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Panel on Food Safety and Environmental Hygiene

**Updated background brief prepared by the Legislative Council Secretariat
for the meeting on 10 March 2015**

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 related food safety issues.

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 2013, 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 sulphur dioxide in meat and microbiological quality of lunch boxes;
- (b) five seasonal food surveillance projects, such as rice dumplings and hairy crabs; and
- (c) one survey on popular food items (i.e. nuts and seeds).

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. The deliberations and concerns of members on the subject and related food safety issues 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 ("Expert Committee") 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.

Detection of heavy metals in food

14. There were concerns about the presence of heavy metals in food, including excessive cadmium in rice and copper found in vegetables. The Administration 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 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 informed the public through a press release and 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. CFS had also notified the relevant Mainland authorities of the test results for follow-up.

15. Regarding the presence of copper in vegetables, the Administration advised that the research report of the Hong Kong Organic Resource Centre 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.

16. Some members considered that CFS had adopted lower standards for certain heavy metals in food than those of the Codex Alimentarius Commission, the European Union, Australia and the Mainland. According to the Administration, it had embarked on the preparatory work of amending the Food Adulteration (Metallic Contamination) Regulations (Cap.132V) ("the Regulations") which regulated the level of metallic contaminants in food and prescribed the maximum permitted concentration of seven specified metals

present in specific food types. CFS had set up a working group under the Expert Committee to offer views on the legislative amendments. The Administration planned to consult the public on the proposed amendments to the Regulations within 2015.

Actions against problem food

17. 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.

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. 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.

20. 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.

21. The Administration advised that the Food Safety Ordinance (Cap. 612) ("the Ordinance") 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.

22. Some members expressed concerns about the monitoring of radiation contamination of food products imported from Japan and that the safety standards for radiation level adopted in Hong Kong were also lower than those of the Mainland, Korea and the United States. The Administration advised that the Director of Food and Environmental Hygiene 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 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 would review its standards from time to time and maintain close communication with the Japanese authorities to safeguard food safety at food sources.

Food safety of edible oil

23. According to the Administration, there was presently no reliable chemical test which could detect the presence of gutter oil. 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. 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. At the Panel meeting on 21 January 2015, the Administration advised members that in view of the public concern over the safety of edible oil, CFS would step up the testing of edible oil imported from other places in 2015. It was expected that the number of samples to be collected for testing in 2015 would increase by at least 20% over that of 2014.

Recent developments

24. Following the implementation of the Pesticide Residues in Food Regulation (Cap. 132CM) on 1 August 2014, there were media reports that CFS

found that the levels of pesticide residues of some samples of vegetables imported from the Mainland exceeded the legal limits. Concerns was raised about the safety of vegetables imported from the Mainland and that some imported vegetables might originate from non-registered vegetable farms or processing establishments.

25. As advised by the Administration in its letter dated 15 January 2015 (LC Paper No. CB(2)668/14-15(01)), the Administration had alerted the State General Administration of Quality Supervision, Inspection and Quarantine and relevant inspection and quarantine authorities of the problem that some vegetables allegedly imported from the Mainland might originate from non-registered vegetable processing establishments and appealed for their prompt follow-up actions including stepping up of interception at various control points. CFS and Customs and Excise Department ("C&ED") had been conducting joint operations from time to time to inspect vehicles carrying vegetables. CFS had also optimized the inspection measures for inbound vegetable vehicles since 2 December 2014. CFS would collect information on the high risk inbound vehicles by making reference to previous inspection records and intelligence shared by C&ED. When these vehicles arrived at the control point, CFS officers would direct the driver to the Man Kam To Food Control Office for inspection. If the driver failed to do so, the vehicle registration mark would be referred to C&ED for follow-up actions.

26. The Administration will brief the Panel on CFS's report on the Food Surveillance Programme for 2014 on 10 March 2015.

Relevant papers

27. A list of relevant papers on the Legislative Council website is in **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	17.7.2013	Question raised by Hon Abraham SHEK (Official Record of Proceedings Pages 15574 – 15579)
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)

Meeting	Date of meeting	Paper
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)
Panel on Food Safety and Environmental Hygiene	11.3.2014 (Item VI)	Agenda Minutes
Council meeting	29.10.2014	Question raised by Hon Steven HO (Official Record of Proceedings Pages 861 – 871)
Council meeting	5.11.2014	Question raised by Dr Hon Helena WONG (Official Record of Proceedings Pages 1559 – 1561)
Council meeting	12.11.2014	Question raised by Hon Charles Peter MOK (Official Record of Proceedings Pages 1990 – 1995)
Council meeting	4.2.2015	Question raised by Dr Hon Helena WONG on "Safety standards for heavy metal content in food"