

**立法會**  
**Legislative Council**

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**Panel on Food Safety and Environmental Hygiene**

**Background brief prepared by the Legislative Council Secretariat  
for the meeting on 11 July 2012**

**Food Safety Ordinance**

**Purpose**

This paper provides background information on the enactment of the Food Safety Ordinance ("FSO") (Cap. 612).

**Background**

2. Food incidents in the past years have revealed inadequacies in the Public Health and Municipal Services Ordinance (Cap.132) in the control of food safety. In this regard, the Chief Executive announced in his 2007-2008 Policy Address the Administration's plan to introduce a Food Safety Bill to strengthen legislative control on food safety.

**Enactment of the Bill**

3. Introduced into the Legislative Council ("LegCo") on 2 June 2010, the Food Safety Bill sought to provide for food safety control measures including -

- (a) a registration scheme for food importers and food distributors;

- (b) a requirement for food traders to maintain proper transaction records to enhance food traceability;
- (c) power to make regulations for tightening import control on specific food types based on risk assessment; and
- (d) power for the authorities to make orders to prohibit the import and supply of problem food and order the recall of such food.

4. A Bills Committee was formed at the House Committee meeting on 4 June 2010 to study the Bill in detail. The Bill, with amendments, was passed at the Council meeting of 30 March 2011. The Food Safety Ordinance (Commencement) Notice, gazetted on 15 April 2011, provided for the commencement of the Ordinance (except Part 3 and Division 1 of Part 2) on 1 August 2011. To allow sufficient time for traders to adapt to the new requirements, Part 3 and Division 1 of Part 2 of the Ordinance, i.e. the record-keeping requirement and the registration scheme for food importers and distributors, came into operation on 1 February 2012.

### **Code of Practice on Keeping Records Relating to Food**

5. FSO requires any person who, in the course of business, imports, acquires or supplies by wholesale food in Hong Kong to keep transaction records of the business from which the food was obtained and the business to which it was supplied. The Director of Food and Environmental Hygiene ("DFEH") is empowered to inspect the records maintained by food traders.

6. There is no stipulated format for the records of each transaction to be maintained, but those records must cover -

- (a) the date of the transaction;
- (b) the name and contact details of the supplier;
- (c) the place from which the food was imported (for imported food only);

- (d) the name and contact details of the person to whom the food is supplied (i.e. the buyer); and
- (e) a description of the food, including the total quantity.

7. Fishermen who capture local aquatic products and supply them in Hong Kong are required to maintain capture records covering the date or period of the capture, the common name of the capture, the total quantity and the area of the capture.

8. The Administration has consulted the trade on the draft code of practice on keeping records relating to food. The trade is generally supportive. The Code of Practice on Keeping Records Relating to Food was published in the form of a general notice in the Gazette in July 2011.

9. Under FSO, DFEH may in writing exempt a person from the record keeping requirement. In deciding whether to grant an exemption, DFEH may, in so far as is practicable and reasonable, take into account all factors relevant to the circumstances of the case that DFEH considers appropriate, including but not limited to the following -

- (a) whether the exemption would cause any undue threat to public health;
- (b) whether the applicant has mechanisms in place to ensure that the food he supplies is fit for human consumption;
- (c) past records of the applicant (e.g. previous conviction records under FSO or Cap. 132);
- (d) whether there is genuine and practical difficulty in keeping the required records under Part 3 of FSO;
- (e) whether the food in question would be used for charitable purposes; and
- (f) the type and quantity of food in question.

These factors are included in the Code of Practice on Keeping Record Relating to Food.

**Latest development**

10. The Administration will brief members on the implementation of FSO at the Panel meeting to be held on 11 July 2012.

**Relevant papers**

11. A list of the relevant papers on the LegCo website is in the **Appendix**.

Council Business Division 2  
Legislative Council Secretariat  
5 July 2012

### Relevant papers on Food Safety Ordinance

Meeting	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	11.12.2007 (Item IV)	<a href="#">Agenda</a> <a href="#">CB(2)516/07-08(01)</a> <a href="#">CB(2)516/07-08(02)</a> <a href="#">Minutes</a>
	9.2.2010 (Item IV)	<a href="#">Agenda</a> <a href="#">CB(2)884/09-10(03)</a> <a href="#">CB(2)884/09-10(04)</a> <a href="#">Minutes</a>
Council meeting	30.3.2011	<a href="#">Report of the Bills Committee on Food Safety Bill</a>

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