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Panel on Food Safety and Environmental Hygiene

**Updated background brief prepared by the Legislative Council Secretariat
for the meeting on 11 March 2014**

Food surveillance

Purpose

This paper summarizes the concerns of the members of the Panel on Food Safety and Environmental Hygiene ("the Panel") regarding the Food Surveillance Programme of the Centre for Food Safety ("CFS") as well as issues relating to the monitoring of falsely described food.

Background

Food Surveillance Programme

2. According to the Administration, CFS adopts the World Health Organization's "from farm to table" strategy when working to ensure food safety in Hong Kong. Control at source includes allowing only food from approved farms/processing plants to enter Hong Kong, and requiring health certificates for certain food animals and food products, etc. At the downstream end of the food supply chain, the Food Surveillance Programme is a major tool adopted by CFS to identify potential food risk and monitor food safety level.
3. Under the Food Surveillance 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.

4. 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 2012, 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) 11 targeted food surveillance projects, such as used oil and microbiological quality of refrigerated pre-packaged boxed meal that required reheating before consumption;
- (b) five seasonal food surveillance projects, such as rice dumplings and hairy crabs; and
- (c) two surveys on popular food items, which were sushi and sashimi, and sandwiches and salads.

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

Deliberations of the Panel

5. The Panel has regularly discussed the Food Surveillance Programme since 2009 and also discussed the subject of the monitoring of falsely described food at its meeting on 11 June 2013. The deliberations and concerns of members on the subjects are summarized below.

Scope of the Food Surveillance Programme

6. 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 food incidents in Hong Kong and overseas countries as reported by the media.

7. 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.

8. 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

9. 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. There was a view 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. A suggestion was also made that CFS should conduct tests on food specially supplied for traditional festivals, such as Christmas, Easter and Valentine's Day, to ensure food safety.

10. The Administration advised that 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. In the Administration's view, the existing sampling method was effective to ensure food safety.

11. In response to members' concern about the different testing methods adopted by the trade, non-government organizations and CFS, 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 ("GL") 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 GL.

12. 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.

13. On members' 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

14. According to the Administration, a series of follow-up actions would be taken against problem food, including 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.

15. 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

16. Concerns were raised about the role of CFS in the regulatory control over the registered vegetable farms on the Mainland and the effectiveness as well as reliability of the monitoring of food safety by the Mainland authorities. According to the Administration, the Mainland authorities had a major role in ensuring the safety of vegetables exported to Hong Kong. Under the current administrative arrangements between Hong Kong and the Mainland as well as the Administrative Measures on the Quarantine of the Vegetables Supplied to Hong Kong and Macao, the Mainland authorities had imposed stringent requirements for the management of registered farms. CFS visited about 20 registered farms annually to understand their operations and exchange views with the Mainland authorities on the regulation of farms.

17. There were also concerns about 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. The Administration was also urged to put in place an effective mechanism to trace the source of food in order to tackle the problems of contaminated food.

18. The Administration advised that 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.

Falsely described food

19. Concerns were raised about the discovery of horsemeat in processed beef products in Europe, and falsely described fish products in Boston of the United States as some of these products had been supplied to Hong Kong. There were also concerns about the media reports on the sale of beef meat balls which contained no beef in some restaurants and shops in Hong Kong, and the suspected sale of fake dried fish maw in some shops. An enquiry was raised about the enforcement actions that CFS had taken.

20. According to the Administration, CFS carried out regulatory and enforcement work in accordance with provisions under the Public Health and Municipal Services Ordinance (Cap. 132) and its subsidiary legislations. The Customs and Excise Department ("C&ED") was responsible for enforcing the Trade Description Ordinance (Cap. 362) and its eight pieces of subsidiary legislations which aimed at protecting consumers by prohibiting false trade descriptions, false, misleading or incomplete information and misrepresentations in respect of goods provided in the course of trade. C&ED had been operating a Product Monitoring Scheme since March 2009 to safeguard consumer interests. Through risk assessment and closely monitoring the market situation, C&ED drew samples of various consumer goods (including food products) that were the subject of public concerns from the market place for inspection. It also procured product samples for testing by GL for law enforcement purpose.

21. Regarding the beef products in question, the Administration advised that CFS had followed up with the overseas regulatory authorities to trace their distribution to Hong Kong. The suppliers concerned had stopped selling them

and recalled the sold products. On the problem of mislabelled fish in the United States and Europe, CFS had not received any related complaint and would continue to keep a close watch of the situation through its monitoring mechanism on overseas food incidents.

Recent developments

22. According to the findings of the test conducted by the Consumer Council during the period between April and September 2013, three samples of rice on sale in the Hong Kong market were detected with cadmium levels exceeding the legal limit of 0.1 mg/kg. In February 2014, a sample of packaged white rice which was obtained by the media in a local supermarket was also found pitching a level of cadmium of 0.11 mg/kg. Dr Hon Helena WONG and Hon WONG Kwok-hing have raised concern about the detection of excessive levels of harmful heavy metal cadmium in rice.

23. The Administration provided its written responses to Dr Hon Helena WONG's and Hon WONG Kwok-hing's concerns on 8 January and 24 February 2014 respectively. According to the Administration, CFS has been monitoring the level of cadmium in rice. At present, heavy metal in food is regulated under the Food Adulteration (Metallic Contamination) Regulations (Cap. 132V). The maximum permitted concentration of cadmium in cereal products (including rice) is 0.1 mg/kg. Under its risk-based regular Food Surveillance Programme, CFS has taken samples of rice at import, wholesale and retail levels for testing to ensure their compliance with legal requirements and fitness for human consumption. Between 2010 and 2013, CFS collected around 170 rice samples for testing of metallic contaminants (including cadmium).

24. With regard to the study conducted by the Consumer Council in 2013, the Administration informed the Panel that CFS has conducted checks on retail outlets and collected samples for tests on metallic contamination, with results indicating that the cadmium level was 0.28mg/kg, exceeding the legal limit of 0.1 mg/kg. CFS has sent warning letters to the retailer and distributor concerned, ordering them to suspend sale of the affected batch of the product to ensure food safety and safeguard public health. CFS has also notified the relevant Mainland authorities of the test results for follow-up. As regards the sample of packaged white rice which was obtained by the media in February 2014 in a local supermarket, the level of cadmium detected was 0.11 mg/kg and as the margin of error for the tests was 0.02 mg/kg, CFS considered that the sample concerned did not violate the requirement stipulated in the local legislation.

25. The Panel has also received letters from Dr Hon Helena WONG, Hon Steven HO, Hon WONG Kwok-hing, Dr Hon Joseph LEE, Dr Hon Kenneth CHAN, Dr Hon KWOK Ka-ki and Hon CHAN Han-pan raising their concerns about incidents related to food as well as the monitoring of food safety. These include the use of public mains water from a toilet for brewing coffee by a coffee chain shop, safety of aquatic products and food products imported from Japan, regulation of sale of chilled meat, and the presence of copper chlorophyll in food products produced by a food manufacturer in Taiwan. The Administration has provided written responses to the concerns raised by members in their letters.

26. The Administration will brief the Panel on CFS's report on the Food Surveillance Programme for 2013 on 11 March 2014.

Relevant papers

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

Council Business Division 2
Legislative Council Secretariat
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Appendix

Relevant papers on food surveillance

Meeting	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	9.6.2009 (Item VI)	Agenda Minutes
Panel on Food Safety and Environmental Hygiene	12.1.2010 (Item 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	12.3.2013 (Item VI)	Agenda Minutes LC Paper No. CB(2)1691/12-13(01)
Council meeting	29.5.2013	Question raised by Hon Michael TIEN (Official Record of Proceedings Pages 12487 – 12494 in Hansard)
Panel on Food Safety and Environmental Hygiene	11.6.2013 (Items II & VI)	Agenda Minutes LC Paper Nos. CB(2)1306/12-13(01) CB(2)1306/12-13(02)
Council meeting	17.7.2013	Question raised by Hon Abraham SHEK (Official Record of Proceedings Pages 16124 – 16129 in Hansard)

Meeting	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	12.11.2013 (Item II)	LC Paper Nos. CB(2)179/13-14(01) CB(2)179/13-14(02) CB(2)235/13-14(01) CB(2)235/13-14(02) CB(2)235/13-14(03)
Council meeting	20.11.2013	Question raised by Hon Starry LEE (Official Record of Proceedings Pages 2823 – 2834 in Hansard)
Panel on Food Safety and Environmental Hygiene	10.12.2013 (Item I)	LC Paper No. CB(2)383/13-14(01)
Panel on Food Safety and Environmental Hygiene	11.2.2014 (Items I & IV)	Agenda LC Paper No. CB(2)840/13-14(01)

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