



25 June 2009

Dr. Constance Chan
Controller, Centre for Food Safety
Food and Environmental Hygiene Department
45/F., Queensway Government Offices
66 Queensway, Hong Kong

(By fax 2536 9731 & by mail)

Dear Dr. Chan,

Re: "Small Volume Exemption (SVE) Scheme"

We refer to the briefing on application procedures under the "Small Volume Exemption (SVE) Scheme" on 2 June 2009 and to the Legislative Council Panel on Food Safety and Environmental Hygiene Special Meeting on 22 June 2009.

We are pleased to learn that the Government is considering some flexibility in the following situations:

1. When the total sales volume of an exempt prepackaged food exceeds 30,000 units; and
2. When the Government laboratory test results are different from the results provided by the supplier.

Regarding the total sales volume of 30,000 units, we note that the Food and Environmental Hygiene Department (FEHD) already has the discretion under Schedule 6 Part 2 of not revoking an exemption. Furthermore, before an exemption can be revoked, the FEHD must:

- (a) notify the grantee in writing of (i) his intention to revoke the exemption; and (ii) the grounds upon which the FEHD proposes to revoke the exemption;
- (b) permit the grantee to make representations to the FEHD in writing within the period specified in the notice; and
- (c) consider the representations, if any, made by the grantee.



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If the FEHD revokes an exemption, the FEHD shall, as soon as practicable, notify the grantee in writing and specify in the notice (a) the grounds for the revocation; and (b) the date on which the revocation is to take effect.

A revocation takes effect 30 days from the date on which a revocation decision is made.

The Association proposes that the FEHD should introduce guidelines whereby the grantee is granted 21 days to reply to the initial notice of intent to revoke the exemption and that the FEHD will not issue notice of revocation of an exemption until 14 days from the grantee's reply or 35 days from initial FEHD letter if no reply is received from the grantee.

The Association also requests that revocation decisions are also notified publicly, and not just to the grantees, to ensure that retailers are immediately made aware of such decisions.

Under the proposal above, we believe that the trade should have sufficient time to sell through stock that loses its exemption status.

We also urge the FEHD to exercise its discretion not to revoke exemptions immediately, especially in the initial stages of the small volume exemption when the trade is becoming accustomed to the scheme.

Yours faithfully,



Philippe Giard
Chairman

Government Regulations Sub-Committee
Hong Kong Retail Management Association

c.c. Dr. York CHOW, SBS, JP, Secretary for Food and Health, HKSAR
Prof. Gabriel M LEUNG, JP, Under Secretary for Food and Health, HKSAR
Mrs. Stella HUNG, JP, Permanent Secretary for Food and Health (Food), HKSAR
Mr. WH CHEUK, JP, Director of Food and Environmental Hygiene, HKSAR
Panel on Food Safety & Environmental Hygiene, LegCo, HKSAR