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Chairmen of the Panel on Food Safety & Environmental Hygiene
and Panel on Environmental Affairs
Legislative Council
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Mr. Li and Ms. Choy,

**Panel on Food Safety and Environmental Hygiene
and Panel on Environmental Affairs**

Thank you for your letter of 19th December 2005 inviting my Department to give our views on the proposed reorganization plan for the food safety regulatory framework. I am writing on behalf of the Department of Microbiology of the University of Hong Kong to express our views on this very important subject.

We are supportive of the Government's plan to reorganize the food safety regulatory framework to enhance food safety and protect public health. We are also supportive of the Government's proposal to establish a dedicated new Centre for Food Safety responsible for food safety issues. There is merit to have a focal point of contact for consumers which is in line with governance with transparency. A food safety agency with a clear title dealing with protecting consumers' interest make sense in rationalising Government resources or organisation. We believe that the establishment of a new Centre for Food Safety would allow the Government to better concentrate its efforts, resources and expertise on food safety regulation and control.

We believe that the functions on food safety regulation and the functions on facilitating the development of the local agriculture and fisheries sectors should be carried out by two separate government departments. We do not consider it necessary nor appropriate to put both regulatory and facilitation functions under the command of the same executive department. The segregation of regulatory and facilitation functions would enable work on food safety control be carried out from the consumer's perspective

instead of from the trade's perspective, thus avoiding potential conflicts of interest that may arise if the regulatory and facilitation roles are performed by the same government department. In fact, the most fundamental and obvious reason for the establishment of the independent Food Standards Agency in the United Kingdom in the late 1990s was the conflict of interest that existed within the then UK Ministry of Agriculture, Fisheries and Foods which had the dual role as the guardian of the well-being of the consumer and as the promoter the primary producers and agricultural/food industries. As a result, neither the interest of the consumers nor the food producers had been adequately served as the costs of the Bovine Spongiform Encephalitis (BSE) crisis demonstrated. In relation to food safety, we therefore consider that consumer protection should override the interests of the trade and hence a lot of ministries overseas have chosen to have different executive agencies to look after the different interests albeit both agencies could report to the same ministry. Many others have chosen to have a complete separation of powers altogether. We believe that the interests of both the consumers and the primary producers could be best served by having two separate government departments to take up the two conflicting roles.

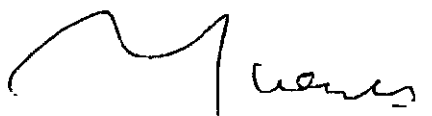
We consider that there is a need to have a government department independent of the interest of the primary producers and the food trade to act as the regulator for auditing the performance of the food system through its monitoring and surveillance activities along the food chain. From our view, we consider that the segregation of regulatory and facilitation functions is consistent with the "food chain approach" to food safety and quality recommended by the Food and Agriculture Organization (FAO).

As the FAO stated in "*FAO's Strategy for a Food Chain Approach to Food Safety and Quality: A framework document for the development of future strategic direction*" (Paper for the Committee on Agriculture, 17th Session, Rome 31 March – 4 April 2003), the implementation of the food chain approach "requires both an enabling policy and regulatory environment at national and international level with clearly defined rules, and the establishment of food control systems and programmes at national and local levels throughout the food chain". The FAO also stated that within food safety systems, "governments are obliged to set, impose and control food safety standards while other food quality standards (such as taste and appearance) may be privately established. Public interventions are also necessary to protect consumers from fraud." The FAO suggests that preventive measures should be introduced at all stages of the food production and distribution chain. While food producers and operators are entrusted with the primary responsibility for food safety and quality by adopting good agricultural practices (GAP), good manufacturing practices (GMP), and the Hazard Analysis Critical Control Point (HACCP) system, government regulators are responsible for auditing performance of the food system through monitoring and surveillance activities. The FAO also stated that "fundamentally, a regulatory framework (including standardized international methodology) should be in place to form *at-source* evaluations in addition to *ad hoc* monitoring and enforcement after food products have entered the food chain." As such, we consider that the Government's reorganization proposal is consistent with the recommendations of the FAO. The Government's proposal is also in line with the organization arrangements implemented in many other countries such as the United States, Canada, United Kingdom, Finland, Republic of Ireland, Japan, South Korea, New Zealand and Thailand etc. where separate executive organizations are responsible for carrying out functions on food safety control and functions on the facilitation of agriculture and fisheries industries.

As food safety control involves the knowledge, expertise and experience of a number of different professions and disciplines, we consider that the food safety regulatory functions under the new organization structure should best be performed by a multi-disciplinary team that comprises of medical doctors, chemists, epidemiologists, microbiologists, nutritionists, toxicologists biotechnologists, and veterinarians, etc.

For a food safety regulatory regime to be effective, it is important for the Government to clearly demarcate the functions and responsibilities of the various departments with food safety related authorities so that each individual department would know clearly its role to play when food safety issues arises.

Yours sincerely,



Professor Kwok-yung Yuen
Chair and Head
Department of Microbiology
The University of Hong Kong