

立法會
Legislative Council

Ref : CB2/BC/1/09

LC Paper No. CB(2)2241/09-10
(These minutes have been seen
by the Administration)

Bills Committee on Food Safety Bill

**Minutes of meeting
held on Thursday, 22 July 2010, at 8:30 am
in the Chamber of the Legislative Council Building**

Members present : Hon Fred LI Wah-ming, SBS, JP (Chairman)
Hon WONG Yung-kan, SBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, SBS, JP
Hon WONG Kwok-hing, MH
Dr Hon Joseph LEE Kok-long, SBS, JP
Hon WONG Ting-kwong, BBS, JP
Hon CHAN Kin-por, JP
Hon Alan LEONG Kah-kit, SC

Members absent : Hon Cyd HO Sau-lan
Hon CHEUNG Kwok-che
Hon WONG Yuk-man

Public Officers attending : Item I

Mr Philip CHAN Kwan-ye, JP
Deputy Secretary for Food and Health (Food)2

Miss Gillian LAM Yuk-ting
Principal Assistant Secretary for Food and Health (Food)1
(Acting)

Dr LEE Siu-yuen
Assistant Director (Food Surveillance & Control)
Centre for Food Safety
Food and Environmental Hygiene Department

Mr Paul John O'BRIEN
Senior Assistant Law Draftsman
Department of Justice

Ms Angie LI Sau-lee
Government Counsel
Department of Justice

Attendance by invitation : Item I

Consumer Council

Ms Rosa WONG
Head, Research & Trade Practices Division

Federation of Hong Kong Industries

Mr Eddy LEE
Deputy Chairman

Hong Kong New Territories Fish Culture Association

Mr LAI Loi-chau
Director

全港公共街市販商大聯盟

Mr WONG Chai-wai

Kowloon Fruit & Vegetable Merchants Association

Mr Benwick IP
Executive Secretary

Hong Kong & Kowloon Merchants & Hawkers Association Limited

Mr FUNG Mun-hong

Aberdeen Fishery & Seafood Merchants Association

Mr CHAN Fu-ming
Chairman

Hong Kong Vegetable Union

Mr WONG Ching-keung

Fung Kwai Tong Eggs Merchant Association

Mr YOUNG Kam-yim

Hong Kong Fishery Alliance

Mr KEUNG Siu-fai

香港漁民總社

Mr FUNG Tim-kan

Aberdeen Fishermen Friendship Association

Mr KWOK Yung-shing

Association for Betterment of Licensed Hawkers

Mr LEONG Kin-shut

Hong Kong Suppliers Association

Mr Albert TANG
Chairman

Hong Kong Fishermen Consortium

Mr CHEUNG Siu-keung
Chairman

The Rice Merchants' Association of Hong Kong Ltd.

Mr Kenneth CHAN
Chairman

Hong Kong, Kowloon, New Territories and Overseas Fish
Wholesalers Association

Mr HUI Hon-man
Director

The Hong Kong Food Council

Mr Arthur TSOI
Executive Committee

Hong Kong Chamber of Seafood Merchants Ltd.

Mr Andy YIK Kwok-leung
Vice-Chairman

Hong Kong Medical Association

Dr TSE Hung-hing
President

Clerk in attendance : Miss Mary SO
Chief Council Secretary (2) 5

Staff in attendance : Mr Stephen LAM
Assistant Legal Adviser 4

Ms Maisie LAM
Senior Council Secretary (2) 6

Ms Sandy HAU
Legislative Assistant (2) 5

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I. Meeting with deputations and the Administration

[LC Paper Nos. CB(2)2102/09-10(01) to (05) and CB(2)2104(01) to (03)]

The Bills Committee deliberated (index of proceedings attached at **Annex I**).

2. The Bills Committee received views from the following organisations on the Food Safety Bill ("the Bill") -

- (a) Consumer Council;
- (b) Federation of Hong Kong Industries
[LC Paper No. CB(2)2104/09-10(01)];
- (c) Hong Kong New Territories Fish Culture Association;
- (d) 全港公共街市販商大聯盟;
- (e) Kowloon Fruit & Vegetable Merchants Association
[LC Paper No. CB(2)2102/09-10(01)];
- (f) Hong Kong & Kowloon Merchants & Hawkers Association
Limited;

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- (g) Aberdeen Fishery & Seafood Merchants Association;
- (h) Hong Kong Vegetable Union;
- (i) Fung Kwai Tong Eggs Merchant Association;
- (j) Hong Kong Fishery Alliance
[LC Paper No. CB(2)2102/09-10(02)] (*Joint submission*);
- (k) 香港漁民總社
[LC Paper No. CB(2)2102/09-10(02)] (*Joint submission*);
- (l) Aberdeen Fishermen Friendship Association;
- (m) Association for Betterment of Licensed Hawkers;
- (n) Hong Kong Suppliers Association;
- (o) Hong Kong Fishermen Consortium;
- (p) The Rice Merchants' Association of Hong Kong Ltd.;
- (q) Hong Kong, Kowloon, New Territories and Overseas Fish Wholesalers Association;
- (r) The Hong Kong Food Council
[LC Paper No. CB(2)2102/09-10(03)];
- (s) Hong Kong Chamber of Seafood Merchants Ltd.; and
- (t) Hong Kong Medical Association
[LC Paper No. CB(2)2104/09-10(02)].

3. The Bills Committee also noted the written submissions from the following organisations -

- (a) Hong Kong Retail Management Association
[LC Paper No. CB(2)2102/09-10(04)];
- (b) Institution of Dining Art
[LC Paper No. CB(2)2102/09-10(05)];
- (c) Hong Kong Catering Industry Association
[LC Paper No. CB(2)2104/09-10(03)];

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(d) 港九水上漁民福利促進會
LC Paper No. CB(2)2102/09-10(02)] (*Joint submission*); and

(e) Hong Kong Fisherman & Aquatic Commerce Association
[LC Paper No. CB(2)2102/09-10(02)] (*Joint submission*).

4. Major views expressed by deputations are summarised in **Annex II**.

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5. The Administration undertook to consider the views expressed by deputations and members, in particular their concerns on the requirement that capture or transaction records for live aquatic products and food with a shelf-life of three months or less must be kept for a period of three months.

II. Date of next meeting

6. The Bills Committee would next meet on Wednesday, 29 September 2010 at 10:45 am.

7. There being no other business, the meeting ended at 11:35 am.

Council Business Division 2
Legislative Council Secretariat
9 September 2010

**Proceedings of the meeting of the
Bills Committee on Food Safety Bill
on Thursday, 22 July 2010, at 8:30 am
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000528	Chairman	Welcoming remarks	
000529 - 000847	Consumer Council	Presentation of views	
000848 - 001235	Federation of Hong Kong Industries	Presentation of views [LC Paper No. CB(2)2104/09-10(01)]	
001236 - 001414	Hong Kong New Territories Fish Culture Association	Presentation of views	
001415 - 001704	全港公共街市販商大聯盟	Presentation of views	
001705 - 001807	Hong Kong & Kowloon Merchants & Hawkers Association Limited	Presentation of views	
001808 - 001944	Aberdeen Fishery & Seafood Merchants Association	Presentation of views	
001945 - 002105	Kowloon Fruit & Vegetable Merchants Association	Presentation of views [LC Paper No. CB(2)2102/09-10(01)]	
002106 - 002246	Hong Kong Vegetable Union	Presentation of views	
002247 - 002526	Fung Kwai Tong Eggs Merchant Association	Presentation of views	
002527 - 002840	Hong Kong Fishery Alliance	Presentation of views [LC Paper No. CB(2)2102/09-10(02)]	
002841 - 003013	香港漁民總社	Presentation of views [LC Paper No. CB(2)2102/09-10(02)]	
003014 - 003322	Aberdeen Fishermen Friendship Association	Presentation of views	
003323 - 003425	Association for Betterment of Licensed Hawkers	Presentation of views	
003426 - 003712	Hong Kong Suppliers Association	Presentation of views	
003713 - 003957	Hong Kong Fishermen Consortium	Presentation of views	
003958 - 004117	The Rice Merchants' Association of Hong Kong Ltd.	Presentation of views	

Time marker	Speaker	Subject	Action required
004118 - 004346	Hong Kong, Kowloon, New Territories and Overseas Fish Wholesalers Association	Presentation of views	
004347 - 004445	The Hong Kong Food Council	Presentation of views [LC Paper No. CB(2)2102/09-10(03)]	
004446 - 004649	Hong Kong Chamber of Seafood Merchants Ltd.	Presentation of views	
004650 - 004936	Hong Kong Medical Association	Presentation of views [LC Paper No. CB(2)2104/09-10(02)]	
004937 - 012119	Chairman Admin	<p>The Administration responded that -</p> <ul style="list-style-type: none"> (a) by virtue of clause 15 of the Food Safety Bill ("the Bill"), the register of registered food importers and registered food distributors would be made available for public inspection; (b) the Administration had appointed a management consultant to conduct a Business Impact Assessment ("BIA") to study the implications of the Bill on the trade, in particular the small and medium enterprises ("SMEs"). The consultant had reviewed comparable food safety legislation overseas and found that the proposals in the Bill were generally in line with overseas practices. The consultant had also conducted face-to-face interviews with some 50 food traders or associations playing different roles in the food supply chain to collect their views on the proposals in the Bill. Of these, 35 were SME traders. For most of the traders interviewed, record-keeping was already an established practice for tax filing purpose as it was a legal requirement to maintain transaction records for seven years under the Inland Revenue Ordinance (Cap. 112). It was also found that the implications of the Bill on operating cost of the food trade would be minimal; (c) the Administration would promulgate guidelines and educate the food trade to facilitate their compliance with the proposed requirements under the Bill. To allow sufficient time for traders to adapt to the new requirements, the penalty provisions for failing to register and the record-keeping requirements would commence after a grace period of six months after the registration scheme started; (d) parallel imports (水貨客) who were found not registered under the Bill as an importer would be caught by the law for non-compliance with the registration requirement; (e) in the event of any problem arising from the Mainland food (including vegetables and aquatic products) supplied to Hong Kong, the 	

Time marker	Speaker	Subject	Action required
		<p>Administration would liaise with the relevant Mainland authorities for follow-up investigation;</p> <p>(f) the transaction records to be maintained by food traders required only the essential information covering the date of the transaction; the name and contact details of the supplier; the place from which the food was imported (for imported food only); the name and contact details of the person to whom the food is supplied (i.e the buyer); and a description of the food, including total quantity. There was no specified format for the records of each transaction to be maintained and traders were free to use their own means to meet the record-keeping requirements as long as the record contained the required information of the transaction;</p> <p>(g) the Centre for Food Safety (CFS) had launched pilot exercises for record keeping in market stalls, fixed pitch hawker stalls, licensed/permitted food premises and other food shops selling different food categories in Central and Western, Wan Chai, Sham Shui Po, Yau Tsim Mong, Tuen Mun and Yuen Long. Whilst some traders were not familiar with the requirement initially, they had no problem complying gradually with more guidelines;</p> <p>(h) food importers or distributors who had already registered or had obtained a licence/permission under other Ordinances as set out in Schedule 1 of the Bill, such as registered stockholders of reserved commodities who had already registered under regulation 13 of the Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Cap. 296A), operators of food factories who had obtained relevant licence under Part IV of the Food Business Regulation (Cap. 132X), fish farmers holding a licence under section 8 or a permit under section 14 of the Marine Fish Culture Ordinance (Cap. 353), and fishermen who were the certificated owners of Class III vessels and had obtained relevant licence under the Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation (Cap. 548D), would be exempted from the registration requirement as a trade facilitation measure since the Government already possessed their information;</p> <p>(i) fishermen who distributed their capture would be required to maintain capture records. Fishermen could make use of the receipts issued by the Wholesale Fish Markets operated by the Fish Marketing Organization and seafood wholesalers as both capture and distribution record by merely inserting the capture date and area. A numbering system has also been developed to facilitate fishermen to mark the various catch areas in South China Sea; and</p>	

Time marker	Speaker	Subject	Action required
		<p>(j) for those fishermen who sold small volume of catches in the nearby market (近岸作業) e.g. Cheung Chau market, the Government would draw up a list of aquatic products commonly found in Hong Kong waters with pictures and fishermen may make reference to the list and the numbering system to identify their catch</p>	
012120 - 012428	Chairman Admin	<p>The Chairman's suggestion to refer the issue relating to the control on inspection and quarantine for imported fresh food items (including fruits) to the Panel on Food Safety and Environmental Hygiene for follow-up</p> <p>The Administration's response that it did not see the need for introducing more stringent control on import of fresh fruits as according to previous data, fruits were not considered to be items with high health risks. At present, CFS would take samples of food items (including fruits) at import, wholesale and retail levels for microbiological and chemical testing and the overall satisfactory rate was over 99%. As such, it did not see the additional value of centralising the inspection of imported fruits at designated areas. Furthermore, the registration scheme for food importers and distributors and the record-keeping requirement under the Bill would suffice for ensuring food traceability</p>	
012429 - 012945	Mr Tommy CHEUNG Chairman Admin	Commended the thorough work carried out by the Administration in consulting the trade on the proposals of the Bill and urged early implementation of the Bill	
012946 - 014014	Mr Vincent FANG Chairman Admin	<p>Mr FANG's view that the issue relating to the control on import of fruits warranted a separate study; and his concern about the need to require the capture records and the transaction records for highly perishable food be kept for a period of three months</p> <p>The Administration's response that -</p> <p>(a) instead of assigning different record-keeping period for different food types, the proposed two-tier record-keeping period was drawn up based on the shelf-life of the food. The proposed period for retention of capture or transaction records, i.e. three months (for live aquatic products and food with a shelf-life of three months or less) or 24 months (for food with a shelf-life over three months), was in fact the shortest when compared with similar requirements in overseas food safety legislation. For instance, the duration for record-keeping for perishable food items was six and 12 months in the European Union and Australia respectively. The record-keeping period for all food types in the Mainland was two years, regardless of their shelf-life; and</p> <p>(b) the requirement for traders to keep the transaction records for a minimum period of three months was necessary to facilitate investigation and testing for enforcement purpose in the event of food incidents</p>	

Time marker	Speaker	Subject	Action required
		<p>or upon receipt of food complaints, which could take two to three months. Subject to the availability of sufficient evidence to prove that the problem food was unfit for human consumption, prosecution would be initiated against the trader concerned under the Public Health and Municipal Services Ordinance (Cap. 132)</p>	
014015 - 015001	Mr WONG Yung-kan Admin	<p>Mr WONG's view that -</p> <ul style="list-style-type: none"> (a) the three-month record-keeping period for live aquatic products should be shortened as any adverse health effects related to the consumption of these products would be developed within a few days; (b) the proposed legislation should not inadvertently penalise those fishermen who had difficulty to comply with the requirement to keep the capture records. More support and training on compliance with the requirement should be provided for fishermen; and (c) consideration could be given to exempting the fishermen who distributed their capture from the requirement to maintain capture records if the corresponding transaction records maintained by the distributors (such as seafood wholesalers) or retailers had already covered the relevant information <p>The Administration responded that the fish trade associations had been consulted on the Bill and nine additional briefing sessions with the fishermen were held recently to enhance their understanding of the registration and record-keeping requirement. In drawing up the record-keeping proposal, the Administration had endeavored to strike a balance between facilitating food traceability and minimising the impact of the proposal on the operation of the fishermen. It should however be noted that fishermen who distributed their capture had to be responsible for maintaining their capture and distribution records under the Bill, as they were part of the food supply chain and in case of a food incident, the records of each trader along the food supply chain would be checked and verified as part of the investigation. A failure on the part of any person to produce for inspection any record required to be kept by the person under the Bill would render the person liable to criminal proceedings</p>	
015002 - 020545	Ms Audrey EU Admin Chairman	<p>Ms EU's view that instead of requiring across-the-board that the transaction records for food with a shelf-life of three months or less must be kept for a period of three months, consideration could be given to shortening the record-keeping period for fresh food with shorter shelf-life (e.g. two weeks), to, say, one month. In case of food incidents, the Administration could be empowered to request the food traders concerned to maintain the transaction records of the problem food for a longer period to facilitate investigation and testing</p>	

Time marker	Speaker	Subject	Action required
		<p>Ms EU's enquiry about whether primary producers were required to register under the Bill and whether the definition of "shelf-life" would create ambiguity in the interpretation when there was a subsequent change to the nature or substance of the food, such as processing of fresh meat to become chilled meat</p> <p>The Administration responded that -</p> <ul style="list-style-type: none"> (a) primary producers, such as vegetable farmers and fish farmers, who distributed their products and produce would fit the definition of "food distributors" and hence be required to register under the Bill; (b) the Administration had given thought to specifying different record-keeping periods for food with different shelf-life. However, to do so would complicate the record-keeping requirement under the Bill. In addition, if the record-keeping period was too short, it might not be sufficient for testing and investigation purposes. Nevertheless, the Administration would consider members' views in this regard; and (c) "shelf-life" was defined under clause 26(4) of the Bill. In addition, a Code of Practice providing the record-keeping period for different food types would be issued by the Director for Food and Environmental Hygiene under the Bill for the reference of the trade 	<p>Admin (para. 5 of the minutes refers)</p>
020546 - 021533	Chairman Admin	<p>The Chairman's echo of the view that consideration could be given to shortening the record-keeping period for fresh food with short shelf-life to, say, one month, and his concern about the difficulty of the fishermen and small retailers to comply with the proposed record-keeping requirement</p> <p>The Administration reiterated that -</p> <ul style="list-style-type: none"> (a) the requirement for food traders to keep the transaction records for at least three months was necessary to enable the Administration to effectively carry out its investigation and enforcement work in case of food incidents; and (b) training and publicity work would be carried out to educate fishermen and SMEs to comply with the record-keeping requirement 	
021534 - 022330	Mr WONG Kwok-hing Admin Chairman	<p>Mr WONG's enquiry about the follow-up actions taken by CFS in response to a food complaint received on 17 July 2010 concerning the contamination of canned luncheon meat with mercury</p> <p>The Administration's response that the distributing agent of the luncheon meat in question agreed to recall products of the problematic batch. CFS would keep in view the progress of the recall. CFS had also taken</p>	

Time marker	Speaker	Subject	Action required
		samples of the luncheon meat of different batches from retail outlets for testing of mercury. CFS had informed the relevant Mainland authorities of the incident for follow up and maintained close communication with the Mainland authorities	
022331 - 022504	Aberdeen Fishermen Friendship Association	The Association's concern about how the Administration could ensure that in case of food incidents, innocent fishermen would not be wrongly accused of supplying the problem aquatic products as capture from different fishermen were often mixed together at the wholesale and retail level	
022505 - 022911	Hong Kong Fishery Alliance	The Alliance's echo of the concern of the Aberdeen Fishermen Friendship Association and its call for the Administration to exempt fishermen from the proposed record-keeping requirement	
022912 - 023023	香港漁民總社	香港漁民總社's enquiry about how the Bill could strengthen control on the safety of marine fish imported from the Mainland into Hong Kong by the sea route	
023024 - 023245	Aberdeen Fishery & Seafood Merchants Association	The Association's query about the need for maintaining the capture records for a period of three months and the actions to be taken by the Administration if the catch area where the problem local aquatic products came from could be traced	
023246 - 023922	Admin 香港漁民總社	<p>The Administration's response that -</p> <ul style="list-style-type: none"> (a) in line with the established practice, enforcement actions under the Bill would only be taken on the basis of sufficient evidence. CFS would investigate all concerned food traders in case of a food incident and would initiate enforcement actions after taking into account the available evidence; (b) exemption of the importers or distributors of certain food, such as live aquatic products, from the record-keeping requirement would create a loophole in the food supply chain for source traceability. The Administration would however continue to take heed of the views of the fishermen to facilitate their compliance with the capture record-keeping requirement; (c) importers of live marine fish from the Mainland, regardless of their mode of transportation into Hong Kong, would be required to register and keep the transaction records of the source from which the fish was obtained and the business to which the fish was supplied. The Government had maintained close liaison with the Mainland authorities to follow up food incidents. In addition, it was already a requirement under Cap. 132 that food importer must ensure that the food it supplied to the public was fit for human consumption; and (d) with the traceability mechanism, the Administration could be able to narrow down the 	

Time marker	Speaker	Subject	Action required
		investigation scope and identify the problem source speedily. This was in the interest of the trade and the general public	
023923 - 024145	全港公共街市販商大聯盟	全港公共街市販商大聯盟's concern about the lack of consultation with public market stalls on the Bill; the effectiveness of the Bill in enhancing the safe supply of imported food; and the accuracy of the information provided by consumers on which market stall the problem food was bought since the requirement to keep records of supplies of food would not apply to retail supplies to ultimate consumers	
024146 - 024351	Hong Kong Vegetable Union	The Union's concern about the smuggling of Mainland fresh food like fish, fruits and vegetables into Hong Kong through the Man Kam To Control Point; the problem of importing Mainland vegetables from improper sources under the guise of a proper label; and the lack of consultation with vegetable traders on the Bill	
024352 - 024437	Kowloon Fruit & Vegetable Merchants Association	The Association's concern about the lack of consultation with fruit traders on the Bill	
024438 - 025027	Admin	<p>The Administration's response that -</p> <ul style="list-style-type: none"> (a) the consultation on the proposals of the Bill had covered various advisory committees, including the Market Management Consultative Committees of public markets and cooked food markets. In addition, the Administration had consulted the trade (including vegetables) and the relevant stakeholders through meetings with the trade associations representing different sectors of the food trade and individual food traders. If necessary, additional briefing sessions could be held to familiarise the trade with the requirements under the Bill; (b) the issue of importing Mainland vegetables from improper sources under the guise of a proper label had already been discussed at meetings of the Panel on Food Safety and Environmental Hygiene, but in general the Administration would approach the Mainland authorities concerned for follow-up investigation when the source of the problem food was from the Mainland. CFS and Customs and Excise Department had from time to time carried out joint anti-smuggling operations; and (c) if people selling parallel imported food were found not registered under the Bill, they would be caught by the law for non-compliance with the registration requirement. Enforcement would be taken on the basis of intelligence gathered 	
025028 - 025428	Mr Vincent FANG Admin	Urged the Administration to take heed of the concerns of members and deputations regarding the difficulty of the fishermen in complying with the capture record-	

Time marker	Speaker	Subject	Action required
		keeping requirement; the record-keeping period for fresh food with short shelf-life; and the accuracy of the transaction records provided by traders for food tracing The Administration undertook to consider the issue of record-keeping period and other views received at the meeting	Admin (para. 5 of the minutes refers)
025429 - 025752	Mr WONG Yung-kan Admin Chairman	Reiterated the view that the record-keeping period for fresh food with short shelf-life should be less than three months and more training should be provided to fishermen to facilitate their compliance with the capture record-keeping requirement	
025753 - 030022	Chairman Mr Tommy CHEUNG Mr WONG Yung-kan	Date of next meeting	

Council Business Division 2
Legislative Council Secretariat
9 September 2010

Bills Committee on Food Safety Bill

Summary of views/suggestions given by deputations on the Bill

Name of deputation [LC Paper No. of submission]	Views/suggestions
Consumer Council	<ul style="list-style-type: none"> • supports the introduction of the proposed legislation to strengthen legislative control on food safety and urges the early enactment of the Food Safety Bill ("the Bill")
Federation of Hong Kong Industries [LC Paper No. CB(2)2104/09-10(01)]	<ul style="list-style-type: none"> • supports the proposed requirements under the Bill to enhance food traceability • urges the Administration to step up its efforts in combating cross-boundary food smuggling activities; and to publicise the list of registered food importers and distributors so that food businesses could avoid sourcing food from non-registered food suppliers • considers that the requirement for food traders to maintain proper transaction records should be convenient to the traders so as to avoid imposing huge burden on small and medium enterprises; and the Administration should promulgate guidelines and provide training on the record-keeping requirement and only initiate prosecution for repeated contravention of the requirement • suggests that the power to make orders to prohibit the import and supply of problem food and order a mandatory food recall should be vested in an independent body of a nature similar to the Food Standard Agency of the United Kingdom, instead of the Director of Food and Environmental Hygiene (DFEH)
Hong Kong New Territories Fish Culture Association	<ul style="list-style-type: none"> • supports the introduction of the proposed legislation for imposing a requirement for food traders to maintain proper transaction records to enhance food traceability
全港公共街市販商大聯盟	<ul style="list-style-type: none"> • expresses concern that persons failing to comply with the proposed record-keeping requirement will commit an offence and be liable to fine at level 3 and to imprisonment for three months, as a large number of hawkers were self-employed people with low education attainment and may have difficulty to comply with the requirement

Name of deputation [LC Paper No. of submission]	Views/suggestions
	<ul style="list-style-type: none"> ● casts doubt on the effectiveness of the record-keeping requirement to enhance food safety, given the lack of enforcement power of the authority against the primary producer or manufacturer of problem food imported from the Mainland
Hong Kong & Kowloon Merchants & Hawkers Association Limited	<ul style="list-style-type: none"> ● considers the requirement for food traders to keep the transaction records of food with a short shelf-life for a period of three months impractical and unnecessary as many hawkers are elders with low education attainment and most fresh food products will be consumed within a short period of time
Aberdeen Fishery & Seafood Merchants Association	<ul style="list-style-type: none"> ● supports the introduction of the proposed legislation to enhance food safety ● expresses concern about the difficulty for fishermen to comply with the requirement to maintain capture records ● casts doubt on whether the Bill could guarantee food traceability if the problem food is bought from those food retailers which change their retail locations on a daily basis
Kowloon Fruit & Vegetable Merchants Association [LC Paper No. CB(2)2102/09-10(01)]	<ul style="list-style-type: none"> ● urges the Administration to introduce more stringent control on import of fresh fruits such as centralising the wholesaling activities at designated markets for inspection and quarantine before distribution
Hong Kong Vegetable Union	<ul style="list-style-type: none"> ● urges the Administration to step up its efforts to combat the problem of importing Mainland vegetables from improper sources under the guise of a proper label before introducing the proposed legislation to enhance food safety
Fung Kwai Tong Eggs Merchant Association	<ul style="list-style-type: none"> ● supports the introduction of the proposed legislation to enhance food safety ● urges the Administration to introduce more stringent control on import of eggs such as centralising the wholesaling activities of imported eggs at designated markets for inspection and quarantine before distribution

Name of deputation [LC Paper No. of submission]	Views/suggestions
<p>Hong Kong Fishery Alliance [LC Paper No. CB(2)2102/09-10(02)]</p> <p>香港漁民總社 [LC Paper No. CB(2)2102/09-10(02)]</p> <p>Aberdeen Fishermen Friendship Association</p> <p>港九水上漁民福利促進會 [LC Paper No. CB(2)2102/09-10(02)]</p> <p>Hong Kong Fisherman & Aquatic Commerce Association [LC Paper No. CB(2)2102/09-10(02)]</p>	<ul style="list-style-type: none"> ● cast doubt on whether the Bill could guarantee traceability of problem aquatic products and how the Administration could ensure that in case of food incidents, innocent fishermen would not be wrongly accused of supplying the problem aquatic products, given that capture from different fishermen are mixed together at the wholesale and retail level and can hardly be distinguished ● consider the requirement that fishermen who distribute their capture must maintain capture records covering information such as the common name of the capture for a period of three months impractical given the low education level of the elderly fishermen, the limited space of the fishing vessels, and the fact that each capture often involves dozens of fish species ● consider that if the capture record-keeping requirement is to be implemented, the retention period should be shortened as live aquatic products are often bought by final consumers for immediate consumption and any adverse effects related to the consumption would be developed within a few days ● Aberdeen Fishermen Friendship Association considers that failure to comply with the record-keeping requirement should not be considered as a criminal offence
<p>Association for Betterment of Licensed Hawkers</p>	<ul style="list-style-type: none"> ● supports the legislative intent of the Bill to strengthen control on food safety ● urges the Administration to give serious thought to the feasibility of requiring the food traders and fishermen to maintain the transaction and capture records
<p>Hong Kong Suppliers Association</p>	<ul style="list-style-type: none"> ● considers the fee level for registration and renewal of registration acceptable ● considers that there should be no stipulated format for the records of each transaction to be maintained to leave food traders with the flexibility to decide on the most convenient means for them to do so

Name of deputation [LC Paper No. of submission]	Views/suggestions
	<ul style="list-style-type: none"> • urges the Administration to address the issue of parallel import food products as it is likely that these importers will not register with DEFH and this will hinder traceability in case of food incidents • considers that the Administration should not impose the record-keeping requirement, which small food traders and fishermen find difficult to comply, across the board
<p>Hong Kong Fishermen Consortium</p>	<ul style="list-style-type: none"> • supports the introduction of the proposed legislation to enhance food traceability, so that consumers can remain confident in food of the same type but from a different source in case of food incidents • calls on the Administration to take heed of the views of fishermen concerning their difficulty in complying with the requirement to keep capture records; and make continuous efforts to improve the implementation of the record-keeping requirement after enactment of the Bill
<p>The Rice Merchants' Association of Hong Kong Ltd.</p>	<ul style="list-style-type: none"> • supports the introduction of the proposed legislation • considers that rice merchants should be exempted from the registration requirement, as they have already registered with the Trade and Industry Department
<p>Hong Kong, Kowloon, New Territories and Overseas Fish Wholesalers Association</p>	<ul style="list-style-type: none"> • supports the introduction of the proposed legislation to protect public health • expresses concern about the problem of smuggling of food products which, in the Association's view, will hinder food traceability; and consideration could be given to centralising the wholesaling activities of imported aquatic products at designated markets
<p>The Hong Kong Food Council [LC Paper No. CB(2)2102/09-10(03)]</p>	<ul style="list-style-type: none"> • supports the introduction of the proposed legislation to enhance food safety • urges the Administration to enhance its communication with the food trade, in particular the small enterprises and the fishermen, to address the concern over the difficulty in complying with the record-keeping requirement

Name of deputation [LC Paper No. of submission]	Views/suggestions
Hong Kong Chamber of Seafood Merchants Ltd.	<ul style="list-style-type: none"> • supports the introduction of the proposed legislation • casts doubt on whether the Bill could guarantee traceability of problem aquatic products as products from different sources are mixed together at the retail level • considers that it is difficult for fishermen with low education level to maintain capture records covering information such as the common name of the capture, as each capture often involves dozens of fish species • urges the Administration to step up its efforts in communicating with the food trade to enable the trade to familiarise with the future registration and record-keeping requirements • suggests that the Administration should issue reminder on renewing registration to registered importers and distributors whose registration is due to expire
Hong Kong Medical Association [LC Paper No. CB(2)2104/09-10(02)]	<ul style="list-style-type: none"> • supports the Bill and urges the Administration to review the regulation, if any, over the control of the food manufacturing industry to ensure that they are sufficiently stringent as compared to the Bill • expresses concern about the lack of sufficient provision in the Bill to require DFEH to disclose essential information to the public especially those about refusal of applications of renewal of registration, revocation of registration and information concerning the issuance of food safety orders, etc, which would help to alert the public to stop consuming those unsafe food products which are already in their possession, even before any recall procedures
Hong Kong Retail Management Association [LC Paper No. CB(2)2102/09-10(04)]	<ul style="list-style-type: none"> • supports the Bill for the sake of safeguarding public health • suggests that a monitoring system (e.g. in the form of an expert committee) should be put in place to review or regulate the DFEH's issuance of mandatory recall order

Name of deputation [LC Paper No. of submission]	Views/suggestions
	<ul style="list-style-type: none"> • considers that the period allowed for making an appeal to the Municipal Services Appeal Board (MSAB) against the food safety order, i.e. 28 days after becoming bound by the order, insufficient if the trader concerned has to conduct repeated food tests to assure accuracy of the results • suggests that person bound by a food safety order should be awarded compensation from the Government for loss suffered as a result of the order if an appeal has been made to MSAB and the Board has set aside DFEH's order, without requiring the person to also prove that DFEH did not have reasonable grounds to make the order at the time of making the order
Institution of Dining Art [LC Paper No. CB(2)2102/09-10(05)]	<ul style="list-style-type: none"> • supports the introduction of the proposed legislation to enhance food safety • urges the Administration to provide sufficient time for food traders to adapt to the new registration and record-keeping requirements after the registration scheme starts
Hong Kong Catering Industry Association [LC Paper No. CB(2)2104/09-10(03)]	<ul style="list-style-type: none"> • supports the introduction of the proposed legislation to enhance food traceability • welcomes the Administration's decision to drop the proposal to make it an offence in the Bill for any person to knowingly sell food obtained from unregistered food importers or distributors (unless they are exempted) in the course of a trade or business; and to exempt persons who have already obtained a relevant permission or licence under the Food Business Regulation (Cap. 132X) from the registration requirement • considers that the Administration should ensure that small enterprises are able to meet the requirement of maintaining the transaction records of live aquatic products and food with a shelf-life of three months or less for a period of three months. Otherwise the Administration should shorten the record-keeping period or lower the level of penalty for failing to comply with the requirement

Name of deputation [LC Paper No. of submission]	Views/suggestions
	<ul style="list-style-type: none">• urges the Administration to step up publicity before the commencement of the legislation to raise awareness of the food traders, in particular hawkers and small enterprises, on the record-keeping requirement

Council Business Division 2
Legislative Council Secretariat
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