



Food Safety Ordinance and Traceability

The Food Safety Ordinance

- The Food Safety Ordinance (Cap. 612) was passed by the Legislative Council on 30 March 2011 and published in the gazette on 8 May 2011
- Will come into operation on 1 Aug 2011
- To allow sufficient time for traders to adapt to the new requirement, the penalty provisions for failing to register and the record-keeping requirements will commence after a grace period of 6 months (i.e. 1 Feb 2012)



The Food Safety Ordinance

- The Food Safety Ordinance provides, among others, the following food safety control measures to enhance food traceability -
 - ➔ a registration scheme for food importers and distributors; and
 - ➔ a requirement for food traders to maintain proper transaction records to enhance food traceability
- Besides, it empowers the authority to make orders to prohibit the import and supply of problem food and order the recall of such food



The Food Safety Ordinance

Main Features of the Ordinance



Authority of the Ordinance

- Director of Food and Environmental Hygiene (DFEH) will be the authority of the Food Safety Ordinance (Cap. 612)



Definition of “Food”

- To expressly provide that live aquatic products (incl. amphibians) and edible ice should be regarded as “food” under the Food Safety Ordinance
- Corresponding amendments to the definition of “food” under Cap.132



Traders Registration Scheme



Registration Scheme for Food Importers and Distributors

- Any person who carries on a food importation or distribution business is mandatory required to register with DFEH
 - ➔ “food importer” means a person who carries on a business that brings or causes to be brought into Hong Kong food by air, land or water
 - ➔ “food distributor” means a person who carries on a business the principal activity of which is the supply of food in Hong Kong by wholesale



Registration Scheme for Food Importers and Distributors

- Primary producers like fish/ vegetable farmers and fishermen who distribute their produce would fit the definition of “food distributor” and hence be required to register
- The same applies to food manufacturers who distribute their products
- The registration scheme will assist DFEH in identifying and contacting a more defined group of food traders speedily in a food incident



Registration Scheme for Food Importers and Distributors

- The registration is valid for a period of 3 years, subject to renewal
- The fee for registration and renewal of registration for a 3-year term is \$195 and \$180 respectively
- As a trade facilitation measure, food importers or distributors who have already registered or have obtained a licence under other Ordinances is exempted from the registration requirement, such as -



Registration Scheme for Food Importers and Distributors

- ⇒ holders of permissions or licences under the Food Business Regulation (Cap 132X)
- ⇒ licensees under the Frozen Confections Regulation (Cap 132AC)
- ⇒ licensees under the Hawker Regulation (Cap 132AI)
- ⇒ licensees under the Milk Regulation (Cap 132AQ)



Registration Scheme for Food Importers and Distributors

- A Guide to registration scheme will be issued which aims to provide general information to assist traders in their application for registration as food importers and food distributors. It also sets out circumstances under which an application may be refused or a registration may be revoked



Record-keeping Requirement



Record-Keeping Requirement

- To trace where the problem food came from and where it went, it is also necessary to require food traders to maintain records of the movement of food
- Any person who, in the course of business, imports, acquires or supplies by wholesale food in Hong Kong needs to keep transaction records of the business from which the food was obtained and the business to which it was supplied (so called the one-step-backward, one-step-forward approach)



Record-Keeping Requirement

- Record of local acquisition of food
 - ⇒ any person who, in the course of business, acquires food in Hong Kong must keep the acquisition record
- Record of acquisition of imported food
 - ⇒ any person who, in the course of business, imports food must maintain the import record



Record-Keeping Requirement

- Capture of local aquatic products
 - ⇒ any person who captures local aquatic products and who, in the course of business, supplies them in Hong Kong must keep the capture record
- Record of wholesale supply of food
 - ⇒ any person who, in the course of business, supplies food in Hong Kong by wholesale must keep the supply record



Record-Keeping Requirement

- Record-keeping requirement not applicable to retail supplies to ultimate consumers
- Defence for retailers
 - ➔ it is a defence for a person charged with the offence for not keeping the supply record to show that the person's normal business is the supply of food by retail, and it was reasonably for the person to assume that the supply was not a wholesale supply



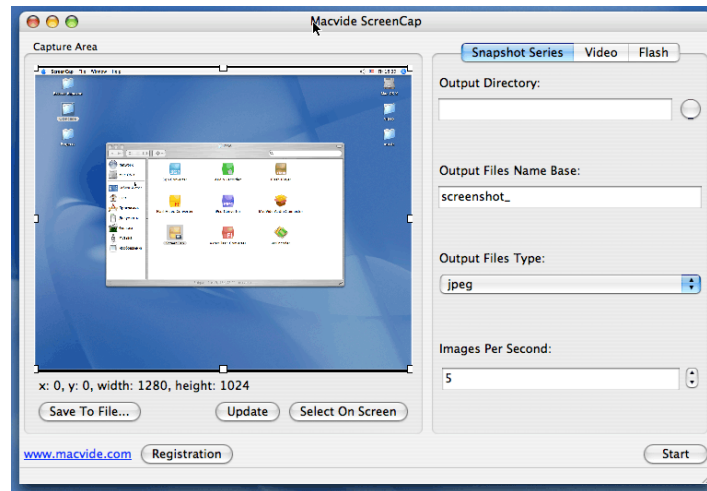
Record-Keeping Format

- No stipulated format. Traders may choose, for example, one of the following means for compliance with the record-keeping requirement
 - ➔ keeping the receipts/ invoices which should contain the required information



Record-Keeping Format

- ➔ create their own transaction records (both written records or electronic records are acceptable)
- ➔ use templates of record-keeping provided by FEHD



Local Acquisition Record

本地獲取食物的紀錄

RECORD OF LOCAL ACQUISITION OF FOOD

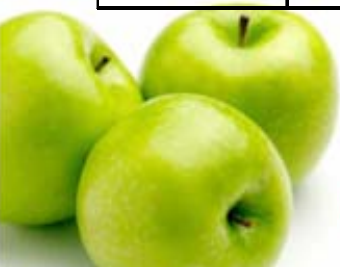
20 _____ 年 _____ 月份收貨紀錄表 (本地食物)

Record of local acquisition of food for the month of _____ 20 _____

公司名稱：

Name of company

收貨日期 Date of food acquired	食物名稱 Food description	數量 Quantity	供應商資料 Particulars of supplier		
			名稱 Name	聯絡電話 Contact tel. no.	地址 Address



Import Record

獲取進口食物的紀錄

RECORD OF ACQUISITION OF IMPORTED FOOD

20 _____ 年 _____ 月份收貨紀錄表 (進口食物)						
Record of acquisition of imported food for the month of _____ 20 _____						
公司名稱： Name of company						
收貨日期 Date of food acquired	食物名稱 Food description	數量 Quantity	供應商資料 Particulars of supplier			食物出口國家/ 地方 Exporting country/ place
			名稱 Name	聯絡電話 Contact tel. no.	地址 Address	



Supply Record

以批發方式供應食物的紀錄

RECORD OF WHOLESALE SUPPLY OF FOOD

20 _____ 年 _____ 月份批發供應紀錄表					
Record of wholesale supply of food for the month of _____ in 20 _____					
公司名稱： Name of company					
供應日期 Date of supply	食物名稱 Food description	數量 Quantity	收貨人資料 Particulars of the person to whom the food was supplied		
			名稱 Name	聯絡電話 Contact tel. no.	地址 Address



Capture Record

捕撈本地水產的紀錄

RECORD OF CAPTURE OF LOCAL AQUATIC PRODUCTS

漁船編號: Fish vessel No.:	船主姓名: Name of fish vessel owner:			
捕撈地區: Capture area:				
捕撈日期/期間: Date/period of capture:				
水產名稱/編號: Name of aquatic products/ Code:	(1)	(2)	(3)	(4)
	(5)	(6)	(7)	(8)
數量: (公斤計) Quantity: (in kg)	(1)	(2)	(3)	(4)
	(5)	(6)	(7)	(8)



Record-Keeping Format

- Records should cover –
 - ⇒ date of the transaction;
 - ⇒ name and contact details of the supplier;
 - ⇒ place from which the food was imported (for imported food only);
 - ⇒ name and contact details of the person to whom the food is supplied (i.e. the buyer); and
 - ⇒ description of the food, and total quantity



Record-keeping Period

- The records should be kept for a period of
 - ⇒ 3 months (for live aquatic products and food with a shelf-life of three months or less, e.g. fresh meat); or
 - ⇒ 24 months (for food with a shelf-life over three months, e.g. canned food)
- A Code of Practice on record keeping period for different food types will be issued for traders' general reference

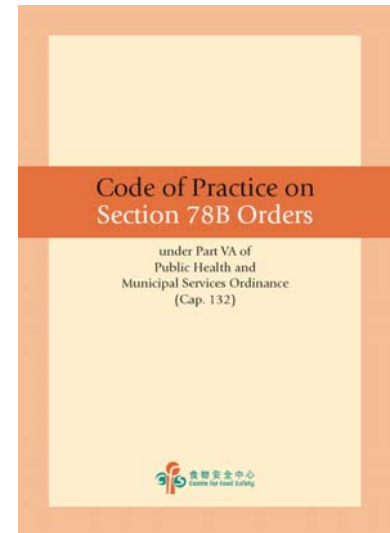


Food Safety Order



Prohibition of Import and Supply of Problem Food and Mandatory Recall

- The Public Health and Municipal Services (Amendment) Ordinance 2009 amended Cap132
 - ➔ empower DFEH to make orders to prohibit the import and supply of problem food and order a food recall when he has reasonable grounds to believe that public health is at risk
- this Part of Cap 132 has been transferred to the new Food Safety Ordinance



Prohibition of Import and Supply of Problem Food and Mandatory Recall

- An order made by DFEH will state clearly -
 - ⇒ the particulars of the food;
 - ⇒ the reason for making the order;
 - ⇒ the principal factors that led to the making of the order;
 - ⇒ the prohibition or action required of the traders; and
 - ⇒ the period within which the relevant act is prohibited or required



Prohibition of Import and Supply of Problem Food and Mandatory Recall

- A person bound by an order who is aggrieved by the order may appeal to the Municipal Services Appeals Boards (MSAB) within 28 days from becoming bound by it
- In order to protect public health, an appeal made to the MSAB would not suspend the order unless the authority decides otherwise



Prohibition of Import and Supply of Problem Food and Mandatory Recall

- A person bound by the order may apply for an amount of compensation for losses arising as a direct result of compliance with the order
- The person is entitled to compensation only if the person proves that
 - ➔ the authority did not have reasonable grounds to make the order at the time of making the order; and
 - ➔ the person has suffered the relevant loss



Thank You

