

**For discussion
on 17 October 2005**

LegCo Panel on Food Safety and Environmental Hygiene

Reorganization Plan for the Food Safety Regulatory Framework

Purpose

This paper sets out the Administration's plan to re-organize the Food and Environmental Hygiene Department (FEHD) and the Agriculture, Fisheries and Conservation Department (AFCD) to enhance food safety and veterinary public health control in Hong Kong.

Background

2. At present, about one thousand staff of FEHD and AFCD contributes jointly to the same policy area of "Agriculture, Fisheries and Food Safety". For instance, both departments are responsible for veterinary public health, food regulation and inspection and quarantine of livestock, poultry and other non-food animals. The FEHD is responsible for regulation at three levels of food safety control, namely risk management, risk assessment and risk communication, covering food safety, food surveillance and the import and export control of imported Mainland food animals, imported meat products, seafood and food products. The AFCD is the licensing authority for local poultry farms and mariculture farms. It is also responsible for regulating the import of non-food animals, birds and plants. As both departments are responsible for executing part of the veterinary public health and food safety functions, the setup often causes confusion in the course of liaison with regulatory authorities of other countries/areas and international authorities. Moreover, the allocation of human resources cannot be optimized under the existing organization. Given our limited resources and the fact that most of our food come from different countries, the present regulatory framework can only allow sampling tests mainly at the retail level instead of exercising control at source. But the experience from the western advanced countries shows that management and control at source is the best way to ensure food safety.

3. Food safety can only be assured through the tripartite collaboration between the Government, the trade and the community. In view of increasing public concern for food safety and the community's expectation for comprehensive regulation for all food sold in Hong Kong to ensure that they are safe and wholesome, we have conducted a comprehensive review on the current surveillance and regulatory framework as well as an assessment on the resource allocation with a view to improve the current food regulatory system so as to ensure that every link in the whole food supply chain is effectively controlled.

Reorganization Plan

4. To pool our resources for more effective control along the whole food supply chain to ensure food safety, we have decided to reorganize the work of the policy bureau and executive departments. To save government expenditure, we will reallocate existing resources and streamline work procedures, so as to achieve the highest effectiveness. However, we expect that there would be a need to allocate additional staff and resources in order to fully enhance the current food safety regulatory framework.

Reorganizing the Work of Executive Departments

5. At the level of executive departments, we have decided to reorganize FEHD and AFCD to form the Food Safety, Inspection and Quarantine Department (FSIQD) and the Agriculture, Environmental Hygiene and Conservation Department (AEHCD) so that all functions concerning food safety, veterinary public health, inspection, quarantine and regulation over animals and plants, vegetables, fresh water fish for food purpose, seafood and food products, as well as control over local livestock and poultry farms and mariculture farms, etc would be transferred from FEHD and AFCD to FSIQD. We would allocate more staff to step up the regulation and inspection of local livestock and poultry farms, vegetable farms and mariculture farms. In order to exercise control at source, we would also set up several special teams with interdisciplinary expertise to step up inspection of registered farms, processing plants and fish ponds in the Mainland and facilitate the same efforts in other countries supplying food to Hong Kong. The new FSIQD would also enhance their food surveillance efforts at import, wholesale and retail levels to give the public the assurance that food products supplied by the Mainland and overseas countries are safe to consume. After the reorganization, AEHCD

would take up the responsibilities to facilitate the development of our agriculture and fisheries industries, maintain environmental hygiene and conserve our nature. The posts of the Director of FSIQD and the Director of AEHCD would be taken up by Directorate Officers at D6 level.

6. We would also set up a Centre for Food Safety (CFS) within FSIQD and create a post of Controller, Centre for Food Safety. The Controller would oversee the daily operation and management of the CFS, identify objectives and formulate strategies on food safety. Since the aim of setting up the CFS is to enhance the existing functions of the local food safety regulatory authorities, the Controller of CFS must have the professional knowledge and experience in public health and food safety, and a good rapport with food safety regulatory authorities in the Mainland and overseas to ensure the smooth operation of the CFS. As the Controller of CSF would be entrusted with the task of accomplishing the mission of CFS, which covers a wide range of duties, we proposed that the new post be taken up by a Directorate Officer at D4 level.

7. We further propose to set up five branches under the FSIQD to undertake matters related to food safety and veterinary public health:

- (a) **Food Surveillance & Control Branch:** This branch is responsible for overseeing implementation of a food safety control plan in the territory, including food surveillance and control of food import and export; coordinating responses to food incidents, including investigating food-borne diseases caused by food supplied by food premises, coordinating food recall as well as handling food safety crisis; liaison with food traders and other bodies to ensure effective food safety management; conducting tests at Man Kam To Food Control Office to inspect food imported from the Mainland. As there is a substantial increase in the number of food poisoning incidents in recent years (by 95% in 2004 when compared to the figure for 2003), and the need to handle an increasing number of complaints (increased from 2,265 cases in 2001 to 5,270 cases in 2004), we must increase our manpower to handle the increasing amount of work.
- (b) **Risk Assessment & Communication Branch:** This branch is responsible for studies on risk assessment to provide sound scientific basis for risk management; survey on public consumption of food and conducting laboratory tests to support risk assessment work; review and establish

food standards; promotion of Hazard Analysis and Critical Control Point system among traders and the general public; and timely release of food risk information. The branch would also liaise with international food authorities such as the Codex Alimentarius Commission.

- (c) **Licensing & Inspection Branch:** This branch is responsible for the licensing of farms and mariculture farms in Hong Kong; inspection of local farms that rear food animals, vegetable farms and mariculture farms; to implement control at source by setting up several special teams with interdisciplinary expertise to inspect Mainland's registered farms, processing plants and fish farms that export to Hong Kong and to conduct similar inspections in other food supplying countries overseas. The branch is also responsible for the management and inspection of local slaughterhouses. At present, as a result of limited resources and manpower, we can only conduct inspections on a sample of farms and processing plants. We also had no manpower and resource to inspect Mainland fish farms. To implement food safety control at source, we need to increase our manpower to enhance inspection work.

- (d) **Veterinary Public Health and Quarantine Branch:** The branch is responsible for veterinary public health including: evaluation of control and prevention measures for zoonotic diseases; control and prevention of rabies; management and control of domestic animal; enforcing inspection and quarantine measures for imported food animals and non-food animals; screening of pests and diseases for imported plants; issuance of health certificates for animals, plants as well as their by-products, including export of food of animal origin; conducting tests for animal diseases and chemical residues in food animals; conducting autopsies, virus isolation and clinical diagnosis for animal diseases, including the zoonotic diseases; regulate displays of animals at arenas for horse races and dressage activities or shops and premises that sell animals; enforce animal welfare legislation; registration and control of pesticide; evaluation and approval for registration of veterinary medicines and vaccines for livestock and other animals; provision of regular and emergency veterinary services for other departments.

- (e) **Strategy and Administration Branch:** This branch is responsible for formulating strategy and coordinating response strategy, overseeing

legislative work, liaising with the Guangdong, Shenzhen and Zhuhai provincial / municipal governments in organizing expert level meetings and exchanges on food safety incidents/ measures. This branch is also responsible for communication and liaison with the media as well as providing secretarial support to its subcommittees and working groups. It also provides administrative support to the department to ensure its smooth operation.

8. The Food Surveillance and Control Branch, the Risk Assessment and Communication Branch and the Licensing and Inspection Branch of FSIQD would be subsumed under CFS and be managed by the Controller of CFS whilst the Director of FSIQD would provide necessary steer and direction for the operation of the centre. In relation to food safety related veterinary public health issues, the Veterinary Public Health and Quarantine Branch will report to the Controller of CFS. The work related to other veterinary public health issues of the Veterinary Public Health and Quarantine Branch and the work of the Strategy and Administration Branch would report to the Director of FSIQD directly. Since the inspection and quarantine work regarding food safety often involve exercising statutory power to make decisions that might have a significant impact on the community (e.g. the decision to suspend the importation of live chickens in case of an avian influenza outbreak), and the Director would also have to communicate and liaise with senior officials of Mainland and overseas food safety and veterinary regulatory authorities and other international organizations, the post of the Director of FSIQD should be taken up by a Directorate Officer at D6 level. We expect that the posts in various branches of the new FSIQD would be taken up by officers currently serving in FEHD and AFCD. The FSIQD would also recruit suitable professionals to carry out its work according to the need. After setting up the aforesaid five branches, the FSIQD would have sections with distinctively demarcate functions and the functions would also be enhanced to address public concern about food safety. After the reorganization, the AEHCD would take up the responsibilities to facilitate the development of our agriculture and fisheries industries, maintain environmental hygiene, conserve our nature, and manage country parks and marine parks. The organization charts of FEHD and AFCD as at 1 October 2005 are at [Annex 1](#) and [Annex 2](#) respectively whilst the organization charts of the new FSIQD and AEHCD are at [Annex 3](#) and [Annex 4](#) respectively. As regards the actual number of additional working level and professional level staff (including veterinarians, medical doctors, various food scientists such as toxicologists and biotechnologists, etc.) required, we need to discuss with the relevant resource bureaux about the

justifications and duty lists. Once a consensus has been reached between the relevant bureaux, we will brief the relevant Legislative Council Panels on the detailed proposal.

Reorganization at Policy Bureau Level

9. At the policy bureau level, to cope with the enhanced functions over food safety of the newly established FSIQD, it is necessary to strengthen support at the top policy making level. Therefore we will create an additional post of Permanent Secretary at D8 level in the Health, Welfare and Food Bureau (HWFB). At present, the HWFB has only one Permanent Secretary at D8 level to assist the Secretary for Health, Welfare and Food to oversee policy areas of different natures (including medical and health, social welfare, food safety, environmental hygiene and women affairs etc) where use of huge amount of resources is involved. Given that each of these policy areas deals with important livelihood issues of public concerns, it is necessary to create an additional post of Permanent Secretary responsible for the work on food safety and environmental hygiene, and also management of the newly established FSIQD and AEHCD as well as the Government Laboratory. The existing Permanent Secretary will focus on policy portfolios in respect of medical and health and social welfare. The organization chart of the HWFB as at 1 October 2005 is at **Annex 5**, and the organization chart of the HWFB upon the creation of an additional Permanent Secretary post is at **Annex 6**.

Other Considerations and Proposals

10. According to the information collected, the duty of food safety regulation rests with government agencies or public officers in many countries. As food safety regulation involves a number of statutory functions, enforcement actions like initiating prosecutions, negotiations between governments in case of temporary suspension of import of the relevant food due to food safety incidents (like the outbreak of mad cow disease in other countries), and participation in international organizations (e.g. the Codex Alimentarius Commission), which should be undertaken by public officers, we consider that food safety regulation should remain a government responsibility after the reorganization.

11. At present, Government advisory committees on food safety mainly include the Advisory Council on Food and Environmental Hygiene (ACFEH) formed under the HWFB and the Scientific Committee on Enteric Infections and Foodborne Diseases and Scientific Committee on Emerging and Zoonotic Diseases formed

under the Centre for Health Protection. We will expand and strengthen the existing consultative framework. In the near future, we plan to set up a Food Standards Review Committee consisting of experts and academics to enhance the formulation and review of food safety standards.

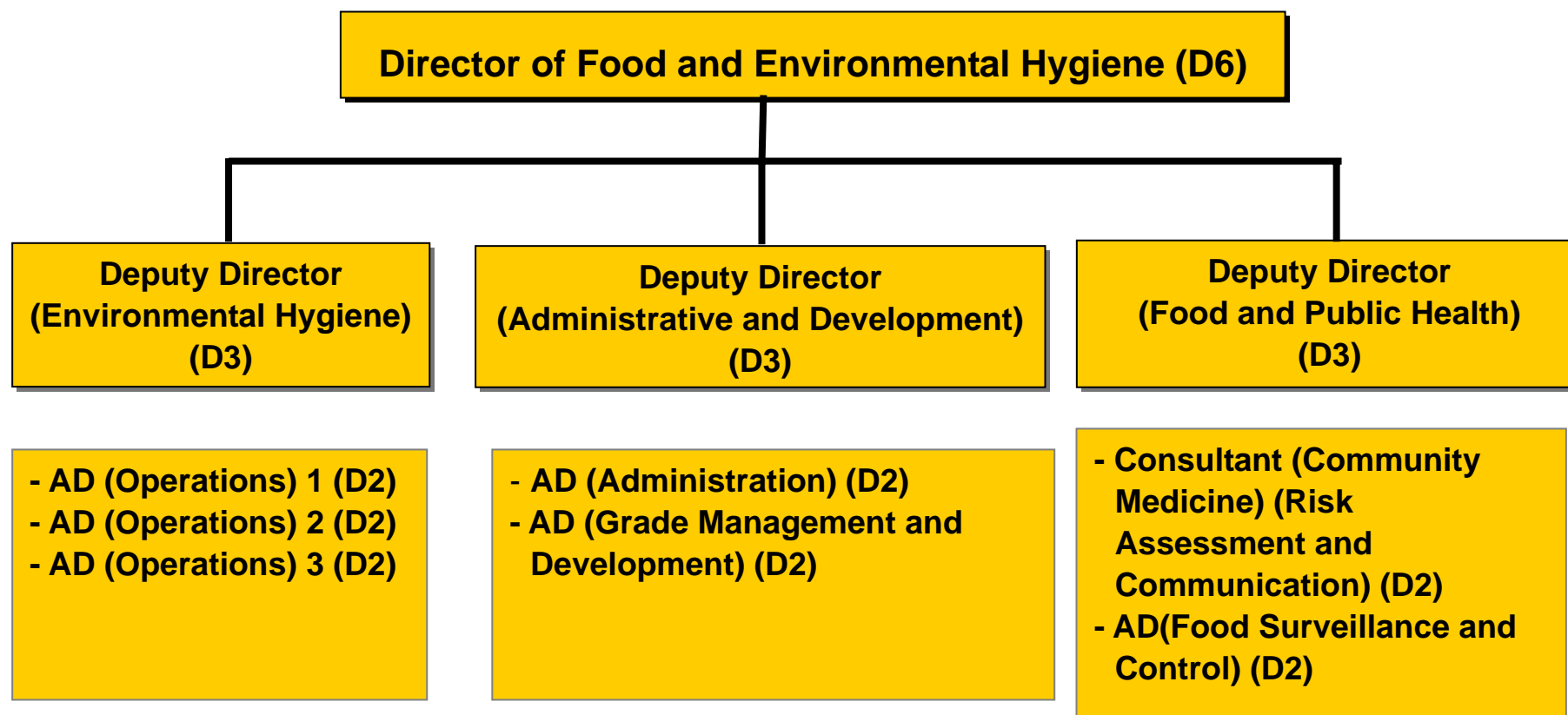
12. Regarding the proposal of incorporating the food safety and veterinary public health functions of FEHD into AFCD, we have to point out that the existing functions of FEHD and AFCD over food safety; veterinary public health; the inspection, quarantine and regulation of animals and plants, vegetables, seafood and food products; as well as the regulatory functions over local livestock farms and mariculture farms all aim at regulating the operation of the trade. They are in conflict with the role of facilitating the development of the agriculture and fisheries industries. As such, we consider it necessary to have two different departments to oversee the function of food safety, inspection and quarantine, and the function of facilitating the development of the agricultural and fisheries industries respectively.

Way Forward

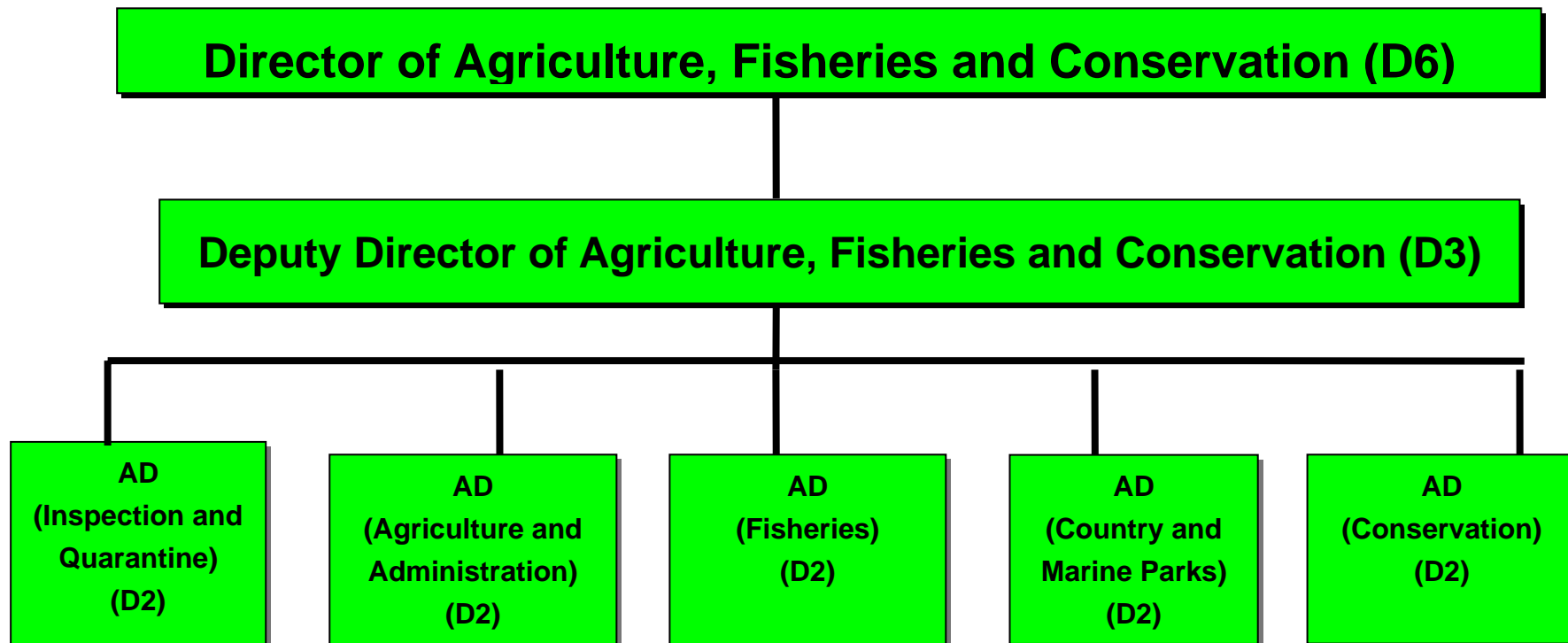
13. We hope Members would support our proposal above so that we could proceed with re-organisation with a view to implementing it on or around 1 April 2006. We would need to brief staff involved in the exercise and other stakeholders of further details, following which we would submit the relevant proposals to Establishment Sub-committee and Finance Committee. Members would appreciate the tight timeframe but we are prepared to expedite action in response to the community's expectation to improve our food safety infrastructure and mechanism.

Health, Welfare and Food Bureau
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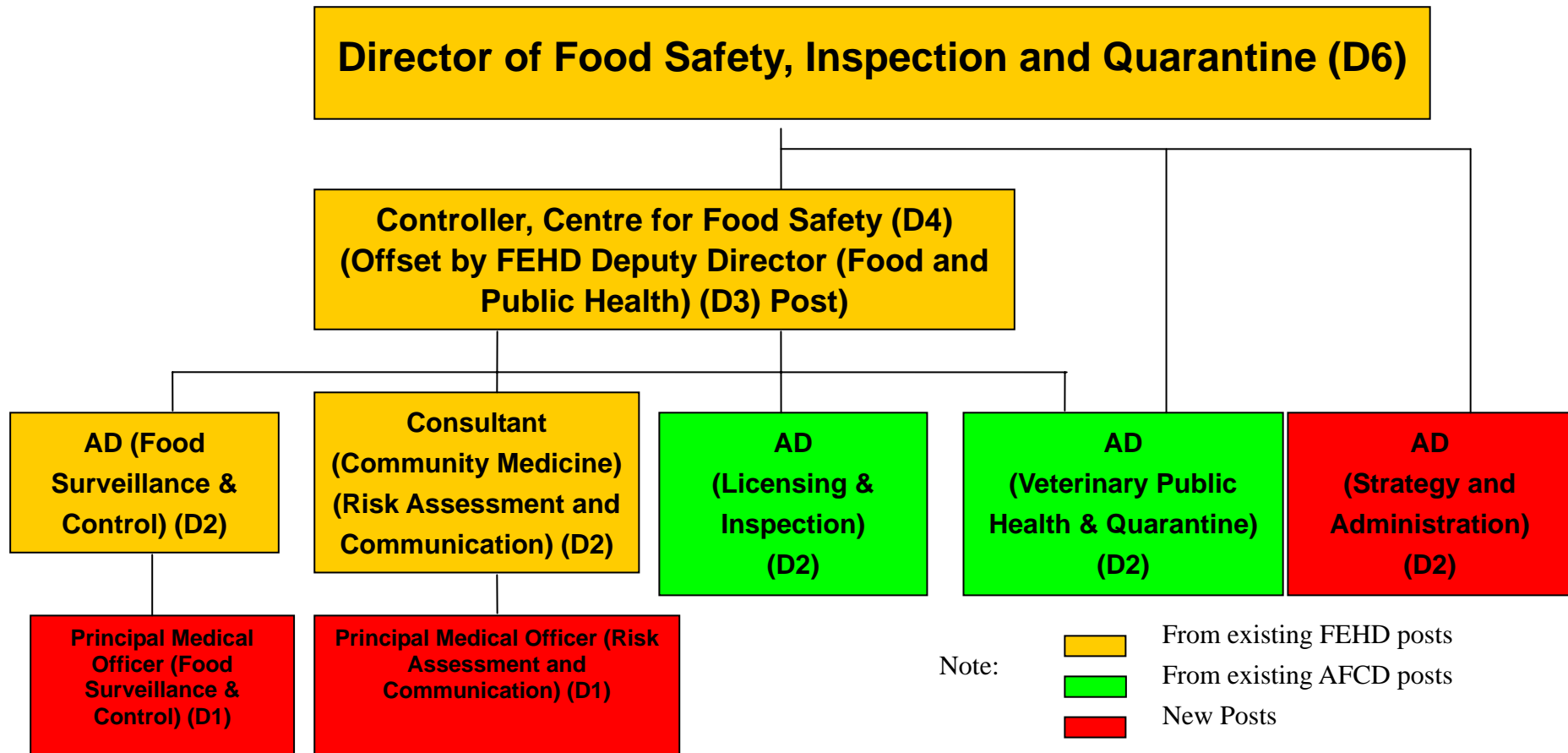
Existing Organisation Structure of Food and Environmental Hygiene Department



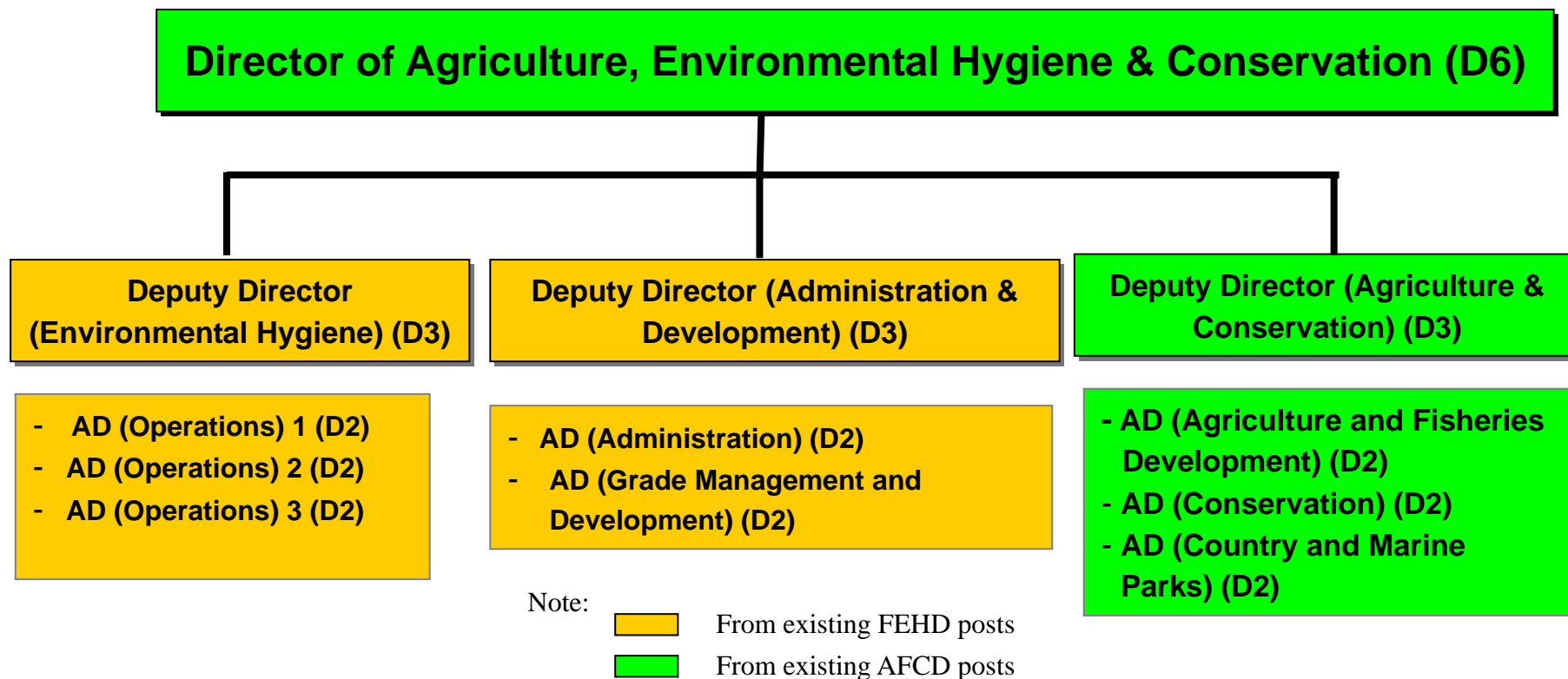
Existing Organisation of Agriculture, Fisheries and Conservation Department



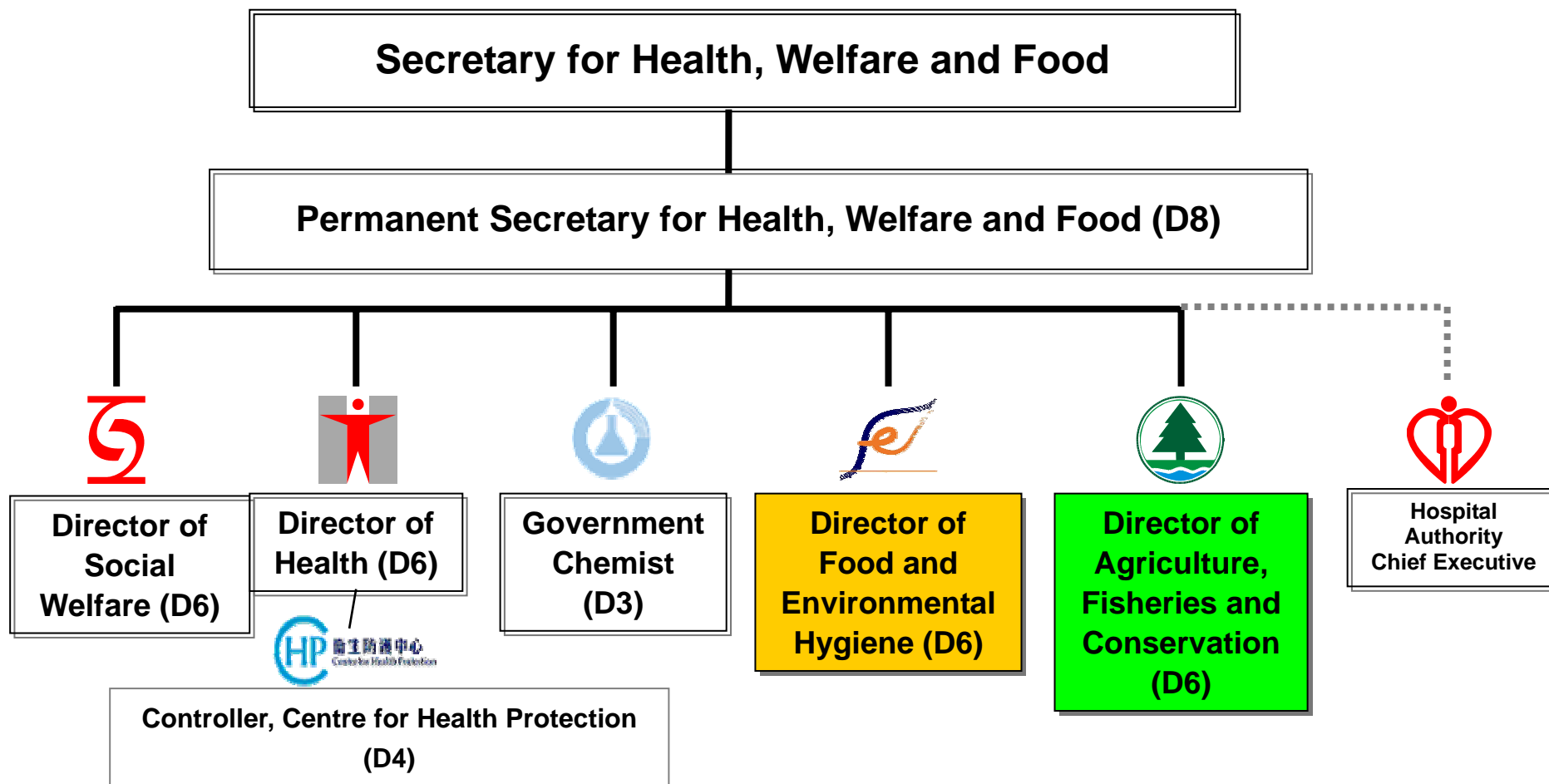
Organisation Structure of the Food Safety, Inspection and Quarantine Department



Organisation Structure of the Agriculture, Environmental Hygiene & Conservation Department



Existing Organisation Structure of Health, Welfare and Food Bureau (HWFB)



Organisation of HWFB After Reorganisation

Annex 6

