

*Food safety regulatory framework
in selected places*

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Executive summary

1. This research studies the food safety regulatory systems in four selected places, namely Australia, Singapore, South Korea and Taiwan.

Regulatory authorities

2. Apart from Singapore where food safety is managed by a one-stop statutory authority, Agri-Food and Veterinary Authority (AVA), there is no single agency responsible for all matters relating to the regulation and enforcement of food safety in the selected places studied.
3. In Australia, the responsibilities for food safety are divided into three distinct areas, namely policy development, standards setting, and implementation and enforcement of food standards, which are undertaken by different authorities respectively at both the national and state/territory levels. In Taiwan, the responsibilities for food safety are shared between two government agencies at the central level, with the Council of Agriculture (COA) being responsible for pre-market control and the Department of Health dealing with post-market monitoring of food safety. In South Korea, there are a number of government ministries and agencies regulating and monitoring food safety, often with overlapping duties.
4. In Australia, South Korea and Taiwan, the enforcement of food safety regulations is the primary responsibility of the local governments and agencies, such as local health departments and local food authorities.

Food safety regulations

5. The food safety management systems in Singapore, South Korea and Taiwan are based on a range of somewhat different laws and associated rules and regulations on various food sectors and products. In Australia, however, in order to maximize consistency in the implementation of food safety regulations across all jurisdictions, the government has been developing a single food code containing a set of nationally agreed food standards, the *Australian New Zealand Food Standards Code*, to provide a basis for nationally-uniform food safety legislation for Australia.

6. In Australia, the development of food standards is an open process which allows for the involvement of external parties. Any individuals or organizations in Australia as well as in other places may submit applications to the Food Standards Australia New Zealand, a statutory authority responsible for setting food standards, to initiate an assessment process for amending or developing a food standard.

Penalties for breaches of food regulations

7. In all the selected places, penalties associated with breaches of food laws commonly include fines and imprisonment. However, due to high litigation costs, the Australian states and territories often adopt informal enforcement actions to address non-compliance such as education and warnings, instead of pursuing prosecution right away. South Korea also imposes a range of administrative sanctions against breaches of food law in addition to penal sanctions, such as rectification orders, seizure of products and cancellation of business licences.
8. Among the places studied, only Taiwan implements an incentive system under which any person who reports a case of non-compliance will be given 5% of the amount of fines imposed by the local authority concerned.

Registration requirements for food businesses

9. The selected places have all imposed some forms of registration and/or licensing requirements for food business operators. Nonetheless, there is no single procedure or authority governing the registration of all types of food businesses in these places.
10. In Australia, food businesses have to either notify or register with the appropriate local authority prior to commencing operation in accordance with the requirements under the state or territory food acts. Singapore imposes sector-specific requirements on food businesses, where traders of primary food products are required to obtain a licence from AVA, and importers of processed food are required to register with AVA. In South Korea, food businesses are required to obtain approval or a licence from either the Korean Food and Drug Administration (the principal enforcement agency of food safety) or the local government. Food dealers in Taiwan are required to apply for a Certificate of Registration of Food Dealership issued by COA's Agriculture and Food Agency, and complete additional registration processes with appropriate authorities depending on the type of business they operate.

Traceability and record keeping

11. In Australia, it is stipulated in the *Australian New Zealand Food Standards Code* that food businesses must be able to identify where their products come from, whereas both South Korea and Taiwan have provided a definition of traceability in their food legislation. South Korea and Taiwan also implement traceability programmes for some categories of domestic products, where participation of food operators in most of these programmes is voluntary.
12. In terms of record keeping, similar information requirements are imposed in Australia, South Korea and Taiwan to facilitate food tracing. Besides, both South Korea and Taiwan also require food operators participating in the traceability programmes to keep traceability information using computer-assisted means and make available some of the information to the public. Unlike these two places, Australia does not prescribe a record keeping method for food businesses.
13. Taiwan and some jurisdictions in Australia have set out explicit requirements relating to the retention period during which food businesses have to keep traceability records. While traceability requirements are not specified under Singapore's food acts, food manufacturing and processing establishments are encouraged to establish documentation and record keeping under the Food Factory Grading System.

Food labelling

14. General food labelling requirements have been laid down by all the selected places, with some core information required on the label being in common. Further, new regulations on labelling have recently been introduced or are being considered by food regulators in these places to reflect different local concerns.

Food safety regulatory framework in selected places

Chapter 1 – Introduction

1.1 Background

1.1.1 In Hong Kong, after working on a *Food Safety Bill* to step up food safety measures for better protection of public health for more than two years¹, the Government introduced the new *Food Safety Bill* to the Legislative Council in June 2010. Key measures being proposed include introducing a mandatory registration scheme for food importers and distributors, requiring food traders to maintain proper transaction records, and empowering the Director of Food and Environmental Hygiene (DFEH) to require wholesalers and retailers to stop selling and recall problem food.

1.1.2 In response to the growing public concern about food safety issues, the Government introduced the *Public Health and Municipal Services (Amendment) Bill 2008* in 2008-2009, prior to the introduction of the *Food Safety Bill*. The amendment bill aimed to empower DFEH to make orders to prohibit the import and supply of problem food as well as to recall the problem food. It was passed by the Legislative Council in April 2009 and came into operation in May 2009.

1.1.3 With a view to facilitating deliberation of the relevant issues relating to the proposed *Food Safety Bill*, the Panel on Food Safety and Environmental Hygiene (the Panel), at its meeting on 8 December 2009, requested the Research Division to conduct a research on the food safety regulatory framework in selected places. Further, the Panel agreed that the Research Division should study relevant issues in Australia, Singapore, South Korea and Taiwan.

1.2 Scope of research

1.2.1 This research focuses on the latest development in the food safety mechanism in the selected places in terms of the following aspects:

- (a) food safety regulatory framework, covering major responsible authorities, food legislation and enforcement tools;

¹ Legislative Council Secretariat (2010).

- (b) registration requirements for food business operators;
- (c) monitoring measures, including traceability or record keeping requirements; and
- (d) food labelling requirements.

1.3 Places under study

1.3.1 In Australia, while locally-based producers provide over 90% of domestic food consumption, food imports have been increasing steadily in recent years due to changing population composition and related shifts in food preferences as well as growing supply of low-cost food from other markets. In managing food safety, Australia has adopted a whole-of-chain approach, which is a preventive approach to deal with significant food safety risks across the whole food supply chain. The Australian food laws are designed to apply equally to imported and locally produced food. Further, under the *Australia New Zealand Food Standards Code*, it is a legal requirement for food businesses to notify the appropriate agencies before commencing operation. Manufacturers, wholesalers and importers of food are required to have a record keeping system in place to facilitate tracing and retrieval of problem food.

1.3.2 Similar to Hong Kong, Singapore imports over 90% of its food. The food safety regulatory framework in Singapore is governed by a range of acts and subsidiary legislation administered by a single statutory authority, the Agri-Food and Veterinary Authority (AVA). AVA adopts a holistic food safety system, encompassing accreditation of source farms and establishments, import control, inspection, sampling and analysis, as well as control of origin of food to ensure that all food entering Singapore is compliant with the food safety standards and labelling requirements. Singapore also maintains a licensing system for traders of fruits, vegetables, meat and fish, and a registration system for importers of processed food.

1.3.3 South Korea is among the top eight food importers in the world. In South Korea, the *Food Sanitation Act* and various food laws provide the legal framework for food safety, and the management of food safety is the shared responsibility of multiple ministries and authorities. Food manufacturers and processors are required to obtain approval from relevant enforcement authorities before commencing operation. Meanwhile, the Korean government has adopted specific strategies and policies to protect consumers, such as introducing legislation to promote traceability in domestic agricultural products, and implementing a web-based food traceability system to provide instant access to details of agricultural and beef products via the Internet, retail store kiosks and mobile phones.

1.3.4 Like Singapore, Taiwan also relies heavily on food imports, which account for over 70% of the domestic consumption. In Taiwan, the responsibility of food safety is shared by the Council of Agriculture (COA) and the Department of Health (DOH). A new food safety authority, the Taiwan Food and Drug Administration of DOH, has recently been inaugurated to integrate the relevant regulatory activities previously undertaken by several agencies within DOH. In Taiwan, all food products must comply with the *Food Sanitation Control Act*, the related enforcement rules and a series of food standards. Food distributors and importers are required to complete specific registration procedures before commencing their business. Further, COA has implemented a voluntary traceability system for certain domestically produced agri-products and processed products, with specific record keeping requirements.

1.4 Research method

1.4.1 This research adopts a desk research method, which involves literature review, documentation analysis, Internet research and correspondence with relevant authorities.

Chapter 2 – Australia

2.1 Background

2.1.1 In Australia, the Commonwealth government has no explicit constitutional power to regulate domestic food supply. The development and enactment of food regulations is the responsibility of the states and territories. In the past, there were significant differences in food regulations among these Australian jurisdictions. Over the last three decades, there has been a series of reforms aimed at unifying the food regulatory system, with growing momentum being seen in the past 10 years.

2.1.2 In November 2000, the Australian Commonwealth and state and territory governments signed the Inter-Governmental Agreement on Food Regulation (the Food Agreement), committing to a new regulatory system that sought to "implement a co-operative national system of food regulation". In addition to the protection of public health and safety, the objectives of the Food Agreement also include harmonizing food standards, increasing consistency in enforcement, reducing regulatory burdens, and recognizing responsibility for food safety at all levels of government and across a variety of portfolios (such as primary industries and health).

2.1.3 Underpinned by the Food Agreement and the Joint Food Standards Setting Treaty², the current Australian food regulatory system came into force on 1 July 2002, and, for the first time, introduced a whole-of-government and whole-of-chain approach to food standards and policy guidelines in Australia. The Australian government relies on the Food Agreement to coordinate a national approach to regulate areas such as imported and exported food, and the Joint Food Standards Setting Treaty to ensure consistent interpretation and enforcement of food standards.

² The Treaty was signed between Australia and New Zealand in 1995 for establishing a framework to harmonize food standards between the two countries.

2.2 Food safety regulatory framework

2.2.1 In Australia, several key bodies play an overarching regulatory role in developing and setting food policies and regulations at the national level. They are:

- (a) Australia and New Zealand Food Regulation Ministerial Council (Ministerial Council);
- (b) Food Regulation Standing Committee (FRSC); and
- (c) Food Standards Australia New Zealand (FSANZ).

Australia and New Zealand Food Regulation Ministerial Council

2.2.2 The Ministerial Council is established under the Food Agreement to develop food regulation policy and policy guidelines for setting domestic food standards. The Ministerial Council also has the authority to adopt, amend or reject the food standards developed by FSANZ, and to request that these standards be reviewed. Its membership comprises Ministers responsible for food regulation from the Australian states and territories as well as the New Zealand government.

Food Regulation Standing Committee

2.2.3 FRSC is responsible for coordinating policy advice to the Ministerial Council and ensuring a nationally consistent approach for the implementation and enforcement of food standards. FRSC develops its own programmes of work in response to Ministerial Council's direction and reports to the Council on its progress in the implementation of these programmes. FRSC comprises senior government officials from the Commonwealth, New Zealand, and the Australian states and territories.

Food Standards Australia New Zealand

2.2.4 FSANZ is a bi-national statutory authority operating under the *Food Standards Australia New Zealand Act 1991 (FSANZ Act)*. According to this *Act*, the three statutory objectives of FSANZ in descending order of priority are:

- (a) protection of public health and safety;
- (b) provision of adequate information to facilitate informed customer choices; and
- (c) prevention of misleading or deceptive conduct.

2.2.5 These objectives are achieved through FSANZ's primary responsibility of setting standards and regulations relating to the composition, labelling and contaminants of food across the whole supply chain. In Australia, FSANZ also undertakes a range of other functions, such as coordinating national food surveillance activities and food recalls, providing information to enable informed consumer choices, conducting research, and providing risk assessment advice on imported food.³ Nevertheless, FSANZ only sets regulatory standards and has no enforcement power.

Major food regulations

Australia New Zealand Food Standards Code

2.2.6 Food standards developed by FSANZ are grouped together to constitute the *Australia New Zealand Food Standards Code* (the Code). The development of these food standards helps reduce the prescription of food regulations and promote national consistency in the implementation of food regulations in Australia. The Code contains around 70 food standards, which are organized into four Chapters:

- (a) Chapter 1 contains general food standards (including labelling and genetically modified food) applicable to all types of food;

³ New Zealand maintains its own arrangements for these functions.

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-
- (b) Chapter 2 contains food product standards affecting particular types of food;
 - (c) Chapter 3 contains food safety standards, which deal with food hygiene issues; and
 - (d) Chapter 4 contains standards for primary production of agricultural commodities.⁴

2.2.7 The Code was gazetted in December 2000 to become the sole food code in Australia, and is given legal force through the Australian Commonwealth and state and territory food legislation. The Code is enforced by the food agencies of the Australian states and territories, which should ensure that the Code's requirements are met in conjunction with other applicable laws, such as the provisions concerning representations about food and beverages (i.e. labels and advertising) set out in the *Trade Practices Act 1974*.

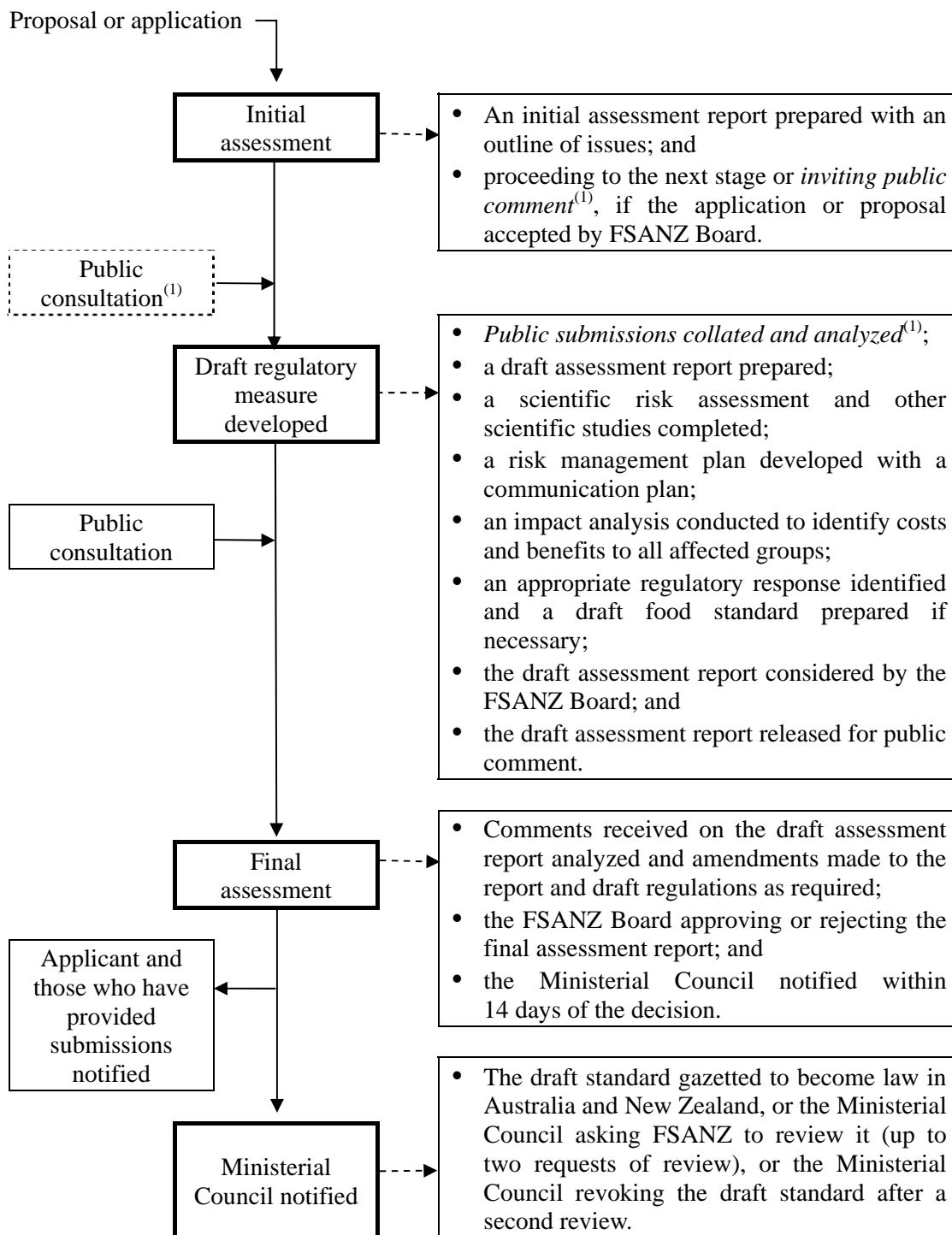
(A) Food standards development process

2.2.7.1 While FSANZ is primarily responsible for the development of food standards, it has adopted an open standard development process that accommodates input from consumers, the food industry and health professionals as well. Accordingly, apart from FSANZ's own food standard proposals, anyone, including an individual, organization or company, whether from Australia, New Zealand or any other places, may apply to FSANZ for changing a current standard or developing a new food standard.

2.2.7.2 On receiving proposals and applications of new or amended standards, FSANZ will assess them in accordance with the procedures prescribed by law. In 2007, the *Food Standards Australia New Zealand Amendment Bill* was passed to harmonize as far as possible the processes for the assessment of applications and proposals. Subject to variations in the significance or complexity of the matter to be assessed, FSANZ's process for developing or amending a food standard involves several stages (with up to two rounds of public consultation), which has to be completed within 12 months. The typical stages in this process are represented in the **Figure**.

⁴ Chapters 1 and 2 of the Code are applicable to both Australia and New Zealand, whereas Chapters 3 and 4 of the Code apply only to Australia.

Figure – Food standard development process adopted by Food Standards Australia New Zealand



Note: (1) FSANZ conducts a public consultation at this stage if the matter to be assessed involves scientific or technical complexity or may result in significant change to the food regulation.

Sources: Food Standards Australia New Zealand (2010) and New Zealand Food Safety Authority (undated).

2.2.7.3 Approval decisions on new standards or amendments to food standards are made by the FSANZ Board, the statutory management board of FSANZ, in accordance with policy guidelines set by the Ministerial Council. The FSANZ Board comprises 12 members with appropriate specialist qualifications in related areas, such as public health, food science and consumer affairs.

2.2.7.4 A standard approved by the FSANZ Board should be notified to the Ministerial Council, which can request up to two reviews of the proposed standard. When the Ministerial Council does not request a review, or FSANZ has amended the draft standard at the Ministerial Council's request, the standard will be gazetted to become law. Alternatively, the Ministerial Council can revoke the draft standard after a second review.

Other related legislation

2.2.8 In addition to the Code, there are other pieces of legislation that also have a food safety focus. Such legislation is under the broad categories of food import and export, quarantine control and fair trade, which are applicable to all jurisdictions in Australia as well, including:⁵

- (a) *Imported Food Control Act 1992*, which provides for the inspection and control of food imported into Australia;
- (b) *Export Control Act 1982*, which provides for the control of the export of certain goods (e.g. animals, eggs, fish, meat, plants, hays, organic produce and related products);
- (c) *Quarantine Act 1908*⁶, which provides for human, animal and plant quarantine to prevent the introduction of specified diseases into Australia and the spread of such diseases within Australia; and

⁵ Productivity Commission (2009).

⁶ A new legislation is being developed to replace the *Quarantine Act 1908* with an aim to provide for modern and effective management of biosecurity risks.

- (d) *Trade Practices Act 1974*, which aims to ensure that information provided on food labels is true and accurate. The relevant provisions in this *Act* (Sections 52 to 53) specify that businesses must not make false or misleading claims or representations on the standard, quality, value, grade, composition or style of a food or beverage.⁷

2.2.9 The *Imported Food Control Act 1992*, the *Export Control Act 1982* and the *Quarantine Act 1908* are administered and enforced by the Australian Quarantine and Inspection Service (AQIS). AQIS is a division under the Department of Agriculture, Fisheries and Forestry (DAFF) responsible for managing quarantine controls for animals and plants or plant products arriving in Australia at the borders, and providing import and export inspection and certification to ensure compliance with Australia's food safety standards. In July 2009, AQIS and several divisions within DAFF were combined into a single authority, the Biosecurity Services Group, following the recommendation of an independent review of DAFF's quarantine and biosecurity arrangements⁸. According to DAFF, a strategic plan to reflect the long-term changes to Australia's biosecurity system is being developed. As an interim arrangement, the AQIS branding will continue to be adopted and the existing operational services delivered by AQIS remain unchanged.

2.2.10 Meanwhile, the *Trade Practices Act 1974* is administered by the Australian Competition and Consumer Commission, which was established in 1995 by the Australian Parliament to protect the rights of consumers and businesses.

⁷ Australian Competition and Consumer Commission (2009).

⁸ In February 2008, the Australian government appointed an independent panel of experts chaired by Mr Roger Beale to review its biosecurity and quarantine arrangements (the Beale Review). The aim of this review was to look into ways to strengthen Australia's biosecurity system in view of risks to Australia's biosecurity being heightened as a result of increasing mobility of people, plants, animals and trade within Australia and across international borders.

Enforcement tools

Jurisdiction-based food regulations

2.2.11 The *Code* and other regulations dealing with food safety and hygiene are implemented and enforced by individual jurisdictions. The food acts and the supporting regulations of the Australian states and territories provide the means through which the food standards in the Code are incorporated into the food legislation in respective jurisdictions and adopted consistently across Australia.

2.2.12 The food acts of the Australian states and territories regulate the manufacture, transport and handling of food. The acts contain not only definitions of terms used in the corresponding acts, but also offences and matters relating to the administration and enforcement of the respective acts, regulations and food standards. In addition to food acts which cover general food safety requirements, some Australian jurisdictions also regulate the production, manufacture and transport of primary products such as meat, poultry, seafood, eggs and dairy products through separate primary industry regulations instead of consolidating them into a single food act. **Table 1** lists the food safety legislation in the Australian states and territories.

Table 1 – Food safety legislation adopted in the Australian states and territories

State or Territory	Food safety legislation
Australian Capital Territory	<i>Food Act 2001.</i>
New South Wales	<i>Food Act 2003.</i>
Northern Territory	(a) <i>Food Act 2004</i> ; (b) <i>Meat Industries Act 1996</i> ; and (c) <i>Fisheries Act 1988.</i>
Queensland	(a) <i>Food Act 2006</i> ; and (b) <i>Food Production (Safety) Act 2000.</i>
South Australia	(a) <i>Food Act 2001</i> ; and (b) <i>Primary Produce (Food Safety Schemes) Act 2004.</i>
Tasmania	(a) <i>Food Act 2003</i> ; (b) <i>Meat Hygiene Act 1985</i> ; (c) <i>Egg Industry Act 2002</i> ; (d) <i>Dairy Industry Act 1994</i> ; and (e) <i>Living Marine Resources Management Act 1995.</i>
Victoria	(a) <i>Food Act 1984</i> ; ⁽¹⁾ (b) <i>Meat Industry Act 1993</i> ; (c) <i>Seafood Safety Act 2003</i> ; and (d) <i>Dairy Act 2000.</i>
Western Australia	<i>Food Act 2008.</i>

Note: (1) The Victorian Parliament passed the *Food Amendment (Regulation Reform) Bill 2009* to amend the *Food Act 1984* to give Victoria a better system for regulating the safety of food sold for human consumption. The changes to the *Act* will take effect in three distinct phases between 1 July 2010 and mid-2011.

Source: Productivity Commission (2009).

Enforcement agencies

2.2.13 In addition to AQIS which controls the safety of food arriving and exiting Australia, some 620 state and territory health departments and food agencies across Australia are responsible for enforcing the requirements of the Code for all imported and domestically produced food available for sale within the respective jurisdictions. These local food authorities play prominent roles in registration and licensing of food businesses, food recalls, and undertaking or assisting in investigations into food-borne illnesses. They also employ environmental health officers to carry out auditing and inspection of food businesses in order to ensure compliance with the food legislation and regulations.

Penalties

2.2.14 The Australian states and territories impose penalties for breaches of the food acts. In general, such penalties are associated with four types of offences:

- (a) failure to give notice before commencing a food business, or operation of an unlicensed food business;
- (b) provision of unsafe food (either unknowingly or deliberately);
- (c) obstruction of an authorized officer; and
- (d) failure to follow a compliance order or directive.

2.2.15 Financial penalties are most commonly used by the Australian states and territories for contraventions of the relevant provisions in the food acts. While fines and penalties vary among jurisdictions, in some jurisdictions, certain types of food offences may face imprisonment, such as sale of unsafe food. The maximum penalties for food offences prescribed in the food acts of the Australian states and territories are detailed in **Appendix I**.

Relevant concerns

2.2.16 As revealed from a recent survey on food safety regulators conducted by the Productivity Commission⁹, the local enforcement authorities in a number of jurisdictions have raised a common concern that while they consider the penalty systems associated with food offences to be important, the costs involved with pursuing litigation may render the enforcement actions impractical. In fact, one of the authorities attributes the lack of incentive to prosecute food businesses under the law to the high cost of litigation, especially when the court fines go to the state's consolidated revenue fund instead of the local authority itself.

Alternative enforcement tools

2.2.17 Local food safety authorities across Australia usually take a graduated approach to enforcement actions according to the severity of the breach of food law. The hierarchies of enforcement adopted by the Australian states and territories typically involve the use of some or all of the following actions:

- (a) education or advice on the nature of the problem and remedies;
- (b) verbal warning;
- (c) written warning;
- (d) formal rectification notice; and
- (e) fines, prosecution and closure orders.

2.2.18 Among the above enforcement actions, education and warnings are most commonly employed to improve food safety awareness and address specific compliance breaches across all jurisdictions, whereas legal actions such as prosecution are considered as the last resort. Several jurisdictions, such as New South Wales, Queensland and Western Australia, also provide formal avenues to publicly "name and shame" businesses for breaching food safety regulations. For example, in New South Wales, the legislation allows its Food Authority to publish on its website details of the food businesses that have received penalty notices for food law breaches.

⁹ Productivity Commission (2009).

2.3 Registration requirements for food businesses

Notification requirements for food business operation

2.3.1 As specified under Standard 3.2.2 "Food Safety Practices and General Requirements" of the Code, food businesses in Australia are required to notify the appropriate enforcement agency before commencing any food handling operations. Under Standard 3.1.1, a food business is referred to as "any business or activity that involves the sale of food or the handling of any type of food for sale in Australia", regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature, or whether it involves the handling or sale of food on one occasion only. Subject to variations among the Australian states and territories, a food business can be any of the following:

- (a) charity or community groups that handle food or sell food;
- (b) one-off projects or events that involve the handling and sale of food;
- (c) mobile vendors and temporary food stall operators; and
- (d) operators whose primary purpose is not related to the sale or distribution of food, such as chemists, cinemas, corner stores, petrol stations and swimming pools.

2.3.2 Primary food producers, vineyards, orchards and aquaculture farms are granted exemption from the notification requirement, provided that they do not sell or supply food directly to the public or process the food they produce. Further, food businesses are not required to give notice for individual food vending machines they operate and vehicles they use solely for food transport.

Information required for the notification process

2.3.3 The purpose of notification is to ensure that local authorities know of the existence of food businesses, the type of business they are in and how to contact them if necessary. To serve this purpose, Standard 3.2.2 requires that food businesses provide the following information to local authorities when giving notice:

- (a) contact details for the food business, including the name of the food business and the name and business address of the proprietor of the food business;
- (b) nature of the food business; and
- (c) location of all food premises of the food business within the jurisdiction of the enforcement agency.

2.3.4 Notification is not an approval process and food businesses do not need to meet any special conditions before giving notice. A single notification is needed unless there are any changes to the information relating to the business.

2.3.5 As a matter of fact, the notification requirement only becomes enforceable if it is incorporated into the state and territory legislation. Apart from the Northern Territory and Queensland, the food business notification provisions have been enacted in the other six Australian jurisdictions.

Registration requirements for food business operation in the Australian jurisdictions

2.3.6 Most of the Australian states and territories had had a food business registration system¹⁰ in place prior to the adoption of the notification provisions. The registration requirements has remained in force after the introduction of the notification requirement, so that food businesses are required to give notice only if they are not required to register under the food acts.

¹⁰ In Australia, registration has the same meaning as licensing or accreditation. See *Australian & New Zealand Food Regulation Enforcement Guideline* (2009).

2.3.7 In general, registration requirements may impose a higher compliance burden on food businesses, with the specification of structural and fit-out requirements, operating procedures and training or educational qualifications for staff before approval is granted, whereas notification does not have requirements empowering regulators to disallow a food business application or to place conditions on the operation of that business.¹¹

2.3.8 Among the Australian states and territories, only New South Wales and South Australia apply the notification requirement to food businesses without requiring them to obtain a licence to operate. Nevertheless, in both states, certain food industry sectors are required under the law to register with the local enforcement authority in order to run their businesses, such as food businesses that distribute, store, handle or process seafood, meat or plant products in New South Wales, and those intending to process, purchase or obtain fish for retail or wholesale purposes in South Australia.

Fees associated with notification and registration

2.3.9 The Code does not specify any fees associated with the process of notification. Nonetheless, local enforcement agencies are allowed to impose and recover a fee for the services they provide under the *Local Government Act 1995*, and several states and territories charge a fee for notification.

2.3.10 Registration of a food business usually requires a fee and is subject to annual renewal. The fee structures of food business registration are primarily determined on the basis of the level of risk posed to public health and the size of the food business.

2.3.11 There is considerable variability in the required processes and charges associated with commencing and continuing a food business across the Australian states and territories. The relevant details are listed in **Appendix II**.

¹¹ Productivity Commission (2009).

Appeal or review mechanisms

2.3.12 If a person is aggrieved by a decision relating to registration of a food business, he or she may follow the formal procedures stipulated in the jurisdiction's food act to apply for a review of the decision.

2.3.13 In general, the Australian states and territories adopt one or both of the following decision review processes concerning food business registration:

- (a) submitting an application for review to the decision-making authority; and
- (b) making an appeal to the court.

2.3.14 Details of the relevant review procedures adopted in the Australian states and territories are listed in **Appendix III**.

2.4 Monitoring measures

2.4.1 In Australia, measures for food monitoring and surveillance are implemented at points of entry or production up to the distribution level.

Imported Food Inspection Scheme

2.4.2 The *Imported Food Control Act 1992*, which provides for control of food safety at Australia's national border, allows AQIS to run a food safety inspection programme known as the Imported Food Inspection Scheme (IFIS). Under this Scheme, imported food is referred to AQIS for inspection by the Australian Customs Service to ensure that it meets Australian requirements for public health and safety, and complies with Australian food standards as detailed in the Code.

2.4.3 Under IFIS, AQIS applies a risk-based approach to border inspection, with priorities given to food products that FSANZ considers posing a medium to high risk to public health. Food posing a high risk will be inspected and tested at a rate of up to 100%¹², and cannot be released for sale until the test results confirm that the food is safe, i.e. a "test and hold" requirement. Consignments of high-risk food that fail to pass inspection will be re-exported or destroyed. Other food products are targeted for a random inspection at a rate of 5% of the consignments of that food type, and subject to a "test and release" requirement. They can be distributed for sale before the test results have been received. If adverse test results are obtained, the relevant local food authority will be advised to take appropriate actions, such as recall of the problem food¹³.

2.4.4 The inspection will involve a visual or label assessment, and may also include sampling the food for analytical tests against a published list of potential hazards such as micro-organisms and contaminants. During the inspection, AQIS will check the food's compliance against different standards, and the tests applied may vary from time to time.

Food safety programmes

2.4.5 Standard 3.2.1 "Food Safety Programmes" of the Code enables the Australian states and territories to require food businesses to adopt a food safety programme based upon the Hazard Analysis and Critical Control Point (HACCP)¹⁴ concepts. The food safety programme contains a written document indicating how a food business should control the food safety hazards associated with the food handling activities of the business. It is to be implemented and reviewed by the food business, and is subject to periodic audit by a suitably qualified food safety auditor (i.e. a person who is competent to audit a specific class of food businesses, such as seafood businesses and hospitals).

¹² The frequency of inspection can be reduced if the producer or importer of the food is able to establish a history of compliance.

¹³ Any action taken on goods released by an importer is at the importer's expense.

¹⁴ HACCP involves seven principles: (a) analyzing hazards; (b) identifying critical control points; (c) establishing preventive measures with critical limits for each control point; (d) establishing procedures to monitor critical control points; (e) establishing corrective actions to be taken when a critical limit has not been met; (f) establishing procedures to verify that the system is working properly; and (g) establishing an effective record-keeping system to document the HACCP system.

2.4.6 In Australia, food safety programmes are mandatory for four high-risk food industry sectors, with separate standards written by FSANZ for each sector. These four high-risk sectors are:

- (a) food services for vulnerable populations;
- (b) harvesting, processing and distribution of raw oysters and other bivalves;
- (c) catering operations serving food to the general public; and
- (d) production of manufactured and fermented meat.

Traceability

2.4.7 The Code sets out legal requirements to ensure that food products can be properly identified and traced to facilitate retrieval of unsafe food products from the market place. Specifically, Standard 3.2.2 in the Code states that:

"a food business must provide the name and business address in Australia of the vendor, manufacturer or packer or, in the case of food imported into Australia, the name and business address in Australia of the importer, to the reasonable satisfaction of an authorized officer upon request" (Clause 5(2)(a)); and

"a food business engaged in the wholesale supply, manufacture or importation of food must have in place a system to ensure the recall of unsafe food" (Clause 12(a)).

Record keeping requirements

2.4.8 To comply with the aforementioned requirements, food businesses should have some record keeping procedures showing the path of a particular food input from supplier(s) through processing to customers. While it is the responsibility of food businesses to develop relevant plans and tailor them to their individual needs, it is advised under FSANZ's "Food Industry Recall Protocol" that records kept by food businesses should be in a form that are easy to follow and can be readily retrieved, and should:

- (a) contain complete and up-to-date histories of all batches of food products;

- (b) allow for determination of the use and disposal of all raw materials and bulk food products; and
- (c) provide adequate details of customers to whom the end food product has been sold or distributed.

Period for record keeping

2.4.9 Food businesses are required to document under their food safety programmes the type and amount of information they keep and the length of period such record is maintained. The period for keeping traceability records may be mandated by the enforcement agency of the Commonwealth, a state or a territory. If the enforcement agency does not specify a minimum duration, all records need to be kept at least until the food safety programme has been externally audited, either by a second-or third-party auditor¹⁵.

2.4.10 By way of an example, in South Australia, while the local food legislation does not prescribe a timeframe for keeping records, the Department of Health recommends that the relevant records should be held for at least 12 months from audit to audit. Once the period has been audited, the records are not required to be held unless there are follow-up measures that may require the records.

Specific traceability requirements for primary production and processing businesses

2.4.11 FSANZ has taken a sector-by-sector approach to develop specific regulatory measures of traceability for primary production and processing businesses. Relevant standards for seafood and dairy products have been completed and published in Chapter 4 of the Code. The specific traceability requirements for other primary products such as poultry meat, eggs, seed sprouts and raw milk are being studied.

¹⁵ A second-party audit is an audit conducted by a government-employed or government-contracted auditor. A third-party audit is an audit conducted by an independent certified auditor.

Seafood traceability

2.4.12 According to Standard 4.2.1 "Primary Production and Processing Standard for Seafood" of the Code, a seafood business is defined as one that is involved in the primary production of seafood intended for sale. Relevant activities range from the growing and harvesting or catching of seafood to processing activities such as filleting, depuration, shucking, peeling and packing, but do not include retail and manufacturing activities.

2.4.13 Traceability records specifically required of a seafood business comprise:

- (a) name and address of suppliers or customers and a description of the food product;
- (b) volume or quantity of the seafood received and supplied;
- (c) batch or lot numbers; and
- (d) transaction or delivery dates.

Dairy product traceability

2.4.14 Standard 4.2.4 "Primary Production and Processing Standard for Dairy Products" of the Code specifies that a dairy primary production business must include a traceability system as part of its food safety programme, in which sufficient records should be maintained to enable the tracing of the following specific activities:

- (a) inputs used;
- (b) animals to be milked; and
- (c) milk produced.

2.5 Food labelling

2.5.1 In accordance with the requirements of the Code, food businesses are required to provide certain information about their food products on labels of the food packages. The objective is to achieve a high degree of consumer confidence in the quality and safety of food. Under the labelling provisions in the *Trade Practices Act 1974*, food businesses have to provide such information in an accurate and truthful way.

General food labelling

2.5.2 General labelling requirements are defined in Chapter 1 of the Code. All food labels are required to be presented in English and comply with legibility requirements. In particular, the label on a package of food for retail sale or catering purposes¹⁶ must include the following core information:

- (a) name of the food;
- (b) lot identification¹⁷;
- (c) name and business address in Australia or New Zealand of the supplier;
- (d) mandatory warning and advisory statements and declarations;
- (e) list of ingredients;
- (f) date marking;
- (g) directions for use or storage;

¹⁶ Food for catering purposes refer to those foodstuffs for use in restaurants, canteens, schools, caterers or self-catering institutions, where the food is offered for immediate consumption.

¹⁷ A lot mark identifies the "batch" from where a food comes and the premises where the food is packed or prepared.

- (h) nutrition information panel setting out the energy, protein, fat, saturated fat, carbohydrate, sugars and sodium content of the food;
- (i) percentage labelling of characterizing ingredient(s)¹⁸ and component(s); and
- (j) country of origin.¹⁹

Commodity specific labelling

2.5.3 Chapter 2 of the Code has laid down detailed compositional labelling rules for certain types of food, specifying what may and what may not be used as an ingredient of the food. These food categories are:

- (a) meat and meat products;
- (b) fish and fish products;
- (c) edible oils;
- (d) fruit juice and vegetable juice;
- (e) non-alcoholic beverages and brewed soft drinks;
- (f) kava;
- (g) alcoholic beverages and food containing alcohol;
- (h) wine and wine products;
- (i) spirits;
- (j) honey;

¹⁸ As an example, "milk fat" is a characterizing component contained in many ingredients such as milk, milk powder, cream and butter.

¹⁹ Small packages with a surface area of less than 100 cm² are exempt from lot identification, ingredient listing, date marking, nutrition information and percentage labelling.

- (k) special purpose food, such as infant formula products, food for infants, formulated supplementary sports food; and
- (l) salt and salt products.

Additional food labelling requirements

2.5.4 If a food, or an ingredient or a component of an ingredient of the food, can cause an adverse reaction (such as food allergies, sensitivities and intolerances), or has been treated with special processing aids (such as gene technology and ionizing radiation), an appropriate declaration must be made on the label to protect people from exposure to potential or unknown health risks. The required declaration may appear in the ingredient list, or as a separate advisory or warning statement.

Review of food labelling regulations

2.5.5 The Ministerial Council is undertaking a comprehensive review, i.e. the "Review of Food Labelling Law and Policy", in response to concerns raised by the food industry, consumers and government agencies in recent years over the following issues on food labelling:

- (a) difficulties consumers have in understanding and using information on labels;
- (b) cost to business and consumers of meeting labelling standards;
- (c) lack of or inconsistent enforcement of labelling laws across jurisdictions; and
- (d) accuracy and truthfulness of labelling.

2.5.6 A consultation exercise involving collecting public submissions and organizing meetings in all capital cities in various jurisdictions across Australia and New Zealand was completed on 14 May 2010. Written submissions and other information gathered during this exercise are being considered by a review panel to develop recommendations on the following matters set out in the terms of reference for the review, and a final report is expected to be submitted to the Australian government through the Ministerial Council in early 2011:²⁰

- (a) examination of policy drivers impacting on demand for food labelling;
- (b) role of the government in the regulation of food labelling and guiding principles for decisions on government intervention;
- (c) policies and mechanisms needed for ensuring that the government plays its role in food labelling;
- (d) principles and approaches adopted to achieve compliance with labelling requirements, and appropriate and consistent enforcement;
- (e) evaluation of current policies, standards and laws relevant to food labelling and existing work on health claims and front of pack labelling; and
- (f) recommendations for improving food labelling laws and policies.

²⁰ Australia Department of Health and Ageing (2010) and Australian Policy Online (2010).

Chapter 3 – Singapore

3.1 Background

3.1.1 Singapore produces only a small proportion of its overall fresh food consumption and is reliant primarily on food imports. The country's heavy dependence on food imports has exposed its food supply and food safety to constant challenges by global events such as the outbreaks of animal diseases and food scares. Therefore, the primary goal of Singapore's food laws, policies and enforcement practices is to facilitate the supply of safe and wholesome foodstuffs to the country.

3.1.2 The food authorities in Singapore have constantly adopted and modified laws and standards to meet changes in the local conditions and requirements. The modification process takes into account new developments in the food industry (such as new ingredients, new production techniques and new technology) and other matters of importance (such as food contamination incidents in supplier nations), making reference to international standards and the laws and standards of developed countries and regions. As such, the food safety regulatory system in Singapore has gradually widened its coverage with the progressive introduction of a series of acts and subsidiary legislation.

3.2 Food safety regulatory framework

3.2.1 In Singapore, the Agri-Food and Veterinary Authority (AVA) is a statutory board set up under the Ministry of National Development to oversee all food safety matters from production up to just before retail. AVA was established under the *AVA Act* in 2000 through taking up the responsibilities of the Primary Production Department of the Ministry of National Development and the Food Control Department (FCD) of the former Ministry of Environment (currently known as the Ministry of Environment and Water Resources). While the Primary Production Department was in charge of regulating the safety of primary food, including meat and fish products, milk, eggs, fresh vegetables and fruits, FCD was responsible for the safety of processed food. To eliminate confusion due to unclear demarcation of responsibility, the Singaporean government transferred FCD to AVA in 2002, so that AVA has become a one-stop national authority for regulating all imported and locally produced fresh and processed food products.

Agri-Food and Veterinary Authority

3.2.2 AVA's mission is to ensure a resilient supply of safe food, safeguard the health of animals and plants, and facilitate agri-trade for Singapore. To achieve this mission, AVA adopts a comprehensive strategy which encompasses the following key measures:

- (a) reviewing production systems and practices at source;
- (b) setting food safety and labelling standards;
- (c) tagging of consignments of primary produce to trace sources, and food labelling to facilitate recall;
- (d) inspecting primary produce and processed food at the points of entry into Singapore;
- (e) inspecting and accrediting source farms, abattoirs and food-processing factories, both local and overseas;
- (f) implementing monitoring and surveillance programmes for a range of food-borne hazards in primary and processed food;
- (g) conducting laboratory testing on samples of locally produced and imported food products for a range of pathogens and chemical contaminants; and
- (h) promoting the adoption of good agricultural and manufacturing practices and food safety assurance systems by the food industry.

3.2.3 AVA has a board of directors responsible for making policy decisions on food safety. Appointed by the Singaporean government, the chairman and the other 12 members of the board come from the business, industry, academic and government sectors. The policies laid down by the board are implemented by a management team headed by the Chief Executive Officer of AVA.

Major food regulations

3.2.4 In Singapore, all food, drinks and edible agricultural products, including food ingredients, whether locally manufactured or imported into Singapore, are required to comply with the requirements laid down in a range of laws and regulations administered by AVA. The major legislation for ensuring the wholesomeness and purity of general food products and establishing food standards is the *Sale of Food Act* and its subsidiary legislation.

3.2.5 Other major pieces of legislation relating to food safety include:

- (a) *Animals and Birds Act*, which prevents the introduction into, and the spreading within, Singapore of diseases of animals, birds or fish;
- (b) *Control of Plants Act*, which governs the cultivation, import, transshipment and export of plants and plant products;
- (c) *Feeding Stuffs Act*, which provides for the control of feeding stuffs for animals and birds;
- (d) *Fisheries Act*, which controls the use of fishing ports and harbours, and the marketing and distribution of fish landed directly from fishing vessels; and
- (e) *Wholesome Meat and Fish Act*, which regulates the slaughtering of animals, processing, packing, inspection, import, distribution, sale, transshipment and export of meat products and fish products.

Enforcement tools

3.2.6 AVA takes enforcement actions against those activities violating the licensing condition of processing meat and fish products, and not observing good manufacturing practices (GMPs) by meat and fish processing establishments and cold stores. AVA also works closely with the government agencies, such as the Immigration and Checkpoints Authority and the Police, to intercept illegal imports of food products, animals and wildlife, and act on tip-offs relating to illegal trade of these products.

3.2.7 Under Section 9 of the *Wholesome Meat and Fish (Processing Establishments and Cold Stores) Rules*, AVA is empowered to order importers or suppliers to recall food products which are unfit for human consumption. AVA also has the authority to issue bans to prohibit the import of food products when there is evidence of contamination.

Penalties

3.2.8 The *Sale of Food Act* has provisions making it a criminal offence for breaches of the *Act*. As specified under Section 49 of the *Sale of Food Act*, the general penalties for any person who is guilty of an offence under this *Act* are:

- (a) on conviction subject to a fine not exceeding S\$5,000 (HK\$29,750)²¹; and
- (b) on conviction subject to a fine not exceeding S\$10,000 (HK\$59,500) or imprisonment for a term not exceeding three months or both, in the case of a second or subsequent conviction.

3.3 Registration requirements for food businesses

Licensing and registration requirements for food businesses

3.3.1 In Singapore, food businesses are required to be either licensed or registered with relevant authorities before commencing operation. The purpose of this requirement is to ensure that businesses involving in different sectors of the food industry operate in compliance with the food safety regulations.

²¹ The average exchange rate in December 2010 was S\$1=HK\$5.95.

Food traders and processors

3.3.2 The following food businesses are required to obtain a licence from AVA:

- (a) traders involved in the import, export and transshipment of meat and fish products;
- (b) traders involved in the import and transshipment of fruits and vegetables; and
- (c) businesses relating to the processing and handling of food, including all meat, fish and egg processing establishments, cold stores, slaughterhouses, and those engaged in manufacturing, processing, preparation or packing of food for the purpose of distribution to wholesalers and retailers in Singapore.

3.3.3 Importers of processed food and food appliances (excluding importers of meat, fish, fruits and vegetables) are not required to obtain a licence. However, they are required to register with AVA to obtain a registration number for declaring their imports.

3.3.4 The general requirements for a food business to be licensed or registered with AVA include:

- (a) being a business or company registered with the Accounting and Corporate Regulatory Authority (ACRA)²², or a society registered with the Registrar of Societies (ROS)²³;
- (b) completing an application form stating the details of the applicant as well as the company; and
- (c) having a General Inter-bank Recurring Order account²⁴ for the payment of fees.

²² ACRA is a statutory board with the mission to provide a responsive and forward-looking regulatory environment for companies, businesses and public accountants, which is conducive to the development of enterprise and economic growth in Singapore.

²³ Under the *Societies Act*, all societies, defined as a club, company, partnership or association of 10 or more persons, whatever its nature or object, shall register with ROS which is empowered to register a society, order a society to change its name or rules, or refuse registration of a society.

²⁴ A General Inter-bank Recurring Order account allows a customer of a bank to authorize the bank to deduct money from the account regularly and remit the money directly into other bank accounts designated by him or her.

Food shops

3.3.5 In Singapore, a food shop where food and/or beverage is sold wholly by retail is required to obtain a "food shop licence". Such licence is issued by the National Environment Agency (NEA) under the *Environmental Public Health Act*. The purpose of licensing is to ensure cleanliness and food safety in food retail outlets, and prevent food-borne diseases. Examples of businesses that require a food shop licence are restaurants, cake shops, eating houses, coffee shops, food courts, snack and drink counters, market produce shops, private markets and food caterers.

3.3.6 The general requirements for an applicant to be granted a food shop licence by NEA include:

- (a) being a Singapore citizen or permanent resident, a company registered with ACRA, or a society registered with ROS;
- (b) fulfilling the requirements for Medisave²⁵ contributions if the applicant is a self-employed person;
- (c) completing an application form with necessary supporting documents; and
- (d) complying with the list of hygiene requirements issued by the relevant NEA Regional Office and other operating conditions.

Fee associated with licensing and registration

3.3.7 The trade licence fee is S\$84 (HK\$500) for meat and fish and S\$378 (HK\$2,249) for vegetables and fruits, with an administrative fee of S\$21.5 (HK\$128) for a new application. Issuance of such licence normally takes one working day.

3.3.8 The licensing fee for food processing establishments, cold stores and slaughterhouses ranges from S\$180 (HK\$1,071) to S\$1,575 (HK\$9,371), plus an administrative fee of S\$157.5 (HK\$937) for a new application. Issuance of such licence takes seven working days.

²⁵ Medisave is the national savings scheme which helps individuals put aside part of their income to meet their personal or immediate family's hospitalization expenses, especially after retirement.

3.3.9 Registration of importers of processed food and food appliances is free, with an administrative fee of S\$21.5 (HK\$128) for a new application. It takes up to three working days for AVA to issue a registration number for the applicant, who will be notified of the registration number by post.

3.3.10 All the licences and registration issued by AVA are valid for one year. AVA will send renewal notices to food business operators prior to the expiry dates of their licences or registration.

3.3.11 A food shop licence issued by NEA costs S\$120 (HK\$714), while the licence fee for a food shop in a pub, bar, discotheque, cabaret, night club or karaoke lounge is S\$60 (HK\$357). The processing of application takes up to five working days. The food shop licence is also valid for one year.

Information required for licensing and registration

3.3.12 When submitting a licensing or registration application for approval by AVA, a food business is required to provide the following general information:

- (a) details of the company, including name, registration number from ACRA or Singapore customs, and email address;
- (b) business operating address and mailing address; and
- (c) list of food products to be imported.

3.3.13 Additional information may be required for the licensing of food processing establishments, cold stores and slaughterhouses, such as size of the premises, size of all work areas in the premises and details of the refrigeration facilities.

3.3.14 An applicant for a food shop licence is required to provide, among others, the following information to NEA:

- (a) particulars of the applicant (e.g. an individual, a company, a society or an authorized person), including name, address and contact details; and

- (b) particulars of the food handlers and/or food hygiene officers employed.

3.3.15 The submission and processing of all applications relating to licensing and registration of food businesses can be made electronically via the Online Business Licensing Service (OBLs). OBLs is a one-stop portal introduced in 2004 to allow for applications of all government-approved registrations and licences for conducting business in Singapore.

Appeal mechanism

3.3.16 Under the *Sales of Food Act*, if a person is aggrieved by a decision relating to the licensing of a food business made by the Director-General of AVA (who is a Deputy Chief Executive Officer of AVA responsible for regulatory programmes and operations), such as refusal to grant or renew a licence and suspension or cancellation of any licence, he or she may appeal in writing to the Minister for National Development within 14 days after receiving a notice of the decision. The Minister may confirm, vary or rescind the decision, and the Minister's decision shall be final.

3.4 Monitoring measures

3.4.1 AVA adopts a holistic food safety management system to ensure that imported and locally produced food is safe for human consumption. Specific programmes are implemented at various points of the supply chain, covering import control, inspection, accreditation, as well as laboratory testing.

Import control system

3.4.2 Import control in Singapore is an important dimension of its food safety system as more than 90% of the nation's food is imported. Sources supplying to Singapore must meet a number of import requirements to ensure the safety, stability and quality of the food entering into the country.

Import procedures

3.4.3 An import permit issued by AVA is required for every consignment of food products to be imported. Importers may apply for an import permit by declaring their imports through the TradeNet system²⁶, which will automatically route the application to AVA for processing. Upon approval, the import permit for the consignment is incorporated into the cargo clearance permit provided by the system to the importer. Import permit applications not accompanied by the importers' registration number will be automatically rejected by the system.

3.4.4 Apart from declaration of import through TradeNet, AVA requires the following appropriate supporting documents to be submitted with an import permit application:

- (a) a health certificate from the veterinary authority of the exporting country for meat products, which certifies the products' compliance with Singapore's health and food safety requirements;
- (b) a phytosanitary certificate for consignments of fresh fruits and vegetables imported from certain countries, which certifies that the products are free from pests for the purpose of export;
- (c) a health certificate or a laboratory test report from accredited laboratories for processed food products, which certifies that the products are safe for human consumption; and
- (d) bills of lading, airway bills and invoices for all food imports.

²⁶ The TradeNet system is a nationwide electronic trade documentation system that approves permit applications.

Inspection of imported food products

(A) Imported livestock

3.4.4.1 All imported livestock is put through ante-mortem and post-mortem inspection by AVA. Upon admission to the abattoir, every animal is thoroughly checked by AVA to ensure that only well rested and clinically healthy animals are allowed for slaughter. The inspection is undertaken within two working days upon arrival of imported livestock.

3.4.4.2 Upon slaughter, AVA officers inspect every carcass and its offal. All diseased carcasses and offal are condemned as unfit for human consumption. Only those meat and offal, which have passed the inspection, will be released for sale.

(B) Imported meat and meat products

3.4.4.3 In addition to documentary checks, AVA examines every consignment of meat imports visually for wholesomeness and/or presence of disease, spoilage or economic fraud. Samples of import consignments are also taken for laboratory analysis. Imported meat and meat products are subject to a "hold and test" requirement in that they are held in approved cold stores until they are cleared by physical examination and laboratory testing. Unfit consignments are either destroyed or returned to the country of origin.

(C) Imported seafood

3.4.4.4 AVA strictly monitors imported seafood for various chemical preservatives, additives, viruses and parasites, particularly for high-risk products such as oysters, clams, mussels, scallops and cooked crabmeat.²⁷ Each import consignment of such products must be accompanied by a health certificate from the country of origin, and is placed on "hold and test" upon arrival for physical inspection and laboratory testing. High-risk shellfish products may only be imported from sources with acceptable sanitation programmes.

²⁷ The import of chilled shucked raw oyster, chilled cockle meat, chilled cooked prawn/shrimp and chilled crab meat is prohibited.

(D) Imported fresh fruits and vegetables

3.4.4.5 AVA implements a basket-tagging system, which requires that all imported fresh fruits and vegetables (as well as locally produced vegetables) be appropriately labelled to indicate the producers or sources. In addition, AVA samples consignments for laboratory analysis to ensure that the food products do not contain excessive pesticides. Consignments which fail to pass the test can be traced back through the basket-tagging system, and will be rejected or destroyed under AVA's supervision.

(E) Imported processed food

3.4.4.6 AVA categorizes processed food into high-risk and lower-risk products based on trend studies and the history of compliance of the food. High-risk processed food, such as dairy products, cereal products, coconut products, beef extract, bottled water, soy sauce and oyster sauce, is required to undergo stringent safety assessments prior to entry into the market, while lower-risk processed food is placed under post-market monitoring.

Accreditation of foreign farms and establishments

3.4.5 Accreditation of foreign farms and food processing plants is a key measure used by AVA to ensure that primary products such as livestock, poultry, fish, vegetables and fruits imported into Singapore are supplied only from reputable and reliable sources that meet the requirements of safe and wholesome food for human consumption.

3.4.6 Foreign establishments seeking accreditation to export primary products to Singapore can submit an application to AVA. A licence of accreditation to export is issued to those foreign establishments which have passed the tests of documentary review and site inspections performed by AVA. AVA may suspend food sources found to pose significant hazards in subsequent inspection examinations, and reinstate sources that have rectified the hazards with appropriate risk management measures undertaken by the authorities of the exporting countries.

Control over the origin of food

(A) Meat products

3.4.6.1 Meat products, including beef, mutton, pork and poultry, are only permitted to be imported into Singapore from approved countries or sources. Currently, nine countries, including Australia, Canada, the United Kingdom and the United States, and the AVA-accredited establishments in another 21 countries, including Brazil, China, Germany and South Korea, are allowed to export raw and processed meat products to Singapore. The imported meat products must be shipped direct into Singapore.

(B) Imported eggs and egg products

3.4.6.2 Likewise, eggs and egg products may only be imported from approved sources. AVA has been working with overseas veterinary authorities to set up Disease Free Zones (DFZs) to maintain supply resilience of egg and poultry products. With the establishment of DFZs, AVA may allow imports of egg and poultry products from DFZs even if isolated cases of highly pathogenic avian influenza or related diseases are detected in other areas of the exporting countries.

Laboratory testing

3.4.7 Laboratory testing is a critical component in AVA's food safety monitoring programmes. The Veterinary Public Health Laboratory (VPHL), established under AVA's veterinary public health laboratory division, is the official laboratory for food testing to monitor food quality. It undertakes laboratory analysis of food products such as tests for diseases, food poisoning and spoilage organisms, harmful chemicals and toxins, and pesticide residues.

3.4.8 VPHL also provides analytical services to the local food industry as well as government departments and statutory boards. During the previous fiscal year, VPHL's commercial testing services were also offered to Brunei, Indonesia, Malaysia, Myanmar and Papua New Guinea.

Inspection of local food establishments

3.4.9 AVA conducts regular, scheduled and unannounced inspections at all AVA-licensed food processing establishments, cold stores and slaughterhouses at the national level. The frequency of checks depends on the sanitary conditions of the premises. The areas of checks cover the general cleanliness and hygiene of the premises and workers, documentation and status of rectification of the shortcomings observed in earlier inspection visits. AVA may also collect food samples from the licensed establishments for laboratory examination.

3.4.10 To promote self-regulation in the industry, AVA requires every local processed food factory to appoint a food hygiene officer for enforcing good food hygiene practices and GMPs. The food hygiene officers are encouraged to attend advanced food safety courses. AVA also provides advices on GMPs and food safety programmes such as the Hazard Analysis and Critical Control Point (HACCP) system.

Grading of local food establishments

3.4.11 A "Food Factory Grading System" has been introduced since 1987 with an aim to raise food manufacturers' awareness of hygiene and food safety standards and the need for improvement. It also helps create an environment for food manufacturers to upgrade and strive for a higher food factory standard. Under this system, AVA conducts a grading inspection on the licensed establishments prior to annual licence renewal. Each establishment is graded by AVA based on their standards of hygiene and GMPs in nine broad areas²⁸, and given one of the four grades: Grade A (Excellent), Grade B (Good), Grade C (Average) and Grade D (Pass).

²⁸ The criteria for assessment are: (a) premises – general cleanliness and housekeeping; (b) food storage; (c) food processing equipment and facilities; (d) food handling and facilities; (e) product identification and transportation; (f) food safety system; (g) food hygiene training; (h) documentation; and (i) violation history.

Traceability

3.4.12 Although traceability requirements are not specified under Singapore's food acts, the registration and licensing systems in place play a certain role in product tracing. According to the Singapore government, "registration of importers will enhance AVA's ability for tracking and source tracing of processed food and food appliances imports, which is consistent with AVA's current system of control over imports of fresh food produce such as meat, fish and vegetables." The requirements for food traders to register and apply for import permits enable fast identification of those food businesses posing risk and swift actions to be taken to prevent unsafe food from entering Singapore.²⁹

3.4.13 Food manufacturing and processing establishments are encouraged to take a proactive approach to ensure food safety by establishing documentation and record keeping under the Food Factory Grading System. A food establishment's practices in specific food safety areas such as putting in place food recall procedures and maintaining product and process control monitoring records, and food supplier and distribution records are among the assessment criteria for AVA's grading inspection.

3.5 Food labelling

3.5.1 Under the *Sale of Food Act*, all packaged food and beverage products sold in Singapore are required to be properly labelled in English (except for some products that are officially exempt, such as food sold loose without packaging). Importers have to ensure that their food products comply with the labelling requirements before they are imported into Singapore's customs territory. Under the *Sale of Food Act*, the following basic information is required on a food label:

- (a) name or description of the product;
- (b) list of ingredients;

²⁹ Online Business Licensing Service (2010b).

- (c) minimum quantity, in terms of net weight or volume;
- (d) name and address of the manufacturer or importer; and
- (e) country of origin of food.

3.5.2 Additional labelling information is required for specific types of food or drinks:

- (a) expiry date, for 19 categories of food products that have a short shelf life (e.g. pasteurized milk), prone to changes in quality over time (e.g. cooking oil), susceptible to insect infestation (e.g. breakfast cereals) and are consumed by vulnerable population (e.g. infant food);
- (b) caution or warning statement, for food products containing special ingredients, such as royal jelly and artificial sweetening agents;
- (c) nutrition information panel, for food with labelling information suggesting or implying that the food has a nutritive property, and including reference to energy or any nutrients such as carbohydrates, cholesterol, fats and protein; and
- (d) declaration about the content of vitamins and minerals, if claims are made about the presence of vitamins and minerals.

New labelling requirements

3.5.3 To ensure consistency with the international guidelines on weight measures, AVA has planned to replace the current minimum weight declaration requirement for packaged food by an average weight regulation based on the internationally recognized Average Quantity System (AQS). This new labelling requirement is expected to be introduced in the fiscal year 2010-2011 ending March 2011. Under AQS, consumers are assured that the packaged goods they purchase are on average equal to the nominal quantity. Further, packers and manufacturers can also increase productivity by reducing the need and costs to overfill food packages in order to satisfy the minimum quantity regulation.

Chapter 4 – South Korea

4.1 Background

4.1.1 In South Korea, the responsibility for regulating food safety and quality is diversified and overlapping, involving multiple ministries and authorities at both the central and local levels. A series of food-related acts, their enforcement decrees, and associated rules and regulations are all in place to control food safety. The provisions contained in these laws and regulations cover wide-ranging food safety matters, such as requirements for prohibition of harmful, adulterated foods and the use of hazardous substances in food, requirements for the safe use of food additives and packaging materials, food imports and inspection procedures, recall guidelines and labelling regulations.

4.1.2 In response to a rapidly changing environment, the Korean government is making efforts to streamline and enhance the effectiveness of the existing food safety control system.³⁰ The key principles for making decision on food policies in South Korea are as follows:

- (a) establishment of food regulations (including standards and specifications) based on scientific evidence and risk analysis;
- (b) reflection of consumers' demands;
- (c) transparent procedures in developing food regulations;
- (d) international harmonization in controlling food safety;
- (e) encouragement of food industry development; and
- (f) national institutional structure.

³⁰ Food and Agriculture Organization of the United Nations (2004a) and Chung (2009).

4.2 Food safety regulatory framework

4.2.1 At the central level, the Ministry of Food, Agriculture, Forestry and Fisheries (MIFAFF) and several agencies within MIFAFF are responsible for the regulation of agricultural and fishery products, as well as livestock, dairy and egg products. The Ministry for Health and Welfare (MOHW) oversees food in general (except those products handled by MIFAFF), functional health food, food additives, food packaging, containers and equipment, with the Korean Food and Drug Administration (KFDA) and local governments being the enforcement agencies.³¹

4.2.2 At the local level, the provincial and municipal governments take care of routine administrative tasks, such as licensing of food businesses and providing general guidance on food regulations. KFDA's regional offices perform specific duties in relation to their professional role, such as licensing of health supplement manufacturers, Hazard Analysis and Critical Control Point (HACCP) accreditation and good manufacturing practices (GMP) examination.

Ministry for Health and Welfare

4.2.3 While MOHW is the government agency responsible for enacting and amending the *Food Sanitation Act* and related legislation, most of MOHW's control over food regulations has been delegated to KFDA since 1998. At present, only one division within MOHW remains overseeing food hygiene policies and procedures to ensure the safety of food and medicine.³²

³¹ Cho (2009) and Chung (2009).

³² Legislative Council Secretariat (2002).

Korean Food and Drug Administration

4.2.4 Established under the authority of MOHW,³³ KFDA is the principal enforcement agency charged with the responsibility of ensuring that food products, both domestically produced and imported, are safe, sound, wholesome and accurately labelled. KFDA is also responsible for the safety management of drugs sold in South Korea. Matters relating to food safety are mainly handled by two of its five bureaux, namely Food Safety Bureau and the Risk Prevention Policy Bureau.

4.2.5 The primary functions of the Food Safety Bureau are:

- (a) developing general plans on food safety management;
- (b) enforcing laws against the manufacturing of defective and unwholesome foods;
- (c) preventing and carrying out investigation of food-borne disease outbreaks;
- (d) supervising food importation and exportation, and conducting inspections of imported food;
- (e) operating a pre-registration system for imported food;
- (f) designing and managing the HACCP system in South Korea; and
- (g) setting and implementing standards and specifications for food, food additives, functional health food, including establishing genetically-modified organisms (GMO) labelling requirements and microbiological criteria for food and food ingredients.

4.2.6 The major functions of the Risk Prevention Policy Bureau are:

- (a) monitoring food products available in the market;

³³ Legislative Council Secretariat (2006).

- (b) developing policies relating to risk prevention;
- (c) developing a crisis management system for emergency situations; and
- (d) developing a strategic plan for communication of risk information.

4.2.7 In May 2009, KFDA established the National Institute of Food and Drug Safety Evaluation, which plays the role of a think-tank in providing scientific information to KFDA's policy makers to support their regulatory decisions.

Ministry of Food, Agriculture, Forestry and Fisheries

4.2.8 MIFAFF was formerly known as the Ministry of Agriculture and Forestry (MAF). In 2008, matters concerning fisheries under the jurisdiction of the then Ministry of Maritime Affairs and Fisheries were transferred to MAF, and MAF was subsequently reorganized as MIFAFF in order to manage agriculture and fisheries closely together and support the food industry more effectively. MIFAFF is currently the top government body responsible for establishing policies and regulations related to agricultural, livestock and dairy products, and promoting the agricultural and fishery industries in South Korea. Several agencies within MIFAFF are responsible for enforcing regulations pertaining to different food products, and they are:

- (a) National Agricultural Product Quality Management Service (NAQS);
- (b) National Fisheries Products Quality Inspection Service (NFIS);
- (c) National Plant Quarantine Service (NPQS); and
- (d) National Veterinary Research and Quarantine Service (NVRQS).

National Agricultural Product Quality Management Service

4.2.9 NAQS is responsible for setting quality standards and grades for agricultural products, enforcing country-of-origin marks, GMO labelling of bulk commodities, organic labelling of fresh fruits, vegetables and grains, and post-monitoring of labelling of organic processed food products in the market place. Since 2000, MIFAFF has designated NAQS as the inspection agency for testing of GMO products.

National Fisheries Products Quality Inspection Service

4.2.10 NFIS was transferred from the Ministry of Maritime Affairs and Fisheries to MIFAFF in 2008. NFIS is responsible for the inspection of import and export of fisheries, country-of-origin labeling surveillance and certification of fishery products.

National Plant Quarantine Service

4.2.11 NPQS is responsible for implementing regulations pertaining to plants with an aim to prevent the introduction of harmful pests and diseases originating from imported plants, fruits and vegetables. Particularly, NPQS conducts pest risk analysis and determines the appropriate eradication method for detected pests. It also sets and enforces quarantine requirements for imported plants, fruits and vegetables.

National Veterinary Research and Quarantine Service

4.2.12 NVRQS establishes sanitary control measures for animal origin products from farm to table. It sets and implements standards, specifications and labelling requirements for 102 meat, poultry, eggs and dairy products under the *Livestock Product Processing Control Act*³⁴. The operation of HACCP and recalls for meat, poultry, eggs and dairy products also fall within the area of responsibility of NVRQS.

³⁴ The responsibility for setting and implementing standards and specifications for food products other than these 102 meat, poultry, eggs, and dairy products rests with KFDA.

Food Safety Policy Committee

4.2.13 With the enactment of the *Framework Act on Food Safety* in 2008, the Food Safety Policy Committee has been created under the Prime Minister's Office since 2009 to coordinate food safety policies and integrate food safety management activities conducted by multiple ministries and authorities. This Committee is chaired by the Prime Minister, with members including Ministers responsible for food safety regulation, such as the Minister for Food, Agriculture, Forestry and Fisheries, and the Minister for Health and Welfare.

Major food regulations

4.2.14 The Korean food and feed sector is governed by a series of laws and regulations, which give the legal basis for related work undertaken by the responsible ministries and authorities. The *Food Sanitation Act* and the *Processing of Livestock Products Act* are the two main food laws, which are administered by MOHW and MIFAFF respectively.³⁵

Food Sanitation Act

4.2.15 The *Food Sanitation Act* was enacted in 1962 to provide a framework for food hygiene in South Korea. This *Act* aims to promote national health by improving food nutrition and preventing sanitary hazards and harm caused by food products. It is the main legislation governing the safety of both imported food and domestically produced food products.

Processing of Livestock Products Act

4.2.16 This *Act* regulates matters concerning the slaughter and dissection of livestock, the processing, distribution and inspection of livestock products, the sanitary treatment of livestock products and the improvement of their qualities, aiming at contributing to the sound development of the livestock industry and the improvement of the public health.

³⁵ Food and Agriculture Organization of the United Nations (2004a).

Enforcement tools

4.2.17 Under the Korean legal system, the government agencies and local governments are responsible for establishing enforcement rules and regulations under the acts passed by the legislature.³⁶ These enforcement rules and regulations provide the basis for guiding the conduct of related businesses in South Korea. In the areas of food and agriculture, the major enforcement regulations are provided in the following forms:

- (a) enforcement decrees, which provide guidance on the interpretation and implementation of an act;
- (b) enforcement rules, which prescribe detailed guidelines on how an act and its decrees are to be implemented. The food safety enforcement rules cover penalties for violations and matters concerning the import of the related product(s);
- (c) reference codes, which stipulate standards and specifications for manufacturing, processing, handling, usage, storage and packaging of general or specific food products. Examples are the *Food Code*, the *Food Additive Code*, the *Functional Food Code* and the *Livestock Code*; and
- (d) labelling standards, which provide guidance on the labelling requirements for relevant products, such as the *Labelling Standards for Food*, the *Labelling Standards for Recombinant Food* and the *Labelling Standards for Livestock Products*.

Penalties

4.2.18 Non-compliance with the provisions of the *Food Sanitation Act* is subject to both administrative and penal sanctions. The Commissioner of KFDA and heads of local governments are authorized to make a range of administrative sanctions, which include:

- (a) rectification or improvement order;

³⁶ Kim and Cho (2008).

- (b) seizure or disposal of the food;
- (c) order for publication of any dangers and harms concerning the food and recall plans;
- (d) cancellation of the business licence, or closure order;
- (e) suspension of items manufactured within a certain period of time; and
- (f) fines.

4.2.19 KFDA and local governments may refer cases of breaches of food regulations to the judicial authority for criminal investigation. The judicial authority will prosecute food regulation offenders and impose penalties according to the Enforcement Decree of the *Food Sanitation Act*, where the maximum penalty includes imprisonment of up to seven years or fines of up to KRW100 million (HK\$680,000)³⁷ or both.

4.3 Approval requirements for food businesses

4.3.1 Under Article 22 of the *Food Sanitation Act*, any persons intending to operate a food business in South Korea are required to obtain approval from the Commissioner of KFDA or the head of the local government. The approval requirements and agencies, which vary with the type of food businesses, are set out under Articles 9 to 13 of the Enforcement Decree of the *Food Sanitation Act*. In particular, businesses which import and sell food products are required to apply for approval from the Commissioner of KFDA. Those engaging in food manufacturing, processing, distribution and transportation, including food freezing and refrigerating, container and package manufacturing, as well as general restaurants and resting restaurants (such as teahouses and fast food stores), have to apply for approval from the head of the local government, depending on the location of the food business.³⁸

³⁷ The average exchange rate in December 2010 was KRW1=HK\$0.0068.

³⁸ A person conducting businesses relating to the processing of agricultural, forestry and fishery products managed by MIFAFF are required to obtain a relevant licence.

4.3.2 Several types of food businesses are subject to licensing requirements, which include food additives manufacturers, food irradiation businesses and entertainment pubs³⁹. The licence for an entertainment pub is granted by the head of the local government, and the other two types of food businesses by the Commissioner of KFDA.

Information required for obtaining approval and licensing

4.3.3 When applying for approval or a licence to run a food business, the typical information required to submit includes:

- (a) name of the businessman, or the representative in the case of a legal person;
- (b) title or trade name of the business;
- (c) location of the business venue; and
- (d) type and scope of business.

Fees associated with obtaining approval and licensing

4.3.4 The fee associated with obtaining approval or a licence to run a food business is KRW28,000 (HK\$190) for new applications and KRW26,500 (HK\$180) for change of important details relating to the food business.⁴⁰

³⁹ An entertainment pub is referred to as "a business where liquors are mainly prepared and sold, and customers are allowed to sing".

⁴⁰ Appendix 16 of the Enforcement Rule of the *Food Sanitation Act*.

4.4 Monitoring measures

4.4.1 In South Korea, the responsibility for monitoring and surveillance of illegal and adulterated food and supervision of imported food control is shared among the Korean Customs Service (KCS), KFDA, several agencies under MIFAFF, and the local governments.

Import procedures

4.4.2 All food imported into South Korea must be declared and accepted by KCS before being released for domestic consumption. Upon arrival of the imported food, the importer must submit an "Import Declaration for Food" with supporting documents to the Customs House to clear the products, including the sanitary and phytosanitary certificates issued by the exporting country's inspection authority.

4.4.3 Food inspection is carried out by KFDA. The method of inspection to be adopted is determined in accordance with the guidelines for inspection of imported food products. The methods of inspection that a given food product may be subject to include:

- (a) document inspection;
- (b) organoleptical inspection⁴¹;
- (c) laboratory inspection; and
- (d) random sampling.

4.4.4 In addition to food inspection, imported plant products (fresh vegetable, fruit and grains) and imported livestock products (including meat, dairy and egg products) are also required to apply for quarantine inspection and obtain a Sanitary Quarantine Inspection Certificate from NPQS and NVRQS respectively. The Sanitary Quarantine Inspection Certificate has to be attached to the import declaration for product clearance.

⁴¹ Organoleptical inspection evaluates the sensory properties of a food sample based on the appearance, colour, odour and taste.

4.4.5 If a product complies with the Korean standards, KFDA issues certification for import. The imported food will then have to clear customs before it is ready for domestic distribution. Products which do not pass quarantine inspection are returned to the exporter and may be re-exported or destroyed. If the violation can be corrected, the importer can reapply for inspection after making the corrections.

Post-market monitoring

4.4.6 At the retail and wholesale levels, KFDA conducts regular inspections to monitor the safety of agricultural, fishery and processed food products (including processed meat products such as canned meat) for consumption, while NVRQS performs similar monitoring function for poultry, dairy, eggs and non-processed meat in the market. In addition, the local governments also have the authority to inspect any food products distributed by retailers and wholesalers.

Traceability

4.4.7 In South Korea, the term "traceability" is officially defined as the process of recording and maintaining information from the production to the sales stages so that when problems concerning the safety of an agricultural product arise, the causes can be traced and necessary measures can be taken. Two specific programmes have been introduced to promote traceability management for domestic agricultural and beef products respectively.

Traceability programme for domestic agricultural products

4.4.8 In 2005, the *Agricultural Products Quality Control Act*, which aims at ensuring the safety and quality of agricultural products, was amended to introduce a traceability programme for domestic agricultural products (covering forest and livestock products). The main purpose of this traceability programme is to provide consumers with the necessary information about the food products they purchase. In general, producers, distributors or retailers of agricultural products may adopt the programme on a voluntary basis, and any person who intends to implement the traceability programme must first register with NAQS. Nevertheless, traceability is mandatory for agricultural products with GAP (good agricultural practices) certification.

4.4.9 Under the traceability programme, the information to be provided to consumers by the participating producers, distributors and retailers is shown in **Table 2**.⁴²

Table 2 – Typical information provided to the customer under the traceability system for agricultural products

From the producer	From the distributor	From the retailer
<ul style="list-style-type: none"> • Name of producer; • location of farm; • name of product; • fertilizers, chemicals and equipment used; and • date, name, amount, transfer place and identity number of the product leaving the farm. 	<p>For incoming goods:</p> <ul style="list-style-type: none"> • delivery date; • name of producer; and • name and amount of product; and <p>for outgoing goods:</p> <ul style="list-style-type: none"> • delivery date; • name of buyer; and • name, amount and identity number of product. 	<ul style="list-style-type: none"> • Delivery date (incoming goods); • name of seller; and • name, amount and identity number of product.

⁴² Lee (2007).

4.4.10 The traceability information is inputted by the food producers, distributors and retailers into a web-based management information system developed and maintained by the Rural Development Administration, which is a central government agency responsible for agricultural research and services in South Korea. This system is designed to enable the record keeping process and provide consumers with easy and free access to the traceability information. Local authorities responsible for agricultural matters are responsible for promoting the system and providing training to farmers, distributors and retailers. As at 2007, information about 1 400 agricultural products were available through this web-based system.⁴³ Consumers can use a product's identity number to retrieve the traceability information via computers, retail store kiosks⁴⁴ and their mobile phones.

Traceability programme for beef

4.4.11 MIFAFF has implemented a traceability system for beef produced in South Korea since 2004. The implementation was initially applied to the farm level on a voluntary basis. After the traceability system for domestic beef was expanded to the distribution level in June 2009, it has become mandatory. The purposes of the beef traceability programme are:

- (a) enabling the identification of the sources of the beef infected with disease;
- (b) building consumer confidence with credible traceability information; and
- (c) enhancing the competitiveness of the Korean beef industry.

4.4.12 Under this system, consumers can use the 12-digit identity number on the retail beef packaging to obtain information such as the origin, breed and grade of the product through the Internet. Since June 2009, such traceability information is also available through mobile phone services.

⁴³ Seo and Lee (2007).

⁴⁴ Retail outlets can install scanners or other devices to provide traceability information on a voluntary basis.

4.4.13 In August 2009, MIFAFF decided to expand the beef traceability system to include all imported beef starting from December 2010. Beef importers will be required to ensure that the bill of lading of any consignment of beef includes key traceability data such as country of origin, date of slaughter, date of processing and date of packaging. The bill of lading number has to be printed or attached as a barcode on the product packaging, or use Radio Frequency Identification (RFID) tags for carrying relevant information.

4.5 Food labelling

4.5.1 While the Food Safety Bureau under KFDA is responsible for establishing labelling standards for general food products, the inspection of labelling of imported food products upon arrival in South Korea is carried out by KFDA's regional offices. Meanwhile, health officials of the local governments are authorized to check labelling of both imported and domestic products in the market place.

General requirements

4.5.2 All imported products are required to be labelled with the necessary information in Korean. Stickers may be used but should not be easily removed and should not cover the original labelling. The following basic information must be printed on the food label in letters large enough to be readily legible:

- (a) product name – effective 30 April 2010, an "OEM" (original equipment manufacturing) mark should be indicated with the product name for all OEM products;
- (b) importer's name and address;
- (c) shelf life;
- (d) contents, including weight, volume or number of pieces;
- (e) ingredient names and content (e.g. weight or volume);
- (f) country of origin; and
- (g) cautions and standards for use or preservation.

4.5.3 The following labelling information is mandatory for designated food products only:

- (a) product type (for tea and health supplementary foods);
- (b) manufacture date (for boxed lunches, sugar, salts and frozen dessert); and
- (c) nutrients (for bread, noodles, confectionery and frozen dessert).

4.5.4 Declarations should be made on the labels of food products containing the following ingredients or developed from special production methods:

- (a) food products with a high caffeine content;
- (b) functional food products;
- (c) GMO products;
- (d) organic agricultural products; and
- (e) recombinant food (i.e. processed food products and unprocessed agricultural food products containing ingredients enhanced through biotechnology).

4.5.5 MIFAFF sets and implements labelling requirements for the meat, poultry, eggs and dairy products it handles in accordance with the *Livestock Product Processing Control Act*. The following information must be contained in the food label of these products:

- (a) product name;
 - (b) type of processed livestock products;
 - (c) name and address of company;
 - (d) manufacture date (only designated products are required);
 - (e) shelf life;
-
-

- (f) content;
- (g) ingredients or raw materials and the percentage content by weight of any ingredients used in the product name or as a part of the product name;
- (h) nutritional data (only certain designated products are required, such as milk, fermented milk, processed milk, ice cream, milk formula, milk powder and sausages); and
- (i) trans fatty acid indication.

Recent developments in labelling regulations

Organic processed food

4.5.6 In June 2008, MIFAFF introduced a mandatory organic certification programme for processed food products under the *Food Industry Promotion Act*. The major purpose of certifying organic processed food is to improve the quality of organic processed food and protect the consumers⁴⁵. Under this certification programme, all domestic and imported organic processed products must be certified by an MIFAFF-accredited certifying agent in order to carry an "organic" label. Such new labelling requirement will be effective with the full implementation of the programme scheduled for December 2012⁴⁶.

Beef

4.5.7 As mentioned in paragraph 4.4.11, the Korean government requires indication of the bill of lading number on the retail package label of imported beef starting from December 2010. This is to allow for traceability of imported beef products up to the retail store level.

⁴⁵ The raw materials for making the organic food have to comply with the quality standards specified in the *Environmental Agricultural Promotion Act*.

⁴⁶ International Organic Accreditation Service (2010).

Chapter 5 – Taiwan

5.1 Background

5.1.1 In the past two decades, the development of food and agricultural policies in Taiwan has been impacted by several major issues. In particular, a series of incidences reported in the 1990s regarding a high level of pesticide residues found in fresh produce have heightened consumer awareness of potential food safety problems. Meanwhile, the rapid economic growth and rising income-have fuelled concerns about the healthiness and wholesomeness of the food supply. Finally, the increasing amount and variety of imported food products gaining entry into the Taiwanese market have led to growing competition between the domestic and international food suppliers.

5.1.2 Against this background, while ensuring food quality and safety remains an essential part of Taiwan's food safety system, improving the competitive edge of the domestic food products has also become an important goal of Taiwan's food safety policies, regulations and programmes. At the same time, Taiwan is trying to manage food safety in line with established international standards as well. As such, when engaging in the process of drafting, implementing and issuing relevant policies, regulations and programmes, food regulators and policy makers in Taiwan give priority considerations to issues such as scientific risk evaluation, principles of transparency and protection of consumer interests.

5.2 Food safety regulatory framework

5.2.1 In Taiwan, the responsibilities for food safety are shared by the Council of Agriculture (COA) and the Department of Health (DOH), both under the Executive Yuan. Specifically, COA and its agencies are responsible for pre-market monitoring of food and related products, whereas DOH deals with post-market monitoring of food safety issues.

Council of Agriculture

5.2.2 COA acts as the competent authority at the central level on matters relating to the agricultural, forestry, fishery, animal husbandry and food industries. It is also responsible for guiding and supervising its provincial and municipal offices working in these areas. Food policies formulated by COA are implemented by a number of agencies under its purview, namely the Agriculture and Food Agency (AFA), the Bureau of Animal and Plant Health Inspection and Quarantine (BAPHIQ) and the Fisheries Agency, each of which is entrusted with statutory responsibilities to assist COA in carrying out its functions.

Agriculture and Food Agency

5.2.3 AFA is responsible for the regulation and promotion of agricultural food safety. Its major roles include:

- (a) drafting, implementing and supervising policies, laws, regulations, programmes and plans relating to agriculture and food;
- (b) implementing safety management measures during the crop period and supervising agricultural and food product processing;
- (c) strategic planning, implementing and supervising matters relating to pesticide, fertilizer, seed and seedling, and agricultural machinery inspection; and
- (d) appointing the Agricultural Research Institute to conduct tests for pesticide residues in domestic agricultural production against the tolerance level of pesticides for different crop groups set out in the *Pesticide Management Act*.

Bureau of Animal and Plant Health Inspection and Quarantine

5.2.4 BAPHIQ is responsible for conducting quarantine inspection on fresh produce, meat, poultry and pet food. BAPHIQ has statutory responsibilities in regulating food supply in Taiwan, which include:

- (a) drafting, implementing and supervising policies, laws, regulations and programmes relating to animal and plant disease, pest control, quarantine, veterinary drugs, animal hygienic material, veterinary public health, quarantine personnel and veterinarian management;
- (b) inspecting imported and exported animals and the products of livestock, poultry and fishery; and
- (c) issuing, examining, managing and supervising phytosanitary certification for imported and exported plants, animals and their products.

Fisheries Agency

5.2.5 The Fisheries Agency is responsible for promoting Taiwan's fishery industry. It regulates the aquaculture food safety by drafting and supervising policies, laws and regulations relating to fisheries, and researching and planning matters concerning fishery science and fishery pollution control.

Department of Health

5.2.6 In Taiwan, DOH is responsible for the management of food and drug safety. Its main duties include promoting self-management of sanitation in the food industries, implementing a safety control system for food businesses, and enhancing the management of genetically modified food.

Taiwan Food and Drug Administration

5.2.7 Since 1 January 2010, a new food safety regulating authority, the Taiwan Food and Drug Administration (TFDA), has come into operation under DOH. TFDA is established under *the Organic Act of the Taiwan Food and Drug Administration* passed in May 2009, with a view to enhancing administrative efficiency by bringing the management of drugs, foodstuffs and related products under one roof. Modelled on the Food and Drug Administration of the United States, TFDA is formed by the integration of four agencies within DOH, namely the Bureau of Food Safety, the Bureau of Pharmaceutical Affairs, the Bureau of Food and Drug Analysis and the Bureau of Controlled Drugs.

5.2.8 TFDA has over 500 staff. Its sphere of control encompasses administration of foodstuffs, traditional medicines, drugs, controlled drugs, medical devices and cosmetics; planning and formulation of laws and regulations; inspection, registration and evaluation of imported products; laboratory accreditation; risk assessment; and implementation of consumer protection measures.

Major food regulations

5.2.9 In Taiwan, all food products must comply with the *Act Governing Food Sanitation*, together with its enforcement rules and a series of regulations and standards promulgated by DOH. This *Act*, in effect since 1975, aims to protect the health of citizens by controlling food quality and prohibiting the manufacture, import, sale and distribution of adulterated or contaminated foodstuffs. The scope of the *Act Governing Food Sanitation* covers the interpretations of food, food additives, food equipment and cleanser, safety and sanitation control, labelling and advertisement, and inspection and sanction, as well as penal provisions on violation of the *Act*.

Enforcement tools

5.2.10 The Enforcement Rules of the *Act Governing Food Sanitation* are drawn up in accordance with the provisions of Article 39 of the *Act*. These rules have laid down standards for the naming and labelling of food and food additives, as well as guidelines for the operation and sanitation inspection of food businesses.

5.2.11 According to Articles 9 and 24 of the *Act Governing Food Sanitation*, the municipal and county/city governments act as the local regulatory and enforcement authorities. They are responsible for conducting spot checks and random examination of the sanitary condition of a food business, coordinating food recalls, and handling registration matters of food businesses.

Penalties

5.2.12 Articles 29 to 36 of the *Act Governing Food Sanitation* contain penal provisions for violation of the sanitation, safety, quality and labelling standards as well as other conditions prescribed in the *Act*.

5.2.13 In the event of any contravention of the provisions of the *Act Governing Food Sanitation* by manufacturers, sellers or importers of food, food additives, food utensils, food containers, food packages or food cleansers, the penalties include a fine of up to NT\$1 million (HK\$269,000)⁴⁷, and the food business is subject to revocation of business registration if a similar offence is committed again within a year. If any of the offences shall cause detriment to human health, the person committing such offence is subject to imprisonment of up to three years, detention, and/or a fine between NT\$180,000 (HK\$48,420) and NT\$900,000 (HK\$242,100).

5.2.14 The municipal or county/city governments shall publish the company name, address, name of the responsible person, name of the product and details of the violation of any food businesses that are found to be non-compliant with the sanitation, safety and quality standards prescribed by law. The product in question shall be recalled, destroyed or banned on manufacturing, selling, importing or exporting.

⁴⁷ The average exchange rate in December 2010 was NT\$1=HK\$0.269.

5.2.15 In particular, Article 32 of the *Act Governing Food Sanitation* specifies penalties for false, exaggerating and misleading labelling and advertising of food products. Any persons who initiate the publishing of labels or broadcasting of advertisements of food products that are misrepresented or exaggerated, or contain information beyond the approved scope may be fined up to NT\$1 million (HK\$269,000) on each offence. Their businesses are also subject to revocation of business registration for repeat offence within a year. Additionally, the media operators may also be fined between NT\$60,000 (HK\$16,140) and NT\$300,000 (HK\$80,700) if they impede or refuse to inform the local health authorities the name of the person who requests the publishing and broadcasting services. If they continue to publish or broadcast the non-compliant label or advertisement a fine between NT\$120,000 (HK\$32,280) and NT\$600,000 (HK\$161,400) may be imposed.

Award for reporting contraventions

5.2.16 Meanwhile, anyone who reports cases in contravention of the *Act* will be awarded a sum equivalent to 5% of the amount of fine imposed. The reward is paid out of the budget of the local authority concerned. If the case is reported jointly by more than two persons, the reward will be shared among them. If the case is reported separately by more than two persons, the reward will be given to the first person who files the report. If it is not possible to identify the first person who files the report, the reward will be shared equally.

5.3 Registration requirements for food businesses

5.3.1 In Taiwan, specific requirements for food business registration are set out in the *Administrative Regulations for Food Dealers*. On top of that, food businesses also have to meet relevant registration requirements relating to setting up a business in Taiwan.

Certificate of Registration of Food Dealership

5.3.2 Under the *Administrative Regulations for Food Dealers*, food businesses engaging in the following activities are required to obtain a "Certificate of Registration of Food Dealership" (Certificate of Registration) from AFA before commencing operation:

- (a) retail and wholesale sales;
- (b) brokerage;
- (c) warehousing;
- (d) milling, including dehulling, rice milling, rice flour grinding and flour grinding; and
- (e) export or import.

Application requirements

5.3.3 The application for such a Certificate should be submitted to AFA's regional offices or their subordinate offices in the respective jurisdictions where the businesses operate. The documents required for the application include:

- (a) an application form, on which information about the business and the responsible person is to be provided, such as name and type of the business, name(s) of the product(s), amount of operating capital, warehousing and food processing facilities operated by the business, and name, address and personal identification number of the responsible person;
- (b) a photocopy of the approval document for business registration;
- (c) any relevant document(s) listed below:
 - (i) for a sole proprietorship: a photocopy of the identification document of the responsible person;

- (ii) for a partnership: a photocopy of the identification document of each of the partners and either the original or a photocopy of the partnership agreement;
- (iii) for a corporation: a photocopy of both the approval document for company registration and the identification document of the responsible person;
- (iv) for a cooperative or farmer association: a photocopy of both the approval document for business establishment and the identification document of the responsible person;
- (v) for a food processor: a photocopy of the approval document for factory registration;
- (vi) for a warehouse operator: a photocopy of the Building Use Permit; and
- (vii) for an exporter/importer: the approval document for the exporter/importer registration.

5.3.4 A fee of NT\$300 (HK\$81) is required for a new application for the Certificate of Registration. For each application for replacement or re-issue of the Certificate in case of damage or loss of the Certificate or changes to the registration details, the fee required is also NT\$300 (HK\$81). The Certificate of Registration shall be issued within 14 days, and is valid for a period of 10 years. A food business wishing to continue operation thereafter shall submit the original Certificate of Registration and apply for reissuance three months prior to expiration. It is required that a food business shall display a valid Certificate of Registration in a conspicuous place at the registered premises.

Other required registration processes

5.3.5 As aforementioned, food businesses are required by law to complete other relevant registration processes prior to obtaining the Certificate of Registration. To operate legally in Taiwan, almost all profit-seeking enterprises must be either registered as a business firm in accordance with the *Business Registration Act* (for sole proprietorships and partnerships) or incorporated as a company in accordance with the *Company Act*. Additionally, all businesses must register with the tax authority in the jurisdiction where the business is located and obtain a tax identification number⁴⁸ before commencing operation. Further, for businesses engaging in manufacturing or processing activities, there is an additional requirement for factory registration, and for those engaging in the export/import of goods, an exporter/importer registration is also required.

5.4 Monitoring measures

5.4.1 Taiwan's food safety authorities monitor the food industry's compliance with food legislation primarily via the conduct of various inspection activities on food and food establishments, and the implementation of a pre-approval system for specific types of food.

Inspection of imported food

5.4.2 As regards imported food, the inspection responsibility is shared between BAPHIQ and the Bureau of Standards, Metrology and Inspection (BSMI) of the Department of Commerce of the Ministry of Economic Affairs. The latter is commissioned by DOH to conduct inspection on food imports at the port of entry in accordance with Article 14 of the *Act Governing Food Sanitation*. Such an arrangement is expected to continue up to 2011, when the border inspection work currently carried out by BSMI is transferred to the newly established TFDA.

⁴⁸ The tax identification number is printed on all receipts and invoices for identifying a business that is tax payable.

5.4.3 With the revised *Regulations of Inspection of Food Imports* taking effect on 1 July 2007, a risk-based inspection mechanism has been applied to the food import system in Taiwan. Under the new rules, food products and importers with an excellent history of compliance and a low rate of food safety violation are subject to random batch inspection and document review of their consignments. This aims to help accelerate customs clearance and enhance inspection efficiency. On the contrary, high-risk food and importers having a poor history of compliance will be targeted for a batch-by-batch inspection of consignments.

5.4.4 Any consignment of food products that fails to pass the inspection may be rejected at the entry port. In case where a few shipments of the same food item are found to be non-compliant with the health and safety requirements after being inspected, the import of the product concerned may be temporarily suspended. Such a suspension may be extended to cover all imports of the product from a source country rather than just the specific supplying company.⁴⁹

Inspection of local food establishments

5.4.5 Regular inspection of local food establishments are conducted by the agricultural or health departments of the municipal or county/city governments. According to the *Act Governing Food Sanitation*, the local agricultural departments are responsible for the inspection of slaughterhouses and cutting plants for livestock and poultry products, whereas the local health agencies are responsible for the examination of the sanitation conditions and records of food service establishments. Any food business that is suspected of violating the food safety standards and regulations may be ordered to have its operation suspended and its products sealed.

⁴⁹ USDA Foreign Agricultural Service (2008).

Registration system for food of relatively high safety concern

5.4.6 According to Article 14 of the *Act Governing Food Sanitation*, several types of food of relatively high safety concern shall not be manufactured, processed, prepared, repacked, imported or exported without being registered with DOH. These products are food additives, special dietary food, and food in capsule and tablet form. Food business operators seeking approval of DOH for engaging in activities in relation to any of these products are required to provide the ingredient information, a report of laboratory test, the product label and other related documents (such as health certificate) for review. A licence, which is valid for five years and renewable, will be issued to those applications meeting the requirements of the *Act Governing Food Sanitation* and related regulations.

Food Safety Control System

5.4.7 In order to promote preventive food safety in the food industry and comply with the international standards, a Food Safety Control System based on self-monitoring was introduced by DOH in 2002 following the promulgation of amendments to the *Act Governing Food Sanitation* in 2000. This system includes the principles of both Good Hygiene Practice (GHP)⁵⁰ and Hazard Analysis and Critical Control Points (HACCP), and is adopted by food businesses on a voluntary basis. DOH is responsible for providing training and guidance to assist food businesses to establish the food safety control system. To ensure that the GHP and HACCP plans used by food businesses are properly designed and implemented, DOH appoints the Food Industry Research and Development Institute in Hsinchu as the sole agent to carry out third-party audits. The audit team comprises government inspectors, university faculties, experts from research institutes and food industries, and dietitians.

⁵⁰ GHP is a written plan involving a set of standard operating procedures (SOPs) to address sanitation issues. Examples are SOP for the control of sanitation in work areas and equipments, SOP for storage, SOP for transportation and shipping, SOP for calibration of equipments and SOP for documentation.

Traceability

5.4.8 Driven by the growing demand for traceability in international food trade and from domestic consumers, COA had been planning a food traceability system since 2004 to make the information about how plants and animals were raised, produced and transported more transparent and traceable. With the enactment of the *Agricultural Production and Certification Act* in 2007, COA launched the Taiwan Agricultural Food Traceability System (TAFTS) in the same year after having had test runs on the system since 2004. The aims of promoting TAFTS are to enhance consumer confidence in the quality and safety of Taiwan's agricultural products and their processed products, and improve the international competitiveness of these products, which ultimately increase the profits of farmers.

5.4.9 Under Article 3 of the *Agricultural Production and Certification Act*, the term "traceability" is defined as "the ability to trace the information of an agricultural product through specified stages of cultivation, processing, packaging, distribution and marketing, which can be demonstrated by keeping complete records that could be made known to the public." Under Article 7 of this *Act*, COA implements a voluntary traceability certification system on certain domestic agricultural products, and if necessary, COA may make announcements about the items and scope of specific agricultural products (including imported products) which are required to comply with compulsory traceability standards.

Taiwan Agricultural Food Traceability System

5.4.10 To implement TAFTS, an agricultural product operator, who is defined in the *Act* as any person who engages in the business of production, processing, packaging, import, distribution or marketing of agricultural products and their processed products, is required to pursue third-party certification and inspection of the operator's production and processing practices in accordance with the requirements set out in the *Act*. The third-party certifying body is responsible for performing on-site inspection to verify matters such as the agrochemicals and fertilizers used, and the credibility of data contained in the records kept by the agricultural product operator seeking certification. Upon certification approval, the agricultural product operator may register his or her products under TAFTS on a batch basis, and print traceability labels with a specific traceable code for a given batch of products.

Record keeping requirements

5.4.11 Under the regulations governing the certification of traceable agricultural products, certified agricultural product operators are required to keep a "journal" with the use of both text and photographs for recording details about each stage of the production process (including sowing, nursing, fertilizing, harvesting and processing) and the delivery process (including information about transportation and storage) as well. Additionally, such traceability records are required to be uploaded to an information communication technology (ICT)-based system developed by COA, and made available to the public online via COA's TAFTS website. At present, traceability information of four categories of food products is available through this platform, namely the agricultural, fishery, poultry and livestock categories. Consumers may get access to the relevant traceability information by keying in the product's traceable code on the TAFTS website, or at kiosks in supermarkets and shopping centres.

5.4.12 The necessary traceability information required to be made public by the agricultural product operator includes:

- (a) product name;
- (b) name of the agricultural operator;
- (c) location of production site;
- (d) the product's traceable code;
- (e) major operational activities;
- (f) packing date;
- (g) name of the certification body; and
- (h) valid period of certification.

Period for record keeping

5.4.13 Under the regulations governing the certification of traceable agricultural products, the agricultural operators have to keep the traceability records for at least one year. For traceable products with a date mark on the food label, the relevant traceability records should be preserved for at least one year after the expiry date.

Concerns about implementing the Taiwan Agricultural Food Traceability System

5.4.14 While training and guidance is provided by COA for the agricultural product operators to make use of the technology to manage record keeping, some challenges against the implementation of TAFTS have also been identified by COA. These challenges are relating to the fact that:

- (a) the area of cultivated land of many farm households in Taiwan is small;
- (b) a substantial proportion of the farmers are old and less-educated; and
- (c) the cost of the certification process is relatively high.⁵¹

5.4.15 Considering the above factors, agricultural product operators are allowed to adopt TAFTS on a voluntary basis. Nevertheless, COA has set a goal of implementing mandatory traceability in all agricultural products by 2015, so as to meet the food safety requirements for exporting agricultural products to some foreign markets, such as the European Union and Japan.⁵²

⁵¹ Hu (2009).

⁵² Government Information Office (2009).

5.5 Food labelling

5.5.1 Article 17 of the *Act Governing Food Sanitation* sets out the labelling requirements of all food products and food additives sold in or imported into Taiwan. According to the article, the following core information shall be conspicuously displayed on the container or packaging of food or food additives in Chinese and commonly used symbols:

- (a) product name;
- (b) name, weight or volume of the contents (separate labelling is required if the food product is a mixture of two or more ingredients);
- (c) name of food additives;
- (d) name and address of the manufacturer (importer has to supply the name and address of the responsible local business operator);
- (e) expiry date (also date of manufacture, shelf life or storage instructions, if the product is designated by DOH in a public notice);
- (f) other material facts designated by DOH by way of public notice;
- (g) country of origin (for specific bulk food items); and
- (h) nutritional information, such as the energy, protein, fat, saturated fatty acids, carbohydrate and sodium content of the food.

New labelling requirements

5.5.2 In recent years, DOH has promulgated several new labelling regulations to require certain types of packaged food products to provide details concerning specific ingredients contained in the food. These new rules are intended to provide consumers with more information to make appropriate food choices and determine more clearly about whether the food products can meet their particular dietary needs. Accordingly, the following information is required to be indicated on the food label:

- (a) the percentage of original juices contained in packaged fruit and vegetable juices having less than 100% of original juices (effective June 2007);
- (b) the amount of caffeine in ml/mg contained in per serving of all packaged drinks containing caffeine (effective January 2008); and
- (c) the type of vegetarian ingredients contained in any packaged product claiming to be vegetarian, where the label must specify the relevant vegetarian category of the product in terms of one of the five labelling categories defined by DOH, namely "pure vegetarian", "ovo-vegetarian diet" (i.e. food containing eggs), "lacto-vegetarian diet" (i.e. food containing milk), "ovo-lacto vegetarian diet" (i.e. food containing both eggs and milk) and "Wu Shin vegetarian diet" (i.e. food containing five strong vegetables includes scallion, garlic, onion, leek and the Indian condiment, hing) (effective July 2009).

5.5.3 Further, a new labelling regulation effective 1 January 2010 has been introduced by DOH to ensure that any loose food item sold in stores with valid company or business registration must carry a label showing the name and country of origin of the product. Such a regulation is intended to help customers differentiate between locally produced goods and imported goods.

Organic labelling

5.5.4 With the adoption of the *Agricultural Production and Certification Act*, Taiwan has implemented new labelling regulations for organic agricultural products and processed products since January 2009. Under these regulations, all agricultural products and their processed products, including imports, shall not be sold under the term of "organic" unless the cultivation, processing, packaging and distribution of such products are certified by COA-recognized certifying bodies. Further, imported organic products are required to apply for an organic labelling approval document for every consignment of such products shipped to Taiwan.

Chapter 6 – Analysis

6.1 Introduction

6.1.1 Based on the findings in the previous chapters, this chapter discusses some major issues relating to the food safety regulatory system in the four selected places. The analysis focuses on the following aspects with particular reference made to Hong Kong:

- (a) regulatory authorities;
- (b) food safety regulations;
- (c) enforcement tools;
- (d) registration requirements for food businesses;
- (e) monitoring measures; and
- (f) food labelling.

6.1.2 To facilitate Members' deliberation on relevant issues, the key features of the food safety regulatory system in the four selected places and Hong Kong are summarized in **Appendix IV**.

6.2 Regulatory authorities

6.2.1 The Australian food regulatory system is the result of an inter-governmental agreement among the Commonwealth, state and territory governments, with responsibilities being split into three areas, namely policy development, standards setting, and implementation and enforcement of such standards. The development of food regulation policies and policy guidelines for setting food standards is undertaken by the Australia New Zealand Food Regulation Ministerial Council (Ministerial Council), being advised by the Food Regulation Standing Committee (FRSC). Ministers and senior officials with responsibilities for food regulation in each jurisdiction are represented in both the Ministerial Council and FRSC. The development of food standards is the primary responsibility of the Food Standards Australia New Zealand (FSANZ), a bi-national government agency tasked with the duties of setting regulatory standards relating to the composition, labelling and contaminants of food in the whole supply chain. While FSANZ has no enforcement power, the standards it develops are implemented and enforced through the food legislation enacted within each jurisdiction. For food import and export, enforcement of laws rests with the Australian Quarantine and Inspection Service under the Department of Agriculture, Fisheries and Forestry at the national level.

6.2.2 In Singapore, the Agri-Food and Veterinary Authority (AVA) is the statutory authority responsible for all food safety matters from production up to just before retail. AVA has a board of directors for making policies and a management team for implementing the policies laid down by the board.

6.2.3 In Taiwan, the responsibilities for food safety at the central level are divided between the Council of Agriculture of the Executive Yuan (COA) and the Department of Health of the Executive Yuan (DOH). COA is responsible for formulating policies relating to the agricultural, forestry, fishery, animal husbandry and food industries, which are implemented by a number of agencies under its purview. DOH primarily deals with the management of post-market food and drug safety and consumer protection. Such functions are supported by the newly established Taiwan Food and Drug Administration under DOH which integrates the operations of several previous DOH agencies. At the local level, the municipal and county/city governments act as the competent authorities for the purposes of enforcement, compliance monitoring and inspection relating to food safety issues.

6.2.4 As regards South Korea, the Food Safety Policy Committee chaired by the Prime Minister is in place to help coordinate the food safety policies and activities of various ministries and authorities involved in the food safety system with overlapping responsibilities. At the central level, the Ministry of Food, Agriculture, Forestry and Fisheries is responsible for the regulation of agricultural, fishery, livestock, dairy and egg products, whereas the Ministry for Health and Welfare oversees food in general (except those products handled by the Ministry of Food, Agriculture, Forestry and Fisheries), functional health food, food additives, food packaging, containers and equipment. The Korean Food and Drug Administration (KFDA), an agency of the Ministry for Health and Welfare, is the principal enforcement authority for ensuring that the food products it monitors within its purview are safe, wholesome and accurately labelled. Several agencies within the Ministry of Food, Agriculture, Forestry and Fisheries are responsible for implementing quarantine regulations and conducting inspections on imported and exported food under their respective scopes of control. At the local level, administrative tasks such as licensing of food businesses and providing guidance on food safety measures are shared by the provincial and municipal governments and the regional offices of KFDA.

6.2.5 In Hong Kong, the Food and Health Bureau (FHB) is responsible for all policy matters relating to food safety, while its executive arm, the Food and Environmental Hygiene Department (FEHD), is responsible for food surveillance and control as well as the licensing of food businesses. To support the work of FHB and FEHD, the Centre for Food Safety (CFS) has been established under FEHD to carry out food surveillance and control as well as risk assessment and communication. The Expert Committee on Food Safety under CFS and a non-statutory body, the Advisory Council on Food and Environmental Hygiene, serve as advisers on food and environmental hygiene issues to the Director of Food and Environmental Hygiene (DFEH) and the Secretary for Food and Health respectively.

6.3 Major food safety regulations

6.3.1 In all the selected places under study, the food safety regulations share an ultimate aim of safeguarding public health. In Singapore, South Korea and Taiwan, the safety of food supply is governed by a range of somewhat different laws and associated rules and regulations on different food sectors and products. These three places have modified existing food legislation and developed new legislation from time to time in accordance with new development on food and changes in international trends in the food industry. Meanwhile, the Australian government has been working towards reducing prescriptive regulations and maximizing consistency in the implementation of food regulations in the country, in view of the significant variation in food regulations among the Australian states and territories in the past.

6.3.2 In Singapore, South Korea and Taiwan, the main legislation governing general food safety is the *Sale of Food Act*, the *Food Sanitation Act* and the *Act Governing Food Sanitation* respectively. In Australia, the nationally agreed food standards developed by FSANZ are intended to provide uniform food safety legislation across its states and territories. These standards are grouped into the *Australian New Zealand Food Standards Code* (the Code), which is incorporated into the food act and other relevant legislation (e.g. industry specific regulations) of each jurisdiction.

6.3.3 In particular, FSANZ has adopted an open process for setting food standards. FSANZ accepts and assesses applications for amending or developing food standards from any individuals and organizations, regardless of whether they are from Australia, New Zealand or any other places, in addition to its own proposals. The decision for approving such applications lies with FSANZ's management board, with the Ministerial Council having a review function. Similar practices of involving outside individuals and organizations in the development of food regulations have not been observed in the other selected places under study.

6.3.4 In Hong Kong, the basic legislation on food is provided in Part V of the *Public Health and Municipal Services Ordinance (Cap. 132)*, which mainly covers general protection for food purchasers. Nevertheless, food incidents over the past few years have revealed inadequacies of *Cap. 132* in providing measures to control food safety. In order to strengthen food safety measures for better protection of public health, the Government has introduced a *Food Safety Bill* in 2009-2010, in which the following food safety control tools are proposed:

- (a) a registration scheme for food importers and food distributors;
- (b) a requirement for food traders to maintain proper transaction records to enhance food traceability;
- (c) power for the proposed food safety authorities to make regulations for tightening import control on specific food types based on risk assessment; and
- (d) power for the authorities to make orders to prohibit the import and supply of problem food and order the recall of such food (this proposal being already in force⁵³).

⁵³ This measure has come into operation since May 2009 after the passage of the *Public Health and Municipal Services (Amendment) Ordinance 2009*. The Ordinance amends *Cap.132* by adding a new Part VA to empower the Director of Food and Environmental Hygiene (DFEH) to make orders to prohibit the import and supply of problem food and order a food recall when DFEH has reasonable grounds to believe that public health is at risk. Part VA of *Cap.132* will be transferred to the new *Food Safety Bill*.

6.4 Enforcement tools

6.4.1 In Australia, South Korea and Taiwan, the enforcement of food safety regulations is the primary responsibility of the local governments and local government agencies. Specifically, the state and territory health departments in Australia enforce food standards and relevant regulations in accordance with the jurisdiction-based food safety legislation. In South Korea, enforcement rules and regulations are established under the food safety acts by the enforcement bodies (KFDA and the local governments), whereas the enforcement regulations in Taiwan are set up by the relevant central authorities. On the other hand, in Singapore, AVA is a one-stop authority for enforcing and implementing food laws and policies in addition to its regulatory functions.

6.4.2 In all the selected places, a breach of the food laws incurs penalties, which commonly involve fines and/or imprisonment in accordance with the severity of breach. Nevertheless, the way that they impose the penalties is somewhat different. Particularly, in Australia, while the states and territories vary considerably in the fines and penalties imposed on a breach of the food laws, they often rely on informal enforcement actions to address non-compliance, such as education and warnings. Prosecutions of food businesses are considered as the last resort by the regulatory authorities due to the high cost of litigation involved. Similar to Australia, South Korea implements a range of administrative sanctions against non-compliance with the provisions of the *Food Sanitation Act*, such as rectification orders, seizure of products and cancellation of business licences, with cases of criminal breaches also subject to penal sanctions including fines and imprisonment. In Taiwan, a repeat violation of the provisions of the *Act Governing Food Sanitation* may lead to revocation of business registration in addition to financial penalties. Also in Taiwan, anyone who reports cases of non-compliance will be awarded a sum equivalent to 5% of the amount of fines imposed by the local authority concerned.

6.4.3 In Hong Kong, the *Public Health and Municipal Services Ordinance (Cap. 132)* sets out the legal power and instruments for the enforcement of food safety. Section 54 of *Cap. 132* stipulates that it is an offence to sell food unfit for human consumption. Section 52 of *Cap. 132* prohibits selling food to a purchaser that is not of the nature, substance or quality demanded by the purchaser. Further, repetitively breaching *Cap. 132* and its subsidiary legislation may result in suspension or cancellation of licences of the food business operators concerned under both the Demerit Points System and the warning letter system of FEHD.

6.5 Registration requirements for food businesses

6.5.1 The selected places have all imposed some forms of registration or licensing requirements for food business operators. Nonetheless, there is no single procedure or authority governing the registration of all types of food businesses in these places.

6.5.2 In Australia, food businesses have to either notify or register with the appropriate local authority prior to commencing their operation in accordance with the requirements under the state or territory food acts. The notification requirement is stipulated under the Code to require food businesses to provide basic information such as name and contact details to the local authorities to let them know of the food businesses' existence. However, most of the Australian states and territories also have a food business registration system in place, which has not been replaced by the notification requirement but continues to be in force. Consequently, under the food acts of most Australian states and territories, food businesses are only required to give notice if they are not required to register under the food acts. Further, notification differs from registration in that the former is not an approval process, and is required to be made only once, unless there is a change to the information provided. Meanwhile, in most Australian states and territories, food businesses requiring registration have to renew their licences annually.

6.5.3 In Singapore, sector-specific regulatory requirements are imposed on food businesses. Traders of food and related products and businesses relating to the processing and handling of food are required to be either licensed or registered with AVA. Meanwhile, food service establishments are licensed by a separate authority, i.e. the National Environment Agency. In Singapore, all food-related licences or registration are subject to annual renewal.

6.5.4 Depending on the nature of business, a person intending to run a food business in South Korea is required to apply for approval from either the Commissioner of KFDA or the head of the local government. Only a few selected types of food businesses including food additive manufacturers, food irradiation businesses and entertainment pubs are required to be licensed by these authorities.

6.5.5 In Taiwan, specific registration procedures are imposed on certain food businesses. For instance, businesses in the areas of retailing, wholesaling, brokerage, warehousing, milling, and export or import of food are required to obtain a Certificate of Registration of Food Dealership from the Agriculture and Food Agency of COA before commencing operation. Such a Certificate is valid for 10 years. Those businesses engaging in food export or import have to go through an additional exporter/importer registration process as well. For food manufacturers and processors, they are required to complete the factory registration procedures before carrying out relevant activities.

6.5.6 The level of detail of information required, and the amount of supporting documents and fees required for food business notification, registration or licensing vary among the four selected places. The typical information required includes contact details of the food business and the responsible person, nature of the business, and the type of food concerned.

6.5.7 Two of the selected places under study, namely Australia and Singapore, have a system of appeal to handle complaints about the decision made in relation to food business registration. In Australia, an applicant may either request a review with the relevant decision-making authority or appeal to a judiciary court, whereas in Singapore, the applicant may appeal to the Minister for National Development.

6.5.8 Hong Kong has also imposed licensing arrangements on various types of activities regulated by DFEH under the *Public Health and Municipal Services Ordinance*. However, unlike the four places under study, Hong Kong does not require all food importers and distributors to register with or obtain a licence from its food safety authority despite the fact that it imports over 90% of its food. The absence of a comprehensive database of all food importers and distributors in Hong Kong renders it difficult for CFS to conduct product tracing in the case of a food safety incident.

6.6 Monitoring measures

Traceability and record keeping

6.6.1 Apart from Singapore, the other three places under study have introduced some traceability requirements on food business operators for tracking the movement of their food products through the supply chain. Both South Korea and Taiwan have provided a definition of traceability in their food legislation. These two countries implement traceability programmes mainly for domestic primary products on a voluntary basis, with the exception of the Korean beef traceability system which has recently been made mandatory and will be expanded to imported products. Both South Korea and Taiwan also require the participating food operators to keep and provide traceability information to the public using computer-assisted means.

6.6.2 In Australia, it is a general requirement under the Code that food businesses must be able to identify where their products (either locally produced or imported) come from. Food businesses are responsible for making the necessary information readily available to the competent authority upon request. However, such information is not required to be publicly accessible, and there is no prescribed method or format for keeping the records.

6.6.3 There are similar minimum information requirements for supporting the respective traceability systems in Australia, South Korea and Taiwan. Under these requirements, food operators should keep records that contain the following information:

- (a) inputs that go into their facilities and that are used to produce their outputs (e.g. fertilizer, seed and live animals);
- (b) name and address of the supplier or receiver (e.g. distributor or customer);
- (c) name and volume or quantity of the product;
- (d) product lot number or relevant product identification; and
- (e) transaction and delivery dates.

6.6.4 As regards duration for record keeping, Taiwan requires the relevant food operators to keep traceability records for at least one year. In Australia, food businesses have to keep traceability records at least until such records have been externally audited, although some jurisdictions may specify a minimum duration for record keeping.

6.6.5 In Hong Kong, there is no legal requirement for the food trade, including food importers and distributors, to keep proper records of the movement of food.

Special food safety programmes

6.6.6 In all the selected places under study, compliance monitoring is conducted by risk-based inspection and testing of food products at points of entry or production and distribution levels, as well as regular inspection and checks of food establishments.

6.6.7 These places also implement special programmes for food businesses to play a more proactive role in managing food safety. For example, in Australia, operators in the high-risk food industry sectors are required to adopt a food safety programme based upon the Hazard Analysis and Critical Control Point (HACCP) concept. Such a programme should include written procedures of how the food business controls potential food safety hazards, and is subject to periodic audit by a qualified auditor. Taiwan implements a similar food safety control system which includes the principles of HACCP and Good Hygiene Practice (GHP) and is also subject to third-party audit, although adoption of the system by food businesses is on a voluntary basis. AVA of Singapore requires every local processed food factory to appoint a food hygiene officer to enforce good hygiene and manufacturing practices. Under the Food Factory Grading System, AVA inspects licensed establishments prior to annual licence renewal and assigns grades from pass to excellent to them according to their standards of hygiene and manufacturing practices.

6.6.8 In Hong Kong, the monitoring of food safety is carried out by both FEHD and CFS. FEHD conducts regular inspections and checks to ensure compliance of licensed food premises with the licensing and hygiene requirements prescribed by law. For meat products in particular, FEHD liaises with overseas authorities and keeps in view the development of the legislation, policies, strategies and practices on the management and hygiene of slaughterhouses in overseas places. CFS undertakes routine, targeted and seasonal food surveillance at import, wholesale and retail levels. It also conducts inspection of farms in the Mainland and liaises with relevant Mainland authorities.

6.6.9 Similar to Singapore, FEHD has introduced a Hygiene Manager (HM) and Hygiene Supervisor (HS) Scheme to require all licensed food establishments to appoint an appropriately trained HM or HS to strengthen food safety supervision of food premises. Large food premises and those food premises producing high-risk food are required to appoint both an HM and an HS. Any food premises which fail to comply with this requirement may have their licences cancelled. To encourage businesses to self monitor themselves, FEHD has also announced a special concession for licensed food premises certified with ISO 22000. These premises can be exempted from incurring demerit points and from having their licenses suspended or cancelled under the demerit points system.

6.7 Food labelling

6.7.1 General food labelling requirements have been laid down by all the selected places, requiring different amount of details to be shown on a product label. Essential information such as name of the product, list of ingredients, name and address of the manufacturer or importer, and country of origin are commonly required on the food label in these places.

6.7.2 Among the selected places, Australia and Taiwan require all packaged food to display nutrition information on the label. In Singapore, a nutrition information panel should be included on the label when a food contains labelling information suggesting or implying that the food has a nutritive property, and including reference to energy or any nutrients such as carbohydrates, cholesterol, fats and protein. In Hong Kong, under the *Food & Drugs (Composition & Labelling) (Amendment: Requirements for Nutrition Labelling & Nutrition Claim) Regulation 2008*, a mandatory nutrition-labelling scheme for pre-packaged food has been effective since 1 July 2010 to promote consumer access to information. This new scheme requires all pre-packaged food to label energy content plus seven core nutrients – protein, carbohydrates, total fat, saturated fat, trans fat, sodium and sugars – and any nutrient for which a claim is made.

Appendix I

Maximum fines and penalties for different types of food offences in the Australian states and territories⁽¹⁾

	Failure to give notice before commencing a food business	Operating an unlicensed food business	Sale of unsafe food	Obstructing an authorized officer	Failure to comply with a directive or compliance order
Australian Capital Territory	AUS\$5,500 (HK\$42,405) for an individual, or AUS\$27,500 (HK\$212,025) for a company.	AUS\$5,500 (HK\$42,405) or six months' imprisonment or both for an individual, or AUS\$27,500 (HK\$212,025) for a company.	AUS\$110,000 (HK\$848,100) or two years' imprisonment or both for an individual, or AUS\$550,000 (HK\$4.24 million) for a company.	AUS\$5,500 (HK\$42,405) for an individual, or AUS\$27,500 (HK\$212,025) for a company.	AUS\$11,000 (HK\$84,810) for an individual, or AUS\$55,000 (HK\$424,050) for a company.
New South Wales	AUS\$55,000 (HK\$424,050) for an individual, or AUS\$275,000 (HK\$2.12 million) for a company.	Not applicable.	AUS\$110,000 (HK\$848,100) or two years' imprisonment for an individual, or AUS\$550,000 (HK\$4.24 million) for a company.	AUS\$55,000 (HK\$424,050).	AUS\$55,000 (HK\$424,050) for an individual, or AUS\$275,000 (HK\$2.12 million) for a company.
Northern Territory	Not applicable.	AUS\$65,000 (HK\$501,150) for an individual, or AUS\$325,000 (HK\$2.51 million) for a company.	AUS\$130,000 (HK\$1 million) or two years' imprisonment for an individual, or AUS\$650,000 (HK\$5.01 million) for a company.	AUS\$65,000 (HK\$501,150) or six months' imprisonment.	AUS\$65,000 (HK\$501,150) for an individual, or AUS\$325,000 (HK\$2.51 million) for a company.

Note: (1) The average exchange rate in December 2010 was AUS\$1= HK\$7.71.

Appendix I (cont'd)

Maximum fines and penalties for different types of food offences in the Australian states and territories

	Failure to give notice before commencing a food business	Operating an unlicensed food business	Sale of unsafe food	Obstructing an authorized officer	Failure to comply with a directive or compliance order
Queensland	Not applicable.	Up to AUS\$100,000 (HK\$771,000).	AUS\$100,000 (HK\$771,000) or two years' imprisonment.	AUS\$10,000 (HK\$77,100).	AUS\$20,000 (HK\$154,200).
South Australia	AUS\$25,000 (HK\$192,750) for an individual, or AUS\$120,000 (HK\$925,200) for a company; plus an expiation fee of AUS\$300 (HK\$2,313) for an individual or AUS\$1,500 (HK\$11,565) for a company.	Not applicable.	AUS\$100,000 (HK\$771,000) or four years' imprisonment for an individual, or AUS\$500,000 (HK\$3.86 million) for a company.	AUS\$50,000 (HK\$385,500).	AUS\$50,000 (HK\$385,500) for an individual, or AUS\$250,000 (HK\$1.93 million) for a company; plus an expiation fee of AUS\$750 (HK\$5,783) if an improvement notice is given.
Tasmania	AUS\$60,000 (HK\$462,600) for an individual, or AUS\$144,000 (HK\$1.11 million) for a company.	AUS\$60,000 (HK\$462,600) for an individual, or AUS\$144,000 (HK\$1.11 million) for a company.	AUS\$120,000 (HK\$925,200) or two years' imprisonment or both for an individual, or AUS\$600,000 (HK\$4.63 million) for a company.	AUS\$60,000 (HK\$462,600).	AUS\$60,000 (HK\$462,600) for an individual, or AUS\$300,000 (HK\$2.31 million) for a company.

Appendix I (cont'd)

Maximum fines and penalties for different types of food offences in the Australian states and territories

	Failure to give notice before commencing a food business	Operating an unlicensed food business	Sale of unsafe food	Obstructing an authorized officer	Failure to comply with a directive or compliance order
Victoria	Not specified. ⁽²⁾	AUS\$5,841 (HK\$45,034) for the first offence, and AUS\$11,682 (HK\$90,068) for the second and subsequent offences.	AUS\$100,000 (HK\$771,000) or two years' imprisonment for an individual, or AUS\$500,000 (HK\$3.86 million) for a company.	AUS\$2,921 (HK\$22,521) for the first offence, and AUS\$5,841 (HK\$45,034) for the second and subsequent offences.	AUS\$2,921 (HK\$22,521) for the first offence, and AUS\$5,841 (HK\$45,034) for the second and subsequent offences.
Western Australia	AUS\$10,000 (HK\$77,100) for an individual, or AUS\$50,000 (HK\$385,500) for a company.	AUS\$10,000 (HK\$77,100) for an individual, or AUS\$50,000 (HK\$385,500) for a company.	AUS\$100,000 (HK\$771,000) for an individual, or AUS\$500,000 (HK\$3.86 million) for a company.	AUS\$10,000 (HK\$77,100).	AUS\$50,000 (HK\$385,500) for an individual, or AUS\$250,000 (HK\$1.93 million) for a company.

Note: (2) It is stipulated in the *Food Act* of Victoria that a person who is guilty of an offence against this *Act* for which a specific penalty is not prescribed by another provision of the *Act* is liable to a penalty not exceeding AUS\$1,168 (HK\$9,005).

Appendix II

Required processes and charges associated with commencing and continuing a food business in the Australian states and territories

	Required process	Associated fee	
		Notification	Registration
Australian Capital Territory	Food businesses either notify or register with the local food authority.	A fee of up to AUS\$50 (HK\$386) may be charged by the enforcement agency.	AUS\$50 (HK\$386) to AUS\$150 (HK\$1,157), annual renewal of registration required.
New South Wales	Food businesses must notify the local food authority.	Free for electronic applications, or AUS\$55 (HK\$424) for a hardcopy application.	Not applicable.
Northern Territory	Food businesses must register with the local food authority.	Not applicable.	Free, annual renewal of registration required
Queensland	Food businesses must register with the local food authority.	Not applicable.	AUS\$519 (HK\$4,001) to AUS\$2,787 (HK\$21,488), annual renewal of registration required.
South Australia	Food businesses must notify the local food authority.	Free.	Not applicable.
Tasmania	Food businesses either notify or register with the local food authority.	A fee of up to AUS\$30 (HK\$231) may be charged by the enforcement agency.	AUS\$100 (HK\$771) to AUS\$200 (HK\$1,542), annual renewal of registration required.
Victoria	Food businesses either notify or register with the local food authority.	Free.	AUS\$89 (HK\$686) to AUS\$570 (HK\$4,395), annual renewal of registration required.
Western Australia	Food businesses either notify or register with the local food authority.	A fee of up to AUS\$50 (HK\$386) may be charged by the enforcement.	Free to AUS\$400 (HK\$3,084), registration remains in force until it is cancelled.

Sources: Food acts of various jurisdictions and Productivity Commission (2009).

Appendix III**Procedures for reviewing a decision relating to registration of
a food business in the Australian states and territories**

	Review procedures stipulated in the food act	Possible outcomes prescribed in the food act
Australian Capital Territory	Making an application to the Australian Capital Territory Civil and Administrative Tribunal.	Not specified.
New South Wales	Not applicable.	Not applicable.
Northern Territory	Making an application to (a) the Chief Health Officer, if the decision is made by his or her delegate; or (b) the local court, if the decision is made by the Chief Health Officer, within 14 days after receiving notice of the decision.	The original decision may be: (a) confirmed; (b) amended; (c) revoked; or (d) substituted by another decision. The reviewer must specify reasons for the determination.
Queensland	Making an application to (a) the local government or the chief executive of Queensland Health for an "internal review" within 28 days after receiving notice of the decision; and (b) the Queensland Civil and Administrative Tribunal for an "external review", if the person is dissatisfied with the review decision.	The original decision may be: (a) confirmed; (b) amended; or (c) substituted by another decision.
South Australia	Not applicable.	Not applicable.
Tasmania	Making an application to the Director of Public Health or the local food authority within 28 days after receiving notice of the decision.	Not specified.
Victoria	Making an appeal to the Magistrates' Court within one month after receiving notice of the decision.	Not specified.
Western Australia	Making an application to the State Administrative Tribunal within 28 days after receiving notice of the decision.	Not specified.

Appendix IV

Key features of the food safety systems in Australia, Singapore, South Korea, Taiwan and Hong Kong

	Australia	Singapore	South Korea	Taiwan	Hong Kong
Regulatory framework					
Authorities responsible for setting food safety policies	<p>(a) Australia and New Zealand Food Regulation Ministerial Council (Ministerial Council), which comprises Ministers from all Australian States and Territories for developing food regulation policy guidelines; and</p> <p>(b) Food Standards Australia New Zealand (FSANZ), which is a statutory authority for developing food standards according to the Ministerial Council's policy. Approval decisions for new or amended food standards are made by the FSANZ Board, a statutory board of management comprising 12 members with expertise in related areas.</p>	<p>Agri-Food and Veterinary Authority (AVA), which is a statutory board responsible for regulating all food matters.</p> <p>Policy decisions are made by the AVA Board of Directors, comprising a chairman and 12 members appointed by the government.</p>	<p>(a) Ministry of Food, Agriculture, Forestry and Fisheries (MIFAFF), which is a government ministry responsible for the regulation of agricultural, fishery and meat products;</p> <p>(b) Ministry for Health and Welfare (MOHW), which is a government ministry primarily responsible for the enactment and amendment of the <i>Food Sanitation Act</i>; and</p> <p>(c) Food Safety Policy Committee, which is a government body chaired by the Prime Minister to coordinate the policies of the relevant ministries involved in food safety matters.</p>	<p>(a) Council of Agriculture, the Executive Yuan (COA), which is a government agency for formulating policies on agricultural, forestry, fishery, animal husbandry and food matters; and</p> <p>(b) Department of Health, the Executive Yuan (DOH), which is a government agency responsible for regulating food safety matters, with its subsidiary, Taiwan Food and Drug Administration, overseeing the management of food and drugs, and drafting related plans and regulations.</p>	<p>Food and Health Bureau (FHB), which is a government agency with its Food Branch overseeing policy matters related to food and environmental hygiene.</p>

Appendix IV (cont'd)

Key features of the food safety systems in Australia, Singapore, South Korea, Taiwan and Hong Kong

	Australia	Singapore	South Korea	Taiwan	Hong Kong
Regulatory framework (cont'd)					
Advisory body on food safety policies	Food Regulation Standing Committee, which provides policy advice to the Ministerial Council.	Nil.	Nil.	Nil.	(a) Expert Committee on Food Safety, which is an advisory body under the Centre for Food Safety (CFS) for advising the Director of Food and Environmental Hygiene (DFEH) on the formulation of food safety measures, review of food safety standards and risk communication strategies; and (b) Advisory Council on Food and Environmental Hygiene, which is a non-statutory body for advising the Secretary for Food and Health on food and environmental hygiene issues.

Appendix IV (cont'd)

Key features of the food safety systems in Australia, Singapore, South Korea, Taiwan and Hong Kong

	Australia	Singapore	South Korea	Taiwan	Hong Kong
Regulatory framework (cont'd)					
Authorities responsible for implementing food safety policies	(a) Australian Quarantine and Inspection Service, which is an agency under the Department of Agriculture, Fisheries and Forestry for inspection and quarantine of animals and plants at the borders; and (b) health departments and food agencies in each state and territory.	AVA.	(a) Korean Food and Drug Administration (KFDA), which is an agency under the authority of MOHW for ensuring the safety of both domestically produced and imported food product, with its regional offices delivering professional administrative duties; (b) several agencies of MIFAFF for implementing policies relating to different products: (i) National Agricultural Product Quality Management Service; (ii) National Plant Quarantine Service; (iii) National Veterinary Research and Quarantine Service; and (iv) National Fisheries Products Quality Inspection Service; and (c) provincial and municipal governments.	(a) Several agencies of COA for implementing policies set by COA in relation to different products or food matters: (i) Agriculture and Food Agency; (ii) Bureau of Animal and Plant Health Inspection and Quarantine; and (iii) Fisheries Agency; and (b) municipal and county/city governments.	(a) Food and Environmental Hygiene Department (FEHD), which is under the purview of FHB and responsible for food safety control, import control on live animals, and management of food incidents, environmental hygiene services and facilities; and (b) Centre for Food Safety (CFS), which is set up under FEHD to deliver FEHD's services related to food safety.

Appendix IV (cont'd)

Key features of the food safety systems in Australia, Singapore, South Korea, Taiwan and Hong Kong

	Australia	Singapore	South Korea	Taiwan	Hong Kong
Regulatory framework (cont'd)					
Relevant legislation and codes/rules on general food safety	<p>(a) <i>Australia New Zealand Food Standards Code</i>, which is a collection of food standards to help promote national consistency in the implementation of food regulations;</p> <p>(b) jurisdiction-based food act, which regulates food safety issues in each Australian jurisdiction; and</p> <p>(c) primary industry legislation in some Australian jurisdictions, which governs the production, manufacture and transport of primary products such as meat and poultry products.</p>	<p><i>Sale of Food Act</i>, which ensures the wholesomeness and purity of general food products.</p>	<p>(a) <i>Food Sanitation Act</i>, which aims to improve national health by preventing sanitary dangers and harm caused by food and ensuring the quality of food nutrition; and</p> <p>(b) <i>Processing of Livestock Products Act</i>, which specifies requirements for the slaughter and handling of livestock and the processing, distribution and inspection of livestock products.</p>	<p><i>Act Governing Food Sanitation</i>, which aims to ensure the safety and quality of food to protect the health of citizens.</p>	<p><i>Public Health and Municipal Service Ordinance (Cap. 132)</i>, which covers general protection for food purchasers, offences in connection with sale of unfit food and adulterated food, composition and labelling of food, food hygiene, seizure and destruction of unfit food.</p>

Appendix IV (cont'd)

Key features of the food safety systems in Australia, Singapore, South Korea, Taiwan and Hong Kong

	Australia	Singapore	South Korea	Taiwan	Hong Kong
Regulatory framework (cont'd)					
Penalties on a breach of food safety laws	A breach of the food acts of individual Australian jurisdictions subject to: (a) a fine or imprisonment or both, which varies among jurisdictions; and/or (b) in some jurisdictions, publicly "naming and shaming" of the food businesses receiving penalty notices, e.g. publishing details of the businesses concerned on the website of the relevant food authority.	Committing an offence under the <i>Sale of Food Act</i> subject to a fine of up to S\$10,000 (HK\$59,500) or imprisonment of up to three months or both.	Non-compliance with the provisions of the <i>Food Sanitation Act</i> subject to: (a) administrative sanctions, such as rectification order, seizure of the food, cancellation of business licence and fines; and (b) penal sanctions, including imprisonment of up to seven years or fines of up to KRW100 million (HK\$680,000) or both.	Violation of the provisions of the <i>Act Governing Food Sanitation</i> by food businesses subject to a fine of up to NT\$1 million (HK\$269,000), revocation of business registration, detention or imprisonment of up to three years. On the other hand, a reward equivalent to 5% of the fine imposed will be given to anyone who reports non-compliant cases.	(a) Under the Demerit Points System, food business operators bearing the risk of having their licences suspended or cancelled on repetitive violation of public health laws; and (b) under the warning letter system, their licences likely to be cancelled on repeated breaches of licensing requirements or conditions.

Appendix IV (cont'd)

Key features of the food safety systems in Australia, Singapore, South Korea, Taiwan and Hong Kong

	Australia	Singapore	South Korea	Taiwan	Hong Kong
Registration requirements for food importers and distributors					
Required procedures before commencing operation	(a) Notifying the appropriate local authorities of the commencement of the food business by providing basic information and contact details of the business; or (b) registration with the appropriate local authority, i.e. to obtain a licence to operate ⁽¹⁾ .	(a) Registration with AVA, for importers of processed food and food appliances; and (b) licensing by AVA, for traders involved in import/export and transshipment of meat, fish, fruits and vegetables.	(a) Obtaining approval from the Commissioner of KFDA, for businesses which import and sell food products; or (b) obtaining approval from the head of the local government, for businesses which distribute or transport food.	(a) Applying for a Certificate of Registration of Food Dealership from the Agriculture and Food Agency; and (b) completing an additional exporter/importer registration with the Ministry of Economic Affairs, for exporters/importers of goods.	(a) Obtaining a food licence from FEHD, for businesses engaging in the manufacture, processing or sale of food; (b) obtaining a provisional food business licence prior to fulfilling all requirements for the issue of a full licence, for premises that have satisfied essential health, building and fire safety requirements; and (c) if required, obtaining additional licences, such as a restricted food permit for the sale of specified restricted food items.

Note: (1) Most Australian states and territories have imposed registration requirements on food businesses prior to the introduction of the notification requirements stipulated in the Code. Such registration requirements remain in force so that food businesses are required to give notice only if they are not required to register.

Appendix IV (cont'd)

Key features of the food safety systems in Australia, Singapore, South Korea, Taiwan and Hong Kong

	Australia	Singapore	South Korea	Taiwan	Hong Kong
Registration requirements for food importers and distributors (cont'd)					
Information required for registration	<p>For notification:</p> <p>(a) name of the food business and name and business address of the owner;</p> <p>(b) nature of the food business; and</p> <p>(c) location of the food premise.</p>	<p>For either licensing or registration with AVA:</p> <p>(a) name, registration number and email address of the company;</p> <p>(b) business operating address and mailing address; and</p> <p>(c) food products to be imported.</p>	<p>General requirements for obtaining approval:</p> <p>(a) name of the owner or the representative of a legal person;</p> <p>(b) title or trade name of the business;</p> <p>(c) location of the business venue; and</p> <p>(d) type and scope of business.</p>	<p>For obtaining the Certificate of Registration of Food Dealership:</p> <p>(a) a completed application form, providing details such as name and type of the business, name of product, contact details of the responsible person, and amount of operating capital; and</p> <p>(b) proof of completion of other registration procedures as required.</p>	<p>Required documents for obtaining a food licence:</p> <p>(a) a completed application form submitted by an individual or a corporation;</p> <p>(b) proposed layout plan of the premises; and</p> <p>(c) other supporting documents such as certified true copies of Business Registration Certificate, for corporation applicants.</p>

Appendix IV (cont'd)

Key features of the food safety systems in Australia, Singapore, South Korea, Taiwan and Hong Kong

	Australia	Singapore	South Korea	Taiwan	Hong Kong
Registration requirements for food importers and distributors (cont'd)					
Associated fees	<p><u>Notification</u> Varying among jurisdictions, from free of charge to AUS\$55 (HK\$424).</p> <p><u>Registration</u> Varying among jurisdictions, from free of charge to AUS\$2,787 (HK\$21,488).</p>	<p><u>Licensing</u></p> <p>(a) Traders of meat and fish: S\$84 (HK\$500);</p> <p>(b) traders of vegetables and fruits: S\$378 (HK\$2,249); and</p> <p>(c) an administrative fee of S\$21.5 (HK\$128) for any new application.</p> <p><u>Registration</u> Free of charge, with an administrative fee of S\$21.5 (HK\$128) for a new application.</p>	<p>(a) KRW28,000 (HK\$190) for a new application for approval or licence; and</p> <p>(b) KRW26,500 (HK\$180) for changes to details of the food business.</p>	<p>NT\$300 (HK\$81) for a new application for the Certificate of Registration of Food Dealership.</p> <p>Replacement or re-issue of such a Certificate costs the same.</p>	<p>Varying with type of licence and size and location of the premises for a full licence. The fee for a provisional licence is half that of a full licence.</p>
Renewal requirements	<p>(a) Notification being a one-time process without the need for renewal; and</p> <p>(b) annual renewal required for registration in most states and territories.</p>	<p>Annual renewal required for all trade licenses and registration.</p>	<p>Not specified.</p>	<p>Certificate of Registration of Food Dealership required renewal every 10 years.</p>	<p>Annual renewal required for a full licence. A provisional licence, being valid for six months, is renewable only once at the discretion of DFEH.</p>

Appendix IV (cont'd)

Key features of the food safety systems in Australia, Singapore, South Korea, Taiwan and Hong Kong

	Australia	Singapore	South Korea	Taiwan	Hong Kong
Registration requirements for food importers and distributors (cont'd)					
Appeal mechanism against decision on registration	(a) Submitting an application for review to the decision-making authority within a specified period of time; and/or (b) making an appeal to the court.	Appealing in writing to the Minister for National Development within 14 days after receiving notice of the decision.	Not specified.	Not specified.	(a) Appealing to the Licensing Appeals Board within 14 days after receiving notice of the licensing authority's decision; and (b) appealing to the Municipal Services Appeals Board within 14 days after receiving the Licensing Appeals Board's decision.

Appendix IV (cont'd)

Key features of the food safety systems in Australia, Singapore, South Korea, Taiwan and Hong Kong

	Australia	Singapore	South Korea	Taiwan	Hong Kong
Requirements to keep business records					
Relevant requirements	Under the <i>Australia New Zealand Food Standards Code</i> , food businesses being required to be able to identify where their products come from, and have a recall system to identify to where their food products have gone.	Not specified.	Under the two traceability programmes introduced by MIFAFF for domestic agricultural products (adoption on a voluntary basis) and beef products ⁽²⁾ respectively, food business operators being required to keep appropriate records from production to the sales stages using specially designed web-based systems.	(a) Under the Taiwan Agricultural Food Traceability System (TAFTS) introduced by COA for adoption of food business operators on a voluntary basis, the participating operators being required to keep appropriate records for each stage of production and delivery process with the use of a web-based system; and (b) operators being required to pursue third-party certification to ensure the standard of production and processing practices before joining the programme.	No such requirements.
Accessibility to records kept	Readily available for inspection by relevant authorities if requested.	Not applicable.	Some traceability information made available to the public via internet, retail store kiosks or mobile phones.	Some traceability information made available to the public via the TAFTS website or kiosks.	Not applicable.

Note: (2) While adoption of the traceability programme for agricultural products by food business operators is voluntary, those businesses participating in such traceability programme have to meet the relevant record keeping requirements. Meanwhile, mandatory traceability requirements have been imposed on beef since June 2009.

Appendix IV (cont'd)

Key features of the food safety systems in Australia, Singapore, South Korea, Taiwan and Hong Kong

	Australia	Singapore	South Korea	Taiwan	Hong Kong
Requirements to keep business records (cont'd)					
Scope of information to be kept or provided to the relevant authority or public	<p>(a) General principles advising food businesses to maintain appropriate records that:</p> <p>(i) contain complete and up-to-date histories of all batches of food;</p> <p>(ii) allow for determination of the use and disposal of all raw materials and bulk food products; and</p> <p>(iii) provide adequate customer details; and</p> <p>(b) sector-specific record keeping requirements applicable to seafood and diary product businesses only.</p>	Not applicable.	<p>(a) Under the traceability programme for domestic agricultural products:</p> <p>(i) name of producer, seller or buyer;</p> <p>(ii) delivery dates; and</p> <p>(iii) name, amount and identity number of products; and</p> <p>(b) under the beef traceability programme, the origin, breed and grade of the product, to be contained in a 12-digit identity number on the package label.</p>	<p>Under TAFTS, information to be provided to consumers including:</p> <p>(a) product name;</p> <p>(b) name of the agricultural operator;</p> <p>(c) location of production site;</p> <p>(d) the product's traceable code;</p> <p>(e) major operational activities;</p> <p>(f) packing date;</p> <p>(g) name of the certification body; and</p> <p>(h) valid period of certification.</p>	Not applicable.

Appendix IV (cont'd)

Key features of the food safety systems in Australia, Singapore, South Korea, Taiwan and Hong Kong

	Australia	Singapore	South Korea	Taiwan	Hong Kong
Requirements to keep business records (cont'd)					
Duration of record keeping	(a) At least until the records having been externally audited; or (b) a minimum duration specified by some jurisdictions.	Not applicable.	Not specified.	At least one year, or one year after the expiry date of the product.	Not applicable.
Special programmes or measures to promote self-monitoring of food businesses					
Relevant programmes or measures	Food safety programme, which is a written plan of how a food business controls the potential food safety hazards based on HACCP concepts. Such a programme is subject to external audit, and mandatory for several high-risk sectors.	(a) All processed food factories being required to appoint a food hygiene officer for enforcing good hygiene and manufacturing practices; and (b) Food Factory Grading System, under which AVA assigns a grade to food manufacturers based on standards of their hygiene and manufacturing practices, so as to encourage them to observe and upgrade their food safety practices.	Information not provided.	Food Safety Control System, which has been introduced by DOH to assist food businesses to better comply with international standards. Such a system includes concepts of good hygiene practices and HACCP, and is subject to third-party audit. Adoption is on a voluntary basis.	(a) Hygiene Manager (HM) and Hygiene Supervisor (HS) Scheme introduced by FEHD, which requires all licensed food establishments to appoint either an HM or an HS to strengthen food safety supervision of food premises; and (b) licensed food premises certified with ISO 22000 being exempted from incurring demerit points, and from having their licenses suspended or cancelled under the demerit points system.

Appendix IV (cont'd)

Key features of the food safety systems in Australia, Singapore, South Korea, Taiwan and Hong Kong

	Australia	Singapore	South Korea	Taiwan	Hong Kong
Food labelling					
Core information on label of packaged food	(a) Name of the food; (b) name and business address of the supplier; (c) list of ingredients; (d) percentage labelling of characterizing ingredient(s) and component(s); (e) lot identification; (f) mandatory warning and advisory statements and declarations; (g) date marking; (h) directions for use or storage; (i) nutrition information; and (j) country of origin.	(a) Name or description of the product; (b) name and address of the manufacturer or importer; (c) list of ingredients; (d) minimum quantity, in terms of net weight or volume; and (e) country of origin.	<u>General food labelling</u> (a) product name; with "OEM" (original equipment manufacturing) mark for OEM products; (b) importer's name and address; (c) ingredient names and content; (d) contents, including weight, volume or number of pieces; (e) shelf life; (f) cautions and standards for use or preservation; and (g) country of origin. <u>Labelling for meat, poultry, eggs and dairy products managed by MIFAFF</u> (a) product name; (b) name and address of company; (c) ingredients or raw materials and the percentage content by weight of any ingredients used; (d) content; (e) type of processed livestock products; (f) shelf life; and (g) trans fatty acid indication.	(a) Product name; (b) name of food additives; (c) name and address of the manufacturer or importer; (d) name, weight, volume or quantity of the contents; (e) other material facts required by DOH; (f) expiry date, and also date of manufacture, shelf life or storage instructions, if required by DOH; (g) country of origin (for specific bulk food items); and (h) nutritional information.	(a) Name of the food; (b) name and address of manufacturer or packer; (c) list of ingredients; (d) count, weight or volume; (e) indication of "best before" or "use by" date; (f) statement of special conditions for storage or instruction for use; and (g) nutritional information (since 1 July 2010).

Appendix IV (cont'd)

Key features of the food safety systems in Australia, Singapore, South Korea, Taiwan and Hong Kong

	Australia	Singapore	South Korea	Taiwan	Hong Kong
Food labelling (cont'd)					
Additional requirements	(a) The <i>Trade Practices Act 1974</i> prohibiting false or misleading claims or representations on a food label; and (b) information on labels being presented in English.	(a) Declarations being required on labels of products making claims about the nutrient content and vitamin and mineral content; and (b) information on labels being presented in English.	(a) Declarations being required on the label of certain food containing special ingredients or developed from special production methods, such as GMO products and recombinant food; and (b) information on labels being presented in Korean.	(a) More information being required to be shown on the label of food containing certain ingredients, such as percentage of original juices in packaged fruit and vegetable juices, and type of vegetarian ingredients in vegetarian food; (b) a special labelling system for organic agricultural products and their processed food being in place; and (c) information on labels being presented in Chinese.	Information on labels being presented in either English or Chinese or in both languages.

References

Australia

1. Australian Competition and Consumer Commission. (2009) *Food labelling guide*. Available from: <http://www.accc.gov.au/content/item.phtml?itemId=877504&nodeId=29f8466040a226f19330c437193bea45&fn=Food%20labelling%20guide.pdf> [Accessed February 2011].
2. Australian Policy Online. (2010) *Issues consultation paper: Food Labelling Law and Policy Review*. Available from: <http://www.apo.org.au/research/issues-consultation-paper-food-labelling-law-and-policy-review> [Accessed February 2011].
3. Brisbane City Council. (undated) *Summary Sheet: Food Business Licence*. Available from: <http://www.sd.qld.gov.au/dsdweb/htdocs/sl0l/html/lic/sum/L006-016.html> [Accessed February 2011].
4. Department of Agriculture, Fisheries and Forestry. (2009) *Imported Food Inspection Scheme*. Available from: <http://www.daff.gov.au/aqis/import/food/inspection-scheme> [Accessed February 2011].
5. Department of Commerce, New South Wales Government. (2010) *Notification of a Food Business*. Available from: http://blis.fairtrading.nsw.gov.au/licence_data/transport_and_storage/air_and_space_transport/air_and_space_transport/scheduled_international_air_transport/airport/notification_of_a_food_business/?licence_select_state=all [Accessed February 2011].
6. Department of Employment, Economic Development and Innovation, Queensland Government. (2010) *Summary Sheet: Food Business Licence*. Available from: <http://www.sd.qld.gov.au/dsdweb/htdocs/sl0l/html/lic/sum/L006-016.html> [Accessed February 2011].

-
7. Department of Health and Ageing, Australian Government. (2009) *Australian & New Zealand Food Regulation Enforcement Guideline*. Version 8. Available from: [http://www.health.gov.au/internet/main/Publishing.nsf/Content/2087CDEAEE7C703CCA256F190003AF4B/\\$File/Australia-and-New-Zealand-Enforcement-Guideline.pdf](http://www.health.gov.au/internet/main/Publishing.nsf/Content/2087CDEAEE7C703CCA256F190003AF4B/$File/Australia-and-New-Zealand-Enforcement-Guideline.pdf) [Accessed February 2011].
 8. Department of Health and Ageing. (2010) *Review of Food Labelling Law and Policy*. Available from: <http://www.foodlabellingreview.gov.au/internet/foodlabelling/publishing.nsf/Content/home> [Accessed February 2011].
 9. Department of Health and Families, Northern Territory Government. (2008) *Food Safety*. Available from: http://www.health.nt.gov.au/Environmental_Health/Food_Safety/index.aspx [Accessed February 2011].
 10. Department of Health, Government of South Australia. (2007) *Guide to the labelling of packaged food for retail sale*. Available from: <http://www.health.sa.gov.au/pehs/food/0706-food-labelling-web.pdf> [Accessed February 2011].
 11. Department of Health, Government of South Australia. (2008) *Food Safety: Mandatory food safety programs for businesses serving vulnerable populations – Frequently asked questions*. Available from: <http://www.health.sa.gov.au/pehs/Food/0804-food-safety-programs-faq2.pdf> [Accessed February 2011].
 12. Department of Health, Government of South Australia. (2010a) *Food Business Notification*. Available from: <http://dh.sa.gov.au/pehs/Food/food-notification.htm> [Accessed February 2011].
 13. Department of Health, Government of South Australia. (2010b) *Starting a Food Business*. Available from: <http://www.health.sa.gov.au/PEHS/Food/food-business-starting.htm> [Accessed February 2011].
-

-
14. Department of Health, Government of Western Australia. (2009a) *Food Act 2008 Fact Sheet 2*. Version 1. Available from: <http://www.public.health.wa.gov.au/cproot/2625/2/FACT%20SHEET%202%20-%20Registration%20of%20a%20food%20business.pdf> [Accessed February 2011].
 15. Department of Health, Government of Western Australia. (2009b) *Food Act 2008 Fact Sheet 3*. Version 1. Available from: <http://www.public.health.wa.gov.au/cproot/2686/2/FACT%20SHEET%203%20-%20Exempted%20food%20businesses.pdf> [Accessed February 2011].
 16. Department of Health, State Government of Victoria. (2009a) *Food safety law amendments 2009*. Available from: http://www.health.vic.gov.au/foodsafety/regulatory_info/legislation/food_safety_reform/amendments.htm [Accessed February 2011].
 17. Department of Health, State Government of Victoria. (2009b) *Starting a food business*. Available from: <http://www.health.vic.gov.au/foodsafety/bus/foodbus.htm> [Accessed February 2011].
 18. Department of Health, State Government of Victoria. (2010) *New food safety law for Victoria*. Available from: http://www.health.vic.gov.au/foodsafety/regulatory_info/legislation/food_safety_reform/index.htm [Accessed February 2011].
 19. *Food Act 1984 (Victoria)*. Available from: http://www.austlii.edu.au/au/legis/vic/consol_act/fa198457/ [Accessed February 2011].
 20. *Food Act 2001 (Australian Capital Territory)*. Available from: http://www.austlii.com/au/legis/act/consol_act/fa200157/ [Accessed February 2011].
 21. *Food Act 2001 (South Australia)*. Available from: <http://www.health.sa.gov.au/pehs/food/food-act-2001-dec06.pdf> [Accessed February 2011].
-

-
22. *Food Act 2003 (New South Wales)*. Available from: <http://www.legislation.nsw.gov.au/viewtop/inforce/act+43+2003+FIRST+0+N/> [Accessed February 2011].
 23. *Food Act 2003 (Tasmania)*. Available from: http://www.thelaw.tas.gov.au/tocview/index.w3p;cond=;doc_id=8%2B%2B2003%2BAT@EN%2B20100216000000;histon=;prompt=;rec=-1;term [Accessed February 2011].
 24. *Food Act 2004 (Northern Territory)*. Available from: <http://notes.nt.gov.au/dcm/legislat/legislat.nsf/linkreference/FOOD%20ACT?opendocument> [Accessed February 2011].
 25. *Food Act 2006 (Queensland)*. Available from: <http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/f/fooda06.pdf> [Accessed February 2011].
 26. *Food Act 2008 (Western Australia)*. Available from: http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_3595_homepage.html [Accessed February 2011].
 27. Food Standards Australia New Zealand. (2001) *Overview of Food Labelling: User guide to Food Labelling and Other Information Requirements – July 2001*. Available from: http://www.foodstandards.gov.au/_srcfiles/general_labelling.pdf [Accessed February 2011].
 28. Food Standards Australia New Zealand. (2005) *Draft assessment report: Proposal P282 – Primary production & processing standard for poultry meat*. Available from: http://www.foodstandards.gov.au/_srcfiles/P282_Poultry_%20DAR_Attachments%20except_Attach3.pdf [Accessed February 2011].
 29. Food Standards Australia New Zealand. (2007a) *Appendix 3: FSANZ processes for assessing Applications*. Available from: <http://www.foodstandards.govt.nz/scienceandeducation/publications/annualreport/fsanzannualreport20062007/appendices/appendix3fsanzproces3685.cfm> [Accessed February 2011].
-

-
30. Food Standards Australia New Zealand. (2007b) *Food Safety Programs: A guide to Standard 3.2.1 Food Safety Programs*. Chapter 3 of the Australia New Zealand Food Standards Code (Australia only), First Edition. Available from: http://www.foodstandards.gov.au/_srcfiles/Guide%20321%20FoodSafetyPrograms-WEB.pdf [Accessed February 2011].
 31. Food Standards Australia New Zealand. (2009a) *Controls to Manage Identified Hazards*. Available from: http://www.foodstandards.gov.au/_srcfiles/P1005%20PPPS%20for%20Meat%20&%20Meat%20Products%201AR%20SD3.pdf [Accessed February 2011].
 32. Food Standards Australia New Zealand. (2009b) *National approach to managing meat safety in Australia*. Available from: <http://www.foodstandards.gov.au/scienceandeducation/factsheets/factsheets2009/nationalapproachtoma4314.cfm> [Accessed February 2011].
 33. Food Standards Australia New Zealand. (2009c) *Primary Production and Processing Standard for Dairy Products: A guide to Standard 4.2.4 Primary Production and Processing Standard for Dairy Products – Part 3: Dairy Processing*. Chapter 4 of the Australia New Zealand Food Standards Code (Australia only). First edition. Available from: http://www.foodstandards.gov.au/_srcfiles/WEB%20Dairy%20Processing.pdf [Accessed February 2011].
 34. Food Standards Australia New Zealand. (2010) *Food Standards Code*. Available from: <http://www.foodstandards.gov.au/foodstandards/foodstandardscode/> [Accessed February 2011].
 35. Hobart City Council, Tasmania. (2010) *Food*. Available from: http://www.hobartcity.com.au/content/InternetWebsite/Environment/Public_Health/Food.aspx [Accessed February 2011].
 36. Kingborough Council. (2008) *Guide to the Operation of a Food Business*. Available from: http://www.kingborough.tas.gov.au/webdata/resources/files/Guide_to_the_Operation_of_a_Food_Business.pdf [Accessed February 2011].
-

-
37. New Zealand Food Safety Authority. (undated) *Stages in the Food Standards Development Process*. Available from: <http://www.nzfsa.govt.nz/labelling-composition/publications/stages-in-the-food-standards-development-process/index.htm> [Accessed February 2011].
 38. NSW Food Authority. (2005) *General Guidelines for the Development and Implementation of a Food Safety Program*. Available from: http://www.foodauthority.nsw.gov.au/_Documents/industry_pdf/Part+1+-+General+Guidelines+Food+Safety+Program.pdf [Accessed February 2011].
 39. NSW Food Authority. (2010) *Food labels*. Available from: http://www.foodauthority.nsw.gov.au/_Documents/consumer_pdf/Foodlabelling_brochure.pdf [Accessed February 2011].
 40. Productivity Commission. (2009) *Productivity Commission Research Report: Performance Benchmarking of Australian and New Zealand Business Regulation: Food Safety*. Available from: http://www.pc.gov.au/__data/assets/pdf_file/0020/93503/food-safety-report.pdf [Accessed February 2011].

Singapore

41. Agri-Food & Veterinary Authority of Singapore. (2006) *AVA Food Factory Grading System*. Available from: <http://www.ava.gov.sg/NR/rdonlyres/23F8D94B-DD0D-406A-8EE3-FD099BE9899F/13247/06031406FoodGrading.pdf> [Accessed February 2011].
42. Agri-Food & Veterinary Authority of Singapore. (2010a) *AVA Annual Report FY2008/09*. Available from: <http://www.ava.gov.sg/NR/rdonlyres/0676D1EB-C401-4038-9D8D-84A01B52DD27/15794/Corporate08091.pdf> [Accessed February 2011].

-
43. Agri-Food & Veterinary Authority of Singapore. (2010b) *Import Requirements of Specific Food Products (Updated 8 November 2010)*. Available from: <http://www.ava.gov.sg/NR/rdonlyres/B911AC69-7E1C-45FC-93D7-5992E06A8C5E/18116/ImportRequirementsofSpecificFoodProducts1.pdf> [Accessed February 2011].
 44. Agri-Food & Veterinary Authority of Singapore. (2010c) *Licensing and Registration of Traders*. Available from: <http://www.ava.gov.sg/FoodSector/FoodTradersAndEst/LicRegFoodTraders/> [Accessed February 2011].
 45. Attorney-General's Chambers. (2010b) *Regulation of Imports and Exports Act (Chapter 272A, Section 3) – Regulation of Imports and Exports Regulations*. Available from: <http://www.customs.gov.sg/NR/rdonlyres/94D7408B-AC51-406F-A7CD-1A62774443F7/17204/RIER.pdf> [Accessed February 2011].
 46. *Customs Act – Cap. 70*. Available from: http://statutes.agc.gov.sg/non_version/cgi-bin/cgi_retrieve.pl?actno=REVED-70&doctitle=CUSTOMS%20ACT%0A&date=latest&method=part [Accessed February 2011].
 47. Legislative Council Secretariat. (2006) *Information Note on the Regulatory Framework of Food Safety in Singapore*. LC Paper No. IN10/05-06.
 48. Online Business Licensing Service. (2010a) *Food Shop Licence*. Available from: <https://licences.business.gov.sg/SHINE/sop/WebPageHandler?p=OASIS&pn=SelectLicences&ss=FAQ&LicenceID=1002> [Accessed February 2011].
 49. Online Business Licensing Service. (2010b) *Registration to Import Processed Food Products and Food Appliances (Excluding Meat and Fish Products, Fresh Fruits and Vegetables)* Available from: <https://licences.business.gov.sg/SHINE/sop/WebPageHandler?p=OASIS&pn=SelectLicences&ss=FAQ&LicenceID=1420> [Accessed February 2011].
-

-
50. The Alcohol and Tobacco Tax and Trade Bureau of USA. (2010) *Singapore*. Available from: <http://www.ttb.gov/itd/singapore.shtml> [Accessed February 2011].
 51. The Singapore Food Manufacturers' Association. (2008) *Compliance Papers*. Available from: <http://www.sfma.org.sg/index.aspx?id=38> [Accessed February 2011].
 52. TradeXchange. (2008) *Highlights on Competent Authorities (CA's) Procedures*. Available from: https://www.tradexchange.gov.sg/tradexchange/default.portal?_nfpb=true&_nfls=false&_pageLabel=main_tn&_type=tn&_page=tn1199935776110&_action=view [Accessed February 2011].

South Korea

53. Agriculture and Rural Development of European Commission. (2008) *Country Dossier: Republic of Korea (South Korea)*. Available from: http://ec.europa.eu/agriculture/markets/export_refunds/forms/kr.pdf [Accessed February 2011].
54. Cho, M. (2009) *Current Legislative Framework on Food Safety and Import Food Policy*. Available from: <http://www.sps-seminars.eu/media/docs/korea/05%20Food%20safety%20policy%20in%20Korea.pdf> [Accessed February 2011].
55. Choe, Y.C. et al. (2007) *Food Traceability System in Korea: Situation and Outlook*. Presented at the *International Symposium on Traceability for Food Safety*. 7 May, Suwon, Korea.
56. Chung, K.H. (2009) *Working Paper 2009-02: Food Safety Management and Future Plans in Korea*. Korea Institute for Health and Social Affairs.
57. Convention on Biological Diversity. (2006) *Copyright*. Available from: <http://www.cbd.int/copyright/> [Accessed February 2011].

-
-
58. Food and Agriculture Organization of the United Nations. (2004a) *Food Control and Food Safety System in Korea*. Available from: <http://www.fao.org/docrep/meeting/008/ae186e/ae186e00.HTM> [Accessed February 2011].
 59. Food and Agriculture Organization of the United Nations. (2004b) *Prevention and Management System for Food Poisoning in Korea*. Available from: <http://www.fao.org/docrep/meeting/006/ad704e/ad704e00.htm> [Accessed February 2011].
 60. Hong Kong Organic Resource Centre. (2010) One Year's Grace for South Korean Regulation. In: *The Organic Standard*. Issue 105 January 2010. Available from: http://www.hkorc.org/doc/resources/01/2010/TOS_105_January_2010_p1.pdf [Accessed February 2011].
 61. International Organic Accreditation Service. (2010) *Regulators and regulations: South Korea*. Available from: <http://www.ioas.org/korea.htm> [Accessed February 2011].
 62. Kim, H.C. & Cho, I. (2008) *South Korean Law Research on the Internet*. Available from: http://www.nyulawglobal.org/globalex/south_korea.htm [Accessed February 2011].
 63. Lee, C.H. (2007) *Traceability for Agri-Products in Korea*. Available from: <http://www.agnet.org/library/bc/54015/> [Accessed February 2011].
 64. Legislative Council Secretariat. (2002) *Health Regulations for the Import of Food in South Korea*. LC Paper No. IN 04/02-03.
 65. Legislative Council Secretariat. (2006) *Authorities Responsible for Food Safety Regulation and Agriculture/Fisheries Promotion in Selected Places*. LC Paper No. IN 11/05-06.
 66. Ministry of Foreign Affairs and Trade of New Zealand. (2010) *April 2009 Quarterly Report: Food Miles/Sustainability Market Intelligence*. Available from: <http://www.nzte.govt.nz/explore-export-markets/market-research-by-industry/Food-and-beverage/Documents/FB-sustainability-report-Korea-April-09.pdf> [Accessed February 2011].
-
-

-
67. New Zealand Trade and Enterprise. (2010) *South Korea to expand traceability to imported beef*. Available from: <http://www.nzte.govt.nz/explore-export-markets/Export-Intelligence/Pages/South-Korea-to-expand-traceability-to-imported-beef.aspx> [Accessed February 2011].
68. Seo, K.S. & Lee, C.H. (2007) *Development and Prospecting of agricultural traceability system in Korea*. Presented at the *International Symposium on Traceability for Food Safety*. 7 May, Suwon, Korea.
69. USDA Foreign Agricultural Service. (2008) *Korea, Republic of FAIRS Country Report Annual 2008*. GAIN Report Number: KS8044. Available from: <http://www.fas.usda.gov/gainfiles/200807/146295313.pdf> [Accessed February 2011].
70. USDA Foreign Agricultural Service. (2009) *Korea – Republic of Food and Agricultural Import Regulations and Standards – Narrative: FAIRS Country Report*. GAIN Report Number: KS9039. Available from: http://gain.fas.usda.gov/recent%20gain%20publications/food%20and%20agricultural%20import%20regulations%20and%20standards%20-%20narrative_seoul_korea%20-%20republic%20of_8-12-2009.pdf [Accessed February 2011].
71. World Trade Organization. (2008) Trade Policies And Practices By Measure. In: *Trade Policy Reviews – Republic of Korea*. Available from: http://www.wto.org/english/tratop_e/tpr_e/s204-03_e.doc [Accessed February 2011].

Taiwan

72. *Act Governing Food Sanitation*. Available from: http://law.moj.gov.tw/Eng/news/news_detail.aspx?id=4990&k1=food [Accessed February 2011].

-
73. Clancy, M. (1998) *The business guide to Taiwan*. Elsevier. Available from: http://books.google.com.hk/books?id=5rrl80WjSEMC&pg=PA131&lpg=PA131&dq=taiwan+and+business+licence+and+factory+licence&source=bl&ots=zqhDJVdGRG&sig=cMIIdNNcVayuUtaVrDoQ2tGPPDUI&hl=zh-TW&ei=gZT3S7LBH4ffcbW6iecL&sa=X&oi=book_result&ct=result&resnum=2&ved=0CCEQ6AEwAQ#v=onepage&q=taiwan%20and%20business%20licence%20and%20factory%20licence&f=false [Accessed February 2011].
 74. Council of Agriculture, Executive Yuan. (undated) *From Farm to Table: Safe Agriculture and Healthy Life*. Available from: <http://eng.coa.gov.tw/suggest.php?issue=11867> [Accessed February 2011].
 75. Department of Health, Executive Yuan. (2009) *Enforcement Rules of the Act: Governing Food Sanitation*. Available from: http://food.fda.gov.tw/english/Acts_Regulations/Foodsafety_1.asp?lawidx=394 [Accessed February 2011].
 76. Department of Investment Services. (2009) *Procedures and Required Documents for Setting-Up a Branch of a Foreign Company*. Available from: http://investtaiwan.nat.gov.tw/matter/show_eng.jsp?ID=114 [Accessed February 2011].
 77. Genzberger, C. (1994) *Taiwan business: The portable encyclopedia for doing business with Taiwan*. World Trade Press. Available from: http://books.google.com.hk/books?id=8mvN1Dc_jtAC&pg=PA162&lpg=PA162&dq=taiwan+business+license+and+tax+registration&source=bl&ots=q6zhEED-e7&sig=jNX7swZ6HsKA7SOe7aVhi2xMsyw&hl=zh-TW&ei=j7T3S_m-O9Cecd6WueYL&sa=X&oi=book_result&ct=result&resnum=10&ved=0CEcQ6AEwCQ#v=onepage&q=taiwan%20business%20license%20and%20tax%20registration&f=false [Accessed February 2011].
 78. Government Information Office. (2009) *Food Safety*. Available from: <http://www.taiwan.gov.tw/ct.asp?xItem=17439&ctNode=1913&mp=1001> [Accessed February 2011].
-

-
79. Hu, J.I. (2009) *Development of Gap and Traceability System for Greening the Food Chain in Taiwan*. Available from: <http://www.agnet.org/library/eb/592/> [Accessed February 2011].
 80. The World Bank Group. (2010) *Starting a Business in Taiwan, China*. Available from: <http://www.doingbusiness.org/exploretopics/startingbusiness/details.aspx?economyid=45#2> [Accessed February 2011].
 81. U.S. Department of Agriculture. (undated) *Taiwan DOH Regulations: Regulations of Inspection of Food Imports*. Available from: http://www.usfoodtaiwan.org/US_Exporter.asp?functionID=11040302 [Accessed February 2011].
 82. USDA Foreign Agricultural Service. (2008) *Taiwan FAIRS Country Report Annual 2008*. GAIN Report Number: TW8046. Available from: <http://www.fas.usda.gov/gainfiles/200808/146295644.pdf> [Accessed February 2011].
 83. 台灣行政院衛生署：《公告「市售包裝果汁及蔬菜汁飲料應標示原汁含有率」》，2006年，網址：http://www.doh.gov.tw/CHT2006/DM/DM2_p01.aspx?class_no=24&level_no=1&doc_no=47283&keyword=%E5%8E%9F%E6%B1%81 [於 2011 年 2 月登入]。
 84. 台灣行政院衛生署：《修正「食品添加物咖啡因使用範圍及限量」，自中華民國 97 年 1 月 1 日起施行》，2007 年，網址：http://www.doh.gov.tw/CHT2006/DM/DM2_p01.aspx?class_no=24&level_no=1&doc_no=50310&keyword=%E5%92%96%E5%95%A1%E5%9B%A0 [於 2011 年 2 月登入]。
 85. 行政院研究發展考核委員會：《開創事業》，網址：<http://www.gov.tw/category/cateformscontent.aspx?categoryid=620&formno=376590000A-620-024> [於 2011 年 2 月登入]。

-
86. 行政院經濟建設委員會：《2010年我國「開辦企業」改革進程》，2010年，網址：<http://www.cepd.gov.tw/m1.aspx?sNo=0013710> [於2011年2月登入]。
 87. 行政院農業委員會：《農委會重申仍將持續推動農產品產銷履歷制度》，2010年，網址：http://www.coa.gov.tw/show_news.php?cat=show_news&serial=coa_diamond_20100104175307 [於2011年2月登入]。
 88. 創業圓夢網站：《公司、商業登記 今起視同營業登記》，2009年，網址：<http://sme.moeasmea.gov.tw/SME/modules.php?name=News&file=article&sid=1658> [於2011年2月登入]。
 89. 創業圓夢網站：《廢止營利事業統一發證後商業登記常見問題》，2009年，網址：<http://sme.moeasmea.gov.tw/SME/modules.php?name=km&file=print&sid=1117> [於2011年2月登入]。

Hong Kong

90. Centre for Food Safety. (2010a) *Expert Committee on Food Safety*. Available from: http://www.cfs.gov.hk/english/committee/committee_ecfs.html [Accessed February 2011].
91. Centre for Food Safety. (2010b) *Food Laws in Hong Kong: Food Legislation/Guidelines*. Available from: http://www.cfs.gov.hk/english/food_leg/food_leg.html [Accessed February 2011].
92. Food and Environmental Hygiene Department. (2009a) Chapter I: Food and Environmental Hygiene Department. In: *Food and Environmental Hygiene Department Annual Report 2007*. Available from: <http://www.fehd.gov.hk/english/publications/annualrpt/2007/1.html> [Accessed February 2011].

93. Food and Environmental Hygiene Department. (2009b) *Licensing*. Available from: <http://www.fehd.gov.hk/english/licensing/index.html> [Accessed February 2011].
94. Food and Health Bureau. (2009) *Advisory Council on Food and Environmental Hygiene (ACFEH)*. Available from: http://www.fhb.gov.hk/en/committees/board1_5.html [Accessed February 2011].
95. Food and Health Bureau. (2010) *Legislative Council Brief: Food Safety Bill*. Available from: http://www.legco.gov.hk/yr09-10/english/bills/brief/b28_brf.pdf [Accessed February 2011].
96. *Food Safety Bill*. Available from: <http://www.legco.gov.hk/yr09-10/english/bills/b201005201.pdf> [Accessed February 2011].
97. Information Services Department. (2008) Chapter 9: Food Safety, Environmental Hygiene, Agriculture and Fisheries. In: *Hong Kong 2007*. Available from: <http://www.yearbook.gov.hk/2007/en/pdf/E09.pdf> [Accessed February 2011].
98. Legislative Council Secretariat. (2010) *Food Safety Bill*. Paper submitted to the Panel on Food Safety and Environmental Hygiene for discussion on 9 February 2010. LC Paper No. CB(2)884/09-10(03).