

**For discussion
on 11 February 2014**

Legislative Council
Panel on Food Safety and Environmental Hygiene

Regulatory Control on Sale of Chilled Meat and Poultry in Fresh Provision Shops

Purpose

This paper reports to Members the enhanced regulatory control measures on the sale of chilled meat and poultry in fresh provision shops (FPSs) introduced by the Food and Environmental Hygiene Department (FEHD).

Background

2. Under section 31(1)(d) of the Food Business Regulation (Cap. 132X), any person who carries on any food business which involves the sale of fresh, chilled¹ or frozen beef, mutton, pork, reptiles, fish or poultry must obtain a FPS licence granted by the FEHD. Taking into account the need for chilled meat and poultry to be stored at a temperature between 0°C and 4°C for the purpose of ensuring food safety, the FEHD stipulates, through the licensing requirements and conditions for issuing a FPS licence, that a refrigerator of suitable capacity and in good working order shall be provided at the premises for the storage and display for sale of chilled meat and poultry, with its temperature being kept between 0°C and 4°C at all times. Upon the issue of the FPS licence, FEHD staff would conduct regular inspections to the licensed FPS under the Risk-based Inspection System (RBIS)², in the interest of ensuring that the licensee complies with the licensing requirements and conditions as well as the hygiene standards prescribed under the law. Besides, the FEHD also mounts,

¹ *Chilled meat and poultry means meat and poultry which has been preserved by chilling at a temperature between 0°C and 4°C from the point of slaughter, storage and transportation to the point of sale.*

² *Under the RBIS, frequencies of inspections for licensed food premises will be determined by the risk potential of individual food premises. This is assessed by reference to a host of factors including the type of food sold at the food premises, the intended mode of consumption by customers, activity of the premises, the method of food processing in use, the size of the customer base, the existing risk classification of the premises, past records of prosecutions and warning letters, as well as the incidence of previous food poisoning cases. Food premises classified as high, medium and low risk types will be inspected once every 4, 10 and 20 weeks respectively.*

in the districts from time to time, special operations targeted at irregularities observed in FPSs such as improper storage of chilled or frozen meat and poultry.

3. In the Direct Investigation Report (“Report”) on the Regulation of Sale of Chilled Meat released on 24 October 2013, the Office of The Ombudsman (“The Ombudsman”) noted that it was quite common for shops selling chilled meat and poultry to breach the licensing condition which stipulates that chilled meat and poultry for sale shall be stored at a temperature between 0°C and 4°C and that some shops even appeared to be selling chilled meat and chickens fraudulently as fresh meat and chickens for higher gain. In this connection, The Ombudsman has made a number of recommendations to the FEHD, including the following:

- ◆ increase the frequency of regular inspections of FPSs;
- ◆ formulate guidelines to clearly define minor breaches, having regard to food safety requirements, and to take enforcement action against the FPS under the Warning Letter System³ in case of a subsequent breach ;
- ◆ require prompt action by the FPS licensees to rectify their irregularities after receiving warnings;
- ◆ for any person whose FPS licence has previously been cancelled due to repeated offences, refuse processing any application by that person or his/her representative for a FPS licence in respect of the same premises within a specified period of time; and

³ *The Warning Letter System is an administrative measure employed by the FEHD to deal with food premises in breach of licensing requirements or conditions. The procedures are as follows:*

- (a) *Upon detection by the FEHD of any breaches of licensing requirements or conditions, “verbal warning” will be given to the licensee requiring him/her to make rectification.*
- (b) *If the licensee has rectified the irregularity upon a follow-up inspection, a “reminding letter” in respect of the verbal warning will be issued to the licensee by the FEHD to remind him/her to avoid recurrence of the same irregularity within six months.*
- (c) *If the licensee fails to make rectification within a specified period or the same irregularity recurs at the premises within a six-month period from the date of the issue of the verbal warning, a “warning letter” which is valid for six months will be issued to the licensee by the FEHD.*
- (d) *If the licensee has been issued with three written warnings within a period of six months resulting from the breach of one or more licensing requirement(s) or condition(s) and subsequent breach(es) is/are detected thereafter, the FEHD will consider cancelling the licence.*

- ◆ enhance publicity and public education through various channels to promote public awareness that chilled meat and poultry must be stored and displayed for sale at proper temperatures in FPSs. Also, release information through the media about shops which are persistently involved in irregularities and upload such information onto the websites of the FEHD and Centre for Food Safety.

Regulatory Measures

4. To ensure food safety, the FEHD has imposed licensing conditions on FPSs selling chilled meat and poultry requiring the licensee or the shop operator to keep, in the course of food business (including during transportation, storage or display for sale), food commodities at appropriate temperatures according to the nature of the commodities. The FEHD is vigilant in taking actions against irregularities related to the storage and sale of chilled meat and poultry at improper temperatures in FPSs. Besides regular inspections, special operations targeted at these irregularities are also mounted from time to time. Upon detection of breaches of the relevant conditions by the licensees or shop operators during inspections, FEHD staff will issue verbal warnings or warning letters to them for rectification actions. If a licensee fails to rectify the irregularities and repeats the breaches, the FEHD will consider cancelling the licence.

5. Since the end of 2011, the FEHD has been taking steps to gradually tighten the regulatory measures against such irregularities in relation to transportation, storage or display for sale of chilled meat and poultry at improper temperatures. The timeframe allowed for rectification upon issue of the verbal warnings and warning letters has been shortened. Starting from June 2013, all FPS licensees are required to take immediate rectification actions upon receipt of the relevant warnings. If a licensee has been issued with three written warnings within a period of six months and subsequent breach(es) is/are detected thereafter, the FEHD will consider cancelling the licence. Moreover, the FEHD will not tolerate the sale of chilled meat and poultry as fresh meat and poultry in FPSs. Suspected cases will be promptly investigated with enforcement actions taken where appropriate. Breaching the relevant licensing condition is liable to attract immediate cancellation of the licence concerned.

6. From 2013 to mid-January 2014, the FEHD issued a total of 48 verbal warnings and 10 warning letters to FPSs for the improper storage or display for sale of chilled meat or poultry. During the same period, the FEHD also detected a case of sale of chilled poultry as fresh poultry in a FPS. Cancellation of the licence is being considered.

7. Besides implementing regulatory measures, the FEHD provides relevant health education to the licensees through disseminating food safety and health advice to the licensees and their staff during regular inspections of premises, and organises talks, seminars and workshops for the trade to promote awareness of the importance of food safety and hygiene. The FEHD also publishes leaflets and posters to promote awareness and educate the trade on the proper storage and display for sale of chilled meat and poultry at retail outlets.

8. To facilitate the licensees in maintaining food safety and environmental hygiene in FPSs, the FEHD requires, on a mandatory basis, the appointment of a full-time Hygiene Supervisor with relevant training to monitor food safety and hygiene at the premises.

Follow-up Actions on Recommendations Made by The Ombudsman

9. In response to The Ombudsman's recommendations made in the Report on the sale of chilled meat in FPSs, the FEHD has been implementing measures as follows:

- (a) the FEHD will increase the frequency of surprise inspections to FPSs selling chilled meat and poultry which have been issued with warnings for breaches of licensing conditions governing the proper storage of chilled meat and poultry and lengthen the observation period, so as to enhance the effectiveness of the regulatory regime and the deterrence against such irregularities;
- (b) further to the implementation of the new measure mentioned in paragraph 5 above (i.e. requiring the licensees to take immediate rectification actions upon receipt of warnings starting from June 2013), the FEHD has formulated clear guidelines to define minor breaches and enforcement actions for strict observance by inspection officers. If a subsequent breach by the FPS concerned is detected, enforcement action will be taken under the Warning Letter System;
- (c) in respect of a licensee of a FPS whose licence has previously been cancelled due to repeated breaches of licensing conditions governing temperature control in the storage or display of chilled meat and poultry, or due to sale of frozen or chilled meat and poultry as fresh meat and poultry, the FEHD will refuse to process applications from the licensee, his/her representative or

business partner, for any FPS licence in relation to the same premises for a period of 12 months from the date of cancellation of the licence; and

- (d) the FEHD has published leaflets and posters on the proper storage of chilled meat and poultry so as to promote public awareness that chilled meat and poultry must be stored and displayed for sale at a temperature between 0°C and 4°C in FPSs and that otherwise, the shop would have breached the relevant licensing conditions. Also, members of the public are encouraged to report these irregularities to the FEHD. The FEHD will release information through the media about shops whose licences have been cancelled due to persistent breaches and is prepared to upload such information to the Department's website for public reference.

Way Forward

10. The FEHD will continue to strengthen control over irregularities in the sale of chilled meat and poultry in FPSs, stamp out shops which persistently commit such irregularities, and convey to the trade the importance of abiding by the law. The Administration will review the effectiveness of the regulatory measures from time to time for the purpose of ensuring food safety and hygiene.

Advice Sought

11. Members are invited to note the contents of this paper.

Food and Health Bureau
Food and Environmental Hygiene Department
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