

Disposal of “Waste Cooking Oils”

- “Waste cooking oil” disposers must hold a “waste cooking oil” disposal licence issued under the Waste Disposal Ordinance (Cap. 354). Those who operate without a licence are liable to a fine/imprisonment. “Waste cooking oil” disposers must ensure that all disposal facilities in operation comply with other applicable permit/licence requirements and the waste cooking oils will only be recycled for legitimate industrial re-use.

Import/Export of “Waste Cooking Oils”

- Importers/exporters of “waste cooking oils” must obtain a “waste cooking oil” import/export licence issued under the Waste Disposal Ordinance (Cap. 354). They are also required to obtain a permit issued under the Waste Disposal Ordinance (Cap. 354) for the import/export of waste in respect of each shipment of imported/exported “waste cooking oils”. Those who import/export “waste cooking oils” without a licence are liable to a fine/imprisonment.

Amendments to Licensing Conditions of Restaurant and Food Factory Licences

- To strengthen the above mechanism, the FEHD will impose additional licensing conditions to require all restaurants, factory canteens, food factories and bakeries to hand over their “waste cooking oils” to collectors licenced by the Environmental Protection Department (EPD) under the amended Waste Disposal Ordinance (Cap. 354) for further disposal. They are also required to keep records accordingly. Otherwise, the licence holders will be in breach of the licensing conditions and liable to penalties such as cancellation of licences.

Administrative Measures Prior to Amendment of Waste Disposal Ordinance (Cap. 354)

- The FEHD proposes that an additional licensing condition be imposed on the food premises operating under a licence for a restaurant, factory canteen, food factory or bakery, requiring that any “waste cooking oils” produced during the cooking process on the licensed premises must be handed over to a collector, disposer or exporter registered by the EPD for disposal.
- In the light of the licensing condition imposed by the FEHD, the EPD will

introduce corresponding administrative measures to register eligible local collectors, disposers and exporters of “waste cooking oils”. As a condition for registration, a registered collector should only hand over the “waste cooking oils” so collected to a registered disposer or exporter, or another registered collector. All registered collectors, disposers and exporters must keep proper transaction records of collection and delivery of “waste cooking oils” for 12 months for inspection by the EPD.

- The FEHD will require food premises issued with the above licences to record the dates on which “waste cooking oils”, grease trap waste and other waste cooking oils and fats are collected from their premises, their respective quantities, and the names and addresses of the collectors and recyclers. The licence holders are required to keep the relevant records for at least 12 months.
- The FEHD will conduct random checks to ensure that “waste cooking oils”, grease trap waste and other waste cooking oils and fats will not be refined again into oils for human consumption or their raw materials. After the implementation of the above measures, the FEHD will issue warning to any licence holders found to be in breach of the relevant licensing conditions. For repeat offenders, the FEHD will consider cancelling their licences.

Grace Period

- We propose to provide a reasonable grace period for the trade to refine its product formula where necessary to meet the new requirements. This also ensures that there will be adequate private laboratories with the necessary testing equipment and techniques to carry out the tests.

Views Sought

The Government welcomes your views on the above legislative proposals. The consultation document on the relevant legislative proposals can be downloaded from the websites of the following Government bureaux/departments–

- Food and Health Bureau (<http://www.fhb.gov.hk/>)
- Environment Bureau (<http://www.enb.gov.hk/>)
- Food and Environmental Hygiene Department (<http://www.fehd.gov.hk/>)
- Centre for Food Safety (<http://www.cfs.gov.hk/>)
- Environmental Protection Department (<http://www.epd.gov.hk/epd/>)

The consultation document can also be obtained from the following locations–

- Communication Resource Unit of the Centre for Food Safety
(8/F, Fa Yuen Street Municipal Services Building, 123A Fa Yuen Street, Mong Kok, Kowloon);
- District Offices of the Home Affairs Department;
- District Environmental Hygiene Offices of the Food and Environmental;
- Regional Offices of the Environmental Protection Department.

Please send your views by letter, facsimile or e-mail to the Centre for Food Safety or the Environmental Protection Department before 6 October 2015. Details are as follows–

Centre for Food Safety

Centre for Food Safety
Food and Environmental Hygiene Department
43/F, Queensway Government Offices, 66 Queensway, Hong Kong.
Facsimile : 2893 3547
E-mail address : edible_oils@fehd.gov.hk

Environmental Protection Department

Waste Reduction and Recycling Group
Environmental Protection Department
28/F, Southorn Centre, 130 Hennessy Road, Wan Chai, Hong Kong
Facsimile : 2574 6571
E-mail address : wco_consultation@epd.gov.hk

The Government will take into account the views received before finalising the details of the legislative proposals.

Persons submitting their views should note that unless they have expressed their wish in advance to remain anonymous or keep any part of their views confidential, the Government may publish all or part of the views received and disclose the identity of the source in such a manner as it considers appropriate.

Legislative Proposals on Regulation of Edible Fats and Oils and Recycling of "Waste Cooking Oils"

July 2015



食物及衛生局
Food and Health
Bureau



環境局
Environment
Bureau



食物環境衛生署
Food and Environmental
Hygiene Department



食物安全中心
Centre for Food Safety



環境保護署
Environmental Protection
Department

Introduction

There is at present neither specific regulatory provision nor safety standard for edible fats and oils in Hong Kong. Safe consumption of edible fats and oils is only regulated through general statutory provisions which cover all food items. Besides, there is at present no specific licensing system in place for regulating the recycling of “waste cooking oils” in Hong Kong. Subject to their respective business scope and practices, individual recyclers are required to comply with the relevant environmental protection legislation.

To further safeguard public health and protect the environment, the Government proposes, through legislative amendments, to establish statutory safety standards for edible fats and oils and to strengthen the regulation of edible fats and oils which are manufactured locally, imported into and exported from Hong Kong and of the recycling of “waste cooking oils”.

Legislative Proposals on Regulation of Edible Fats and Oils

Examples of products covered in and excluded from the proposed regulatory regime

Products covered in the proposed regulatory regime

- Vegetable oils, such as olive oil, cottonseed oil and peanut oil
- Animal fats, such as lard and tallow
- Edible fats and oils used as ingredients

Products excluded from the proposed regulatory regime

- Fat emulsions, including butter, margarine, blends of butter and margarine, fat-reduced butter, fat-reduced margarine and their mixtures
- Cocoa butter

Proposed Regulation on Import and Export of Edible Fats and Oils

- To make it a statutory requirement that “waste cooking oils” and “substandard fats and oils”notintendedforhumanconsumptionshouldnotbeusedasingredientsfor edible fats and oils manufactured locally or imported into Hong Kong.
- To require edible fats and oils manufactured in Hong Kong (for export or domestic sale) should be accompanied by an official certificate or a certificate issued by an officially recognised independent testing institution.
- To incorporate this requirement into the conditions of licences issued under the Food Business Regulation (Cap. 132X). The Food and Environmental Hygiene Department (FEHD) may cancel the license of any licensed factory manufacturing edible fats and oils if it is found to be in breach of the condition.
- To require that the imported fats and oils comply with the requirements for edible fats and oils produced locally, importers of edible fats and oils have to provide an official certificate or a certificate issued by an officially recognised independent testing institution certifying that the edible fats and oils imported into Hong Kong fulfill the above-mentioned requirements, i.e. meeting the proposed statutory standards and being fit for human consumption.
- To apply the same regulatory control on edible fats and oils manufactured locally/ imported to exported edible fats and oils to accomplish similar regulatory effects.
- Importers of edible fats and oils should provide copies of certificates or other relevant documents to their downstream distributors, retailers or food premises for the FEHD’s inspection.

Summary on Proposed Amendments to Standards for Edible Fats and Oils

	Proposed amendments	
	Description of food	Maximum level
Arsenic	Edible fats and oils	0.1mg total arsenic/kg
Lead	Edible fats and oils	0.1mg/kg
Erucic acid	Low-erucic acid rapeseed oil or any food to which low-erucic acid rapeseed oil but no other edible fats and oils has been added	2 per centum by weight of their fatty acid content
	Any food to which edible fats and oils or a mixture thereof has been added except any food to which low-erucic acid rapeseed oil but no other edible fats and oils has been added	5 per centum by weight of their fatty acid content
	Any edible fats and oils or any mixture thereof except low-erucic acid rapeseed oil	5 per centum by weight of their fatty acid content
Aflatoxins	Edible fats and oils	5 micrograms aflatoxins, total (B1+B2+G1+G2) per kilogram of the food
Benzo[a]pyrene	Edible fats and oils	5 micrograms per kilogram of the food
Acid value	Lard	1.3 mg KOH/g fat = ffa max 0.65%
Peroxide value	Lard	Up to 10 milliequivalents active oxygen/kg fat

Legislative Proposals on Strengthening Regulation of Recycling of “Waste Cooking Oils”

- In the course of cooking and food preparation, waste cooking oils, such as used cooking oil, cooking oil which has passed its expiry date and grease trap waste, are generated by restaurants and food factories.
- Waste cooking oils, if properly recycled, can be converted into commodities like biodiesel and soap. By doing so, we can protect our environment and prevent waste cooking oils from being re-used for human consumption or as raw materials for food production.
- “Waste cooking oils” refer to oils abandoned from any cooking process for human consumption (including grease trap waste, used cooking oil and unused oil abandoned for reasons such as spoilage) other than those from household, regardless of whether they have been used for its original purpose.

Amendments to the Waste Disposal Ordinance (Cap.354)

- With the introduction of licences for the collection, disposal and import/export of “waste cooking oils”, any person, except for holders of a “waste cooking oil” export licence who export “waste cooking oils” to places outside Hong Kong in accordance with the terms of the licence, who allows or causes “waste cooking oils” to be sold, transported, collected or transferred to a party without a licence granted under the Waste Disposal Ordinance (Cap. 354) commits an offence and is liable to a fine/imprisonment.

Collection of “Waste Cooking Oils”

- “Waste cooking oil” collectors must hold a collection licence issued under the Waste Disposal Ordinance (Cap. 354). Collectors who collect “waste cooking oils” without a licence are liable to a fine/imprisonment. This proposal ensures that “waste cooking oils” will only be sold or handed over to another holder of a “waste cooking oil” licence issued under the Waste Disposal Ordinance (Cap. 354) (a collector/disposer/exporter).