

立法會
Legislative Council

LC Paper No. CB(2)582/99-00

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seen by the Administration)

Ref : CB2/PL/HS

LegCo Panel on Health Services

**Minutes of special meeting
held on Friday, 11 June 1999 at 8:30 am
in Conference Room B of the Legislative Council Building**

- Members Present** : Hon Michael HO Mun-ka (Chairman)
Dr Hon LEONG Che-hung, JP (Deputy Chairman)
Hon Mrs Sophie LEUNG LAU Yau-fun, JP
Dr Hon YEUNG Sum
Hon YEUNG Yiu-chung
Dr Hon TANG Siu-tong, JP
- Members Absent** : Hon HO Sai-chu, JP
Hon Cyd HO Sau-lan
Hon CHAN Yuen-han
Hon LAW Chi-kwong, JP
- Members Attending** : Hon Ambrose CHEUNG Wing-sum, JP
Hon WONG Yung-kan
- Public Officers Attending** : Miss Eliza YAU
Principal Assistant Secretary for Health and Welfare (Medical) 1
- Dr P Y LAM, JP
Deputy Director of Health (2)
- Dr Gloria TAM
Assistant Director of Health (Hygiene)
- Dr Monica WONG
Acting Assistant Director of Health
(Personal Health Services)

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Clerk in Attendance : Ms Doris CHAN
Chief Assistant Secretary (2) 4

Staff in Attendance : Ms Joanne MAK
Senior Assistant Secretary (2) 4

I. Ban on eggs, poultry, pork, beef and dairy products from four European countries suspected of dioxin contamination
(LC Paper No. CB(2)2273/98-99(01))

At the invitation of the Chairman, Deputy Director of Health(2)(DDH) introduced LC Paper No. CB(2)2273/98-99(01) which reported on the development of suspected dioxin contamination of European food products. He said that since the situation of the European Union (EU) was not clear and there was no consensus amongst the EU countries on the products from those countries, it was necessary to suspend the sale to safeguard public health. Although some traders were affected, the Department of Health (DH) considered it necessary to advise the public to refrain from taking those products until the DH received official documents certifying that they were safe to consume.

2. The Chairman requested DDH to elaborate on the views of the Hong Kong Medical Association (HKMA). DDH said that the HKMA was of the view that milk products produced between 15 January and 1 June should not be consumed but those produced before that date were safe. DDH explained that the DH advised the public to refrain from consuming all milk products from the countries concerned because the dates given by Belgium might not be accurate. Moreover, in many cases only the expiry date and not the date of manufacture was shown on the product. He pointed out that since the announcement was made by the DH in the evening, it was acceptable for the HKMA to have made its statement which provided alternatives to mothers if they were unable to find any milk products to feed their babies on that night. DDH reiterated that the DH's advice was that generally all dairy products from the four countries should not be consumed.

3. As regards the statements made by the milk powder manufacturers and importers, DDH said that it was understandable for the manufacturers and importers to explain their situation in order to protect their product image. He pointed out that the DH had the support of the importers who had agreed to recall their products.

4. Mr YEUNG Sum regretted that the HKMA and the Government had made different statements regarding the milk products. He considered that the HKMA should have liaised with the Government first before publishing its statement. He

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said that he supported the Government's move but observed that it was quite late when the DH made its statement. He questioned why breast-feeding was not mentioned as an alternative. He suspected that there were economic ties between milk powder companies and doctors. He asked if the milk powder companies had subsidized doctors to attend conferences or offered other interests to them.

5. In response to Dr YEUNG's comments on the difference between the statements made by the DH and HKMA, DDH said that it might be due to the different perspectives of the two organizations. The DH looked at the overall public health while doctors of the HKMA looked at the situation of individual babies. DDH agreed that there was a need to strengthen communication with the medical profession. However, in this particular case, the matter occurred after office hours and it was difficult to communicate with all concerned before making the announcement. As regards the timing of information dissemination, DDH explained that as the information from the EU was confusing, the DH had to check with the consulates and the EU first and thereafter the DH had tried its best to make the announcement as soon as possible. He also pointed out that different countries adopted different approaches. Some countries banned all products from the EU while others banned all products from those four countries.

6. As regards promotion of breast-feeding, DDH agreed that it was an inherit duty of the medical profession and the DH had discussed the matter with the HKMA. However, he pointed out that once weaned, it was difficult to go back to breast-feeding. Nevertheless, the DH would continue to promote breast-feeding. As to commercial interests between doctors and milk powder companies, DDH said that he believed that doctors would not let it affect their professional judgement. Dr YEUNG Sum considered that the HKMA should take this opportunity to promote breast-feeding.

7. The Chairman asked if the DH staff could receive sponsorship from milk powder companies. DDH confirmed that the DH did not encourage such practice. Even if their staff were members of a professional association and had the support of the association, they were still required to seek approval from the DH. However, if they were acting in the capacity of non-civil servants and attending conferences sponsored by other sources, the DH could not prohibit them from doing so.

8. In response to the Chairman's comment on the lack of communication with the HKMA, DDH said that normally the DH would call all relevant parties and inform the Panel on Health Services as well as the Hospital Authority (HA) in the first instance. However, on this occasion, there was a need for speedy action and announcement and therefore they did not have sufficient time to call up all parties. In the future, the DH would make use of advanced technology to disseminate information simultaneously to the relevant health care professions.

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9. Mr YEUNG Yiu-chung asked if there was any problem with the import system and whether improvement should be made to the system. He also asked how the

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Government would deal with those importers/manufacturers who claimed that their products were 100% safe. In response, DDH said that no import system was perfect. The present system had been effective especially when dealing with imported food items under the Public Health and Municipal Services Ordinance (Cap 132). Since manufacturers had to protect their commercial interests, they might claim that their products were safe, especially those from the Netherlands. But the DH had doubts about that and took precise action in order to safeguard public health. DDH added that the DH had frequent dialogue with the sector and had their support for the Government's action.

10. As to Mr YEUNG Yiu-chung's questions whether the Government only relied on information provided by the importers/manufacturers and whether there was any other system to test the products, DDH said that although individual manufacturers claimed that their products were safe, there was no evidence to show that there was no contamination. Therefore the DH had to suspend the sale of those products. As regards the food inspection system, the DH had a food surveillance system that included sample testing of food items. However, he explained that unless the sample size was large enough, there was no 100% guarantee that all food products were safe. Although the Administration was responsible for ensuring food safety, the co-operation of all sectors was essential.

11. Dr LEONG Che-hung supported the move of the Government because it was a simple, straight forward, and across the board approach. However, he regretted that the DH and the HKMA had made different statements that confused the community. He considered that the DH should seek the assistance of the medical profession and other front line health care professionals to disseminate information because they had direct contact with the public. He then urged the Government to enhance promotion of breast-feeding as statistics showed that it would reduce the chance of breast cancer. He asked how the Government would address the incident of mothers being sent away from a public area of a hotel because they were breast-feeding babies. Referring to sponsorship from milk powder manufacturers or pharmaceutical companies, he pointed out that it would normally go to organizations or professional bodies rather than to individuals. Furthermore, he asked whether an organization similar to the Food and Drug Administration (FDA) would be set up to assess food safety. He was very much concerned about the dissemination of information after the establishment of the new policy bureau because it might create confusion if communications were not effective. He also asked whether the retail outlets would break the law if they continued to display products which the Government had told them to withdraw from sale.

12. In response, DDH said that there were several channels to disseminate information, including uploading information on the Internet, announcing through the media which had been asked to contact the DH directly to reduce misunderstanding and writing to doctors. The DH was considering using E-mail so that doctors could receive information instantly.

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13. As to breast-feeding, DDH said that work was already being done in DH clinics and HA hospitals to promote breast-feeding. Referring to the breast-feeding incident, Dr LEONG Che-hung said that should be a clear message to the public not to prohibit or discriminate against mothers breast-feeding babies. The Chairman asked how the Government would provide the public with facilities for breast-feeding. DDH said that the Equal Opportunities Commission was looking into breast-feeding in public areas. The DH would also continue to promote the culture of breast-feeding.

14. In response to Dr LEONG's question on whether a similar set up to the FDA would be established, Principal Assistant Secretary (Medical) 1 (PAS(M)1) said that the new Environment and Food Bureau (EFB) would be responsible for food safety while the DH would be responsible for public health. It was not considered necessary to set up another organization, but members' opinions would be taken into account when they decided on the organizational structure of the EFB.

15. As regards some retailers' non-suspension of sale of problematic food items, DDH pointed out that the present suspension was voluntary. According to the past experience, companies were not reluctant to recall problematic food items. If they did not recall or suspend the sale, the Secretary for Health and Welfare (SHW) had the power to ban the sale immediately. But this was a radical action and had not been resorted to before. Instead the DH relied on the co-operation of the importers/manufacturers and the public.

16. Dr TANG Siu-tong considered that there might be some misunderstanding between the Government and the HKMA which led to the discrepancies in their statements. He noticed that both the Government and the HKMA had made considerable efforts to promote breast-feeding. Concerning communications, he pointed out that as some clinics did not have E-mail facilities, the DH could consider using multi-fax. He asked whether the Government would proactively check the imported food products or just rely on reports from foreign agencies. He expressed worry that even after the dissolution of the two provisional municipal councils, the Government might not be able to do better than at present.

17. DDH explained that they had considered using multi-fax. However, owing to the length of time required to multi-fax messages to 9 000 odd doctors, and the fact that some doctors did not have fax machines, they abandoned the idea. The DH would explore more options such as E-mail and try every means to reach the doctors. Dr TANG Siu-tong suggested that the DH could try to reach the general practitioners (about 2 000 – 3 000) first instead of all medical practitioners.

18. As regards food safety, DDH reiterated that it needed the co-operation amongst the trade, the Government and the public. He assured members that the DH would not just rely on reports from foreign agencies but would seek information from other sources such as the consulates and the EU. As ban on sale would affect the interests of businesses, the DH would not base its decision on the information provided by foreign agencies only. As to checking on imported food products, the

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Administration had a food surveillance programme for potentially hazardous food items. The DH had regularly conducted sample testing of food items. However, owing to the small sample size, the DH had to rely on assurances from the importers and the health authorities of the countries concerned. For some food items, even if the DH had certification from the health authorities concerned, they still checked them. He regarded that the present mechanism was satisfactory but would nevertheless try to improve it.

19. Mr WONG Yung-kan questioned how the Government would strengthen the sample testing of food items because problems often occurred in imported food products. He also asked whether the Government would check on importers and destroy the contaminated food items because he noticed that some retailers had mixed the problematic eggs with other eggs and sold them in the market.

20. DDH said that on this occasion, the DH received reports from foreign news agencies and tracked down the sources. This showed that the surveillance system was working. After the establishment of the new EFB, resources would be increased to improve the food surveillance system to world standard. The DH would also maintain close relationship with foreign health authorities and send staff to attend conferences conducted by the World Health Organization (WHO) and the Codex Alimentarius Commission so as to increase their ability to cope with contingencies.

21. As regards measures to prevent retailers from selling problematic eggs, DDH said that while he could not rule out the possibility that some retailers were selling mixed eggs, the DH had already contacted the major egg importers and trade associations for their co-operation. As there was no evidence that individual traders were selling problematic eggs, the DH did not believe that the importers or trade associations would continue to supply problematic eggs to the retailers. If they did, the DH would take prompt action.

22. Mr Ambrose CHEUNG Wing-Sum commented that the present mechanism was not at all satisfactory. It appeared that the Government did not have a comprehensive and systematic approach to tackle the problems. He considered that the mechanism should have been improved after so many food contamination incidents. He asked if there was any fragmentation of responsibility in this incident or the DH had concentrated its entire efforts to deal with the situation. He also asked why there was a lot of confusion in this case and whether the Government would conduct a review to find out what lesson could be learnt from this incident.

23. DDH said that the DH was satisfied with the performance of its staff and took the opportunity to thank them for their efforts and co-operation. He assured members that there was no fragmentation of responsibility on this occasion because the DH had taken up most of the work. He pointed out that the municipal services departments (MSDs) were responsible for inspection of retail outlets and the DH had good co-operation with them. Within government departments, there had been a large number of meetings held and the staff had worked very hard. With the

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internationalization or globalization of foodstuff, countries like the US, the UK and Australia were reviewing their food surveillance systems and had a series of programmes to improve them. The Administration would also review the food surveillance system in Hong Kong to enhance its ability to tackle emergencies.

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24. Mr Ambrose CHEUNG Wing-sum criticized the Government's low level of competence in handling this incident. He also criticized the Government's delay in information dissemination and the lack of communication with the HKMA and the medical profession. He asked what the Government would do if people continued to sell the affected eggs and milk powder and whether it would enforce legislation and prosecute the offenders.

25. DDH responded that under the present system and with the existing resources, Hong Kong's performance was acceptable and it was the first city in this region to take action. As regards why the Administration did not adopt an across the board approach, this was because the DH required evidence to justify the action. In enforcing statutory power, the DH had to work on the basis of evidence. If traders agreed to suspend the sale of problematic products, it was not necessary for the DH to invoke the legislation and impose a ban on the sale of such products. However, if traders did not heed the advice of the Administration, the DH would take immediate action. DDH pointed out that no country could claim that it had a perfect food monitoring system. Nonetheless, the DH would undertake to do its best. Though it was difficult to say whether the existing system was effective, on this occasion, the Government's move was supported by the public. As to the HKMA statement, it was an isolated issue and the DH would undertake to improve communication with the medical profession. Reviews had been conducted on individual issues and the DH would continue to improve its arrangements.

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26. PAS(M)1 elaborated on the Public Health and Municipal Services Ordinance (Cap 132) by pointing out that three types of power were conferred on the Administration. First, the Administration could charge the person if there was evidence showing that he was intentionally selling problematic food products. Secondly, the Administration could ban the sale of any food product if it was suspected as not fit for consumption. Thirdly, for emergency situation, SHW had the power to ban the import of individual food items by subsidiary legislation.

27. Mr YEUNG Sum believed that after the establishment of the EFB, there would be a lot of confusion about dissemination of information amongst the related policy bureaux. He showed the Panel some advertisements of milk powder manufacturers who claimed that their products were safe and had obtained confirmation from the relevant ministries in their own countries. He pointed out that on one hand, the DH told the public to refrain from consuming those products, while on the other hand, milk powder manufacturers advertised that their products were safe. He asked how the Government would handle the matter.

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28. DDH explained that in respect of the Netherlands, producers had informed the DH that their products were problem-free, and they had the confirmation from their agricultural ministry. But for Belgium, which was the source of contamination, the DH had not got evidence ensuring the safety of their products. To safeguard public health, the DH advised the public to refrain from taking products made in the four countries. The DH had liaised with the importers and sought their co-operation to suspend the sale of those products.

29. Mr YEUNG Sum doubted whether the Government had really got the support of the importers and traders because they continued to advertise despite the Government's advice to the public to refrain from taking those products. DDH reiterated that as the DH had not got sufficient information to prove what products were safe, it would advise the public to refrain from consuming them for the time being. Suspension of sale could prevent people from reaching them.

30. The Chairman supported the move made by the Government. He said that in order to safeguard public health, dissemination of information had to be expeditious. If the DH suspected that some products might not be fit for consumption, it should inform the public immediately. Although suspension of sale would affect the traders concerned, it was necessary and unavoidable. He observed that although the manufacturers/importers promised the DH that they would withhold the products, yet they advertised that they had obtained endorsement from their national authorities showing that the products were problem-free. He asked whether the Government would take further action on the matter.

31. DDH admitted that the present situation was not satisfactory. He would follow up with the manufacturers/importers concerned. He further urged the public not to consume egg and dairy products made in those four countries. If they needed any assistance, they could consult the maternal and child health centres. In fact, such health centres had been offering advice to mothers regarding the implications for their babies when they switched to other milk powder.

32. The Chairman said that the DH should not only disseminate information to doctors, but also to various other professional bodies so that the information could reach the front line people immediately. The Chairman added that the Association of Hong Kong Nursing Staff had the facilities to fax information to all wards of the HA and clinics of the DH. He therefore asked the DH to pass any urgent message to the Association so that they could help to disseminate it. He urged the Government to consider installing more computers and fax machines so that information could be disseminated simultaneously. DDH replied that they would review their arrangements.

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33. Referring to breast-feeding, the Chairman asked the Government to formulate a policy on the matter. He pointed out that infant milk formulas were provided free to HA hospitals by the manufacturers/importers for use in maternity wards and such practice did not appear to be satisfactory. DDH said that he would liaise with the

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HA regarding the matter.

34. Dr LEONG Che-hung requested the Government to provide a flow chart showing the steps the Government would take in different scenarios. He pointed out that he had already made such a request in respect of the H5N1 outbreak but the chart had not been provided. He also questioned whether the DH would be able to handle the situation in the future because 270 staff from the DH would be redeployed to the new EFB. If the EFB was not well established and the DH did not have enough resources, it might create greater confusion in handling food safety issues. He reiterated that the Government should appeal to front line workers for their support and assistance in information dissemination.

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35. DDH agreed to give members graphic presentation on what they had done and what they would do in handling food crises in the future. He believed that the manufacturers/importers were not acting against the Government or challenging the Government's authority. Rather, their actions were aimed at maintaining their reputation which was understandable. He agreed that there was room for improvement and that the DH would closely look into the communications between themselves and the new EFB. They would also adopt a multiple approach to enhance communication with the front line workers and professional bodies.

36. Dr LEONG Che-hung hoped that the DH would treat the front line workers as their working partners. He asked whether the DH would take any action regarding the advertisements made by milk powder manufacturers because they really created a lot of confusion in the community. DDH said that the DH would discuss the matter with the manufacturers concerned. He reiterated his message that the public should refrain from using milk products from the four countries concerned. In the meantime, health inspectors would inspect retail outlets to ensure that such products were taken off the shelf.

37. Mrs Sophie LEUNG asked if the DH was aware that some voluntary organizations had commenced promoting baby friendly hospitals. She hoped that the Government could proactively promote breast-feeding in conjunction with those voluntary organizations. She also hoped that either the new EFB or the DH would handle food safety issues from a macro point of view. This was necessary as Hong Kong was a free port and needed to import agricultural products to meet our needs. The Government should also pay greater attention to the unique eating habits of Hong Kong people and ensure food safety. For example, Hong Kong people preferred live poultry to frozen poultry. As such, the Government should conduct sample testing of more imported live poultry. As to disseminations of information, she suggested the DH to make use of the fax services of telecom companies. She also asked whether and how the Government would deal with the advertisements made by the manufacturers. The Chairman observed that there might be a need for a louder and clearer message to override them and a total ban on sale.

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38. DDH said that the DH was involved in the baby friendly hospital promotion and had also asked the private hospitals to work on that. As regards food safety, as it might affect the interests of a lot of people, the DH would look at it from a macro point of view. As to the advertisements, the DH did not have the power to ban them, but it would ensure that the traders suspended the sale of suspected food items. In case there was evidence showing that the traders were selling products which might affect public health, the DH would exercise their power to charge them.

39. Mr Ambrose CHEUNG Wing-sum said that the Government considered that the problems encountered in food safety were caused by the present structure and lack of resources. However, in implementation of policies, the attitude and the judgement of people were important. He referred to the problem of eggs. Since it was difficult to check their origins, the public could only rely on the information provided by the wholesalers and retailers. He asked how the Government would ensure that no problematic eggs were sold. Since the Government did not ban the import of eggs, wholesalers would continue to ship eggs and resell to retailers. But if the Government ban the import of eggs, wholesalers did not need to accept those eggs and the economic loss incurred would be smaller. He asked if there was any mechanism to differentiate eggs from those four countries.

40. In response, DDH said that the DH had closely liaised with the trade and had got their support not to sell problematic eggs. The arrangement was that they would withhold the eggs in the warehouse until further notice and would not put in new orders for the time being. If there was evidence showing that individuals were selling problematic eggs, the DH would take corresponding action.

41. Mr Ambrose CHEUNG Wing-sum remarked that since the public were not able to differentiate problematic eggs, the Government should ban the sale if public health was accorded first priority. Although the trade associations agreed to withhold problematic eggs, information showed that some retailers were selling them. If the DH insisted to find concrete evidence before taking any action, public health would be at risk. He also suggested that the Government should ban the sale of problematic eggs because there was no mechanism to prevent individuals from selling them.

42. DDH reiterated that for food items recall, the DH needed the co-operation of trade. As there were lots of food items imported from those four countries, ban on sale was a complicated issue. He assured members that SHW would take corresponding action if they found that individuals did not co-operate with the Government.

43. The Chairman said that he concurred with Mr Ambrose CHEUNG that since consumers had to rely on the DH for information, the Government should consider banning the sale of problematic eggs so that none of them could be sneaked into the market. As the Chairman of Panel on Health Services, he would not accept the

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approach taken by the Government, which was to rely only on the verbal agreement with the trade.

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Adm 45. The Chairman said that he was not satisfied with the Government's approach because the Government would never be able to prove whether the eggs in the market were problem free. In response, DDH said that he would convey members' message to SHW and see what they could do to ensure that no problematic eggs would be sold in the market.

46. Dr LEONG Che-hung supported the views of the Chairman. He urged the DH to provide a prompt response to the Panel concerning the problematic eggs. He also urged the Government to consider imposing a ban on both the import and sale of problematic eggs. DDH said that it was up to SHW to exercise her power to ban or restrict the import and sale of problematic food items. He would convey the message to her for further action.

47. Mr Ambrose CHEUNG Wing-sum said that if the Government was to place public health as the first priority, they should adopt a proactive approach instead of looking for concrete evidence because by that time the public might have been affected. He suggested that if there were difficulties in imposing a ban on import, the Government could at least impose a ban on the sale. The Government could also use administrative measures to withhold the imported food items and store them in a secure warehouse until further notice. As the trade had agreed to suspend the sale of problematic food items, there was no reason why they would object to such an arrangement.

48. Mr YEUNG Sum said that since he did not have sufficient information, he was not in a position to ask the Government to ban the sale of such food items. However, he urged the Government to maintain close liaison with the EU regarding the problem of contamination so that a ban on the sale of all suspected food items could be imposed immediately if necessary.

49. The Chairman concluded the discussion by summarizing members' views. He said that members were very concerned about the verbal agreement between the Government and the trade regarding the suspension of sale of problematic eggs. They suggested that the Government should consider banning the sale of problematic food items and to store existing stocks of suspected items in a secure warehouse to prevent them from being put on sale. Members also considered that there should be direct contact with the EU over the matter to find out information first hand. The Chairman asked DDH and PAS(M)1 to discuss the matter with SHW and provide the

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Panel with a preliminary response on all these matters before 6:00 p.m. that day. DDH agreed to look into these matters and give members a prompt reply.

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50. PAS (M)1 noted members' concerns and would discuss the matter with SHW. She pointed out that for the ban on problematic food items, it might take more time because they needed to seek advice from the Department of Justice. Nonetheless, they would give the Panel a preliminary response as soon as possible.

51. The Chairman said that he hoped to hear from the Government within one to two days because the public relied totally on the information provided by the DH.

52. The meeting ended at 10:28 am.

Legislative Council Secretariat

10 December 1999