

**Consumer Council's
Submission to the Legislative Council
Panel on Food Safety and Environmental Hygiene on the
Administration's Proposals to Separate the Sale of Fresh and
Chilled/Frozen Meat**

1. The Consumer Council (CC) welcomes the Government's plan to allow supply of chilled pork from selected plants in the Mainland as it will give more choices to consumers.
2. CC supports the proposed arrangements as to inspection and quarantine requirements for import of chilled pork from the Mainland. It is understood that the Mainland authorities would provide a list of processing plants approved to supply chilled pork to Hong Kong, to enable Government officials to conduct inspection and verification to check the facilities, operation, production process and the hygiene monitoring system of these plants and the associated farms.
3. CC understands that the Government proposes to amend the provisions of the Food Business Regulation (Cap 132 sub. leg.) and its subsidiary legislation so that separate licences are issued for selling fresh meat and chilled/frozen meat.
4. CC considers the following issues are of utmost importance with regard to consumer welfare:
 - a. consumer health, i.e., meat supplies must comply with health standards;
 - b. protection of consumers from trade malpractices, i.e., prohibition of defrosted frozen/chilled meat posing as fresh meat, and reaping benefit from the price differences;
 - c. level playing field for all operators in the market;
 - d. availability of measures that would facilitate consumer choice and convenience would be welcome.
5. CC considers that whatever licensing requirements imposed must be effective in enforcement and sufficient measures and safeguard have to be in place to protect public health on one hand and to prevent unscrupulous market practices as aforesaid. To that end, CC wonders what monitor/test can be provided for to check compliance and to take prosecution action where necessary.
6. CC understands that supermarket operators do not agree with the need for two separate licenses for fresh and chilled meat and have proposed that they be exempted as long as there are designated sections for fresh and chilled meat located separately within the supermarket premises.
7. In assessing the request from supermarkets, the government is urged to consider how supermarket operators can manage the sorting at source when both types of meat are supplied to the same premises and the control on re-arrangement of chilled and fresh meat by their employees or contracted traders in the same premises.

8. To ensure a level playing field, government would need to state whether other operators would be able to obtain exemption under similar circumstances. If few operators are likely to be issued both licences or be exempted from the two separate licences requirement, CC suggests the government or COMPAG to initiate a market competition impact study before effecting the relevant legislative amendment to ascertain whether or not the market positions of the supermarket chains would be further strengthened to the detriment of fair market competition.
9. As far as small operators are concerned, if they were to only operate under one licence of selling fresh meat, it is not clear how these licensees are to dispose of the meat not sold during the day. Regard has to be given to how these products, once chilled/frozen, could be differentiated from the other chilled/frozen meat and whether any regulation is in place in respect of the above.
10. CC believes that clear indications on the type of meat i.e., frozen, chilled or fresh, is necessary to protect the interests of consumers. It is necessary for both pre-packaged and non-pre-packaged meat products to have clear information given to consumers on whether they are freshly slaughtered, chilled or frozen, by way of labelling on the product and proper display of information on the shelves.
11. CC trusts that the Food and Environmental Hygiene Department (FEHD) will enforce strict inspection of all licensees and enhance collection of intelligence to combat against any breaches of the licensing requirements/tenancy conditions regarding storage and display of chilled meat once it is allowed in. Given that consumers might still be subject to misleading practices by some traders, CC considers that further efforts should be made to protect consumers from misleading conduct.
12. In CC's submission to the LegCo Panel on Food Safety and Environmental Hygiene on the matter of import of chilled chicken from the Mainland in September 2002, CC mentioned that in addition to FEHD enforcement action, section 7 of the Trade Descriptions Ordinance should be applied. Section 7 makes it an offence for a person who in the course of trade or business applies a false trade description to any goods. CC considers that applying a label to describe certain meat as 'fresh' when it actually falls within the definition of 'chilled', or making an oral representation as such, or giving false information on the location of slaughter should therefore be considered misleading under the terms of section 7.
13. CC would reiterate its previous suggestion of applying section 7 of the Trade Descriptions Ordinance to the current circumstances, to ensure that consumers are protected from undesirable marketing practices of unscrupulous traders.

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