

Consumer Council
Submission to LegCo Panel on Food Safety and Environmental Hygiene
Import of Chilled Chicken from the Mainland

Introduction

1. The Council welcomes the invitation to provide comments on the Government's proposals to introduce requirements relating to food safety and licensing for the regulation of sale of chilled chicken at retailing outlets in Hong Kong.

Health and Safety Measures

2. The Council supports the measures outlined by the Government as to inspection and quarantine requirements and arrangement for chilled chicken imported from the mainland; including the requirement for mainland chicken to be labeled with a security hologram.

Misleading and Deceptive Conduct

3. The Council notes the concern of the local farming industry and traders that some live chicken retailers may pose as chilled chickens as freshly slaughtered chickens for sale; and notes the 'shopping hints' that the Government has provided which would assist consumers differentiating the chickens.
4. The Council will assist in promoting the information the Government has given through its various educative avenues, such as 'Choice' magazine. However, the Council considers it is difficult, if not at all impossible, for consumers to clearly differentiate frozen thawed, chilled and freshly slaughtered chickens.
5. Nevertheless, clear indications on the type of poultry i.e., frozen, chilled or fresh, is necessary to protect the interests of consumers. For both pre-packaged and non-pre-packaged poultry products, clear information should be given to consumers on whether they are freshly slaughtered, chilled or frozen, by way of labelling on the product and proper display of information on the shelves.
6. It has been suggested that in order to help consumers differentiate the products, the heads, feet or chin of chilled chickens should be removed before they are imported. The Council considers it best for the trade to work out an effective differentiation method between frozen, chilled and fresh chicken, while at the same time balancing the interests of those who cannot afford to buy fresh chicken for religious purposes. Traditionally, consumers pay tribute to the deity and ancestors with a whole chicken (head, feet or chin all intact).
7. Given that consumers may still be subject to misleading practices by some traders, the Council considers that some effort should be made to ensure that existing regulations that protect consumers from misleading conduct are strictly enforced. The Council considered that a licence condition should be introduced that requires chilled or fresh meat or poultry be clearly indicated as such at the point of sale. Also,

the label should include information on place of slaughter - i.e. in the Mainland or Hong Kong. We note that individually packed chilled chicken could conceivably be passed off as fresh chicken by traders removing security hologram label from the imported chilled chicken. This explains why requiring identification on the shelf displaying the items is needed.

8. The Council welcomes the assurance from Food and Environmental Hygiene Department (FEHD) that it will enhance inspection of stalls/shops selling live chickens and enhance collection of intelligence to combat against any breaches of the licensing requirements/tenancy conditions regarding storage and display of chilled chickens.
9. The Council notes that in addition to FEHD enforcement action, section 7 of the *Trade Descriptions Ordinance* makes it an offence for a person who in the course of trade or business applies a false trade description to any goods. On the face of it, applying a label describing meat as 'fresh', when it falls within a definition of 'chilled', or giving false information on the location of slaughter might therefore be considered misleading under the above terms.
10. The Council trusts that this legislation will also be applied in relevant circumstances, to ensure that consumers are protected from unscrupulous marketing practices of some traders.

Consumer Council
September 2002