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(These minutes have been seen by
the Administration)

Panel on Food Safety and Environmental Hygiene

Minutes of special meeting
held on Friday, 2 February 2007, at around 2:45 pm
(immediately after the House Committee meeting scheduled for 2:30 pm)
in Conference Room A of the Legislative Council Building

- Members present** : Hon Tommy CHEUNG Yu-yan, JP (Chairman)
Hon Fred LI Wah-ming, JP (Deputy Chairman)
Hon WONG Yung-kan, JP
Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Hon Vincent FANG Kang, JP
Hon WONG Kwok-hing, MH
Dr Hon Joseph LEE Kok-long, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki
- Members attending** : Hon SIN Chung-kai, JP
Hon Abraham SHEK Lai-him, JP
Hon LEE Wing-tat
Hon LEUNG Kwok-hung
- Public officers attending** : Mrs Carrie YAU TSANG Ka-lai
Permanent Secretary for Health, Welfare and Food
(Food and Environmental Hygiene)
- Mr CHEUK Wing-hing
Deputy Secretary for Health, Welfare and Food
(Food and Environmental Hygiene)
- Mr Wallace LAU Ka-ki
Principal Assistant Secretary for Health, Welfare and Food
(Food and Environmental Hygiene)1

Mr Eddy CHAN Yuk-tak
Director of Food and Environmental Hygiene
Food and Environmental Hygiene Department

Dr MAK Sin-ping
Controller, Centre for Food Safety
Food and Environmental Hygiene Department

Mr TAM Yiu-keung
Assistant Commissioner (Intelligence and Investigation)
Customs and Excise Department

Attendance by invitation : PARKnSHOP

Mr Philippe GIARD
Managing Director
PARKnSHOP

Ms Teresa PANG
Corporate Communications Manager
A S Watson Group

Wellcome Supermarket

Mr Allen HO
Food Safety/Quality Assurance Director
Wellcome Supermarket

Ms Diane CHIU
Marketing Director
Wellcome Supermarket

Clerk in attendance : Miss Flora TAI
Chief Council Secretary (2)2

Staff in attendance : Ms Alice LEUNG
Senior Council Secretary (2)1

Ms Anna CHEUNG
Legislative Assistant (2)2

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I. Food safety incidents associated with the sale of oilfish as codfish

Presentation by the Administration

Permanent Secretary for Health, Welfare and Food (Food and Environmental Hygiene) (PS(FEH)) briefly presented the Administration's paper on "Food safety incident relating to the sale of oilfish as cod fish" [LC Paper No. CB(2) 1006/06-07(01)]. She pointed out that, while oilfish was banned in Japan and Italy, most of the other countries, including the United States, Canada, the United Kingdom and Australia, only issued advisories on the potential risks in consuming oilfish and to remind the trade to label oilfish correctly. PS(FEH) informed members that, after making public the incident of the sale of oilfish as cod fish on 23 January 2007, the Centre for Food Safety (CFS) had a meeting with the representatives of the trade including importers, wholesalers, retailers and caterers. At the meeting, a consensus was reached that the trade agreed to suspend import and sale of oilfish and to stop using oilfish for catering purpose. The trade also undertook to verify that its stock was cod fish before offering it for sale and to destroy its remaining oilfish stock. PS(FEH) said that, to prevent recurrence of confusion about the names of fish products, CFS and the trade would review the labels and names of cod fish and oilfish products.

2. As regards enforcement actions taken by the Administration, PS(FEH) advised that CFS and the Customs and Excise Department (C&ED) were following up the cases. CFS was studying whether the retailers had breached any food-related provisions under the Public Health and Municipal Services Ordinance (Cap. 132). C&ED was seeking legal advice from the Department of Justice (DoJ) on whether the trade descriptions on the oilfish labels constituted false trade descriptions under the Trade Descriptions Ordinance (Cap. 362).

3. On the future legislative plan to prohibit sale of unsafe food, PS(FEH) said that the Administration proposed to introduce a new legislation to empower the Administration to make an order to prohibit the sale of a particular food item in circumstances where the distribution and sale of that particular food item in the local market was prejudicial or posed a potential risk to public health. She said that the order would apply to importers, distributors and retailers.

Papers noted by the Panel members

4. Members noted that the following papers had been issued to members -
- (a) Government press release dated 23 January 2007 on "Fish products should be sold with clear labels" [LC Paper No. CB(2)1006/06-07(02)];
 - (b) Food Alerts issued by CFS on 23 January 2007 on "Complaints of oily diarrhoea after consuming certain types of marine fish" [LC Paper No.

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CB(2)1006/06-07(03)];

- (c) The Administration's response to issues raised by Mr WONG Yung-kan [LC Paper No. CB(2)1006/06-07(04)];
- (d) List of questions raised by Mr WONG Yung-kan [LC Paper No. CB(2)1006/06-07(05)]; and
- (e) List of questions raised by Mr Fred LI Wah-ming [LC Paper No. CB(2)1016/06-07(01)].

Views of PARKnSHOP and Wellcome Supermarket

5. Mr Philippe GIARD presented the views of PARKnSHOP as detailed in its submission [LC Paper No. CB(2) 1006/06-07(06)]. He said that PARKnSHOP offered its apology to the public for the inconvenience caused by the oilfish incident. Mr GIARD further said that, in the lack of a standard practice in the fish industry to name oilfish, they followed the product name of "cod fish" as stated on the health certificate which was issued by the country of origin and provided by their supplier. He stressed that the issue was not about food hygiene but mis-identification of species and that there was an urgent need for clear guidelines to bring consistency to facilitate the trade in the area of species identification. Referring to attachment 5 to PARKnSHOP's submission, Mr GIARD informed members that they had taken the initiative to start creating a database on frozen fish products including information on class names, existing common names in the market, recommended common names and scientific names and photos of fish products.

6. Ms Diane CHIU presented the views of Wellcome Supermarket (Wellcome) as set out in its submission [LC Paper No. CB(2) 1016/06-07(02)]. She said that Wellcome regretted the occurrence of the oilfish incident and that Wellcome did not knowingly label oilfish as cod fish. She further said that Wellcome had not received any customer complaints related to oilfish prior to CFS's public announcement of the incident on 23 January 2007. After CFS's public announcement, they had carried out a comprehensive check on the labels of raw seafood products in their supermarket chain stores. On 31 January 2007, they realised that oilfish sushi and sashimi products were sold and labelled under one of its common names "snowfish" in two of their stores. They had already removed the products from sale. Ms CHIU informed members that they were conducting a comprehensive review of their food safety and labelling processes and seeking advice from experts on fish species identification.

Sale of oilfish labelled as cod fish at PARKnSHOP and Wellcome Supermarket

7. Dr KWOK Ka-ki said that, according to a survey on the consumption of oilfish conducted by the European Union countries, about 50% of consumers suffered from oily diarrhoea after consuming oilfish and about 80% had the symptoms of serious

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oily diarrhoea. He commented that the oilfish incident had undermined the public's confidence in the supermarket chain stores and revealed the deficiencies of CFS's regulatory power in handling food incidents. He enquired if PARKnSHOP and Wellcome would be prosecuted.

8. Mr WONG Kwok-hing said that, according to the Administration's information provided in the table of the different international practices on controlling oilfish, only two overseas countries - Japan and Italy - banned oilfish. He wondered if the information provided would be used to support the Administration's decision not instituting prosecution against PARKnSHOP and Wellcome.

9. In response to the comments of Dr KWOK and Mr WONG, PS(FEH) pointed out that, as stated in paragraph 5(c) and (d) of the Administration's paper, CFS and C&ED were following up the cases relating to the labelling of oilfish as cod fish for sale at the two supermarket chain stores concerned. She reiterated that CFS was studying whether the retailers had breached food-related provisions under the Public Health and Municipal Services Ordinance and that C&ED was seeking legal advice from DoJ on whether the trade descriptions on the oilfish labels had contravened the provision under the Trade Descriptions Ordinance. PS(FEH) said that, if the advice of DoJ was affirmative, C&ED would immediately initiate investigation and, should there be sufficient evidence, those responsible would be prosecuted.

10. The Deputy Chairman said that there were newspapers reports that the initial findings of the Indonesian authorities suggested that a staff of a government laboratory in Indonesia was told by a Hong Kong importer that Hong Kong people took oilfish as cod fish and put the name of cod fish in the health certificate accordingly. He asked whether the Administration would follow up with the Indonesian authorities and investigate whether any company or individual had breached the laws of Hong Kong.

11. Mr TAM Yiu-ching expressed concern about the newspapers reports on the alleged improper act of a Hong Kong importer who told a staff of a government laboratory in Indonesia to put the name of cod fish in the health certificate. He considered that the Administration should follow up the case with the Indonesian authorities and look into whether there was contravention of the Hong Kong laws.

12. PS(FEH) responded that CFS had received the initial report from the Indonesian authorities and the findings of the investigation revealed that the name "cod fish" was printed on the health certificate at the request of the importer. She said that the Administration was following up the report and would see if there was sufficient evidence to substantiate that any company or individual had breached the laws of Hong Kong.

13. Mr Andrew CHENG said that he could not agree with the views of PARKnSHOP that the oilfish food incident was not an issue of food hygiene but

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rather a mis-identification of fish species. He commented that it was not rare to read newspapers reports that food items were still being sold at supermarket chain stores after expiry of the "use-by" or "best before" dates. He doubted if PARKnSHOP and Wellcome had any sense of "corporate conscience" in operating their business.

14. Responding to Mr CHENG's comments, Mr Philippe GIARD of PARKnSHOP said that PARKnSHOP was a responsible retailer. They reacted responsively by apologising to the public and refunding the consumers. He reiterated that they acted on the information available at the time and oilfish incident was not a food hygiene issue but rather a mis-identification of species. With regard to the comment on the sale of food items that had passed their expiry dates, Mr GIARD said that PARKnSHOP had procedures for checking the "use-by" or "best before" dates of food items and food items that had passed their "use-by" or "best before" dates would be disposed of.

15. Ms Diane CHIU of Wellcome said that food safety was their top priority and that further improvement in food safety in Hong Kong would require the commitment and collaboration of all local and overseas stakeholders in the food industry.

16. Mr LI Wing-tat criticised that the Administration did not handle the oilfish incident seriously and merely conducted a routine investigation about the cases. He said that facts would not be uncovered if the Administration did not adopt a special approach to investigate the occurrence of the incident.

17. PS(FEH) stressed that the Administration took the cases seriously and several relevant departments, including DoJ, CFS and C&ED, were involved in following up the cases.

18. Mr LI Wing-tat said that he doubted very much about PARKnSHOP's claim that it had no intention of deceiving consumers and that it did not knowingly label oilfish as cod fish. He opined that different fish species could be easily identified by their genus or species names. Mr LI questioned how PARKnSHOP could convince the public that they did not intentionally deceive consumers and whether it would disclose the information on the purchase price of cod fish and oilfish to support its claim.

19. Mr LEUNG Kwok-hung commented that PARKnSHOP's staff responsible for buying fish products should be able to differentiate between oilfish and cod fish simply by the difference in price. He wondered if PARKnSHOP would provide all relevant minutes and sales records of oilfish to the Legislative Council (LegCo) to support its claim that it did not knowingly label oilfish as cod fish for sale at its chain stores.

20. In response, Mr Philippe GIARD of PARKnSHOP said that they had absolutely no intention of deceiving customers and acted according to information

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available at the time. When they were advised by the Food and Environmental Hygiene Department (FEHD) that the fish product in question should actually be called oilfish, they revised the fish product name to show "cod fish (oilfish)" on the label of the food product. He reiterated that the incident was mis-identification of fish species. Mr GIARD further said that the sale of oilfish by PARKnSHOP only represented about 10% to 20% of the sales of oilfish imported into Hong Kong and that the profit for selling oilfish was the same as the other types of fish products.

21. Mr TAM Yiu-chung said that the district offices of the Democratic Alliance for Betterment and Progress of Hong Kong (DAB) had received many enquiries and complaints about consumption of oilfish purchased from PARKnSHOP. He asked if DAB should refer all enquires and complaints to PARKnSHOP for follow up or to ask the complainants to contact PARKnSHOP directly.

22. Mr Philippe GIARD of PARKnSHOP said that consumers were advised to contact PARKnSHOP directly regarding their claims for compensation. All the claims for compensation would be handled on a case-by-case basis.

23. Mr WONG Yung-kan sought clarification from the Administration on whether the Mainland authorities had been notified of the oilfish incident and whether the importers, PARKnSHOP or Wellcome sold any oilfish products to the Mainland.

24. PS(FEH) confirmed that the Administration had already notified the relevant Mainland authorities in Beijing of the incident. As regards the information on the sale of oilfish to the Mainland, she said that the Administration would liaise with the importers to seek information in this respect.

25. Mr Philippe GIARD of PARKnSHOP informed members that PARKnSHOP supermarket chain stores in Hong Kong and in the Mainland were operated under different management. Responding to the Chairman's enquiry, Ms Teresa PANG of PARKnSHOP said that they would inform PARKnSHOP supermarket chain stores operated in the Mainland of the oilfish incident.

26. Responding to Mr WONG's enquiry, Ms Diane CHIU of Wellcome said that Wellcome did not operate any supermarket chain stores in the Mainland.

27. Mr Abraham SHEK said that, as said earlier by the representative of PARKnSHOP, PARKnSHOP's sales of oilfish only represented about 10% to 20% of the market of oilfish in Hong Kong. In view of this, he said that he was worried about the distribution of the remaining 80% of imported oilfish and considered that information in this regard should be sought from importers. Mr SHEK wondered why the representatives of the importers of oilfish were not invited to the Panel's meeting. He asked whether the Administration had put in place any measures to regulate the importers and whether the importers should be held responsible for the occurrence of the oilfish incident.

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28. Regarding Mr SHEK's enquiry, the Chairman clarified that the representatives of PARKnSHOP and Wellcome were invited to the Panel' meeting upon the request of the Panel members.

29. PS(FEH) reiterated that CFS had a meeting with the representatives of the trade including the importers, wholesalers, retailers and caterers and a consensus was reached at the meeting that the trade agreed to suspend import and sale of oilfish and to stop using oilfish for catering purpose. The trade also undertook to verify that their inventories were cod fish before offering them for sale and to destroy their remaining oilfish stock. She stressed that CFS and C&ED would step up their efforts to conduct joint inspection of retailing outlets.

30. Director of Food and Environmental Hygiene (DFEH) supplemented that, under the existing legislation, importers were not required to apply for permits before importing live fish and frozen fish products to Hong Kong. In the light of this, it was rather difficult for FEHD to get hold of all the relevant information on imported fish products such as types, volume and distribution of fish products. He added that, despite of this, FEHD had already asked the importers concerned to provide information on the distribution of imported oilfish and would continue to follow up on this matter.

31. The Deputy Chairman said that, according to the Administration's paper, CFS had received complaints from the public about oily diarrhoea conditions after consuming oilfish labelled as cod fish since the middle of 2006, but concluded that the fish product in question was actually oilfish instead of cod fish only in November 2006. He asked whether the Administration had contacted other supermarket chain stores in Hong Kong in respect of the sale of oilfish during this period.

32. Controller of the Centre for Food Safety (Controller/CFS) responded that all the complaint cases received in 2006 were associated with the purchase of fish product labelled as cod fish at PARKnSHOP supermarket chain stores. However, since the public announcement of the food incident on 23 January 2007, CFS had received about 700 complaints and enquiries from public about the purchase and consumption of oilfish. There were also other retailers and supermarket chain stores involved in these cases.

33. The Deputy Chairman enquired PARKnSHOP whether the batch of oilfish with its name shown on the health certificate as "frozen cod fillet" was all imported from Indonesia.

34. Mr Philippe GIARD of PARKnSHOP said that most of their supply of oilfish was from Indonesia. However, in November 2006, they also purchased a small volume of oilfish imported from Taiwan and the fish product was labelled as "oilfish".

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Quality assurance and food-safety monitoring systems at PARKnSHOP and Wellcome Supermarket

35. The Deputy Chairman said that, as PARKnSHOP and Wellcome were the two largest supermarket chain stores in Hong Kong, their explanations that it was due to mis-identification of fish species and unknowingly labelling the fish products according to the information provided in the health certificates were totally unacceptable. He asked if PARKnSHOP and Wellcome had employed any staff with specialist knowledge in fish products.

36. Mr Philippe GIARD of PARKnSHOP responded that, should they have sufficient information at the time, they could do better. He said that, when they first started to sell the fish product in question - oilfish in early 2006, they followed the product name of "cod fish" stated on the health certificate issued by the country of origin. Mr GIARD added that they did not have any staff with specialist knowledge to identify the fish species at the time.

37. Mr Allen HO of Wellcome said that they did not have any staff with expert knowledge in fish products but they were seeking advice and assistance from the relevant experts in local universities to make improvement in this respect. Responding to the Chairman's enquiry on the name of "snowfish", Mr HO said that "snowfish" was a common name used by the trade so they followed the trade's practice to name the oilfish sushi and sashimi as "snowfish".

38. In view of the responses of PARKnSHOP and Wellcome, Mr TAM Yiu-chung asked whether PARKnSHOP and Wellcome would have any plan to recruit staff with expert knowledge in this respect with a view to restoring the public's confidence.

39. Mr Philippe GIARD of PARKnSHOP said that they had three fish product buyers and would enhance their knowledge in fish products and that PARKnSHOP had a quality assurance control mechanism in place to ensure food safety throughout the whole food chain. Ms Teresa PANG of PARKnSHOP supplemented that they had a team of around 20 staff responsible for monitoring food quality of various food items including fresh food items. If consumers were not satisfied with the quality of food items purchased at their chain stores, they could get refund or exchange for other products.

40. Ms Diane CHIU of Wellcome said that food safety was their top priority and, to enhance their food safety control, Wellcome appointed Mr Allen HO, as their Food Safety/Quality Assurance Director last year. She further said that Wellcome had a quality satisfaction guarantee policy and customers could get refund or product exchange if they had any doubt about the quality of products they purchased at Wellcome supermarket chain stores.

41. Dr Joseph LEE expressed disappointment with the responses of the

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representatives of PARKnSHOP and Wellcome and commented that they could not prevent the occurrence of the incident even if they had a large team of staff responsible for food control. In his view, principal factor taken into consideration on determining the effectiveness of the quality assurance mechanism was that the food products were wholesome and fit for human consumption. He asked whether PARKnSHOP and Wellcome had implemented any food-safety monitoring system to ensure that food products on sale in their chain stores were safe for human consumption.

42. Mr Philippe GIARD of PARKnSHOP said that they had a quality assurance system in place and had a team of 20 staff responsible for such work. The staff would conduct food testing and analysis before putting the product on sale in the stores and monitor the food items available for sale on a daily basis.

43. Mr Allen HO of Wellcome said that Wellcome had a monitoring and control system and all relevant documents of food items would be checked to ensure that no food-related provisions of the laws of Hong Kong had been breached. They also conducted random inspection and testing after putting the food items on sale at chain stores.

44. Referring to the attachment to PARKnSHOP's submission on fish classification, Mr WONG Yung-kan commented that the list as set out in the attachment was not comprehensive. He questioned why other types of fish were not shown in the list. The Chairman also asked whether the initiative on creating a database on fish classification had been completed and implemented; and if not, when it would be implemented.

45. Mr Philippe GIARD of PARKnSHOP explained that the list shown in the attachment 5 to their submission was only a sample of a category of cod fish. PARKnSHOP started the initiative of creating a database on fish classification after the occurrence of the oilfish incident and, once completed, would submit the database to FEHD, Agriculture, Fisheries and Conservation Department for verification.

The Administration's follow-up actions

46. Dr KWOK Ka-ki said that CFS had received over 10 complaints from the public about oily diarrhoea after consuming food labelled as "cod fish" or "cod fish steak" since the middle of 2006. In November 2006, CFS found out that the fish species of the fish product in question was identified as "Ruvettus pretiosus", which was the scientific name of oilfish. He questioned why it had taken so long for CFS to make public the incident. The Deputy Chairman shared similar views with Dr KWOK.

47. DFEH explained that, at the initial stage of investigation, CFS could not identify the cause for oily diarrhoea and the connection amongst the cases. CFS

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began to focus on the relationship between the fish product in question and oily diarrhoea in November 2006. At the request of CFS, PARKnSHOP provided a health certificate issued by the Indonesian authority that listed the fish product in question as "frozen cod fish steaks" and identified the fish species as "Ruvettus pretiosus", which was the scientific name of oilfish. DFEH said that the staff of CFS was also confused by the names of the fish product provided in the health certificate. In the meantime, CFS was informed by PARKnSHOP that they would post notices at its retail outlets to inform customers that consuming the concerned products might cause only diarrhoea in some people and CFS considered such initiative useful in providing more information to consumers. DFEH further said that they would conduct an internal review on the handling of the oilfish complaints and look into ways to enhance handling of similar cases in future.

48. Controller/CFS supplemented that, since the middle of 2006, CFS had started to receive complaints from the public about oily diarrhoea conditions after consuming fish products labelled as "cod fish" or "cod fish steak". CFS had followed up and investigated into each complaint case, including taking food samples for testing, and getting into touch with the concerned shops. She said that, as pointed out earlier by DFEH, CFS could not identify the cause for oily diarrhoea and the connection amongst the cases at the initial stage of investigation. It began to focus on the relationship between the fish product called "cod fish" and oily diarrhoea in November 2006. The investigation continued in early 2007 when CFS received four more food complaints. After a further review of these 14 food incidents, CFS concluded that the fish product sold in the complaint cases were oilfish instead of cod fish. In the light of this, CFS decided to make public the incident on 23 January 2007.

49. Dr KWOK Ka-ki said that a senior staff of PARKnSHOP responsible for quality control and food safety was a member of the Expert Committee on Food Safety (the Expert Committee), which was set up under CFS. He enquired how the Administration would follow up on this matter. Mr LEUNG Kwok-hung shared a similar view and questioned whether this particular staff of PARKnSHOP had disclosed any issues discussed at the meetings of the Expert Committee to PARKnSHOP.

50. PS(FEH) responded that members of the Expert Committee were appointed in personal capacity taking into consideration their expertise in the relevant fields. She pointed out that there was a well established mechanism on handling the issue of conflict of interest of members serving on government's advisory boards and committees. For instance, members should declare their interests that they might be related to the issues to be studied or discussed at the meetings. If necessary, they should withdraw from the meeting of a committee when a matter which they had a distinct pecuniary interest was put and voted upon.

51. Controller/CFS added that members of the Expert Committee were drawn from academics, professionals, food experts, members of the trade and consumer group as

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well as experts from other fields and were appointed in personal capacity by the Secretary for Health, Welfare and Food on the basis of their expertise in the relevant fields. The purpose of setting up the Expert Committee was to advise DFEH on the formulation of food safety measures and the review of food safety standards.

52. The Deputy Chairman and Mr WONG Kwok-hing criticised that CFS always relied on the media reports to take actions and failed to perform its role in monitoring the safety of food products in Hong Kong. The Deputy Chairman said that, in the absence of any regulatory provisions empowering the Administration to order the importers, wholesalers and retailers to suspend the importation and sale of oilfish, it was not possible to put in place an effective control at origins of food products.

53. Mr WONG Yung-kan said that, pending the enactment of the relevant legislation to prohibit sale of unsafe food, importers could continue to import oilfish. He considered that the Administration should enhance its inspection and sample testing of frozen fish products to safeguard the public's health.

54. PS(FEH) explained that, under the existing legislation, fish and fish products were not subject to regulatory control. However, having regard to the recent food incidents related to fish products since the latter part of 2005 such as the discovery of malachite green and nitrofurans in aquatic products, the Administration planned to put in place a regulatory regime for aquatic products which would draw reference from the proposed regulatory control of imported poultry eggs. Under the proposed regulatory regime, all importers were required to register with CFS before importing fish and fish products and all the imported fish and fish products must be accompanied with health certificates. Distributors and retailers were required to keep all relevant documents to facilitate source tracing as and when necessary. When the registration system was put in place, all farmed and chilled aquatic products were required to be imported by registered importers, and accompanied by health certificates. Importing such products from unauthorised sources would be liable for prosecution after the relevant legislation came into operation.

55. On Mr WONG Yung-kan's comments, Controller/CFS said that CFS would continue to monitor food safety through the food surveillance programme. Under the programme which adopted a risk-based approach, inspection and testing of food samples were collected at the import, wholesale and retailing levels. CFS would also enhance its work on risk assessment and risk communication in future.

56. Mr Vincent FANG said that, in view of the absence of relevant legislation to prohibit the import of oilfish at present, he asked if the importers could import oilfish if it was clearly labelled as oilfish and an advisory on the health risk of the consumption of oilfish was printed on the package of oilfish.

57. PS(FEH) responded that, given that there was confusion over the names for cod fish and oilfish products, the Administration did not consider it appropriate nor

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desirable to import, sell or consume oilfish at present. In the meantime, CFS would apprise the trade and the public of the information on oilfish and cod fish to facilitate the trade in correctly labelling their fish products and to enable consumer to make informed choices. Should the trade and the public were familiar with the product knowledge of oilfish including its health risk, the Administration would review, subject to the need, if it was desirable to have oilfish imported and put on sale in the market again. PS/FEH added that oilfish had been banned for some time in USA but the ban was lifted up when consumers were more familiar with the fish products and could make an informed choice.

58. Mr Andrew CHENG commented that most of the food incidents were revealed by non-governmental organisations, green groups or media. He wondered why CFS could not take proactive actions in this respect and enquired about the number of CFS's front line staff responsible for inspection of food products at the import, wholesale as well as retail levels and the number of inspection being conducted in a year.

59. Controller/CFS said that more than 60 000 food samples were collected at the import, wholesale and retailing levels for testing in a year. Apart from inspection and food sample testing, the staff of CFS also conducted regular inspections of food labels to enforce compliance with the food labelling requirements at retail outlets and about 50 000 food labels were inspected each year. She further said that CFS had allocated a large portion of its resources for recruiting front line staff and it was expected that most of the front line staff would report duty in February 2007. The Administration would provide to the Panel the number of CFS's front line staff appointed before February 2007 and after February 2007, and the percentage of front line staff in CFS's staff establishment.

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Labelling and naming of different types of fish

60. As regards the confusion about the naming of food products, Dr Joseph LEE asked whether CFS had a comprehensive list of food products currently on sale in the market that had been labelled in different names or were not fit for consumption; and if not, whether CFS would have the plan to work out the list and how long would it take to complete the work.

61. The Chairman also shared similar views with Dr LEE. He enquired whether CFS had a database of food products that were banned for sale in overseas countries or considered as not fit for consumption.

62. Controller/CFS said that CFS had taken efforts to enhance its risk communication and promulgation of risk information e.g. issuing and uploading risk briefs/alerts on its website, press releases and press briefings. In this connection, CFS would conduct more risk assessment studies and had deployed staff to monitor food incidents occurring overseas and in the Mainland through the websites of the relevant

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authorities. However, given the vast number of food products available for sale in Hong Kong, CFS would accord priority of monitoring food products on a risk-based approach.

63. Citing the case of oilfish as an example, the Chairman enquired if CFS would verify the name of the food product as provided in the health certificate. Controller/CFS explained that, under the existing legislation, importers were not required to register or apply for permits before importing fish products and the imported fish products were not required to be accompanied with health certificates. She said that, when the legislation to regulate aquatic products came into force, aquatic products imported into Hong Kong must be accompanied with health certificates. Prior discussion and agreement between the Administration and the exporting authorities of aquatic products would be made in respect of the information to be provided in health certificates.

64. Given that there was confusion in different common names being given to the same type of fish, the Chairman said that he considered that the Administration should take the lead to collaborate with the trade to review the naming of different types of fish on sale in the market.

65. Controller/CFS said that CFS was arranging another meeting with the representatives of the trade including the importers, retailers, caterers and the Consumer Council to discuss this issue. CFS was considering setting up a working group to look into this issue. She stressed that the priority of work in this respect would be set according to the risk analysis principle.

66. In view of the Administration's responses, the Chairman said that the issue would be included into the agenda of the Panel's next regular meeting for discussion. He said that he hoped that, apart from cod fish and oilfish, other types of aquatic products would also be included in the review and classification work.

New legislation to prohibit sale of problem food

67. Mr WONG Kwok-hing enquired about the legislative timetable of introducing the new piece of legislation to prohibit sale of problem food and the measures to be implemented to tighten up the import control of aquatic products before the enactment of the relevant legislation to safeguard food safety.

68. PS(FEH) reiterated that the Administration had reached a consensus with the representatives of the trade including the importers, wholesalers, retailers and caterers and to suspend import and sale of oilfish and to stop using oilfish for catering purpose. With regard to the incidents of selling oilfish sushi and sashimi products labelled as "snowfish", PS(FEH) said that the supermarket chain stores concerned had removed the products from sale. On the legislative timetable of the new piece of legislation, PS(FEH) said that the Administration would consult the Panel and the relevant trades

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on the proposed legislation. It was hoped that the new piece of legislation would be introduced to LegCo in the session 2007-2008.

69. Dr KWOK Ka-ki said that, on the premise of protecting public health, the labelling requirement of pre-packaged food items should be made mandatory and that a registration scheme of importers of food items should be established.

70. PS(FEH) said that there was presently a legislation to regulate the labelling of pre-packaged food items. Any person who contravened the provisions under the legislation, the relevant department would initiate investigation and, subject to sufficient evidence, prosecute the person concerned. PS(FEH) further said that, as advised in previous Panel's meetings, the Administration had started work to amend the relevant legislation to require all importers of poultry eggs to register with CFS and obtain import permits for the eggs they imported which should be accompanied with health certificates issued by the relevant authorities of the exporting countries/regions. The Administration also planned to enact a new piece of legislation to bring the wholesalers, distributors and retailers of poultry eggs under regulatory control. The Administration intended to apply the same mode of regulatory control to regulate aquatic products.

II. Any other business

71. There being no other business, the meeting ended at 5:00 pm.

Council Business Division 2
Legislative Council Secretariat
28 March 2007