

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2343/13-14  
(These minutes have been seen  
by the Administration)

Ref : CB2/PL/FE

**Panel on Food Safety and Environmental Hygiene**

**Minutes of meeting**  
**held on Tuesday, 11 March 2014, at 2:30 pm**  
**in Conference Room 3 of the Legislative Council Complex**

- Members present** : Dr Hon Helena WONG Pik-wan (Chairman)  
Hon Tommy CHEUNG Yu-yan, SBS, JP  
Hon Vincent FANG Kang, SBS, JP  
Hon WONG Kwok-hing, BBS, MH  
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN  
Hon Cyd HO Sau-lan  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Dr Hon LEUNG Ka-lau  
Hon CHEUNG Kwok-che  
Hon WONG Kwok-kin, BBS  
Hon WONG Yuk-man  
Hon Claudia MO  
Hon WU Chi-wai, MH  
Hon CHAN Chi-chuen  
Dr Hon Kenneth CHAN Ka-lok  
Hon Alice MAK Mei-kuen, JP  
Dr Hon KWOK Ka-ki  
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
- Members absent** : Hon Steven HO Chun-yin (Deputy Chairman)  
Hon Alan LEONG Kah-kit, SC  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon CHAN Han-pan
- Public Officers attending** : Item IV  
Professor Sophia CHAN Siu-chee, JP  
Under Secretary for Food and Health

Mr Christopher WONG Kwok-bun, JP  
Deputy Secretary for Food and Health (Food) 1

Dr Thomas SIT Hon-chung  
Assistant Director (Inspection and Quarantine)  
Agriculture, Fisheries and Conservation Department

Dr Shirley Veronica CHUK Sheung-ying  
Senior Veterinary Officer (Animal Health)  
Agriculture, Fisheries and Conservation Department

Mr SIN Kwok-hau, JP  
Assistant Director (Operations) 3  
Food and Environmental Hygiene Department

Dr LEE Siu-yuen, JP  
Assistant Director (Food Surveillance and Control),  
Centre for Food Safety  
Food and Environmental Hygiene Department

Item V

Professor Sophia CHAN Siu-chee, JP  
Under Secretary for Food and Health

Mr Christopher WONG Kwok-bun, JP  
Deputy Secretary for Food and Health (Food) 1

Dr SO Ping-man  
Assistant Director (Fisheries)  
Agriculture, Fisheries and Conservation Department

Mr Mickey LAI Kin-ming  
Senior Fisheries Officer (Sustainable Fisheries)  
Agriculture, Fisheries and Conservation Department

Item VI

Professor Sophia CHAN Siu-chee, JP  
Under Secretary for Food and Health

Mr Jeff LEUNG Wing-yan  
Principal Assistant Secretary for Food and Health (Food) 1

Dr LEE Siu-yuen, JP  
Assistant Director (Food Surveillance and Control),  
Centre for Food Safety  
Food and Environmental Hygiene Department

Dr Raymond HO Lei-ming  
Principal Medical Officer (Risk Management),  
Centre for Food Safety  
Food and Environmental Hygiene Department

Item VII

Professor Sophia CHAN Siu-chee, JP  
Under Secretary for Food and Health

Mr Jeff LEUNG Wing-yan  
Principal Assistant Secretary for Food and Health (Food) 1

Dr LEE Siu-yuen, JP  
Assistant Director (Food Surveillance and Control),  
Centre for Food Safety  
Food and Environmental Hygiene Department

**Clerk in attendance** : Ms Alice LEUNG  
Chief Council Secretary (2) 2

**Staff in attendance** : Miss Carrie WONG  
Assistant Legal Adviser 4

Mr Jove CHAN  
Senior Council Secretary (2) 2

Mr Richard WONG  
Council Secretary (2) 2

Miss Emma CHEUNG  
Legislative Assistant (2) 2

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**I. Confirmation of minutes**  
(LC Paper No. CB(2)990/13-14)

The minutes of the special meeting held on 19 November 2013 were confirmed.

**II. Information paper(s) issued since the last meeting**  
(LC Paper Nos. CB(2) 873/13-14(01), CB(2)886/13-14(01), CB(2)915/13-14(01), CB(2)929/13-14(01), CB(2)953/13-14(01), CB(2)985/13-14(01), CB(2)986/13-14(01), CB(2)987/13-14(01) and CB(2)1021/13-14(01))

2. Members noted that the following papers had been issued since the last meeting -

- (a) Letter dated 19 December 2013 from Dr Hon Helena WONG Pik-wan to Controller, Centre for Food Safety regarding the detection of excessive cadmium in rice in Hong Kong as reported by the Consumer Council in December 2013;
- (b) Referral memorandum from Legislative Council ("LegCo") Members' meeting with Wan Chai District Council members on 9 January 2014 concerning the regulation of feeding wild pigeons in urban area;
- (c) Referral memorandum from LegCo Members' meeting with Tuen Mun District Council members on 5 December 2013 concerning the unauthorized columbaria in Tuen Mun;
- (d) Referral memorandum from the Public Complaints Office of the LegCo Secretariat on issues relating to "green burial" and the provision of public niches as well as the waiting for and allocation of a public niche;
- (e) Administration's response to the letter dated 7 February 2014 from Hon WONG Kwok-hing regarding the detection of excessive cadmium in rice;
- (f) Administration's response to the letter dated 19 December 2013 from Dr Hon Helena WONG Pik-wan regarding the detection of excessive cadmium in rice;

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- (g) Referral memorandum from LegCo Members' meeting with Central and Western District Council members on 28 November 2013 concerning the management of public markets in the Central and Western District;
- (h) Letter dated 28 February 2014 from Hon Christopher CHUNG Shu-kun on the rise in rodent infestation rate; and
- (i) Administration's response to Hon Christopher CHUNG Shu-kun's letter dated 28 February 2014 regarding the rise in rodent infestation rate.

Rodent infestation rate

3. The Chairman informed members that the paper as referred to in paragraph 2(i) above had been issued to members on the day before the meeting. The subject of rodent control had been included in the list of outstanding items for discussion and the Administration had proposed to discuss the subject at the regular Panel meeting to be held in June or July 2014. Mr Christopher CHUNG said that the Administration should be requested to provide the most updated figures of rodent infestation rate before the meeting scheduled for discussion of the subject.

Issuance of Itinerant (Frozen Confectionery) Hawker Licence

4. Members noted that a submission dated 8 March 2014 from a member of the public expressing concern about the progress of the issuance of Itinerant (Frozen Confectionery) Hawker Licence was tabled at the meeting. At the suggestion of Mr WONG Kwok-hing, members agreed that the Panel should follow up on the subject at a future Panel meeting.

**III. Date of next meeting and items for discussion**  
(LC Paper Nos. CB(2)992/13-14(01) and (02))

5. Members agreed to discuss the following items as proposed by the Administration at the next regular meeting scheduled for Tuesday, 8 April 2014 -

- (a) Further discussion on proposed updating of Schedule 1 to the Pesticide Residues in Food Regulation (Cap. 132CM);
- (b) Amendments to the Veterinary Surgeons Registration Ordinance (Cap. 529) - reporting on the outcome of consultation and briefing on the legislative proposals (for expanding the

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membership of the Veterinary Surgeons Board and streamlining its modus operandi); and

- (c) Proposed legislative proposals to amend the liquor licensing regime.

To allow sufficient time for discussion, members further agreed that the meeting time of the next regular meeting would be extended by 30 minutes and advanced to start at 2:00 pm.

6. The Chairman informed members that the report of the research study on liquor licensing system in selected places prepared by the Research Office of LegCo Secretariat would be circulated to members to facilitate the discussion on the item as referred to in paragraph 5(c) above.

Study on wholesale markets

7. At the suggestion of the Chairman, members agreed that the Panel would conduct a visit to the Cheung Sha Wan ("CSW") Temporary Wholesale Poultry Market ("CSW Wholesale Poultry Market") and the CSW Wholesale Vegetable Market to better understand the operation and management of these two wholesale markets. Non-Panel Members would be invited to participate in the visit if there were vacancies available. Members also agreed that the Administration should update the Panel on the progress of its study on wholesale markets at a meeting in this session.

*(Post-meeting note: The visit to the CSW Wholesale Poultry Market and the CSW Wholesale Vegetable Market was conducted on 27 May 2014.)*

**IV. Latest development on the prevention and control of avian influenza**

(LC Paper Nos. CB(2)992/13-14(03) and (04))

8. At the invitation of the Chairman, Under Secretary for Food and Health ("USFH") briefed members on the proposed disbursement of ex-gratia payments ("EGPs") to the affected poultry operators, the implementation of the measures to prevent the spread of avian influenza ("AI") and the follow-up actions taken by the Administration after the Government had confirmed on 27 January 2014 a number of positive H7 AI samples tested in a batch of imported live chickens, and the details of which were set out in the Administration's paper (LC Paper No. CB(2)992/13-14(03)).

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9. Members also noted the updated background brief entitled "Avian influenza prevention measures" (LC Paper No. CB(2)992/13-14(04)) prepared by LegCo Secretariat.

The proposed check-point at Ta Kwu Ling

10. Members noted the Administration's proposal that in the event of an AI incident which led to the closure of the CSW Wholesale Poultry Market, local poultry could be delivered to retail outlets via a check-point at the Government farm in Ta Kwu Ling ("the proposed TKL check-point") during the closure period.

11. The Chairman, Mr WONG Kwok-hing, Mr Tommy CHEUNG, Ms Cyd HO and Dr Priscilla LEUNG were disappointed that the Administration failed to identify a suitable site for establishing a separate wholesale market for imported live poultry. They maintained their view that the Administration should pursue the proposal of separate holding of imported and local live poultry before AI testing results were available so as to avoid the risk of cross infection. Mr WU Chi-wai and Mr Tommy CHEUNG said that the proposed TKL check-point would be acceptable as a short-term measure in response to AI incidents.

12. Mr WONG Yuk-man said that there was consensus among Panel members regarding separation of the supply chain of local live chickens from that of chickens imported from the Mainland. He criticized that when the Administration rolled out the Buy-out Scheme for live poultry trade in 2008, it stated that those operators who had chosen to stay in the live poultry trade had to bear the risks of further AI incidents. He was gravely dissatisfied at the Administration's stance and opined that the Administration was shifting its responsibilities to those operators.

13. USFH explained that the Administration had planned to establish temporary holding facilities in Fu Tei Au for imported live poultry while testing results were pending before they were delivered to the CSW Wholesale Poultry Market. However, according to the estimate worked out by the relevant works department, it would take at least 15 months to set up the proposed holding facilities. The continued suspension of the import of live poultry would have adverse impact on the supply of poultry. To facilitate the early resumption of live poultry import from the Mainland while keeping the AI risk under control, the Administration was looking into the option of establishing a check-point for local live chickens at the Government farm in Ta Kwu Ling.

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14. USFH further advised that the Government farm in Ta Kwu Ling was considered not suitable for operating as a wholesale poultry market taking into account factors such as the planning and use of the site, the infrastructure required for the temporary holding of live poultry, and the impact on the neighbouring environment and community. USFH stressed that the Administration had noted the poultry operators' wish to resume live poultry import from the Mainland as early as possible. The Administration would endeavour to put in place the proposed TKL check-point within the four-month suspension period for the import of live poultry from the Mainland. In the event of an AI incident which led to the closure of the CSW Wholesale Poultry Market, local poultry could be delivered to retail outlets via the check-point during the closure period. This would allow the continued supply of local live poultry to the market.

15. In response to Dr LEUNG Ka-lau's view about the time required for carrying out thorough cleansing and disinfection at the CSW Wholesale Poultry Market, Assistant Director (Inspection and Quarantine)/Agriculture, Fisheries and Conservation Department ("AD(IQ)/AFCD") explained that in the event of the detection of AI positive samples in imported live chickens delivered to the CSW Wholesale Poultry Market, the wholesale market would be declared as an infected place in accordance with the existing protocol. According to the advice of the World Organization for Animal Health, the infected place should be closed for 21 days for thorough cleansing and disinfection in order to minimize AI risk. The proposed TKL check-point would allow the continued supply of local live chickens to the market and reduce the impact on the industry under such circumstances.

Long-term measures to reduce the risk of AI outbreaks in Hong Kong

16. Miss Alice MAK considered it important for the Administration to get hold of all information on the latest situation of AI outbreaks in the Mainland. She asked whether the Administration had any plans to conduct a comprehensive study on the long-term measures to reduce the risk of AI outbreaks in Hong Kong such as ceasing import of live poultry from the Mainland and implementing centralized slaughtering in Hong Kong. Dr KWOK Ka-ki also asked whether the Administration would reconsider the proposal of implementing centralized slaughtering for live poultry in Hong Kong.

17. USFH responded that, as H7N9 AI was pathogenic to humans, in the event of a confirmed human infected case of AI reported in the Mainland, the relevant Mainland health authorities would notify the Centre for Health Protection in Hong Kong in accordance with the existing notification system. In respect of AI cases in birds and poultry, the Administration had been



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maintaining close liaison with the relevant Mainland inspection and quarantine authorities to keep abreast of the latest development and to exchange views and information on issues of common concern including testing methodologies. USFH said that at present, the Administration had no intention to revive the proposal to implement centralized slaughtering for live poultry in Hong Kong. That said, the Administration was considering engaging a consultant to study whether Hong Kong should continue the practice of selling live poultry and make recommendations in this regard. The Administration would consult the Panel when the consultancy study was completed.

18. Miss Alice MAK and Dr Priscilla LEUNG urged the Administration to remove the CSW Wholesale Poultry Market from the vicinity of residential areas in CSW. In response, USFH said that the Administration had been looking for sites that would be suitable for relocating the wholesale market, but had yet to identify a suitable site for the relocation. The Administration would continue the efforts and would consult the poultry trade on the sites identified for such purpose.

19. Sharing similar view that local chicken farms could provide adequate supply of live chickens to meet local demand, Mr WONG Yuk-man, Miss Alice MAK and Ms Cyd HO considered that the Administration should consider importing chilled chickens only and ceasing import of live chickens from the Mainland.

20. Dr Priscilla LEUNG said that as many members of the public preferred consuming live chickens to chilled or frozen chickens, the Administration should not cease import of live poultry from the Mainland. The Administration should continue its efforts to closely monitor the supply chain of live poultry.

Compensation and EGPs to affected poultry operators

21. Members expressed concerns about the disbursement of compensation and EGPs to affected poultry operators. Mr WONG Yuk-man pointed out that the statutory compensation made by the Government to owners of the birds slaughtered by order under the Public Health (Animals and Birds) Ordinance (Cap. 139) ("the Ordinance") was only \$30 per bird. He criticized that as the compensation level of \$30 per bird was made in 1999, it was unreasonably low nowadays. Mr Tommy CHEUNG urged the Administration to expeditiously disburse EGPs to the affected operators in the live poultry supply chain, including the poultry wholesalers and transporters. Dr KWOK Ka-ki enquired about the financial implications of the compensation and EGPs to poultry operators affected.

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22. USFH advised that the Finance Committee at its meeting on 21 February 2014 had endorsed the compensation and EGP package for live poultry operators affected by the AI incident occurred on 27 January 2014. The Agriculture, Fisheries and Conservation Department ("AFCD") and the Food and Environmental Hygiene Department would proceed to process applications from the live poultry operators concerned with a view to disbursing the compensation and EGPs as early as possible.

Supply of chickens from local farms

23. Mr Tommy CHEUNG said that the import of day-old chicks had been ceased during the 21-day suspension of live poultry trading between 29 January and 18 February 2014. He was concerned whether local farms could maintain adequate supply of live chickens to the market in the following months.

24. AD(IQ)/AFCD explained that as the import of day-old chicks had been resumed on 19 February 2014 after the 21-day suspension period, and that around 50% of day-old chicks were raised in local farms, the local farms should be able to maintain stable supply of live chickens to the market in the following months. He added that there were currently around one million chickens raised at local farms.

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25. At the request of Mr Tommy CHEUNG, USFH undertook to provide a written response on whether import of day-old chicks from the Mainland had been suspended during the 21-day period, and the impact, if any, on the supply of live chickens from local farms after the resumption of trading of live poultry.

*(Post-meeting note: The Chinese and English versions of the Administration's response were issued to members vide LC Paper No. CB(2)1506/13-14 on 13 and 15 May 2014 respectively.)*

AI risk posed by fertilized duck eggs

26. Mr WONG Kwok-hing expressed grave concern about the safety of the consumption of fertilized duck eggs which were reportedly imported from Vietnam where there were H5N1 AI incidents. He sought clarification on whether the Administration had banned the import of fertilized duck eggs from Vietnam into Hong Kong.

27. Assistant Director (Food Surveillance and Control), Centre for Food Safety ("AD(FSC)/CFS") explained that the import of poultry eggs (including fresh, whether fertilized or not, salted and preserved eggs) from Vietnam had

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been suspended since September 2012. In early October 2013, the suspension was partially lifted under which the import of salted eggs that were accompanied with approved health certificates would be permitted. However, due to the outbreak of AI in a number of Vietnamese provinces, the Centre for Food Safety ("CFS") had again suspended the import of salted eggs from Vietnam starting from 27 February 2014. AD(FSC)/CFS advised that CFS noted on 3 March 2014 through its regular Food Incident Surveillance System that there had been media reports that fertilized duck eggs were found under storage and for sale in certain local food retail outlets and food premises. CFS had accordingly conducted blitz inspections of the retail outlets concerned. Inspections and reviews of the food acquisition records had also been conducted at the related food premises. No sale of the relevant products had been detected. AD(FSC)/CFS said that CFS would continue to take enforcement actions as necessary so as to prevent poultry eggs originating from countries/places with import bans from entering the market and to ensure food safety and safeguard public health.

28. Noting that there were no legal requirements for the import of fertilized duck eggs to be accompanied with a health certificate, Mr WONG Kwok-hing was worried that this might be a loophole. He urged the Administration to take actions, where appropriate, to address this issue.

Conclusion

29. In summing up, the Chairman said that members maintained their view that the Administration should consider segregating the imported and local live poultry and holding the imported poultry at a suitable location until the AI testing results were available before their release to the wholesale poultry market.

**V. Application of the Convention on the Conservation of Antarctic Marine Living Resources to Hong Kong**  
(LC Paper Nos. CB(2)992/13-14(05) and (06))

30. At the invitation of the Chairman, USFH briefed members on the proposal to introduce a control scheme for the trading of toothfish by way of a new piece of legislation for the implementation of the Convention on the Conservation of Antarctic Marine Living Resources ("CCAMLR") in Hong Kong, details of which were set out in the Administration's paper (LC Paper No. CB(2)992/13-14(05)).

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31. Members also noted the information note entitled "The Convention on the Conservation of Antarctic Marine Living Resources" (LC Paper No. CB(2)992/13-14(06)) prepared by LegCo Secretariat.

Impact on the trade

32. In response to Mr WONG Kwok-hing's enquiry, Assistant Director (Fisheries)/AFCD ("AD(F)/AFCD") advised that CCAMLR was an international convention with the objective to conserve Antarctic marine living resources by regulating activities associated with the rational utilization and management of the marine living resources in the Convention area. CCAMLR supported the conservation of Antarctic marine living resources through, among others, a set of Conservation Measures ("CMs") adopted by the Commission for the Conservation of Antarctic Marine Living Resources ("the Commission"). With a view to protecting toothfish from illegal, unreported and unregulated fishing internationally, the Commission adopted a Catch Documentation Scheme under which each catch or shipment of toothfish must be accompanied by a valid catch document issued in accordance with the relevant CMs.

33. Expressing support for the proposal to extend CCAMLR to the Hong Kong Special Administrative Region ("HKSAR"), Mr WONG Kwok-hing asked whether toothfish was the only type of Antarctic fish that was traded in Hong Kong. AD(F)/AFCD confirmed in the affirmative, saying that the trade volume and commercial activities in relation to toothfish in Hong Kong had been increasing and Hong Kong was becoming one of the major importing economies of toothfish. After extending CCAMLR to HKSAR, the Administration would be able to obtain more accurate data on the trade volume of toothfish in Hong Kong. Under the relevant CM in relation to port inspections of fishing vessels carrying Antarctic marine living resources, the HKSAR Government could deny port access of fishing vessels which carried the relevant marine resources caught through illegal, unreported and unregulated fishing activities.

34. Ms Cyd HO and Mr WONG Kwok-hing expressed similar concern about the impact of the extension of CCAMLR to HKSAR on the trade. They considered that the Administration should conduct a survey to identify the importers of toothfish in Hong Kong and assess the impact on the trade. Mr WONG enquired whether the Administration had the relevant records on the volume of toothfish imported into Hong Kong annually.

35. AD(F)/AFCD responded that as there was presently no legal requirements for recording the transactions of toothfish in Hong Kong, it was difficult for the Administration to collect accurate data on the import volume

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of toothfish. While the statistics compiled by the Commission showed that more than 2 000 tonnes of toothfish were imported into Hong Kong or re-exported in 2012, the statistics compiled by the Census and Statistics Department showed the import volume of toothfish was recorded as only some 500 tonnes in the same year. With the introduction of a control scheme for the trading of toothfish, the Administration would be able to collect more accurate trading record.

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36. USFH said that the Administration would provide supplementary information on the number of traders and importers of toothfish in Hong Kong, as well as the number of traders and importers which imported toothfish from countries and places where CCAMLR had not been implemented after the meeting.

*(Post-meeting note: The Administration's supplementary information was issued to members vide LC Paper No. CB(2)1611/13-14 on 26 May 2014.)*

37. The Chairman expressed support for the conservation of Antarctic marine living resources. Noting that 1 017 tonnes of toothfish were imported into Hong Kong in 2013, she sought clarification on whether the imported toothfish was for local consumption or re-export to other countries/places, and whether toothfish constituted a significant proportion of the total consumption of fisheries produce in Hong Kong. She wondered whether the Administration had estimated the decrease in the trade volume of toothfish in Hong Kong and the impact on the retail price of toothfish after the implementation of CCAMLR in Hong Kong.

38. In response, AD(F)/AFCD said the trade volume of toothfish in Hong Kong had increased in the course of time from around 3% of the total volume exported by contracting parties before 2009 to 13% in 2012. However, for the seafood trading sector in Hong Kong, toothfish only constituted a small proportion of the fisheries produce trade which accounted for less than 0.5% of the total consumption of fisheries produce. As toothfish obtained in the Convention area in compliance with the relevant CMs should already have the necessary documents as required by the harvesting/exporting contracting parties, the additional costs to be incurred on the trade in meeting the relevant documentation requirements were therefore expected to be minimal. The Administration did not expect that there would be much change to the trade volume of toothfish in Hong Kong after extending application of CCAMLR to HKSAR.

39. Noting that traders in Hong Kong should only import toothfish from contracting parties after the extension of application of CCAMLR to HKSAR,

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Mr Tommy CHEUNG indicated reservations on the Administration's proposal. He considered that the Administration should conduct a business impact assessment to study the impact on the trading activities of toothfish in Hong Kong, and all traders, regardless whether they imported toothfish from contracting parties or non-contracting parties, should be consulted.

40. USFH responded that after consulting the Panel on the overall approach and the key elements of the proposed new legislation, the Administration would engage the relevant stakeholders (including seafood traders and importers, environmental concern groups, and the relevant advisory committees) to seek their views on the proposed control scheme. The Administration would take into consideration the views collected before fine-tuning the proposed scheme and drafting the proposed legislation. AD(F)/AFCD supplemented that currently there were more than 10 companies engaging in the trading of toothfish in Hong Kong. He further said that most of the countries/places with vessels engaged in the fishing and research activities in the convention area were already the contracting parties to CCAMLR.

#### Extension of CCAMLR to HKSAR

41. While expressing support for the conservation of Antarctic marine living resources, Ms Cyd HO and Dr Kenneth CHAN were concerned about the legal basis for the HKSAR Government to decide to apply CCAMLR to HKSAR. Ms HO pointed out that in accordance with Article 153 of the Basic Law, "The application to the Hong Kong Special Administrative Region of international agreements to which the People's Republic of China is or becomes a party shall be decided by the Central People's Government ("CPG"), in accordance with the circumstances and needs of the Region, and after seeking the views of the government of the Region." Dr CHAN asked whether it was CPG which notified the HKSAR Government to prepare for the legislative process.

42. USFH reiterated that in view of the latest development and to contribute to the international concerted efforts in the protection and sustainable use of Antarctic marine living resources, the HKSAR Government in consultation with CPG had decided to extend application of CCAMLR to HKSAR. At the request of the Chairman and Ms Cyd HO, USFH undertook to provide supplementary information on the legal basis of the Administration's proposal after the meeting.

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*(Post-meeting note: The Administration's supplementary information was issued to members vide LC Paper No. CB(2)1611/13-14 on 26 May 2014.)*

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43. Ms Cyd HO hoped that the Administration would not include provisions which were not related to the purpose and requirements of CCAMLR in the proposed legislation. Dr Kenneth CHAN considered that to allow flexibility to include new additional Antarctic marine living resources in the proposed control scheme in future, it would be better for the Administration to draft the proposed legislation as a piece of framework legislation. USFH responded that the Administration would take their views into account when preparing the draft legislation.

**VI. Report on the Food Surveillance Programme for 2013**

(LC Paper Nos. CB(2)992/13-14(07) and (08))

44. With the aid of PowerPoint presentation, USFH and Principal Medical Officer (Risk Management), Centre for Food Safety ("PMO(RM)/CFS") briefed members on the report of the Food Surveillance Programme of CFS in 2013 as detailed in the Administration's paper (LC Paper No. CB(2)992/13-14(07)).

*(Post-meeting note: The softcopy of the PowerPoint presentation materials was issued to members vide LC Paper No. CB(2)1038/13-14(01) on 11 March 2014.)*

45. Members also noted the updated background brief entitled "Food surveillance" (LC Paper No. CB(2)992/13-14(08)) prepared by LegCo Secretariat.

Detection of heavy metals in food

46. Mr WONG Kwok-hing expressed concern about the presence of heavy metals in food including rice and vegetables. He asked about the enforcement actions taken by CFS against the food traders engaged in the sale of rice which contained excessive cadmium and in response to the research report of the Hong Kong Organic Resource Centre ("HKORC") that copper was being found in broccoli imported from the registered farms in the Mainland.

47. PMO(RM)/CFS advised that in response to a study conducted by the Consumer Council in late 2013, in which three rice samples were detected with cadmium levels exceeding the legal limit, CFS had immediately inspected major retail outlets and one of the products concerned was found on sale. Tests for metallic contamination (including cadmium) were conducted on the samples of that product collected, with results indicating that the cadmium level was 0.28 mg/kg, exceeding the legal limit of 0.1 mg/kg. CFS

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promptly informed the public through a press release. It also sent warning letters to the retailer and the distributor concerned to order them to suspend the sale of the affected batch of the product to ensure food safety and safeguard public health. CFS would take appropriate enforcement actions against the parties concerned if there were substantiated evidence. CFS had also notified the relevant Mainland authorities of the test results for follow-up.

48. Regarding the presence of copper in vegetables, AD(FSC)/CFS said that the research report of HKORC had indicated that the level of copper detected in the samples of broccoli concerned had not exceeded the legal limit in Hong Kong, though exceeding the limits adopted by some overseas countries/places. Different countries/places would set their own legal limits for heavy metals or other substances in food in accordance with their people's dietary exposures and risk assessments. AD(FSC)/CFS further advised that the Expert Committee on Food Safety ("the Expert Committee") had commenced to review the need for revising the maximum permitted levels of heavy metals in food.

49. Noting that the rapid tests conducted at the Man Kam To Food Control Office only analyzed pesticide residues in vegetables, the Chairman enquired about the measures taken by CFS to safeguard food safety and to ensure that no excessive heavy metals would be present in vegetables imported from the Mainland. In response, AD(FSC)/CFS advised that CFS took a few hundreds of vegetable samples annually for food tests on heavy metals by the Government Laboratory. A very high percentage of the testing results were satisfactory.

Food safety risks posed by fertilized duck eggs

50. Mr WONG Kwok-hing reiterated his concern about the food safety of fertilized duck eggs and requested the Administration to consider regulation of the sale of fertilized duck eggs by requiring all imported fertilized duck eggs to be accompanied with the health certificates issued by the relevant authorities of the exporting countries.

51. AD(FSC)/CFS advised that while there was currently no legal requirements for permits for the import of duck eggs, the Administration encouraged importers of duck eggs to obtain the relevant health certificates for the egg products that they imported into Hong Kong. The Administration had planned to extend the import control regime for game, meat and poultry to cover poultry eggs, and would submit legislative proposals to LegCo for this purpose in the near future.



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Regulation of re-used cooking oil

52. In response to Mr Tommy CHEUNG's enquiry about the examination of gutter oil or re-used cooking oil in cooking oil, AD(FSC)/CFS explained that there was presently no reliable chemical test which could detect the presence of gutter oil. As explained at the special meeting on 3 January 2013, CFS had conducted tests to examine the content of Benzo[a]pyrene ("BaP") in cooking oil to check the quality standard of the cooking oil concerned. When cooking oil was heated during processing, BaP might be generated. Levels of BaP might vary depending on the processing condition. According to the results of tests on BaP in cooking oil conducted in 2013, only one sample which was imported from Singapore was found to contain BaP at a level of 15 mcg/kg, which was higher than the action level of 10 mcg/kg but lower than the maximum permitted limit of 20 mcg/kg. CFS had requested the distributor to suspend the sale of the cooking oil concerned and notified the relevant Singaporean authorities of the test results for follow-up.

Food safety standards

53. The Chairman commented that CFS had adopted lower standards for certain heavy metals (e.g. cadmium) in food than those of the Codex Alimentarius Commission ("the Codex"), the European Union ("EU"), Australia and the Mainland. Regarding the radiation level in food imported from Japan, the standards adopted by Hong Kong were also lower than those of the Mainland, Korea and the United States ("US"). She expressed worries about the food safety in Hong Kong and hoped that the Expert Committee would adopt more stringent standards in its review in the food safety standards.

54. Mr Tommy CHEUNG said that to his understanding, since the Fukushima nuclear incident, CFS would examine the radiation level for all food consignments imported from Japan. He asked whether CFS had maintained this arrangement and if so, whether CFS had sufficient manpower to cope with the workload.

55. USFH explained that CFS had adopted a risk-based management approach in monitoring of radiation contamination of food products imported from Japan. The Director of Food and Environmental Hygiene ("DFEH") made an order on 23 March 2011 to prohibit the import of fresh food (including milk, dried milk and dairy products) from five prefectures in Japan (i.e. Fukushima, Ibaraki, Tochigi, Chiba and Gunma). All food consignments imported from Japan, including the products from the five concerned prefectures with official health certificates and those from other areas of Japan without the certificates, were tested under the Contamination

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Monitoring System. In addition to the 65 000 food samples inspected under the annual regular Food Surveillance Programme, more than 56 000 samples of food imported from Japan were tested in 2013. CFS had deployed additional manpower to cope with the increased workload. USFH stressed that different countries/places would assess their risks of radiation contamination threats posed by food products imported from Japan based on their dietary exposures and therefore might adopt different standards. CFS would review its standards from time to time and maintain close communication with the Japanese authorities to safeguard food safety at food sources.

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56. AD(FSC)/CFS advised that when the Expert Committee reviewed the maximum permitted concentrations for heavy metals and other harmful substances in food, it would make reference to standards adopted by the Codex, major food exporting countries, and data from other up-to-date scientific studies and analysis. The Administration would consult members' views on the results of the review when they were available. At the request of the Chairman, AD(FSC)/CFS agreed to provide information on the maximum permitted concentrations for heavy metals and other harmful substances in food according to the respective standards adopted by the Codex, EU, the Mainland, US and Hong Kong.

**VII. Implementation of the Food Safety Ordinance (Cap. 612)**  
(LC Paper Nos. CB(2)992/13-14(09) and (10))

57. At the invitation of the Chairman, USFH brief members on the implementation of the Food Safety Ordinance (Cap.612) ("FSO") which came into full operation on 1 February 2012, as detailed in the Administration's paper (LC Paper No. CB(2)992/13-14(09)).

58. Members also noted the background brief entitled "Implementation of Food Safety Ordinance" (LC Paper No. CB(2)992/13-14(10)) prepared by LegCo Secretariat.

Enforcement of FSO

59. Mr CHAN Chi-chuen noted from the Administration's paper that CFS inspected 472 premises in 2013 and instituted three prosecutions against food importers/distributors who had not registered under FSO, and all three cases were convicted, with a fine of \$5,000 imposed in two of the cases and a fine of \$1,000 in the remaining case. He wondered whether CFS had adopted a lenient approach in carrying out its inspection and prosecution work. He also opined that the penalties for the three cases convicted were lack of deterrent

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effect as they were far below the maximum penalties stipulated under FSO.

60. As regards CFS's inspection work, AD(FSC)/CFS advised that CFS conducted inspections on food importers, distributors and retailers regularly to ensure that they complied with the FSO. CFS had adopted a risk-based enforcement approach in conducting inspections of food premises as scheduled. The priority and frequency of inspections were determined according to factors like risk classifications and modes of operation of the food premises. Food businesses dealing with high-risk foodstuffs were the main focus of inspection. Small shops, shops selling traditional food and food distribution websites were also included in the inspections. Inspections were also made to premises that complaints or food incidents had been reported. She added that, while CFS had originally planned to inspect 500 premises annually, it had inspected more than 1 500 premises since FSO had come into operation. AD(FSC)/CFS further said that at the initial stage of the implementation of registration scheme and the requirement of keeping transaction records, warning letters had been issued to the importers/distributors who had failed to comply with these requirements under FSO. As most of these operators had subsequently registered under the registration scheme and kept their transaction records as required, eventually only three prosecutions had been instituted in 2013.

61. The Chairman enquired about the number of prosecution cases taken out by the Custom and Excise Department against persons bringing or importing food items without lodging the required import declaration in the past three years, and the details of the food seized. USFH responded that the Administration would provide the requested information after the meeting.

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*(Post-meeting note: The Chinese and English versions of the Administration's response were issued to members vide LC Paper Nos. CB(2)1690/13-14 and CB(2)1759/13-14 on 4 and 10 June 2014 respectively.)*

62. Ms Cyd HO was concerned whether CFS had taken any enforcement actions where perishable food items such as fresh fish, oysters and sashimi etc. had been seized. She considered it necessary for CFS to have different procedures in handling general food items and perishable food items and urged the Administration to review the need to amend FSO to address the issue.

63. AD(FSC)/CFS responded that the need for enforcement action to seize perishable food had not been arisen during the inspections on premises that CFS had conducted. At the request of Ms Cyd HO, AD(FSC)/CFS agreed to provide information on the number of inspections on food importers,

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distributors and retailer whose business involved selling perishable food items after FSO had come into operation, and the details of the handling of seizure of such food items, if any.

*(Post-meeting note: The Chinese and English versions of the Administration's response were issued to members vide LC Paper Nos. CB(2)1690/13-14 and CB(2)1759/13-14 on 4 and 10 June 2014 respectively.)*

64. In response to the enquiries raised by the Chairman, Mr CHAN Chi-chuen and Dr Kenneth CHAN about the monitoring of food sold on the Internet, USFH and AD(FSC)/CFS reiterated that CFS had adopted a risk-based enforcement approach in conducting inspections at different food premises including premises engaged in the sale of food on the internet and on-line group purchases. In the event of a food incident, CFS would trace the sources of the food concerned as all food premises were required under FSO to keep their transaction records.

65. On the Chairman's and Mr CHAN Chi-chuen's concern about the regulation of unlicensed food businesses, AD(FSC)/CFS advised that as stipulated by the Food Business Regulation (Cap. 132X) ("the Regulation"), except under and in accordance with a licence granted by DFEH under the Regulation, no person should carry on or cause, permit or suffer to be carried on food businesses including, among others, food factory and restaurant.

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66. At the request of Dr Kenneth CHAN, AD(FSC)/CFS agreed to provide information on the work (including inspections and follow-up actions) taken by CFS in respect of the monitoring of food safety of food sold online by food importers, distributors and retailers in the past three years.

*(Post-meeting note: The Chinese and English versions of the Administration's response were issued to members vide LC Paper Nos. CB(2)1690/13-14 and CB(2)1759/13-14 on 4 and 10 June 2014 respectively.)*

*(Members agreed to extend the meeting by 10 minutes.)*

Food safety of food products imported from Japan

67. Dr Kenneth CHAN noted that despite DFEH's order made on 23 March 2011 to prohibit the import of fresh food (including milk, dried milk and dairy products) from five prefectures in Japan (i.e. Fukushima, Ibaraki, Tochigi, Chiba and Gunma), the import of these food items was allowed if accompanied by a official health certificate issued by the

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competent authority of Japan certifying that the radiation levels did not exceed the guideline levels laid down by the Codex. He enquired about the details of the official health certificate and the volume of the food concerned imported from the five prefectures accompanied by valid certificates after the order was made.

68. AD(FSC)/CFS advised that CFS had liaised with the Japanese Government on the specifications of the official health certificate, which was subsequently put in place in January 2012, with the considerations of the safety standards for radiation level, sampling methods and laboratory tests being conducted in Japan. There had been 62 consignments of aquatic products and beef products imported from Ibaraki, Tochigi, Chiba and Gunma. AD(FSC)/CFS stressed that all food consignments imported from Japan, including the products from the five prefectures concerned with official health certificates, were tested under the Contamination Monitoring System at the Airport Food Inspection Office of CFS when they arrived in Hong Kong.

**VIII. Any other business**

69. There being no other business, the meeting ended at 5:08 pm.

Council Business Division 2  
Legislative Council Secretariat  
26 September 2014