

**立法會**  
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**Panel on Food Safety and Environmental Hygiene**

**Background brief prepared by the Legislative Council Secretariat  
for the meeting on 8 November 2011**

**Tackling food incidents**

**Purpose**

This paper provides an account of the past discussions by the Panel on Food Safety and Environmental Hygiene ("the Panel") on the Administration's measures in tackling recent food incidents.

**Background**

2. The Food Surveillance Programme ("the Programme") is a key component of food safety assurance of the Centre for Food Safety ("CFS") to control and prevent food hazards. With a view to minimizing public health hazards of consuming unsafe food, the Programme aims to conduct testing on food for compliance with legislative requirements and safety for human consumption. An Expert Committee on Food Safety consisting of academics, professionals, food experts, members of the trade and consumer group, and other experts has been set up under CFS to advise the Director of Food and Environmental Hygiene ("DFEH") in the formulation of food safety measures, review of food safety standards in light of international practices, trends and developments, as well as risk communication strategies. Each year, CFS draws up the Programme based on risk analysis. The Programme is then finalized after being considered by the Expert Committee and having regard to the views of experts and stakeholders.

3. Inspectors of CFS take samples at import, wholesale and retail levels for microbiological and chemical testing for assessing the risk. To be in line with the international trend of putting more focus on target-based surveillance, CFS has since 2007 adopted a three-tier approach to food surveillance strategy covering three main areas, i.e. routine food surveillance, targeted food surveillance and seasonal food surveillance. In addition, CFS also conducts

surveys on popular food items to assess the safety of commonly consumed food items, including various types of breakfast food, street snacks and children snacks.

4. CFS takes risk management actions against problem food, such as issuing warning letters, tracing the source and distribution, requiring the traders concerned to stop selling, recall and dispose of the problem food, as well as initiating prosecutions.

## **Past discussions by the Panel**

### Recent food incidents

5. In 2011, among other food incidents, there were overwhelming public concerns about health threats posed by food contamination caused by radiation in Japan and plasticizer in Taiwan. The Panel had followed up on the matters.

### *Safety of food imported from Japan*

6. The earthquake and the subsequent tsunami which hit Japan on 11 March 2011 had damaged the Daiichi nuclear power plant in Fukushima prefecture, leading to release of radioactive substances in the environment. It was reported by the Japanese authorities that the release of these radioactive substances had contaminated certain foods in prefectures in the vicinity of the nuclear power plant, including Fukushima, Ibaraki, Tochigi and Gunma. Radiation levels hazardous to human health had been found in foods including various vegetables and milk.

7. On 23 March 2011, tests conducted by CFS indicated that three vegetable samples imported from Chiba prefecture of Japan had been contaminated with radioactive substances at such a level hazardous to human health. DFEH made an order under section 78B of the Public Health and Municipal Services Ordinance (Cap. 132) on 23 March 2011 to prohibit the import into and supply within Hong Kong the following food products which were harvested, manufactured, processed or packed on or after 11 March 2011 from five prefectures of Japan, namely Fukushima, Ibaraki, Tochigi, Gunma and Chiba with effect from 12:00 noon on 24 March 2011 until further notice –

- (a) All fruits and vegetables;
- (b) All milk, milk beverage, dried milk; and

- (c) All chilled or frozen game, meat and poultry, all poultry eggs and all live, chilled or frozen aquatic product, unless accompanied by a certificate issued by the competent authority of Japan certifying that the radiation levels do not exceed the standards laid down by Codex Alimentarius Commission in the Guideline Levels for Radionuclides in Foods Contaminated following a Nuclear or Radiological Emergency.

8. The Panel conducted a visit to the Airport Food Inspection Office at the Hong Kong International Airport on 8 April 2011 to observe demonstrations of radioactivity screening of food by hand-held survey meters and operation of Contamination Monitoring System. At its meeting on 17 May 2011, the Panel was briefed by the Administration on the updated position of radiation monitoring of food products imported from Japan.

9. The Panel noted that CFS had stepped up surveillance and tested the radiation level of fresh produce imported from Japan, including milk, vegetables, fruits, meat and aquatic products since 12 March 2011. Other food stuffs were also monitored. As at 16 May 2011, a total of 8 929 samples had been tested. All results were satisfactory except the three samples tested on 23 March 2011 (paragraph 7 above refers). Members were advised that in response to the public concern over radiation contamination, CFS had increased the number of Japanese food samples. Given that the problems arising from the Daiichi nuclear power plant incident were unlikely to be resolved within a short period of time, members were concerned whether the existing manpower resources were adequate for CFS to cope with the increase in food inspection. Members urged the Administration to review its manpower needs to ensure that the food surveillance work would not be affected. The Administration advised members that should the need arise, additional manpower resources would be sought.

*Food contaminated with plasticizer imported from Taiwan*

10. At its meeting on 14 June 2011, the Panel was briefed on the measures taken by the Administration in response to the food contamination with plasticizer incident in Taiwan.

11. Members noted that the Food and Drug Administration ("FDA") in Taiwan announced on 23 May 2011 that di(2-ethylhexyl) phthalate ("DEHP") had been detected in 16 samples of drinks at levels up to 34.1 parts per million ("ppm") as DEHP had been mixed in the clouding agent used in the production of the drinks. Subsequently, further results announced by FDA indicated that DEHP had also been detected in other food products. FDA then further

discovered that the manufacturers mixed another plasticizer, di-isononyl phthalate ("DINP") in the clouding agent. Although acute oral toxicity of DEHP was low, large doses of DEHP were found to affect the liver and kidney as well as the reproduction and development of experimental animals. A test conducted by CFS indicated that the sample of a drink imported from Taiwan contained a plasticizer dibutyl phthalate ("DBP") at a level exceeding the Specific Migration Limit for food contact materials of the European Union. Although the acute toxicity of DBP was low, chronic large-dose exposure to DBP was found to affect the reproduction and development of and caused birth defect in experimental animals.

12. Members noted that to protect the public from possible health threats from the concerned Taiwanese food products contained exceedingly high levels of DEHP or DBP, DFEH made five orders under section 78B of Cap. 132 ("the Orders") between 31 May and 14 June 2011 to prohibit the import into and supply within Hong Kong three sport drinks, a coconut jelly, a drink powder with nutrition claims, two fruit syrup and one fruit juice. DFEH also ordered the trade to complete recall of the concerned food products available in the market within 30 days of the issuance of the respective Orders.

13. Members were concerned about the surveillance and testing of food products contaminated with plasticizer imported from Taiwan. Members were advised that CFS had strengthened its surveillance and testing of the five categories of products (namely, sports drinks, flavoured juice, tea beverages, fruit jam/syrup and fruit jelly, as well as powder and tablet supplement) according to the daily information on the vendors and products involved in the plasticizer contamination incident as released by the Taiwanese authority.

14. Members also expressed concern whether CFS had adequate manpower and equipments to simultaneously cope with the increased workload arising from the Daiichi nuclear power plant incident in Japan and the plasticizer contamination incident. The Administration advised members that CFS was coping with the increased workload through internal deployment and employment of temporary staff. Additional manpower and resources would be sought should the need arise. Members were supportive of providing CFS with adequate manpower and resources where needed.

### **Recent council question**

15. At the LegCo meeting of 19 October 2011, Hon Fred LI raised a question about the presence of nitrite in various types of bird's nests available on the market. He noted that sample tests on bird's nests available for sale in Hong Kong conducted recently by the Hong Kong University of Science and Technology revealed that all samples contained nitrite formed in natural

environment. Although the existing Preservatives in Food Regulation (Cap. 132BD) stipulated the maximum permitted levels of nitrite in a number of food categories (such as cured meat products, etc.), bird's nests and other food containing naturally formed nitrite were not subject to the Regulation. He questioned whether the Administration had conducted sample tests in the past three years on bird's nests to ascertain if they contained nitrite or other preservatives and whether those substances were formed in the course of processing or in the natural environment; and whether it would amend the relevant Regulation to regulate the maximum permitted levels of nitrate in Chinese medicinal materials or vegetables.

16. The Administration advised that according to Cap. 132BD, nitrite and nitrate were only permitted to be used as preservatives in certain food categories such as cured meat and cheeses, but not bird's nests. Nevertheless, section 3(10) of the same Regulation provided that it did not apply to an article of food containing any food additive that was naturally present in that food. The findings of some studies (including those conducted by local universities) show that nitrite might exist naturally in bird's nests. There was as yet no testing method to determine whether nitrite existing in bird's nests naturally occurs or was added intentionally. In the past three years, CFS took a total of seven samples of bird's nests for chemical testing (including six for colouring matters and one for plasticizers). The results of all such samples were satisfactory. At present, there was no international consensus on the regulatory standard of nitrite level in bird's nests and vegetables. CFS would conduct risk assessment to determine whether the nitrite level in food would pose health risk to the public upon consumption. The Administration also advised that proper washing, soaking and cooking could effectively reduce the amount of nitrate and nitrite in bird's nests and vegetables.

### **Relevant papers**

17. A list of the relevant papers available on the LegCo website is in the **Appendix**.

## Relevant papers on food incidents

Meeting	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	17.5.2011 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a> <a href="#">CB(2)1730/10-11(03)</a> <a href="#">CB(2)1730/10-11(04)</a>
	14.6.2011 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a> <a href="#">CB(2)1995/10-11(03)</a> <a href="#">CB(2)1995/10-11(04)</a> <a href="#">CB(2)2050/10-11(01)</a> <a href="#">CB(2)2050/10-11(02)</a> <a href="#">LS 77/10-11</a>
Legislative Council	4.3.2009	<a href="#">Official Record of Proceedings</a> Pages 70 - 73 (Question raised by Hon Fred LI on the unapproved additives in dairy products)
	16.3.2011	<a href="#">Official Record of Proceedings</a> Pages 10 - 33 (Question raised by Hon Alan LEONG, Hon KAM Nai-wai and Hon Paul TSE under Rule 24(4) of the Rules of Procedure)
	17.3.2011	<a href="#">Official Record of Proceedings</a> Pages 45 - 80 (Motion for the adjournment of the Council)
	1.6.2011	<a href="#">Official Record of Proceedings</a> Pages 9 - 16 (Urgent question raised by Hon Alan LEONG under Rule 24(4) of the Rules of Procedure)

Meeting	Date of meeting	Paper
Legislative Council	19.10.2011	<a href="#">Official Record of Proceedings</a> Pages 92 - 94 (Question raised by Hon Fred LI on the presence of nitrite in various types of bird's nests available on the market)
House Committee	1.4.2011 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a> <a href="#">LC Paper No. LS 43/10-11</a>
-	-	<a href="#">LegCo Brief (Ref.: FHB/F/5/1/37)</a> — Issuance of an order under section 78B of the Public Health and Municipal Services Ordinance (Cap. 132) to prohibit the import and supply of certain food products from five prefectures in Japan
-	-	<a href="#">LegCo Brief dated 31 May 2011 (Ref: FHB CR 11/1886/05 Pt.3)</a> — Issuance of an order under section 78B of Cap. 132 to prohibit the import and supply of certain food products from Taiwan and to direct such food products supplied be recalled
-	-	<a href="#">LegCo Brief dated 2 June 2011 (Ref: FHB CR 11/1886/05 Pt.3)</a> — Issuance of an order under section 78B of Cap. 132 to prohibit the import and supply of Sheng Shiang Jen (translation) Konjac Coconut Jelly (Taro flavor) and to direct such food products supplied be recalled

<b>Meeting</b>	<b>Date of meeting</b>	<b>Paper</b>
-	-	<a href="#">Information note dated 24 June 2011 (LC Paper No. CB(2)2215/10-11(01))</a> — Issuance of an order under section 78B of Cap. 132 to prohibit the import and supply of ITAMACHI KING OOLONG Tea Drink from Taiwan and to direct such tea drink supplied be recalled

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