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19 February 2004

Clerk to Panel
LegCo Panel on Food Safety and Environmental Hygiene
(Attn: Mr Paul Woo)
Legislative Council Building
8 Jackson Road, Central
Hong Kong
(Fax: 2509 9055)

Dear Mr Woo,

Panel on Food Safety and Environmental Hygiene
Follow-up to Meeting on 2 February 2004

Thank you for your letter of 3 February 2004. The requisite information in respect of prosecutions and appeals against conviction for sale of meat from unapproved sources and displaying chilled meat for sale as fresh meat is set out below.

Sale of meat from unapproved sources

Selling meat obtained from an unapproved source (including smuggled meat and illegally slaughtered meat) is an offence under the Food Business Regulation (Cap. 132 sub. leg.). Under existing policy, the Food and Environmental Hygiene Department (FEHD) will, upon conviction of the food business licensee or market tenant concerned, cancel the licence or terminate the market tenancy agreement immediately. In the past three years, FEHD instituted 14 prosecutions against such offenders, of which five were successful, three unsuccessful and six pending before the Court. The three unsuccessful cases were the result of insufficient evidence.

Of the five successful prosecutions, two licences were cancelled without any appeal by the licensees concerned. One case involved the

conviction of an employee and hence no licence was cancelled. Another case involved a market tenant, who has submitted written representation requesting FEHD to review its decision to terminate his tenancy agreement. The market tenant of the remaining case lodged an appeal to the Municipal Services Appeals Board (MSAB) against FEHD's decision to terminate his tenancy agreement, but the appeal was dismissed.

Sale of chilled meat as fresh meat

The display of chilled meat for sale as fresh meat is a breach of the licensing and tenancy conditions for fresh provision shops (FPSs) and market stalls respectively, as stipulated by FEHD. 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, a total of 20 FPS licensees and market tenants have been found in breach of the condition. One FPS licence has been cancelled. Seven licensees have lodged appeals with the Licensing Appeals Board (LIAB). One of the appeals was dismissed by LIAB and the licensee concerned has lodged a further appeal, which has yet to be heard by MSAB. The other six appeals are pending hearing by LIAB. As for the remaining 12 cases, the market tenants concerned have submitted written representations requesting FEHD to review its decision to terminate their tenancy agreements.

Yours sincerely,

(Ms Shirley Kwan)
for Secretary for Health, Welfare and Food

c.c.

DFEH (Attn: Mr Alfred Lee) 2530 1368

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