

**For discussion
on 10 July 2007**

LegCo Panel on Food Safety and Environmental Hygiene

A Pre-Statutory Voluntary Notification Scheme for Food Importers and Distributors

Purpose

This paper briefs Members on a Centre for Food Safety's (CFS') proposal to launch a pre-statutory voluntary notification scheme to facilitate the creation of a register of food importers and distributors in Hong Kong.

Background

2. In response to past incidents concerning imported food, the Government has announced a package of new measures to ensure the safety of imported food. One of these new initiatives is to require food importers in Hong Kong to register with the CFS so that in the event of a food incident, the CFS can more readily identify the importer(s) concerned, trace the source of the problem food and take necessary action. While the existing food law has provisions to enable the CFS to obtain some information of importers of certain foods, it does not empower the CFS to require registration of these importers and importers of other food types. The Administration is in the process of preparing the necessary legislation to make it a mandatory requirement for all businesses engaged in food importation to submit to the CFS their relevant company information, contact details and the main food types which they import, so that the CFS can build up a register of all food importers in Hong Kong. In order to monitor the food supply chain in Hong Kong, it is necessary for CFS to identify not only the food importers but also the food distributors (i.e. those operate as intermediaries between the food importers and retailers). We therefore propose to extend the scope of the mandatory notification requirement to cover not only food importers but also food distributors in Hong Kong.

3. In light of growing public concern over food safety and new concepts and practices being developed and adopted by overseas jurisdictions in recent years in managing similar food incidents, we will draft a new food safety legislation to enhance food safety control and bring our food law in line with the best international practice. The new food safety legislation will introduce

new concepts and principles, which include defining clearly the food safety requirements and responsibilities of food business operators, enhancing the capability of food traceability through registration of food business operators and mandatory record keeping of food movement, and the setting out of a food recall procedure. The drafting of the new food safety legislation involves the review, consolidation and update of the existing food legislation. We will consult Members when we have completed our review of the food legislation and a set of legislative proposal is available.

A Pre-Statutory Voluntary Notification Scheme

4. As it will take time to formulate the new food safety law, we propose to introduce a Pre-Statutory Voluntary Notification Scheme (the Scheme) for food importers and distributors before the enactment of the new law. The objectives of the Scheme are to -

- (a) identify the food importers and distributors so that the CFS can enlist their support and cooperation in the event of a food incident before the new food safety legislation and the mandatory notification scheme come into force;
- (b) enable the trade to familiarize with the future mandatory requirement; and
- (c) enable the CFS to enhance the design and management of the mandatory notification scheme through practical experience.

Implementation details

5. Pending the enactment of the new food safety legislation, we will encourage food importers and distributors to submit some major details of their business to the CFS (e.g. business registration number, address and telephone number, the main food types of the businesses, name of the people-in-charge and his telephone, fax etc). The information will facilitate the CFS to enhance communication and consultation with the food industry (e.g. regarding the design of the future mandatory notification scheme and the content of the new food safety law), notify them of any food concerns or alerts, and contact the businesses concerned more easily in the event of a food incident. Through the Scheme, CFS will advise the trade to keep record of the movement of their food as good business practice and to assist in enhancing food traceability. We also propose that, subject to the consent of the food business operators, the names of those companies under the Scheme be uploaded to the CFS website for reference by the local food trade and

overseas food suppliers.

6. The proposed pre-statutory voluntary scheme will model on the similar but smaller scale “poultry egg importer voluntary enrollment scheme” which was launched by the CFS in December 2006 after the Sudan Red incident and extended to all egg wholesalers and distributors in January 2007. Up to end of May, 70 egg importers and 43 egg wholesalers/distributors have enrolled with the CFS and the list is available on the CFS website.

Implementation Timetable

7. To ensure an orderly arrangement and allow time for consultation with the individual categories of food importers and distributors, we propose the following phased implementation of the pre-statutory voluntary notification scheme -

Time	Food Types
August 2007	Game, meat and poultry carcasses
September 2007	Live food animals/ poultry
October 2007	Milk, milk beverage, cream and frozen confection
November 2007	Vegetables and fruits
December 2007	Fish and fishery products
2008	Other food categories

8. Under the Imported Game, Meat and Poultry Regulations (IGMPR), importers of frozen and chilled game, meat and poultry carcasses are required to apply for import permit with the CFS as an administrative arrangement. Amendment to the IGMPR is underway to require mandatory notification for importers and distributors of poultry eggs. The Administration will consider the feasibility of incorporating mandatory notification for importers and distributors of game, meat and poultry carcasses into the amendment regulation in one go.

Consultation

9. We consulted the trade, including importers, distributors and retailers, through the CFS’ Trade Consultation Forum on 26 June 2007. Participants in general supported the implementation of the pre-statutory notification scheme. As for the mandatory notification scheme, major concerns expressed were on whether a user fee is required, record keeping requirements, and when the new food safety legislation is to be enacted. We have consulted the Advisory Council on Food and Environmental Hygiene on 5 July and will consult the relevant trade according to the proposed timetable set out in paragraph 7.

Advice Sought

10. Members are invited to comment on the proposed pre-statutory voluntary notification scheme.

**Food and Health Bureau
Food and Environmental Hygiene Department
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