

**L.N. 169 of 2006****FOOD BUSINESS (AMENDMENT) REGULATION 2006**

(Made by the Director of Food and Environmental Hygiene under section 56 of the Public Health and Municipal Services Ordinance (Cap. 132))

**1. Commencement**

This Regulation shall come into operation on the expiry of the period of 6 weeks commencing on the day on which this Regulation is published in the Gazette.

**2. Interpretation**

Section 3(1) of the Food Business Regulation (Cap. 132 sub. leg. X) is amended by adding—

““pre-packaged” (經預先包裝), in relation to any chilled beef, mutton or pork, means completely enclosed in a package in such a way that—

- (a) the contents of the package cannot be altered without opening the package or changing the packaging; and
- (b) the chilled beef, mutton or pork is ready for sale as a single food item;”.

**3. Sections added**

The following are added immediately after section 30C—

**“30D. Restriction on sale, etc. of chilled beef, mutton or pork**

(1) No person shall sell, or offer or expose for sale, or possess for sale fresh beef, mutton or pork and chilled beef, mutton or pork at the same premises.

(2) No person shall sell, or offer or expose for sale, or possess for sale fresh beef, mutton or pork and chilled beef, mutton or pork at the same market stall.

(3) In subsection (1), “premises” (處所) means the premises on which the business of a fresh provision shop is carried on.

**30E. Exception to restriction on sale, etc.  
of chilled beef, mutton or pork**

Section 30D does not apply if—

- (a) the chilled beef, mutton or pork concerned is pre-packaged;
- (b) it has been packaged in a place other than in the premises or market stall referred to in that section; and
- (c) the package is marked and labelled in the manner prescribed in Schedule 6.

**30F. Further restrictions on trading of pre-packaged  
chilled beef, mutton or pork at retail level**

Unless with reasonable excuse, no person having the possession for sale of any pre-packaged chilled beef, mutton or pork at any premises referred to in section 30D or market stall shall open, or in any other way tamper with, the package at the premises or market stall.”.

**4. Section added**

The following is added—

**“31A. Power of Director to grant permission**

(1) Notwithstanding section 30(1), in relation to the food specified in items 1(a) and 1(b) of Schedule 2, the Director may grant permission to a person to sell, or offer or expose for sale, or possess for sale at any premises the food specified in that item 1(a) or the food specified in that item 1(b) but not both at the same premises.

(2) Notwithstanding section 30(1), in relation to the food specified in items 1(a) and 1(b) of Schedule 2, the Director may grant permission to a person to sell, or offer or expose for sale, or possess for sale at any market stall the food specified in that item 1(a) or the food specified in that item 1(b) but not both at the same market stall.

(3) In subsection (1), “premises” (處所) means the premises on which the business of a fresh provision shop is carried on.”.

**5. Offences and penalties**

(1) Section 35(1)(a) is amended by adding “30D(1) or (2), 30F,” after “30C(1),”.

(2) Section 35(3)(a) is amended by adding “, 30D(1) or (2), 30F” after “30A”.

## 6. Restricted foods

Schedule 2 is amended—

- (a) in the square brackets, by repealing “s. 30” and substituting “ss. 30 & 31A”;
- (b) by repealing item 1 and substituting—
  - “1. (a) Fresh meat
  - (b) Chilled meat other than pre-packaged chilled beef, mutton or pork
  - (c) Pre-packaged chilled beef, mutton or pork
  - (d) Frozen meat”.

## 7. Schedule 6 added

The following is added—

### “SCHEDULE 6

[s. 30E]

#### MARKING AND LABELLING OF PRE-PACKAGED CHILLED BEEF, MUTTON OR PORK

##### 1. Name or designation

Pre-packaged chilled beef, mutton or pork shall be legibly marked or labelled with the name or designation of the food.

##### 2. Indication of “slaughtering” and “use by” dates

(1) Pre-packaged chilled beef, mutton or pork shall be legibly marked or labelled with the “slaughtering date” and the “use by” date.

(2) The “slaughtering date” shall be indicated by the words “slaughtering date” in English lettering and by Chinese characters “屠宰日期” followed by the date on which the animal was slaughtered.

(3) The “use by” date shall be indicated by—

- (a) the words “use by” in English lettering and by Chinese characters “此日期或之前食用” followed by the date up to and including which the pre-packaged chilled beef, mutton or pork, if properly stored, is recommended for use; and
- (b) a statement of conditions for storage which need to be observed if the pre-packaged chilled beef, mutton or pork is to retain its quality attributes until that date.

(4) The “slaughtering date” and the “use by” date shall be shown either in Arabic numerals or in both the English and Chinese languages and, subject to subsection (6), shall be expressed in terms of a day, a month and a year.

(5) The “slaughtering date” and the “use by” date may appear on the labelling of the pre-packaged chilled beef, mutton or pork separately from the words immediately preceding the date, if those words are followed by a reference to the place where the date appears.

(6) Where the “slaughtering date” and the “use by” date are shown in Arabic numerals—

- (a) the day shall be indicated by the words “DD”, “dd”, “D” or “d” in English lettering and by Chinese character “日”;
- (b) the month shall be indicated by the words “MM”, “mm”, “M” or “m” in English lettering and by Chinese character “月”; and
- (c) the year shall be indicated by the words “YY”, “yy”, “Y” or “y” in English lettering and by Chinese character “年”,

and the day, month and year can appear in any order.

### **3. Name and address of slaughtering plant**

Pre-packaged chilled beef, mutton or pork shall be legibly marked or labelled with the business name and the full address of the slaughtering plant.

### **4. Net weight**

(1) Pre-packaged chilled beef, mutton or pork shall be legibly marked or labelled with its net weight.

(2) The net weight shall, so far as is practicable, be indicated in accordance with the Weights and Measures Ordinance (Cap. 68) or with the International System of Units set out in the First Schedule to the Metrication Ordinance (Cap. 214).

### **5. Appropriate language**

The marking and labelling for the purposes of sections 1, 2(1), 3 and 4 shall be in the English language or Chinese language or in both languages, but if both languages are used for any such marking or labelling, the name or designation of the food under section 1 shall be shown in both languages.”.

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Director of Food and Environmental  
Hygiene

4 July 2006

### **Explanatory Note**

This Regulation amends the Food Business Regulation (Cap. 132 sub. leg. X) for the following purposes—

- (a) to prohibit the sale, or offer or exposure for sale, or possession for sale fresh beef, mutton or pork and chilled beef, mutton or pork at the same market stall or premises on which the business of a fresh provision shop is carried on unless the chilled beef, mutton or pork is pre-packaged and the package is marked and labelled in the prescribed manner;
- (b) to make it an offence for a person to open or in any other way tamper with the package;
- (c) to provide that the Director of Food and Environmental Hygiene may grant permission under section 30 to sell, or offer or expose for sale, or possess for sale at the same premises either fresh meat or chilled meat that is not pre-packaged but not both; and
- (d) to impose the penalty on any person who contravenes section 30D or 30F.