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Panel on Food Safety and Environmental Hygiene

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 5 February 2013**

Food surveillance

Purpose

This paper summarizes the concerns of the members of the Panel on Food Safety and Environmental Hygiene ("the Panel") on the Food Surveillance Programme of the Centre for Food Safety ("CFS") as well as issues relating to the food safety of vegetables imported from the Mainland.

Background

Food Surveillance Programme

2. The Food Surveillance Programme is a major tool adopted by CFS to identify potential food risk and monitor food safety level. Under the Programme, CFS takes food samples at the import, wholesale and retail levels for microbiological, chemical and radiation testing to ensure that food offered for sale complies with all legal requirements and is fit for human consumption.

3. To keep in line with the international trend of putting more focus on project-based surveillance, CFS has since 2007 adopted a three-tier surveillance strategy which consists of routine food surveillance, targeted food surveillance and seasonal food surveillance. CFS also conducts surveys on popular food items to assess the safety of food that is commonly consumed in Hong Kong.

In 2011, apart from the routine food surveillance (covering major food groups such as fruits and vegetables, meat, poultry, aquatic products, milk and cereals), CFS completed the following projects and surveys -

- (a) 12 targeted food surveillance projects, such as sulphur dioxide in meat and microbiological quality of lunch boxes;
- (b) five seasonal food surveillance projects, such as Lunar New Year food and mooncakes; and
- (c) three surveys on popular food items, such as hotpot soup bases and vegetarian food.

4. According to CFS, all food surveillance results are released in a timely manner through press releases and announcements on its website.

Measures put in place to control the food safety of vegetables imported from the Mainland

5. The safety of vegetables imported from the Mainland is a matter of growing public concern. In this connection, the Administration has established administrative arrangements with the Mainland authorities to regulate vegetables supplied to Hong Kong. Since July 2002, all vegetables supplied to Hong Kong must come from registered vegetable farms or registered collection stations in accordance with the requirements set out in the "Administrative Measures on the Quarantine of the Vegetables Supplied to Hong Kong and Macao" ("the Administrative Measures"). In November 2009, the Administrative Measures were amended to further strengthen the supervision and control at source, improve the product tracing system, introduce an electronic supervision system, increase penalties for non-compliance and further realize the food safety management concept of "from source to table".

6. Every year, CFS conducts inspection visits to registered farms on the Mainland to ensure that agricultural products supplied to Hong Kong are wholesome and safe at source. The scope of inspection visits covers crop production; application and storage of pesticides and fertilizers; management and environment of vegetable farms; field management; water supplies and quality of soil; and testing of produce.

Deliberations of the Panel

7. The Panel discussed the Food Surveillance Programme and the food safety of vegetables imported from the Mainland at a number of meetings between 2009 and 2012. The deliberations and concerns of members are summarized below.

Scope of the Food Surveillance Programme

8. Noting that the testing results of the food samples under the Food Surveillance Programme were always found to be satisfactory, members sought information on the considerations that CFS had taken into account when determining the types of food items to be included in the Programme. Some members also questioned the comprehensiveness of the Food Surveillance Programme in view of the recent media reports on the local and overseas food incidents.

9. The Administration advised that CFS adopted a risk-based approach when determining the types of food samples to be collected, the frequency and number of samples for testing, and the types of laboratory analyses to be conducted. CFS would also review the sampling method on a regular basis, taking into account factors such as past food surveillance results, local and overseas food incidents, and the associated risk analyses. It would also consult the Expert Committee on Food Safety on food surveillance projects, which would be implemented only after they had been endorsed by the Expert Committee.

10. As regards the comprehensiveness of the Food Surveillance Programme, the Administration advised that whenever there were local or overseas food incidents, the Administration would take follow-up actions even if the potential risk of the problem food posed to the public health was uncertain. Apart from conducting the routine food surveillance, CFS also conducted targeted and seasonal food surveillance projects to monitor food safety. In addition, CFS would adjust the scope and intensity of food surveillance in the light of the latest overseas and local risk analyses.

Food sampling and testing

11. Members noted that about 65 000 food samples were taken by CFS for testing each year, i.e. 9.3 samples per 1 000 population. Some members doubted whether the number of food samples taken for testing was adequate. They urged the Administration to increase the number of food samples for testing. They also expressed support for allocating additional resources to the work of CFS in respect of food surveillance where necessary. Some members considered that to ensure safety of imported food, samples for testing should be drawn from each consignment, rather than the total import volume, of a food item.

12. According to the Administration, Hong Kong had the highest number of samples tested per 1 000 population (i.e. 9.3) when compared to other overseas countries, such as Canada (1.15), Germany (0.06), Korea (2.3) and the United Kingdom (1.9). CFS took food samples for testing from imported food based on its risk assessment, as it was neither possible nor practical to inspect all imported food. The Administration was of the view that the existing sampling method was effective to ensure food safety.

13. Noting that different testing methods were adopted by the trade, non-government organizations and CFS, some members considered it necessary for the Administration to standardize the testing methods in order to ensure fairness to the trade. The Administration explained that CFS had adopted the split-sample method to ensure comparability in case of prosecution. Under this method, the sample collected would be split in three. While one split sample would be delivered to the Government Laboratory for analysis, the second one would be given to the vendor selling the food and the third one would be kept by CFS. The vendor concerned would conduct his own testing and verify the testing result with that of the Government Laboratory.

14. As regards the different testing results generated from the samples of CFS and those of non-government organizations, the Administration explained that the different testing methods adopted, the conditions of the samples and the part of the samples being tested would have a bearing on the testing results. As the samples collected by CFS were all tested by accredited laboratories, the Administration considered the testing results of CFS reliable.

15. Members were of the view that the surveillance results should be released to the public in a timely manner. The Administration advised that surveillance results were released to the public and the trade regularly in the form of Food Safety Reports. Since 2009, the Food Safety Reports were issued monthly instead of bi-monthly, so that the public and the trade could obtain the latest food safety information in a timely manner.

Actions against problem food

16. Members sought information on the actions taken by CFS on the unsatisfactory samples.

17. According to the Administration, a series of follow-up actions would be taken which included issuing warning letters to the suppliers concerned, tracing the source and distribution, requiring the concerned traders to stop sale, recalling and disposing of the affected food. Prosecution would be taken if there was sufficient evidence.

18. In response to members' concern about the prosecution rate, the Administration advised that there were not many prosecution cases as collection of evidence was difficult in most cases, in particular when the products concerned had already been sold out by the vendors. The Administration stressed that the main objective of food surveillance was to ensure food safety for public consumption rather than penalizing offenders.

Safety of imported food

19. Members were gravely concerned about the safety of imported food, particularly those food products imported from the Mainland. Concern was raised over the regulation and inspection on processed food products directly sourced from food processors of the Mainland by local restaurants and supermarkets. Considering that Hong Kong relied heavily on the imports for its food supply, there was a call for the Administration to carry out stringent food safety checks on imported food. Members also stressed the need to put in place an effective mechanism to trace the source of food in order to tackle the problems of contaminated food.

20. According to the Administration, the Food Safety Ordinance (Cap. 612) had come into full operation since 1 February 2012. Under the Ordinance, all food importers and food distributors were required to register with the Director of Food and Environmental Hygiene and food traders were required to maintain records of movements of food. The Ordinance had enabled CFS to identify the source of food more effectively and take prompt action when dealing with food incidents.

Food safety of vegetables imported from the Mainland

21. Members expressed concern about the food safety of Mainland vegetables supplied to Hong Kong even if they were accompanied with labels issued by the Mainland authorities. Some members pointed out that there were reports of some unscrupulous traders buying labels from registered vegetable farms to export vegetables from improper sources to Hong Kong. They urged the Administration to thoroughly look into these reports as they would seriously undermine the existing control measures on imported vegetables from the Mainland. They also urged the Administration to strengthen communication and cooperation with the Mainland authorities. At its meeting on 3 April 2009, the Panel passed a motion to strongly reprimand the Administration for failing to lay down a timetable and come up with measures to solve the problem of import of vegetables from improper sources into Hong Kong under the disguise of a proper label.

22. Members considered that the new Administrative Measures implemented since November 2009 with a view to better controlling the source of vegetables imported from the Mainland ineffective. They pointed out that even though vegetable farms as well as production and processing establishments were required to affix labels on the packaging of their vegetables supplied to Hong Kong to facilitate source tracing, the problem of some Mainland vegetables supplied to Hong Kong coming from improper sources under the disguise of a proper label still existed. Noting that all delivery vehicles would be sealed up to prevent the vegetables from being mixed with vegetables from unknown sources in the course of transportation, members urged the Administration to put in place effective measures to ensure that the seals of all delivery vehicles bound for Hong Kong would not be tampered with in the course of transportation.

23. According to the Administration, the new Administrative Measures had strengthened the supervision and control at source in respect of vegetable farms

and production and processing establishments which supplied vegetables to Hong Kong. CFS also regularly conducted inspection visits to registered farms and production and processing establishments on the Mainland. In addition, the Customs and Excise Department and its counterparts had also stepped up inspection of delivery vehicles bound for Hong Kong.

24. Members expressed grave concern about the excessive pesticide residues found in the vegetables samples in Hong Kong. Concern was raised on the food safety of vegetables arising by the misuse of pesticides in registered farms on the Mainland.

25. According to the Administration, the Pesticide Residues in Food Regulation (Cap.132CM) was made to facilitate effective regulation of pesticide residues in food and better protect public health. The Regulation would come into operation on 1 August 2014 after a two-year grace period. Apart from enhancing the relevant legislation, the Administration annually visited about 20 registered farms on the Mainland which were of a larger scale and had records of supplying vegetables to Hong Kong. CFS also maintained close communication with the Mainland authorities. If test results indicated that a food sample originated from the Mainland had failed, CFS would request the Mainland authorities to follow up accordingly, including issuing warnings or removing the registered farm concerned from the approved list.

26. Noting the undesirable air quality of certain districts on the Mainland where registered farms were located, some members urged the Administration to monitor the level of heavy metals of vegetables supplied from those districts. They also suggested that the Administration should make known to the public the list of registered farms that could meet the European Union's standards for pesticide residues in food and supplied their farm produce to Europe.

Relevant question raised at Council meeting of 16 May 2012

27. At the Council meeting of 16 May 2012, Hon WONG Sing-chi raised a written question concerning vegetables supplied by the Mainland to Hong Kong. The question and the Administration's reply are in **Appendix I**.

Relevant papers

28. A list of the relevant papers on the Legislative Council website is in **Appendix II**.

Council Business Division 2
Legislative Council Secretariat
4 February 2013

Press Releases *16 May 2012*

LCQ18: Vegetables supplied by the Mainland to Hong Kong

Following is a question by the Hon Wong Sing-chi and a written reply by the Secretary for Food and Health, Dr York Chow, in the Legislative Council today (May 16):

Question:

It has been learnt that over 520 registered vegetable farms on the Mainland, which are regulated by mainland inspection and quarantine authorities, supply vegetables to Hong Kong (Mainland vegetable farms). Moreover, since the Agriculture, Fisheries and Conservation Department and the Vegetable Marketing Organization jointly launched the Accredited Farm Scheme (the Scheme) in 1994, over 250 local farms and 37 farms on the Mainland have been accredited under the Scheme (accredited farms). Regarding the monitoring of such farms and the use of pesticides, will the Government inform this Council:

(a) of the current number of Mainland vegetable farms and Mainland accredited farms inspected by the authorities each year and the items inspected;

(b) whether the inspectors are required to submit inspection reports; if so, whether the authorities publish such reports; if so, where the public can have access to and peruse those reports; if the reports are not published, of the reasons for that;

(c) whether the authorities have a list of pesticides against which the vegetables produced by the Mainland vegetable farms are checked; if so, of the names of the pesticides on the list;

(d) whether there is a list of suggested pesticides or prohibited pesticides under the Scheme; whether vegetable farms which are both Mainland vegetable farms and accredited farms should follow Hong Kong's regulations and policies on the use of pesticides or those of the local government; and

(e) given that Hong Kong will soon implement legislation on the regulation of pesticide residues on food, whether the authorities will set the target for reduction in the amount of pesticides (pesticide reduction) and work with the relevant Mainland authorities to carry out the initiatives for pesticide reduction at source and encourage operators of Mainland vegetable farms to reduce the use of pesticides; if they will, of the details; if not, the reasons for that?

Reply:

President,

The Government is committed to enhancing food safety through a multi-pronged approach. It adopts the "from farm to table" strategy to safeguard public health by ensuring that food consumed by the public meets safety standards. This includes not only surveillance at the import, wholesale and retail levels, but also proper control at source. In 2011, 21 700 samples of vegetables and fruits were tested by the Centre for Food Safety (CFS) with a satisfaction rate of over 99%. As the Mainland is a

major supplier of food to Hong Kong, we have maintained close liaison with the State General Administration of Quality Supervision, Inspection and Quarantine and the respective entry-exit inspection and quarantine bureaux. We also conduct inspections of registered vegetable farms for exportation to Hong Kong on the Mainland regularly to ensure that agricultural products supplied to Hong Kong are wholesome and safe at source.

My reply to the different parts of the question is as follows:

(a) The Food and Environmental Hygiene Department conducted inspections of 20, 16 and 20 registered vegetable farms for exportation to Hong Kong on the Mainland respectively in 2009, 2010 and 2011. The scope of inspection mainly covers crop production, the application and storage of pesticides and fertilizers, the environment of vegetable farms, field management, water supplies and quality of soil, testing of produce and management of farms.

The Agriculture, Fisheries and Conservation Department (AFCD) and the Vegetable Marketing Organization (VMO) have jointly run the Accredited Farm Scheme (the Scheme). The Scheme aims at promoting the adoption of good horticultural practice and environmentally friendly production. Integrated pest management and the proper and safe use of pesticides are emphasised. Produce of the farms are subjected to regular testing to ensure production of quality vegetables that are safe for consumption, so as to safeguard public health. So far 259 local farms and 37 farms on the Mainland have been accredited under the Scheme.

Regarding accredited farms on the Mainland, VMO and the Federation of Vegetable Marketing Co-operative Societies Limited, with the technical support from AFCD, inspect all 37 accredited farms on the Mainland regularly every year. Inspection items include horticultural practice of farms as well as the records of storage and usage of pesticides. In addition, VMO regularly commissions independent auditors to review the performance of the farms concerned.

(b) Inspectors are required to submit an inspection report for each visit made. As these reports touch upon business information of the farms concerned, they are not published for public consumption.

(c) The risk-based Food Surveillance Programme carried out by CFS each year is drawn up after being scrutinised by the Expert Committee on Food Safety and having regard to the views of experts and stakeholders.

Currently, the types of pesticides commonly tested by CFS under the Food Surveillance Programme include organophosphorus pesticides, organochlorine pesticides, pyrethroids, carbamates, etc. As regards accredited farms on the Mainland, the vegetable samples collected from these farms will be sent to VMO for testing of the same types of pesticides as those under the Food Surveillance Programme. The scope and frequency of testing conducted by VMO and CFS will be appropriately adjusted taking into account test results, food incidents around the world, the development and information of the Mainland agricultural sector, etc.

(d) Accredited farms on the Mainland are operated in accordance with the regulations and policies of relevant Mainland

authorities. Pesticides used must be those which are registered by the Ministry of Agriculture. Produce which have been imported into Hong Kong will be regulated by relevant local legislation on food safety.

(e) In enacting legislation to regulate pesticide residues in food, the Government has specified in the Schedule of the Pesticide Residues in Food Regulation a list of maximum residue limits (MRLs) /extraneous maximum residue limits (EMRLs), i.e. the maximum concentration of specified pesticide residues permitted in specified food commodities. The MRLs / EMRLs in the Schedule are based primarily on the available standards recommended by the Codex Alimentarius Commission, supplemented by related standards of the Mainland and other major food exporting countries to Hong Kong, and taking into consideration the opinions received during the public consultation period. In setting the above standards, the Government has further scrutinised these standards by conducting risk assessment based on local food consumption patterns to ensure that they are adequate to protect public health in Hong Kong.

The MRLs are established by evaluating pesticide residue data in food commodities, provided that pesticide is applied properly. When applying a pesticide, farmers must strictly observe the instructions printed on its label, including the authorised type of food commodities to which the pesticide could be applied, the recommended application rates, frequencies and amount, as well as the duration required between the last application of the pesticide and harvest, etc. The amount of the pesticide applied should also be limited to the lowest possible level necessary to accomplish its desired effect (i.e. for preventing, destroying, repelling or mitigating pests) while ensuring the pesticide residue in food is reduced to the lowest level. In this respect, the promotion of reduction of pesticide at source has already been part of our daily work.

However, due to the variability of combined effects arising from the nature of crops, climates, pests, and other biological and non-biological factors, it is not scientific or realistic to set a target for pesticide reduction.

Ends/Wednesday, May 16, 2012

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Relevant papers on Food surveillance

Committee	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	9.1.2009 (Item I)	Agenda Minutes
Panel on Food Safety and Environmental Hygiene	3.4.2009 (Item I)	Agenda Minutes CB(2)1554/08-09(01)
Panel on Food Safety and Environmental Hygiene	9.6.2009 (Item VI)	Agenda Minutes
Panel on Food Safety and Environmental Hygiene	8.12.2009 (Item IV)	Agenda Minutes CB(2)829/09-10(01)
Panel on Food Safety and Environmental Hygiene	12.1.2010 (Item III and IV)	Agenda Minutes
Panel on Food Safety and Environmental Hygiene	8.3.2011 (Item V)	Agenda Minutes
Panel on Food Safety and Environmental Hygiene	10.4.2012 (Item VI)	Agenda Minutes
Panel on Food Safety and Environmental Hygiene	12.6.2012 (Item VI)	Agenda Minutes
Legislative Council	16.5.2012	Official Record of Proceedings Question 18