

BDFA FEEDBACK TO PUBLIC COMMENTS RECEIVED ON THE DRAFT FOOD ORDER, 2024

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The Brunei Darussalam Food Authority (BDFA) invited public comments on the draft Food Order 2024 for two months from 16 July 2024 to 17 September 2024. A Sanitary & Phytosanitary (SPS) notification has also been sent to all trading partners in the World Trade Organization (WTO) with reference G/SPS/N/BRN/4 dated 22 July 2024.

At the end of the public consultation and WTO notification period, BDFA received comments from nine respondents. BDFA responses are tabulated in Table 1. BDFA would like to thank all stakeholders for their feedback and comments which will assist us in further developing this legislation. This legislation is targeted to be gazetted by the first quarter of 2025.

TABLE 1

(from 9 responders)

No.	Comment	BDFa response	Proposed amendments
A On the definitions			
1	A respondent requested clarification on the exclusion of <i>“cooking or otherwise preparing food at a particular place for retail sale at the place, including sale for immediate consumption”</i> in the definition of “manufacturing”, i.e. whether stall operators and home-based businesses are exempted from this Order.	Stall operators and home-based businesses are excluded under the definition of “manufacturing”. However, they are regulated under this Order with the definition for “food premise” and “food business”.	No amendments to current text.
2	A respondent suggested the inclusion of primary food production in the definition of “food business”.	Primary food production encompasses agricultural activities, aquaculture, fisheries and similar processes resulting in raw food produce. In Brunei, this is under the purview of the Ministry of Primary Resources & Tourism and therefore not within the remits of this Order.	No amendments to current text.
3	A respondent suggested the inclusion of allergies and hypersensitivity labelling into the definition for “label”.	Food (Standards) Regulation that is currently being drafted will include this definition.	No amendments to current text.
4	A respondent expressed confusion on the difference between the terms “unsafe food” and “unsuitable food”.	Current definitions are found to be the most comprehensive, covering both unsafe and unsuitable food.	No amendments to current text.

5	A respondent proposed to expand the definition of “food handlers” to include people engaging in a broader list of food handling activities such as manufacturing, processing or preserving, cooking defrosting, heating or preparing, storing, packing or labelling, transporting or delivering, displaying or serving the food.	The text will be amended.	Amendments to definition to current text: 29. (4) In this section, “food handler” includes any person who — (a) is directly involved in the processing or preparation of food; (b) comes into contact with food or food contact articles; and (c) handles packaged or unpackaged food, or food contact article, in any food premises
6	Two respondents enquired about the definition of “insanitary conditions”.	The text will be amended.	Inclusion of new definition into current text: “Insanitary conditions” means such conditions or circumstances as might contaminate any food with dirt or filth or render the same injurious to health or unfit for human consumption;
7	A respondent proposed to include definitions for “permit” and “permit holders”.	Guidelines on Control of Import, Export and Transshipment of Food that is currently being drafted will include this definition.	No amendments to current text.
8	A respondent proposed to include definition for health supplements.	Food (Standards) Regulations that is currently being drafted will include this definition. The Regulation will be supported by appropriate guidelines.	No amendments to current text.
9	A respondent noted that the definition of “sale” does not include disposal which is included in the current Public Health (Food) Act, Chapter 182.	Following consultation with AGC, it was concluded that the definition of “sale” under this Order does not require the inclusion of “disposal”. However, the definition of “sale” will be amended for clarity.	Amendments of the following phrases in the current text: “sale”, in relation to sale for human consumption or use, includes — (a) barter and exchange; (b) import and export; (c) offering or attempting to sell; (d) causing or allowing to be sold; (e) exposing for sale:

			<p>(f) receiving, sending, conveying or delivering for sale;</p> <p>(g) supplying any food where consideration is to be received by the supplier for such supply either specifically or as part of a service contracted for;</p> <p>(h) having in possession for sale or exchange;</p> <p>(i) having in possession any food knowing that the food is likely to be sold, offered or exposed for sale,</p> <p>(j) offering as a prize or reward;</p> <p>(k) supplying anything of which any food forms a part;</p> <p>In this Act, “sell”, in relation to food, does not include —</p> <p>(a) exchanging food for food or other goods or services as part of a personal relationship between individuals that is not commercial in nature; or</p> <p>(b) supplying food together with accommodation to a person residing at a private residence in exchange for services or labour by the person.</p>
10	A respondent proposed to expand the definition of “vehicle”.	The text will be amended.	<p>Inclusion of new definition into current text:</p> <p>“vehicle” includes any ship, boat, aircraft, vessel or motor vehicle or trailer of any description used in navigation by land, sea or air.</p>
B Licensing & permits			
11	A respondent enquired on the details of hygiene and sanitary conditions at food premises.	Food (Hygiene) Regulations and Guidelines for Licensing of Food Business that are currently being drafted will include guidance on personal hygiene, food handling practices and premise hygiene.	No amendments to current text.

12	A respondent suggested the inclusion of requirements for license and permit application as well as their fees and validity.	Food (Fees) Regulations and Guidelines for Licensing of Food Business that are currently being drafted will include this information.	No amendments to current text.
C Import & Export			
13	A respondent suggested that the Order should support parallel importation and authorized distributors and to consider “Authorized Economic Operators” to assist in expediting import processes.	The main purpose of the Order is to regulate food safety practices in order to protect public health in Brunei Darussalam. The control of parallel importation does not fall within the remits of BDFAs mandate. However, BDFAs will continue to support and cooperate with the relevant authorities on food importation matters.	No amendments to current text.
14	A respondent suggested a reward for informers and a “whistle-blowing” mechanism.	BDFAs will study this suggestion further.	No amendments to current text.
D Food standards			
15	A respondent enquired about microbiological contaminants in food.	Public Health (Food) Regulations (R1, Chapter 182) under Public Health (Food) Act Cap 182 already contain food safety standards, including microbiological and chemical parameters. With the enactment of the new Food Order 2024, Public Health (Food) Regulations (R1, Chapter 182) will be replaced with Food (Standards) Regulations where food safety standards will be harmonized to current internationally accepted food standards.	No amendments to current text.
E Enforcement			
16	A respondent enquired about the inclusion of requirements for a “recognized” laboratory.	The responsibility to accredit a laboratory in Brunei Darussalam is under the jurisdiction of another government agency. BDFAs will support the relevant agency on this matter.	No amendments to current text.

17	A respondent enquired if food service providers such as food delivery services and freelance runners will be under the purview of the Food Order 2024.	Food Order 2024 does not regulate food service providers as they do not directly handle food. However, they are encouraged to voluntarily enroll in the food hygiene courses.	No amendments to current text.
18	A respondent requested further clarification on Section 47 on the Power of Arrest and if it extends to border control and if it is more appropriate to be placed in Section 48, Obstruction of authorized officer etc.	As advised by AGC, any arrests made in relation to contravention of the Order that is not within the remits of Section 47 must first obtain a warrant from the Court.	No amendments to current text.
F Food Handlers			
19	A respondent requested more information on the mandatory registration of food handlers and attendance to the food hygiene course including the training provider, requirements and prescribed fee.	Guidelines for Licensing of Food Business that is currently being drafted will include this information.	No amendments to current text.
20	A respondent proposed to add a new subsection under Section 26(6)(d) that requires the licensee to ensure their food handlers are immunized against potential infectious diseases.	The text will be amended.	Section 26 (6) (d) will be amended to: "the licensee does not comply with subsections (4) or (5). "
	Referring to Section 26(7), a respondent proposed to add "other diseases or conditions of public health concern" in addition to infectious diseases listed in	The text will be amended.	Add a new 26 (7)(c): "other diseases or conditions of public health concern"

	the First or Second Schedule of the Infectious Diseases Act (Chapter 204) and certain contagious skin diseases, to cover future outbreaks of emerging diseases.		
G Future collaborations			
21	Four respondents highlighted that the implementation of the Food Order 2024 will require collaborations with other relevant authorities and agencies.	BDFa will continue to strengthen cooperation and collaboration with other relevant authorities and agencies to ensure food in Brunei is safe for human consumption, for the protection of public health.	No amendments to current text.