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**Panel on Food Safety and Environmental Hygiene**

**Subcommittee to Study Issues Relating to Animal Rights**

**Background brief prepared by the Legislative Council Secretariat  
for the meeting on 16 May 2017**

**Issues relating to the safety of pet food products in Hong Kong**

**Purpose**

This paper provides background information on issues relating to the safety of pet food products in Hong Kong, and summarizes the major views and concerns expressed by members of the Subcommittee on Issues Relating to Animal Welfare and Cruelty to Animals ("the former Subcommittee") formed in the Fifth Legislative Council ("LegCo") on the subject.

**Background**

2. The term "pet food" covers a wide range of "foods" for different species. In general, it refers to feed for dogs and cats, as well as other common pets, such as birds and rabbits etc. According to the Administration, there is no major production of pet food locally and most of the commercial pet food products consumed in Hong Kong are imported from the United States ("US"), the European Union ("EU") member states, Canada, Thailand and the Mainland. Commercial pet food products are usually pre-packaged/processed food and may be in the form of dry food, wet food, semi-moist food, freeze-dried food and frozen food. With pet owners becoming increasingly conscious about the health and welfare of their pets, there is a growing popularity of novel commercial food items, such as organic pet food and raw pet food.

3. Unlike overseas countries, such as EU, US, Japan and Singapore, Hong Kong has no dedicated legislation regulating the safety of pet food products sold in the territory. Currently, pet food products are regulated by general legislation, e.g. the Trade Descriptions Ordinance (Cap. 362) which prohibits any person from applying false or misleading trade descriptions, including descriptions as to composition and place of origin, to goods in the course of trade or business. The Appendix to the Information Note on "Regulation of pet food in selected overseas places" prepared by the Research Office of the LegCo Secretariat in April 2016 provides an overview of the regulatory regime governing pet food sold in the selected overseas places (please see **Appendix I**).

### **Members' major views and concerns**

4. Members' major views and concerns on the subject are summarized in the ensuing paragraphs.

#### Lack of a regulatory regime for pet food products sold in Hong Kong

5. Members were gravely concerned that there was no dedicated legislation regulating the safety of pet food products sold in Hong Kong, notwithstanding the surge in the number of dogs and cats kept as pets<sup>1</sup> and the increasing demand for pet food products over the years. Members held a consensual view that the Administration should put in place a regulatory regime for pet food products available in the market, regardless of whether they were pre-packaged, processed or homemade food, locally produced or imported from places outside Hong Kong. There was a suggestion that in formulating the legislative framework, the Administration should draw reference from overseas experience to ensure that the quality of commercial pet food available in Hong Kong for pet consumption would meet the international safety standards.

6. The Administration advised that it was not aware of any major production plant of pet food locally. Most of the commercial pet food items consumed in Hong Kong were imported from places such as US and EU which had put in place regulations governing pet food products, and had set safety standards on their own. There were presently no commonly adopted international standards on the safety of pet food. In the Administration's view, the proposal of introducing legislation to regulate pet food might increase the compliance cost for the trade, resulting in monopolization of the market by major pet food importers and fewer choices of pet food products for consumers.

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<sup>1</sup> According to the Census and Statistics Department, there were about 248 000 dogs and 168 000 cats kept by households in 2010, compared with 198 000 dogs and 99 000 cats in 2005.

7. Some members took the view that the Administration should not solely rely on the regulatory measures adopted by pet food manufacturing countries in ensuring the quality and hygiene standards of pet food in Hong Kong. These members considered that enactment of local legislation governing pet food products could not only help to safeguard animal health but also prevent outbreak of animal transmitted diseases.

8. In response to some members' concern about the rise in the number of complaints relating to the hygiene and quality of commercial pet food available in the market in recent years, the Administration advised that the Consumer Council had received about 20 complaints with regard to pet food products every year. Most of the complaints were related to the quality of pet food products, including illness of pets suspected to be caused by consumption of pet food, and foreign substances found in pet food products while some others were related to pricing and delay in delivery. Separately, the Agriculture, Fisheries and Conservation Department had received a total of nine complaints between 2014 and 2016 concerning pet food products sold in Hong Kong. According to the supplementary information provided by the Administration to the former Subcommittee in May 2016 ("the Supplementary Information"), the Customs and Excise Department had also received a total of 20 complaints from 1 January 2012 to 31 March 2016 about pet food suspected of violating the provisions in Cap. 362.<sup>2</sup>

#### Proposed study on pet food products in Hong Kong

9. In response to members' concern about the safety of pet food products in Hong Kong, the Administration advised that the Consumer Council had conducted two studies on commercial pet food available in the market in 2014 and 2015 respectively, and the results of the two studies indicated that the quality and hygiene standards of pet food in Hong Kong were generally satisfactory. That notwithstanding, the Administration saw merits in conducting regular testing on pet food products available in the territory and was contemplating a study on commercial pet food products. According to the Administration's initial proposal provided in the Supplementary Information, the study would focus on random sampling and testing of commercial pet food products for dogs, cats and other companion animals that were sold through retail outlets such as pet shops, supermarkets and veterinary clinics. Since dogs and cats were the most common type of pets in Hong Kong, around 70% of

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<sup>2</sup> As advised by the Administration, after investigation by the Customs and Excise Department, 19 complaints were concluded with no further action as no violation of Cap. 362 was found while an advisory letter was issued to the trader concerned for the remaining one case.

the samples would be collected from pet food for dogs and cats, while the remaining samples would include other types of pet food including those for other companion animals, treats, pet food sold online and homemade pet food.

10. In response to members' enquiries about the expected timetable for launching and completing the study as well as the scope of the study, the Administration advised that it aimed to commence the study by the end of 2016 and targeted to test around 200 to 300 products during a two-year period. The focus of the test would be on a few common microbial contaminants and substances of concern. The Administration also advised that while it would continue to closely monitor the local situation and keep in view further developments on the international front related to the safety of pet food products, the test results would enable its assessment, on a more informed basis, whether and the extent to which the safety of pet food products was a concern and how related measures could be enhanced. The test results would also be released for public information.

### **Latest development**

11. The Subcommittee will discuss the issues relating to the safety of pet food products in Hong Kong at the Subcommittee meeting on 16 May 2017.

### **Relevant papers**

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

Regulatory regime governing pet food in selected overseas places

	The European Union	The United States	Japan	Singapore
<b>Background</b>				
Number of dogs and cats kept as pets	• 135 million (2014).	• 145 million (2013).	• 19.8 million (2015).	• 156 000 (2010).
Annual sales of pet food products	• 9 million tonnes in 2014.	• 8.3 million tonnes (for dog and cat pet food) in 2013.	• 597 000 tonnes in 2014.	• 8 730 tonnes (for dog and cat pet food) in 2012.
<b>Overview of regulatory regime</b>				
Major regulatory authorities	• Responsible authorities of individual European Union ("EU") member states.	• United States Food and Drug Administration ("FDA"); United States Department of Agriculture ("USDA"); and relevant state authorities.	• Ministry of Agriculture, Forestry and Fisheries ("MAFF"); and Ministry of the Environment ("MOE").	• Agri-Food and Veterinary Authority ("AVA").
Relevant legislation	• Relevant EU regulations including those governing feed hygiene, marketing and use of feed products, and additives for use in animal nutrition.	• Federal Food, Drug, and Cosmetic Act; and relevant state laws and rules.	• Law for Ensuring the Safety of Pet Food.	• Feeding Stuffs Act and related subsidiary legislation.

### Regulatory regime governing pet food in selected overseas places

	The European Union	The United States	Japan	Singapore
<b>Regulatory measures</b>				
Registration/licensing of pet food business operators	<ul style="list-style-type: none"> <li>Pet food business operators are required to register with the competent authority, and those producing compound feedstuffs containing additives are required to apply for approval.</li> </ul>	<ul style="list-style-type: none"> <li>All domestic and foreign business operators that manufacture, process, pack or hold pet food for consumption in the US are required to register with FDA.</li> </ul>	<ul style="list-style-type: none"> <li>Pet food manufacturers and importers are required to notify MAFF and MOE of the names of their representatives and of the names and addresses of their plants and warehouses before starting their business.</li> </ul>	<ul style="list-style-type: none"> <li>Pet food business operators are required to apply for a licence from AVA.</li> </ul>
Specification of hygiene and hazard control standards	<ul style="list-style-type: none"> <li>Pet food business operators are obliged to comply with a set of hygiene and quality control requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Pet food business operators are required to implement a food safety system and a specified set of manufacturing standards for animal food.</li> </ul>	<ul style="list-style-type: none"> <li>Pet food business operators are required to comply with the prescribed standards on pet food production.</li> </ul>	<ul style="list-style-type: none"> <li>No specific standards are required. However, licensees are required to keep their business premises clean and tidy.</li> </ul>
Pre-approval of additives used in pet food production	<ul style="list-style-type: none"> <li>Only authorized additives may be used.</li> </ul>	<ul style="list-style-type: none"> <li>Only additives that are "generally recognized as safe", pre-approved by FDA or defined by the Association of American Feed Control Officials for its intended use can be used.</li> </ul>	<ul style="list-style-type: none"> <li>No pre-approval requirement is imposed. But business operators have to ensure that the products do not contain certain additives at levels exceeding the allowable limits.</li> </ul>	<ul style="list-style-type: none"> <li>No pre-approval requirement is imposed.</li> </ul>

### Regulatory regime governing pet food in selected overseas places

	The European Union	The United States	Japan	Singapore
<b>Regulatory measures (cont'd)</b>				
Specification of standards regarding undesirable substances in pet food products	<ul style="list-style-type: none"> <li>• Standards on allowable limits are set for specified undesirable substances.</li> </ul>	<ul style="list-style-type: none"> <li>• Action levels, representing limits at or above which FDA will take legal action to remove the affected products from the market, are set for specified harmful substances.</li> </ul>	<ul style="list-style-type: none"> <li>• Standards on allowable limits are set for specified harmful substances.</li> </ul>	<ul style="list-style-type: none"> <li>• Licensees are required to ensure that pet food products sold do not contain specified prohibited substances.</li> </ul>
Labelling of pet food products	<ul style="list-style-type: none"> <li>• Mandatory labelling requirements include:                             <ol style="list-style-type: none"> <li>(a) product description;</li> <li>(b) animal species that the product are intended for;</li> <li>(c) name and address of pet food business operator;</li> <li>(d) list of feed materials;</li> <li>(e) list of additives (if certain categories of additives are used);</li> <li>(f) analytical constituents;</li> <li>(g) minimum storage life; and</li> <li>(h) instructions for proper use.</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>• Labelling requirements imposed by FDA include:                             <ol style="list-style-type: none"> <li>(a) proper identification of the product;</li> <li>(b) net weight of the product;</li> <li>(c) manufacturer's name and address; and</li> <li>(d) list of ingredients.</li> </ol> </li> <li>• Additional labelling requirements at the state level may include:                             <ol style="list-style-type: none"> <li>(a) guaranteed analysis;</li> <li>(b) nutritional adequacy statement;</li> <li>(c) calorie statement; and</li> <li>(d) feeding directions.</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>• Dog and cat pet food products are required to be labelled with information on:                             <ol style="list-style-type: none"> <li>(a) name of product;</li> <li>(b) best-before date;</li> <li>(c) name and address of manufacturer, importer or distributor;</li> <li>(d) country of origin; and</li> <li>(e) ingredients.</li> </ol> </li> <li>• The pet food trade has also implemented a voluntary product labelling code.</li> </ul>	<ul style="list-style-type: none"> <li>• All pet food products are required to be labelled with information on:                             <ol style="list-style-type: none"> <li>(a) manufacturing and expiry date;</li> <li>(b) name and address of importer;</li> <li>(c) ingredients; and</li> <li>(d) animal species that the product are intended for.</li> </ol> </li> <li>• Additional information requirements are set for products with meat or meat products such as:                             <ol style="list-style-type: none"> <li>(a) name and address of manufacturer; and</li> <li>(b) guaranteed analysis.</li> </ol> </li> </ul>

### Regulatory regime governing pet food in selected overseas places

	The European Union	The United States	Japan	Singapore
<b>Regulatory measures (cont'd)</b>				
Import control mechanisms	<ul style="list-style-type: none"> <li>• Imported pet food products containing animal origin ingredients are subject to import control requirements such as making consignment notification and accompanying the consignment by a veterinary certificate.</li> </ul>	<ul style="list-style-type: none"> <li>• FDA requires importers of pet food products to submit prior notification of their shipments. It also conducts inspections on higher risk products at the port of entry.</li> <li>• Importers of pet food products containing specified animal origin ingredients may be required to apply for a permit from USDA.</li> </ul>	<ul style="list-style-type: none"> <li>• Importers are required to ensure that the imported products meet the prescribed pet food standards.</li> <li>• Consignments of specified pet food products with animal origin ingredients are required to be accompanied by a health certificate.</li> </ul>	<ul style="list-style-type: none"> <li>• Importers are required to:               <ol style="list-style-type: none"> <li>(a) apply for an import permit for each consignment of products;</li> <li>(b) accompany each consignment of products containing meat or meat products by a health certificate; and</li> <li>(c) seek prior approval in respect of the manufacturing plant for products containing meat or meat products imported from certain places.</li> </ol> </li> </ul>



### Regulatory regime governing pet food in selected overseas places

	The European Union	The United States	Japan	Singapore
<b>Enforcement</b>				
Enforcement of the relevant legislation	<ul style="list-style-type: none"> <li>Enforcement is vested in individual member states.</li> </ul>	<ul style="list-style-type: none"> <li>FDA may conduct inspections of registered pet food business operators' facilities, and may suspend their registration if the products produced or handled pose a threat of serious health consequences.</li> <li>FDA may detain or request a recall of pet food products that pose health risks.</li> </ul>	<ul style="list-style-type: none"> <li>MAFF, MOE and the Food and Agriculture Materials Inspection Center ("FAMIC") are entrusted with conducting on-site inspection of pet food business operators' facilities. MAFF and MOE may request pet food business operators to submit reports about their operations while FAMIC may conduct sample tests on pet food products.</li> <li>MAFF and MOE may also order the recall of, and prohibit the manufacture and sale of products that fail to meet the prescribed pet food standards.</li> <li>Any person who violates the specified legislative provisions may be subject to a fine and/or imprisonment.</li> </ul>	<ul style="list-style-type: none"> <li>Pet food business operators failing to comply with the specified legislative provisions may be subject to a fine and/or imprisonment.</li> </ul>

Source: Appendix to the Information Note entitled "Regulation of pet food in selected overseas places" prepared by the Research Office of the Legislative Council Secretariat in April 2016 [IN02/15-16].

**Relevant papers on issues relating to  
the safety of pet food products in Hong Kong**

Committee	Date of meeting	Question / Paper
Legislative Council	28.3.2012	<a href="#">Official Record of Proceedings Pages 7549 – 7552 (written question raised by Hon CHAN Hak-kan on "Regulation of pet food in Hong Kong")</a>
	14.5.2014	<a href="#">Official Record of Proceedings Pages 10908 – 10913 (written question raised by Hon CHAN Hak-kan on "Regulation of pet food")</a>
Subcommittee on Issues Relating to Animal Welfare and Cruelty to Animals	25.4.2016 (Item I)	<a href="#">Agenda</a>  <a href="#">Minutes</a>  <a href="#">Administration's response to issues raised at the meeting (LC Paper No. CB(2)1425/15-16(04))</a>
Panel on Food Safety and Environmental Hygiene	-	<a href="#">Report of the Subcommittee on Issues Relating to Animal Welfare and Cruelty to Animals</a>