

**Bills Committee on  
the Public Health and Municipal Services (Amendment) Bill 2008**

**Consultation on the Food Safety Bill**

**Purpose**

This paper briefs Members on the results of the public consultation on the proposed Food Safety Bill.

**Background**

2. The Administration briefed the Legislative Council Panel on Food Safety and Environmental Hygiene on the proposed Food Safety Bill on 11 December 2007. Thereafter, we have conducted public consultation on the proposed Bill.
3. In addition to consulting the established advisory committees, such as the Advisory Council on Food and Environmental Hygiene, Expert Committee on Food Safety, Advisory Committee on Agriculture and Fisheries, Business Facilitation Advisory Committee (and its Retail Task Force), Small and Medium Enterprises Committee and the Market Management Consultation Committees of 80 public markets, we have consulted the trade and the relevant stakeholders through a series of meetings with the trade associations representing different sectors of the food trade and individual food traders.
4. We have arranged forums (public forums and trade consultation forums) to provide a platform for the public and relevant stakeholders to express their views on the proposals.
5. To solicit views from all stakeholders, we issued a consultation paper on the Food Safety Bill to the relevant stakeholders and all the 18 District Councils. We have also attended and briefed all the 18 District Councils or their committees on the proposals.
6. As the Food Safety Bill will tighten import control for food, we have consulted the Consulates General in Hong Kong to seek their views on the proposals.
7. The consultation paper on the proposed Food Safety Bill was uploaded onto the website of the Food and Health Bureau for public's reference. The period for submission of views from the public ended on 31 March 2008.

8. Details of the consultation programme are summarized in the Annex.

## **Results of the Public Consultation**

### General Views

9. The proposals under the Food Safety Bill were generally supported by both the public and the trade. They considered the proposed Food Safety Bill a right move to enhance food safety and public health.

10. The public at large welcomed the proposal. Majority of the District Councils indicated support to the direction of the proposal. Some District Council members, however, were concerned that the compliance costs arising from the proposed measures might be transferred to the public and affect the food prices. They requested the Administration to carefully formulate the details of the Bill. They also urged the Administration to continue with the other food safety-related work such as regular inspection and surveillance programme.

### Views of the Trade

#### (i) Registration Scheme for Food Importers and Distributors

11. The trade requested the Administration to simplify the procedures for the proposed registration scheme for food importers and distributors and keep the registration fee to a minimum or even waive it. They have also asked for facilitation measures in registration e.g. those who are already licensed under other legislation or registered with other departments should be exempted from the proposed registration requirement.

#### (ii) Requirement to Maintain Proper Transaction Records to Enhance Traceability

12. While some trade members considered that it was already an established trade practice to maintain transaction records for the purpose of book-keeping and auditing (as it was already a legal requirement to maintain transaction records for seven years under the Inland Revenue Ordinance), some traders expressed difficulties in complying with the proposed record-keeping requirements and raised doubts on the effectiveness of record-keeping in source tracing. Most sectors considered that the duration for record-keeping should be shorter for perishable food items such as live and fresh food. Some considered that

the duration for record-keeping for other food should be no more than 12 or 24 months. They requested the Administration to simplify the requirements and provide sufficient support to the small and medium enterprises in complying with the requirements.

### (iii) Tightened Import Control

13. Regarding the import control measures, some traders welcomed the tightened control on import of aquatic products and considered that it would ensure the quality and safety of imported seafood. The seafood sector requested the Administration to liaise with the Mainland and overseas authorities to ensure that the proposed health certificate requirements for imported aquatic products could be met by the exporting countries. They were also concerned about the food smuggling problem and urged the Authority to step up the enforcement action.

14. While the chilled marine fish traders requested the Administration to minimize the control on the sector in view of the low risk of chilled fisheries products, the fruit and vegetables trade requested more stringent control measures such as centralizing the wholesaling activities of fruits and vegetables at designated markets.

### (iv) Power to Prohibit Import and Supply of Problem Food and Food Recall

15. The trade generally had no objection to the proposal on prohibition of import and supply of problem food and food recall. They requested the Administration to set out the circumstances under which such orders would be made, the extent to which the orders apply and the procedures of making the orders. They also urged the Administration to include an appeal mechanism as well as a compensation mechanism under the Bill to deal with the loss of the trade as a result of the orders.

### Views of the Consulates General

16. Overseas authorities or Consulates General were mainly concerned about the import control on food and the application of the orders to prohibit import of problem food, which might have implication on their exporting sectors.

### Medical sector, academics and the Consumer Council

17. The medical sectors, academics and the Consumer Council welcomed the proposal and indicated clear support to the Bill.

## **Way Forward**

18. We will take the views collected into account in the preparation of the Food Safety Bill. Meantime, we plan to engage a consultant to conduct a Business Impact Assessment on the proposed Food Safety Bill to have a better understanding on the implications of the proposals. We will also continue our dialogue with the trade and the relevant stakeholders and consult them on the details of the proposals as appropriate.

**Food and Health Bureau  
December 2008**

**Consultation on Food Safety Bill****(A) Advisory Committees**

<b>Meetings</b>	<b>Date</b>
Advisory Council on Food and Environmental Hygiene	6 December 2007
LegCo Panel on Food Safety and Environmental Hygiene	11 December 2007
Retail Task Force under Business Facilitation Advisory Committee	23 January 2008
Advisory Committee on Agriculture and Fisheries	4 February 2008
Business Facilitation Advisory Committee	25 February 2008
Expert Committee on Food Safety	27 February 2008
Small and Medium Enterprises Committee	18 March 2008
Trade Consultation Forum (food safety)	16 January 2008
Trade Consultation Forum (environmental hygiene)	29 February 2008
Public Forums	20 February 2008 13 March 2008
Market Management Consultation Committees (MMCC)	February – July 2008

**(B) Meetings with trade associations**

<b>Sector</b>	<b>Date</b>
Fruits	3 March 2008
Vegetables	5 March 2008
Processed food, processed seafood, canned food, edible oil, beverage, direct sale and preserved food	10 March 2008
Rice, flour, bakery, organic products and suppliers associations	14 March 2008
Live marine fish	19 March 2008
Fresh water fish	25 March 2008
Chilled marine fish	26 March 2008

**(C) Meetings with individual food traders**

<b>Name</b>	<b>Type of Business</b>	<b>Date</b>
A marine fish farm in Lamma Island	Marine fish farm	25 July 2008
Rainbow Asset	Prepackaged food	5 August 2008
DCH (food section)	Frozen products	13 August 2008
A freshwater fish farm in Yuen Long	Freshwater fish farm	15 August 2008
Jusco	Supermarket	19 August 2008
益大	Dried shark's fin	20 August 2008
Smithfield Road Public Market	Wet market (stalls selling dried food, vegetables, fruits, frozen food, fresh meat, etc and cooked food stalls)	28 August 2008
翠華餐廳	Restaurant (茶餐廳)	29 August 2008
帆船飲食管理有限公司	Lunch-box supplier	1 September 2008
利景酒店	Hotel	4 September 2008
佳聯集團	Importer of chilled meat	5 September 2008
Worldwide Seafood	Importer of seafood	9 September 2008
味真味(香港)有限公司	Importer of Japanese food	9 September 2008
World Trade Centre club	Catering club	11 September 2008
Royal Garden Hotel	Hotel	11 September 2008
JFC	Importer of sashimi	19 September 2008

**(D) District Councils**

- Attended meetings of District Councils or their committees from February to July 2008

**(E) Letters**

Consultation letters were issued to –

<b>Organisations</b>
Consulates General
Food trade associations
Primary sector associations
Hawker associations
Market Management Consultation Committees
Medical associations and academics
Dietitian associations
Green groups
Mainland authorities
Consumer Council
District Councils

**(F) Other channels**

- A consultation document was uploaded onto the FHB website for public viewing
- We have attended the seminars organized by food trade associations to brief the trade on the proposal and collect their views –
  - (i) Hong Kong Food Hygiene Administration Association and Hong Kong Quality Assurance Agency (joint-organizers)
  - (ii) Federation of Hong Kong Industries
- Articles on the proposed Food Safety Bill were published in the food safety publications issued by the Centre for Food Safety e.g. Food Safety Bulletin