

广州市人民政府法制丛书

2004年

广州市政府 规章汇编 (中英文)

Compilation of Government
Regulations of Guangzhou Municipality
2004(Chinese-English)

广州市法制办公室 编

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新世界出版社
NEW WORLD PRESS

图书在版编目 (CIP) 数据

2004 年广州市政府规章汇编/广州市法制办公室编. —北京: 新世界出版社, 2007. 6

(广州市人民政府法制丛书)

ISBN 978 - 7 - 80228 - 154 - 7

I. 2... II. 广... III. 国家行政机关 - 规章制度 - 汇编 - 广州市 - 2004

IV. D927. 651. 211. 9

中国版本图书馆 CIP 数据核字 (2007) 第 045117 号

2004 年广州市政府规章汇编

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出版发行: 新世界出版社

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本社英文网址: <http://www.newworld-press.com>

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版权部电话: +86 10 6899 6306

印刷: 北京外文印刷厂

经销: 新华书店

开本: 787 × 1092 1/16

字数: 220 千 印张: 13

印数: 1—2000 册

版次: 2007 年 5 月第 1 版 2007 年 5 月北京第 1 次印刷

书号: ISBN 978 - 7 - 80228 - 154 - 7

定价: 45.00 元 (共二册)

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Editor's Note

1. The Legislative Affairs Office of the People's Government of Guangzhou Municipality undertook the organization of editing the Chinese-English version of the Compilation of Government Regulations of Guangzhou Municipality 2004 in accordance with the requirements of the Legislative Affairs Office of the State Council over translation and revision of laws and regulations.

2. This Compilation includes 7 regulations promulgated by the People's Government of Guangzhou Municipality from January 2004 to December 2004.

3. The translation and finalization of the English Version of this Compilation was organized by the Legislative Affairs Office of the People's Government of Guangzhou Municipality. Where there is any disagreement between the Chinese and English Versions, the Chinese text shall be regarded as the standard.

4. The regulations of this Compilation were revised by Professor DU Jinbang, CAI Xingqi, LIU Yiting and Mr William Guo-wei HU. We take this opportunity to appreciate them for the hard work they've done.

**Editorial and Examination Committee,
The Legislative Affairs Office of the People's
Government of Guangzhou Municipality
November, 2006**

编辑说明

一、按照国务院法制办对法规、规章译审工作的要求，广州市人民政府法制办公室组织编辑了《2004 年广州市政府规章中英文汇编》。

二、本书收录了2004年1月至2004年12月广州市人民政府公布的规章7件。

三、本汇编英文译本由广州市人民政府法制办组织翻译、审定。凡英文译文与中文原文表述不一致的，以中文文本为准。

四、参与本汇编译审工作的专家有杜金榜、蔡型乞、刘治廷、胡果威，在此致以衷心的感谢。

广州市人民政府法制办公室编审委员会
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Decree of the People's Government of Guangzhou Municipality

No. 1

The Supervisory and Administrative Procedures of Guangzhou Municipality for Food Safety have been adopted after deliberation at the 24th Executive Meeting of the 12th People's Government of Guangzhou Municipality and are hereby promulgated. And These Procedures shall become effective on October 1, 2004.

Zhang Guangning, Mayor
February 28, 2004

Supervisory and Administrative Procedures of Guangzhou Municipality for Food Safety

Chapter I General Provisions

Article 1 These Procedures are formulated in accordance with the Food Hygiene Law of the People's Republic of China, and the Product Quality Law of the People's Republic of China and the provisions of other relevant laws and regulations, in light of the specific situation of this municipality, and with a view to improving supervision and control over the safety of the foods produced and marketed, and ensuring people's health and safety of their lives.

Article 2 These Procedures shall be applicable to the supervision and control over the safety of the foods produced and marketed within the administrative areas of the municipality.

The inspection, quarantine, supervision and control over imported and exported foods shall be conducted according to the relevant State regulations.

Article 3 For the purposes of these Procedures, food refer to the finished products and raw materials for people to eat or drink, and materials that have traditionally served as both food and medicaments, including farm products produced by planting or breeding, which are not processed or are processed primarily, such as grains, vegetables, milk, aquatic products, poultry and livestock products, and products for people to eat or drink which are industrially processed or manufactured, hut excluding the materials used for medical treatment.

Article 4 The market access system for food is implemented in the municipality.

For the purposes of these procedures, market access refers to an administrative system under which the food marketed in the municipality shall undergo in-

spection, the poultry and livestock products shall undergo a test or a quarantine and meet the requirements of quality, hygiene and safety of the State, province and municipality, food which have not undergone an inspection or passed a test or quarantine, or fail to pass an inspection, test or quarantine shall not be marketed in the municipality .

Governments encourage and guide enterprises to produce and market quality foods. Food which have been conferred the title of, or authenticated as pollution - free farm product, green food, organic food or brand - name product and which are marketed as brand - name foods may be exempted from an inspection or test during the period when the title or authentication is valid.

Article 5 The municipality institutes a supervisory system for the inspection and test which combines the self - inspection, sectorial self - discipline and government supervision of the food producers.

Food producers shall themselves inspect and test the foods they produce or market, or entrust an institution with the necessary qualifications with the inspection and test.

The sectorial association shall improve supervision and self - discipline in the sector.

The administrative department of the people's government of the municipality, district or city at the county level shall establish and improve the inspection and test system for food safety, inspect and test various kinds of foods regularly, direct, standardize and supervise the food producers' self - inspection and self - discipline of the sector.

Article 6 The municipal people's government shall establish a leading group for supervising and controlling food safety to unify and coordinate supervision and control over food safety.

The people's government of a district or a city at the county level shall, according to these Procedures, take charge of supervision and control over food safety in the areas under its own jurisdiction .

Article 7 The competent administrative departments of the government shall, according to the following rules, satisfactorily supervise and control food safety:

(1) The administrative department for commerce shall take charge of the industry guiding and administering the sector in the field of food circulation; rectify and standardize the food circulation order, advance the reform of the food circulation structure, and establish a sound inspection and test system for food safety; take charge of the supervision and control over the slaughter of poultry and livestock and processing of their products, and examine and verify the establishment of poultry and livestock slaughter and processing factories; take charge of the planning and adjustment of the food marketing network throughout the municipality; and work in coordination with relevant departments to supervise and control the wholesale and retail markets of foods.

(2) The administrative department for agriculture shall take charge of the planning, organization and construction of the production bases for edible farm products; implement the monitoring system for quality and safety of farm products; take charge of epidemic prevention, quarantine and monitoring of quality and safety of animals, plants and their products; and take charge of supervision and control over the production, marketing and use of seeds (breeding poultry and stock), fertilizers, farm chemicals and veterinary medicine. The municipal administrative department for feed shall take charge of the supervision and control over the production, marketing and use of feed and feed additives.

(3) The department for quality and technology supervision shall take charge of the supervision over and administration of the food producing or processing enterprises, and of the monitoring of food quality; take charge of arranging for the implementation, supervision and administration of the market access system in respect of food quality and safety; take charge of arranging for the formulation, supervision and implementation of the agricultural standard norms for farm products; and take charge of the supervision over and administration of the authentication and recognition of food quality.

(4) The administrative department for health shall take charge of the supervision and control over food hygiene in the fields of food production, processing and circulation; examine food hygiene and issue food hygiene license; promote the graded quantitative management system in respect of food hygiene supervi-

sion; and improve the monitoring network of food pollutants.

(5) The administrative department for industry and commerce shall take charge of supervision and control over food marketing; take charge of the registration of food producing and marketing enterprises and self-employed industrial and commercial households; supervise and inspect food quality in the circulation field; investigate and deal with illegal marketing, and illegal processing and marketing of food without a certificate or license.

(6) The administrative department for environment protection shall take charge of supervision and control over the environmental conditions of the food processing factories, and the production bases and marketing places of edible farm products, and prevention and control of pollution there.

(7) The relevant administrative departments for public security, planning and medicine control shall, within their respective scope of duties, assist in supervision and control over food safety.

Article 8 The sectoral association may draw up and carry out the standards of the sector for food production and marketing, and provide food producing and marketing enterprises with information, technical guidance and services.

Chapter II Administration of Food Production and Processing

Section 1 Administration of the Production

Bases of Edible Farm Products

Article 9 The people's government of the municipality, district or city of the county level shall, in light of the actual local conditions, draw up plans for the planting and breeding bases of farm products in conformity with the standards for hygiene, quality, environment and safety, and shall support the establishment and development of such bases.

The municipal administrative departments for agriculture and environment protection shall, in compliance with their respective duties, guide and supervise the building of the planting and breeding bases of farm products.

Article 10 The safety tracking system for farm products shall be implemented

at the planting and breeding bases of farm products, including the formulation of technical rules of production, the establishment of files for recording production, the recording of the use of farm chemicals, fertilizers, veterinary medicine, fish medicine, feed and feed additives, and the recording of epidemic prevention and quarantine.

The planting or breeding households of other farm products shall, by reference to the managerial methods of the production bases, record the use of farm chemicals, fertilizers, veterinary medicine, fish medicine, feed and feed additives.

The municipal administrative department for agriculture shall, in compliance with its duties, draw up a scheme for implementing the safety tracking system for farm products and make arrangement for the implementation.

Article 11 The planting and breeding bases of farm products shall establish an inspection system for safety of farm products, and provide the inspection certificates for farm products.

The livestock to be slaughtered at livestock slaughter house shall have the quarantine certificates issued by the supervisory institution of animal epidemic prevention or quarantine at or above the county level at the place of origin. On the meats leaving the house shall be affixed with the meat inspection stamp of the designated slaughter house and the veterinary quarantine stamp of the supervisory institution of animal epidemic prevention of this, municipality and there shall be the animal product quarantine certificate issued by the supervisory institution of animal epidemic prevention of this municipality, and the livestock products inspection certificate issued by the designated slaughter house.

A processed and packaged farm product shall be attached with a label on the package. On the label shall be indicated the standard code number and name of the product, the net weight, production base, processing unit, production date and best - before date in Chinese.

Article 12 The planting and breeding bases of farm products shall establish a commitment system for farm product safety.

Before putting their products on the market, the planting or breeding bases

of farm products shall give a commitment to the administrative departments for agriculture and health and marketers on the safety of their products.

The schemes for implementing commitment system for safety among the planting or breeding bases of farm products shall be drawn up by the municipal administrative departments for agriculture and health in compliance with their respective duties, and arrangements shall be made by them for implementation.

Article 13 The authentication systems for pollution – free farm products and for production bases of pollution – free farm products shall be implemented in this municipality.

The producer of farm products may apply for authentication of pollution – free farm products or production base of pollution – free farm products according to the Procedures for Authentication of Pollution – free Farm Products or the Procedures for Authentication of Production Base of Pollution – free Farm Products.

An entity that has attained central or provincial authentication may use the corresponding mark of authentication at the production base, on its farm products, or on the package of such products. An entity that has not attained such authentication shall not use the authentication mark of pollution – free farm product or production base of pollution – free farm product.

Article 14 The planting and breeding bases of farm products and planting and breeding households of such products shall, in a timely manner, give innocuous treatment to the farm products that contain excessive toxic or harmful substances, and shall not put such products on the market.

The slaughterhouses, breeding bases of poultry and livestock, and other places shall, in accordance with relevant regulations and in a timely manner, give innocuous treatment to the poultry or livestock that fail to pass the quarantine or dead of illness or of unknown reasons, to the products of such poultry or livestock and to the excrement of infected poultry and livestock, and shall not discard them at will.

Section 2 Administration of Food Production and Processing Enterprises

Article 15 An enterprise that engages in food production or processing shall obtain a food hygiene license and food production license according to relevant

regulations, and shall produce or process food according to the regulations on food hygiene and quality control.

Article 16 The food production a processing enterprise shall establish a tracking system for food safety.

The food production or processing enterprise shall, according State regulations, ask for inspection certificate when purchasing food or raw materials of food, keep the inspection records and samples of the raw materials and semi-finished products and finished products before leaving the factory. The samples to be kept shall be stored in the specially built storeroom for samples classified in different varieties and lot numbers.

The municipal administrative departments for health and for quality and technology supervision shall, in compliance with their respective duties, draw up the scheme for implementing the food safety tracking system and make arrangements for the implementation.

Article 17 The food production or processing enterprise shall establish an inspection system, set up a hygiene and quality inspection office corresponding with its scale of production, which shall inspect the foods it produced or processed.

Article 18 The food production or processing enterprise shall, according to the hygiene standards and regulations on hygiene control, conduct hygiene inspection of the foods it produced or processed, or entrust an inspection institution with the corresponding qualifications with the inspection, which shall issue a hygiene inspection certificate to it.

Article 19 The food production or processing enterprise shall, according to the product standards and regulations on quality control, conduct inspection of the foods it produced or processed.

The food production or processing enterprise shall have the ability of inspecting the products leaving the factory, and have the instruments for quality inspection and quantative monitoring corresponding with the products it produced. An enterprise without the ability of inspecting the products leaving the factory shall entrust the job to the inspection institution, which has the corresponding qualifications and is publicized uniformly by the general administration of quality super-