

PUBLIC HEALTH (ANIMALS AND BIRDS)(CHEMICAL RESIDUES) REGULATION FOOD ANIMAL WHOLESALERS & IMPORTERS INFORMATION SHEET¹

In order to help avoid any contravention of the above regulation, food animal wholesalers and importers should, as a minimum, observe the following suggested actions:

Operation Aspects	Relevant Sections of the above Regulation (see Annex for details)	Suggested Actions²
Purchasing of Food Animals	S3(2) Keeping food animals containing prohibited chemicals S5(2) Supplying food animals containing agricultural & veterinary chemicals in excess of MRLs S7(2) Labelling or marking food animals S21 Liability offences by body corporate	<ul style="list-style-type: none"> • Should not encourage, pressurize or force food animal farmers to use prohibited chemicals • Should not encourage farmers to sell animals treated with agricultural and veterinary chemicals before the withholding period expires • Should purchase specified food animals only if they are properly identified • Should only purchase animals from food animal farmers and traders with good track record with respect to prohibited chemicals and maximum residue limits • Should not purchase food animals against which a suspension order for supply is in force

¹ This information sheet is not legal document and only suggest actions for reference of food animal wholesalers & importers with respect to the above Regulation

² In case of doubt about the suggested actions, should consult Agricultural, Fisheries and Conservation Department [Dr Mary Chow at 2454 1082] or Food and Environmental Hygiene Department [Dr Shirley Chuk at 2867 5421]

Operation Aspects	Relevant Sections of the above Regulation (see Annex for details)	Suggested Actions ²
		<ul style="list-style-type: none"> • Should not purchase any animals known or suspected of containing prohibited chemicals or agricultural and veterinary chemicals exceeding MRLs • Should keep records of all purchases and sales including those conducted in the slaughterhouses • Should provide staff involved in animal trading under his charge with clear instructions on procedures for keeping and purchasing food animals. • Should not consent to or connive at purchasing food animals containing prohibited chemicals, agricultural and veterinary chemicals exceeding MRLs, etc.
Importation of Food Animals	S8 Importing Food Animals with valid certification and identification.	<ul style="list-style-type: none"> • Should purchase imported food animals only if they are accompanied by a valid health certificate regarding status of animals with respect to prohibited and agricultural and veterinary chemicals
Purchasing of fodder	S3(2) Keeping food animals containing prohibited chemicals S5(2)	<ul style="list-style-type: none"> • Should only purchase fodder and fodder components from reputable suppliers • Should keep records of all fodder purchases

Operation Aspects	Relevant Sections of the above Regulation (see Annex for details)	Suggested Actions ²
	<p>Supplying food animals containing agricultural and veterinary chemicals in excess of MRLs</p> <p>S11(3) Possessing or having under control prohibited chemicals or fodder containing or mixed with prohibited chemicals</p> <p>S11(4) Possessing fodder containing or mixed with prohibited chemicals</p>	<ul style="list-style-type: none"> • Should ensure that all fodder or fodder components known to contain agricultural and veterinary chemicals are properly labeled on the chemical contents and the respective withholding periods. • Should not purchase or possess prohibited chemicals or fodder known to be containing or have been mixed with prohibited chemicals • Should not purchase fodder against which a suspension order is in force • Should return to the supplier any fodder or fodder ingredient against which a recall order is in force
Feeding of Food Animals under his care	<p>S3(2) Keeping food animals containing prohibited chemicals</p> <p>S5(2) Supplying food animals containing agricultural and veterinary chemicals in excess of MRLs</p>	<ul style="list-style-type: none"> • Should not have in his possession or under his control prohibited chemical, or fodder containing or mixed with prohibited chemicals, except on veterinary prescription • Should not feed food animals under his control with fodder of unknown chemical composition • Should identify any animals given fodder containing or mixed with agricultural and veterinary chemicals, and observe the relevant

Operation Aspects	Relevant Sections of the above Regulation (see Annex for details)	Suggested Actions²
		withholding period
Suspension/ Recall Orders	S17(2)b Contravening a suspension order made under S9(1) or (3); or a recall order under s10(1) or a direction for disposal of animal withdrawn or retrieved under S10(2)	<ul style="list-style-type: none"> • Should not breach any suspension order and make workers aware of any suspension order in place • Should comply with any recall order and ensure that the food animals concerned are recalled
Keeping of Records	S16 (1),(2),(3),(4)&(5) Keeping records.	<ul style="list-style-type: none"> • Should keep records of all purchases and sales including those conducted in the slaughterhouses • Should keep records of all transactions in the slaughterhouse for 7 days and produces such records when requested by senior veterinary officers or inspectors

ANNEX

Section	Details of relevant sections of the Regulation
S3(2)	Subject to section 17(6), a food animal trader who knowingly and wilfully keeps any food animal which contains any prohibited chemical commits an offence.
S5(2)	A food animal trader who knowingly and wilfully supplies to or keeps in any slaughterhouse or retail or wholesale market any food animal the tissue of which contains any agricultural and veterinary chemical in excess of the maximum residue limit commits an offence.
S7(2)	No person shall bring or cause to be brought into any slaughterhouse or wholesale market any specified food animal unless the animal has been labelled, marked or otherwise identified in accordance with Schedule 4.
S8	<p>No person shall bring or cause to be brought into Hong Kong any food animal unless-</p> <p>(a) it is accompanied by a valid certificate issued by a competent veterinary authority of the exporting origin certifying that the authority has no reason to suspect to the best of their knowledge-</p> <p>(i) that the food animal contains any prohibited chemical; and</p> <p>(ii) that the concentration of any agricultural and veterinary chemical in the tissues of the food animal exceeds the maximum residue limit; and</p> <p>(b) in the case of a specified food animal, it is labelled, marked or otherwise identified in accordance with Schedule 4.</p>
S9(1)&(3)	<p>(1) Upon receipt of reports or information from the Public Analyst or other sources that-</p> <p>(a) a food animal is suspected of containing a prohibited chemical; or</p> <p>(b) the concentration of an agricultural and veterinary chemical in the tissue of a food animal is suspected of exceeding the maximum residue limit,</p> <p>the Director may make a suspension order, that is to say, an order that the food animal farmer or food animal trader who supplies the food animal is to suspend the supply of all or part of the food animals under his charge, for such period as may be reasonably necessary.</p> <p>(3) Where-</p> <p>(a) a food animal is suspected of containing a substance which is not a prohibited chemical or an agricultural and veterinary chemical;</p>

	<p>(b) reports or information from the Public Analyst or other sources show that the substance is likely to endanger animals or the health of any person; and</p> <p>(c) it is in the public interest to do so,</p> <p>the Director may make a suspension order against the food animal farmer or food animal trader who has the food animal under his charge for such period as may be reasonably necessary.</p>
S10(1)&(2)	<p>(1) The Director may order any food animal farmer or food animal trader who has supplied the food animals in respect of which a suspension order is in force to withdraw immediately other food animals of the same batch already supplied and to retrieve, in the manner and to the extent reasonably possible, those animals already supplied.</p> <p>(2) The food animals withdrawn or retrieved under subsection (1) shall be disposed of in such manner as the Director may direct.</p>
S11(3)&(4)	<p>(3) Subject to section 17(7), a food animal trader who knowingly and wilfully has in his possession or under his control any prohibited chemical commits an offence.</p> <p>(4) Subject to section 17(8), a food animal trader who knowingly and wilfully has in his possession or under his control fodder containing or mixed with any prohibited chemical commits an offence.</p>
S16 (1),(2),(3),(4)&(5)	<p>(1) A food animal trader who owns, keeps or sells food animals in a slaughterhouse before their slaughtering shall make a record of the following particulars relating to all transactions whereby such food animals are purchased or sold by him after the food animals are admitted to the slaughterhouse-</p> <p>(a) the date and quantity of each transaction;</p> <p>(b) the names and addresses of the sellers or purchasers; and</p> <p>(c) the identification details required of each food animal, where applicable, under section 7(1).</p> <p>(2) A food animal trader who transports food animals to a slaughterhouse shall make a record of the following particulars relating to the food animals carried by him-</p> <p>(a) the number of food animals involved in each carriage;</p> <p>(b) the name and address of the food animal trader or food animal farmer who employs his service, if applicable; and</p> <p>(c) the identification details required of each food animal, where applicable, under section 7(1).</p> <p>(3) Records required to be made under this section shall be kept for a minimum period of 7 days.</p>

	<p>(4) A food animal trader shall produce the records required to be kept under this section to the senior veterinary officer or any inspector for inspection when required.</p> <p>(5) A food animal trader commits an offence if he, in purported compliance with the requirement under subsection (4), provides any information that is incorrect, false or misleading in a material particular and he knows it to be incorrect, false or misleading in a material particular.</p>
S17(2)b	<p>(2) A food animal trader who-</p> <p>(b) contravenes an order [suspension or recall order] made under section 9(1) or (3) or 10(1) or a direction made [by the Director] under section 10(2) commits an offence and is liable to a fine at level 6</p>
S17(6),(7)&(8)	<p>(6) A person does not commit an offence under section 3(1) or (2) if he proves that the prohibited chemical has been administered to the food animal in accordance with a prescription given by a registered veterinary surgeon.</p> <p>(7) A person does not commit an offence under section 11(1) or (3) or 12(1) if he proves that-</p> <p>(a) the chemical has been prescribed by a registered veterinary surgeon for administration to food animals;</p> <p>(b) the chemical has been prescribed by a registered medical practitioner or a registered dentist for the treatment of human disease; or</p> <p>(c) the chemical is contained in a medicine or pharmaceutical product registered under the Pharmacy and Poisons Ordinance (Cap 138) and the medicine or pharmaceutical product-</p> <p>(i) is packed in the container as originally supplied by the manufacturer; and</p> <p>(ii) can be supplied without a prescription given by a registered medical practitioner, a registered dentist or a registered veterinary surgeon according to the Antibiotics Ordinance (Cap 137) or the Pharmacy and Poisons Ordinance (Cap 138).”</p> <p>(8) A person does not commit an offence under section 11(2) or (4) if he proves that the prohibited chemical is mixed with fodder or contained therein in accordance with a prescription given by a registered veterinary surgeon.”</p>

S21	<p>Where an offence under this Regulation has been committed by a body corporate, any person who, at the time of commission of offence, was a director or an officer concerned in the management of the body corporate shall also be guilty of such offence unless he proves that –</p> <ul style="list-style-type: none">(a) the offence was committed without his consent or connivance; and(b) he exercised all due diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances
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