

**For discussion
on 16 January 2008**

EC(2007-08)15

ITEM FOR ESTABLISHMENT SUBCOMMITTEE OF FINANCE COMMITTEE

**Head 139 – GOVERNMENT SECRETARIAT : FOOD AND HEALTH
BUREAU (FOOD BRANCH)**

Subhead 000 Operational expenses

Members are invited to recommend to Finance Committee the creation of the following permanent post in the Food Branch of the Food and Health Bureau with effect from 20 February 2008 –

1 Administrative Officer Staff Grade C
(D2) (\$115,450 - \$122,600)

PROBLEM

The Food Branch of the Food and Health Bureau (FHB) needs to strengthen the directorate support to cope with the ever increasing workload and to strengthen the work on enhancing food safety.

PROPOSAL

2. We propose to create one permanent post of Administrative Officer Staff Grade C (AOSGC) (D2) in the Food Branch of FHB with effect from 20 February 2008.

/JUSTIFICATION

JUSTIFICATION

Present Situation

3. The Food Branch of FHB oversees the food safety and environmental hygiene portfolios and is responsible for the related policy formulation, monitoring and legislative work. It is headed by an Administrative Officer Staff Grade A1 (D8) officer, designated as the Permanent Secretary for Food and Health (Food), who is supported by a Deputy Secretary ranked at Administrative Officer Staff Grade B1 (D4) level and two Principal Assistant Secretaries (PASs) ranked at AOSGC (D2) level, viz. PAS(Food)1 and PAS(Food)2. PAS(Food)1 is responsible for food safety matters and PAS(Food)2 for environmental hygiene matters. The job descriptions of the two PASs are at Enclosures 1 and 2.

Encls.
1 & 2

Food Safety Portfolio

4. On the food safety portfolio, FHB is responsible for all policy matters related to food safety, the prevention of the outbreak and spread of zoonotic diseases and diseases in animal and plants and the sustainable development of the agricultural industry.

5. Food safety covers a wide scope of work as highlighted below –

- (a) to control the import and export of all kinds of food, including animals and animal products, aquatic products, food of plant origin and processed food as well as their inspection arrangements at border control points. Management at source is a key success factor for ensuring food safety. As Hong Kong relies heavily on imported food, this basically means import control – we should ensure that all food which enters Hong Kong is fit for human consumption. This involves frequent discussions and meetings with the Mainland and other overseas food authorities, like the General Administration of Quality Supervision, Inspection and Quarantine and its local Entry-Exit Inspection and Quarantine Bureaux, Ministry of Health, Ministry of Commerce and Ministry of Agriculture. At present, the top work priority is to formulate a new Food Safety Bill, including a mandatory registration scheme for food importers and distributors, to enhance food traceability in case of food incidents and to strengthen the power of the Food Safety Authority (i.e. the Director of Food and Environmental Hygiene) to prohibit import/sale and order a recall of problem food. The Food Safety Bill will also include import control measures for different types of food and will reserve power for the Food Safety Authority to extend the various control measures to other food types should there be a change in circumstances (e.g. when the risk level of the food concerned has changed);

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- (b) to ensure that food available for human consumption is safe. To improve food safety and promote public health in the long run, we are studying the issues related to genetically modified food, reviewing food safety standards (such as preservatives, pesticide residues, veterinary drug residues) and drawing up the legislation to prohibit the abstraction of seawater from certain areas in Hong Kong for keeping live seafood for human consumption. We are actively working on various Amendment Regulations on food safety standards with a view to bringing our standards in line with international practices;
- (c) to develop a nutrition labeling scheme for prepackaged food to facilitate the public to pro-actively take care of their own health. Our latest proposal on nutrition labeling was discussed at the Legislative Council Panel on Food Safety and Environmental Hygiene on 11 December 2007 and we aim to table the Regulations in the Legislative Council in early 2008.
- (d) to ensure a steady supply of food. This involves close monitoring of the fresh food supply situation and frequent discussion and meetings with Mainland authorities as the majority of the food we consume, especially fresh food, is imported from the Mainland. The present work priorities include the review of the operation mode of the Sheung Shui Slaughterhouse and preparatory work for the forthcoming tendering exercise for the contract of the operation of the slaughterhouse from 2009 to 2014 (tentative) as well as overseeing the opening up of the live pig market with the addition of live pig agents; and
- (e) to respond effectively to food incidents and food supply problems through active discussion with the Mainland and overseas authorities and liaison with food traders with a view to ensuring a stable supply of safe food to the public.

6. On the prevention of the outbreak and spread of zoonotic diseases (such as avian influenza, Japan Encephalitis, *Streptococcus sui*, rabies and West Nile disease) and diseases in animal and plant (such as Foot and Mouth disease, equine influenza and Red Imported Fire Ants), apart from closely monitoring the implementation of the various measures that have been instituted, the Food Branch is now working on the legal framework and tendering matters for a poultry slaughtering and processing plant as a fundamental and long-term measure for preventing Avian Influenza and implementing the policy to separate humans from live poultry after the plant comes into operation.

7. On the sustainable agriculture development front, the Food Branch is actively promoting the extension of Good Agricultural Practice and organic farming to all farms in Hong Kong.

Environmental Hygiene Portfolio

8. On the environmental hygiene portfolio, the Food Branch is responsible for all policy matters related to environmental hygiene, regulatory control over food premises, sustainable fisheries development and animal welfare/management.

9. The work on environmental hygiene relates to the daily life of our citizens. This includes policies on public markets and hawkers, cemeteries, columbaria and crematoria, wholesale food markets, pest control and pesticides. The Food Branch conducts reviews on environmental hygiene policies regularly to ensure that our policies are up-to-date and can meet the rising expectations of the public. Some of the current initiatives which require on-going efforts include: review of the hawker licensing policy, review of the provision of public markets, monitoring the construction of a new wholesale fish market at Tuen Mun by the Fish Marketing Organisation, taking forward plans to provide more government cemeteries, columbaria and crematoria, identifying and promoting the use of alternative options for human ash disposal (e.g. provision of new Gardens of Remembrance), co-ordinating the anti-mosquito efforts of various departments to prevent the outbreak of dengue fever and Japanese Encephalitis, converting all aqua privies into flushing toilets, and amending the Pesticides Ordinance to strengthen control on the import and export as well as the use of pesticides.

10. On licensing of food business, the Food Branch is responsible for the regulation of food premises, liquor licensing policy, secretariat work of the Licensing Appeals Board and Appeal Board on Closure Orders (Immediate Health Hazard). Other on-going work includes legislative amendments for the introduction of a composite license/permit scheme for the manufacture and sale of various types of ready-to-eat food items to facilitate the operation of food business, follow-up on the recommendations of The Ombudsman to rationalize the Food and Environmental Hygiene Department (FEHD)'s procedures for prosecuting food premises with unauthorized building works and review of the liquor licensing policy, etc.

11. On development of the fisheries industries, the Food Branch is responsible for the formulation of strategies to promote sustainable development of the local fisheries industries. The Food Branch plays an active role in supporting

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the work of the Committee on Sustainable Fisheries. As regards matters relating to animal welfare and management, the Food Branch is responsible for reviewing the legislation on the prevention of cruelty to animals and the promotion of animal welfare.

12. Apart from the above responsibilities, the Food Branch is also responsible for reviewing FEHD's fees and charges, and co-ordinating with various departments and organisations the animal inspection and quarantine matters relating to the 2008 Olympic and Paralympic Equestrian Events.

Increase in Policy Responsibilities of Food Branch

13. The Chief Executive's Policy Address has repeatedly reinforced the Government's commitment in safeguarding people in Hong Kong against unsafe food. Ensuring food safety is one of the major on-going policy undertakings of FHB. Various food incidents in recent years have raised public awareness over food safety issues. Given the increasing public concerns, food safety has now been established as one of the Government's top priority agenda items and there is an urgent need to enhance our food safety control capabilities.

14. Hong Kong imports some 95% of its food, and with the sheer diversity of food that comes from around the world, promoting food safety in Hong Kong is a unique and complicated task. The Food Branch is required to formulate and oversee implementation of policies to tackle the increasing and complex food safety issues locally, cross-border and overseas. These include strengthening the networking and liaison with Mainland and overseas authorities on issues relating to imported foods and reviewing and developing proactive and comprehensive regulatory systems to enhance food safety. In this regard, it is also necessary to keep abreast of international practice and research findings on food standards and safety requirements. The increased work is of a permanent and on-going nature.

15. In addition, we need to implement effective measures to protect public health on the food front as well as farming and related practice to reduce the risk of human infection of zoonotic diseases. Regarding zoonotic diseases, Avian Influenza is perhaps the most readily understood by the public. With a history of Avian Influenza outbreaks in the territory, and confirmed cases of dead birds infected with H5N1 in recent years with four cases this winter, we need to stay continuously vigilant against the threat of Avian Influenza and to provide a legal framework for the construction of a poultry slaughtering plant to implement the policy to separate humans from live poultry for preventing Avian Influenza. Regarding the prevention of the other zoonotic diseases, we would continue to

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monitor the measures targeted at preventing the spread of Japanese Encephalitis in local pig farms, including the proposed introduction of anti-encephalitis injection for pigs and the increased inspection of pig farms. Again, the work to prevent zoonotic diseases is of a permanent nature.

16. In recent years, food incidents have heightened public concern over the safety of food and exposed the deficiencies of the existing food legislation. Both the Legislative Council and the public have urged the Government to expedite work on the various legislative proposals with a view to improving our food safety regulatory regime. In this regard, we have embarked on a series of reforms as described in paragraph 5 above. However, as everywhere in the world, food supply and safety problems emerge from time to time and are expected to recur in the future. Health is the most important asset of a person. Whenever there is a food incident locally, we owe it to the public that we accurately disseminate to them the necessary information as quickly as possible. This means in practice the Food Branch needs to immediately discuss the matter with the relevant authorities such as the Centre for Food Safety, the Mainland/overseas food, health and quarantine authorities to gather the facts and ascertain the cause of the incident and inform the public in a timely manner. Depending on the magnitude of the problem, often a food incident would necessitate follow up discussions with the relevant authorities and may require travelling to Beijing, Guangdong or the overseas country concerned involving the subject PAS. To manage the food incident, the PAS would be heavily involved in monitoring the food test results, discussion with the food traders and handling the media. In order that the Food Branch can effectively respond to food incidents and other issues of important concern to public health, we need additional staffing capacities, at the AOSGC level in the Food Branch to properly address all the on-going issues and at times of food incidents.

17. Apart from the above heavy workload on food matters, environmental hygiene issues, such as those related to mosquito-transmitted diseases, have also a growing impact on the daily life of our citizens. In short, there has indeed been a significant and drastic increase in the workload and responsibilities of the Food Branch on all fronts in terms of volume and complexity over the past few years.

Need for Additional Directorate Support

18. There is at present only one permanent PAS post, i.e. PAS(Food)1, responsible for the whole range of food safety, zoonotic diseases and agriculture duties. The workload is extremely heavy, and becomes even more onerous when food incidents/supply problems occur, as experienced in past issues on sudan red in

eggs, malachite green in fishes, pesticide residues in vegetables, sale of oil fish, and shortage in supply of live pigs and cattle, etc. Given the increasingly heavy workload within the food portfolio, it is clearly beyond the capacity of one D2 officer, currently PAS(Food)1, to effectively tackle all the issues under his/her portfolio.

19. To strengthen the directorate support in the Food Branch, FHB has arranged an Assistant Director of Agriculture, Fisheries and Conservation (D2), designated as PAS(Food)3, on temporary attachment from the Agriculture, Fisheries and Conservation Department to the Food Branch for six months from 20 August 2007 to 19 February 2008 to help cope with the heavy workload on the food safety side. The organisation chart of the Food Branch as at 1 December 2007 is at Enclosure 3.

Encl. 3

20. Having reviewed the efficacy of the existing short-term deployment arrangement, we have concluded that the arrangement is not viable in the long term. It would not be desirable to continue with the temporary directorate attachment arrangement with departments under FHB because these departments cannot spare extra directorate resources on a long-term basis and their departmental operation may be adversely affected. Actually, even with the temporary relief provided by PAS(Food)3, the three PASs concerned were still hard pressed to cope with the many pressing and complex issues.

21. Against the background as explained in the preceding paragraphs, we consider the most effective way to meet the operational needs is to create an additional permanent AOSGC post in the Food Branch of FHB. The proposed permanent AOSGC post will take up the duties of PAS(Food)3 when the officer filling the latter post completes his attachment tenure.

22. With the strengthening of directorate support, there will be three permanent posts of PAS in the Food Branch to focus on the food safety and environmental hygiene portfolios and would facilitate the Food Branch to take forward in a timely manner the various policy initiatives to enhance food safety, and respond to unexpected events, such as food incidents and food supply problems more effectively; as well as to ensure better control over human infection of zoonotic diseases. To even out the distribution of workload, the duties and responsibilities of the three PASs will be re-shuffled as set out in Enclosures 4 to 6. The proposed organisation structure of the Food Branch of FHB is shown in Enclosure 7.

Encls. 4-6

Encl. 7

/Alternatives

Alternatives Considered

23. The workload in respect of food safety and environmental hygiene portfolios has surged since 2002 and has far outstripped the capacity of the two permanent posts of PAS in the Food Branch. With a heavy environmental hygiene portfolio, PAS(Food)2 is already overstretched and cannot take up additional responsibilities in the food safety portfolio.

24. We have also explored whether other directorate staff in FHB can share out some of the workload in the food safety portfolio. As all the other PASs are fully engaged in their own schedules of duties relating to health policy areas, it is operationally not possible for them to take up the tasks without adversely affecting the discharge of their current duties.

FINANCIAL IMPLICATIONS

25. The proposal will bring about an additional notional annual salary cost at mid-point of \$1,428,000. The full annual average staff cost, including salaries and staff on-cost, is \$2,038,000. We have included the necessary provision in the 2007-08 Estimates to meet the cost of this proposal.

PUBLIC CONSULTATION

26. We consulted the Legislative Council Panel on Food Safety and Environmental Hygiene on 11 December 2007. Majority of the Members supported the creation of the proposed permanent AOSGC post. One Member suggested that a time-limited supernumerary post should instead be created and one Member did not support the proposal.

27. As explained above, it is necessary to strengthen the directorate support of the Food Branch of FHB with a view to sustaining existing operations and launching initiatives to step up food safety control on various fronts. It is also imperative to enhance our capacity to promote food safety and respond to food incidents/food supply problems. A supernumerary directorate post is not conducive to formulating and implementing food safety and public health policies which require the long-term commitment of the Government.

/ESTABLISHMENT

ESTABLISHMENT CHANGES

28. The establishment changes under Head 139 – Government Secretariat: Food and Health Bureau (Food Branch) in the past two years are as follows –

Establishment (Note)	Number of Posts			
	Existing (as at 1 December 2007)	As at 1 April 2007	As at 1 April 2006@	As at 1 April 2005@
A	6#	6	5	5
B	11	10	10	11
C	21	19	19	19
Total	38	35	34	35

Note:

A - ranks in the directorate pay scale or equivalent

B - non-directorate ranks, the maximum pay point of which is above MPS point 33 or equivalent

C - non-directorate ranks, the maximum pay point of which is at or below MPS point 33 or equivalent

As at 1 December 2007, there was no unfilled directorate post in the Food Branch of FHB.

@ For comparison purpose, the establishment figures shown correspond to those under the food portfolio of the then Head 149 Government Secretariat: Health, Welfare and Food Bureau which was split into two branches on 2 May 2006 and renamed Food Branch and Health Branch after the re-organisation of the Government Secretariat on 1 July 2007.

CIVIL SERVICE BUREAU COMMENTS

29. Having regard to the justifications put forward in the paper, the Civil Service Bureau supports the proposed creation of the permanent post to strengthen the directorate support of the Food Branch. The grading and ranking of the post proposed to be created are considered appropriate to the level and scope of the responsibilities required.

/ADVICE

ADVICE OF THE STANDING COMMITTEE ON DIRECTORATE SALARIES AND CONDITIONS OF SERVICE

30. The Standing Committee on Directorate Salaries and Conditions of Service has advised that the grading proposed for the post would be appropriate if the proposal were to be implemented.

Food and Health Bureau
January 2008

**Existing Job Description for the Post of
Principal Assistant Secretary for Food and Health (Food) 1**

Rank : Administrative Officer Staff Grade C (D2)

Responsible to : Deputy Secretary for Food and Health (Food)

Main Duties and Responsibilities –

1. To formulate and review policies on import and export control of food animal and animal products.
2. To manage food incidents relating to animals and animal products.
3. To formulate and review policies on import and export control of aquatic products, food of plant origin and processed food.
4. To manage food incidents relating to aquatic products, food of plant origin and processed food.
5. To introduce the Food Safety Bill (including the Food Importers and Distributors Notification Scheme and mandatory food recall) and examine initiatives for stepping up surveillance on food supply chain in Hong Kong.
6. To oversee food safety policies and review the food safety regime and harmonize the operation of various departments, including Centre for Food Safety, Agriculture, Fisheries and Conservation Department and Government Laboratory.
7. To formulate local agriculture policies and monitor the operation of local livestock industry.
8. To formulate policies for monitoring veterinary health in order to prevent and control zoonotic diseases.
9. To take forward work related to food labelling to ensure that our local standards conform to those of the international community.
10. To review standards in and propose amendments to the regulation on preservatives.

11. To review the food inspection arrangements at border control points.
12. To liaise with our trading partners and the Mainland authorities on issues relating to imported foods.
13. To develop guidelines on labelling of genetically modified food.
14. To examine initiatives including the use of technology for tracing the source of food.
15. To review measures to control water quality for keeping aquatic and fisheries products with a view to promoting seafood safety.
16. To serve as secretary to the Advisory Council on Food and Environmental Hygiene.
17. To oversee the housekeeping for Agriculture, Fisheries and Conservation Department (on agriculture and fisheries sides) and the Government Laboratory.

**Existing Job Description for the Post of
Principal Assistant Secretary for Food and Health (Food) 2**

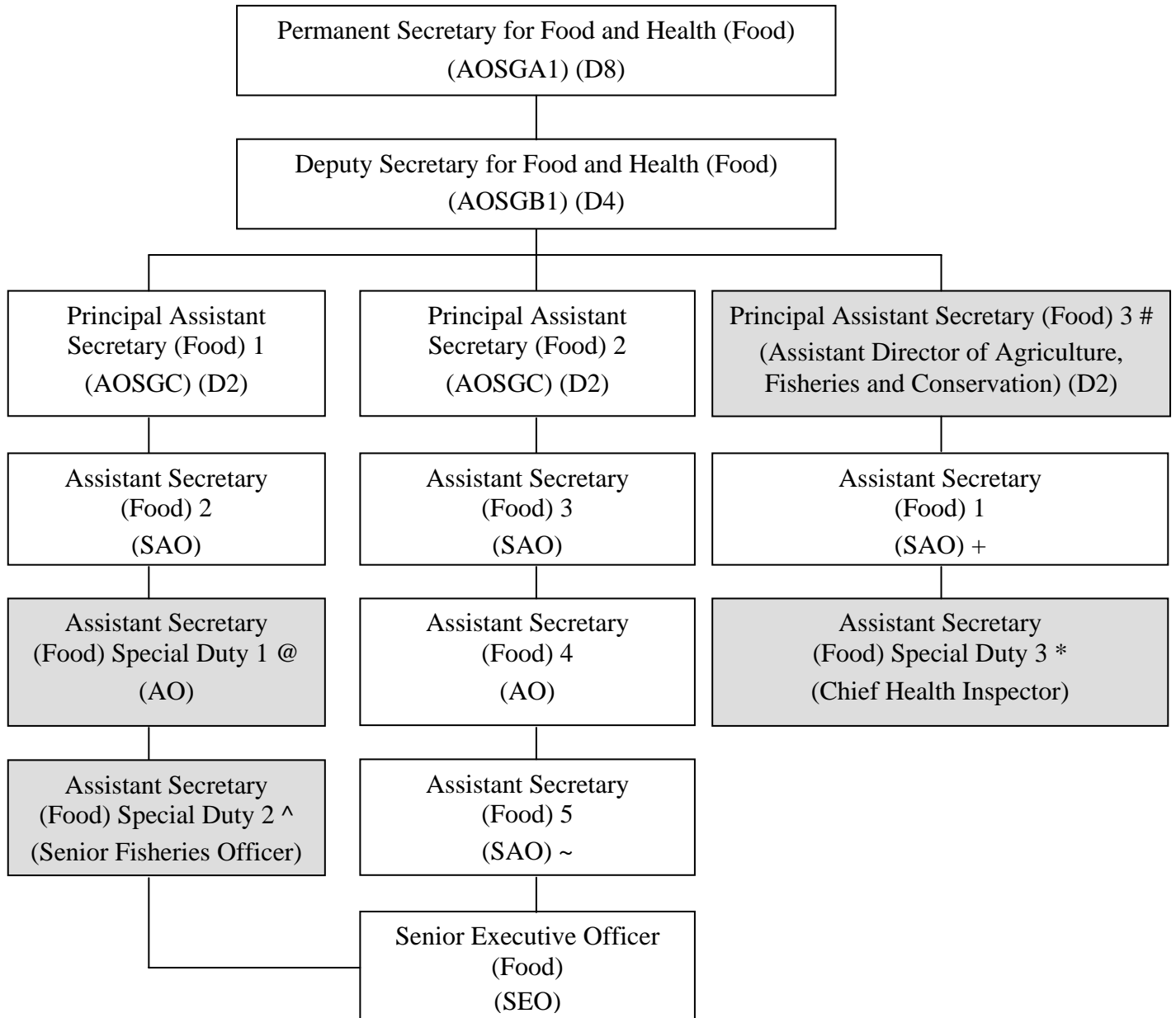
Rank : Administrative Officer Staff Grade C (D2)

Responsible to : Deputy Secretary for Food and Health (Food)

Main Duties and Responsibilities –

1. To formulate and review policies for hawkers and public market management.
2. To formulate and review polices and regulation standards for food premises.
3. To formulate and review liquor licensing policy.
4. To formulate and review policies related to cemeteries, columbaria and crematoria facilities.
5. To develop proposals and related legislation for a poultry slaughtering and processing plant.
6. To formulate and review polices and legislation on regulating pesticide, veterinary drugs and colouring matter in food and food animals.
7. To steer the Food and Environmental Hygiene Department in pest control; and formulate and review policies related to pesticide regulation.
8. To formulate and review regimes for fees and charges for venues under the Food and Environmental Hygiene Department.
9. To oversee the policies for wholesale food markets.
10. To oversee the inspection and quarantine policies for 2008 Olympic and Paralympic Equestrian Events.
11. To formulate and review policies for promoting sustainable development of fisheries industries.
12. To formulate and review policies and legislation related to animal welfare.
13. To serve as secretary to the Licensing Appeal Board and Appeal Board On Closure Orders (Immediate Health Hazard).
14. To oversee the housekeeping for Food and Environmental Hygiene Department.

Organisation Chart of Food Branch
Food and Health Bureau
 (as at 1 December 2007)



Legend :

□	Temporary posts
AOSGA1:	Administrative Officer Staff Grade A1
AOSGB1:	Administrative Officer Staff Grade B1
AOSGC:	Administrative Officer Staff Grade C
SAO:	Senior Administrative Officer
AO:	Administrative Officer
SEO:	Senior Executive Officer

Notes :

- # On loan from Agriculture, Fisheries and Conservation Department (from 20.8.2007 to 19.2.2008).
- + The post is being filled by a Principal Trade Officer on cross-posting.
- @ On loan from Civil Service Bureau (from 4.9.2007 to 31.3.2008).
- * On loan from Food and Environmental Hygiene Department (from 4.9.2007 to 2.9.2008).
- ^ On loan from Agriculture, Fisheries and Conservation Department (from 1.8.2007 to 31.7.2008).
- ~ The post is being frozen and held against by a supernumerary AO post from 19.11.2007 to 18.11.2008.

**Proposed Job Description for the Post of
Principal Assistant Secretary for Food and Health (Food) 1**

Rank : Administrative Officer Staff Grade C (D2)

Responsible to : Deputy Secretary for Food and Health (Food)

Main Duties and Responsibilities –

1. To formulate and review policies on import and export control of aquatic products, food of plant origin and processed food.
2. To manage food incidents relating to aquatic products, food of plant origin and processed food.
3. To introduce the Food Safety Bill (including the Food Importers and Distributors Notification Scheme and mandatory food recall) and examine initiatives for stepping up surveillance on food supply chain in Hong Kong.
4. To oversee food safety policies and review the food safety regime and harmonise the operation of various departments, including Centre for Food Safety, Agriculture, Fisheries and Conservation Department and Government Laboratory.
5. To take forward work related to food labelling to ensure that our local standards conform to those of the international community.
6. To review standards in and propose amendments to the regulation on preservatives.
7. To review the food inspection arrangements at border control points.
8. To liaise with our trading partners and the Mainland authorities on issues relating to imported foods (aquatic products, food of plant origin and processed food).
9. To oversee the housekeeping for Agriculture, Fisheries and Conservation Department (on agriculture and fisheries sides) and the Government Laboratory.

**Proposed Job Description for the Post of
Principal Assistant Secretary for Food and Health (Food) 2**

Rank : Administrative Officer Staff Grade C (D2)

Responsible to : Deputy Secretary for Food and Health (Food)

Main Duties and Responsibilities –

1. To formulate and review policies for hawkers and public market management.
2. To formulate and review policies and regulation standards for food premises.
3. To formulate and review liquor licensing policy.
4. To formulate and review policies related to cemeteries, columbaria and crematoria facilities.
5. To steer the Food and Environmental Hygiene Department in pest control; and formulate and review policies related to pesticide regulation.
6. To formulate and review regimes for fees and charges for venues under the Food and Environmental Hygiene Department.
7. To oversee the policies for wholesale food markets.
8. To oversee the inspection and quarantine policies for 2008 Olympic and Paralympic Equestrian Events.
9. To formulate and review policies for promoting sustainable development of fisheries industries.
10. To formulate and review policies and legislation related to animal welfare.
11. To serve as secretary to the Licensing Appeal Board and Appeal Board On Closure Orders (Immediate Health Hazard).
12. To oversee the housekeeping for Food and Environmental Hygiene Department.

**Proposed Job Description for the Post of
Principal Assistant Secretary for Food and Health (Food) 3**

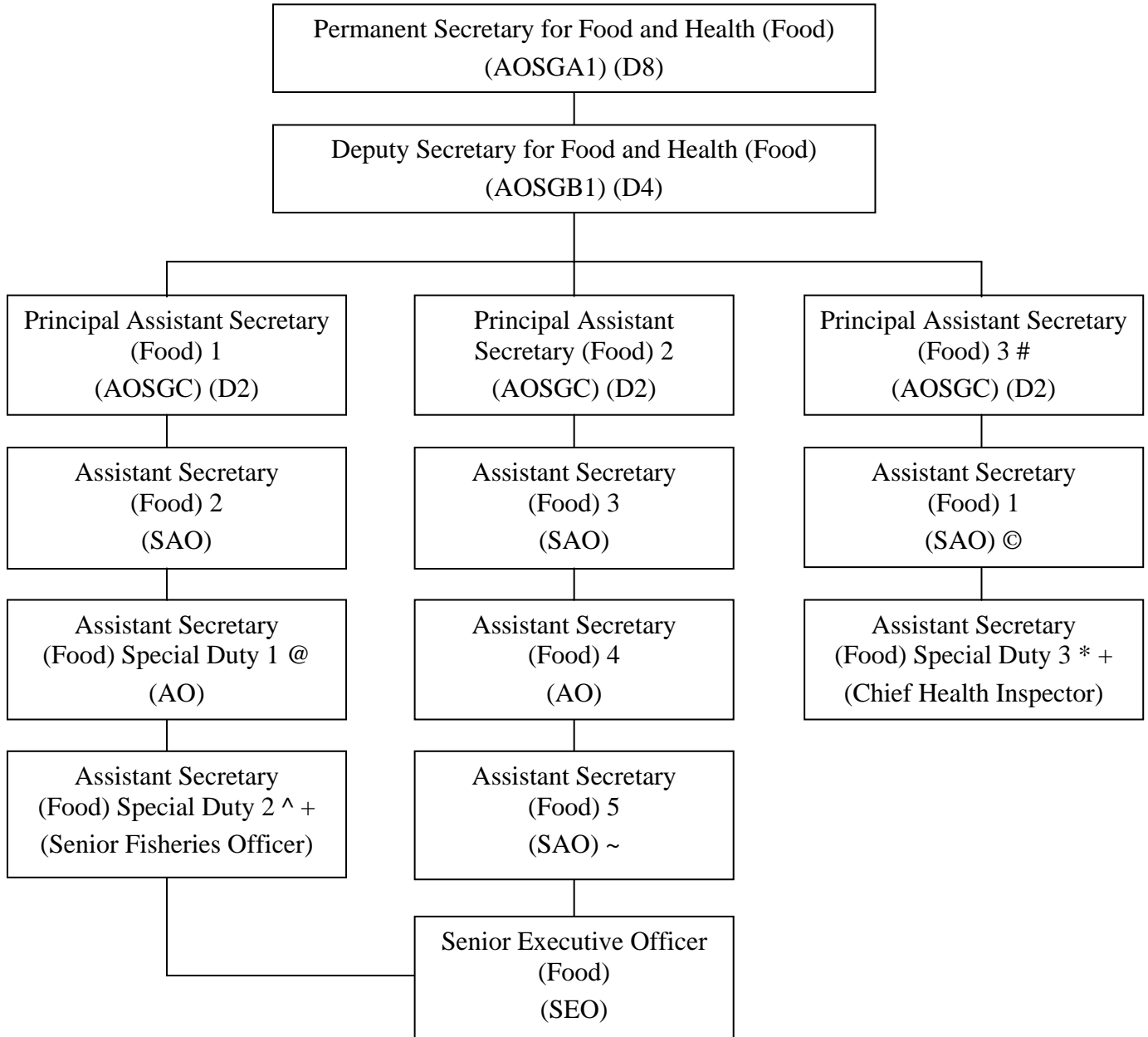
Rank : Administrative Officer Staff Grade C (D2)

Responsible to : Deputy Secretary for Food and Health (Food)

Main Duties and Responsibilities –

1. To formulate and review policies on import and export control of food animal and animal products.
2. To manage food incidents relating to animals and animal products.
3. To formulate local agriculture policies and monitor the operation of local livestock industry.
4. To formulate policies for monitoring veterinary health in order to prevent and control zoonotic diseases.
5. To develop proposals and related legislation for a poultry slaughtering and processing plant.
6. To formulate and review policies and legislation on regulating pesticide, veterinary drugs and colouring matter in food and food animals.
7. To develop guidelines on labelling of genetically modified food.
8. To examine initiatives including the use of technology for tracing the source of food.
9. To review measures to control water quality for keeping aquatic and fisheries products with a view to promoting seafood safety.
10. To liaise with our trading partners and the Mainland authorities on issues relating to imported foods (food animal and animal products).
11. To serve as secretary to the Advisory Council on Food and Environmental Hygiene.

**Proposed Organisation Chart of Food Branch
Food and Health Bureau**



Legend : AOSGA1: Administrative Officer Staff Grade A1
 AOSGB1: Administrative Officer Staff Grade B1
 AOSGC: Administrative Officer Staff Grade C
 SAO: Senior Administrative Officer
 AO: Administrative Officer
 SEO: Senior Executive Officer

Notes : # Proposed new post
 © The post is being filled by a Principal Trade Officer on cross-posting.
 @ On loan from Civil Service Bureau (from 4.9.2007 to 31.3.2008). An AO post will be created on 1.4.2008.
 * On loan from Food and Environmental Hygiene Department (from 4.9.2007 to 2.9.2008).
 ^ On loan from Agriculture, Fisheries and Conservation Department (from 1.8.2007 to 31.7.2008).
 + To continue with the work, an AO post will be created in 2008-09. If necessary, extension of on loan arrangement will also be considered.
 ~ The post is being frozen and held against by a supernumerary AO post from 19.11.2007 to 18.11.2008.