering platforms and found that for some of the platforms, there were problems with food prices, delivery fees, delivery time and customer services. For example, the prices of some food items on the platforms were higher than the prices of takeaways picked up by customers themselves from the eateries by up to 80 per cent, some delivery staff simply hung the bags of food outside the doors without calling the customers, and the late delivery rates of some platforms were as high as 30 per cent. In this connection, will the Government inform this Council:

(1) whether it has compiled statistics on the market scale, the number of users and complaint data of online food ordering platform services; if so, of the details, and how such data compare with those of other countries or regions;

(2) whether it has enacted or considered enacting relevant laws or regulations to regulate online food ordering platforms and the behaviour of their delivery staff, such as requiring them to provide accurate and transparent pricing information, to safeguard food quality and hygiene, and to be responsible for handling customers' complaints and refunds; if so, of the details; if not, the reasons for that;

(3) whether it has communicated and collaborated with online food ordering platforms and the catering industry to enhance their service quality and social responsibility, such as encouraging them to promote best practices, set industry standards, provide training and guidelines, as well as step up monitoring and inspection; if so, of the details; if not, the reasons for that; and

(4) whether measures are in place to enhance consumers' knowledge of online food ordering platform services and assist them in understanding the protection they should be entitled to, such as stepping up education and publicity, as well as providing comparison and evaluation tools; if so, of the details; if not, the reasons for that?

Reply:

President,

Currently, food safety and protection of consumers' interests are regulated in various aspects under the laws of Hong Kong. In consultation

with the Commerce and Economic Development Bureau, the consolidated reply to various parts of the question on online food ordering platforms is as follows:

On food safety, any person who sells any food unfit for human consumption shall be guilty of an offence under section 54 of the Public Health and Municipal Services Ordinance (Cap. 132). Also, licensed food premises providing takeaway and food delivery services must adhere to relevant licensing conditions, including requirements on food containers, food storage and temperature for food delivery. The Food and Environmental Hygiene Department (FEHD) released the "Practical Guide on Take-away Meal and Meal Delivery Services" (the Guide) in November 2022. It lays down the general hygiene and food safety guidelines for handling and delivery of meals ready for consumption, for reference and observance by business operators such as food premises and food delivery agents, so as to reduce the risk of foodborne disease. In addition, the Guide recommends that delivery service agents should set up a mechanism to handle non-compliance with hygiene requirements and customer complaints, and provide adequate training to food deliverers on basic food safety principles, such as good hygiene practices, contamination prevention, tampering prevention and time-temperature management.

The FEHD has been maintaining communication with online delivery platforms and the food trade by, inter alia, holding a number of meetings to brief the trade on the content of the Guide, and providing them with food safety advice and training information, as well as reminding the trade to ensure that the food they prepare for customers is delivered in safe and uncontaminated conditions. At present, over 1 000 food premises and three major food delivery agents have confirmed their observance with the Guide.

The Centre for Food Safety (CFS) of the FEHD has also drawn up the "Takeaways and Meal Delivery: Food Safety Advice for Food Businesses and Consumers". It provides guidance on four aspects, namely temperature and duration of meal delivery, reduction of cross-contamination risk, prevention of food tampering, as well as maintenance of personal and food hygiene, with a view to assisting the trade and consumers in taking appropriate food safety measures. To enhance the awareness of food safety on takeaways and meal delivery among consumers and the trade, the CFS has appealed to the public to receive and consume takeaway food as soon as possible through various channels, including online publications, social media platforms, radio broadcasts and electronic news. Moreover, the CFS has set up a dedicated webpage for the trade and the public to access the latest information on food safety of purchasing food from online platforms. The CFS has also been closely monitoring the safety of food put up for sale online. In its surveillance of online food sales in 2023, about 1 100 were food samples purchased from online delivery platforms. Among them, a sample of ready-to-eat raw oysters was found with excessive *Escherichia coli*. All the remaining samples passed the relevant tests.

As regards the laws that protect consumers' rights and interests, the Trade Descriptions Ordinance (Cap. 362) covers goods and services and

prohibits traders from subjecting consumers to unfair trade practices, including false trade descriptions, misleading omissions, aggressive commercial practices, bait advertising, bait-and-switch and wrongly accepting payment. Cap. 362 is applicable to the trade practices of both physical and online traders, and the Customs and Excise Department (C&ED) is the principal enforcement agency of Cap. 362. In addition, as the statutory body that protects and promotes consumers' rights and interests, the Consumer Council (the Council) has been giving consumer alerts and suggestions in relation to online food ordering platforms to consumers through different channels. For example, the CHOICE Magazine published by the Council includes from time to time articles that feature surveys on the mobile apps and delivery services of food ordering platforms, comparing the prices, quality of delivery services and trade practices of different platforms as well as setting out the relevant consumers' complaints, so as to provide practical information to consumers.

In 2021, 2022 and 2023, the FEHD handled 138, 170 and 147 food complaints respectively involving online food delivery platforms. In addition, the C&ED received 23, 19 and 42 complaints that were relevant to food and beverage sold by online platforms and suspected of contravening Cap. 362 in the above years respectively. The Environment and Ecology Bureau does not maintain statistics on the market scale and user volume of online food ordering platform services, nor relevant statistics in other countries or regions.