

立法會
Legislative Council

LC Paper No. CB(2)991/20-21
(These minutes have been seen
by the Administration)

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Panel on Food Safety and Environmental Hygiene

Minutes of meeting
held on Tuesday, 9 March 2021, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex

Members present : Hon Steven HO Chun-yin, BBS (Chairman)
Hon SHIU Ka-fai, JP (Deputy Chairman)
Hon Tommy CHEUNG Yu-yan, GBS, JP
Hon WONG Ting-kwong, GBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon CHAN Han-pan, BBS, JP
Hon KWOK Wai-keung, JP
Hon Elizabeth QUAT, BBS, JP
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan, JP
Hon LAU Kwok-fan, MH
Dr Hon CHENG Chung-tai
Hon Vincent CHENG Wing-shun, MH, JP

Members absent : Hon LEUNG Che-cheung, SBS, MH, JP
Dr Hon Pierre CHAN
Hon Kenneth LAU Ip-keung, BBS, MH, JP
Hon Tony TSE Wai-chuen, BBS, JP

Public Officers : Item III

Miss Erica NG Lai-man, JP
Deputy Secretary for Food and Health (Food) 1

Mr Amor WONG Yiu-tuen
Principal Assistant Secretary for Food and Health (Food) 3

Dr Thomas SIT Hon-chung
Assistant Director (Inspection and Quarantine)
Agriculture, Fisheries and Conservation Department

Dr Mary CHOW Ka-wai
Senior Veterinary Officer (Technical Services)
Agriculture, Fisheries and Conservation Department

Item IV

Dr CHUI Tak-yi, JP
Under Secretary for Food and Health

Ms Chelsea WONG Wing-chee
Principal Assistant Secretary for Food and Health (Food) 1

Dr Edwin TSUI Lok-kin
Controller, Centre for Food Safety
Food and Environmental Hygiene Department

Dr Jackie LEUNG Ching-kan
Assistant Director (Risk Management), Centre for Food Safety
Food and Environmental Hygiene Department

Clerk in attendance : Miss Josephine SO
Chief Council Secretary (2) 2

Staff in attendance : Ms Wendy LO
Senior Council Secretary (2) 2

Miss Cally LAI
Legislative Assistant (2) 2

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I. Information paper issued since the last meeting

Members noted that no information paper had been issued since the last meeting.

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II. Date of next meeting and items for discussion

(LC Paper Nos. CB(2)839/20-21(01) and (02))

2. Members agreed to discuss the following two items at the next regular meeting scheduled for Tuesday, 20 April 2021 at 2:30 pm:

- (a) Result of the public consultation on the proposed amendments to the Harmful Substances in Food Regulations (Cap. 132AF); and
- (b) Site formation and associated infrastructural works for development of columbarium at Siu Ho Wan, Lantau Island (5841CL).

III. Result of the public consultation on the proposals to amend Schedule 2 to the Veterinary Surgeons Registration Ordinance (Cap. 529) to facilitate clinical training of veterinary students

(LC Paper Nos. CB(2)839/20-21(03) and (04))

3. At the invitation of the Chairman, Deputy Secretary for Food and Health (Food) 1 ("DSFH(F)1") briefed members on the outcome of the public consultation exercise on the proposals to amend Schedule 2 to the Veterinary Surgeons Registration Ordinance (Cap. 529) ("VSRO") to facilitate clinical training of veterinary students, as set out in the Administration's paper (LC Paper No. CB(2)839/20-21(03)). Members noted the background brief entitled "Administration's proposals to amend Schedule 2 to the Veterinary Surgeons Registration Ordinance" (LC Paper No. CB(2)839/20-21(04)) prepared by the Legislative Council ("LegCo") Secretariat.

4. The Deputy Chairman opined that with the growth in the number of pets kept by local residents, the need for veterinary services in the territory would increase. He expressed support for the Administration's proposals to amend Schedule 2 to VSRO so as to facilitate clinical training of veterinary students.

Proposed requirement of seeking owner's consent

5. Dr CHENG Chung-tai enquired about the Administration's considerations in putting forward the proposal to stipulate by the Veterinary Surgeons Board ("VSB") in the Code of Practice for the Guidance of Registered Veterinary Surgeons that the owner's consent must be sought before a veterinary student might perform any exempted veterinary surgery acts on an animal. DSFH(F)1 responded that to strike a balance between the legitimate needs of local veterinary students to perform veterinary surgery acts for clinical training purposes on one hand, and the welfare of animals

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and interests of veterinary services users on the other, the Administration proposed that the owner's consent should be sought before a veterinary student might perform any exempted veterinary surgery acts on an animal. A large majority of respondents supported this proposal. Only a couple of respondents held a different view, commenting that it might hinder students from gaining training opportunities or give rise to unnecessary litigations. The Administration understood that VSB was supportive of this proposal.

6. Dr CHENG Chung-tai indicated support for the proposed requirement for owner's consent. He sought clarification as to whether veterinary students could only perform veterinary surgery acts on animals with owners but not for stray animals for which the owner's consent could not be obtained. As the existing legislation did not require cats to be microchipped and licensed, Dr CHENG expressed concern how the owner's consent could be sought for a cat which was not implanted with a microchip providing contact information of the owner.

7. Assistant Director (Inspection and Quarantine), Agriculture, Fisheries and Conservation Department ("AD(IQ)/AFCD") responded that for the cases in overseas jurisdictions, clinical training was normally conducted on animals with owners, and it was a common practice for the supervising surgeon to inform the animal owner that the veterinary student would be involved in the treatment of his/her animal and to seek his/her consent. If the relevant legislative amendments were to be passed by LegCo, the supervising surgeon would be required to seek the owner's consent on site (at training clinics of veterinary schools, colleges or institutions) for a veterinary student to perform exempted veterinary surgery acts on an animal.

8. Dr CHENG Chung-tai enquired whether veterinary students were required to shoulder legal liabilities in case of medical incidents arising from their performance of veterinary surgery acts on animals as part of the training requirement under veterinary programmes. AD(IQ)/AFCD responded that veterinary students should perform veterinary surgery acts for clinical training purposes under the direct and continuous supervision of a veterinary surgeon. If there was any complaint against the conduct of the supervising veterinary surgeon, VSB would follow up and conduct investigations.

(Post-meeting note: A letter dated 9 March 2021 from Dr CHENG Chung-tai setting out the questions and issues of concern he raised at the meeting was issued to members vide LC Paper No. CB(2)865/20-21 on 10 March 2021. The Administration's response to Dr CHENG's letter was circulated via LC Paper No. CB(2)951/20-21 on 9 April 2021.)

Scope of the exempted veterinary surgery acts

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9. The Chairman expressed concern whether the animal owner would be informed of the types of medical treatment (e.g. medication or surgical operation) required for the animal which was used for clinical training purposes and the veterinary surgery acts to be performed by the veterinary student during the treatment process. AD(IQ)/AFCD replied in the affirmative, adding that the supervising surgeon would inform the animal owner of the types of treatment required for the animal and how the veterinary student would provide assistance during the treatment process (e.g. checking the heart rate of the animal before prescribing medicine or suturing a wound after a sterilization operation). If a surgical operation was needed, the supervising surgeon would normally be in charge of the major and crucial parts of the operation while the veterinary student would normally be asked to perform relatively simple surgical procedures.

10. The Chairman noted that the Administration proposed not to confine the scope of veterinary surgery acts for veterinary students to perform under suitable supervision to a specific list, as there would be newly developed techniques from time to time and specifying which acts were permitted might deprive veterinary students the opportunity to learn, practise and keep abreast of the ever developing veterinary sector. The Chairman expressed concern that if the said proposal was adopted, the scope of exemption might become very wide in the future as new techniques could be developed and made available rapidly.

11. DSFH(F)1 responded that under the Administration's proposal, the exempted veterinary acts which could be performed by veterinary students would be limited to those veterinary surgery acts or procedures that were necessary as part of the training requirement under their veterinary programmes, hence ensuring that the exempted veterinary acts would be relevant to the course content and required by their curriculum. Besides, only students in full time studies of veterinary programmes at local veterinary schools or VSB recognized veterinary schools, colleges or institutions would be exempted. Such veterinary programmes had been/would need to be professionally accredited. Before they were allowed to undertake clinical training and perform veterinary surgery acts, veterinary students should have attained an appropriate standard.

12. In response to the Chairman's enquiry on the legislative timetable, DSFH(F)1 advised that the Administration planned to introduce the relevant Amendment Order into LegCo in April or May 2021 for scrutiny under the negative vetting procedure.

IV. Food Surveillance Programme

(LC Paper Nos. CB(2)839/20-21(05) and (06))

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13. At the invitation of the Chairman, Under Secretary for Food and Health ("USFH") briefed members on the implementation of the Food Surveillance Programme ("FSP") by the Centre for Food Safety ("CFS") of the Food and Environmental Hygiene Department ("FEHD") in 2020 and the preventive measures taken against the risk of importation of the coronavirus disease 2019 ("COVID-19") virus through imported frozen foods, as set out in the Administration's paper (LC Paper No. CB(2)839/20-21(05)). Members noted the background brief on the subject matter prepared by the LegCo Secretariat (LC Paper No. CB(2)839/20-21(06)).

Surveillance of imported vegetables, fruits and related products

14. The Deputy Chairman noted that instead of distributing the vegetables through Government vegetable wholesale markets or the Vegetable Marketing Organization ("VMO"), some merchants had distributed vegetables directly to retail outlets for sale immediately after importing the vegetables from the Mainland. He learnt from the trade that those vegetables directly distributed to retailers might be sourced by merchants from small farms on the Mainland instead of from registered farms/plants that were subject to audit inspections. He also noticed that those vegetables were sold at a very low price in some fresh provision shops, much cheaper than vegetables sold at FEHD-managed markets or supermarkets. The Deputy Chairman expressed concern whether vegetables for direct sale met the relevant safety standards. To ensure food safety, he considered that CFS should collect vegetable samples from different retail points (covering supermarkets, on-street market stalls or public market stalls as well as fresh provision shops) for testing under FSP.

15. Controller/CFS responded that:

- (a) under the administrative arrangements established between the Government and the relevant Mainland regulatory authorities, vegetables supplied to Hong Kong from the Mainland must come from registered vegetable farms and production and processing establishments under the supervision of the respective Entry-Exit Inspection and Quarantine Bureau;
- (b) the imported vegetables must be accompanied with supporting documents ensuring food safety and affixed with labels on the packaging showing information on their origins;
- (c) all fresh vegetables entering Hong Kong via the land route must be imported through Man Kam To Boundary Control Point; and

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- (d) all vegetables sold in Hong Kong for human consumption, regardless of whether they were distributed through the wholesale markets operated by AFCD or VMO, private wholesale markets or delivered direct to retailers, were subject to the same local food safety regulatory requirements.

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16. The Deputy Chairman noted from Annex 2 to the Administration's paper that under FSP, 26 100 samples of the food group "vegetables, fruits and related products" were collected in 2020 for testing of pesticide residues, metallic contaminants, preservatives and pathogens; and 25 samples of this food group were tested with unsatisfactory results. He enquired about the respective numbers of samples of "vegetables, fruits and related products" collected and tested under FSP in each of the past 10 years. He also requested the Administration to provide a detailed breakdown of the 26 100 samples and the 25 unsatisfactory samples of "vegetables, fruits and related products" by (a) sources and (b) places from where the test samples were collected (e.g. checkpoints or food inspection offices at various control points, wholesale markets, retail outlets or supermarkets). In the Deputy Chairman's view, the requisite information would help consumers know more about the sources of the implicated vegetables and the safety levels of vegetables imported from different places and through different channels.

17. In response, Assistant Director (Risk Management)/CFS ("AD(RM)/CFS") advised that about 60% to 70% of the 26 100 samples of "vegetables, fruits and related products" were collected at the import level and the remaining samples were collected at the wholesale or retail levels (including supermarkets, market stalls and fresh provision shops). In response to the Deputy Chairman's follow-up enquiry, AD(RM)/CFS said that most of the 13 unsatisfactory samples of "vegetables, fruits and related products" detected with excessive pesticide residues came from the Mainland.

18. The Deputy Chairman enquired how CFS ensured that vegetables imported from the Mainland came from registered farms and whether CFS had conducted inspection visits to those registered farms to understand their daily operations. He also enquired about the follow-up actions to be taken by CFS if unsatisfactory vegetable samples from the Mainland were identified.

19. Controller/CFS responded that to combat importation of vegetables to Hong Kong through improper channels, CFS had sought the assistance of the Customs and Excise Department ("C&ED") in intercepting targeted vehicles for referral to CFS staff for inspection at the Man Kam To Food Control Office ("MKTFCO"). AD(RM)/CFS added that if vegetables imported from Mainland registered vegetable farms were detected with excessive pesticide residues or other contaminants, CFS would trace the sources of the vegetables

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concerned and inform the Mainland authorities which would suspend the export from the implicated farms/processing plants until measures had been taken to rectify the problem. Information about the identity of the vegetable farms and production and processing establishments concerned, as well as the vegetable vehicles involved would be recorded to facilitate detention of their next vegetable consignments supplied to Hong Kong.

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20. At the Deputy Chairman's request, the Administration would provide supplementary information on the respective numbers and names of Mainland registered vegetable farms whose vegetable samples collected for testing were found unsatisfactory (i.e. detected with excessive pesticide residues, metallic contaminants, preservatives or pathogens) in each of the past 10 years.

21. The Chairman enquired about the follow-up actions taken by CFS in respect of sampling checks of imported vegetables in response to the direct investigation report concerning FEHD's system of safety control for imported fruits and vegetables published by the Office of The Ombudsman in November 2017.

22. Controller/CFS advised that in response to the recommendations made in The Ombudsman's investigation report, frontline staff members of CFS had adopted the principle of random sampling when collecting vegetables from vehicles at MKTFCO for inspection and testing. In addition to taking vegetables near the door of the storage compartment, CFS staff would collect vegetables placed at the inner part of the compartment using elevating work platforms, if necessary. CFS had also issued an inspection checklist for frontline staff of boundary control points, reminding them of the required import documents for different types of food and the items to be inspected.

23. The Chairman opined that there was a need for CFS and C&ED to enhance the routine inspection and sampling checks on imported vegetables at control points. To his understanding, a vehicle might carry various consignments of vegetables supplied by a number of Mainland registered vegetable farms. He wondered whether CFS had collected samples from each consignment of vegetables for inspection and testing, given the limited time allowed for customs clearance of vehicles. He further said that local vegetable farmers had expressed dissatisfaction that the surveillance work on local vegetables was more stringent than that on imported vegetables. While vegetables imported from the Mainland were randomly inspected by CFS at MKTFCO, samples from each consignment of local vegetables were collected for inspection by VMO at wholesale markets. The Chairman considered that the stringent sampling practice adopted for local vegetables was not fair to local farmers and had increased their operating costs. In his view, the Administration should consider setting up a new fresh food

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wholesale market and making it a mandatory requirement for all local and imported vegetables to be transported to that wholesale market for centralized wholesaling, as this would facilitate CFS' collection of samples for testing under a standardized sampling method.

24. Controller/CFS responded that CFS adopted a risk-based principle in taking vegetable samples for testing at the import level and determining the number of samples to be collected. CFS would continue to work with C&ED to step up inspection on targeted vehicles at MKTFCO.

25. The Chairman asked whether samples of fresh food ingredients (e.g. fresh vegetables) would be taken from food premises or food factories for testing before they were cooked or processed. Controller/CFS responded that normally, CFS would not collect samples of fresh food ingredients from food premises or food factories for testing. Instead, testing was conducted on cooked food prepared by food premises or food factories. Those samples of cooked food collected from food premises or food factories for testing under FSP were counted as "related products" under various food groups as set out in Annex 2 to the Administration's paper. The Chairman suggested that the Administration should consider providing more information on the types of food samples tested under each food group listed in Annex 2 (e.g. what food items were covered under "related products" in different food groups).

26. Mr Tommy CHEUNG said that some fresh food ingredients (in particular fresh vegetables and meat) supplied to food premises or food factories by wholesalers might have been contaminated before the delivery. In case dishes were prepared with contaminated ingredients, it was unfair to food premises or food factories if CFS took enforcement actions against them for selling cooked food not meeting the relevant safety standards. In his view, CFS should increase the proportion of food samples taken at the wholesale level to ensure food safety. Controller/CFS said that the Administration noted Mr CHEUNG's views. Under FSP, CFS took food samples at the import, wholesale (including wholesale markets) and retail levels for testing to ensure food safety.

Chilled or frozen pork being sold as fresh pork

27. Mr LAU Kwok-fan said that he often received complaints from members of the public about the sale of chilled or frozen pork as fresh pork by unscrupulous meat traders. He, however, noted from the Administration's paper that from 2016 to 2020, FEHD had initiated only five prosecutions against fresh provision shops or market stalls under the Food Business Regulation (Cap. 132X) ("FBR") for selling fresh pork and un-prepackaged chilled pork in the same premises, with four cases convicted and one case pending trial in the court. Mr LAU enquired about the follow-up actions

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taken by FEHD upon receipt of complaints/reports on the sale of chilled or frozen pork as fresh pork; and whether FEHD staff had encountered great difficulties in collecting evidence for taking prosecution actions.

28. The Chairman expressed similar concern, and asked whether consideration would be given to amending existing laws for the purpose of stepping up enforcement efforts against such malpractice.

29. In response, USFH advised that from January to September 2020, FEHD had conducted more than 7 000 regular inspections to fresh provision shops and market stalls while some 140 complaints on the sale of chilled or frozen pork as fresh pork were received. During recent inspections conducted in the two months between January and February 2021, FEHD had seized about 250 kg of chilled pork, 500 kg of frozen pork and 130 kg of frozen beef for investigation into suspected malpractice of selling chilled or frozen meat as fresh meat. There was a set of procedures to be followed from receipt of complaints to investigation, collection of evidence to taking prosecution actions where the situation warranted.

30. Controller/CFS added that FEHD staff devoted considerable time, manpower and resources to carry out investigations into complaints or suspected cases of selling chilled or frozen pork as fresh pork. In order to collect sufficient evidence for taking appropriate enforcement actions, FEHD staff would (a) inspect the invoices, (b) find out the source of the relevant pig carcasses, (c) check whether there was disparity between the quantities of pork purchased and put for sale by meat stall operators, and (d) monitor whether pork from suspected source was delivered to meat stalls for sale, etc. From November 2020 to February 2021, FEHD had conducted five blitz operations against suspected malpractice of selling chilled or frozen pork as fresh pork. FEHD would initiate prosecution after investigations if sufficient evidence was collected. Under relevant provisions of FBR, any person selling chilled or frozen pork without permission committed an offence and was liable to a maximum fine of \$50,000 and an imprisonment for six months upon conviction.

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31. The Chairman and Mr Tommy CHEUNG requested the Administration to revert in writing on the heaviest penalties imposed, over the past few years, on fresh provision shops or market stalls for selling chilled or frozen pork as fresh pork or selling fresh pork and un-prepackaged chilled pork on the same premises, violating the relevant provisions of FBR and/or the Trade Descriptions Ordinance (Cap. 362).

Monitoring and regulating online sale of food

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32. Ms Elizabeth QUAT enquired about the existing regulatory control over online food selling activities and whether CFS would collect more online food samples for testing in the future.

33. Controller/CFS responded that the existing legislation regulated food safety and food trade operations in different aspects, including food operations through electronic or other means. Section 54 of the Public Health and Municipal Services Ordinance (Cap. 132) stipulated that all food traders in Hong Kong had the responsibility to ensure that food sold by them was fit for human consumption, no matter whether the food was sold in traditional shops or online and whether it was locally produced or imported. In response to the increasing popularity of purchasing food via the Internet, mobile applications or social media platforms, CFS had enhanced the monitoring of the safety of food put up for sale online in recent years.

34. AD(RM)/CFS supplemented that the number of online food samples collected for testing under FSP had increased from about 4 000 in 2017 to more than 4 600 in 2020, with a larger proportion assigned for microbiological testing year on year (i.e. from about 6% in 2017 to more than 11% in 2020). Among the online food samples collected in 2020, about 220 samples were purchased from online takeaway platforms. All those samples, except for one, were tested with satisfactory results. The unsatisfactory sample was a ready-to-eat meat product detected with pathogenic *Salmonella*.

Anti-epidemic measures targeting at imported frozen foods

35. Ms Elizabeth QUAT said that in view of public concerns about the risk of importation of the COVID-19 virus through imported frozen foods, there were suggestions in the community that only those frozen foods or their packaging tested negative for COVID-19 virus should be allowed to be imported into Hong Kong; and guidelines on how to handle the transportation and storage of imported frozen foods should be drawn up for the trade's reference. She enquired about the measures already in place for preventing the virus from spreading to Hong Kong via imported frozen foods; and whether the Administration would consider the above suggestions.

36. Controller/CFS responded that noting the earlier cases on the Mainland since mid-2020 that the COVID-19 virus was detected on imported frozen foods or their packaging, CFS had immediately stepped up, at the import level, testing of various types of frozen foods and their packaging imported from different countries/regions, which involved taking samples at its Airport Food Inspection Offices and the cold stores of importers. Nucleic acid tests were conducted on frozen foods and their packaging, with special attention given to meat and seafood. As at the end of February 2021, more than 4 700 related samples had been collected for testing. The test results were all

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negative. Controller/CFS further advised that for the purpose of enhancing protection for food handlers, CFS, in consultation with the Centre for Health Protection of the Department of Health, issued the "Health Advice for Frozen Food Handlers on the Prevention of COVID-19" to the food trade in November 2020, reminding frozen food handlers of the potential risks of infection and the need to take precautionary measures such as observing good personal hygiene practices, putting on personal protection equipment, and maintaining environmental hygiene and social distancing.

37. Controller/CFS further said that not many overseas jurisdictions conducted routine testing on frozen foods and their packaging in view of the COVID-19 pandemic. According to information provided by overseas expert, no sample of frozen foods or their packaging had ever been tested positive for COVID-19 virus in trial programme; and a positive result of the nucleic acid test for COVID-19 virus on frozen foods or their packaging did not necessarily mean that the virus could be transmitted to humans through frozen foods or their packaging. That said, CFS would continue the surveillance on imported frozen foods and their packaging to closely monitor the risk of importation of the virus through imported frozen foods. Ms Elizabeth QUAT said that CFS should publicize the relevant test results in a timely manner, so as to alleviate public concerns over the safety of imported frozen foods.

V. Any other business

38. There being no other business, the meeting ended at 3:43 pm.