

**For Discussion on
26 March 2012**

Legislative Council Panel on Environmental Affairs

**Proposed Exemption under the
Genetically Modified Organisms (Control of Release) Ordinance
(Cap. 607)**

INTRODUCTION

This paper provides supplementary information on genetically modified (GM) papaya in response to Members' request at the meeting on 28 November 2011 and, seeks Members' support of the Administration's revised proposal to exempt GM papaya under the Genetically Modified Organisms (Control of Release) Ordinance, Cap. 607 (the Ordinance).

BACKGROUND

2. The Ordinance was introduced to provide the legal basis for the requirements set out in the Cartagena Protocol on Biosafety to the Convention on Biological Diversity (the Protocol) in relation to the regulation of genetically modified organism (GMO). During the discussion of the Bills Committee on Genetically Modified Organisms (Control of Release) Bill (the Bills Committee), Members of the Bills Committee noted the Administration's intention to exempt GM papaya from the application of the Ordinance, having regard to the assessment that GM papaya would unlikely pose any adverse biosafety effect on the biological diversity of the local environment and the significant nuisance it might cause to the general public if the GM papaya was not exempted. Furthermore, during the resumption of the second reading debate of the Bill, the Secretary for the Environment, in response to the Bills Committee's request, also reiterated the Government's intention to exempt GM papaya from the control of the Ordinance, particularly in the light of the prevalence of GM papaya in Hong Kong. During the debate, a Member recommended that GM papaya shall be exempted as soon as possible so as to avoid affecting members of the public who are growing papaya as a hobby and could not possibly distinguish whether it is a GM papaya.

3. Upon the commencement of the Ordinance on 1 March 2011, an expert group was established on 20 June 2011 under section 47 of the Ordinance (the Expert Group) to advise the Director of Agriculture, Fisheries and Conservation (the Director) on the administration of the Ordinance including the exemption arrangement. The Expert Group comprises members from the fields of academics, environmental protection, farming, biotechnology, and trading industry. The terms of reference and membership of the Expert Group are at **Annex A**. At its first meeting held on 5 July 2011, the Expert Group endorsed risk assessment reports on GM papayas and GMOs contained in a veterinary vaccine and agreed with the exemption proposal.

4. We consulted the Panel on Environmental Affairs (the Panel) on 28 November 2011 on a proposal to exempt GM papaya and GMOs contained in a veterinary vaccine from the application of sections 5 and 7 of the Ordinance.

CONTROLS UNDER THE GMO

5. Section 5 of the Ordinance provides that a person must not knowingly cause a GMO to be released into the environment or maintain the life of a GMO that is in a state of being released into the environment. Section 7 provides that a person must not knowingly import a GMO that is intended for release into the environment. Under the Ordinance, growing or maintenance of GM papaya in the field is considered as release of GMO into the environment and requires prior approval from the Director. If a person knowingly grow or maintain an unapproved or unexempted GM papaya, the person will be liable to a fine at level 6 and to imprisonment for one year. The unapproved or unexempted GM papaya would also need to be eradicated.

THE ORIGINAL EXEMPTION PROPOSAL AND THE REASONS

6. Papaya is vulnerable to infection by a plant pathogenic virus named the papaya ringspot virus (PRSV) which is one of the major limiting factors for commercial production of papaya in many parts of the world. As there is no known natural resistance of papaya to PRSV, unprotected plants would have about 95% chance to be infected. Therefore, efforts have been made by scientists to develop GM papaya with PRSV resistance through the use of modern biotechnology. In Hong Kong, papaya is also widely cultivated for its fruits. While a few organic

farmers grow small quantities of organic papaya for the local market, many villagers and subsistence farmers also grow papaya trees in their backyards or in small plantings on farmlands for their own consumption and sell modest surpluses in local markets. Most of them grow papaya from seeds collected from fruits after consumption. The fruits may be bought from markets or collected from papaya trees they are growing. They might be genetically modified and mostly are of unknown identity. Indeed, papaya growing as a hobby is very popular among the public in the territory. The total number of papaya trees in the territory is estimated to be around 350,000, of which some 60-70% might be genetically modified.

7. Due to the prevalence of GM papaya growing in the local environment, the Agriculture, Fisheries and Conservation Department (AFCD) conducted a risk assessment on GM papaya in accordance with the requirements of the Ordinance, making reference to relevant available scientific literature. The risk assessment concluded that it is highly unlikely for GM papaya to pose any adverse biosafety effect to the biological diversity of the local environment mainly because papaya is an exotic species, and that it does not have any close relatives in Hong Kong¹. The conclusion was also endorsed by the Expert Group². Given the above, the Administration considered that it is most desirable to exempt all varieties of GM papaya from sections 5 and 7 in order to avoid causing intense and unnecessary nuisance to the public. If effected, planting or import for planting of GM papaya,

¹ Due to species barrier, the inserted genes of GM papaya cannot pass on to local wild plants, making it impossible for the release of GM papaya to the environment to affect the local biological diversity. Besides, the risk of GM papayas establishing as weed is very low and not likely to be greater than that of conventional papaya. Papaya is not a problematic weed of natural ecosystems and the genetic modifications are unlikely to alter those aspects of the biology of papaya that may potentially affect its weediness. In other words, the possible adverse biosafety effect that may result from the exemption is deemed acceptable.

² The Expert Group has critically examined the risk assessment report with respect to the potential biosafety effects of GM papaya to the local environment, including the gene flow to wild relatives of papaya, horizontal gene transfer, impact on soil microbial diversity, weed potential and production of harmful substances. The Expert Group endorsed the findings of the risk assessment in that GM papaya is very unlikely to pose any adverse biosafety effect to the local environment, in particular members agreed that the potential of gene flow from GM papaya to its wild relatives, which is the major concern of the objectors to the proposed exemption, did not exist given no native species of the papaya family was known to occur in Hong Kong. Besides, having regarded to the concern that GM papaya to be developed in future may have adverse biosafety effects on the local environment, it was pointed out in the meeting that there were established mechanisms to produce GM papayas, hence the biosafety of existing and new varieties GM papayas would be similar.

In view of the above, the Expert Group concluded that the proposed exemption of GM papaya from sections 5 and 7 of the Ordinance was supported. It was also recommended that AFCD should continue to monitor the latest progress and development of GM papayas and carry out a review of the exemption of GM papaya in a three years' time for reporting to the Expert Group. AFCD would also step up publicity on GM crops and organic farming to both the general public and the stakeholders.

including existing varieties approved for commercial production and field planting, as well as new varieties of GM papaya, will be exempted from the need of application for approval under the Ordinance. Any member of the public who is growing or maintaining a GM papaya would not contravene the provision of the Ordinance with respect to release of GMO into the local environment. The public could hence continue to grow papaya as a hobby without worrying whether they have inadvertently committed an offence by merely growing or maintaining a papaya tree.

RESEPNSE TO THE COMMENTS RAISED AT THE PREVIOUS PANEL MEETING

8. At the Panel meeting held in November 2011, two Members expressed reservation on the proposed exemption of GM papaya. Submissions were also received from an environmental group and some organic farmers commenting on the proposed exemption of GM papaya. The major issues raised include: (a) how the Administration could foresee the possible biosafety effect of new varieties of GM papayas on the local environment; (b) planting of GM papaya in overseas countries and; (c) the feasibility of imposing a labelling requirement for GM papayas. Our specific and detailed responses to all the concerns raised in the submissions are given at **Annex B**. The Administration's responses to the above major issues are set out below.

Possible Biosafety Effect of New Varieties of GM Papayas

9. GM papaya is produced through genetic engineering using the same transformation system, all varieties of GM papaya that were developed or are developing would share the same basic genetic makeup. The only difference would be the target gene for the desirable traits for the particular variety of GM papaya. Since GM papaya has similar genetic construction by nature, new varieties of GM papaya would share similar biological and safety properties as existing varieties of GM papaya that are proven to be safe with respect to their possible effect on local biological diversity when planted. Thus, the risk assessment using representative commercialized varieties of GM papaya and varieties of GM papaya approved for field planting is also applicable to new varieties of GM papaya to be developed in the future.

Planting of GM papaya in Overseas Jurisdictions

10. As regards the planting of GM papaya in overseas jurisdictions, GM papaya is cultivated in many places, including Mainland China, Taiwan, US, Hawaii, Brazil, Jamaica, Indonesia, Mexico, Tanzania, Australia, Malaysia, Philippines and Vietnam. For example, the majority of papayas grown in Hawaii are GM papaya which covers more than 1,000 acres of the arable land. In Mainland China, GM papaya is mainly grown in Guangdong, Guangxi and Hainan.

11. At present, a number of varieties of GM papaya resistant to PRSV have been developed to confer papaya with specific resistance to different strains of PRSV. Among them, two varieties have been commercialized and six others approved for field planting. It should be noted that various varieties of GM papaya are being grown in many subtropical and tropical countries. As papaya is one of the major crops in these countries and that branding of specific cultivar of GM papaya is important for its commercialization, approval of specific cultivars of GM papaya rather than exemption of broad varieties of GM papaya through administrative or statutory means were given to their commercial production or field planting in these countries. On the other hand, it is worthwhile to point out that similar exemption as the current proposal of exemption of GM papaya in Hong Kong has been made in Canada. As set out in Canada's Seeds Regulations, GM plants are exempted from authorization requirements if the plants have been openly grown and formed a stable population in Canada. Similarly, GM papaya is very widespread and is known to have existed in the village environments of Hong Kong for many years. In Hong Kong, as both the family and the genus of papaya do not exist locally, it is highly unlikely that the inserted genes of GM papaya could pass on to other native wild plant species.

Labeling Requirement for GM Papayas

12. The objectives of the Ordinance were to give effect to the Protocol, as well as to control the release into the environment and the import and export of GMOs. The food safety aspect of GM food has to be dealt with separately. According to the World Health Organisation, GM foods currently traded on the international market are not likely, nor have been shown, to present risks for human health. The Centre for Food Safety encourages the local food trade to label GM food. In this regard, the "Guidelines on Voluntary Labelling of Genetically

Modified Food” was published in 2006 to set out the principles underlying recommended labelling approaches for GM food, and provide reference for the trade to make truthful and informative labels in a consumer-friendly manner. In 2007, the Administration conducted an assessment of voluntary labelling of GM food by the trade, which findings illustrated that there was no pressing need for mandatory labelling, as measured by the level of use of GM material in the samples. The Administration will continue its efforts in promoting the voluntary labelling regime. The Administration will also keep in view the international development in GM technology and GM food labelling standards, in deciding on the future course of action.

THE REVISED EXEMPTION PROPOSAL

13. In response to the comments from the Panel and the submissions on the proposed exemption, the Administration has further consulted relevant parties on the proposed exemption of GM papaya and reviewed the original proposed exemption. Taking into account the very low potential biosafety risk of GM papaya to the local biological diversity and the concerns from various parties on the exemption of GM papaya, the Administration would like to propose a revised exemption arrangement. The revised exemption is to exempt GM papaya from the application of section 5 of the Ordinance and to exempt only the commercialized varieties of GM papaya from the application of section 7 of the Ordinance. Under this proposed restricted exemption, all varieties of GM papaya would be exempted from the application of section 5 but the exemption of section 7 would apply to the two commercialized varieties of GM papaya only.

14. As stated in the preceding paragraphs about the biosafety of GM papaya, it is highly unlikely that GM papaya would cause any potential biosafety effect to the biological diversity in the local environment. In other words, the continued planting of GM papaya by the general public would have no adverse effect on the local biological diversity. It is logical and sensible to exempt GM papaya from the application of section 5 of the Ordinance so that any member of the public who wants to grow or maintain GM papaya will not be subject to threats of enforcement under this exemption. This would meet some Members' view to include GM papaya in the exemption as soon as possible so as to avoid affecting members of the public members who are growing papaya as a hobby.

15. As with the exemption from section 7 of the Ordinance, as prior approval from the AFCD to import any unexempted varieties of GM papaya for planting in Hong Kong shall be obtained, it would address the main concerns of some local organic farmers who are objecting to the exemption of all varieties of GM papaya.

ALTERNATIVES CONSIDERED

16. We have also considered two alternatives as suggested by some concerned environmental group and organic farmers, that is:

- (a) no GM papaya is to be exempted from the application of sections 5 and 7 of the Ordinance. This option would in effect make the growing or maintenance of all existing papayas in the territory illegal and no GM papaya could be imported for planting in the local environment, unless a person has obtained the Director's approval; and
- (b) to exempt only those GM papaya varieties approved by overseas authorities for field planting or commercial production should be exempted under the Ordinance. In practical terms, only those varieties of GM papaya currently approved for field planting or commercial production could be grown or maintained and that only the commercialized varieties of GM papaya could be imported for planting.

17. The Administration considered both options not feasible. While the options might address the conjectural concerns from the environmental group and some local organic farmers about the alleged unknown biosafety effects of new varieties of GM papaya on the local environment, it would give rise to unintended nuisance to the general public. If anyone would like to grow GM papaya (under option (a)) or unexempted variety of GM papaya (under options (b)), he is required under the Ordinance to submit an application to the AFCD with risk assessment and application fee (\$14,250 at present) for approval. Given the highly technical nature of the matter, the process would cause considerable frustration to the person who is simply growing papaya as a hobby.

18. Furthermore, GM papaya cannot be differentiated from non-GM papaya with naked eyes. Chemical test has to be carried out in order to confirm if the papaya in question is genetically modified or not. To ascertain which variety of

GM papaya is being grown, sophisticated DNA sequencing test has to be done, and papaya samples have to be collected for the test. It is likely that the majority of the public would not know whether the papaya trees they grow or maintain are genetically modified or whether they are of the exempted varieties. Chemical test/DNA sequencing test has to be done in order to ascertain if the papaya in question is the exempted variety or not. If the papaya tree is GM (under option (a)) or is not of the exempted variety (under options (b)), the owner of the papaya tree is required to report to the AFCD and dispose of the concerned papaya tree.

19. Besides, the AFCD would need to take samples to ascertain the varieties of papaya in suspected cases of growing or maintaining GM papaya (under option (a)) or unexempted varieties of GM papaya (under option (b)). While prosecution would be considered for anyone knowingly growing or maintaining GM papayas, even if the public member is unknowingly growing the unexempted varieties, the concerned papaya plant has to be removed, thus causing substantial unnecessary disturbance to the general public in such cases without any obvious benefits to the environment. Such nuisance and disturbance to the public arising from the alternatives described in paragraph 16(a) and (b) above are not justified, given that the environmental risk is negligible. The revised exemption proposal has struck a reasonable balance between protecting biological diversity and avoiding unnecessary and unjustified nuisance to the public .

CONCLUSION

20. This revised exemption proposal as set out in the preceding paragraphs 13 to 15 has taken into account the very low potential biosafety risk of GM papaya to the local biological diversity and the concerns from various parties on the exemption of GM papaya. The possible adverse biosafety effect that may result from the exemption is deemed acceptable. We consider that it is an acceptable and balanced approach to address the need of the public to continue planting papaya as hobby whilst safeguarding local biological diversity from potential biosafety effects of GM papaya if any.

WAY FORWARD

21. Subject to any views Members might have on the revised proposal, we shall finalise the exemption notice for implementing the revised proposal with a

view to tabling the subsidiary legislation at the Legislative Council for negative vetting within this legislative year.

ADVICE SOUGHT

22. Members are invited to comment on the legislative proposal.

Agriculture, Fisheries and Conservation Department
Environmental Protection Department
March 2012

Expert Group Established under
Genetically Modified Organisms (Control of Release) Ordinance

Terms of Reference

The Expert Group shall advise the Director of Agriculture, Fisheries and Conservation upon any question which he may refer to it in connection with the administration of the Genetically Modified Organisms (Control of Release) Ordinance, including the processing of individual genetically modified organism approval applications, variation requests and non-disclosure requests, and the granting of exemptions.

Membership

Chairman

Professor WONG Woon-chung Jonathan

Member

Professor CHU Ka-hou

Professor HO Kwok-keung Walter

Dr. LAU Lok-ting Terence

Ms. LAU Yuen-yee Vicky

Dr. LEUNG Mei-yee Kenneth

Dr. LEUNG Sze-lun Alan

Dr. MAN Chi-sum

Mr. SO Kwok-yin Ken

Professor SUN Sai-ming Samuel

Dr. TSE Tin-yau Anthony

Mr. WONG Hing-keung

Ms. WONG Lai-yin Idy

Assistant Director of Agriculture, Fisheries and Conservation (Conservation)

Assistant Director of Health with Principal Medical and Health Officer as alternate Member

Assistant Director of Environmental Protection (Nature Conservation and Infrastructure Planning) with Senior Administrative Officer (Nature Conservation) as alternate Member

Summary on Views from Deputations' Written Submissions
and Administration's Responses

The following deputations made written submissions to the EA Panel Secretariat –

1. 支持香港無基改種植聯盟
2. Friends of Organic Farmers Society Limited

Summary of their written submissions and the Administration's responses are as follow -

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	<u>支持香港無基改種植聯盟</u>	
1.	The exemption of genetically modified (GM) papayas will result in uncontrolled and full scale gene pollution.	As papaya has no relative species in Hong Kong, the modified gene could not be passed to other plant species native to Hong Kong due to species barrier. Therefore, the potential risk of the alleged "gene pollution" is extremely low.
2.	Whether the Government can ensure that GM papayas to be developed in future have no adverse effect on local biological diversity.	GM papaya is produced through genetic engineering using the same transformation system. Thus, all varieties of GM papaya that were developed or are developing would share the same basic genetic makeup. The only difference would be the target gene for the desirable traits (e.g. resistance to Papaya Ringspot Virus, mites and phytophthora, delayed ripening, long shelf life and tolerance to herbicide) for the particular variety of GM papaya. Since GM papaya has similar genetic construction by nature, new varieties of GM papaya would share similar biological and safety properties with existing varieties of GM

No.	<u>Comment</u>	<u>Response</u>
		<p>papaya that are proven to be safe with respect to their possible effect on local biological diversity when being planted. Most importantly, the potential risk of GM papaya on local biological diversity is extremely low as papaya is not native to Hong Kong and thus gene flow to other plants could not occur.</p>
3.	<p>If there is any country which has granted exemption to all GM papayas.</p>	<p>As the DNA sequences are slightly different for papaya ringspot virus (PRSV) from different regions, many countries have developed or are developing GM papaya varieties resistant to local strains of PRSV. At present, GM papaya is being cultivated in a number of jurisdictions, such as Australia, Brazil, Indonesia, Jamaica, Mainland China, Taiwan, Malaysia, Mexico, Philippines, Tanzania, the United States and Vietnam. Instead of exemption, these jurisdictions have indeed approved the planting of GM papaya. For example, the United States has approved the full-scale commercial planting of GM papaya since 1996. On the other hand, it is worthwhile to point out that similar exemption as the current proposal of exemption of GM papaya in Hong Kong has been made in Canada. As set out in Canada's Seeds Regulations, GM plants are exempted from authorization requirements if the plants have been openly grown and formed a stable population in Canada.</p>
4.	<p>The approach the risk assessment was conducted and the risk management plan.</p>	<p>The risk assessment was conducted in accordance with the requirements of the Genetically Modified Organisms (Control of Release) Ordinance (the Ordinance) which are adopted from the Cartagena Protocol on Biosafety (the Protocol) and with reference to relevant available scientific publications and</p>

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		<p>recognized risk assessment reports on GM papaya. The potential risks associated with GM papaya, including gene flow to wild relatives of papaya, potential to become a weed, production of harmful substances, horizontal gene transfer and impact on soil microbial diversity, were assessed on the basis of the possible adverse biosafety effects of GM papaya to the local biological diversity. Based on the risk assessment, it was concluded that GM papaya is unlikely to pose any adverse biosafety effect to the biological diversity of the local environment.</p>
5.	<p>Cross-pollination by GM crops as well as its effects on agricultural biodiversity, should be included in the risk assessment.</p>	<p>To be in line with the objectives of the Protocol and the Ordinance for the protection of local biodiversity, agricultural biodiversity would be taken into account in the risk assessment only if the concerned crop plant is a species native to Hong Kong. As papaya is an exotic species, the planting of GM papaya will not have any impact on the local agricultural biodiversity according to the requirements of the Protocol and the Ordinance.</p>
6.	<p>The safety of GM papaya for human consumption is still controversial and Hong Kong has no papaya industry, the Government should not take the risk of allowing Hong Kong to be overwhelmed by GM papayas.</p>	<p>The Ordinance seeks to implement the Protocol in Hong Kong, thus the Ordinance concerns with conservation and sustainable use of biological diversity. Food safety is outside the ambit of the Ordinance. On GM food consumption, according to the World Health Organisation, GM foods currently traded on the international market are not likely, nor have been shown, to present risks for human health. The Centre for Food Safety encourages the local food trade to label GM food. In this regard, the “Guidelines on Voluntary Labelling of Genetically Modified Food” was published in 2006 to set out the principles</p>

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		<p>underlying recommended labelling approaches for GM food, and provide reference for the trade to make truthful and informative labels in a consumer-friendly manner. In 2007, the Administration conducted an assessment of voluntary labelling of GM food by the trade, which findings illustrated that there was no pressing need for mandatory labelling, as measured by the level of use of GM material in the samples. The Administration will continue its efforts in promoting the voluntary labelling regime. The Administration will also keep in view the international development in GM technology and GM food labelling standards, in deciding on the future course of action.</p>
7.	<p>Papaya growers in Hong Kong grow GM papayas unknowingly, thus will not be caught under the Ordinance.</p>	<p>We cannot presume that all papaya growers in Hong Kong grow GM papayas unknowingly. For cases of planting of suspected unapproved GMOs, the investigation and subsequent enforcement actions will inevitably cause unnecessary nuisance to the general public.</p>
8.	<p>The exemption will deprive of farmers' choice for growing non-GM and organic papayas.</p>	<p>It should be noted that organic farming, which is considered as commercial activity, is outside the ambit of the Ordinance. On the other hand, organic papaya farmers could adopt protection measures against possible cross-pollination by GM papaya and continue to grow organic papaya.</p>
9.	<p>The Government should not exempt GM papayas because of the difficulty in enforcement.</p>	<p>The major consideration for exemption is the potential risk of GM papaya to the local biological diversity and whether the possible adverse biosafety effect that may result from the exemption is acceptable or manageable. The widespread occurrence of GM papaya in the local environment and avoidance of</p>

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		<p>causing nuisance to local papaya growers are factors that prompt the Government to conduct risk assessment to evaluate the GMO's possible adverse biosafety effect. The Expert Group had detailed discussion on the risk assessment report of GM papaya and it was agreed that the potential risks of GM papaya to the local biological diversity is extremely low. On the other hand, during the discussion of the GMOs (Control of Release) Bill, the Bills Committee requested that the Administration should include GM papaya in the exemption as soon as possible so as to avoid affecting members of the public who are growing papaya as a "hobby". These factors have been taken into account in the consideration for granting the exemption to GM papaya.</p>
10.	<p>The Government can effectively monitor the release of new GM variety of papaya into Hong Kong's environment.</p>	<p>The GMO surveys conducted by AFCD on local food markets as well as seeds markets could serve as an effective means to monitor the situation of GM papayas in Hong Kong.</p>
11.	<p>The Government to restrict the exemption to those GM varieties which are approved for commercial production.</p>	<p>The potential risk of GM papaya, irrespective of which variety or whether it is approved for commercial planting, to local biological diversity is considered extremely low as the exotic papaya has no relative species in Hong Kong. In view that the risk to the biological diversity posed by GM papayas is considered acceptable, the enforcement against papayas of GM varieties other than those approved for commercial production will cause unnecessary nuisance to the general public.</p>
12.	<p>The Government to provide non-GM papaya</p>	<p>As this suggestion concerns with agriculture development and is a commercial activity, it is</p>

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	seedlings to growers in exchange for papayas of possible GM varieties.	outside the ambit of the Ordinance. Non-GM papaya seeds are readily available from nurseries/seed companies from various sources.
13.	The Government to put more resource into the public education on GMOs and the regulations.	<p>To arouse public awareness of the new regulatory framework on GMOs, AFCD has carried out the publicity and public education programmes. Target-specific pamphlets and posters were prepared and distributed to the relevant stakeholders (e.g. farmers, seed traders, flower shop owners, aquarium shop owners, universities and research institutes) and to the general public at district offices, country park visitor centres and Hong Kong Wetland Park. In addition, other publicity programs, including organizing seminars for stakeholders, posting posters at border control points and video display at the airport, have also been implemented. All relevant information of the Ordinance, such as the list of commercialized GMOs available in the international markets and introduction to the regulations by the Ordinance, are uploaded onto the online GMOs Register for public access. Also, circular letters are disseminated to all relevant stakeholders to notify them of latest news and information about the Ordinance.</p> <p>We will continue the publicity and education programmes to enhance general public's awareness about the GMOs regulations.</p>

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<u>Friends of Organic Farmers Society Limited</u>		
14.	Consumers should be provided a way to distinguish GM papaya fruits from non-GM papaya fruits.	The Ordinance seeks to implement the Protocol in Hong Kong, thus the Ordinance concerns with conservation and sustainable use of biological diversity. The food safety aspect of GM food is being dealt with under another international organization and is outside the ambit of the Ordinance.
15.	The exemption will deprive of farmers' choice for growing non-GM papayas.	See response to the same comment under item (8) above.
16.	The cost of building net house to protect non-GM papayas from cross-pollination by GM pollen will be transferred to consumers, which can be lifted if all GM papayas are removed.	It should be noted that organic farming is outside the ambit of the Ordinance. Incidentally, it should be pointed out that protective measures, such as net house, are needed for local non-GM papaya production no matter whether GM papaya is present or not as non-GM papaya is highly susceptible to PRSV infection.