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Genetically Modified Organisms (Control of Release) Ordinance Cap. 607

Expert Group

Report on the Seventh Meeting of the Conference of the Parties Serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety

Purpose

This paper reports on the major decisions made at the Seventh Meeting of the Parties (MOP/7) to the Cartagena Protocol on Biosafety (the Protocol).

Introduction

2. The MOP currently meets every two years in conjunction with the Conference of the Parties to the Convention on Biological Diversity. The meeting aims to keep the implementation of the Protocol under regular review and to make decisions necessary to promote the effective implementation of the Protocol by its Parties. The MOP/7 was held in Pyeongchang of the Republic of Korea from 29 September to 3 October 2014. Representatives from the Agriculture, Fisheries and Conservation Department (AFCD) attended the meeting as members of the delegation of the People's Republic of China.

3. During the meeting, a wide range of issues concerning the implementation of the Protocol was covered. Draft decisions were considered by Parties during the meeting. A final report with the full list of the decisions adopted can be downloaded from http://www.cbd.int/mop7/doc/. Items which may be relevant to Hong Kong are highlighted below.

BS-VII/8. Handling, transport, packaging and identification of genetically modified

organisms (GMOs)[1]

4. The MOP/7 requested Parties to continue to take measures ensuring the implementation of documentation requirements for GMOs intended for direct use as food or feed, or for processing (GMOs-FFP) in paragraph 2 (a) of Article 18 of the Protocol and paragraph 4 or 6, as appropriate, of Decision BS-III/10, and to continue to identify transboundary movements of GMOs-FFP, by incorporating the information identified in Decision BS-III/10 (paragraphs 3 and 4) into existing documentation accompanying GMOs. It was decided that a further review of the need for a stand-alone document would not be required unless a subsequent MOP so decides in the light of the experience gained. Parties were also requested to make available to the Biosafety Clearing-House (BCH) any domestic regulatory requirements related to the identification and documentation of GMOs-FFP.

5. In Hong Kong, as stipulated under the Genetically Modified Organisms (Control of Release) Ordinance (the Ordinance), the documentation requirements for GMOs-FFP follows the relevant articles of the Protocol and the decisions of MOPs. The Genetically Modified Organisms (Documentation for Import and Export) Regulation (the Regulation) requires the importer/exporter of GMOs-FFP to state in the prescribed document that the shipment contains GMOs-FFP (if the identity of the GMOs are known) or may contain GMOs-FFP (if the identity of the GMOs are not known), and that the GMOs are not intended for release into the environment. The Regulation also requires the prescribed document to contain particulars such as the Internet address of the BCH, the common name and scientific name and, if available, the commercial name, transformation event code, and unique identifier code of the GMOs, if the identity of the GMOs is known. As such, the Ordinance and Regulation are in line with the latest requirements of the Decision BS-VII/8 regarding the documentation for transboundary movements of GMOs-FFP.

BS-VII/10. Unintentional transboundary movements of GMOs

6. The MOP/7 encouraged Parties and other governments to ensure that sufficient information should be provided in notifications to allow detection and identification of the GMOs, including information that allows for its unique identification and where reference materials may be obtained.

7. In addition to the documentation requirement on transboundary movement of

[1] GMOs (genetically modified organisms) under the Genetically Modified Organism (Control of Release) Ordinance Cap. 607 has the same meaning as LMOs (living modified organisms) under the Protocol.

GMOs-FFP mentioned in paragraph 5 above, the Regulation has similar requirements for other GMOs, except for pharmaceuticals for human to which the Protocol is not applicable. The particulars in the prescribed documents for GMOs of known identity will allow the identification of the GMOs and searching of relevant reference materials. Besides the documentation requirements on importing and exporting GMOs, the survey on the presence of GMOs in local markets and farms will facilitate us in detecting, identifying, tracing and locating any unapproved GMOs which may have been released into the environment.

BS-VII/12. Risk assessment and risk management

8. The MOP/7 invited Parties, other governments and relevant organisations to test or use, as appropriate, the Guidance on Risk Assessment of Living Modified Organisms[2] in actual cases of risk assessment and as a tool for capacity-building. It also invited Parties to submit (a) information on their needs and priorities for further guidance on specific topics of risk assessment of GMOs, and (b) existing guidance on specific topics of risk assessment of GMOs.

9. The MOP/7 invited Parties, other governments and relevant organisations to continue submitting, through the Biosafety-Clearing House, the information regarding GMOs or specific traits that may have or that are not likely to have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health.

10. The requirements on the biosafety risk assessment under the Ordinance follow those set out in the Protocol. The Guidance can thus facilitate us to examine the risk assessment report submitted together with an approval application for environmental release, as well as the risk assessment of GM papayas and live recombinant veterinary vaccines (see Discussion Papers 03/2015 and 04/2015).

BS-VII/14. Monitoring and reporting

11. According to Article 33 of the Protocol and Decision BS-I/9 adopted by the MOP, each Party shall monitor the implementation of its obligations under the Protocol, and shall report on measures that it has taken to implement the Protocol. It was agreed that the Parties should submit an interim report two years after the entry into force of the Protocol and report on a general frequency of every four years. Reports shall be

[2] Available online at http://bch.cbd.int/onlineconferences/guidance_ra.shtml

submitted twelve months prior to the MOP meeting that will consider the report. The MOP/7 reminded Parties of their obligation to submit national reports and to use the revised format for the preparation of their national report.

12. China has already submitted the second national report in September 2011. The next (i.e. the third) national report should be submitted on or before September 2015. AFCD is in close contact with the Mainland authority on reporting the implementation of the Protocol in Hong Kong. We will liaise with the Mainland authority on contributing to the China's third national report about the implementation of the Protocol in HKSAR.

Advice Sought

13. Members are invited to note the relevant Decisions made in the MOP/7 and provide views and comments in relation to the implementation of the Ordinance.

Agriculture, Fisheries and Conservation Department
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