

2006年 第169號法律公告

《2006年食物業(修訂)規例》

(由食物環境衞生署署長根據《公眾衞生及市政條例》(第132章)第56條訂立)

1. 生效日期

本規例於本規例在憲報刊登當日起計的6個星期期間屆滿時開始實施。

2. 釋義

《食物業規例》(第132章, 附屬法例X)第3(1)條現予修訂, 加入——

“‘經預先包裝’(pre-packaged)就任何冷凍牛肉、羊肉或豬肉而言, 指以包裝物作符合以下說明的密封——

(a) 如不開啟包裝物或改變包裝方式, 便不能變更包裝物所載的物品; 及

(b) 有關的冷凍牛肉、羊肉或豬肉可供作為一份食品獨立發售;”。

3. 加入條文

在緊接第30C條之後加入——

“30D. 限制出售冷凍牛肉、羊肉或豬肉等事宜

(1) 任何人不得在同一處所售賣、要約出售或為出售而展示或管有新鮮牛肉、羊肉或豬肉及冷凍牛肉、羊肉或豬肉。

(2) 任何人不得在同一街市攤檔售賣、要約出售或為出售而展示或管有新鮮牛肉、羊肉或豬肉及冷凍牛肉、羊肉或豬肉。

(3) 在第(1)款中, “處所”(premises)指經營新鮮糧食店業務所在的處所。

FOOD BUSINESS (AMENDMENT) REGULATION 2006

(Made by the Director of Food and Environmental Hygiene under section 56 of the Public Health and Municipal Services Ordinance (Cap. 132))

1. Commencement

This Regulation shall come into operation on the expiry of the period of 6 weeks commencing on the day on which this Regulation is published in the Gazette.

2. Interpretation

Section 3(1) of the Food Business Regulation (Cap. 132 sub. leg. X) is amended by adding—

“‘pre-packaged’ (經預先包裝), in relation to any chilled beef, mutton or pork, means completely enclosed in a package in such a way that—

(a) the contents of the package cannot be altered without opening the package or changing the packaging; and

(b) the chilled beef, mutton or pork is ready for sale as a single food item;”.

3. Sections added

The following are added immediately after section 30C—

“30D. Restriction on sale, etc. of chilled beef, mutton or pork

(1) No person shall sell, or offer or expose for sale, or possess for sale fresh beef, mutton or pork and chilled beef, mutton or pork at the same premises.

(2) No person shall sell, or offer or expose for sale, or possess for sale fresh beef, mutton or pork and chilled beef, mutton or pork at the same market stall.

(3) In subsection (1), “premises” (處所) means the premises on which the business of a fresh provision shop is carried on.

30E. 限制出售冷凍牛肉、羊肉或豬肉等事宜的例外情況

如——

- (a) 有關的冷凍牛肉、羊肉或豬肉是經預先包裝的；
 - (b) 有關的冷凍牛肉、羊肉或豬肉是在第 30D 條所提及的處所或街市攤檔以外的地方包裝的；及
 - (c) 包裝物依照附表 6 所訂明的方式加上標記及標籤，
- 則第 30D 條不適用。

30F. 對零售經預先包裝的冷凍牛肉、羊肉或豬肉的進一步限制

凡有人在第 30D 條所提及的任何處所或街市攤檔管有經預先包裝的冷凍牛肉、羊肉或豬肉以供出售，則除非有合理辯解，否則他不得在該處所或攤檔開啟或以其他方式干擾有關的包裝物。”。

4. 加入條文

現加入——

“31A. 署長批給准許的權力

(1) 儘管有第 30(1) 條的規定，就附表 2 第 1(a) 及 1(b) 項所指明的食物而言，署長可向任何人批給在任何處所售賣、要約出售或為出售而展示或管有上述第 1(a) 或 1(b) 項所指明的食物（但不得向任何人批給在同一處所售賣、要約出售或為出售而展示或管有上述第 1(a) 及 1(b) 項所指明的食物）的准許。

(2) 儘管有第 30(1) 條的規定，就附表 2 第 1(a) 及 1(b) 項所指明的食物而言，署長可向任何人批給在任何街市攤檔售賣、要約出售或為出售而展示或管有上述第 1(a) 或 1(b) 項所指明的食物（但不得向任何人批給在同一街市攤檔售賣、要約出售或為出售而展示或管有上述第 1(a) 及 1(b) 項所指明的食物）的准許。

(3) 在第 (1) 款中，“處所”(premises) 指經營新鮮糧食店業務所在的處所。”。

5. 罪行及罰則

- (1) 第 35(1)(a) 條現予修訂，在“30C(1)。”之後加入“30D(1)或(2)、30F、”。
- (2) 第 35(3)(a) 條現予修訂，在“30A”之後加入“、30D(1)或(2)、30F”。

30E. Exception to restriction on sale, etc. of chilled beef, mutton or pork

Section 30D does not apply if—

- (a) the chilled beef, mutton or pork concerned is pre-packaged;
- (b) it has been packaged in a place other than in the premises or market stall referred to in that section; and
- (c) the package is marked and labelled in the manner prescribed in Schedule 6.

30F. Further restrictions on trading of pre-packaged chilled beef, mutton or pork at retail level

Unless with reasonable excuse, no person having the possession for sale of any pre-packaged chilled beef, mutton or pork at any premises referred to in section 30D or market stall shall open, or in any other way tamper with, the package at the premises or market stall.”.

4. Section added

The following is added—

“31A. Power of Director to grant permission

(1) Notwithstanding section 30(1), in relation to the food specified in items 1(a) and 1(b) of Schedule 2, the Director may grant permission to a person to sell, or offer or expose for sale, or possess for sale at any premises the food specified in that item 1(a) or the food specified in that item 1(b) but not both at the same premises.

(2) Notwithstanding section 30(1), in relation to the food specified in items 1(a) and 1(b) of Schedule 2, the Director may grant permission to a person to sell, or offer or expose for sale, or possess for sale at any market stall the food specified in that item 1(a) or the food specified in that item 1(b) but not both at the same market stall.

(3) In subsection (1), “premises” (處所) means the premises on which the business of a fresh provision shop is carried on.”.

5. Offences and penalties

(1) Section 35(1)(a) is amended by adding “30D(1) or (2), 30F,” after “30C(1).”.

(2) Section 35(3)(a) is amended by adding “, 30D(1) or (2), 30F” after “30A”.

6. 限制出售的食物

附表 2 現予修訂——

(a) 在方括號內，廢除“第 30 條”而代以“第 30 及 31A 條”；

(b) 廢除第 1 項而代以——

- “1. (a) 新鮮肉類
- (b) 冷凍肉類，但不包括經預先包裝的冷凍牛肉、羊肉或豬肉
- (c) 經預先包裝的冷凍牛肉、羊肉或豬肉
- (d) 冷藏肉類”。

7. 加入附表 6

現加入——

“附表 6

[第 30E 條]

經預先包裝的冷凍牛肉、羊肉或豬肉的標記及標籤

1. 名稱或稱號

經預先包裝的冷凍牛肉、羊肉或豬肉須加上標明其名稱或稱號的可閱的標記或標籤。

2. 示明“屠宰”及“此日期或之前食用”日期

(1) 經預先包裝的冷凍牛肉、羊肉或豬肉須加上說明“屠宰日期”及“此日期或之前食用”日期的可閱的標記或標籤。

(2) “屠宰日期”須以中文字“屠宰日期”及英文字“slaughtering date”示明，並在旁列出有關的動物的屠宰日期。

(3) “此日期或之前食用”日期須以下述方式示明——

(a) 以中文字“此日期或之前食用”及英文字“use by”示明，並在旁列出在有關的經預先包裝的冷凍牛肉、羊肉或豬肉被適當貯存的情況下的建議最後食用日期；及

(b) 示明如要在上述日期前保存有關的經預先包裝的冷凍牛肉、羊肉或豬肉的品質屬性則須採用的貯存方式。

6. Restricted foods

Schedule 2 is amended—

(a) in the square brackets, by repealing “s. 30” and substituting “ss. 30 & 31A”;

(b) by repealing item 1 and substituting—

- “1. (a) Fresh meat
- (b) Chilled meat other than pre-packaged chilled beef, mutton or pork
- (c) Pre-packaged chilled beef, mutton or pork
- (d) Frozen meat”.

7. Schedule 6 added

The following is added—

“SCHEDULE 6

[s. 30E]

MARKING AND LABELLING OF PRE-PACKAGED CHILLED BEEF, MUTTON OR PORK

1. Name or designation

Pre-packaged chilled beef, mutton or pork shall be legibly marked or labelled with the name or designation of the food.

2. Indication of “slaughtering” and “use by” dates

(1) Pre-packaged chilled beef, mutton or pork shall be legibly marked or labelled with the “slaughtering date” and the “use by” date.

(2) The “slaughtering date” shall be indicated by the words “slaughtering date” in English lettering and by Chinese characters “屠宰日期” followed by the date on which the animal was slaughtered.

(3) The “use by” date shall be indicated by—

- (a) the words “use by” in English lettering and by Chinese characters “此日期或之前食用” followed by the date up to and including which the pre-packaged chilled beef, mutton or pork, if properly stored, is recommended for use; and
- (b) a statement of conditions for storage which need to be observed if the pre-packaged chilled beef, mutton or pork is to retain its quality attributes until that date.

(4) “屠宰日期”及“此日期或之前食用”日期須以阿拉伯數字或中文及英文表示，並且須在符合第(6)款規定下，以日、月及年表達。

(5) 如在緊接“屠宰日期”及“此日期或之前食用”日期前出現的字樣之後，有提述該日期出現位置，則在經預先包裝的冷凍牛肉、羊肉或豬肉標籤上，該日期與該等字樣可分開出現。

(6) 如“屠宰日期”及“此日期或之前食用”日期是以阿拉伯數字表示，則該日期須分別——

- (a) 以中文字“日”並以英文字母“DD”、“dd”、“D”或“d”示明日子；
- (b) 以中文字“月”並以英文字母“MM”、“mm”、“M”或“m”示明月份；及
- (c) 以中文字“年”並以英文字母“YY”、“yy”、“Y”或“y”示明年份，而日、月及年可按任何次序出現。

3. 屠宰場的名稱及地址

經預先包裝的冷凍牛肉、羊肉或豬肉須加上可閱的標記或標籤，列明屠宰場的商業名稱及其詳細地址。

4. 淨重量

(1) 經預先包裝的冷凍牛肉、羊肉或豬肉須加上可閱的標記或標籤，列明該食物的淨重量。

(2) 在切實可行的範圍內，淨重量須盡可能按照《度量衡條例》(第68章)或《十進制條例》(第214章)附表1所列的國際單位制示明。

5. 適當語文

為第1、2(1)、3及4條的施行而加上的標記或標籤，須採用中文或英文，或中文及英文兼用，如中文及英文兼用，則第1條所指的食物名稱或稱號須以中文及英文顯示。

(4) The “slaughtering date” and the “use by” date shall be shown either in Arabic numerals or in both the English and Chinese languages and, subject to subsection (6), shall be expressed in terms of a day, a month and a year.

(5) The “slaughtering date” and the “use by” date may appear on the labelling of the pre-packaged chilled beef, mutton or pork separately from the words immediately preceding the date, if those words are followed by a reference to the place where the date appears.

(6) Where the “slaughtering date” and the “use by” date are shown in Arabic numerals—

- (a) the day shall be indicated by the words “DD”, “dd”, “D” or “d” in English lettering and by Chinese character “日”;
- (b) the month shall be indicated by the words “MM”, “mm”, “M” or “m” in English lettering and by Chinese character “月”; and
- (c) the year shall be indicated by the words “YY”, “yy”, “Y” or “y” in English lettering and by Chinese character “年”, and the day, month and year can appear in any order.

3. Name and address of slaughtering plant

Pre-packaged chilled beef, mutton or pork shall be legibly marked or labelled with the business name and the full address of the slaughtering plant.

4. Net weight

(1) Pre-packaged chilled beef, mutton or pork shall be legibly marked or labelled with its net weight.

(2) The net weight shall, so far as is practicable, be indicated in accordance with the Weights and Measures Ordinance (Cap. 68) or with the International System of Units set out in the First Schedule to the Metrication Ordinance (Cap. 214).

5. Appropriate language

The marking and labelling for the purposes of sections 1, 2(1), 3 and 4 shall be in the English language or Chinese language or in both languages, but if both languages are used for any such marking or labelling, the name or designation of the food under section 1 shall be shown in both languages.

食物環境衛生署署長
梁永立

2006 年 7 月 4 日

註 釋

本規例為下述目的修訂《食物業規例》(第 132 章，附屬法例 X)——

- (a) 除非冷凍牛肉、羊肉或豬肉經預先包裝並該包裝依照訂明方式加上標記及標籤，否則禁止在同一街市攤檔或經營新鮮糧食店業務的處所售賣、要約出售或為出售而展示或管有新鮮牛肉、羊肉或豬肉及冷凍牛肉、羊肉或豬肉；
- (b) 就開啟或以其他方式干擾包裝物面訂定罪行；
- (c) 規定食物環境衛生署署長可根據第 30 條批准任何人在同一處所售賣、要約出售或為出售而展示或管有新鮮肉類或未經預先包裝的冷凍肉類，但署長不得批准任何人在同一處所就新鮮肉類及並未經預先包裝的冷凍肉類如此行事；及
- (d) 對任何違反第 30D 或 30F 條的人施加刑罰。

LEUNG Wing Lup, Gregory
Director of Food and Environmental
Hygiene

4 July 2006

Explanatory Note

This Regulation amends the Food Business Regulation (Cap. 132 sub. leg. X) for the following purposes—

- (a) to prohibit the sale, or offer or exposure for sale, or possession for sale fresh beef, mutton or pork and chilled beef, mutton or pork at the same market stall or premises on which the business of a fresh provision shop is carried on unless the chilled beef, mutton or pork is pre-packaged and the package is marked and labelled in the prescribed manner;
- (b) to make it an offence for a person to open or in any other way tamper with the package;
- (c) to provide that the Director of Food and Environmental Hygiene may grant permission under section 30 to sell, or offer or expose for sale, or possess for sale at the same premises either fresh meat or chilled meat that is not pre-packaged but not both; and
- (d) to impose the penalty on any person who contravenes section 30D or 30F.