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**Meeting of Panel on Food Safety and Environmental Hygiene
on 26 May 2006**

Updated background brief prepared by Legislative Council Secretariat

Importation of chilled pork from the Mainland

Purpose

This paper updates the background brief on the proposed importation of chilled pork from the Mainland, incorporating the discussions of the Panel on Food Safety and Environmental Hygiene in early 2006.

Background

Importation of pork from other places

2. At present, apart from the 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. 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. Starting from the end of 2002, chilled chickens from the Mainland are imported into Hong Kong.

Current monitoring system for imported chilled pork

4. 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 the following information to certify the hygiene standard of its chilled pork -

- (a) the legislation regulating hygiene standards of meat in the place of origin;
- (b) animal disease situation in the place of origin;
- (c) training, qualification and international recognition of veterinary officers and inspection and quarantine officers;
- (d) facilities and hygiene standards of farms, slaughterhouses and processing plants;
- (e) production process of chilled pork intended for export (including details of both ante-mortem and post-mortem inspection and quarantine procedures, etc.);
- (f) issuing authority and accreditation details of health certificates; and
- (g) monitoring and regulation of veterinary drug residues.

5. The exporting country or place of origin must pass through FEHD's vetting procedure before the chilled pork can be imported to Hong Kong on a trial basis. Importers who intend to import chilled pork into Hong Kong must obtain import licences from FEHD beforehand. Each batch of imported chilled pork must be accompanied by a health certificate issued by the authorities in the place of origin certifying that the meat is hygienic and fit for human consumption. If the inspection results of the first six batches of imported chilled pork are satisfactory, import permission will be granted and subsequent imports will be subject to monitoring under FEHD's regular food surveillance system and random testing at the import, wholesale and retail levels.

Discussion by the Panel on Food Safety and Environmental Hygiene

Arrangements for import of chilled pork from the Mainland

6. At the Panel meeting on 11 January 2005, the Administration informed members of the progress of FEHD's discussion with the General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) about chilled pork imports to Hong Kong. According to the Administration, such discussion had started since early 2004. FEHD had visited four chilled pork processing plants and their associated farms in Shandong, Sichuan, Guangdong and Shenzhen respectively in May 2004. Discussion of the detailed arrangements took place from June to October 2004.

7. In early December 2004, both sides agreed that discussion should continue with a view to finalising the inspection, quarantine and hygiene requirements for chilled pork destined for Hong Kong as soon as possible. In the meantime, AQSIQ would provide a list of processing plants that would be allowed to supply chilled pork to Hong Kong, to enable FEHD to conduct further inspection and verify the information about the facilities, operation, production process and the hygiene monitoring system of these plants and the associated farms. The Administration expected that the Mainland could begin to supply chilled pork to Hong Kong in the first quarter of 2005.

8. The Panel followed up the developments of the chilled pork import arrangements at the meetings on 8 March and 15 April 2005. While Panel members had no strong views against the importation of chilled pork from the Mainland, they expressed concern about the inspection and monitoring measures to ensure that chilled pork from the Mainland would meet Hong Kong's hygiene standards. At the Panel meeting on 8 March 2005, members requested that –

- (a) the Administration should ascertain from the relevant Mainland authorities whether guidelines (e.g. feed for pigs) had been issued to those pig farms supplying chilled pork to Hong Kong; and
- (b) FEHD staff should be allowed to conduct random inspections to the processing plants and pig farms in the Mainland, after the importation arrangements had been put in place.

9. The Panel also requested the Administration to make arrangements for members to observe the unloading and inspection/quarantine procedures for the first batch of Mainland chilled pork imported to Hong Kong.

10. The Administration informed the Panel on 14 February 2006 that FEHD had further discussed with the Mainland authorities and received further information on laboratory support, testing methods and other arrangements. The Administration 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. According to the Administration, 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.

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

11. When discussing the proposed arrangements for import of chilled pork from the Mainland, Panel members had raised concern about retailers selling defrosted chilled pork as fresh pork to customers. As this would pose hygiene problems, Panel members considered that the problem should be solved before chilled pork would be allowed to be imported from the Mainland.

12. The Administration advised that under the existing licensing framework, chilled meat and fresh meat could be put on sale at the same shop, subject to their compliance with the relevant licensing or tenancy conditions issued by FEHD concerning the source, handling, display and storage of chilled meat. The operators were required to display a legible notice at a conspicuous location and on the refrigerators stating that imported chilled pork was available for sale on their premises for the information of consumers. Breaches of these conditions could lead to immediate suspension or cancellation of licences, or termination of tenancy at FEHD markets.

13. Some members of the Panel expressed concern that it was difficult for consumers to differentiate defrosted chilled pork from fresh pork, and unscrupulous traders might pose chilled pork for sale as fresh pork. They considered that separate licences should be issued for selling fresh meat and chilled/frozen meat. At the meeting held on 11 January 2005, the Panel passed the following motion moved by Hon WONG Yung-kan -

“本委員會促請特區政府在輸入首批內地冰鮮豬肉前，完成一牌一店的法例修訂，並同時盡早對現有出售泰國冰鮮豬肉店舖實施一牌一店的修訂，以保障消費者的健康和權益。”

[English translation

“This Panel urges the HKSAR Government to complete the legislative amendment to require “one licence for one shop” before the first batch of chilled pork is imported from the Mainland, and at the same time, implement as soon as possible the amendment of “one licence for one shop” on shops currently selling chilled pork from Thailand, so as to safeguard consumers’ health and their interests.”]

14. The Panel further discussed the “one licence for one shop” proposal at the meetings on 8 March and 15 April 2005. The Administration explained that if the consideration was for consumer protection, such consideration fell outside the scope of Cap. 132, and it would be inappropriate to pursue the proposal under Cap. 132. The Administration would resort to taking law enforcement actions against any person selling chilled meat as fresh meat at retail level and explore other measures to safeguard consumers’ interest.

15. The Panel had subsequently sought the advice of the legal adviser to the Panel on whether amendments could be made to Cap. 132 to facilitate enforcement of the licensing conditions of the fresh provisions shops and market stalls in relation to the sale of fresh and chilled meat. The legal adviser advised that the “one licence for one shop” proposal could be considered as one of the possibilities to better promote public health and would therefore be within the scope of Cap. 132. Revision to Cap. 132 and its subsidiary legislation would be one of the possibilities to achieve the purpose of the Panel to facilitate enforcement of the licensing requirements. The Panel noted the difference in legal opinion in this respect and requested the Administration to further discuss with the legal adviser to the Panel to resolve the differences.

16. As regards the Panel’s concern about the control measures to guard against the sale of chilled pork as fresh pork, the Administration briefed the Panel on 15 April 2005 on the enhanced control measures for the sale of chilled meat at retail level. The Administration recommended additional requirements/conditions on fresh provision shop licensees and tenancies in connection with the storage of chilled meat and display of legible and unobstructed notices providing information that imported chilled meat is sold on the premises. Failure to observe the relevant requirements/conditions will result in immediate cancellation of the licence or termination of market stall tenancy. These requirements and sanctions have taken effect from June 2005.

Panel discussions in early 2006

17. At the Panel meetings on 14 February, 14 March and 11 April 2006, members expressed different views on whether importation of chilled pork from the Mainland should be allowed before the implementation of the “one licence for one shop” proposal. Panel members expressed disappointment that Administration had not introduced the legislation to effect the “one licence for one shop” arrangement after one year.

18. At these meetings, 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 considered that the problem of some retailers selling chilled meat as fresh meat must first be resolved to better protect consumers’ interest.

19. 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, since chilled pork was being imported from other places.

20. In view of the concern about some unscrupulous retailers selling chilled pork as fresh pork, the Panel urged the Administration to expedite introduction of the legislation on “one licence for one shop”. The Administration advised the Panel in March 2006 that should no complicated legal issues arise during the drafting stage, the Amendment Regulation for putting in place the requirement of “one licence for one shop” could be ready around mid-2006.

21. The Hong Kong Retail Management Association wrote to the Panel in May 2006 opposing to the proposal of issuing separate licences for fresh meat and chilled meat, and forcing retailers to choose between selling fresh meat and chilled meat. The Association suggested that fresh meat provision shop licensees in supermarkets should be allowed to sell both fresh and chilled meat, provided that they complied with all the existing requirements to ensure separation of fresh and chilled pork, such as selling such meat at designated areas separated by a “poultry only” area.

Finance Committee’s discussion on the ex-gratia payment for voluntary surrender of licence by local pig farmers

22. On 28 April 2006, the Finance Committee considered the funding proposal on the ex-gratia payments for voluntary surrender of licence by local pig farmers, and the proposed loan to live pig transporters for upgrading their vehicles for conveying chilled/frozen products. Some Members expressed concern that the voluntary surrender scheme would have significant impact on live pig transporters. To enable these transporters to switch to other business operations, these Members urged the Administration to expedite the importation of chilled pork from the Mainland.

23. The Administration proposed to further discuss with Members the issue of importation of chilled pork at the Panel meeting on 26 May 2006.

Relevant papers

24. 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>.

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
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
	15 April 2005	Paper provided by the Administration – LC Paper No. CB(2) 1230/04-05(04) Paper provided by the Legal Service Division on “One shop one licence” – LC Paper No. LS49/04-05

		Minutes of meeting LC Paper No. CB(2) 1474/04-05
	14 February 2006	Paper provided by the Administration – LC Paper No. CB(2) 1069/05-06(04) Background brief prepared by LegCo Secretariat – LC Paper No. CB(2) 1069/05-06(05) Minutes of meeting LC Paper No. CB(2) 1548/05-06
	14 March 2006	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)] DoJ’s reply dated 28 February 2006 - LC Paper No. CB(2) 1414/05-06(02) Letter provided by the Administration – LC Paper No. CB(2) 1414/05-06(03) Minutes of meeting LC Paper No. CB(2) 1928/05-06
	11 April 2006	Minutes of meeting LC Paper No. CB(2) 214/05-06 <i>(to follow)</i> 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)