

立法會
Legislative Council

LC Paper No. CB(2)2223/99-00
(These minutes have been
seen by the Administration)

Ref : CB2/PL/HS

LegCo Panel on Health Services

Minutes of meeting
held on Monday, 8 May 2000 at 8:30 am
in Conference Room A of the Legislative Council Building

Members Present : Hon Michael HO Mun-ka (Chairman)
Dr Hon LEONG Che-hung, JP (Deputy Chairman)
Hon Cyd HO Sau-lan
Hon LEE Wing-tat
Hon Fred LI Wah-ming, JP
Hon WONG Yung-kan
Dr Hon YEUNG Sum
Hon LAW Chi-kwong, JP
Dr Hon TANG Siu-tong, JP

Members Absent : Hon HO Sai-chu, JP
Hon LEE Kai-ming, SBS, JP
Hon CHAN Yuen-han
Hon Bernard CHAN
Hon Mrs Sophie LEUNG LAU Yau-fun, JP
Hon YEUNG Yiu-chung

Member Attending : Hon Mrs Selina CHOW LIANG Shuk-ye, JP

Public Officers Attending : All items
Miss Kinnie WONG
Assistant Secretary for Health and Welfare (Medical) 7

Action

Dr P Y LAM
Deputy Director of Health (2)

Dr Elina LEUNG
Consultant Pathologist

Items IV - VI

Mr Gregory LEUNG, JP
Deputy Secretary for Health and Welfare 1

Item IV

Mr Paul TANG, JP
Deputy Secretary for the Environment and Food

Mr John C Y LEUNG
Principal Assistant Secretary for the Environment and Food

Dr P Y LEUNG
Deputy Director of Food and Environmental Hygiene
(Food and Public Health)

Dr Gloria TAM
Assistant Director (Food Surveillance & Control)

Item V

Miss Angela LUK
Principal Assistant Secretary for Health and Welfare (Medical) 1

Dr P Y LAM
Deputy Director of Health (2)

Item VI

Ms Joanne CHOI
Principal Assistant Secretary for Health and Welfare (Medical) 2

Action

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

Staff in Attendance : Mr LEE Yu-sung
Senior Assistant Legal Adviser
(for item V)

Ms Joanne MAK
Senior Assistant Secretary (2) 4

I. Confirmation of minutes of meeting held on 10 April 2000
(LC Paper No. CB(2)1859/99-00)

The minutes of the meeting on 10 April 2000 were confirmed.

II. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)1857/99-00(01) - (02))

2. Members agreed to discuss the following items at the next meeting to be held on 12 June 2000 at 8:30 am -

- (a) Labelling of genetically modified (GM) food; and
- (b) Revision of Government fees and charges for services in the areas of health care and fisheries and agriculture.

3. Members agreed to schedule a special meeting on 23 June 2000 at 8:30 am to discuss the Green Paper on Health Care Reform if it was released before that date.

4. Referring to the "List of follow-up actions by the Administration", Dr LEONG Che-hung pointed out that many items on the List remained outstanding and asked when the Administration would provide the requested information. He further said that the supplementary information paper on the "Control on use of health care laser" [LC Paper No. CB(2)1896/99-00] was rather short and failed to address the problems pointed out by members during the discussion of the subject. He requested the Administration to provide more detailed information and explain its policy on the control of the use of health care laser. At the Chairman's request, Assistant Secretary for Health and Welfare (Medical) 7 agreed to follow up the List and

Adm

Adm

Action

provide the requested information as soon as possible.

III. Information papers issued since the last meeting

(LC Paper Nos. CB(2)1747/99-00(01) and CB(2)1822/99-00(01))

5. Members noted that the following information papers had been issued since the last meeting -

- (a) Information note on control of medicines made from endangered species and artificially propagated endangered plant species [LC Paper No. CB(2)1747/99-00 (01)]; and
- (b) Redevelopment and expansion of Pok Oi Hospital [LC Paper No. CB(2)1822/99-00(01)].

6. Members agreed to discuss item (b) under item VI on "Any other business".

IV. Food safety control system in Hong Kong

(LC Paper No. CB(2)1857/99-00(03))

7. Deputy Secretary for the Environment and Food (DSEF) said that the meeting provided a good opportunity for the new Environment and Food Bureau as well as the Food and Environmental Hygiene Department (FEHD) to introduce their work in respect of food safety control. He said that the Bureau was in the midst of devising some new initiatives and would provide further details to the Panel once available.

8. Assistant Director (Food Surveillance & Control) (AD(FSC)) gave a presentation on the food safety control in Hong Kong and introduced the Hazard Analysis Critical Control Point (HACCP) approach promoted by the World Health Organization since the mid 90s. She said that the HACCP approach was, in brief, a more process-oriented and risk-based control model. In it, shared responsibility among the Government, the trade and consumers in food safety control was called for.

9. AD(FSC) then explained how the new FEHD had applied the HACCP concept in the food safety control system in Hong Kong. She said that the department comprised three sections responsible respectively for risk assessment, risk management and risk communication in relation to food safety issues. AD(FSC) briefed members on the duties undertaken by the three sections as detailed in the Administration's paper. She invited members to note that over the past five months since the establishment of FEHD, the department had published two assessment reports in respect of the hygienic conditions of traditional Chinese New Year food and sushi / sashimi.

Action

10. AD(FSC) pointed out that most food safety related rules and regulations were contained in Part V (Food and Drugs) of the Public Health and Municipal Services Ordinance (Cap. 132), which was being reviewed by FEHD to see if there was need for updating. At the conclusion of her presentation, AD(FSC) pointed out that the new framework had the following characteristics -

- (a) it sought to prevent the occurrence of food incidence at source; and
- (b) it encouraged partnership, responsibility sharing among the Government, the food trade and consumers.

11. Dr LEONG Che-hung sought clarification as to whether the work of FEHD in food safety control was just continuation of the work undertaken by the Department of Health (DH) prior to the establishment of FEHD. He also asked for details of the safety control of imported food and the current position on the provision of the GM food labelling system and a central slaughtering facility for poultry.

12. In response to Dr LEONG's first question, Deputy Director of Health (2) (DD(H)2) acknowledged that many of the responsibilities of FEHD were actually continuation of the work undertaken by DH. He believed that with the establishment of the new department, which represented an enhanced regulatory framework for food safety control, better coordination would be achieved in the controlling work. He pledged that DH staff would render every support to the work of FEHD in ensuring food safety.

13. DSEF said that as the labelling system of GM food would be discussed at the next meeting, he suggested not to go into detail now. On the provision of a central slaughterhouse for chickens/poultry, DSEF said that the Administration was considering various options and had not yet arrived at a conclusion. In response to the Chairman's question as to when the Administration would reach a decision on the issue, DSEF explained that he was unable to give an answer now as the Administration had to take into consideration many factors before reaching a decision. He undertook to provide details of the Administration's deliberations on this matter after the meeting.

Adm

14. Mrs Selina CHOW LIANG Shuk-ye took the view that it was necessary for the Administration to deliberate very carefully the setting up of a central slaughterhouse for chickens as the provision of the facility would have serious impact on the poultry retail level as shown in the case of central slaughtering of ducks and geese. She noted that the trade had counter-proposed to provide a central slaughtering facility each in Kowloon, Hong Kong Island and the New Territories, instead of one territory-wide slaughterhouse, to save the time required for transportation. In response, Principal Assistant Secretary for the Environment and

Action

Food (PAS(EF)) said that the Administration was actively considering the suggestion and would provide details of its deliberations to the Panel later.

15. In reply to Dr LEONG, Deputy Director of Food and Environmental Hygiene (Food and Public Health) (DD(FPH)) explained the control measures on imported food including vegetables as well as frozen meat and poultry. He pointed out that inspection and random sampling were carried out at points of import and products which did not comply with local safety standards were rejected.

16. Dr YEUNG Sum requested the Administration to explain in what aspects that the new department excelled the old framework in food safety control. As he noted that food incidents had occurred over the past few months, he asked if there was need to review the existing law on food safety and the adequacy of the existing measures to deal with the problem. DD(FPH) replied that FEHD was able to undertake more work in risk assessment and communication as it had been given more resources for implementing food safety control. The department would review the existing food safety legislation and he invited members to note that progress had been made in exploring the feasibility of introducing a labelling system for GM food. He added that FEHD would also step up public education to encourage the trade to seek self-improvement in the hygienic conditions of their services.

17. Dr YEUNG Sum further asked what improvement would be made to food labelling. DD(FPH) replied that each year some 30 000 random inspections were conducted to ensure compliance with the legal requirements. He said that FEHD would strengthen the enforcement of the relevant rules and regulations governing the labelling system. In addition, it would step up public education on the difference between the "Use By" deadline and the "Best Before" date carried by food products and the importance to observe the former. DD(FPH) said that much improvement could be made to food labelling such as that the Administration might consider requiring food manufacturers to specify in food labels details of the additives used.

18. Mr WONG Yung-kan asked whether the Administration would introduce control measures on the import of animal/poultry feed and strengthen regulation of fish culture in Hong Kong. He also referred to the problem of smuggling of meat and poultry and suggested the Administration to conduct more random sampling of meat and poultry sold at local supermarkets.

19. DSEF replied that the Agriculture, Fisheries and Conservation Department (AFCD) was reviewing the legislative control over animal feeds and that the Administration aimed to introduce the relevant legislative proposals to the Council in the next legislative session. He added that a full review of Cap.132 was being made. While it would take some time to complete the review, it would not hold back necessary legislative amendments to be made in the interim to enhance food safety and control.

Action

20. DD(FPH) said that FEHD would collaborate with AFCD to devise effective measures to improve the control of the quality of fish cultured in Hong Kong. However, he considered that the sector also had the responsibility of ensuring the quality standards. To tackle the problem of smuggling of meat and poultry to Hong Kong, DD(FPH) said that FEHD would step up cooperation with the Customs and Excise Department (C&ED) to strengthen enforcement action. In addition, meat and poultry retail shops would be advised to keep more detailed records of their suppliers of meat/poultry to facilitate tracing of the sources.

21. Referring to paragraph 16 of the Administration's paper, Mr LEE Wing-tat considered that the approach adopted for handling food incidents had remained more or less the same after the establishment of the new department. In particular, he found that many poultry stall operators and their employees failed to comply with the guidelines on handling live poultry drawn up after the outbreak of avian flu crisis. For example, many of them handled chickens without wearing gloves and protective clothes.

22. In response, DD(FPH) said that efforts were made to ensure that the operators of poultry stalls, especially those located in markets managed by the Government, to comply with the relevant guidelines on the handling of live poultry. They had also been told the importance of frequent cleansing of the floors at the stalls and that direct contact of chickens by their customers should be avoided. He said that both formal inspections and surprise checks were conducted to these stalls to ensure their compliance with the relevant guidelines. During the inspections, health inspectors also explained to the operators the appropriate practice in handling live poultry. He said that FEHD would step up its efforts in publicity and enforcement of the relevant guidelines.

23. Referring to paragraph 11 of the Administration's paper, Dr TANG Siu-tong asked what measures would be taken if the food authorities of our major exporting countries did not cooperate to make sure that their food production was governed by sound safety standards. He also asked whether imported food products were tested for their levels of dioxin contained. Responding to Dr TANG's first question, DD(FPH) said that in such cases, the Hong Kong Government could impose a ban on the import of the food concerned. As regards testing of food for the level of dioxin contained, he confirmed that the laboratory test on sampled vegetables through the Man Kam Control Point did not include such tests. However, samples of food were collected from retail outlets for testing of dioxins and some 130 samples had been tested since June 1999. He pointed out that based on the safety standards adopted by the United States, there was no evidence showing that the level of dioxin contained in local food was above safety standards. He added that a survey would be conducted this year to collect information on the dietary intake of dioxin by selected secondary students.

Action

24. Mr LAW Chi-kwong was concerned about the control measures on the quality of water for keeping seafood and asked for details of the division of work between FEHD and the Environmental Protection Department (EPD) in this respect. He also asked which department was responsible for conducting foodborne disease surveillance and the relevant data analysis to monitor the trend and activities of foodborne diseases. Furthermore, he asked which department was responsible for handling of health food which was found containing western medicines. DD(FPH) replied that FEHD was responsible for conducting food surveillance and reports of risk assessments were publicized at intervals and also made available on the Internet. DD(H)2 added that DH was responsible for disease surveillance and had developed an efficient infectious disease surveillance programme which was built upon a network of health care providers in both public and private sectors. Information on infectious diseases was disseminated to health care professionals as well as the general public. He said that for infectious diseases such as cholera and malaria, DH held regular interdepartmental meetings with other concerned departments to share the latest information and devised appropriate prevention and control strategies.

25. DD(H)2 pointed out that if a health food product was suspected by FEHD of containing western medicines, it would be tested. If the presence of western medicines in the product was confirmed, the case would be followed up by DH. DD(H)2 further said that health food containing proprietary Chinese medicines as ingredients would be subject to the control under the Chinese Medicine Ordinance.

26. PAS(EF) said that while EPD was responsible for monitoring the quality of water, three departments, namely, AFCD, EPD and FEHD were involved in tackling the problem of red tide. He said that there was an established mechanism for the collaboration of the three departments and pointed out that EPD, which was responsible for monitoring changes in water quality, would inform AFCD when signs of red tide were detected. He agreed to provide further information on inter-departmental collaboration in the monitoring of water quality with a view to ensuring seafood safety. Mr LAW also requested to be provided with details of the coordination mechanism amongst departments concerned in conducting disease surveillance and food surveillance. In response to members' request, DD(FPH) agreed to provide an updated flowchart on the management of food hazards for members' reference.

Adm
Adm

Adm

27. Mr Fred LI Wah-ming referred to a survey recently conducted by the Hong Kong Productivity Council which had found that the food handling hygiene in Hong Kong fell far short of the world's top standards. He requested the Administration to respond to the findings of the report and explain what would be done to improve the hygiene standards in Hong Kong's food premises. DD(FPH) said that as he had not yet obtained a copy of the report, he would give more detailed comments later. However, he had initially noted that the survey was conducted based on the standards

Action

adopted in the United Kingdom and some of them might not be applicable to Hong Kong. Nevertheless, he agreed that there was much room for improvement in the hygienic standards in the local food premises and undertook that seminars on food safety would continue to be held for the sector. Food safety advice would also be provided to the service providers of the sector by distribution of pamphlets.

28. Mr Fred LI Wah-ming said that in general service providers of the sector were not active in participating in training/seminars on food safety issues and asked what measures would be taken to address the problem. DD(FPH) replied that it had already been made a licensing requirement that each food premise had to appoint a responsible person who was certified by the Director of Environment and Food to have completed the recognized training on food safety and hygiene. He agreed that it was necessary to promote such training to the sector especially given the fact that the turnover rate in the sector was quite high.

29. Mrs Selina CHOW LIANG Shuk-yee asked what measures would be taken to deal with the problems of smuggling meat and poultry to Hong Kong and people bringing meat and poultry into Hong Kong on their return from the Mainland. PAS(EF) replied that the Administration was concerned about the problems as data had shown that the number of such cases had been on the rise in the past few years. To tackle the problems, he said that FEHD and C&ED were exploring measures to strengthen the enforcement action. He pointed out that people bringing meat into Hong Kong without proper health certificates actually contravened Cap.132 and would be subject to prosecution. However, he admitted that there might be practical problems for C&ED and FEHD in taking enforcement action due to the large number of people passing through the Lowu border checkpoint each day.

30. Mrs CHOW pointed out that the trade had made suggestions on how to tackle the problem of smuggling meat/poultry to Hong Kong and she requested the Administration to consider the suggestions. She urged the Administration to devise more effective measures to tackle the aforesaid problems which posed a health hazard to Hong Kong. In response, PAS(EF) agreed to follow up by liaising with C&ED on the tightening measures and provide details of the progress made in a month's time.

Adm

31. Miss Cyd HO Sau-lan asked whether the Administration would conduct a survey on the accumulated level of dioxin in newborn babies which had been passed to them from their mothers. She said that the findings of the survey would shed light on how much spare capacity was left for the intake of more dioxin by Hong Kong people. She considered that only on this basis could the Administration decide on the acceptable level of intake of dioxin for Hong Kong people. PAS(EF) replied that as the Bureau would soon commission a study on the level of dioxin in breast milk, the proposed study would not be conducted. Miss HO then asked whether the said survey would be accompanied by a long-term study on the correlation of the level of

Action

dioxin contained in a mother's breast milk with the IQ development of her child. PAS(EF) replied that as it had been medically proved that the fatty tissues in human body were susceptible to the accumulation of dioxin, it was considered appropriate to test the level of dioxin accumulated in human bodies by testing the level of dioxin contained in breast milk. He said that the Administration therefore did not plan to conduct the study on the development of children.

32. The Chairman said that past experience had shown that efforts were made by food premises to keep their kitchens clean only during inspections conducted by health officials. He asked what would be done by FEHD to improve the situation. DD(FPH) said that FEHD would review the inspection system and step up publicity on the importance of hygienic standards in food premises. At the Chairman's request, he agreed to provide further information on the detailed arrangements of the regular inspections and surprise checks conducted to the kitchens of food premises.

Adm

V. Regulation of health claim under the Undesirable Medical Advertisements Ordinance (UMAO)

(LC Paper No. CB(2)1857/99-00(04))

33. DD(H)2 supplemented the information given in the Administration's paper by pointing out that UMAO was enforced in the following ways -

- (a) By monitoring medical and health advertisements in the media including newspapers and magazines;
- (b) By examining the labels/wrappers of proprietary Chinese medicines when they were imported to Hong Kong;
- (c) During the inspections to dispensaries and medicine companies, the inspectors would take the opportunities to check whether there were any medicinal products or health food which had breached UMAO;
- (d) a DH hotline had been set up for members of the public to lodge complaints against any undesirable advertisements or product labels which might have contravened UMAO; and
- (e) investigating into complaints referred by organizations like the Consumer Council and the Hong Kong Medical Association.

34. Mr Fred LI Wah-ming pointed out that some companies, instead of putting health advertisements in the media, had conducted seminars targetting at elderly people to promote some health appliances to them through direct marketing. Moreover, the prices of these appliances were often marked up considerably. He

Action

said that the incidents had recently been reported by the media and asked what action DH would take against such practices. He also asked what could be done to address the problem of deceptive claims about the efficacy of health product in its package insert.

35. In response, DD(H)2 said that those direct marketing cases quoted by Mr LI would constitute a breach of UMAO if the health appliances promoted were claimed to be able to cure any of the diseases in the Schedule at the Appendix to the Administration's paper. He explained that the Schedule contained a list of diseases in respect of which advertisements were prohibited or restricted under UMAO. In addition, DD(H)2 confirmed that the term "advertisement" under UMAO did not include a package insert. However, he pointed out that most kinds of health food products were actually Chinese medicines and hence would be subject to regulation under the Chinese Medicine Ordinance (CMO) when the registration system for Chinese proprietary medicines provided by CMO commenced. He pointed out any proposal to extend the meaning of advertisement to cover "package inserts" under UMAO would be very controversial and he expected that it would not be supported by the Chinese or western medicine sectors. He said that he would take note of members' concerns and explore introducing some control measures on the content of package inserts in the future.

36. Referring to paragraph 4 of the Administration's paper, Dr LEONG Che-hung asked why there was only one successful prosecution made by invoking the Ordinance since 1998. DD(H)2 replied that anyone found misleading the public by inducing them to use improper medical products would first be issued a warning letter. If the person failed to take immediate remedial action, he/she would be prosecuted. He stressed that in most cases, the suppliers had been very cooperative and were willing to observe the law such as by removing the undesirable advertisement involved immediately. He explained that DH's adopted policy was that if the suppliers did not rectify upon receipt of the warning letter, prosecution would be initiated against them. Where necessary, a recall would also be ordered for the medicinal products involved which were found containing undesirable labels. He added that in 1999, 10 cases alleged to have contravened UMAO had been referred to the police for investigation. At Dr LEONG's request, DD(H)2 agreed to provide details of the cases and, if possible, the legal advice provided by the Department of Justice as to why prosecution should not be initiated against them.

Adm

37. Mr LEE Wing-tat shared the view that the package inserts of medicinal products should be regulated because they were often made use of by direct sellers to promote their medicinal/health products. He also pointed out that it was a serious loophole in the law that advertisements in respect of any diseases outside the said Schedule were not subject to any restrictions under UMAO. Referring to a recent case in which the company of a health drink had used a movie star to make false claims that the health drink was able to cure lupus erythematosus, Mr LEE asked

Action

what action would be taken against the company and the movie star. He criticized DH for being too lenient with the unscrupulous operators who had taken advantage of the weak enforcement policy of DH by mounting a large scale promotion to sell their products and would cease operation upon being warned by DH.

38. In response, DD(H)2 said that during the scrutiny of the then Undesirable Medical Advertisements Bill, it was a conscious decision made by the Bills Committee concerned that the term "advertisement" should not include a package insert. He reiterated that as Chinese medicines were subject to the regulation by CMO, there would be control measures introduced to regulate them as well as health food products since most of them contained Chinese medicines.

Adm 39. DD(H)2 invited members to note that actually the said Schedule was very comprehensive and lupus erythematosus was also covered. Although he considered that the existing measures taken by DH in the enforcement of UMAO were quite effective, he agreed to review its enforcement policy and consider stepping up prosecutions. He further said that in the case quoted by Mr LEE, if the movie star involved was proved to have made false claims orally about the efficacy of the health drink, she could be prosecuted as well. He added that recently a supplier of a health product had also been ordered to recall all his products after they had been found containing undesirable labels.

40. DSHW1 added that since UMAO was enacted many years ago and there were grey areas in distinguishing between an "advertisement" and "information". The Administration would review the Ordinance and propose amendments where necessary. In addition, he said that the Administration might consider introducing control measures on the health claims of the so-called health food. In response to members' comments, DSHW1 said that the Administration would consider stepping up prosecution under the Ordinance.

Adm 41. Dr YEUNG Sum and Mr LAW Chi-kwong supported that the Administration should step up prosecution and avoid giving the public an impression that the Administration was not active in enforcing the Ordinance. Mr LAW took the view that the term "advertisement" under the Ordinance should also include package inserts and that the Administration should adopt a high profile approach to deal with cases where movie stars made false claims to promote any medicinal/health products. He also commented that the said Schedule was too disease-oriented and considered that the scope of control against undesirable advertisements should be extended to cover the health claims of any products. Dr YEUNG urged the Administration to review the Ordinance and introduce the necessary amendments expeditiously.

VI. Any other business

Action

Redevelopment and expansion of Pok Oi Hospital (POH)

42. Mr LEE Wing-tat requested the Administration to confirm if it was true that there was going to be height restriction on the new building to be constructed under stage one of the redevelopment project in order not to obstruct the flight path of the People's Liberation Army. As a result, this had necessitated the construction of two basement levels for the building with substantial additional costs incurred. Principal Assistant Secretary for Health and Welfare (Medical) 2 (PAS(HW)(M)2) replied that so far HWB had not received any instruction from any government authorities on imposition of height restriction on the new building. The design of the new building, which was developed by POH based on operational needs, might have to be revised in the light of advice of consultants commissioned to undertake detailed design.

43. In response to Dr LEONG Che-hung's question as to when the Accident and Emergency services of POH would be resumed, PAS(HW)(M)2 said that it would be resumed when stage one of the project was completed. In response to a further question from Dr LEONG, PAS(HW)(M)2 said that in case hospital treatment was required for handling semi-urgent patients, the support would be provided by Tuen Mun Hospital or North District Hospital if deemed necessary. In response to Mr LAW Chi-kwong, PAS(HW)(M)2 said that patients using the 24-hour out-patient service at POH would be charged \$37 for each consultation.

44. Members noted that the paper would be discussed by the Public Works Subcommittee on 17 May 2000. Mr LEE Wing-tat said that he would then seek further clarifications from the Administration concerning the construction of the new building.

45. There being no other business, the meeting ended at 10:50 am.

Legislative Council Secretariat

2 June 2000