mmackett

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To Mandy YM POON <mpoon@legco.gov.hk>

cc

Subject RE: Subcommittee on Genetically Modified Organisms (Documentation for Import and Export) Regulation: Invitation of views

Dear Mrs Tang,

Thank you for giving me the opportunity to comment on the proposed legislation titled "Genetically Modified Organisms (Documentation for Import and Export) Regulation ". Unfortunately the time I have had for comment (just over three days) means I have not been able to fully consult others in the University.

The intention of the Cartagena protocol is to regulate trans-boundary movements of GMOs destined for deliberate release. The AFCD website says that restrictions would not apply to "GMOs that are in transit or transhipment, intended for direct consumption as food or feed, or for processing, intended for contained use, or pharmaceutical products for use by human-beings" However these new import/export regulations now include food/feed and GMO's intended for contained use. In the Legislative council brief at point 16 there is mention that comments received had been taken into account in finalising the Regulation and I assume this is where the decision to include GMOs destined for contained use has been derived. It seems to me that this is an unnecessary piece of legislation as regards contained use and might both increase costs of reagents for research and delay obtaining them from suppliers. I have a number of observations that might be relevant.

1) As far as I am aware no other country in the world regulates import and export of all GMO's in this way. Other jurisdictions require import/export licences for specific groups of agents such as pathogens (e.g. US select agents - which might also be GMO's). The EEC does not require import or export licenses for GMO's destined for contained use (unless they fall under other legislation for example cell lines that may also be GMO's would require import licenses to enter the UK which would be issued under the Animal Health Act 1981 and the Animal Products and Poultry Products Order 1980 (as amended) and The Products of Animal Origin (Third Country Imports (England) Regulations 2004).

2) There is no regulation on the import or export of recombinant DNA and a significant number of GMOs can be generated from the recombinant DNA. i.e. some GMOs may be imported as DNA without the need for a license thus avoiding the controls thought appropriate.

3) The risk class of the GMO will vary depending on where the GMO is imported from. For example if a GM Dengue virus was imported from Singapore, Australia or the USA it would probably be Class 2 whereas if it was imported from any of the 20+ countries of the EEC it would be Class 3.

4) It seems to me that legislating for import and export of GMOs while having virtually no legislation on safe handling of the GMO once it is in the country, particularly when used in contained use, is the wrong way round.

5) The requirement to handle the GMO safely is not helpful as no details are provided. There is already legislation in Hong Kong that requires employers to provide a safe place of work. The

specifics of this regulation do very little to expand on that duty. Consequently this part of the regulation seems unnecessary.
My apologies for being a little negative and disjointed in my comments but my general feeling is that this regulation has little to offer as regards import/export of GMO's intended for contained use.
Regards.....Mike Mackett
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