

**For discussion
on 18 June 2001**

LegCo Panel on Food Safety and Environmental Hygiene Sale of Chilled Chickens in Hong Kong

PURPOSE

This paper informs Members of the sale of chilled chickens in Hong Kong.

BACKGROUND

2. Recently, there have been quite a number of reports on the rampant smuggling of “freshly chilled chickens” into Hong Kong and on the misleading labels attached to the “freshly chilled chickens” on sale in the market. These reports have given rise to public concern and calls for stringent control on the import of freshly chilled chickens and mandatory labelling of such chickens for sale.

DEFINITION OF CHICKEN CHILLING PROCEDURE

3. “Freshly chilled chicken” is a layman’s term rather than a term defined in the law. There are two ways of chilling chickens: “chilling” and “freezing”. According to the International Union of Food Science and Technology, “chilling” preservation should be done at a temperature of between 0°C and 4°C while “freezing” preservation at -18°C or below. There are two approved ways of preserving chickens by chilling:

- (1) chickens slaughtered should be immediately stored at a low temperature of between 0°C and 4°C until they are sold to the consumers; and
- (2) chickens slaughtered should be frozen at a temperature around -18°C, but should be defrosted to a temperature of between 0°C and 4°C before they are put on sale.

SAFE CONSUMPTION OF CHILLED CHICKENS

4. Chilled chickens stored at 0°C-4°C should be consumed in about 3 to 5 days; "frozen chickens" stored at -18°C or below can normally be preserved for 18-24 months. Defrosted chickens, whether they have been chilled or frozen, should be cooked as soon as possible so as to avoid the breeding of bacteria in the chicken due to the change of temperature. However, consumption is safe provided that the chickens are thoroughly cooked and handled

with good hygiene.

IMPORT CONTROL

5. Under the Imported Game, Meat and Poultry Regulations, all imported chickens should be accompanied by an acceptable health certificate issued by the competent authority of the country of origin certifying that the treatment involved is hygienic and the chickens are fit for human consumption. In applying for an import licence, the applicant should declare to the Food and Environmental Hygiene Department (FEHD) as to whether “chilling” or “freezing” method was used in chilling the chickens. As Hong Kong pursues a free trade policy, so long as the import of chickens complies with the above legislation, the Government will not impose restrictions on the import of “chilled chickens” or “frozen chickens” from any origin. Regarding the number of chickens applied for import, it is simply a commercial decision of the trade made according to the supply and demand of the market. A table showing the sources and the number of imported chickens approved by FEHD in 2000 and the first three months of this year is at [Annex A](#).

COMBATTING SMUGGLING ACTIVITIES

6. Under Regulation 4 of the Imported Game, Meat and Poultry Regulations, no person shall import meat and poultry without an official certificate; offenders shall be liable to a maximum fine of \$50,000 and a maximum term of imprisonment for 6 months. Under the Import and Export Ordinance, no person shall import poultry meat without an import licence; offenders shall be liable to a maximum fine of \$500,000 and a maximum term of imprisonment for 2 years. Over the past three years, FEHD had seized a total of about 1,400 tonnes of illegally imported poultry meat and had brought 426 prosecutions against the offenders. A table detailing the relevant figures relating to these prosecutions is at [Annex B](#). Judging from the figures in the past three years, there was no indication of any worsening trend of poultry meat smuggling. FEHD, however, will continue to work closely with the Customs and Excise Department in combatting the poultry meat smuggling activities. We have also established a direct liaising channel with the State Administration for Entry-exit Inspection and Quarantine in Shenzhen to exchange information in the joint fight against cross-border smuggling activities.

LABELLING REQUIREMENTS

7. The Food and Drugs (Composition and Labelling) Regulations stipulates that all prepackaged food must be labelled; and if such food have been frozen, the word "frozen" must be clearly indicated on their labels. With its Food Surveillance Programme already in place, FEHD conducts regular spot checks on prepackaged chilled and frozen chickens, in a bid to ensure that they are labelled in accordance with the above regulations. No

contravention was found among the 10,000 or so such labels checked last year.

8. The current legislation in Hong Kong does not contain any mandatory provision for the kinds of food which should be prepackaged or can be sold in non-prepackaged form. It is purely a commercial decision of the operators to sell food in a certain form. But foods which are prepackaged before sale should meet the relevant labelling requirements. As a member of the World Trade Organisation (WTO), Hong Kong has been complying with the Agreement on the Application of Sanitary and Phytosanitary Measures, which stipulates that all measures for food control should aim at protecting public health. From a food safety and scientific point of view, so long as chilled chickens are stored at the appropriate temperature, whether or not they are individually packaged will not affect their quality. From the business and operation angles, mandatory prepackaging will, to a certain extent, impact on the retail business, particularly the small operators in the wet markets; and the cost of packaging may ultimately be passed onto consumers. In view of the aforesaid considerations, we come to the conclusion that there is no need to introduce legislation requiring prepackaging of all chicken carcasses for sale. Nevertheless, for the sake of safeguarding consumers' right to know, we welcome and encourage wholesalers and retailers to consider packaging and labelling the chickens to let consumers know clearly the temperature for storage and the "use by" date. If the chickens are to be sold in non-prepackaged form, consideration can be given to put labels on the sales rack to enable consumers to make an informed choice.

9. We will encourage the public to exercise their rights as a consumer and query the retailers immediately in case of any doubt. If the public suspects the retailers of giving false information, they can file complaints to the Government or the Consumer Council. FEHD will follow up on the complaints and will take enforcement actions against those who place labels or make claims containing false information or to wilfully mislead consumers.

Food and Environmental Hygiene Department
June 2001

No. of Applications for Import Licence for Chilled and Frozen Chickens

Countries	2000		January-March, 2001	
	Chilled Chickens	Frozen Chickens	Chilled Chickens	Frozen Chickens
China	0	1,127	0	375
Others (including Brazil, France, Australia, USA and Japan)	152	242	119	59
Total	152	1,369	119	434

No. of Imported Chilled and Frozen Chickens

Countries	2000		January-March, 2001	
	Chilled Chickens (tonnes)	Frozen Chickens (tonnes)	Chilled Chickens (tonnes)	Frozen Chickens (tonnes)
China	0	11,172	0	4,075
Others (including Brazil, France, Australia and USA)	37	8,198	29	1,076
Total	37	19,370	29	5,151

**No. of Prosecutions brought by FEHD against and
Penalties Imposed on Persons Contravening
the Imported Game, Meat and Poultry Regulations**

	1998	1999	2000
A. Passengers illegally bringing in meat and poultry through the Lo Wu Border Check Point			
(a) No. of Prosecutions	136	71	143
(b) Total Weight (tonnes)	1.98	1.23	1.39
(c) Maximum/Minimum Penalties			
(i) Fine	\$7,000/\$100	\$8,000/\$200	\$5,000/\$200
(ii) Imprisonment	-	-	1 month/ 7 days
B. Persons illegally bringing in meat and poultry by sea, land and air			
(a) No. of Prosecutions	26	29	21
(b) Total Weight (tonnes)	587	537	256
(c) Maximum/Minimum Penalties			
(i) Fine	\$3,000 / \$1,500	\$35,000 / \$400	\$35,000 / \$100
(ii) Imprisonment	6 months / 1 month	6 months / 2 weeks	4 months / 1 month
	(total no. of cases : 22)	(total no. of cases : 13)	(total no. of cases : 4)