

**立法會**  
**Legislative Council**

Ref : CB2/PL/FE

LC Paper No. CB(2)98/06-07  
(These minutes have been seen  
by the Administration)

**Panel on Food Safety and Environmental Hygiene**

**Minutes of Special Meeting**  
**held on Tuesday, 6 June 2006 at 2:30 pm**  
**in the Chamber of the Legislative Council Building**

**Members present** : Hon Fred LI Wah-ming, JP (Chairman)  
Hon WONG Yung-kan, JP (Deputy Chairman)  
Hon Andrew CHENG Kar-foo  
Hon Bernard CHAN, GBS, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon Tommy CHEUNG Yu-yan, JP  
Hon Vincent FANG Kang, JP  
Hon Alan LEONG Kah-kit, SC  
Dr Hon KWOK Ka-ki

**Members attending** : Hon CHAN Yuen-han, JP  
Hon WONG Kwok-hing, MH

**Member absent** : Dr Hon Joseph LEE Kok-long, JP

**Public officers attending** : Item I

Mr Eddy CHAN  
Permanent Secretary for Health, Welfare and Food (Food and  
Environmental Hygiene) (Ag) / Deputy Secretary (Food and  
Environmental Hygiene)

Mr Wallace LAU  
Principal Assistant Secretary (Food & Environmental Hygiene) 1  
Health, Welfare and Food Bureau

Mr Vincent LIU  
Principal Assistant Secretary (Food & Environmental Hygiene) 2  
Health, Welfare and Food Bureau

Ms Rhonda LO  
Assistant Director (Operations)3  
Food and Environmental Hygiene Department

Dr Thomas CHUNG  
Assistant Director (Food Surveillance and Control)  
Food and Environmental Hygiene Department

**Attendance :**  
**by invitation**

Consumer Council

Mrs CHAN Wong Shui  
Chief Executive

Ms LAU Yin-hing  
Deputy Chief Executive

Hong Kong Chilled Meat & Poultry Association

Mr KWOK Shi-hing  
Chairman

Mr HO San-keung  
Representative

Hong Kong Retail Management Association

Mr Ed CHAN  
Key Spokesman

Miss Anita Bagaman  
Executive Director

The Dairy Farm Co Ltd — Wellcome

Mr David Bound  
Supply Chain and Fresh Food Director

Mr Charlie Wood  
Legal Adviser

PARKnSHOP

Mr Peter Johnston  
General Manager  
Quality, Food Safety and Regulatory Affairs – Retail Hong Kong

港九新界鮮肉商、運輸、屠宰、生豬行從業員聯席會議

Mr MOK Yiu-nam

Mr WONG Wah-chu

Pork Traders General Association of Hong Kong Limited

Mr HUI Wai-kin  
Deputy Chairman

Mr CHAN Chut-kun

Federation of Hong Kong Kowloon New Territories Hawker  
Associations

Mr WONG Wai-chuen, Steven  
Vice Chairman

鮮肉行大聯盟

Mr CHENG Tzn-bill  
Secretary

Hong Kong Pig Raising Development Federation

Mr CHAN Kin-yip  
Chairman

Mr HO Wing-kei  
Secretary

Hong Kong Livestock Industry Association

Mr TAM Kwok-chu  
Vice Chairman

Mr NG Po-wing  
Secretary

**Clerk in Attendance** : Mrs Constance LI  
Chief Council Secretary (2)5

**Staff in Attendance** : Miss Betty MA  
Senior Council Secretary (2)1

Ms Anna CHEUNG  
Legislative Assistant (2)5

---

Action

**I Meeting with deputations and the Administration on separation of the sale of fresh and chilled/frozen meat**

[LC Paper No. CB(2) 2106/05-06(02)]

[LC Paper Nos. CB(2) 2147/05-06(01)&(02)]

The Chairman said that at the special meeting on 26 May 2006, members agreed that a further meeting would be held to gauge the views of the meat trades and concerned organisations on the Administration's proposal on the separation of sale of fresh and chilled/frozen meat.

2. The Chairman welcomed representatives of deputations to the meeting. Their views were summarised below.

*Consumer Council*

[LC Paper No. CB(2) 2250/05-06(01)]

3. Mrs CHAN Wong Shui presented the views of the Consumer Council as detailed in its submission. Mrs CHAN said that the Consumer Council welcomed the Administration's plan to allow supply of chilled pork from selected plants in the Mainland as it would give more choices to consumers. The Consumer Council considered that the licensing conditions for selling chilled meat should include sufficient safeguards to prevent unscrupulous market practices and protect public health.

4. Mrs CHAN further said that the Consumer Council noted that the management of supermarket chains did not agree with the need for two separate licences for fresh and chilled meat, and they had proposed that they be exempted provided that there were designated sections for fresh and chilled meat located separately within the supermarkets. The Consumer Council urged that in examining the request, the Administration should consider how the supermarket operators could manage the sorting of different types of meat at source, and the control on re-arrangement of fresh and chilled meat by staff and contract traders at the supermarket premises. The exemption should also be available to other eligible meat traders.

Action

5. Mrs CHAN added that the Administration should enhance its inspection to all fresh provision shops including the supermarkets and the collection of intelligence to combat breaches of the licensing conditions for storage and selling of chilled meat. The Consumer Council also suggested that the Administration could apply section 7 of the Trade Descriptions Ordinance (i.e. making a false trade description to any goods) in taking prosecution against those meat traders who sold chilled meat as fresh meat.

*Hong Kong Chilled Meat & Poultry Association*

6. Referring to his previous submission to the Panel (LC Paper No. CB(2) 1114/05-06(01), Mr HO San-keung of the Hong Kong Chilled Meat & Poultry Association said that chilled meat traders strongly supported the proposed measures to prevent the sale of chilled meat as fresh meat. Mr HO pointed out that as a result of the monopolised supply of fresh pork from the Mainland, there was a substantial difference in the retail prices between fresh pork and chilled pork, and such price difference was unreasonable. This explained why some unscrupulous meat traders sold chilled pork as fresh pork, and the problem could not be solved by legislation alone. In his view, importation of chilled pork from the Mainland could increase competition in the pork market and lower the price of fresh pork. Consequently, there would be less incentive for meat traders to sell chilled meat as fresh meat. Mr HO strongly urged that importation of chilled pork from the Mainland should be allowed as early as possible.

*Hong Kong Retail Management Association*  
[LC Paper No. CB(2) 2250/05-06(02)]

7. Mr Ed CHAN presented the views of Hong Kong Retail Management Association (HMRMA) as detailed in its submission. Mr CHAN said that HMRMA fully supported the Administration's proposal to provide exemption under certain conditions, and it looked forward to have more details on such conditions. However, HMRMA considered that there was insufficient justification to apply the proposed regulation to chilled beef and mutton. Mr CHAN added that if meat retailers had to apply separate licences for selling either fresh meat or chilled meat or both types of meat, this would depart from the Administration's policy to streamline the licensing framework for food businesses.

8. Mr CHAN further said that HMRMA did not consider it necessary to introduce legislation to effect the separation of the sale of fresh and chilled pork. Instead, the Administration might consider introducing new licensing conditions requiring the chilled pork to be pre-packaged and labelled if both fresh and chilled pork were to be sold at the same fresh provision shop. HMRMA believed that the proposed arrangement was simple and easy to implement, while providing the same level of choice, convenience and protection for consumers.

Action

*The Dairy Farm Co Ltd — Wellcome*

9. Mr David BOUND of Wellcome said that the company supported the position of HKRMA.

*PARKnSHOP*

10. Mr Peter JOHNSTON of PARKnSHOP said that the company fully supported the position of HMRMA. Mr JOHNSTON added that the following additional measures could be introduced to ensure separation of the sale of fresh and chilled pork at fresh provision shops –

- (a) chilled pork must be pre-packaged at the places of origin or outside the premises where chilled meat was sold;
- (b) the package of chilled pork must be sealed, labelled and subject to inspection by the Food and Environmental Hygiene Department (FEHD); and
- (c) retailers selling both fresh and chilled meat must keep daily records in respect of delivery and sale of fresh and chilled meat for reconciliation and inspection.

11. Referring to the concern about unsold meat in the Consumer Council's submission, Mr JOHNSTON agreed that the definition of chilled meat was unclear. He said that meat not sold at the end of a day would usually be kept in the refrigerator overnight and it would be neither fresh nor chilled meat. This might require separate handling procedures.

*港九新界鮮肉商、運輸、屠宰、生豬行從業員聯席會議*  
[LC Paper No. CB(2) 2250/05-06(03)]

12. Mr MOK Yiu-nam presented the views as set out in his submission. Mr MOK said that FEHD had not taken strict enforcement against the malpractice of selling chilled pork as fresh pork in the past. To facilitate enforcement and better protect consumers' interest, the fresh meat traders were in support of the "one licence for one shop" arrangement.

13. Mr WONG Wah-chu said that chilled meat was subject to less stringent inspection and quarantine requirements than those of fresh meat. Since chilled meat was required to be processed and stored at 0 to 4 °C, it would pose hygiene risk if chilled meat was defrosted and sold to consumers as fresh meat. Mr WONG further said that FEHD could not effectively tackle the problem of selling chilled pork as fresh pork at present, even though a small amount of chilled pork was being imported

Action

from Thailand. The trade was concerned that the problem would aggravate when a large quantity of chilled pork was to be imported from the Mainland. Mr WONG said that the fresh meat trade welcomed the “one licence for one shop” proposal and objected to providing exemptions as it would defeat the purpose of introducing the legislation. Mr WONG urged that chilled pork from the Mainland should not be allowed to be imported before the introduction of the “one licence for one shop” arrangement.

*Pork Traders General Association of Hong Kong Limited*  
[LC Paper No. CB(2) 2250/05-06(04)]

14. Mr HUI Wai-kin presented the views of Pork Traders General Association of Hong Kong Limited as detailed in its submission. Mr HUI said that the Association and the meat trade supported the “one licence for one shop” proposal to enable consumers to differentiate fresh meat from chilled meat. They also objected to providing exemptions to supermarket chains, as it would result in unfair competition and affect the business of meat stalls in wet markets.

*Federation of Hong Kong Kowloon New Territories Hawker Associations*

15. Mr WONG Wai-chuen said that Federation of Hong Kong Kowloon New Territories Hawker Associations supported the “one licence for one shop” proposal and shared the views expressed by Pork Traders General Association of Hong Kong Limited. Mr WONG added that the Association welcomed FEHD’s recent enhanced blitz operation conducted against selling chilled meat as fresh meat.

*鮮肉行大聯盟*

[LC Paper No. CB(2) 2275/05-06(01)]

16. Mr CHENG Tzn-bill presented the views of the organisation as detailed in its submission. Mr CHENG said that the trade was concerned whether FEHD could take effective enforcement against the malpractice of selling chilled meat as fresh meat. His organisation supported implementing the “one licence for one shop” arrangement before allowing import of chilled pork from the Mainland.

*Hong Kong Pig Raising Development Federation*

17. Mr CHAN Kin-yip said that the Federation strongly urged for the introduction of the “one licence for one shop” proposal. Mr CHAN suggested that chilled meat should be pre-packaged and labelled to provide information such as the durability period of the meat. He also urged FEHD to step up enforcement after the legislation on “one licence for one shop” arrangement had come into force.

*Hong Kong Livestock Industry Association*

Action

18. Mr TAM Kwok-chu said that the Administration should first put in place an effective mechanism to facilitate consumers to differentiate chilled meat from fresh meat, before allowing import of chilled pork from the Mainland. Mr TAM further said that the Association did not oppose the importation of chilled pork from the Mainland, but it strongly objected to providing exemptions to supermarkets as it would create unfair competition.

Discussion

19. Permanent Secretary for Health, Welfare and Food (Food and Environmental Hygiene)(Ag) (PS(FEH)(Ag)) gave the following responses to concerns raised by deputations –

- (a) the proposed exemption would be applicable to any fresh provision shops including supermarkets provided that the sale of fresh and chilled meat met specific licensing requirements;
- (b) the sale of fresh and chilled meat would not require separate licences but the licensees should obtain the requisite endorsements for selling fresh meat and/or chilled meat;
- (c) the pre-packaging and labelling requirements for chilled meat would facilitate consumers to differentiate chilled meat from fresh meat and therefore better protect consumers' interest. The pre-packaging and labelling requirements would be applicable to chilled pork, beef and mutton under the legislative proposal; and
- (d) the proposed subsidiary legislation to prohibit the sale of fresh and chilled meat at the same premises unless the chilled meat was pre-packaged and labelled would facilitate enforcement against the malpractice of selling chilled meat as fresh meat. Non-compliance with the legislation would be an offence.

20. The Chairman referred to the blitz operation conducted by FEHD on the day before the meeting and asked under what circumstances would FEHD conduct such operation.

21. PS(FEH)(Ag) said that FEHD officers would act on complaints and conduct inspections to those fresh provision shops which were alleged to be selling chilled meat as fresh meat. As a lot of resources were required for gathering information and formulating enforcement strategies, it was not an easy task to conduct blitz operations. Assistant Director (Operations) /FEHD (AD(Ops)/FEHD) added that since mid-2003 FEHD had conducted about 40 blitz operations against suspected malpractice of selling frozen/chilled meat as fresh meat. As regards the blitz operation conducted on



Action

5 June 2006, AD(Ops)/FEHD said that FEHD staff inspected seven fresh provision shops which were suspected to sell chilled pork as fresh pork. During the operation, operators of six shops were found to have breached the licensing conditions, of which four were suspected to be selling chilled pork as fresh pork, while one shop did not display a notice that chilled meat was available for sale. About one ton of pork had been seized for further investigation.

22. The Chairman asked about the volume of chilled pork sold at the local market. Assistant Director (Food Surveillance and Control)/FEHD advised that about 5 000 tons of chilled pork was imported from Thailand in 2005, which represented about 2% of local pork consumption.

23. Mr WONG Kwok-hing criticised the Administration for being wavering in its stance on the “one licence for one shop” proposal. Mr WONG said that the meat trade had strongly urged for the introduction of the “one licence for one shop” arrangement to facilitate consumers to differentiate chilled pork from fresh pork. He could not understand why the Administration had proposed granting exemptions to allow some fresh provision shops to sell fresh and chilled meat at the same premises under certain conditions. Mr WONG commented that FEHD had not taken effective enforcement against the malpractice of selling chilled pork as fresh pork in the past. He considered that the blitz operation conducted by FEHD on 5 June 2006 was only a show.

24. PS(FEH)(Ag) said that the Administration’s proposal sought to improve the existing licensing framework and facilitate enforcement action by FEHD. For premises which wanted to sell both fresh and chilled meat, the proposed requirement for the chilled meat to be pre-packaged and labelled could still address the problem of posing chilled meat for sale as fresh meat while maintaining the level of convenience to consumers. He pointed out that some localities were served by supermarkets and not wet markets, and there were demands for both fresh and chilled pork from the consumers.

25. Mr WONG Kwok-hing remarked that the proposal to provide exemptions under the “one licence for one shop” arrangement was self-conflicting.

26. Mr Tommy CHEUNG said that some fresh meat traders opposed the importation of chilled pork from the Mainland because their business would be adversely affected and the retail price of fresh pork would also be lowered due to the competition from chilled pork. Mr CHEUNG considered that the existing monitoring system for chilled and frozen meat was comprehensive and effective. Given that chilled pork was being imported from other places, he saw no reason why importation of chilled pork from the Mainland should await the implementation of the “one licence for one shop” proposal. Mr CHEUNG commented that the issue of facilitating the consumers to differentiate chilled pork from fresh pork had now become an issue of facilitating the operation of supermarkets and creating unfair competition.

27. PS(FEH)(Ag) said that as Hong Kong practised free trade, chilled pork would

Action

be allowed to be imported if such pork could meet Hong Kong's import and hygiene requirements, irrespective of their places of origin. PS(FEH)(Ag) stressed that the legislative proposal sought to tackle the problem of unscrupulous meat traders mixing chilled meat with fresh meat for sale at the same premises. The proposal had balanced the interests of consumers and that of traders.

28. Dr KWOK Ka-ki thanked the deputations for attending the meeting. Dr KWOK questioned the effectiveness of the "one licence for one shop" proposal in preventing or deterring the malpractice of selling defrosted chilled pork as fresh pork. For example, the new arrangement could not prevent transferring and mixing fresh meat and chilled pork between two different premises. Dr KWOK sought deputations' views on how the problem could be solved.

29. Mr KWOK Shi-hing of Hong Kong Chilled Meat and Poultry Association said that the substantial price difference between chilled pork and fresh pork had attracted unscrupulous traders to sell chilled pork as fresh pork for greater profit. With the importation of chilled pork from the Mainland, the price of fresh pork would be lowered and there would be less incentive for posing chilled pork for sale as fresh pork. Mr MOK Yiu-nam did not agree that there was a monopoly situation in fresh meat market. He considered that separation of the sale of fresh pork and chilled pork at different premises would be the solution to the problem of selling chilled pork as fresh pork.

30. Dr KWOK Ka-ki asked about the monitoring of the chilled pork to be supplied by the Mainland. PS(FEH)(Ag) said that the Mainland authorities had advised that chilled pork for supply to Hong Kong would come from authorised pig farms which currently supplied live pigs to Hong Kong. FEHD had inspected the chilled pork processing plants and their associated farms in the Mainland.

31. Mr Vincent FANG said that the trade did not oppose the "one licence for one shop" proposal, but they were concerned whether FEHD could effectively enforce the proposed legislation. He also asked about the volume of chilled pork to be imported from the Mainland and the anticipated market share of Mainland chilled pork.

32. PS(FEH)(Ag) explained that under the existing licensing framework, chilled and fresh meat were allowed to be sold at the same premises. In cases where the operators were suspected to have posed chilled pork for sale as fresh pork, FEHD currently had difficulties in collecting sufficient evidence for taking prosecution action. To address the problem, the Administration now proposed that for those meat traders who wanted to sell both chilled and fresh meat at the same premises, the chilled meat must be pre-packaged and properly labelled to facilitate easy identification by consumers. They would also be required to keep the supply and sales records for inspection by FEHD officers. FEHD would strengthen its inspection to these premises to enforce the legislation.

Action

33. Regarding the volume of imported meat from the Mainland, PS(FEH)(Ag) said that the Administration would not set a quota for imported meat. However, it was envisaged that only a small volume of chilled pork would be imported from the Mainland in the initial stage, as the Administration had inspected four chilled pork processing plants only. It would be for the market to determine the future volume of supply.

34. Mr TAM Yiu-chung said that the price difference between fresh pork and chilled pork was caused by the higher production cost of fresh pork which was supplied by locally slaughtered live pigs. Both he and Mr WONG Yung-kan had been advocating the “one licence for one shop” arrangement as it would facilitate FEHD in taking enforcement actions against the malpractice of posing chilled pork for sale as fresh pork. However, he had reservations about the Administration’s proposal of allowing the sale of fresh and chilled meat at the same premises under certain conditions. He was concerned about the enforcement difficulties if small meat stalls or shops were allowed to sell both fresh and chilled meat at the same premises. On the other hand, it might create unfair competition if exemptions would only be granted to supermarkets. He therefore maintained the view that fresh meat and chilled meat should be sold at different premises to facilitate enforcement.

35. Mr WONG Yung-kan shared a similar view with Mr TAM Yiu-chung. He stressed that live pigs for supply to Hong Kong were subject to very stringent quarantine control in the Mainland. Mr WONG expressed concern whether chilled pork from the Mainland was also subject to the same control.

36. PS(FEH)(Ag) responded that the Mainland authorities had 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. The authorised pig farms in the Mainland were approved by the State General Administration of the Quality Supervision, Inspection and Quarantine, and about 20 authorised pig farms would supply live pigs to the four processing plants inspected by FEHD.

37. PS(FEH)(Ag) added that if both chilled meat and fresh meat were to be sold at the same premises, the proposed pre-packaging and labelling requirements for chilled meat would facilitate identification by consumers and enforcement by FEHD. The information on the food label would also facilitate tracing of the origin of the chilled pork.

38. The Chairman commented that the Administration’s proposal could not prevent unscrupulous meat traders mixing chilled meat with fresh meat at another premises and then posed chilled meat for sale as fresh meat. He considered it most important for FEHD to take effective enforcement against such malpractice and to ensure that the meat sold at retail market complied with the hygiene requirements. In this connection, he requested the meat trade to provide information on malpractice to

Action

FEHD for action. As regards importation of chilled pork from the Mainland, he did not consider that such imports should be further delayed if the Mainland chilled pork met the import and hygiene requirements. He requested the Administration to consider the Consumer Council's suggestion of taking prosecution under section 7 of the Trade Descriptions Ordinance in implementing the pre-packaging and labelling requirements for chilled meat.

39. The Chairman asked whether frozen meat would be subject to the pre-packaging and labelling requirements if such meat was sold with fresh and chilled meat at the same premises. PS(FEH)(Ag) responded that the Administration had no intention to extend the proposal to frozen meat as it was relatively easy to differentiate frozen meat from fresh meat.

40. Mr Tommy CHEUNG said that the problem of selling chilled meat as fresh meat was not a food safety issue. Currently, breaches of the licensing conditions for selling chilled pork could result in cancellation of licence or termination of market stall tenancy, and this had provided sufficient deterrence against malpractices. He considered that FEHD could apply section 7 of the Trade Descriptions Ordinance, as suggested by the Consumer Council, to tackle the problem of posing chilled meat for sale as fresh meat, and there was no need to introduce legislation to implement the "one licence for one shop" proposal. He commented that the problem of mixing chilled chicken with fresh chicken for sale did not exist even without the "one licence for one shop" arrangement. He considered that the importation of chilled pork from the Mainland should not be delayed by the legislation to effect the "one licence for one shop" arrangement.

41. Mr WONG Kwok-hing said that some roasted meat stalls were located next to fresh meat stalls in supermarkets, and this gave consumers an impression that such roasted meat was made of fresh meat. He asked whether the Administration had put in place regulatory measures for roasted meat made of chilled meat.

42. PS(FEH)(Ag) said that all meat for human consumption must meet the food safety and hygiene standards, and chilled meat was also subject to the temperature requirements for handling, display and storage.

43. Mr Peter JOHNSTON of PARKnSHOP said that the sale of fresh and chilled meat at supermarkets was in compliance with the licensing conditions, and that the sale of roasted meat and cooked food also complied with the food safety standards and was subject to periodic inspection of FEHD officers. He further said that the supermarket management would ensure that food sold at supermarkets was safe for consumption and was of good value to consumers.

44. Mr WONG Kwok-hing asked whether the supermarkets would consider

Action

displaying notices at the roasted meat stalls if the roasted meat was made of chilled meat. Mr Peter JOHNSTON said that cooked food was not required to be labelled whether it was made of fresh or chilled meat. The management of supermarket chains would ensure that food sold at supermarkets was safe for consumption.

45. The Chairman said that Mr WONG Kwok-hing's concern was related to protection of consumers' interest rather than food safety. Mr Tommy CHEUNG commented that displaying too many notices at retail outlets would confuse the consumers. Mr WONG Kwok-hing said that there was concern about the roasted meat and he hoped the Administration would study the need for regulating roasted meat.

46. Dr KWOK Ka-ki said that it appeared that the concerns were primarily to better safeguard consumers' interest, and he did not see how the proposed arrangements could facilitate enforcement against the malpractice of selling defrosted chilled pork as fresh pork. Dr KWOK further said that some deputations had pointed out that the importation of chilled pork from the Mainland could reduce the price difference between fresh pork and chilled pork, and this could provide less incentive for traders to pose chilled pork for sale as fresh pork. As such, the Administration should allow the importation of chilled pork from the Mainland as early as possible. He asked about the timetable for importing chilled pork from the Mainland.

47. PS(FEH)(Ag) responded that subject to members' support for the proposal, the Administration would work on the drafting of the subsidiary legislation and consult the Panel again on the legislation by the end of June 2006. The subsidiary legislation would come into operation on a date to be specified in the gazette. As regards enforcement, PS(FEH)(Ag) said that the proposed requirement for the chilled meat to be pre-packaged and labelled if both fresh meat and chilled meat were to be sold at the same premises would facilitate enforcement action by FEHD.

48. Mr WONG Yung-kan said that Members belonging to Democratic Alliance for the Betterment and Progress of Hong Kong considered that the malpractice of posing chilled pork for sale as fresh pork would lead to hygiene problems. As defrosted chilled pork would easily deteriorate, it would pose risk of cross contamination if stored and displayed together with fresh meat.

49. PS(FEH)(Ag) said that for those fresh provision shops and market stalls selling chilled meat, the processing and storage area for chilled meat were required to operate under a specified temperature.

50. Mr Vincent FANG asked whether the Administration would take prosecution under the Trade Descriptions Ordinance against unscrupulous traders who sold chilled meat as fresh meat, as some deputations had pointed out that there were currently about 50 such shops/stalls engaging in such malpractice.

Action

51. AD(Ops)/FEHD said that FEHD did not have information on the 50 shops/stalls engaging in such malpractice. However, FEHD had received complaints about such malpractice and had taken action to gather evidence to substantiate prosecution actions. However, it had been difficult to gather sufficient evidence under the current regulatory framework, especially if the fresh provision shop concerned had obtained endorsements for selling both chilled meat and fresh meat. As regards taking actions under the Trade Descriptions Ordinance, AD(Ops)/FEHD advised that FEHD had discussed with the Customs and Excise Department and learnt that such actions would only be possible if the meat traders had displayed notices inside the premises stating that only fresh meat was sold thereat. To facilitate enforcement, the Administration would consider requiring meat traders to specify the types of meat being sold at the premises after the coming into force of the legislation on “one licence for one shop”.

*(Post-meeting note : The Customs and Excise Department had consulted the Department of Justice (DoJ), which did not recommend prosecution be pursued under section 7 of the Trade Descriptions Ordinance. In brief, DoJ considered that the various attributes to “goods” as set out in the definition of “trade description” were not quite applicable to “chilled meat”.)*

52. The deputations gave the following supplementary views -

- (a) Mr HO Sa-keung of Hong Kong Chilled Meat and Poultry Association stressed that importation of chilled pork should not be tied with the introduction of the “one licence for one shop” proposal. After chilled pork was imported from the Mainland, the price difference between fresh and chilled pork would be narrowed, providing less incentive for mixing chilled pork with fresh pork for sale to consumers;
- (b) Mr CHAN Kin-yip of Hong Kong Pig Raising Development Federation stressed that importation of chilled pork from the Mainland should only be allowed after the Administration had put in place an effective monitoring mechanism against the malpractice of posing chilled meat for sale as fresh meat. The trade was worried that the problem would aggravate when chilled pork from the Mainland was allowed to be imported and sold at local market;
- (c) Mr WONG Wah-chu of 港九新界鮮肉商、運輸、屠宰、生豬行從業員聯席會議 said that the trade urged for the introduction of “one licence for one shop” to better protect consumers’ interest. In the absence of a regulatory framework, it would be difficult for the Administration to take effective enforcement action against trade malpractice;

Action

- (d) Mrs CHAN Wong Shui of Consumer Council said that the Administration should also consider the demand for smaller packages of meat by aged persons and low-income families when working out the pre-packaging requirements for chilled meat;
- (e) Mr HUI Wai-kin of Pork Traders General Association of Hong Kong Limited requested the Administration to provide details of the pre-packaging and labelling requirements for the sale of chilled meat; and
- (f) Mr CHENG Tzn-bill of 鮮肉行大聯盟 and Mr TAM Kwok-chu of Hong Kong Livestock Industry Association said that the trade did not oppose the importation of chilled pork from the Mainland, but such imports should only be allowed after the introduction of the “one licence for one shop” arrangement.

53. PS(FEH)(Ag) responded that the pre-packaging and labelling requirements for chilled meat would apply where both chilled meat and fresh meat were sold at the same premises. The processing and packaging of chilled meat would not be allowed to be conducted at the premises where both chilled meat and fresh meat were sold. As regards the size and weight of each package of chilled meat, it would be for individual importers and retailers to decide.

54. Mr Tommy CHEUNG asked whether fresh meat not sold and kept at the refrigerator for a short period would be regarded as chilled meat. PS(FEH)(Ag) said that according to the trade, unsold fresh meat would be sold to restaurants on the same day.

55. The Chairman thanked the deputations for attending the meeting. The Chairman said that as the trades and some Panel members had expressed grave concern about the implementation of the legislative proposal, members might wish to consider forming a subcommittee to examine the subsidiary legislation when it was introduced into LegCo.

56. There being no other business, the meeting ended at 4:45 pm.