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Panel on Food Safety and Environmental Hygiene

Background brief prepared by the Legislative Council Secretariat for the meeting on 10 April 2012

Food Surveillance Programme

Purpose

This paper provides an account of the past discussions by the Panel on Food Safety and Environmental Hygiene ("the Panel") on the Food Surveillance Programme ("the Programme") for 2010.

Background

The Food Surveillance Programme

2. According to the Administration, CFS adopts the World Health Organization's "from farm to table" framework to ensure food safety in Hong Kong. Control at source includes allowing only the supply of food produced by approved farms/processing plants with audit inspections, and the requirements of health certificates for certain food animals and food products, etc. At downstream stages of the food supply chain, the Programme is a key component to ensure food safety.

3. The Programme monitors food offered for sale to ensure their compliance with legal requirements and fitness for human consumption. Samples are collected at import, wholesale and retail levels for microbiological

and chemical testing. CFS adopts a risk-based approach when determining the types of food samples to be collected, the frequency and number of samples for testing, and the types of laboratory analyses to be conducted. The sampling programme is under regular review, taking into account factors such as past food surveillance results, food incidents occurring both locally and overseas, and associated risk analysis. For example, the number of meat samples collected for sulphur dioxide testing was increased in 2010 due to relatively high unsatisfactory rate in 2009, and a broader range of pesticides was covered in preparation for the new pesticide regulation under planning. The projects under the Programme were also endorsed by the Expert Committee on Food Safety.

4. For unsatisfactory samples, CFS takes risk management actions to control risks and minimize exposure to such products. These actions include issuing warning letters to the concerned vendors/manufacturers, tracing the source and distribution, requiring the concerned traders to stop sale, recall and dispose of the affected food and taking follow-up samples. Prosecution will be taken against cases with sufficient evidence of breach of legislation.

5. CFS adopts a three-tier food surveillance strategy, consisting of routine food surveillance, targeted food surveillance and seasonal food surveillance. In addition, CFS conducts surveys on popular local food items to assess the safety of commonly consumed food items. CFS completed 12 targeted food surveillance projects, five seasonal food surveillance projects and three surveys on popular local food items in 2010.

Overall results of the Programme for 2010

6. According to the Administration, about 63 000 testing results were received by CFS in 2010 and a total of 164 samples were found to be unsatisfactory, with an overall satisfactory rate of 99.7%. Amongst them, results of pesticides in vegetables and fruits, dioxins and melamine in various food items and some seasonal foods such as mooncakes, Poon Choi and hairy crabs were all 100% satisfactory. Most of the unsatisfactory samples were not serious cases and would not pose adverse health effect to the general public. Some highlights of the unsatisfactory samples are as follows -

(a) malachite green (a veterinary drug residue) in fish;

(b) metallic contaminants in aquatic products and vegetables;

- (c) shellfish and paralytic shellfish poisoning; and
- (d) hygiene indicators for imported milk products and frozen confections exceeding the legal standards of Hong Kong.

Deliberations of the Panel

7. At its meeting on 8 March 2011, the Panel was briefed by the Administration on the work of CFS in respect of the Programme for 2010.

Food additives used by hot pot restaurants

8. Members expressed concern about a media report on the use of food additive by a hot pot restaurant. The Administration advised members that a food colouring substance called "Orange II" was found in the hot pot soup base. CFS had conducted chemical tests of the samples of hot pot soup base and the low detected level of "Orange II" would not pose any adverse health effects under normal consumption. There were reports about the use of a food additive called "One Drop of Incense" ("ODI") in hot pot soup products in the Mainland. ODI was regarded as a flavouring agent in the Mainland. According to the Mainland authorities, the test results on ODI were satisfactory and the problem lay with incorrect information contained in the labels of the products. ODI was not imported to Hong Kong and was not found in local market.

Safety of sushi and sashimi

9. There was a call for close monitoring of the hygienic quality of the sushi and sashimi sold in supermarkets. The Administration advised members that sushi and sashimi were included in the Programme. CFS had collected samples of sushi and sashimi from supermarkets, restaurants and retailers.

Pesticide residues in vegetables and fruits

10. In response to members' concerns about contaminated vegetables found in some restaurants, the Administration explained that CFS and the Centre for Health Protection of the Health Department had conducted joint

investigations. A total of 12 samples were collected for pesticides tests. The test results of nine of them were satisfactory and that of the remaining three were not yet available on the meeting date. In addition to testing the samples, the Administration looked into other possible causes of contamination including the packing and distribution of the products. The Administration also explained that pesticide residues in vegetables and fruits were inevitable unless the products were organic-farmed. The World Health Organization had set out international standards for the acceptable level of certain microbiological and chemical substances contained in food and CFS would adhere to these standards. Members pointed out that it was quite unusual to find contaminated vegetables in restaurants as restaurants were used to wash vegetables by soaking them for a few hours. The Administration was requested to follow up on the matter.

Malachite green in fish and regulation of oyster farming

11. Members expressed grave concern about the incident where malachite green was found in 12 fish samples. Noting that one of the samples came from the Mainland and one from Taiwan while the source of the remaining samples could not be traced, members were of the view that the problems of contaminated food could be more effectively tackled if the source of the food products was known.

12. Concern was also raised about the measures to regulate oyster farming throughout the entire process, i.e. from oyster spats to marketable products, in the absence of a legislative framework. According to the Administration, the "from farm to table" framework was adopted for all types of food. As some oyster spats were imported from the Mainland or other countries, importers would be required to register the source of spats and to record the distribution of oysters to markets for traceability when the Food Safety Bill was passed. Members considered it difficult to trace the source of oysters unless it was a statutory requirement to register the place of origin, and suggested that legislative framework be put in place to enhance the regulation of oyster farming.

Food products with misleading or false health claims

13. Members expressed grave concern about the grey areas and the misleading information on some of the so-called health products. They were advised that both CFS and the Consumer Council would conduct targeted

surveys every year and the Administration would explore the feasibility of conducting joint surveys with the Consumer Council on these products.

Disparity of the outcome of the food sample tests conducted by the Administration and non-government organizations

14. Members queried why the results of the food sample tests conducted by the Administration quite often differed from those of non-government organizations. The Administration explained that different testing methods would generate different results. The conditions of the samples and the parts of the samples taken for testing would also have a bearing on the results. Apart from the Government Laboratory, only four privately operated laboratories in Hong Kong had obtained the required accreditations. The samples collected by CFS were all tested by the accredited laboratories and the results were reliable.

Prosecution against non-compliant cases

15. Information was sought on the prosecution against non-compliant cases. According to the Administration, for unsatisfactory samples, it would take a series of follow-up actions including issuing warning letters to the suppliers concerned, tracing the source and distribution, requiring the concerned traders to stop sale, recalling and disposing of the affected food. The advice of the Department of Justice ("DoJ") would be sought on whether there was sufficient evidence for prosecution. As collection of evidence was difficult in most cases, in particular when the problematic products had already been sold out by the vendors, it might not be successful in all the prosecutions. In order for the samples collected to be useful for legal proceedings, they would need to be split into three. One part would be kept by the vendor concerned, the second would be kept by CFS for further testing, if necessary, and the remaining split would be sent to the Government Laboratory for analysis. If the test result was found unsatisfactory, DoJ's advice would be sought on whether the prosecution should proceed. The Administration stressed that the main objective of food surveillance was to ensure food safety for public consumption rather than penalizing offenders.

Relevant papers

16. A list of the relevant papers on the website of the Legislative Council is in the **Appendix**.

Council Business Division 2
Legislative Council Secretariat
30 March 2012

Relevant papers on the Food Surveillance Programme

Meeting	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	12.1.2010	Agenda Minutes CB(2)681/09-10(03)
	8.3.2011	Agenda Minutes CB(2)1197/10-11(05) CB(2)1197/10-11(06)
Council meeting	21.10.2009	[Question 12] Asked by: Hon Fred LI Control on vegetables imported from the Mainland
	9.12.2009	[Question 9] Asked by: Hon Fred LI Regulation of health food products and complementary medicines
	12.1.2011	[Question 16] Asked by: Hon Fred LI Regulation of pesticide residues in food
	26.1.2011	[Question 1] Asked by: Hon Andrew CHENG Regulation of food additives
	23.11.2011	[Question 6] Asked by: Hon Tommy CHEUNG Regulation of food additives