

**CB(1) 2646/08-09(01)**

7 October, 2009

Legislative Council Bills Committee on  
Genetically Modified Organisms (Control of Release)  
Legislative Council,  
Hong Kong.

Dear Sir/Madam,

We write to express our views related to the Genetically Modified Organisms (Control of Release) Bill, legislative proposal for extension of the Convention on Biological Diversity and the Cartagena Protocol on Biosafety to Hong Kong.

Hai Kang Life Corporation Limited (HKLife) established its GMO molecular testing laboratory back in 2000, and has obtained ISO/IEC 17025 accreditation from Hong Kong Accreditation Service in January 2003 on qualitative and quantitative GMO testing. Being one of the pioneering laboratories on GMO testing in Asia Pacific region coupled with our experience over the last decade, we believe testing technology is mature enough to serve private and public sectors, either local or international, to be in compliance with the Cartagena Protocol.

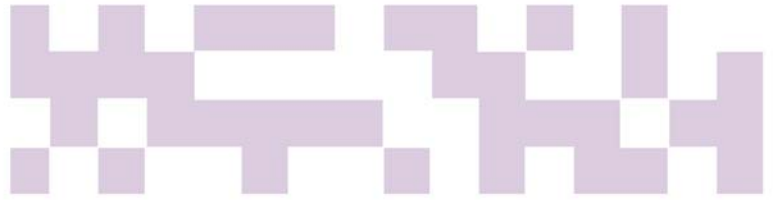
There are a few concerns regarding the content of the Bill from which we would like to seek comment.

Firstly, we would like to enquire how the term ‘contained use’ would be applied to reference standards and materials that a testing laboratory uses for analyses and research purposes. Appropriate reference materials for positive and negative controls provide the cornerstone basis for the validation of analytical procedures and for assessing performance of GM testing methods and laboratories. As such:

1. How will the Government ordain the importation of reference materials that are required by use for GMO testing?
2. What will be the Government approach towards the approval of GM standard and reference materials for laboratory testing use? Detailed information such as DNA sequence information and identity of those reference materials maybe limited due to shortage of information release from their developer/manufacturer. Laboratories that intend to apply GMO for “contained use” may not be able to provide the level of detailed information as those of the developer/manufacturer.

Secondly, monitoring and control of the use/release of novel GMOs requires development of appropriate detection methods of novel proteins or DNA materials. Provided that enough information, e.g. DNA sequence data, of novel and approved





GMOs are available, new test methods for GMO detection can be developed. In effect, we would like to enquire whether the Hong Kong Government will have authority to share and provide relevant background information such as sequence data of GMO trait varieties in order for accredited testing laboratories to establish new and relevant tests under this Bill.

Thirdly, we would like to enquire if the Government has considered the implications concerning the role of patents and intellectual property rights owned by the developers and/or manufacturers of the GMOs? What steps will the Government take to ensure necessary rights are obtained from the 'makers' of GMOs for the Government laboratory and/or the appointed / tendered accredited laboratories to carry out legitimate tests?

Across the globe there are constantly changing regulatory, industry and consumer demands regarding Genetically Modified Organisms. As such, HKLife remains poised to serve public and private needs for qualified and accredited testing services, enabling us to meet local and international standards. Should there be any information required, please do not hesitate to contact us.

Thank you very much for your attention.

Yours sincerely,  
For and on behalf of  
Hai Kang Life Corporation Limited



Terence Lok Ting Lau, Ph.D.  
Executive Director and Chief Operating Officer