

立法會

Legislative Council

LC Paper No. CB(2) 2878/05-06(03)

Ref: CB2/SS/9/05

Subcommittee on Food Business (Amendment) Regulation 2006

Background brief prepared by Legislative Council Secretariat

Purpose

This paper summarises the issues and concerns raised by Members on the Administration's proposal to separate the sale of chilled and fresh meat at retail markets.

Background

2. At present, apart from live pigs and frozen pork supplied from the Mainland, chilled and frozen pork are also imported from Thailand, Australia and the United States. In the past few years, about 9 000 tonnes of chilled pork on average was imported into Hong Kong each year, which represented about 3% to 4% of the total pork consumption in Hong Kong.

3. Hong Kong currently adopts a monitoring system for imported game, meat and poultry based on international standards and practices. For importation of chilled pork, the places of origin must submit information to certify that the hygiene standard of its chilled pork meets the inspection and quarantine requirements of Hong Kong.

4. At present, about 300 fresh provision shops (including supermarkets) and stalls in public markets are allowed to sell both fresh meat and chilled meat subject to compliance with the licensing requirements and tenancy conditions.

Arrangements for importation of chilled pork from the Mainland

5. With the lifting of the export quota control for chilled meat supply to Hong Kong and abolition of the sole export agency system in the Mainland, the Food and Environmental Hygiene Department (FEHD) has since 2002 engaged the Mainland authorities in a step-by-step negotiation on the detailed inspection and quarantine arrangements for various types of meat.

6. The Panel on Food Safety and Environmental Hygiene discussed with the Administration the arrangements for importing chilled pork from the Mainland at a series of meetings in 2005 and 2006. In 2005, the Panel noted that the Administration had reached agreement with the Mainland authorities on the sanitary requirements and mechanism for supply of chilled pork to Hong Kong. The Mainland authorities advised that chilled pork would be supplied by authorised pig farms which currently supplied live pigs to Hong Kong, and such pork must meet the inspection and quarantine requirements of Hong Kong. FEHD had already inspected four chilled pork processing plants and their associated farms in the Mainland.

7. In February 2006, the Administration informed the Panel that FEHD had received further information from the Mainland authorities on laboratory support, testing methods and other arrangements. According to the Administration, Hong Kong was ready to accept the supply of chilled pork from selected plants in the Mainland. It was envisaged that only a small volume of chilled pork would be imported in the initial stage.

Control at retail level - “One licence for one shop” proposal

8. When discussing the proposed arrangements for importation of chilled pork from the Mainland, Panel members had expressed concern about retailers selling defrosted chilled pork as fresh pork to customers. Some Panel members pointed out that it was difficult for consumers to differentiate defrosted chilled pork from fresh pork. They considered that separate licences should be issued for selling fresh pork and chilled/frozen pork (i.e. one licence for one shop), in order to safeguard consumers’ health and their interests, and to facilitate enforcement of the licensing conditions for the sale of chilled pork. The Panel passed a motion in January 2005 urging the Administration to put in place the legislation on the “one licence for one shop” arrangement before allowing import of chilled pork from the Mainland.

9. To address members’ concern, the Administration implemented enhanced control measures for the sale of chilled meat at retail level from June 2005. These measures included requirements for the supply, handling, display and storage of chilled meat. Failure to observe these requirements would result in immediate cancellation of the licence or termination of market stall tenancy. While the Panel did not object to the enhanced control measures, some members urged that the Administration should expedite the drafting of the legislative amendments to require separate licences for the sale of fresh pork and chilled pork, before allowing import of chilled pork from the Mainland. The Administration agreed to expedite the drafting of the legislation.

10. At the meetings in early 2006, the Panel further discussed with the Administration the progress of arrangements for importing chilled pork from the Mainland. Members expressed different views on whether importation of chilled pork from the Mainland must await the introduction of the legislation to effect the “one licence for one shop” arrangement.

11. Two Panel members, Hon WONG Yung-kan and Hon TAM Yiu-chung, maintained the view that the Administration should put in place the legislation to effect the “one licence for one shop” arrangement before allowing import of chilled pork from the Mainland. They stressed that the problem of selling chilled pork as fresh pork by some retailers must first be solved to better protect consumers’ interest and public health.

12. Hon Tommy CHEUNG, Hon Vincent FANG, Dr Hon KWOK Ka-ki, Dr Hon Joseph LEE and Members belonging to the Democratic Party did not agree that that importation of Mainland chilled pork should be delayed if such pork could meet Hong Kong’s import and hygiene requirements, given that chilled pork was being imported from other places.

Concerns raised at the Finance Committee meeting on 28 April 2006

13. On 28 April 2006, when the Finance Committee discussed the item (FCR(2006-07)5) on providing ex-gratia payments to pig farm licensees and loans to live pig transporters under a voluntary surrender of licence scheme, Hon Tommy CHEUNG and Hon Selina CHOW urged the Administration to expedite the arrangements for importation of chilled pork from the Mainland.

14. The Administration responded that the Panel had yet to reach consensus on the importation of chilled pork from the Mainland, as some members considered that the legislation on the “one licence for one shop” proposal should be introduced first. The Administration also advised that while preparatory work for the ‘one licence for one shop’ proposal was underway, it would take time for Members to examine the legislation. The Administration would endeavour to resolve the differences on the proposed importation, and hopefully chilled pork from the Mainland could be imported to Hong Kong within one or two months.

15. Hon WONG Yung-kan and Hon TAM Yiu-chung pointed out that the trades were concerned about profiteering by unscrupulous meat traders who sold chilled pork as fresh pork. The trades therefore put forward the “one licence for one shop” proposal to prohibit such malpractice, and to ensure food safety and protect consumers’ interest.

16. The Finance Committee requested that the Panel should hold further discussions with the Administration to resolve the differences on the importation of chilled pork from the Mainland.

The Administration's legislative proposal

17. On 26 May 2006, the Administration informed the Panel of its intention to introduce amendments to the Food Business Regulation (Cap. 132 sub leg X) to prohibit the sale of fresh pork/beef/mutton with chilled or frozen pork/beef/mutton at the same premises, unless the chilled meat was pre-packaged and labelled in the prescribed manner before distribution to the retail outlets. The Panel gauged the views of the meat trades and concerned organisations on the proposal at a special meeting on 6 June 2006.

18. The meat trade expressed different views on the legislative proposal. While some traders welcomed the proposal, some other traders did not agree that the proposal could address the problem of some unscrupulous traders selling chilled pork as fresh pork. Some traders objected to the provision of exceptions in the legislative proposal. They considered that to facilitate consumers to differentiate chilled pork from fresh pork, chilled pork and fresh pork should be sold at different premises under separate licences.

19. Some members expressed support for the legislative proposal which they considered to have balanced the interests of the consumers and that of traders. However, some other members expressed doubts on the need for the proposed legislation and its effectiveness in preventing or deterring the malpractice of selling defrosted chilled pork as fresh pork. They also sought clarification on the packaging and labelling requirements for chilled pork, and the enforcement of the new requirements.

20. The Administration advised that although the legislative proposal could not eradicate the malpractice of some unscrupulous traders selling chilled meat as fresh meat, the proposed arrangements would make it difficult for traders to engage in such malpractice. The new requirements mainly sought to enhance consumer protection, and these would also facilitate enforcement action by FEHD. The Administration also advised that to maintain the existing level of convenience to consumers, the sale of fresh and chilled meat at the same premises would be allowed provided that the chilled meat was pre-packaged and labelled in the prescribed manner. Such exception would be applicable to any fresh provision shop including supermarkets.

21. The Administration consulted the Panel again on 4 July 2006 on the finalised version of the legislative proposal. The Administration informed members that an amendment regulation would be gazetted on 7 July 2006 and come into operation six weeks after (i.e. on 18 August 2006) to allow time for the trade to make the necessary adjustments.

22. The amendment regulation will prohibit the sale, or offer or exposure for sale, or possession for sale, fresh beef/mutton/pork and chilled beef/mutton/pork at the same fresh provision shop premises or market stall, unless the chilled beef/mutton/pork is pre-packaged, properly marked and labelled before distribution to the fresh provision shop or market stall. The label must contain information about the food name, the “slaughtering” and “use by” dates, the name and address of slaughtering plant and the net weight, in English or Chinese or both languages.

23. Under the amendment regulation, it would be an offence for any person to sell, or offer or expose for sale, or possess for sale fresh beef/mutton/pork and chilled beef/mutton/pork at the same premises. Any person who opens or in any other way tampers with the package containing pre-packaged chilled beef/mutton/pork would also be guilty of an offence. The penalties for these offences would be a maximum fine of \$50,000, imprisonment for six months and a daily fine of \$900 (if applicable).

24. Some Panel members expressed support for the amendment regulation. Some other members expressed reservations about the new packaging/labelling requirements and the enforcement of the amendment regulation. The following issues/concerns were raised by members –

- (a) the reasons for introducing the pre-packaging and labelling requirements for chilled meat and extending such requirements to chilled mutton and beef in addition to chilled pork;
- (b) how the new requirements would facilitate enforcement against the malpractice of selling defrosted chilled pork as fresh pork;
- (c) whether the arrangements to allow the sale of fresh and chilled meat at the same premises were to facilitate the operation of supermarkets;
- (d) whether the fresh provision shop or stall selling only chilled meat would need to comply with the pre-packaging and labelling requirements for chilled meat; and
- (e) whether tampering the package of chilled meat at places other than the food premises would be an offence under the new section 30F in the amendment regulation.

25. As chilled pork from the Mainland would be available for sale starting from this summer, the Panel also expressed concern about the implementation of the amendment regulation and the additional licensing requirements for the sale of chilled meat.

Relevant papers

26. A list of relevant papers and documents is in the **Appendix** for members' easy reference. The papers and documents are available on the Council's website at <http://www.legco.gov.hk/english/index.htm>.

Council Business Division 2
Legislative Council Secretariat
1 August 2006

Appendix

Relevant Papers/Documents

<u>Meeting</u>	<u>Meeting Date</u>	<u>Papers/Motion Passed/Council Question</u>
Legislative Council	13 June 2001	Oral question on “Illegal importation of meat” raised by Hon Mrs Selina CHOW
	5 June 2002	Oral question on “Retailers selling fresh pork at low prices” raised by Hon Michael MAK Written question on “Sale of fresh meat by superstores” raised by Hon Fred LI
	26 November 2003	Oral question on “Chilled meat” raised by Hon WONG Yung-kan
	1 December 2004	Oral question on “Importation of chilled pork from the Mainland” raised by Hon Tommy CHEUNG
Finance Committee	28 April 2006	FCR(2006-07)5 Subhead 700 General non-recurrent New Item “Ex-gratia payments to pig farm licencees” New Item “One-off grants to assist affected pig farm and live pig transport workers” (Approved)
Panel on Food Safety and Environmental Hygiene	11 January 2005	Paper provided by the Administration – LC Paper No. CB(2) 566/04-05(05) Minutes of meeting LC Paper No. CB(2) 758/04-05
	8 March 2005	Paper provided by the Administration – LC Paper No. CB(2) 986/04-05(01) Minutes of meeting LC Paper No. CB(2) 1229/04-05

	<p>15 April 2005</p>	<p>Paper provided by the Administration – LC Paper No. CB(2) 1230/04-05(04)</p> <p>Paper provided by the Legal Service Division on “One shop one licence” – LC Paper No. LS49/04-05</p> <p>Minutes of meeting LC Paper No. CB(2) 1474/04-05</p>
	<p>14 February 2006</p>	<p>Paper provided by the Administration – LC Paper No. CB(2) 1069/05-06(04)</p> <p>Background brief prepared by LegCo Secretariat – LC Paper No. CB(2) 1069/05-06(05)</p> <p>Minutes of meeting LC Paper No. CB(2) 1548/05-06</p>
	<p>14 March 2006</p>	<p>Letter dated 16 February 2006 from Hon WONG Yung-kan and TAM Yiu-chung to the Secretary for Justice (DoJ) regarding “one licence for one shop”- LC Paper No. CB(2) 1414/05-06(01)]</p> <p>DoJ’s reply dated 28 February 2006 - LC Paper No. CB(2) 1414/05-06(02)</p> <p>Letter provided by the Administration – LC Paper No. CB(2) 1414/05-06(03)</p> <p>Minutes of meeting LC Paper No. CB(2) 1928/05-06</p>
	<p>11 April 2006</p>	<p>Minutes of meeting LC Paper No. CB(2) 2114/05-06</p> <p>Letter dated 3 May 2006 from Hong Kong Retail Management Association on the “one licence for one shop” proposal – LC Paper No. CB(2) 1920/05-06(01)</p>

	26 May 2006 6 June 2006	Paper provided by the Administration – LC Paper No. CB(2) 2106/05-06(02) Background brief prepared by LegCo Secretariat – LC Paper No. CB(2) 2106/05-06(03)
	4 July 2006	Paper provided by the Administration – LC Paper No. CB(2) 2633/05-06(01)