



中華人民共和國香港特別行政區政府總部食物及衛生局  
Food and Health Bureau, Government Secretariat  
The Government of the Hong Kong Special Administrative Region  
The People's Republic of China

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(Translation)

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**BY FAX**

11 November 2013

Dr Hon Helena WONG Pik-wan  
Chairman, Panel on Food Safety and Environmental Hygiene  
Legislative Council  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong

Dear Dr Hon WONG,

**Regulation of Sale of Chilled Meat**

The Clerk to the Legislative Council Panel on Food Safety and Environmental Hygiene (the Panel) wrote to the Secretary for Food and Health on 29 October 2013 following the release of a Direct Investigation Report (DIR) by the Office of The Ombudsman on 24 October 2013, in which the Administration was alleged for failing to regulate effectively the irregularities in the storage of chilled meat in fresh provision shops (FPSs). The Clerk referred to letters from the Dr Hon Kenneth CHAN Ka-lok on 24 October and the Dr Hon KWOK Ka-ki on 26 October 2013, seeking relevant information from the Administration. We have since consulted the Food and Environmental Hygiene Department (FEHD). I am authorised to reply as follows.

FEHD indicated that they would actively follow up the recommendations made in the DIR. Some of the recommendations have already been implemented, including the further tightening in June 2013 of regulatory measures against breaches of the licensing conditions governing the storage and sale of chilled commodities at proper temperatures in FPSs. 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, chilled or frozen beef, mutton, pork, reptiles, fish or poultry must obtain an FPS licence granted by FEHD. According to the licensing conditions governing FPSs stipulated by FEHD, the licensee or the shop operator is required to keep, in the course of conducting their food business operation (including during transportation, storage or display for sale), food commodities at appropriate temperatures according to the nature of the commodities. Upon detection of breaches of the conditions by the licensees or shop operators during inspections, FEHD staff will issue verbal warnings or warning letters to them for immediate rectification actions. If a licensee has been issued with three warning letters within a period of six months, FEHD will consider canceling the licence. FEHD had issued 51 verbal warnings, 47 reminding letters and 12 warning letters to FPSs for the improper storage or display for sale of chilled meat / poultry in 2013 up to September.

FEHD will not tolerate the sale of chilled or frozen meat / poultry disguised as fresh meat / poultry in FPSs. Suspected cases will be promptly investigated with enforcement actions taken where appropriate. Breaching the relevant licensing condition is liable to lead to the immediate cancellation of the licence concerned. Between 2009 and 2012, FEHD had cancelled four FPS licences for breach of the relevant licensing condition involving the sale of chilled or frozen meat/poultry disguised as fresh meat/poultry.

In respect of a FPS licensee whose licence has previously been cancelled due to repeated breaches of licensing conditions governing temperature control in the storage or display of chilled meat/poultry, or due to sale of frozen or chilled meat/poultry as fresh meat/poultry, FEHD will formulate guidelines under which the licensing office would refuse to process applications from the former licensee, his / her representative or business partner, for any FPS licence in relation to the same premises for a period of 12 months after the cancellation of the licence, in order to enhance deterrence.

FEHD will continue to implement the Risk-based Inspection System (RBIS) through which resources are allocated on a priority basis to the inspection of licensed food premises with higher risks and with lower hygiene standards. FEHD will step up follow-up inspections to FPSs with verbal warnings or warning letters for storage or sale of chilled meat/poultry at improper temperatures, until there is persistent improvement to the situation. The Department will keep up its effort to ensure that licensed food premises observe the licensing conditions and meet the hygiene standards prescribed in law.

To facilitate the licensees in maintaining food safety and environmental hygiene at the FPSs, FEHD requires, on a mandatory basis, the appointment of a full time Hygiene Supervisor with relevant training to supervise food safety and hygiene at the premises. Besides implementing regulatory measures, FEHD provides relevant health education to the licensees, and organises talks, seminars and workshops for the trade on matters related to food safety and hygiene. FEHD will publish pamphlets and posters to promote awareness and educate the public on the proper storage of chilled meat.

Apart from implementing some of the recommendations in the DIR as mentioned above, FEHD is also considering whether and if so how best to take on other measures recommended in the report. In the meantime, FEHD will continue to step up inspections, formulate enforcement and regulatory guidelines, and increase the frequency of surprise inspections to FPSs which have been issued with warnings for improper storage of chilled meat / poultry, with a view to enhancing the effectiveness of the regulatory regime.

Yours sincerely,

( Diane WONG )  
for Secretary for Food and Health