

Food Safety ORDINANCE



Introduction

The **Food Safety Ordinance** which strengthens food safety control to protect public health commences on 1 August 2011. All food traders (including importers, distributors and retailers) should note the relevant measures. Members of the public may visit the designated website (www.foodsafetyord.gov.hk) for more details about the Ordinance.

Among others, the **Food Safety Ordinance** introduces a food tracing mechanism to help the Government trace the source of the food more effectively and take prompt action when dealing with food incidents. It includes a registration scheme for food importers and food distributors and a record-keeping requirement relating to the movements of food. There is a six-month grace period for the two requirements, which both ends on 31 January 2012.

1 Registration scheme for food importers and food distributors

All food importers and food distributors are required to register with the Director of Food and Environmental Hygiene (DFEH), in order to assist DFEH in identifying and contacting relevant traders speedily in a food incident.

Who should register?

- All food importers and food distributors in Hong Kong (except those being exempted)

“Food importer” means a person who carries on a business which brings or causes to be brought any food into Hong Kong by air, land or sea.

“Food distributor” means a person who carries on a business of which the principal activity is wholesale supply of food in Hong Kong. This also includes in general food producers (like fish/vegetables farmers and fishermen) and food manufacturers who sell their products on wholesale basis.

Who are exempted from registration?

Food importers or food distributors who have already registered or have obtained a licence under other ordinances (listed at Schedule 1 of the **Food Safety Ordinance**) are exempted from the registration requirement. They include holders of various food-related permits or licences issued by DFEH, marine fish farmers licensed with the Director of Agriculture, Fisheries and Conservation, owners of Class III fishing vessels licensed with the Director of Marine, and stockholders of rice registered with the Director-General of Trade and Industry.

How to register?

Applications can be submitted by paper or electronic means. Forms can be downloaded at the abovementioned website.

The registration fee for a period of three years is \$195 and the fee for subsequent renewal of a three-year term is \$180.

For more details, please read the **“Guide to the Registration Scheme for Food Importers and Food Distributors”** available at the above-mentioned website.

What are the penalties?

Upon the expiry of the six-month grace period on 31 January 2012, any person who does not register but carries on a food importation or distribution business, without reasonable excuse, commits an offence and is liable to a maximum fine of \$50,000 and imprisonment for 6 months.

2 Record-keeping requirement relating to movement of food

The registration scheme alone cannot guarantee food traceability. The Ordinance also requires food traders to maintain records of the movements of food with reference to their mode of operation.



Who should keep records?

- Any person who, in the course of business, imports food must keep “records of acquisition of imported food” (import records)
- Any person who, in the course of business, acquires food in Hong Kong must keep “records of local acquisition of food” (local acquisition records)
- Any person who, in the course of business, supplies food in Hong Kong by wholesale must keep “records of wholesale supply of food” (wholesale records)
- Any person who captures local aquatic products and who, in the course of business, supplies them in Hong Kong must keep “records of capture of local aquatic products” (capture records)

Do food retailers require to keep records?

Food retailers are also required to keep records of the business from which they obtain their food, but not information on the ultimate consumers to whom they sell the food.

Take a typical situation as an example:



Food Importer

- To register as a food importer
- To keep import records
- To keep wholesale records



Food Distributor

- To register as a food distributor
- To keep local acquisition records
- To keep wholesale records



Food Retailer

- No need to register
- To keep local acquisition records
- No need to keep record of sales to ultimate consumers

What should be included in the records?

There is no stipulated format for the records, but those records must cover the information as indicated in the following table:

	Import records	Local acquisition records	Wholesale records	Capture records
The date the food was acquired/supplied	✓	✓	✓	✗
The name and contact details of the seller	✓	✓	✗	✗
The place from which the food was imported	✓	✗	✗	✗
The name and contact details of the buyer	✗	✗	✓	✗
The description and the total quantity of the food	✓	✓	✓	✗
The date or period of the capture	✗	✗	✗	✓
The common name and the total quantity of the local aquatic products	✗	✗	✗	✓
The area of the capture	✗	✗	✗	✓

✓=Applicable ✗=Not Applicable

For many traders, the required information can be found on receipts, invoices, or other records they routinely keep. Take the invoice below as an example: for the seller it can be a record of wholesale supply of food, and for the buyer it can be a record of local acquisition of food.

For buyer's records of local acquisition of food

- The name and contact details of the seller
- The date the food was acquired
- The description and the total quantity of the food

Invoice

For seller's records of wholesale supply of food

- The date the food was supplied
- The name and contact details of the buyer
- The description and the total quantity of the food

For more guidance, please read the “Code of Practice on Keeping Records Relating to Food” available at the abovementioned website.

For how long should records be kept?

- 3 months for live aquatic products and food with a shelf-life of three months or less, e.g. fresh meat
- 24 months for food with a shelf-life over three months, e.g. canned food

Food of shelf-life of 3 months or less, e.g.:

Fresh milk, fruits, vegetables, bread, live fish, fresh meat

Keep records for 3 months

Food of shelf-life over 3 months, e.g.:

Cereal, frozen meat, candies, dried seafood, canned food

Keep records for 24 months

What are the penalties?

Upon the expiry of the six-month grace period on 31 January 2012, any person who fails to comply with the record-keeping requirement, without reasonable excuse, commits an offence and is liable to a maximum fine of \$10,000 and imprisonment for 3 months.

Enquiries

For enquiries, please contact:

Food Importer / Distributor Registration and Import Licensing Office,
Food Import & Export Section,
Centre for Food Safety,
Food and Environmental Hygiene Department

Address:

Room 119, 1/F, 258 Queen's Road East, Wan Chai, Hong Kong
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