

**Advisory Council on Food and Environmental Hygiene**

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

**Purpose**

This paper briefs Members on the enhanced regulatory measures implemented by the Food and Environmental Hygiene Department (FEHD) on sale of chilled meat / poultry in licensed fresh provision shops (FPSs).

**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, chilled<sup>1</sup> or frozen beef, mutton, pork, reptiles, fish or poultry must obtain an FPS licence granted by FEHD.

3. For the purpose of ensuring food safety, chilled meat and poultry have to be stored at a temperature range between 0°C and 4°C. Through the licensing requirements and conditions for issuing an FPS licence, FEHD stipulates 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.

4. For ensuring compliance with the licensing requirements and conditions as well as the hygiene standards prescribed under the law, FEHD staff would inspect licensed food premises at regular intervals under the Risk-based Inspection System (RBIS)<sup>2</sup>.

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<sup>1</sup> *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.*

<sup>2</sup> *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*

## Regulatory Measures

5. To ensure food safety, 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. 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, FEHD will consider cancelling the licence under the Warning Letter System<sup>3</sup> (WLS).

6. Since the end of 2011, FEHD has been taking steps to gradually tighten the regulatory measures against 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, 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

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*poisoning cases. Food premises classified as high, medium and low risk types will be inspected once every 4, 10 and 20 weeks respectively.*

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

- (a) Upon detection by 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 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 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, FEHD will consider cancelling the licence.*

appropriate. Breaching the relevant licensing condition is liable to attract immediate cancellation of the licence concerned.

7. Besides implementing regulatory measures, FEHD staff would provide relevant health education to the licensees and their staff through disseminating food safety and health advice to them during routine inspections, and organise talks, seminars and workshops for the trade to promote awareness of the importance of food safety and hygiene.

8. In addition, to facilitate the licensees in maintaining food safety and environmental hygiene in FPSs, 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.

### **Direct Investigation by The Ombudsman**

9. In his direct investigation into the regulation of sale of chilled meat, The Ombudsman (The OMB) 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 OMB, in his investigation report released in late October 2013, has made eight recommendations to FEHD. A copy of executive summary of the investigation report is at [Annex I](#).

### **FEHD's Response to The OMB's Report**

10. Taking into account the recommendations in the OMB's report, FEHD has introduced the following added measures to ensure food safety of chilled or frozen meat or poultry; further to those described in paragraphs 6 to 8 above:

- (a) 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 deterrence against irregularities;

- (b) formulate 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 WLS;
- (c) refuse to process applications from the licensee, his/her representative, business partner or business proprietor, for any FPS licence in relation to the same premises for a period of 12 months from the date of cancellation of the licence 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 and poultry, or due to the sale of frozen or chilled meat and poultry as fresh meat and poultry;
- (d) publish leaflets and posters to promote public awareness, highlighting the point that chilled meat and poultry displayed for sale must be stored at a temperature between 0°C and 4°C in FPS. Samples of the leaflet and poster are at **Annex II**; and
- (e) release information through the media about shops whose licences have been cancelled due to persistent breaches and upload such information to the Department's website for public reference.

11. 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 full compliance with 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**

12. Members are invited to note the content of this paper.

**Food and Health Bureau  
Food and Environmental Hygiene Department  
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