

Advisory Council on Food and Environmental Hygiene

**A Pre-Statutory Voluntary Notification Scheme for
Food Importers and Distributors**

Purpose

This paper briefs Members on a Centre for Food Safety's (CFS's) proposal to launch a pre-statutory voluntary notification scheme to facilitate the creation of a register of food importers and distributors in Hong Kong.

Background

2. In response to a series of food incidents concerning imported food, the Government has announced a package of new measures to ensure the safety of imported food. One of these new initiatives is to require food importers in Hong Kong to register with the CFS so that in the event of a food incident, the CFS can more readily identify the importer(s) concerned, trace the source of the problem food and take necessary action. While the existing food law has provisions to enable the CFS to obtain some information of importers of certain foods (see para. 7 below), it does not empower the CFS to require registration of these importers and importers of other food types. The Administration is in the process of preparing the necessary legislation to make it a mandatory requirement for all businesses engaged in food importation to notify the CFS of their identity, contact details and the main food types which they import so that CFS can build up a register of all food importers in Hong Kong. In order for CFS to be more able to monitor the food supply chain in Hong Kong, it is necessary for it to identify not only the food importers but also those businesses that are engaged in food distribution (i.e. those that operate as intermediaries between the food importers and food retailers). We therefore propose to extend the scope of the mandatory notification requirement to cover not only food importers but also food distributors in Hong Kong. In light of growing public concern about food safety and new concepts and practices being developed and adopted by overseas jurisdictions in recent years in response to similar food incidents, we also propose to take the opportunity to review, consolidate and update our food legislation to enhance food safety control and bring our food law in line with the best international practice. These new food safety concepts and principles include defining clearly the food safety requirements and responsibilities of food

business operators, the introduction of a comprehensive food traceability system (including registration of food business operators and mandatory record keeping of food movement) and the setting out of a food recall procedure in law. Our plan is to draft a new “Food Safety Bill” to replace the existing food safety legislation and we will consult Members in a separate submission later this year when we have completed our review of the food legislation and a detailed proposal is available.

A Pre-Statutory Voluntary “Notification” Scheme

3. As the new “Food Safety Bill” will cover a wide range of issues and it will take time to complete the necessary legislation procedure, we propose to introduce a pre-statutory voluntary notification scheme for food importers and distributors before the enactment of the new law. The objectives of this voluntary notification scheme are to:

- (i) allow the trade to familiarize with the future mandatory requirement;
- (ii) enable the CFS to gain practical experience in designing and administering the future mandatory scheme; and
- (iii) identify the food importers and distributors so that the CFS can enlist their support and cooperation in the event of a food incident before the “Food Safety Bill” and the mandatory scheme come into force.

Implementation details

4. Pending the enactment of the necessary provision in the “Food Safety Bill”, food importers and distributors will be encouraged to notify the CFS of some basic details of their business, which will be set out in a “notification form” (including name of the business, business registration number, address, telephone numbers, the main food types which the business is engaged in, name of the people-in-charge and his telephone, fax etc). The information will facilitate CFS to enhance communication and consultation with the food industry (in the design of the future mandatory scheme and the drafting of the “Food Safety Bill”), notify them of any food concerns or alerts, and contact the businesses concerned more easily in the event of a food incident. Through the notification system, CFS will advise and encourage the food businesses to keep record of the movement of their food as a good business practice and to assist in enhancing food traceability. Our intention is to make such record keeping a mandatory requirement under the future “Food Safety

Bill”. We also propose that, subject to the consent of the food business operators, the names of those food businesses that have notified the CFS will be published in the CFS website, which will provide the local food trade and potential overseas food suppliers with an easy reference of the food importers and distributors that have taken initiative to comply with the CFS’ good business practice in food supply.

5. In essence, the proposed pre-statutory voluntary scheme will model on the similar but smaller scale “poultry egg importer voluntary enrolment scheme” which was launched by the CFS December 2006 after the “Sudan Red” incident and extended to all egg wholesalers and distributors in January 2007. Up to end of May, 70 egg importers and 43 egg wholesalers/distributors have enrolled with the CFS and the list is available in the CFS website.

Implementation Timetable

6. To ensure an orderly arrangement and allow time for consultation with the individual categories of food importers and distributors, we propose the following phased implementation of the pre-statutory voluntary, notification scheme:

Time	Food Types
August 2007	Game, meat and poultry
September 2007	Live food animals/ poultry
October 2007	Milk, milk beverage, cream and frozen confection
2007 / 2008	Fish and fishery products
	Vegetables and fruits
Afterwards	Other food categories

7. Under the Imported Game, Meat and Poultry Regulations (IGMPR), arrangement has been made for importers of frozen and chilled game, meat and poultry to register with the CFS as an administrative arrangement. Amendment to the IGMPR is underway to require mandatory notification of importers of poultry eggs. The Administration will consider the feasibility of incorporating mandatory importer notification for meat and poultry into the amendment regulation in one go.

Consultation

8. We consulted the trade through the CFS's Trade Consultation Forum on 28 June 2007, which comprises a wide spectrum of food traders including importers, distributors and retailers. The participants in general supported the implementation of the pre-statutory notification scheme. As for the mandatory notification scheme, major concerns expressed were on the implementation details such as record keeping requirement, whether a fee is to be charged for the scheme, and when the new Food Safety Bill is to be enacted. We will consult the Legislative Council's Panel on Food Safety and Environmental Hygiene at the meeting on 10 July and the relevant trade according to the proposed timetable set out in paragraph 6. After submitting the legislation for regulating eggs by end of this year, we plan to revert to the LegCo again next year after ExCo's endorsement of the legislative proposals for other types of food, such as fish and vegetables.

Advice Sought

9. Members are invited to note and comment on the proposed pre-statutory voluntary notification scheme.

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Food and Environmental Hygiene Department
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