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Panel on Food Safety and Environmental Hygiene

Meeting on 8 December 2009

**Proposal to undertake an overseas duty visit to study
regulatory framework on food safety**

Purpose

Members' views are invited on a preliminary proposal for the Panel on Food Safety and Environmental Hygiene (the Panel) to conduct an overseas duty visit to study regulatory framework on food safety.

The proposed visit

Background

2. Food incidents in the past years have revealed inadequacies in the Public Health and Municipal Services Ordinance (Cap. 132). In this regard, the Administration planned to introduce a Food Safety Bill into the Legislative Council in 2009-2010. The proposed food safety regulatory tools include a mandatory registration scheme for food importers and distributors, requirement for food traders to maintain proper records on the movement of food to enhance traceability, tightened import control on food items, as well as empowerment of the Government to make orders to prohibit the import and supply of problem food and to order a recall of such food items.

3. In the wake of the melamine incident in 2008, there have been public calls for the Government to possess the power to prohibit the import and supply of problem food and to order a recall of the food concerned when there is a possibility of a threat to public health. The Public Health and Municipal Services (Amendment) Ordinance 2009 was enacted in April 2009 in advance, empowering the Government to make orders to prohibit the import and supply of problem food and to order a recall of such food items.

4. The Administration is pressing ahead with the preparatory work on the Food Safety Bill, which deals with the remaining proposals, i.e. a mandatory registration scheme for food importers and distributors and a requirement for food traders to maintain proper records on the movement of food, etc. The Administration plans to brief the Panel on the Food Safety Bill in February

2010. Subject to change in the light of the state of readiness of the Bill and changing circumstances, the Administration plans to introduce the Bill into the Council in the second half of the current legislative session.

Proposed scope and objective

5. The Panel Chairman has suggested that the Panel conducts an overseas visit to gain a better insight into the regulatory framework on food safety in selected places, with a view to facilitating Members' scrutiny of the Food Safety Bill to which a bills committee will likely be formed.

Proposed places to visit

6. An information note on the regulatory framework on food safety in selected places prepared by the Research and Library Services Division of the Legislative Council Secretariat is in the **Appendix**.

Proposed timing of the visit

7. It is proposed that the visit will be conducted during the Easter holiday break in April 2010.

Composition

8. The broad guidelines are that members of the Panel should have priority in participating in the visit. Non-Panel members may join a duty visit outside Hong Kong with the consent of the Panel.

Funding

9. As approved by The Legislative Council Commission, each Member is provided with an overseas duty visit account of \$55,000 for the purpose of duty visits outside Hong Kong organised by committees of the Council. The fund in the account is for use by Members in a four-year term. Any expenditure incurred in excess of the available balance in a four-year term has to be paid by the Member personally.

The way forward

10. Members are invited to advise on paragraphs 5 to 8 above. Subject to members' views, the Secretariat will work out the details of the proposed duty visit for members' further consideration.

INFORMATION NOTE

Regulatory framework for food safety in selected places

1. Background

1.1 The purpose of this information note is to provide the Panel on Food Safety and Environmental Hygiene with information relating to the regulatory framework on food safety in four selected places, namely Australia, Singapore, South Korea and Taiwan. Relevant details are presented in the following Table.

Table – Regulatory framework on food safety in selected places

	Australia	Singapore	South Korea	Taiwan
Major legislation relating to food safety	(a) <i>Australia New Zealand Food Standards Code</i> , which provides nationally uniform food safety legislation for Australia; ⁽¹⁾	(a) <i>Agri-Food and Veterinary Authority Act</i> , which establishes the Agri-Food and Veterinary Authority (AVA), a statutory agency that regulates food safety;	(a) <i>Agricultural and Fisheries Products Quality Control Act</i> , which regulates the import, export, inspection, labelling and certification of agricultural and fishery products;	(a) <i>Animal Industry Act</i> 《畜牧法》, which aims to regulate and provide guidance to the livestock and poultry farming business, prevent pollution, and facilitate the development of the animal industry;

Note: (1) The current Australian food regulatory system commenced on 1 July 2002, following acceptance by all Australian jurisdictions of the Inter-Governmental Food Regulation Agreement 2000 (amended on 6 December 2002). The *Australia New Zealand Food Standards Code* (the Code) was gazetted on 20 December 2000 in both Australia and New Zealand as an alternative to then existing food regulations, and has become the sole food code for both countries since 20 December 2002. The Code aims to reduce the prescription of food regulations in both countries, and ensure a nationally consistent approach to the implementation and enforcement of food standards.

Table – Regulatory framework on food safety in selected places (cont'd)

	Australia	Singapore	South Korea	Taiwan
Major legislation relating to food safety (cont'd)	<p>(b) <i>Export Control Act 1982</i>, which provides for the control of the export of certain goods (e.g. animals, eggs, fish, meat, plants, hays, organic produce and related products);</p> <p>(c) <i>Food Standards Australia New Zealand Act 1991</i>, which establishes the Food Standards Australia New Zealand (FSANZ), a bi-national government agency aiming to develop food regulatory measures;</p> <p>(d) <i>Imported Food Control Act 1992</i>, which provides for the inspection and control of food imported into Australia; and</p> <p>(e) <i>Quarantine Act 1908</i>, which provides for human, animal and plant quarantine to prevent the introduction of specified diseases into Australia and the spread of such diseases within Australia.</p>	<p>(b) <i>Animals and Birds Act</i>, which prevents the introduction into, and the spreading within, Singapore of diseases of animals, birds or fish;</p> <p>(c) <i>Control of Plants Act</i>, which governs the cultivation, import, transshipment and export of plants and plant products;</p> <p>(d) <i>Feeding Stuffs Act</i>, which provides for the control of feeding stuffs for animals and birds;</p> <p>(e) <i>Fisheries Act</i>, which controls the use of fishing ports and harbours, and the marketing and distribution of fish landed directly from fishing vessels;</p>	<p>(b) <i>Framework Act on Food Safety</i>, which provides the basis for the installation of the Food Safety Policy Committee as the central organization responsible for developing food safety policies and the basic plan on food safety management;</p> <p>(c) <i>Food Sanitation Act</i>, which aims to improve national health by preventing sanitary dangers and harm caused by food and ensuring the quality of food nutrition;</p> <p>(d) <i>Health Functional Food Act</i>, which regulates the production, processing, import, sale and labelling of nutritional supplements⁽²⁾;</p>	<p>(b) <i>Fertilizer Management Act</i> 《肥料管理法》, which provides for the control of the quality of fertilizers;</p> <p>(c) <i>Fisheries Act</i> 《漁業法》, which aims to conserve and rationally utilize aquatic resources, promote fisheries development, and ensure the food safety of aquaculture products;</p> <p>(d) <i>Food Sanitation Control Act</i> 《食品衛生管理法》, which governs the sanitation, safety and quality of food for protecting the health of citizens;</p> <p>(e) <i>Health Food Control Act</i> 《健康食品管理法》, which provides for the import and control of food with specific claimed health-promoting functions; and</p>

Note: (2) Under the *Health Functional Food Act*, nutritional supplements are "food products that are manufactured or processed in the form of tablets, capsules, powders, granules, liquids, pellets, etc., and that contain substances or ingredients that have a functional effect on the human body."

Table – Regulatory framework on food safety in selected places (cont'd)

	Australia	Singapore	South Korea	Taiwan
Major legislation relating to food safety (cont'd)		<p>(f) <i>Wholesome Meat and Fish Act</i>, which regulates the slaughtering of animals, processing, packing, inspection, import, distribution, sale, transshipment and export of meat products and fish products; and</p> <p>(g) <i>Sale of Food Act</i>, which prescribes standards for the wholesomeness and purity of food products.</p>	<p>(e) <i>Import Plant Inspection Guideline</i>, which defines the inspection procedures for imported plants and plant materials, and establishes specific principles for the inspection and disposition of imported plants;</p> <p>(f) <i>Livestock Code</i>, which provides health standards for meat, poultry and dairy products (excluding antibiotic and pesticide standards which are defined under <i>the Food Sanitation Act</i>);</p> <p>(g) <i>Plant Protection Act</i>, which safeguards agricultural and forestry production by establishing quarantine regulations for imported and domestic plants;</p> <p>(h) <i>Processing of Livestock Products Act</i>, which addresses matters concerning the slaughtering and dissection of livestock, the processing, distribution and inspection of livestock products, the sanitary treatment of livestock products and the improvement of their qualities; and</p> <p>(i) several acts for quality improvement and appropriate management of agrochemicals, fertilizer and feed, such as the <i>Agrochemicals Control Act</i>, the <i>Fertilizers Control Act</i>, and the <i>Control of Livestock and Fish Feeds Act</i>.</p>	<p>(f) <i>Management Regulations on Isolated Field Trials for Genetically Modified Plants</i> 《基因轉殖植物田間試驗管理辦法》, which provides regulations for evaluating the safety of genetically modified plants and conducting ecological risk assessment.</p>

Table – Regulatory framework on food safety in selected places (cont'd)

	Australia	Singapore	South Korea	Taiwan ⁽⁴⁾
Responsible authorities for food safety regulation	(a) Department of Agriculture, Fisheries and Forestry (DAFF); and (b) FSANZ.	AVA.	(a) Ministry of Food, Agriculture, Forestry and Fisheries (MIFAFF); ⁽³⁾ (b) Agricultural Marketing Policy Bureau of MIFAFF; (c) Fisheries Policy Bureau of MIFAFF; (d) Foodgrain Policy Bureau of MIFAFF; (e) Livestock Bureau of MIFAFF; (f) three other government agencies under MIFAFF, namely the National Agricultural Product Quality Management Service (NAQS), the National Plant Quarantine Service (NPQS), and the National Veterinary Research and Quarantine Service (NVRQS); (g) Ministry for Health, Welfare and Family Affairs (MHWF), (h) Office for Healthcare Policy of MHWF; and (i) Korea Food and Drug Administration (KFDA).	(a) Council of Agriculture, Executive Yuan (COA); (b) Department of Animal Industry of COA; (c) three organizational units under the authority of COA: (i) Agriculture and Food Agency, (ii) Bureau of Animal and Plant Health Inspection and Quarantine (BAPHIQ); and (iii) Fisheries Agency; and (d) Department of Health, Executive Yuan (DOH). ⁽⁵⁾

Notes: (3) In 2008, the matters concerning fisheries which were under the jurisdiction of the former Ministry of Maritime Affairs and Fisheries were transferred to the Ministry of Agriculture and Forestry, and the Ministry of Agriculture and Forestry was reorganized as MIFAFF in order to manage agriculture and fisheries closely together and support the food industry more effectively. See Ministry of Government Legislation (2009).

(4) The Council of Agriculture and its relevant department or organizational units are responsible for pre-marketing monitoring of food and related products, whereas the Department of Health is responsible for post-marketing monitoring of food and related products.

(5) With the passage of the *Organic Act of the Taiwan Food and Drug Administration (TFDA)* in May 2009, a new food safety authority, TFDA, will be formally inaugurated on 1 January 2010. TFDA will integrate the operations of four existing agencies under DOH, namely, the Bureau of Food Safety, the Bureau of Pharmaceutical Affairs, the Bureau of Food and Drug Analysis and the Bureau of Controlled Drugs. The scope of TFDA's operations will encompass the administration of foodstuffs, traditional medicines, drugs, controlled drugs, medical devices, and cosmetics; planning and formulation of laws and regulations; inspection, registration, and evaluation of imported products; laboratory accreditation; risk assessment; and consumer protection measures.

Table – Regulatory framework on food safety in selected places (cont'd)

	Australia	Singapore	South Korea	Taiwan
Major duties of the responsible authorities for food safety regulation	<p><u>DAFF</u></p> <p>(a) Developing and implementing policies and programmes that ensure Australia's agricultural, fisheries, food and forestry industries to remain competitive, profitable and sustainable; and</p> <p>(b) among others, protecting the health and safety of the plant and animal industries.</p> <p><u>FSANZ</u></p> <p>Developing and administering the <i>Australia New Zealand Food Standards Code</i>, which lists requirements for all food produced or imported for sale in Australia and New Zealand (such as additives, food safety, labelling and genetic modification of food).</p>	<p>AVA is a one-stop agency responsible for regulating the safety of both fresh produce and processed food, from production up to just before retail.</p>	<p><u>MIFAFF</u></p> <p>Establishing regulations and standards related to agricultural products, including livestock and dairy products.</p> <p><u>Agricultural Marketing Policy Bureau of MIFAFF</u></p> <p>Promoting cooperation of farmers, consumers and the government to secure the safety of agricultural products.</p> <p><u>Fisheries Policy Bureau of MIFAFF</u></p> <p>Promoting the safety and sanitary distribution of fishery products.</p> <p><u>Foodgrain Policy Bureau of MIFAFF</u></p> <p>Supervising the businesses on genetically modified agricultural products and the safety of such products.</p> <p><u>Livestock Bureau of MIFAFF</u></p> <p>Establishing and promoting comprehensive measures to manage the processing and hygiene of livestock products, and the quarantine of imported and exported animal and livestock products.</p>	<p><u>COA</u></p> <p>(a) Acting as the competent authority at the central level on the agricultural, forestry, fishery, animal husbandry and food matters in Taiwan; and</p> <p>(b) guiding and supervising provincial and municipal offices in agricultural, forestry, fishery, animal husbandry and food matters.⁽⁶⁾</p> <p><u>Department of Animal Industry of COA</u></p> <p>Drafting and implementing policies, laws and regulations, and plans relating to the safety management of the breeding of livestock and poultry.</p> <p><u>Agriculture and Food Agency</u></p> <p>(a) Implementing safety management measures during the crop period; and</p> <p>(b) appointing the Agricultural Research Institute (農藥毒物試驗所) to conduct tests for pesticide residues in the agricultural production in Taiwan, according to the tolerance level of pesticides for different crop groups set out in the <i>Pesticide Management Act</i> 《農藥管理法》.</p>

Note: (6) Council of Agriculture, Executive Yuan (2008).

Table – Regulatory framework on food safety in selected places (cont'd)

	Australia	Singapore	South Korea	Taiwan
Major duties of the responsible authorities for food safety regulation (cont'd)			<p><u>NAQS</u> Setting quality standards and grades for agricultural products, such as organic standards for agricultural produce, and enforcing country-of-origin marks and GMO (genetically-modified organisms) labelling of bulk commodities.</p> <p><u>NPQS</u> Implementing regulations pertaining to plants.</p> <p><u>NVRQS</u> Implementing regulations pertaining to both domestic and imported animals and livestock products.</p> <p><u>MHWF</u> (a) Improving food hygiene policies and procedures to secure the safety of food and medicine; and (b) legislating changes for the improvement of food sanitation-related laws.</p> <p><u>Office for Healthcare Policy of MHWF</u> Being responsible for matters related to food safety and nutritional supplements.</p> <p><u>KFDA</u> Enforcing relevant laws and regulations to ensure that food products, both domestically produced and imported, are safe, sound and correctly labelled.</p>	<p><u>BAPHIQ</u> (a) Drafting, implementing and supervising policies, laws and regulations, programmes and plans relating to animal and plant disease and pest control, quarantine, veterinary drugs, animal hygienic material, veterinary public health, quarantine personnel and veterinarian management, inspecting livestock and poultry slaughter sanitation, and handling slaughterhouse registration and management; (b) inspecting and treating diseases of imported and exported animals, and the products of livestock, poultry and fishery; and (c) issuing, examining, managing and supervising phytosanitary certification for imported and exported plants, animals and their products.</p> <p><u>Fisheries Agency</u> (a) Drafting and supervising policies, laws and regulations relating to fisheries; and (b) researching and planning matters concerning fisheries science and fisheries pollution control.</p> <p><u>DOH</u> (a) Promoting self-management of sanitation in the food industries; (b) implementing a food safety control system for fishery products; and (c) enhancing the management of genetically modified food.⁽⁷⁾</p>

Note: (7) Department of Health, Executive Yuan (undated) and Legislative Council Secretariat (2006).

Table – Regulatory framework on food safety in selected places (cont'd)

	Australia	Singapore	South Korea	Taiwan
Organizational structure	<p><u>DAFF</u> Comprising two bureaux, seven divisions, and the Biosecurity Services Group (BSG)⁽⁸⁾. Under BSG, there are six divisions, namely the Animal Division, the Plant Division, the Food Division, the Quarantine Operations Division, the Regional and Business Services Division and the Strategic Projects Division.</p>	<p>AVA comprises four departments: (a) Food and Veterinary Administration Department; (b) Food Supply and Technology Department; (c) Policy and Corporate Communications Department; and (d) Corporate Services Department.</p> <p>The Food and Veterinary Administration Department and the Food Supply and Technology Department are responsible for the enforcement of regulatory measures for locally-produced and imported food products.</p>	<p><u>MIFAFF</u> Comprising three major offices: (a) Planning and Coordination Office (overseeing five bureaux); (b) Food Industry Policy Office (overseeing four bureaux); and (c) Fisheries Policy Office (overseeing three bureaux).</p> <p><u>Agricultural Marketing Policy Bureau of MIFAFF</u> The Agricultural Marketing Policy Bureau under the Food Industry Policy Office consists of six divisions.</p> <p><u>Fisheries Policy Bureau of MIFAFF</u> The Fisheries Policy Bureau under the Fisheries Policy Office consists of three divisions.</p> <p><u>Foodgrain Policy Bureau of MIFAFF</u> The Foodgrain Policy Bureau under the Food Industry Policy Office consists of seven divisions.</p> <p><u>Livestock Bureau of MIFAFF</u> The Livestock Bureau under the Food Industry Policy Office consists of five divisions.</p>	<p><u>COA</u> Comprising six departments, a secretariat, four administrative offices, the Legal Affairs Committee, the Petitions and Appeals Committee, the Information Management Centre, as well as 23 organizational units and 37 affiliated offices under these units.</p> <p><u>Department of Animal Industry of COA</u> Comprising six divisions.</p> <p><u>Agriculture and Food Agency</u> Comprising six divisions, four regional offices, a secretariat and four administrative offices.</p> <p><u>Fisheries Agency</u> Comprising four divisions, the Deep Sea Fishery Research and Development Centre, a secretariat and three administrative offices.</p> <p><u>BAPHIQ</u> Comprising six divisions, a secretariat, three administrative offices and four regional branches.</p>

Note: (8) BSG was formed on 1 July 2009 as a new statutory authority to consolidate DAFF's biosecurity activities which were previously carried out by the Australian Quarantine and Inspection Service (AQIS), Biosecurity Australia (BA), the Product Integrity, the Animal and Plant Health Division, and the Quarantine and Biosecurity Policy Unit. The AQIS and BA branding will continue to be used throughout 2009-2010. While BA now operates as an administrative unit within BSG, the current import clearance and export certification processes operated by AQIS remains unchanged.

Table – Regulatory framework on food safety in selected places (cont'd)

	Australia	Singapore	South Korea	Taiwan
Organizational structure (cont'd)	<p><u>FSANZ</u> Comprising two risk management branches (Canberra and Wellington) and a risk assessment branch, each under a general manager. There is a Chief Scientist who ensures the quality of FSANZ's scientific outputs, and a fifth general manager who has oversight of the legal aspects of FSANZ's work.</p> <p>The general managers report to the Chief Executive Officer, who reports directly to the FSANZ Board, comprising 12 members from Australia and New Zealand.</p>		<p><u>NVRQS</u> Comprising six regional offices and 12 branch offices nationwide.</p> <p><u>NPQS</u> Comprising five divisions, five regional offices (each of these regional offices has one to nine branch offices) and two quarantine stations.</p> <p><u>NAQS</u> Comprising four divisions, nine provincial offices (each of these provincial offices has one to 19 branch offices) and an Experiment and Research Station.</p> <p><u>MHWF</u> Comprising four major offices, and among them, the Office for Healthcare Policy is responsible for food safety matters.</p> <p><u>Office for Healthcare Policy of MHWF</u> Comprising four bureaux and 15 divisions.</p> <p><u>KFDA</u> Comprising a head office, six regional offices and the National Institute of Food and Drug Safety Evaluation. The head office consists of five bureaux and the General Services Division, as well as a Director General for Planning and Coordination.</p>	<p><u>DOH</u> Six operational units, 13 affiliated agencies, 24 hospitals, the Centre for Chest Diseases and five therapeutic care facilities.</p>

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