

Bills Committee on Food Safety Bill

Follow-up on Matters arising from the Bills Committee Meeting on 3 December 2010

Purpose

This paper sets out our response to the following issues raised by Members at the Bills Committee meeting on 3 December 2010 –

- (a) to provide a performance pledge on the processing time of an application for registration under Clause 7(1) of the Food Safety Bill (the Bill); and
- (b) to create a provisional registration for applicants who have missed the deadline for renewal of registration under Clause 11 of the Bill.

To provide a performance pledge on the processing time of an application for registration under Clause 7(1) of the Bill

2. As explained at the meeting on 3 December 2010, for traders who have missed the deadline for renewal of registration, they will need to submit applications for registration under Clause 7(1). This is because under Clause 11(1), only a “registered food importer or registered food distributor may apply for renewal of registration”. If the registration has expired, the concerned food importer and food distributor is no longer a “registered food importer or food distributor” and hence cannot apply for renewal under Clause 11. As such, he or she will need to submit an application for registration under Clause 7(1). It should be noted that prior to the expiry of the registration, the Centre for Food Safety (CFS) would issue letters to remind the concerned trader for renewal of registration. It is, of course, the responsibility of traders to bear in mind the expiry date of the registration.

3. Members were, however, sympathetic to those traders who have inadvertently missed the deadline for renewal as they cannot continue their business. Members therefore asked if CFS could provide a performance pledge for processing an application under Clause 7(1). Having considered the procedures required, the Director of Food and Environmental Hygiene (the Director) has undertaken to grant an

application for registration within seven working days upon the receipt of all the required information. This performance pledge will only apply to those applications submitted upon the full commencement of the Bill, i.e. after the expiry of the six-month grace period.

To create a provisional registration for applicants who have missed the deadline for renewal of registration under Clause 11

4. In addition to the performance pledge, Members also suggested the creation of a provisional registration for applicants who have missed the deadline for renewal of registration under Clause 11 so that they could continue their business whilst awaiting the outcome of their applications under Clause 7(1). Members also proposed that a higher fee should be charged for these applications for provisional registration.

5. As pointed out by some Members at the meeting, in determining an application for registration, the Director needs to give due consideration to all relevant factors including the completeness of the information submitted as required by the Director for the purpose of considering the application and any record of previous contraventions of the Bill or revocation of the registration in the previous 12 months. Even if the registration may only be provisional in nature, the Director would need to give similar consideration before granting such an application so that only appropriate food importers and food distributors are registered so as to ensure traceability of food. This calls into question the need for creating a provisional registration system. The pledge that the Director could grant an application for registration under Clause 7(1) within seven working days upon the receipt of all the required information as stated in paragraph 3 above serves to further undermine the need for such.

6. To minimise the chance of traders missing the deadline for renewal of registration, the Director will issue reminder letters to traders. The current plan is to issue a reminder letter to registered food importers/distributors about four months before expiry of their registrations. If the application for renewal of registration is not received, another reminder letter will be issued about one month before the expiry date. Traders themselves would have to stay alert in tracking the impending expiry of their registration. Through mutual effort from both sides, we believe the number of registered food importers/distributors missing the deadline for submitting a renewal application should be very small.

Advice Sought

7. Members are asked to note the Administration's response at paragraphs 2-6 above.

**Food and Health Bureau
December 2010**