

LN220-E

L.N. 220 of 2001

Food Business (Amendment) Regulation 2001

(Made under section 56 of the Public Health and
Municipal Services Ordinance (Cap. 132))

1. Commencement

This Regulation shall come into operation on a day to be appointed by the Director of Food and Environmental Hygiene by notice published in the Gazette.

2. Interpretation

Section 3(1) of the Food Business Regulation (Cap. 132 sub. leg.) is amended by adding---

""fresh" (新鮮) in relation to beef, fish, game, meat, mutton, offal, pork, a poultry carcass, a reptile or shell fish, means beef, fish, game, meat, mutton, offal, pork, a poultry carcass, a reptile or shell fish which has not been subjected to a process of preservation;"

3. Restriction on sale, etc. of specified articles

Section 30 is amended---

(a) by adding---

"(1A) Save with the permission in writing of the Director, no person shall sell, or offer or expose for sale, or possess for sale a fresh, chilled or frozen water bird carcass---

(a) at premises where there are live poultry, unless the water bird carcass---

(i) is a dressed water bird carcass; and

(ii) is packed separately in a container closed in a manner that ensures that the carcass is securely contained within it; and

(b) at any other premises, unless the water bird carcass---

(i) is a dressed water bird carcass; and

(ii) is packed separately or only with one or more other water bird carcasses in a container.

(1B) Subsection (1A)(a) does not apply in relation to the sale, or offer or exposure for sale, or possession for sale of any water bird carcass at the Western Wholesale Food Market.

(1C) Save with the permission in writing of the Director, no person shall deliver or cause to be delivered---

(a) to premises where there are live poultry, or to any person at such premises, for the purpose of sale, a fresh, chilled or frozen water bird carcass, unless the water bird carcass---

(i) is a dressed water bird carcass; and

(ii) is packed separately in a container closed in a manner that ensures that the carcass is securely contained within it; and

(b) to any other premises, or to any person at such premises, for the purpose of sale, a fresh, chilled or frozen water bird carcass, unless the water bird carcass---

(i) is a dressed water bird carcass; and

(ii) is packed separately or only with one or more other water bird carcasses in a container closed in a manner that ensures that the carcass or carcasses is or are securely contained within it.

(1D) Subsection (1C)(a) does not apply in relation to the delivery of any water bird carcass within the Western Wholesale Food Market.

(1E) Save with the permission in writing of the Director, no person shall sell, or offer or expose for sale, or possess for sale---

(a) at premises where there are live poultry any fresh, chilled or frozen offal removed from a water bird, unless the offal is packed, separately or only with the offal removed from the same or any other water bird, in an unopened hermetically sealed container; and

(b) at any other premises any fresh, chilled or frozen offal removed from a water bird, unless the offal is packed, separately or only with the offal removed from the same or any other water bird, in a container.

(1F) Subsection (1E)(a) does not apply in relation to the sale, or offer or exposure for sale, or possession for sale of any offal of a water bird at the Western Wholesale Food Market.

(1G) Save with the permission in writing of the Director, no person shall deliver or cause to be delivered---

(a) to premises where there are live poultry, or to any person at such premises, for the purpose of sale, any fresh, chilled or frozen offal removed from a water bird, unless the offal is packed, separately or only with the offal removed from the same or any other water bird, in an unopened hermetically sealed container; and

(b) to any other premises, or to any person at such premises, for the purpose of sale, any fresh, chilled or frozen offal removed from a water bird, unless the offal is packed, separately or only with the offal removed from the same or any other water bird, in a container.

(1H) Subsection (1G)(a) does not apply in relation to the delivery of any offal of a water bird within the Western Wholesale Food Market.";

(b) in subsection (2), by adding ", (1A), (1C), (1E) or (1G)" after "(1)";

(c) in subsection (5), by adding ", (1A), (1C), (1E) or (1G)" before ", either";

(d) by adding---

"(7) For the purposes of this section, "dressed water bird carcass" (經處理的水禽屠體) means a water bird carcass from which the alimentary tract, liver and feathers have been removed."

4. Sections added

The following are added in Part III---

"30B. Restriction on possession for sale of live quails

A person shall not possess for sale live quails with any other live poultry at the same premises.

30C. Further restrictions on trading of fresh, chilled and frozen offal of water birds at retail level

(1) Unless with reasonable excuse, no person having possession for sale any offal of a water bird contained in a sealed container shall---

(a) open; or

(b) in any other way tamper with,

the container at premises at which the offal is possessed for sale, if there are live poultry at those premises.

(2) This section does not apply in relation to the Western Wholesale Food Market.

(3) In this section, "sealed container" (加封容器) means a container required to be sealed in accordance with section 30(1E)(a)."

5. Licensing of food business

Section 31(2) is amended, in the expression "fresh provision shop", by adding ", chilled or" after "of fresh".

6. Additional requirement for issue of licence for siu mei and lo mei shops

Section 33A is amended by adding "or chilled" after "fresh".

7. Offences and penalties

Section 35(1)(a) and (3)(a) is amended by repealing "30A" and substituting "(1A), (1C), (1E) or (1G), 30A, 30B, 30C(1)".

8. Section added

The following is added---

"37. Transitional arrangement for existing licence holders

(1) The amendments in the Amendment Regulation apply, with effect from the specified date but not earlier, in relation to a holder of a licence which---

(a) is granted under section 31 in respect of a fresh provision shop; and

(b) is in force immediately before the commencement date and is in force on the

specified date.

(2) The amendments in the Amendment Regulation do not apply in relation to a holder of a licence which is granted under section 31 in respect of a fresh provision shop and which---

(a) is in force immediately before the commencement date and is in force on that date; but

(b) ceases to have effect on or before the specified date.

(3) In this section---

"Amendment Regulation" (《修訂規例》) means the Food Business (Amendment) Regulation 2001 (L.N. 220 of 2001);

"commencement date" (生效日期) means the date on which the Amendment Regulation comes into operation;

"specified date" (指明日期) means the date next following the expiry of the period of 30 days beginning on the commencement date."

9. Prohibited Foods

Schedule 1 is amended, in item 2, by adding ", chilled" after "Fresh".

10. Restricted Foods

Schedule 2 is amended---

(a) in items 1, 2 and 5, by adding ", chilled" after "Fresh";

(b) in item 3, by adding ", chilled" after "Fresh";

(c) in item 4(c), by adding ", chilled" after "Fresh".

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Acting Director of Food and Environmental Hygiene

22 October 2001

Explanatory Note

This Regulation amends the Food Business Regulation (Cap. 132 sub. leg.) and imposes restrictions on the trading of fresh, chilled and frozen carcasses and offal of water birds (section 3 and new section 30C in section 4).

Contravention of any of those restrictions constitutes an offence (section 7).

2. This Regulation also prohibits the possession for sale, at retail outlets, of live quails together with any other live poultry at the same premises (new section 30B in section 4).

3. It is also clarified that the amendments---

(a) apply, with effect from the specified date, in relation to a holder of a fresh provision shop licence which is in force immediately before the commencement of this Regulation and is in force on the specified date; and

(b) do not apply in relation to a holder of an existing fresh provision shop licence which ceases to have effect on or before the specified date.

(Note: the term "specified date" (指明日期) is defined to mean the date next following the expiry of the period of 30 days beginning on the date of commencement of this Regulation) (section 8).

4. Other technical amendments are also introduced in this Regulation (sections 2, 5, 6, 9 and 10).