

**For discussion
on 2 February 2004**

LegCo Panel on Food Safety and Environmental Hygiene

Control of Importation and Sale of Chilled Meat and Poultry

Purpose

This paper addresses the concerns expressed by local fresh meat retailers' associations over the Government's control of chilled meat, and provides information in response to the recent media coverage on chilled chickens from unapproved sources.

Control of Sale of Chilled Meat

2. In accordance with the licensing and tenancy conditions for fresh provision shops (FPSs) and market stalls respectively, all FPSs and market stalls permitted to sell chilled meat shall provide refrigerators of suitable capacity and in good working order for the storage and display for sale of chilled meat. Thermometers shall be provided to refrigerators to show that the temperature therein does not exceed 4⁰C. Chilled meat shall be sold direct from refrigerators to customers. The said conditions and terms also stipulate that chilled meat shall not be displayed or sold as fresh meat.

3. To further strengthen the control on the sale of chilled meat at retail outlets, the Food and Environmental Hygiene Department (FEHD) introduced a new control measure in June 2003, under which any FPS or market stall found displaying chilled meat for sale as fresh meat will have its licence cancelled or tenancy agreement terminated immediately. Since the implementation of the

new measure, one FPS licence has been cancelled as a result. Notices of cancellation of licence/termination of tenancy agreement have also been issued to 19 FPSs and market stalls found displaying for sale of chilled meat as fresh meat. FEHD staff will continue to conduct surprise checks of dubious retail outlets to achieve a deterrent effect.

4. To enable consumers to easily identify those FPSs and market stalls which are permitted to sell chilled meat, we will consider requiring these retail outlets to display noticeable signs indicating that chilled meat are available for sale. We believe that this new measure will facilitate consumers to choose the appropriate retail outlet for purchasing meat.

Sale of Smuggled Meat

5. FEHD imposes control measures mainly at the import and retail levels to combat meat smuggling. At the retail level, in addition to checking the quantity of supply shown on the invoices/delivery notes during the routine checking, FEHD staff also conducts surprise checks of dubious retail outlets. Upon conviction for selling meat obtained from an unapproved source, the offender will be liable to a maximum penalty of a \$50,000 fine and 6-month imprisonment. The food business licence/market stall tenancy will also be cancelled or terminated with immediate effect. In the past three years, seven market stall tenants and six FPS licensees were prosecuted. Two licensees and two tenants were convicted and the maximum fine was HK\$30,000.

6. Notwithstanding the above, it is not easy to combat the sale of smuggled meat at the retail level. FEHD will consider imposing stricter punishment towards those licensees/tenants who have violated the laws. For example, FEHD will cancel the licence or terminate the market stall tenancy on

conviction immediately despite the offender has lodged an appeal to the Licence Appeal Committee or the Municipal Services Appeals Board.

7. It would be difficult to totally eradicate the problem of pork smuggling unless the fresh meat trade is willing to change its mode of operation. For example, all pork cuts are to be sold with the skin intact and bearing the stamp mark of the slaughterhouse, or retailers are to issue receipts to customers and keep copies for FEHD staff to check the quantity sold against the stock being held. Otherwise, it remains difficult, to a certain extent, to institute prosecutions.

8. Regarding the problem of illegal slaughtering of pigs, the massive raiding actions taken against such illegal activities by FEHD in the past three years have shown results. Now there are only some isolated illegal slaughtering cases, which are found to have non-permanent mode of operation. Five out of the six prosecutions against illegal slaughtering activities last year were in connection with such activities detected on lorries. For details, please refer to **Annex I**.

Combating Meat Smuggling

9. The Customs and Excise Department (C&ED) has implemented effective strategies to deal with the problem of illegal importation of meat (including poultry). The department has been stepping up checks on suspicious vehicles and passengers at land boundary control points to plug the source of supply. In addition, C&ED attaches great importance to the collection and analysis of intelligence and information concerning smuggling. The Department maintains regular contacts with legal trader to collect market information with a view to formulating effective enforcement measures. On

the other hand, Customs authorities of Hong Kong and the Mainland have regular liaison to exchange information and intelligence on smuggling activities. Parallel operations will be mounted on need basis to deter cross-boundary smuggling activities. Joint operations are also conducted by C&ED, FEHD and Police from time to time to combat meat smuggling activities. In the past three years, C&ED seized a total of 348,229 kilograms of illegally imported meat. The annual breakdown of the figure is at **Annex II**.

10. In order to enhance enforcement action against the smuggling of meat and poultry, C&ED and FEHD further strengthen their communication and cooperation. Besides to continue mounting joint operations at various land boundary control points, the senior management of the two departments will hold regular meetings to review, examine and formulate strategic enforcement measures. Intelligence exchange meetings will also be held with a view to enabling both departments to acquire more information on this type of smuggling activities and formulating more effective enforcement action.

11. At present, two government departments are responsible for taking prosecution action against illegal importation of meat into Hong Kong. If C&ED found any persons who had imported cargoes (including meat and poultry) undeclared or without import licenses, the persons involved will be prosecuted in accordance with the Import and Export Ordinance (Cap. 60). C&ED will also seize the smuggled meat and hand them over to the FEHD for further action. FEHD may then take appropriate action against persons importing meat without valid official certificates pursuant to the “Public Health and Municipal Services Ordinance” (Cap. 132). In the past three years, FEHD had prosecuted 130 cases under the Ordinance. The maximum penalty imposed was 3-month imprisonment.

Frozen Pork Hygiene and Safety

12. FEHD has imposed strict control over the importation of frozen pork. Under the control system, all imported frozen pork shall come from licensed food processing plants and be accompanied with official health certificates, and veterinary drug residues of the pork shall conform to statutory limits. Last year, a total of 50 frozen pork samples from the Mainland were examined for antibiotics and beta-agonist. None of them was found to be in breach of the statutory limits. The Mainland inspection and quarantine authorities have all along been paying particular attention to the inspection and quarantine of meat supplied to Hong Kong and review their control measures from time to time. FEHD will maintain close contacts with them so as to facilitate our work in ensuring the wholesome supply of meat to Hong Kong.

Labelling of Chilled Meat as Fresh Meat for Sale in Supermarkets

13. As mentioned in paragraph 2 above, the licensing conditions for FPSs and the tenancy conditions for market stalls stipulate that all chilled meat shall be stored and displayed for sale in refrigerators at a temperature not exceeding 4°C. However, if chilled meat for sale is found not being stored in refrigerators as required, the supermarket concerned is in breach of the licensing conditions for FPSs and is liable to have its licence cancelled. FEHD will maintain stringent surveillance to ensure food hygiene.

Follow-Up Actions by the Government on Media Coverage on Illegal Production of Chilled Chickens

14. FEHD is very concerned of and accords top priority to the recent media coverage on illegal importation of chilled chickens. Following the report, FEHD has immediately contacted and met with the Mainland inspection

and quarantine authority. The Mainland inspection and quarantine authority has initiated investigation into the issue and strengthened inspections on plants which process chilled poultry for supply to Hong Kong. As a measure to strengthen inspection and control on chilled poultry for supply to Hong Kong, the Mainland inspection and quarantine authorities have introduced a system of “on-site inspection of loading and sealing”. Under the system, trucks conveying legitimate chilled poultry consignments shall be sealed on the doors and a seal number should be shown on the official health certificate to facilitate clearance. This prevents unscrupulous traders from mixing illegal chilled poultry with legitimate consignments. The Mainland and Hong Kong will maintain stringent control and inspection of foods supplied to Hong Kong at the boundary with a view to combating the illegal importation of chilled poultry.

Conclusion

15. The Government will keep up its efforts on surveillance and enforcement to ensure all chilled poultry and meat for sale on the local market are safe for consumption.

**Food and Environment Hygiene Department
Customs and Excise Department
January 2004**

Annex I

Results of enforcement actions taken by FEHD against private slaughters

Year	No. of prosecutions	Total quantities of meat seized and confiscated (Tonnes)	Maximum Penalty
2001	13	13.2	5-month imprisonment
2002	8	11.0	Fine : \$55,000
2003	6	1.8	Fine : \$5,000
Total	27	26.0	

Annex II

The Annual Breakdown of the illegally imported meat seized by C&ED

	2001	2002	2003
Chilled or Frozen Meat (kg)	134,471	19,168	9,332
Chilled or Frozen Poultry (kg)	7,783	1,749	29,266
Fresh Meat (kg)	16,025	42,986	80,649
Freshly Slaughtered Poultry (kg)	2,562	2,251	1,987
Total (kg)	160,841	66,154	121,234