



Pre-market Safety Assessment of Genetically Modified Food - Proposed Scope of the Scheme

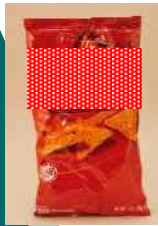
7 August 2014



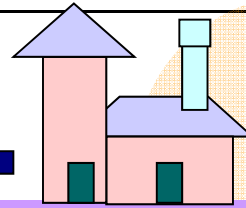
Background

- Administration proposed to introduce a mandatory **pre-market safety assessment scheme (PMSAS)** for genetically modified (GM) ingredients in Mar 2013
- Proposed scope of the PMSAS was introduced in Trade Consultation Forum in May 2014
- Importers are invited to discuss on the revised scope in this meeting

Proposed GM Food Approval Process



Manufacturers for
e.g. corn chips



Biotech company
(Developer)

- Product details
- Safety assessment
- Detection methods



Pre-market safety
assessment

GM corn

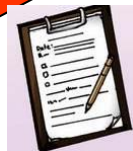
Local
traders

Approved

List of Approved GM Food

Ensure!

Consumers





Roles of Traders in the Original Proposal

- GM food **developers** (mostly biotechnology companies; but also include universities)
 - Submit the data on product details, safety assessment and detection methods to the Centre for Food Safety (CFS) for evaluation
- Food traders, including **importers, retailers, and manufacturers** etc.
 - They should ensure that the products they put on the market contain approved GM food only



Potential Impact to Small and Medium-Sized Retailers

- Concerns have been raised on potential difficulties for complying with the PMSAS
 - For example, small vendors may not be aware of selling unauthorised GM food
 - There may be significant impact to small and medium-sized retailers
- The possibility of applying the PMSAS only to *importers* at the initial phase is being considered by the Administration

Different Responsibilities of Traders

- If the PMSAS only applies to importers only
 - Importers would be the gatekeeper to ensure that the imported food products only contained approved GM ingredients
- Other food traders, including retailers, manufacturers, etc.
 - Food Safety Ordinance requires keeping transaction records of the business from which it acquired the food and the business to which it supplied the food, for food source tracing



Responsibility of GM Food Developer (e.g. biotechnology companies)

- GM food developer would be required to submit an application for registering their GM food under the PMSAS with the necessary supporting documentation to CFS for evaluation.
- If approved, the GM food concerned would be included in CFS' approved list to be uploaded onto its website.
- Application (proposed):
 - Primary agricultural product of the GM food, e.g. corn and soya bean to be assessed, but not their derived products (e.g. cornflakes, soya beverages, etc.)



Responsibilities of Importers and their Suppliers

- Importers should ascertain from their suppliers that their products contain only approved GM food.
- In deciding whether their products contain only approved GM food, suppliers should make reference to the list of approved GM food/ingredients available in CFS' website.
- If the supplier is not sure after checking the list, he should conduct laboratory test result to verify the GM status in his product to see if the GM food / ingredients, if any, are approved by CFS.
- The above process should be documented to show that importers have exercised their due diligence in ensuring their products contain only approved GM food/ingredients.

Statutory Defence

The statutory defences under the Cap. 132 are available, where appropriate, to importers under the revised proposal.

Section 71 of Cap. 132 stipulates conditions under which warranty may be pleaded by the defendant as defence in any proceedings for an offence under the relevant part of the Ordinance

Section 70 of Cap.132 provides that if the defendant could prove that the contravention was due to the act or default of some other person, and that he has used all due diligence to secure that the provisions in question were complied with, he may plead this as a defence



Advice sought

- Members are invited to comment on applying the PMSAS to importers only



~ Thank you ~