

Advisory Council on Food and Environmental Hygiene

Implementation of the Food Safety Ordinance

Purpose

This paper informs members of the measures taken by the Government on the implementation of the Food Safety Ordinance (Cap. 612) (the Ordinance).

Background

2.. The purpose of the Ordinance is to introduce a food tracing mechanism to ensure that the Government can trace the source of the food more effectively and take prompt action when dealing with food incidents. Under the Ordinance, the food safety control measures include -

- (a) a registration scheme for food importers and food distributors;
- (b) a requirement for food traders to maintain proper transaction records;
- (c) power 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.

3. The Ordinance was enacted by the Legislative Council on 30 March 2011. The Secretary for Food and Health has by notice published in the gazette appointed 1 August 2011 as the commencement date of the Ordinance. To allow sufficient time for traders to adapt to the new requirements, the penalty provisions for failing to register and the record-keeping requirements will commence after a grace period of six months after the registration scheme starts. This means that the Ordinance will come into full operation on 1 February 2012.

4. Since 1 August 2011, the Centre for Food Safety (CFS) has taken a number of measures (see paragraphs 5 to 19 below) to promote the registration scheme under the Ordinance. As at 9 December 2011, 2 188 applications for registration were received by CFS and 1 727 have been processed. Among the 1727 completed registration, 465 and 178 are importers and distributors respectively, with 1 084 food traders registered as both importers and distributors. According to the Business Impact Assessment study conducted by the Government in 2009, the estimated number of food importers and food distributors required to be registered is 4 350 and 4 250 respectively. We therefore expect that there will be more applications before the expiry of the grace period. In the meantime, CFS will step up its publicity measures to encourage applicants to come forward to register under the Ordinance.

Measures to prepare the trade for the new Ordinance

Guide to the Registration Scheme for Food Importers and Food Distributors (Guide)

5. CFS has prepared the Guide which comprehensively incorporates the requirements of registration, application procedures and application forms. It aims to provide general information to assist traders in their applications for registration as food importers and food distributors under the Ordinance, and to answer some of the frequently asked questions. It also sets out circumstances under which an application may be refused or a registration may be revoked. The Guide has been widely distributed to food traders since June 2011 and uploaded onto the CFS' designated website (see paragraph 8 below) for public information

Code of Practice on Keeping Records Relating to Food (Code)

6. After comprehensive consultation with the trade, CFS has finalised the Code which provides details of record-keeping requirement and template of acquisition record, import record, capture record and wholesale record. The Code was gazetted on 15 July 2011. The Code is issued under section 43 of the Ordinance. According to the Ordinance, failure to observe any provision of the Code does not in itself render a person liable to any civil or criminal proceedings. However, if in any legal proceedings, the court is satisfied that a provision of the Code is relevant to determining a matter that is in issue in the proceedings –

(a) the Code would be admissible in evidence in the proceedings; and

(b) proof that the person contravened or did not contravene the provision of the Code may be relied on by any party to the proceedings as tending to establish or negate that matter.

7. The Director of Food and Environmental Hygiene (DFEH) may from time to time revise the whole or any part of the Code, and may at any time revoke the Code. The Code has been widely distributed to food traders and uploaded onto the CFS' designated website for public information.

Designated website

8. CFS has set up a designated website <http://www.foodsafetyord.gov.hk>, on 30 June 2011 to house all information of the Ordinance. On the website, information of the Registration Scheme, the Guide, the Code, the Code of Practice on Food Safety Orders, details of the briefing sessions and relevant publicity materials are available. Food traders could download from the website the application form for registration and enrolment form of the briefing sessions.

Registration arrangements

9. Food traders may submit their applications for registration online, in person or by mail. The online trader registration system has been rolled out since 1 August 2011 to facilitate online application for registration, updating of information by registered food importers/distributors and in the future, applications for renewal of registration.

Arrangement for food traders exempted from registration

10. Pursuant to the Ordinance, food importers or distributors who have already registered or have obtained a licence under other Ordinances, for example, food business licence holders under the Food Business Regulation (Cap. 132X), will be exempted from the registration requirement as a trade facilitate measure. This is because the Government already possesses their information. Their data have been imported into the computer system of CFS since 1 August 2011 for record under the Ordinance. Where necessary, letters were sent to food traders to request supplementary information such as contact details and food categories being imported or distributed.

Assistance to vegetable farmers, fishermen and fish farmers

11. We have paid particular attention to farmers and fishermen as they might need more assistance to comply with the Ordinance. Staff of CFS visited some Vegetable Marketing Co-operative Societies to assist vegetable farmers to apply for registration. To facilitate them in making applications, a simplified application form has been devised. Staff of CFS also attended the fishermen liaison meetings organized by the Agriculture, Fisheries and Conservation Department (AFCD) in January 2011 to promote the record-keeping requirements. Besides, eight AFCD's subsidized training classes have incorporated a record-keeping module for fishermen to attend during the fishing moratorium period from May to July 2011. A total of 138 fishermen attended the classes.

Publicity

Briefing sessions

12. To ensure a better understanding of the Ordinance, 35 briefings have been held so far in different districts with over 1 400 participants. Another five briefings have been scheduled before end January 2012. Target groups include holders of food licences and permits, hawker licensees, market lessees, wholesale market tenants, food trade associations, fish/vegetable farmers, fishermen and rice stockholders. Of the briefing sessions conducted, two were for vegetable farmers and four for fish farmers/fishermen. Upon request of a fruit and vegetable merchants association, a briefing session was also conducted for its members.

13. As the Mainland is the main source of supply of fresh food produces to Hong Kong, two briefing sessions were also conducted for Mainland traders in Beijing on 16 June 2011 and in Guangdong on 23 June 2011.

Newspaper supplement and advertisement in newspaper & magazines

14. Apart from the briefing sessions, there were also newspaper supplements to publicize the Ordinance in April 2011. Advertisement in magazines and newspapers will be placed in December 2011 to remind food traders to register before the end of the grace period.

Pamphlets, poster, booklets and souvenirs

15. Publicity materials such as pamphlets, posters and souvenirs have

been prepared for distribution to attendees of briefing sessions and roving exhibitions, etc. A pamphlet targeting fishermen has also been prepared and two booklets targeting ethnic minorities will soon be ready.

TV and radio Announcements in the Public Interest (API)

16. The first set of TV and radio API was launched on 18 July 2011 and the second set will be launched on 19 December.

Bus Roadshow, MTR InfoPanel and TVB 1-minute episodes

17. Bus Roadshow, MTR InfoPanel and TVB 1-minute episodes for the Ordinance were launched in September 2011. The TV API and the episodes are also available in the website set up by CFS.

Roving exhibitions

18. Roving exhibitions with display of exhibition boards and distribution of the pamphlets and souvenirs in some shopping arcades and private housing estates have started since September 2011.

Outreaching by designated promoters and coordinators

19. Outreaching work by designated promoters and coordinators has been arranged to disseminate the requirements of the Ordinance since June 2011, including:

- (a) visits to Wholesale Food Markets;
- (b) visits to all markets and shopping centres of the Link;

- (c) visits to all markets and shopping centres of Housing Authority;
- (d) visits to all markets under the Food and Environmental Hygiene Department;
- (e) joint visits to fish farmers with AFCD; and
- (f) seminars for farmers organised by AFCD.

Advice Sought

20. Members are invited to note the above measures taken by Government on the implementation of the Ordinance.

Food and Health Bureau
Food and Environmental Hygiene Department
Centre for Food Safety
December 2011