

**HONG KONG RETAIL MANAGEMENT ASSOCIATION****香港零售管理協會**

2 June 2006

Mr Fred Li
Chairman of Panel on Food Safety and Environmental Hygiene
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Mr Li,

We refer to your letter dated 29 May 2006. We have accepted your kind invitation to attend the special Food Panel meeting on 6 June 2006 at 2.30pm and now set out our views on this issue.

Current Government Proposals (Unspecific)

According to your letter, the Government verbally proposed to "separate the sale of fresh and chilled/frozen meat and to provide exemptions under certain conditions". The Government has not yet issued any details of its proposals and, until it does, we are not in a position to provide specific comments, but look forward to doing so. We are pleased, however, that the Government has confirmed that exemptions will be applicable for retailers under certain circumstances.

The Current Situation

At present, shops in Hong Kong can sell fresh, chilled or frozen meat under a single fresh provision licence. One shop, one licence. Government wishes to change this.

They seem to want to issue three types of licence - a licence to sell fresh meat (pork, beef and mutton), another licence to sell chilled meat (pork, beef and mutton), and a third licence to sell live/fresh chicken and fish, and frozen pork, mutton, beef, chicken and fish.

Retailers will then be forced to choose between selling fresh or chilled meat ie: Do I wish to sell fresh meat? Or do I wish to sell chilled and/or frozen meat?

However, if retailers want to continue selling both, they may apply to Government for an exemption. Provided the retailer can adequately demonstrate that it can safely and responsibly sell fresh and chilled/frozen pork, this may be granted.

HKRMA Supports Greater Consumer Choice via Introducing Chilled Pork from China

We re-confirm our position as set out in our letter to Mr. Gregory Leung dated 25 May 2006 and we reiterate our support for the proposed introduction of chilled pork from China as it provides consumers with more choice.

When the importation of chilled mainland pork is finally allowed, we believe that it is the common objective of all stakeholders to ensure that consumers have more choice, convenience and protection. We fully support this objective.

A Simpler Means of Achieving Choice, Convenience and Protection against Unscrupulous Traders

We have an alternative view to that of the Government on the best way to achieve the agreed common objectives.

We continue to believe that the recommendations set out in our letter dated 26 May 2006 are the best way forward. Whereby either:

- (a) approved processing plants in mainland could cut and pack the chilled pork into final retail size packs that would be marked with a special sticker/mark, "Chilled pork imported from China into Hong Kong"; or*
- (b) as above, chilled imported pork could be sold in a pre-packaged and labelled form. In this alternative, the regulation would state that pre-packaged imported mainland pork must be packaged at a different premise (in Hong Kong or mainland China) from the retail outlet or wet market stall where it is sold.*

The regulations should prohibit the opening of the pack by anyone until after purchase by the consumer.

HKRMA Recommendations Mean No Legislative Change is Required

We believe that the Government can introduce additional licensing requirements to the Fresh Provision Shop licence pursuant to its powers under section 125(1)(a) of the Public Health and Municipal Services Ordinance (Cap 132.). No legislative changes are required, so the amendments can be implemented very quickly.

Recommendations Promote Consumer Safety and Product Assurance

The changes would mean that there would no longer be handling of imported chilled "pork" (mainland or otherwise) in stores. All imported chilled "pork" must be pre-packaged. Retailers could no longer sell "loose" imported chilled pork. Pre-packaged chilled pork would continue to be sold in the same outlet as fresh pork, and so maintaining consumer convenience, while achieving the other objectives.

Under Schedule 3 of the Food and Drugs (Composition and Labelling) Regulations, all pre-packaged food (which would now include all imported chilled "pork") must be labelled with:

- food name (ie "chilled pork");
- "use by" date;
- full name and address of manufacturer or packer or ii) country of origin, name and address of distributor and the full address of the manufacturer or packer in its country of origin has been notified to the Government by the distributor, and
- net weight.

Accordingly, there is also no need to make any changes to the Labelling Regulations.

Government Proposals Overly Complex, Unnecessary

The Government's proposal seems to indicate that it intends:

- (a) to split the fresh provision licence into three licences - a "fresh meat" licence, a "chilled meat" licence, and a "fresh provision shop" licence; and then
- (b) force retailers to choose between a "fresh meat" licence and a "chilled meat" licence, except where the "chilled meat" is prepackaged in which case retailers could hold both such licences for the same premise.

Under the proposal, the "fresh meat" licence would cover fresh pork, mutton and beef; the "chilled meat" licence would cover chilled pork, mutton and beef; and the "fresh provision" licence would cover live/fresh chicken and fish, and frozen pork, mutton, beef, chicken and fish.

There is no reason why the proposed regulations should apply to products other than fresh and chilled "pork" and there is no reason to unnecessarily complicate the licensing regulations when it is possible to achieve the same objective by adding conditions to the existing fresh provision shop licence.

HKRMA Solution Simple and Consumer-friendly

Our proposed solution is simple and easy to implement, yet ensures the same level of consumer choice, convenience and protection as the Government's proposal does.

We trust that you will give our proposed solution due consideration and look forward to sharing our views with the Food Panel on 6 June 2006. We acknowledge the progress already made by Government (via the exemption arrangements) and look forward to working with relevant parties to make any further changes as constructive and consumer-focused as possible.

Yours sincerely,



Anita Bagaman (Miss)
Executive Director

Copy:

Mr Gregory Leung, Director, Food & Environmental Hygiene Department
Legco Food Safety & Environmental Hygiene Panel Members
Mr Eddie Chan, Permanent Secretary for Health Welfare & Food
Mr Yu Pang Chun, Convener Retail Task Force
Mr David Hooi, Secretary, Business Facilitation Advisory Committee