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**Meeting of Panel on Food Safety and Environmental Hygiene
on 25 May 2004**

Background Paper prepared by Legislative Council Secretariat

Discussions on the control of chemicals and harmful substances in food

Purpose

This paper summarises the discussions since 2001 by the Legislative Council (LegCo) and its committees in respect of the control of chemicals and harmful substances in food.

Background

Public Health (Animals and Birds) (Chemical Residues) Regulation and Harmful Substances in Food (Amendment) Regulation 2001

2. In June 2001, the Administration introduced the Public Health (Animals and Birds) (Chemical Residues) Regulation under the Public Health (Animals and Birds) Ordinance (Cap. 139), in order to regulate the feeding of chemicals to food animals (including livestock and poultry but excluding fish). The Regulation prohibits the use of seven chemicals, including clenbuterol, by farmers and food animal traders to food animals. It also establishes "Maximum Residue Limits" (MRL) for 37 other agricultural and veterinary chemicals in meat, offal or milk, with limits in line with international standards.

3. To ensure a consistent standard of chemical residues in the food chain, the Administration also made separate amendments, in June 2001, to the Harmful Substances in Food Regulations made under section 55(1) of the Public Health and Municipal Services Ordinance (Cap.132). The Harmful Substances in Food (Amendment) Regulation 2001 prohibits the sale of food containing the same seven prohibited chemicals and the 37 agricultural and veterinary chemicals exceeding the prescribed MRL.

4. The two Regulations had been examined by a subcommittee formed under the House Committee. Following discussion with the subcommittee, the Administration had made some amendments to the Regulations, including an amendment to prohibit the "import", in addition to the "sale", of fish, meat and milk containing any prohibited substance. The amendments to these Regulations were passed at the LegCo meeting on 31 October 2001. Provisions in the two Regulations had come into operation in three phases on 31 December 2001, 31 January 2003 and 31 December 2003.

5. During deliberations of the two Regulations, the subcommittee had raised the following issues for follow-up discussions by the Panel on Food Safety and Environmental Hygiene -

- (a) extension of control under the Public Health (Animals and Birds) (Chemical Residues) Regulation to fish;
- (b) enhanced monitoring of sale of chilled meat;
- (c) legislative amendment to separate control of drugs for humans and animals in order that drugs for food animals could be regulated under one ordinance (Cap. 139) and one department; and
- (d) establishment of a designated zone for food animal farming.

Discussions by the Panel on Food Safety and Environmental Hygiene

Food surveillance and food sampling

6. The Panel on Food Safety and Environmental Hygiene has discussed on a number of occasions the system of food surveillance and food sampling for testing of chemicals and harmful substances in food. At the meetings on 26 March and 30 November 2001, the Administration informed the Panel that the Public Health and Municipal Services Ordinance (Cap. 132) stipulates that all food must be wholesome, unadulterated and fit for human consumption. Standards for specific food products are stipulated in a set of subsidiary legislation under Cap. 132.

7. Under the food surveillance programme, food samples are collected at import, manufacture, wholesale and retail stages of the food supply chain for chemical, microbiological and/or radioactivity analyses. Sampling priority is reviewed constantly, taking into account latest overseas and local risk analyses. In 2001, Hong Kong adopted a sampling rate of more than 8 samples per 1 000 population per annum, which was much higher than the international practice. Around 59 000 food samples were collected in 2000, and the laboratory test failure rate was about 0.7% (398 cases).

8. As Hong Kong imports a great variety of food from the Mainland and from other places, Panel members are concerned that the Hong Kong authorities should strengthen monitoring and control of imported food and live food animals. The subject of "Control of local and imported food and live food animals" was discussed at the Panel meeting on 23 April 2001. The Panel requested the Administration to publicise reports on food surveillance studies on a regular basis. A member also suggested a quality assurance system for local farm produce, and that farm operators should be required to receive training on the use of chemicals in food animals.

9. At its meeting on 30 November 2001, the Panel discussed the risk assessment studies on food and food surveillance programme conducted by Food and Environmental Hygiene Department (FEHD). Members requested the Administration to increase the sampling rate on high-risk foods and seasonal food in order to safeguard public health. There were also concerns about misleading food labels and the absence of food recall legislation.

Meat and poultry

10. The monitoring of illegal meat and poultry was discussed by the Panel on several occasions in past years. As there were reports of clenbuterol food poisoning cases in June 2001, the Panel discussed with the Administration on 17 July 2001 measures taken to monitor the clenbuterol level in pork and pig offal. The subject of illegal meat was discussed by the Panel at its meetings on 26 March, 23 April, 18 June and 29 October 2001. At its meeting on 2 February 2004, the Panel discussed the Administration's control of chilled meat and poultry, in view of the concerns expressed by local fresh meat retailers' associations and the media reports on chilled chickens from unapproved sources. Members have urged the Administration to step up efforts to combat the illegal import and sale of chilled meat and poultry from unapproved sources. The Panel supports the Administration's taking strict enforcement actions against breaches of law and licensing conditions/tenancy agreements in this respect.

Seafood and other food items

11. The Panel discussed the monitoring of chemical levels in sauces and other savoury products, and the use of chemicals in hairy crabs at its meetings on 17 July and 5 November 2001 respectively. The Administration briefed the Panel on 22 October 2002 and 24 June 2003 on the study findings on dietary exposure of secondary school students to dioxin and heavy metals, and the study on Acrylamide in food. The subject of "Mercury level in seafood" was discussed at the Panel meeting on 25 November 2003.

Notification mechanism on food safety matters between the Hong Kong Special Administrative Region and the Mainland

12. The subject was discussed at the Panel meeting on 30 November 2001, after reports of unsafe or poisonous food (such as candied dates) imported from the Mainland. Members urged the Administration to strengthen communication with the Mainland and enhance transparency on reports concerning unsafe food.

Questions raised by Members at Council meetings on related issues

13. In the 2002-03 and 2003-04 sessions, questions were raised by Members on issues concerning the safety of canned luncheon meat, eggs, Japanese beef, vegetables and tea leaves. A list of these questions is given in the **Appendix**.

Relevant papers

14. A list of relevant papers and documents is in the **Appendix** for members' easy reference. The papers and documents are available on the Research and Library Services Information system and the Council's website at <http://www.legco.gov.hk/english/index.htm>.

Council Business Division 2
Legislative Council Secretariat
18 May 2004

Relevant Papers/Documents

<u>Meeting</u>	<u>Meeting Date</u>	<u>Papers/Motion Passed/Council question</u>
Legislative Council	5 May 2004	Oral question on "Import of beef from countries which have reported cases of cattle being infected with the mad-cow disease" raised by Hon Tommy CHEUNG
	10 March 2004	Written question on "Food safety on canned luncheon meat" raised by Hon Fred LI
	25 February 2004	Written question on "Food safety of eggs for human consumption" raised by Hon Fred LI
	18 June 2003	Written question on "Ban on import of Japanese beef" raised by Hon LAU Kong-wah
	23 October 2002	Written question on "Radiation levels of vegetables" raised by Hon LAU Kong-wah
	9 January 2002	Written question on "Tea leaves with heavy metal content" raised by Hon David CHU Yu-lin
Panel on Food Safety and Environmental Hygiene	2 February 2004	Administration's paper on "Control of importation and sale of chilled meat and poultry" [LC Paper No. CB(2) 1164/03-04(07)] Minutes of meeting [LC Paper No. CB(2) 1989/03-04]

	25 November 2003	Administration's paper on "Mercury level in seafood" [LC Paper No. CB(2) 407/03-04(04)] Minutes of meeting [LC Paper No. CB(2) 888/03-04]
	24 June 2003	Administration's paper on "Study on Acrylamide in food" [LC Paper No. CB(2) 2559/02-03(04)] Minutes of meeting [LC Paper No. CB(2) 3016/02-03]
	22 October 2002	Administration's paper on "Study on dietary exposure of secondary school students to Dioxins and heavy metals" [LC Paper No. CB(2) 113/02-03(04)] Minutes of meeting [LC Paper No. CB(2) 395/02-03]
	28 March 2002	Administration's paper on "Recall on food items containing Stevioside" [LC Paper No. CB(2) 1476/01-02(01)] Minutes of meeting [LC Paper No. CB(2) 2675/01-02]
	30 November 2001	Administration's paper on "Risk assessment studies on food and food surveillance programme" [LC Paper No. CB(2) 517/01-02(03)] Administration's paper on "Notification mechanism on food safety matters between HKSAR and the Mainland" [LC Paper No. CB(2) 517/01-02(04)] Background Paper prepared by LegCo Secretariat on "Food Surveillance Programme" [LC Paper No. CB(2) 517/01-02(06)] Minutes of meeting [LC Paper No. CB(2) 966/01-02]

	5 November 2001	Administration's paper on "Monitoring the chemical contents of hairy crabs" [LC Paper No. CB(2)272/01-02(01)] Minutes of meeting [LC Paper No. CB(2) 809/01-02]
	29 October 2001	Administration's paper on "Import control and new licensing requirements for chilled meat" [LC Paper No. CB(2) 167/01-02(04)] Minutes of meeting [LC Paper No. CB(2) 706/01-02]
	17 July 2001	Administration's paper on "Clenbuterol food poisoning incidents" [LC Paper No. CB(2) 2097/00-01(06)] Administration's paper on "Monitoring of chemical levels in sauces and other savoury products" [LC Paper No. CB(2) 2097/00-01(07)] Minutes of meeting [LC Paper No. CB(2) CB(2) 485/01-02]
	18 June 2001	Administration's paper on "Sale of chilled chickens in Hong Kong" [LC Paper No. CB(2) 1846/00-01(04)] Minutes of meeting [LC Paper No. CB(2) 332/01-02]
	23 April 2001	Administration's paper on "Control of local and imported food and live food animals" [LC Paper No. CB(2) 1330/00-01(04)] Minutes of meeting [LC Paper No. CB(2) 2346/00-01]

	26 March 2001	Administration's paper on "Food surveillance programme" [LC Paper No. CB(2) 1148/00-01(03)] Minutes of meeting [LC Paper No. CB(2) 1567/00-01]
Subcommittee on Public Health (Animals and Birds) (Chemical Residues) Regulation & Harmful Substances in Food (Amendment) Regulation 2001	Report to the House Committee meeting on 26 October 2001	Report to the House Committee [LC Paper No. CB(2) 12/01-02]