

**Business Facilitation Advisory Committee
Food Business and Related Services Task Force**

***Proposal on Requirement of Providing Consumer Advice for
Consumption of Oysters to be Eaten in Raw State***

Purpose

This paper briefs members on the proposed inclusion of a licensing condition, by the Food and Environmental Hygiene Department (FEHD), requiring food business operators to provide consumer advice on consumption of oysters to be eaten in raw state (raw oysters).

Background

2. Raw or undercooked foods that receive no or inadequate heat treatment are more likely to carry microorganisms like bacteria, viruses and parasites that can cause illness to consumers. Raw or undercooked ready-to-eat foods can also be contaminated with antibiotic-resistant ‘superbugs’ that can be spread to humans through food. Although ‘superbugs’ may exist as commensal bacteria that are generally harmless, they may still transfer their antibiotic resistance genes to other bacteria inside the human body. This in turn may affect the effectiveness of future use of antibiotics when needed. Susceptible population including pregnant women, infants and young children, the elderly and people with weakened immunity should avoid consuming raw or undercooked food.

3. Oysters are filter-feeders and can concentrate microorganisms that exist in sea-water. They are prone to be contaminated by harmful microorganisms that can cause foodborne diseases and ‘superbugs’. Even though measures are in place to reduce the risk of contamination, there is no guarantee that imported raw oysters are completely free from microbiological hazard. From time to time, imported raw oysters harvested from areas monitored for faecal contamination were still found to have positive norovirus test results reported by overseas authorities or linked to local and overseas food poisoning outbreaks. In Hong Kong,

local food poisoning cases related to raw oysters increased significantly in 2021, with 101 cases affecting 326 persons, as compared to an average of 20 cases per year from 2017 to 2020. The number of local food poisoning cases related to raw oysters continued to remain at relatively high levels in 2022 (30 cases, 142 persons) and 2023 (75 cases, 261 persons). In the 1st quarter (as of 11 March) of 2024, there were 31 cases which affected 101 persons.

4. To better protect public health and ensure food safety, the Centre for Food Safety (CFS) prepared and issued the ‘Guidelines for Food Businesses on Providing Consumer Advice on High-risk Foods on Menus’ in 2019 to facilitate food businesses in informing consumers of the ready-to-eat foods they serve that contains raw or undercooked foods and ingredients, and help consumers in making informed choices. However, it is noted that very few restaurants provide such advice on their menus. The CFS visited 15 restaurants that sold raw oysters from May to August 2022. The majority of respondents said they would not take the initiative to put consumer advice on menus or product packaging, but they opined that if it was a mandatory requirement, they would not have major difficulty in implementing it. In fact, in other regions, such as the United States, the Food and Drug Administration's Food Code has required all restaurants that sell raw/undercooked animal products to post a raw food advisory for customers.

5. At the task force meeting on December 19, 2022, the FEHD introduced the proposal to include a new licensing condition for food business licence / restricted food permit with endorsement or permission in writing to sell raw oysters. The additional licensing condition would require licence/permit holders to provide consumer advice on their menus, web pages or other appropriate places to remind consumers, especially high-risk individuals, of the risks of eating raw food. In response to members’ feedback, the FEHD has refined the requirement of consumer advice in order to strike a balance between trade operations and raising consumers’ food safety awareness.

Relevant Arrangements for Licensing Conditions

6. The FEHD recommends requiring food premises selling raw oysters to provide advice to consumers, by posting a sticker with relevant information in conspicuous places of the food premises (see Annex).

7. It is proposed to include the relevant requirement in the licensing conditions for food business licence / restricted food permit with endorsement/permission in writing to sell raw oysters. To allow sufficient time for the trade to prepare for the requirement, we also propose that the new licensing condition will not be enforced until a grace period of about 15 months after the FEHD announces to the public the implementation of the new condition.

Advice Sought

8. Members are invited to note and give comments on the content, including the content of the consumer advice in the sticker and ways to display it, of the proposal.

Food and Environmental Hygiene Department
April 2024



Proposed sticker for food premises selling raw oysters to display at conspicuous place
14.7 cm (Width) x 9.5cm (Height) (Actual design to be confirmed)