立法會
Legislative Council

Ref : CB2/PL/FE

LC Paper No. CB(2) 2675/01-02
(These minutes have been seen by the Administration)

LegCo Panel on Food Safety and Environmental Hygiene

Minutes of special meeting
held on Thursday, 28 March 2002 at 10:45 am
in the Chamber of the Legislative Council Building

Members Present	:	Hon Fred LI Wah-ming, JP (Chairman) Hon Tommy CHEUNG Yu-yan, JP (Deputy Chairman) Hon James TO Kun-sun Hon WONG Yung-kan Hon Jasper TSANG Yok-sing, JP Hon Michael MAK Kwok-fung Dr Hon LO Wing-lok Hon WONG Sing-chi
Members absent	:	Dr Hon David CHU Yu-lin, JP Hon CHEUNG Man-kwong Dr Hon YEUNG Sum Hon CHOY So-yuk Hon Andrew CHENG Kar-foo Hon LEUNG Fu-wah, MH, JP
Public Officers Attending	:	Dr S P MAK Deputy Director (Food & Public Health) Food and Environmental Hygiene Department Dr Gloria TAM Assistant Director (Food Surveillance & Control) Food and Environmental Hygiene Department Dr Y Y HO Consultant (Community Medicine) (Risk Assessment and Communication) Food and Environmental Hygiene Department Mrs Ingrid YEUNG Principal Assistant Secretary for the Environment and Food (A) 1

Clerk in Attendance	:	Mrs Constance LI Chief Assistant Secretary (2)5
Staff in Attendance	:	Ms Joanne MAK Senior Assistant Secretary (2)2

Action

I. Control and surveillance of food products containing banned substances
[LC Papers Nos. FS 04/01-01, FS 05/01-02, CB(2) 1466/01-02(01) & (02), CB(2) 1476/01-02 (01) and CB(2)1717/01-02 (01)]

The Chairman said that the meeting was convened to discuss the control and surveillance of food products containing banned substances following the recent discovery of food products containing stevioside for sale in Hong Kong. He said that the Legislative Council (LegCo) Secretariat had prepared two Fact Sheets on "Stevioside". The Chairman further said that he had earlier forwarded a list of questions on the subject to the Administration but the Administration's paper had not addressed his questions. Deputy Director (Food & Public Health) (DD(F&PH)) of the Food and Environmental Hygiene Department (FEHD) agreed to provide a written response to the Chairman's questions as soon as possible.

(*Post-meeting note* : The Administration's written response to the Chairman's questions was issued vide LC Paper No. CB(2)1717/01-02 (01) dated 24 April 2002.)

2. DD(F&PH) apologized for the late submission of the Administration's paper for the meeting. She drew members' attention to a typographical error on page 3 of the Chinese version of the paper.

(*Post-meeting note* : The Administration had subsequently provided a replacement sheet for page 3 of the paper which was issued to members on 11 April 2002.)

3. Referring to the Administration's paper, Assistant Director (Food Surveillance & Control) (AD(FSC)) briefed members on the sequence of events leading to the discovery of food products containing stevioside which were on sale in Hong Kong and the follow-up actions taken by FEHD. DD(F&PH) also explained the regulatory control of artificial sweeteners as imposed by the law in Hong Kong.

4. Concerning the risk assessment on the consumption of stevioside by the Joint Food and Agriculture Organisation/World Health Organisation Expert Committee on Food Additives of the United Nations (the Committee), DD(F&PH) pointed out that no conclusions on the carcinogenicity of stevioside had been made. Besides, the Committee was of the view that based on the information available, the reduction in fertility of animals after intake of stevia plant was probably not due to the stevioside contained in the plant. DD(F&PH) added that in Hong Kong, FEHD generally drew

Action

reference from assessment results of the Committee as the key scientific references for food safety assessment. She said that since the Committee had not yet come to a conclusion regarding the safety of stevioside, stevioside was not included as one of the permitted artificial sweeteners in Hong Kong. However, FEHD would closely monitor future development on the Committee's assessment of the safety of stevioside.

5. DD(F&PH) also briefed members on the food safety control and surveillance programme in Hong Kong as detailed in paragraphs 7 to 10 of the Administration's paper. She said that in order to tighten the requirement for labelling of food additives and to provide more information for consumers, legislative amendments would be introduced requiring that both the category and specific name/internationally accepted codes of an additive should be shown on the label, and the proposal had been discussed by the Panel in January 2001. The amendment regulation was under preparation and would be submitted to LegCo in the latter part of 2002.

Enforcement

6. Mr Michael MAK asked what actions FEHD would take against the importers who had imported food products containing stevioside, since stevioside was not a permitted artificial sweetener under the Food Adulteration (Artificial Sweeteners) Regulations. He was surprised to note that a stevioside association had recently made a statement that stevioside was safe for human consumption.

7. DD(F&PH) responded that FEHD had met with the representatives from Hong Kong Stevioside Association and had clearly explained to them about the statutory definition of "artificial sweetener" and the related regulatory provisions. She said that FEHD would consider prosecutions on a case-by-case basis and legal advice would be sought. She added that although some importers had recalled from their distributors products which contained stevioside, FEHD would reserve the right to take legal action if justified as had been explained.

8. Mr MAK asked about the considerations of the Administration in deciding whether or not to take legal action against the importers concerned. DD(F&PH) responded that the Administration would have to consider the merits of each case, having regard to legal advice and the evidence gathered.

9. The Chairman asked whether there was a mechanism to ensure that importers were aware of the regulatory provisions governing the use of food additives in Hong Kong. DD(F&PH) responded that it was clear from the law that stevioside was not a permitted sweetener in Hong Kong. Food importers could make enquiries with FEHD if they had doubts as to whether a certain food additive was permitted under present legislation. She stressed that importers had the responsibility to check the relevant legislation before importing food products containing specific food additives.

10. Mr WONG Yung-kan criticised the Administration for being too lenient with those importers who had breached the law in this and other similar incidents where food recall was warranted. DD(F&PH) responded that FEHD would act in accordance with the law based on legal advice and evidence.

Action

11. Referring to paragraph 8 of the Administration's paper, Mr Michael MAK asked about the results of the analyses conducted each year on food samples, and whether prosecutions had been taken against any importers/manufacturers concerned in respect of the unsatisfactory cases. DD(F&PH) responded that the results of the analyses were set out in Annex III to the Administration's paper. AD(FSC) pointed out that in the past three years, the greatest number of unsatisfactory samples had been found with three types of food additives and contaminants : preservatives (2%-2.5%), pesticides (0.5%-1%) and beta agonists (40% in 1998 decreased to 0.3% in 2001). However, she emphasised that the overall number of these unsatisfactory samples was small and none of them had significantly exceeded the prescribed limits. Enforcement actions had been taken in all these cases. At the Chairman's request,

Adm AD(FSC) agreed to provide details of the 466 unsatisfactory samples in respect of microbiological testing and the enforcement actions taken in these cases.

Food safety control and surveillance

12. Mr Michael MAK asked the Administration to explain the food safety control and surveillance systems for non-staple food and snacks. AD(FSC) responded that the food safety control system was described in paragraphs 6 and 7 of the Administration's paper. To enhance the surveillance of food products which contained stevioside, the Administration would take the following measures -

(a) strengthen communication with the food safety control authorities and the export units of countries like Japan, South Korea and Mainland China where stevioside was a permitted sweetener. The Administration would explain to them that stevioside was banned in Hong Kong and would seek their cooperation to stop food products which contained stevioside to be exported to Hong Kong;

(b) enlist the assistance of these food safety control authorities to publicise the ten permitted artificial sweeteners in Hong Kong to their food manufacturers. FEHD would also step up publicity in Hong Kong amongst importers; and

(c) conduct surveillance targetted at popular food products which might contain food additives which were permitted in their place of origin but not in Hong Kong.

13. Mr WONG Yung-kan criticised FEHD for lacking a sense of crisis in its food surveillance programme, as Hong Kong only started to investigate and recall food products containing stevioside after media reports were made in Singapore on its recall of several such food items. He was worried that the existing mechanism in Hong Kong might not be adequate to safeguard public health, especially when chilled meat was to be imported into Hong Kong shortly. Mr WONG asked about the targets the Administration had set for its food surveillance programme and how it would ensure that food on sale was safe for human consumption. He also asked whether the food products recalled on this occasion had been submitted to FEHD for inspection on import.

Action

14. DD(F&PH) responded that while food safety control was the primary responsibility of FEHD, it would require concerted efforts of the Government, the trade and consumers. She explained that there would always be a certain degree of risk in food and it was Government's objective to minimise the risk to an acceptable level. In this connection, a risk-based approach for food safety control was adopted. She informed members that under the food surveillance programme, about 57 000 to 60 000 food samples were taken each year for analysis. This number of samples taken was already quite large as compared with the international reference.

15. DD(F&PH) further said that given the great variety of food items on the market and resources limitations, it would be impracticable to require each and every food item to be subject to inspection before they were put on sale. The Administration therefore adopted a strategic and targeted approach to select food items, according to their risk assessments, for testing. For some staples and high-risk food such as meat, poultry and milk, stringent assessment and inspection procedures had been put in place at the import and retail levels. As for non-staple food and snacks, a risk-based approach was adopted and food samples were taken at import, wholesale and retail levels for analysis. Tests were conducted to check whether the food samples complied with the statutory food safety standards as well as their fitness for consumption.

16. DD(F&PH) added that the Administration regularly reviewed the food surveillance programme to identify food items which should be given priority in inspections and what specific tests they should be subject to. She added that since the establishment of FEHD, a dedicated team had been set up to disseminate information on the latest food surveillance and risk assessment results through internet, distributing leaflets, organising workshops/publicity programme, etc.

17. Mr WONG Yung-kan expressed doubt about the adequacy and reliability of the risk-based approach in detecting at the earliest possible opportunity food items which contained stevioside or other banned substances. Noting that FEHD was establishing a new Food Research Laboratory, he suggested that FEHD should take a more proactive approach in identifying problematic food products.

18. AD(FSC) responded that in the past five years, there were two incidents in which FEHD had been the first to discover problematic food items which were also on sale in other places -

(a) In October 1997, ice-cream products of a certain brand name imported from the United States were found by the then food authority - Department of Health to contain Listeria monocytogenes bacteria; and

(b) In April 1998, following some food poisoning incidents, FEHD had successfully traced the retail origin of the pork and pig offals containing clenbuterol.

Action

Suggestions to strengthen the food surveillance programme

19. Dr LO Wing-lok pointed out that in Hong Kong, a small budget of some $30 million was made for food safety control while the Food and Drug Administration accounted for about 25 cents of every consumer dollar spent in the United States. Dr LO made the following the suggestions for the improvement of the food surveillance programme -

(a) tightening up the labelling requirement of food additives, stepping up publicity on the usefulness of food labels and providing telephone hotlines for enquiries on food products suspected to contain banned substances;

(b) enhancing the effectiveness of food surveillance activities by including experts from outside in the teams; and

(c) introducing a notification system for importers to declare the substances contained in the food products they imported.

20. In view of the popularity of food products from Japan and South Korea, Mr Michael MAK suggested that FEHD should enable members of the public to make enquiries with FEHD by the internet or telephone hotline on food products which were suspected to contain banned substances.

21. DD(F&PH) responded that the Administration would consider members' suggestions. She said that FEHD had all along been answering public enquiries on food safety issues, and telephone hotlines had already been provided for such enquiries. She added that FEHD would continue to promote public awareness and publicise food surveillance results for public information.

22. DD(F&PH) further said that under the proposed legislative amendments relating to food labelling, food labels should specify -

(a) the presence of substances which were known to cause allergy in some individuals; and

(b) the type of food additives (including preservatives, colouring matters and artificial sweeteners) used, either in the additives' full name or identification code number.

In addition, the format required in marking the "best before" or "use by" date on food labels should be made more flexible to the trade and the information must be clear to consumers. The labelling requirements on alcoholic drinks would also be strengthened.

23. DD(F&PH) further said that the Administration would enhance communication with the trade on the current control of food additives, etc. under the laws in Hong Kong. Mr Tommy CHEUNG expressed support for the Administration to strengthen

Action

communication with the trade. Mr CHEUNG suggested that in addition to a notification system, the Administration should consider requiring importers to sign a disclaimer confirming that the food products they imported did not contain banned substances.

24. DD(F&PH) responded that the Administration also recognised the need to require importers to take up responsibility for ensuring compliance of their food products with the related regulatory provisions, and for providing more information to consumers. She said that as there were hundreds of banned artificial sweeteners, there would be difficulty and constraints in enforcing a disclaimer system.

25. In response to Mr Tommy CHEUNG's comments that there was still room for improvement in the Administration's handling of food incidents, DD(F&PH) said that the Administration would introduce improvement measures as appropriate. She added that as stevioside was permitted to be used as a sweetener in places such as Japan, South Korea, Mainland China and Taiwan, FEHD would conduct surveillance targetted at food products imported from these places.

Safety assessment on the consumption of stevioside

26. Referring to the information provided in the Administration's paper and the Fact Sheet prepared by the LegCo Secretariat, Mr Michael MAK considered that the conclusion drawn by the Committee on the safety of stevioside was not clear. He asked whether the Administration would ascertain with the Committee regarding their views on the safety in the consumption of stevioside.

27. DD(F&PH) responded that FEHD generally drew reference from the assessment results of the Committee as the key scientific references for food safety assessment. It also made reference to the international food related standards developed by the Codex Alimentarius Commission (the Codex), which was formed by the Food and Agriculture Organisation of the United Nations and the World Health Organisation. She said that in addition to attending the meetings of these organisations, FEHD maintained close contact with overseas food authorities to exchange information. DD(F&PH) said that FEHD would continue to maintain contact with experts and the relevant organisations for new developments on the safety assessment on consumption of stevioside.

28. Referring to paragraph 4 of the Administration's paper, Mr Tommy CHEUNG asked whether FEHD would request the Committee or the Codex to conduct further evaluation to provide conclusive views on the safety aspect of stevioside. Consultant (Community Medicine) (C(CM)) explained that the Committee conducted safety assessments on the consumption of food additives based on information provided by its member states. In 1998, the evaluation carried out by the Committee found that the information provided by the member states was inadequate and no conclusion could be drawn on the carcinogenicity of stevioside. The Committee had already requested its member states to provide additional information for further evaluation, but so far no member states had requested further assessment on the safety aspect of stevioside.

Action

29. Dr LO Wing-lok commented that the safety assessment on the consumption of an artificial sweetener was always political and controversial, because sugar exports played an important role in the economy in some countries. As some advanced countries permitted the use of stevioside as a sweetener and had accumulated much information and data on the use of such substance, Dr LO suggested that the Administration could make reference to these available information and data. He said that the Administration very often permitted the registration of a pharmaceutical product if it had been registered in three advanced countries.

30. Mr WONG Yung-kan asked whether the Mainland China, which permitted the use of stevioside, had conducted tests on the safety aspects of stevioside. DD(F&PH) responded that each country had its own considerations and policy on food safety standards. She said that Hong Kong always drew reference from the evaluation by the Committee and the Codex in formulating its food safety standards.

Sensitivity of the food surveillance programme

31. The Chairman asked whether the incident under discussion had reflected that the food surveillance programme had serious shortcomings, as many food products recalled had actually been on sale in Hong Kong for years and stevioside was listed on the labels of some of these products. He was concerned that consumers were not informed how they should dispose of the 73 recalled food products they had purchased. The Chairman requested the Administration to explain -

(a) whether testing of stevioside and other banned substances was conducted for the 950 food samples on artificial sweeteners collected in the past two years;

(b) why FEHD had not been able to discover in the past that the 73 food products contained stevioside;

(c) whether FEHD had adequate staff to carry out food surveillance effectively; and

(d) whether FEHD would also check the prepackaged Chinese medicine containing stevioside in collaboration with the Department of Health (DH).

32. DD(F&PH) responded that the degree of risk in a kind of food would also depend on the amount of intake of the food and not just the substances it contained. Snacks were regarded as a low-risk food, and as they were a kind of non-staple food, people in general only consumed a relatively small amount of them. AD(SFC) further said that with globalisation of trade and increase in the varieties of food products, Hong Kong would need to review the allocation of resources to enhance the flexibility and sensitivity of the food surveillance programme. She said that while priority had all along been given to the examination of the declared substances of food products, FEHD would conduct targetted surveillance of those popular food products

Action

which might contain food additives permitted in their place of origin but not in Hong Kong.

33. In response to the Chairman's further question, AD(FSC) said that FEHD had mainly tested for those food additives specified in the relevant legislation and which were declared present in a food product. For those additives which were not declared present in a food product, or if they were not subject to statutory control, they were not covered by the sampling tests.

34. The Chairman pointed out that there was no notification system or pre-market inspection for snacks. He asked how the Administration could prevent the recurrence of similar incidents and whether there should be more staff resources for increased food surveillance.

35. DD(F&PH) responded that, given the large varieties of foodstuffs on sale in Hong Kong, it was impossible to include all food items in the surveillance programme. The Administration would adjust its surveillance strategy to include more food items in the programme as far as resources permitted. She added that the new Food Research Laboratory would also enable FEHD to strengthen food safety control.

36. On the regulatory control of Chinese medicine, DD(F&PH) explained that DH would act in accordance with the law governing the control of Chinese medicine.

Sampling tests on food products

37. Noting that FEHD conducted some 50 000 sampling tests on food items each year, Mr WONG Yung-kan asked whether any snacks had been found containing other prohibited additives (such as colouring matters) and banned from importation.

38. AD(FSC) responded that under the food surveillance programme, food samples had been collected for microbiological tests and chemical tests (mainly on additives, contaminants and toxins), which included testing on metals and colouring matters. She said that there were cases where colouring matters exceeding the prescribed standards were found in some food products. In these cases, the Administration would consider prosecution and/or food recall, based on the circumstances in each case, having regard to the risk assessment of the products concerned.

39. Mr Tommy CHEUNG asked whether the number of food samples taken for analyses were sufficient or excessive, having regard to the variety and quantity of food products on sale in Hong Kong.

40. AD(FSC) replied that there were some 2 000 brands of biscuits and a few million kinds of prepackaged food on sale in Hong Kong. She pointed out that the rate of sampling tests conducted by FEHD was much higher than the reference standard in many developed countries. She added that FEHD also sought to promote the Hazard Analysis Critical Control Point (HACCP) concept, which was a preventive and proactive approach to food safety assurance emphasising "control at source", to the food trade. FEHD would publicise among food manufacturers that stevioside

Action

was not permitted to be used as a sweetener in Hong Kong, and seek their cooperation to ensure that their food products for export to Hong Kong complied with the local regulatory provisions.

41. In response to Mr Michael MAK's question, DD(F&PH) said that some members of the trade had sponsored private laboratory tests for their food products for the purpose of quality assurance. She said that the Administration was also exploring ways to enhance the role of the trade in food safety.

42. Mr Tommy CHEUNG asked whether the current rate of sampling test (i.e. 8 samples for every 1 000 population) would be increased with the establishment of the new Food Research Laboratory. DD(F&PH) replied that the new Laboratory would conduct food tests, including popular local food to support the work of risk assessment and food standard setting.

43. Dr LO Wing-lok asked what actions the Administration had taken following the media reports in Singapore on the recall of food items which were found containing stevioside. He asked whether it was still possible for people to buy food products containing stevioside from retail outlets after the recall of these products in Hong Kong.

44. AD(FSC) responded that immediately after receiving the media reports in Singapore, FEHD had contacted the Singaporean food safety authority for further details and conducted inspections on food items in Hong Kong. FEHD first mainly targetted at popular chain retail outlets and later covered medium and small shops as well. Since stevioside was permitted to be used as a sweetener in places such as Japan, Mainland China and Taiwan, and South Korea, FEHD also conducted inspections to small food shops catering for ethnic groups. The Administration believed that the recall of food products which contained stevioside had completed, and arrangements had been made for consumers to return these food products to the retail outlets where they bought such food. She added that the Administration was considering prosecution against the importers concerned.

45. In concluding the discussion, the Chairman urged the Administration to review the food surveillance programme and to submit the legislative amendments to the food labelling law as soon as possible.

Adm

46. There being no other business, the meeting ended at 12:30 pm.

Council Business Division 2
Legislative Council Secretariat
5 August 2002