

# 立法會

## *Legislative Council*

LC Paper No. CB(2)1139/16-17

(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, 14 February 2017, at 2:30 pm  
in Conference Room 3 of the Legislative Council Complex**

**Members present** : Dr Hon Helena WONG Pik-wan (Chairman)  
Hon LAU Kwok-fan, MH (Deputy Chairman)  
Hon LEUNG Yiu-chung  
Prof Hon Joseph LEE Kok-long, SBS, JP  
Hon WONG Ting-kwong, SBS, JP  
Hon Starry LEE Wai-king, SBS, JP  
Hon CHAN Hak-kan, BBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon Claudia MO  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon Steven HO Chun-yin, BBS  
Hon CHAN Chi-chuen  
Hon CHAN Han-pan, JP  
Dr Hon KWOK Ka-ki  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Dr Hon Elizabeth QUAT, JP  
Hon Martin LIAO Cheung-kong, SBS, JP  
Dr Hon CHIANG Lai-wan, JP  
Hon Andrew WAN Siu-kin  
Hon CHU Hoi-dick  
Hon HO Kai-ming  
Hon SHIU Ka-fai  
Dr Hon Pierre CHAN  
Hon Tanya CHAN  
Hon CHEUNG Kwok-kwan, JP  
Hon HUI Chi-fung  
Hon Jeremy TAM Man-ho  
Hon Nathan LAW Kwun-chung  
Dr Hon YIU Chung-yim  
Dr Hon LAU Siu-lai

**Members absent** : Hon Tommy CHEUNG Yu-yan, GBS, JP  
Hon WONG Kwok-kin, SBS, JP  
Hon LEUNG Kwok-hung  
Hon LEUNG Che-cheung, BBS, MH, JP  
Hon Alice MAK Mei-kuen, BBS, JP  
Hon KWOK Wai-keung  
Dr Hon Fernando CHEUNG Chiu-hung  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP  
Hon Alvin YEUNG  
Hon SHIU Ka-chun  
Hon Wilson OR Chong-shing, MH  
Hon LUK Chung-hung  
Hon Kenneth LAU Ip-keung, MH, JP  
Hon KWONG Chun-yu

**Public Officers attending** : Item IV

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

Mr Bill WONG Kwok-piu  
Principal Assistant Secretary for Food and Health (Food) 3

Miss Swing YAU Sze-wing  
Assistant Secretary for Food and Health (Food) 5

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

Item V

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

Mr Kenneth CHAN Siu-yum  
Principal Assistant Secretary for Food and Health (Food) 1

Dr Sarah CHOI Mei-yee, JP  
Assistant Director (Food Surveillance and Control),  
Centre for Food Safety  
Food and Environmental Hygiene Department

Mr LI Ka-kei  
Assistant Director (Operations) 1  
Food and Environmental Hygiene Department

Dr Christine WONG Wang  
Principal Medical Officer (Risk Management),  
Centre for Food Safety  
Food and Environmental Hygiene Department

Item VI

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

Mr Kenneth CHAN Siu-yum  
Principal Assistant Secretary for Food and Health (Food) 1

Dr Sarah CHOI Mei-yee, JP  
Assistant Director (Food Surveillance and Control),  
Centre for Food Safety  
Food and Environmental Hygiene Department

Dr Christine WONG Wang  
Principal Medical Officer (Risk Management),  
Centre for Food Safety  
Food and Environmental Hygiene Department

**Clerk in attendance** : Miss Josephine SO  
Chief Council Secretary (2) 2

**Staff in attendance** : Ms Wendy LO  
Senior Council Secretary (2) 2

Miss Emma CHEUNG  
Legislative Assistant (2) 2

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**I. Confirmation of minutes**  
(LC Paper No. CB(2)766/16-17)

The minutes of the special meeting held on 19 December 2016 were confirmed.

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**II. Information papers issued since the last meeting**

(LC Paper Nos. CB(2)583/16-17(01), CB(2)648/16-17(01) and CB(2)713/16-17(01))

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

- (a) letter dated 10 January 2017 from Dr Hon CHIANG Lai-wan relating to a case reported in the media where a restaurant was suspected to have used "fake" rice;
- (b) Administration's response to issues raised in Dr Hon CHIANG Lai-wan's letter dated 10 January 2017 relating to a case reported in the media where a restaurant was suspected to have used "fake" rice; and
- (c) Administration's information paper on the co-operation agreement between Hong Kong and Shenzhen on the inspection and quarantine arrangement at Qianhai.

**III. Date of next meeting and items for discussion**

(LC Paper Nos. CB(2)768/16-17(01) and (02))

3. Members agreed to discuss the following items at the next regular meeting scheduled for Tuesday, 14 March 2017 at 2:30 pm:

- (a) Regulating the production of organic food;
- (b) Rodent prevention and control measures; and
- (c) Public market stall rentals after 30 June 2017.

4. Dr CHIANG Lai-wan suggested requesting the Administration to cover in its discussion paper to be provided for the agenda item referred to in paragraph 3(b) above specific anti-rodent measures taken/to be taken by the Administration to eliminate rodent nuisance in various districts throughout the territory. Members agreed.

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#### **IV. Bio-security measures implemented in local chicken farms**

(LC Paper Nos. CB(2)768/16-17(03) and (04))

5. At the invitation of the Chairman, Under Secretary for Food and Health ("USFH") briefed members on the preventive and control measures against avian influenza ("AI") adopted in local chicken farms, as set out in the Administration's paper (LC Paper No. CB(2)768/16-17(03)). Members noted the background brief on the subject prepared by the Legislative Council ("LegCo") Secretariat (LC Paper No. CB(2)768/16-17(04)).

#### Use of the new bivalent Re-6 + Re-8 vaccine and the latest situation of AI threat

6. Mr Steven HO said that he was appreciative of the preventive and control measures adopted by the Administration to reduce the risk of AI outbreaks in local chicken farms. He noted that the use of the new bivalent Re-6 + Re-8 vaccine ("bivalent vaccine") developed by the National Avian Influenza Reference Laboratory of Harbin Veterinary Research Institute ("HVRI") in local chicken farms had received positive response from chicken farmers, but it took time for the Administration to introduce the new vaccine to all farmers in Hong Kong. He suggested the Administration collaborate with local tertiary institutions to develop locally-produced vaccines, with a view to providing more timely protection to local chicken farms against AI viruses.

7. Assistant Director (Inspection and Quarantine), Agriculture, Fisheries and Conservation Department ("AD(IQ)/AFCD") responded that based on the test results, the Administration endorsed the use of the bivalent vaccine developed by HVRI which was listed as one of the reference laboratories for AI in Asia by the World Organization for Animal Health ("OIE") and renowned for its experience in developing vaccines to control AI viruses. It should be noted that different regions might have different predominant strains of AI viruses. The appropriate vaccine needed to match the clade of AI viruses prevalent in the whole region, covering Mainland provinces and Hong Kong. In view of the co-existence of both clades 2.3.2.1 and 2.3.4.4 of H5 AI viruses in the Mainland and the fact that neither the existing Re-6 nor Re-8 vaccine alone could provide adequate protection against these two clades at the same time, the Administration had introduced in local chicken farms the use of the bivalent vaccine containing both strains of Re-6 and Re-8 developed by HVRI. The Administration would keep track of the circulating strain of AI virus in the region and choose the appropriate vaccine that best matched the prevailing clade. That said, the Administration was willing to explore collaboration with local research institutions to strengthen the support to local chicken farmers.

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8. Noting that over 300 human H7N9 cases had been reported in the Mainland since November 2016, the Deputy Chairman asked whether a notification mechanism between the Hong Kong and the Mainland authorities had been put in place to notify suspected cases and the preventive and control measures adopted by the Administration to guard against the AI risk. USFH responded that the Centre for Health Protection of the Department of Health, AFCD and relevant government departments had been maintaining close communication with the Mainland authorities to get hold of all information on the latest situation of AI outbreaks in the Mainland and the numbers of live poultry and human infection cases. Apart from introducing in local chicken farms the bivalent vaccine since November 2016, the Administration had ensured that a series of preventive and control measures were implemented in local chicken farms to minimize the risk of AI outbreaks.

9. The Chairman and Dr KWOK Ka-ki said that the number of AI cases reported in the Mainland, particularly in Guangdong Province, had not decreased, even with the use of the bivalent vaccine in Mainland registered poultry farms. They expressed concern about the efficacy of the bivalent vaccine in providing chickens with protection against AI viruses. AD(IQ)/AFCD cited examples to explain that although the bivalent vaccine had been proven by studies conducted by HVRI to be effective against multi-clades of H5 AI viruses and was now being used in Mainland registered poultry farms, the rearing environment of live poultry and at what stages that the vaccine was used might affect the efficacy of the bivalent vaccine. Aside from H5, H7 was another AI virus that posed serious public health threat. Vaccination against H7 AI virus was currently not mandatory in Mainland registered poultry farms. This might be a reason for the high number of H7N9 cases recorded in the Mainland.

10. In response to the enquiries of the Chairman and the Deputy Chairman concerning the supply of live chickens from the Mainland, USFH and Principal Assistant Secretary for Food and Health (Food) 3 ("PASFH(F)3") explained that importation of live chickens from the Mainland was not prohibited. The Administration was given to understand that the current supply situation was primarily a commercial decision on the part of Mainland farms. The Food and Health Bureau had been liaising with the relevant Mainland authorities closely on the supply of live poultry. While there had not been live chickens imported from the Mainland since February 2016, the supply of minor poultry (e.g. pigeon, common pheasant and silky fowl) remained stable. In 2016, about 600 000 minor poultry were imported into Hong Kong from the Mainland. Regarding the Deputy Chairman's concern about the surveillance of imported live poultry, PASFH(F)3 advised that the Centre for Food Safety ("CFS") took chicken samples from every

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consignment at Man Kam To boundary point for conducting polymerase chain reaction and serology testing for H5 and H7 AI viruses.

11. Dr KWOK Ka-ki considered that the Administration should proactively request the Mainland authorities to suspend the supply of live poultry to Hong Kong if local live chicken farms could provide a steady supply to meet the market demand. AD(IQ)/AFCD responded that the Administration had reached an agreement with the State General Administration of Quality Supervision, Inspection and Quarantine on the arrangements for the import of live chickens from the Mainland into Hong Kong on 8 February 1998, after the first AI outbreak in Hong Kong in 1997. Having regard to the recommendations of OIE, the Administration agreed that if the relevant safety requirements were met, live chickens from Mainland registered farms could be imported into Hong Kong. Under the existing practice, live chickens had to be quarantined for five days and tested free of AI viruses before export to Hong Kong. Upon arrival in Hong Kong, chicken samples would also be collected at Man Kam To boundary point for a further test. Although AI had become endemic in the Mainland, the Administration would not request the Mainland authorities to suspend the export of live chickens as long as individual registered poultry farms could meet the requirements for supplying live chickens to Hong Kong.

12. Dr KWOK Ka-ki and Dr CHIANG Lai-wan noted from media reports that some chicken traders in Shenzhen had not stopped selling live poultry to local and Hong Kong people despite the ban imposed by the relevant Mainland authorities. The chickens were slaughtered at the stalls, and half-cooked chickens were then brought into Hong Kong from across the border. They expressed concern that these chickens might carry AI viruses, thus increasing the risk of spreading the disease in the territory. USFH stressed that all live poultry, including minor poultry, supplied to Hong Kong must come from Mainland registered poultry farms. The Administration would step up surveillance and appropriate preventive measures at boundary points to guard against the spread of AI viruses.

Way forward for the local live poultry trade

13. The Chairman and Dr KWOK Ka-ki said that despite occasional outbreaks of AI in the Mainland, there had not been AI outbreaks in local chicken farms in recent years. In their views, the Administration should encourage local chicken farmers to increase the supply of live chickens to achieve self-sufficiency and devise measures to facilitate the long-term development of the local live poultry trade. The Chairman asked whether consideration would be given to permanently suspending the import of live poultry from the Mainland to reduce the risk of AI outbreak in Hong Kong.

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14. USFH and PASFH(F)3 responded that Hong Kong had one of the most rigorous system of AI control measures. In view of the latest situation of AI in neighbouring areas, the Administration had reviewed and further enhanced the surveillance, prevention and control measures. For public health considerations and formulation of policy in the long term, the Government had commissioned a consultant in mid-June 2015 to study the future of the live poultry trade in Hong Kong. The Administration would carefully consider the recommendations to be put forward by the consultant and fully engage stakeholders to seek their views before deciding on the future of the live poultry trade.

15. PASFH(F)3 supplemented that the total rearing capacity of the existing 29 local chicken farms as licensed by AFCD was about 1.3 million chickens, and in 2016, the local chicken farms supplied about four million live chickens to the market (i.e. an average daily supply of around 10 000 chickens). The supply was quite stable throughout the year and could by and large meet the market demand, even though the rearing capacity of some farms had not been put to full use. Under such circumstances, it would be premature to discuss the question of reviewing the operational scale of the local poultry trade. The Administration did not see a great fluctuation in the price of chickens, except during festive occasions.

16. Mr Steven HO considered that the Government should retain the live poultry trade in Hong Kong. In his view, the daily supply of local chickens nowadays could not fully meet the market demand and there was room for further development of the local live poultry trade. The number of live poultry stalls should also be increased and evenly distributed in the territory to meet public need. Noting that the consultancy study on the future of the live poultry trade was about to complete, he enquired about the Administration's stance on the issue. Dr CHIANG Lai-wan hoped that the Administration would revert to the Panel when the outcome of the consultancy study was ready.

17. USFH responded that the Government had all along been providing support to the local live poultry trade. The Administration did not have any pre-determined view on the issue and it planned to brief the Panel on the outcome of the consultancy study in April 2017. The Administration would also consult the public before deciding on the way forward.

18. Mr Steven HO said that some members of the livestock industry had pointed out that there were currently many cumbersome regulations for compliance by licensed livestock farms (including chicken farms), making it difficult for livestock farms affected by development plans to identify

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suitable sites for relocation. Mr HO considered that the Administration should amend the relevant legislation to facilitate the relocation of livestock farms. He also urged the Administration to expedite the relocation of the wholesale markets, including the Cheung Sha Wan Temporary Wholesale Poultry Market ("CSWTWPM"), to facilitate the long-term development of the industry. Dr CHIANG Lai-wan enquired about the latest progress of the feasibility study on relocating CSWTWPM.

19. USFH responded that the Administration noted the repeated calls for relocating CSWTWPM. It had been exploring suitable sites, but was yet able to do so. The Chairman advised that the Administration had been requested to update members on the latest progress of the wholesale market consultancy study, in particular the feasibility study on relocating CSWTWPM and Yau Ma Tei Fruit Market, when reporting to the Panel on the way forward for the live poultry trade.

20. Dr CHIANG Lai-wan noted with concern that the test results published by the Consumer Council on 15 December 2016 revealed that 62% of chickens among the 100 samples collected for testing were found to contain extended-spectrum beta-lactamase-producing bacteria. Such bacteria were impervious to third generation cephalosporins, which was an antibiotic widely used in clinical treatment of infectious diseases with bacterial origin. USFH and AD(IQ)/AFCD responded that the Administration noted the findings of the report published by the Consumer Council. The High Level Steering Committee ("HLSC") chaired by the Secretary for Food and Health was set up to tackle the threat of antimicrobial resistance ("AMR") to public health. The Chairman advised that the Administration had been requested to explain in detail its progress in tackling the threat of AMR at a Panel meeting. The Administration had subsequently advised that the Expert Committee on Antimicrobial Resistance formed under HLSC had yet to make its recommendations to HLSC on the AMR containment strategies. The Administration planned to report to the Panel after HLSC had deliberated on the recommendations of the Expert Committee.

**V. Report on the Food Surveillance Programme for 2016**  
(LC Paper Nos. CB(2)768/16-17(05) and (06))

21. At the invitation of the Chairman, USFH briefed members on the work of CFS in respect of the food surveillance programme for 2016. With the aid of power-point presentation, Principal Medical Officer (Risk Management), CFS reported on the major surveillance results for the period and the follow-up actions taken by CFS, as detailed in the Administration's paper (LC Paper No. CB(2)768/16-17(05)). Members also noted the updated

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background brief on the subject prepared by the LegCo Secretariat (LC Paper No. CB(2)768/16-17(06)).

*(Post-meeting note: The softcopy of the power-point presentation materials was issued to members vide LC Paper No. CB(2)808/16-17(01) on 14 February 2017.)*

Safety of food products imported from Japan

22. Dr CHIANG Lai-wan urged CFS to proactively follow up on food incidents which had caused wide public concern, as in the case of the recent "fake" rice incident. Regarding food products imported from Japan, she noted with concern from media reports that according to the information provided by the Ministry of Agriculture, Forestry and Fisheries of Japan, Hong Kong had become one of the major places to which food products from Fukushima of Japan were exported since the Fukushima nuclear power plant incident occurred in 2011. She wondered whether the control over the import of Japanese food products imposed by the Hong Kong Government was less stringent than the import bans imposed by other countries/places.

23. Mr Jeremy TAM considered that the Administration should enhance communication with the relevant authorities of the exporting countries/places regarding the scope of surveillance for imported foods and should check whether they adopted the same safety standards. Noting that there were cases where food products from the five prefectures of Japan most affected by the Fukushima nuclear power plant incident were exported to other countries using labels with false information on the source of the products (i.e. indicating other prefectures of Japan as the origin), Mr TAM enquired about the existing import control measures implemented by CFS on food products from Japan.

24. USFH and Assistant Director (Food Surveillance and Control), CFS ("AD(FSC)/CFS") said that in response to the Fukushima nuclear power plant incident, the Director of Food and Environmental Hygiene issued on 24 March 2011 an order under section 78B of the Public Health and Municipal Services Ordinance (Cap. 132) to prohibit the import of fruits, vegetables, milk, milk beverages and dried milk from the five most affected prefectures of Japan, namely Fukushima, Ibaraki, Tochigi, Chiba and Gunma. The import of all chilled or frozen game, meat and poultry, all poultry eggs and all live, chilled or frozen aquatic products from these five prefectures was also prohibited, unless they were accompanied by a certificate issued by the competent authority of Japan certifying that the radiation levels did not exceed the guideline levels laid down by the Codex Alimentarius Commission ("Codex"). To safeguard public health, CFS conducted tests on radiation levels of every consignment of food products imported from Japan,

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irrespective of the origins of the products and the channels from which they were imported into Hong Kong. In 2016, some 73 700 samples of food imported from Japan were tested and the test results of all of the samples were satisfactory.

25. USFH further said that some countries including Australia, Canada and New Zealand had removed the restrictions on import of Japanese food, while South Korea, the Mainland, Taiwan and Hong Kong still maintained restrictions on the import of certain food items from different affected prefectures. It was evident that the control measures adopted by the Hong Kong Government were comparatively more stringent than those of some countries/places.

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26. At the request of Dr CHIANG Lai-wan, the Administration undertook to provide the Panel with supplementary information on (a) the major countries/places to which food products (including and in particular agricultural, aquatic and fishery products) from Fukushima of Japan were exported since the Fukushima nuclear power plant incident occurred in 2011; and (b) details of the manpower resources involved in CFS's conducting tests on radiation levels of food products imported from Japan at the import, wholesale and retail levels.

27. The Chairman noted that section 22 of the Food Safety Ordinance (Cap. 612) ("FSO") required importers to state the "place" from which food products were imported into Hong Kong. However, the term "place" was not defined clearly in the legislation as to whether it referred to a country, city, province or prefecture. She expressed concern that unscrupulous traders might mislead consumers into purchasing food products from the five affected prefectures of Japan by quoting the cities, instead of prefectures, as places of origin of the food products. She asked whether consideration would be given to amending the relevant provisions of FSO to require importers to state clearly where the food products came from, so as to provide consumers with the necessary information about the food products they purchased to facilitate the making of informed choices. USFH and AD(FSC)/CFS responded that the Administration would consider the Chairman's suggestion. At present, all prepackaged food products had to meet the requirements on food labelling. Besides, the Administration would continue to maintain the existing restrictions on certain foods from the affected prefectures of Japan and conduct tests on radiation levels of every consignment of food imported from Japan.

28. In response to Mr HO Kai-ming's concern about the impact of radiation on agricultural products, in particular, their genetic change, AD(FSC)/CFS responded that there was so far no evidence suggesting such risks. As the

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consumption of food containing excessive level of radiation would cause adverse impact on human health, CFS would continue to take food samples for radiation tests to monitor the radiation levels of food products to safeguard food safety.

Regulating online sale of restricted foods

29. Noting that in 2016, more than 4 000 food samples purchased online were collected for chemical and microbiological tests, Mr Jeremy TAM expressed concern whether the number of samples taken for testing was adequate. He sought information on the annual sales volume of food sold by electronic means, in terms of percentage share of the total sales volume of food in Hong Kong. AD(FSC)/CFS responded that the Administration did not have such information.

30. Regarding the sampling of food sold/available online for chemical and microbiological tests, Mr Jeremy TAM further enquired about the criteria adopted by CFS in determining the types of food samples to be collected, as well as the frequency and number of samples taken for testing. AD(FSC)/CFS explained that CFS had been monitoring online food sale activities. It adopted a risk-based principle in taking samples for chemical and microbiological analyses and determining the types of laboratory analysis to be conducted, taking into account factors such as past food surveillance results, local and overseas food incidents, and relevant risk analyses. To address Mr TAM's concern, she undertook to provide supplementary information on CFS' sampling of food sold/available online.

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31. Mr HO Kai-ming asked whether CFS had taken food samples purchased from overseas websites for testing, and whether CFS would alert consumers if the safety standards adopted by other countries/places for food products sold/available online were different from Hong Kong's standards. AD(FSC)/CFS responded that as there were limitations to regulate online food selling activities conducted through overseas websites which were not under the jurisdiction of Hong Kong, CFS' existing sampling programme mainly focused on food products purchased from local websites. CFS would take follow-up actions if unsatisfactory food samples were detected under the food surveillance programme.

32. USFH advised that the Food and Environmental Hygiene Department ("FEHD") had enhanced public education and publicity on matters which the public and the trade should pay attention to when purchasing and selling food online. To address public concern over the regulation of online food sale activities, FEHD introduced on 22 February 2016 a new set of licensing conditions for regulation of operators without physical premises and selling

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restricted foods via the Internet or social media platforms. Applications for the relevant permits were accepted starting on the same day. The licensing conditions mainly required that restricted foods must be obtained from lawful sources, that they should not be tampered with during transportation to prevent cross-contamination, and that the food products should be stored at a safe and proper temperature at all times. Moreover, the operators should provide on their websites information about their permits, such as the permit number, the registered address and the restricted foods permitted for sale, so that consumers could verify such information through FEHD's website before purchasing the foods online.

33. Mr CHAN Chi-chuen noted that the Consumer Council had surveyed 36 licensed online shops in 2016. It was found that operators provided on their websites the permit information in an inconsistent manner. While seven of them did not display the permit information, some others displayed the permit information at inconspicuous places on their websites. Some even provided incorrect or incomplete permit information, making it difficult for consumers to verify whether the online shops were licensed to sell the restricted foods they were offering. Mr CHAN asked whether FEHD would visit the licensees' websites after issuance of permits, and whether FEHD would take into consideration the recommendations of the Consumer Council, so as to reduce misunderstanding and enable the industry to comply with the licensing conditions.

34. Assistant Director (Operations) 1, FEHD ("AD(Ops)1/FEHD") advised that FEHD had discussed with the industry to understand their concerns about displaying permit information on websites, before introducing the new licensing conditions. As the trade had expressed genuine difficulties in posting all information on the permit onto the homepage of their websites, FEHD had given discretion to the operators to decide how to display the permit information. FEHD found that most of the 36 online shops surveyed by the Consumer Council complied with the licensing requirement of displaying permit information on their websites. In response to FEHD's follow-up actions, seven online shops which had previously failed to provide permit information had made rectification. FEHD would, together with the trade, review the way of displaying permit information on websites as and when appropriate, with a view to facilitating consumers' verification. Responding to Mr CHAN Chi-chuen's follow-up enquiry, AD(Ops)1/FEHD clarified that the 26 prosecutions instituted by FEHD in 2016 involved unlicensed food premises conducting online food selling activities in breach of the Food Business Regulation (Cap. 132X).

35. The Deputy Chairman asked whether the Administration would consider streamlining the procedures for application of permits for online sale

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of restricted foods, so as to facilitate business operations. AD(Ops)1/FEHD advised that the application procedures were not cumbersome. In general, if an applicant submitted all necessary documents, FEHD could complete the vetting process within 30 days. FEHD had received more than 200 applications for permits for online sale of restricted foods in 2016. As at 31 January 2017, 168 permits had been issued and some 40 applications were under processing. AD(Ops)1/FEHD further said that about 70 applications had been withdrawn by the applicants, mainly because the proposed business did not involve the sale of restricted foods or had already been covered by other types of food business licences issued by FEHD. In response to the Deputy Chairman's follow-up enquiry, USFH said that food products sold/available online were covered under the six seasonal food surveillance projects conducted by CFS in 2016.

Other food safety issues

36. Referring to the detection by the Macau authorities of aflatoxins in mooncake samples from a Hong Kong brand in September 2016, Dr KWOK Ka-ki expressed concern that the safety standard for aflatoxins in mooncakes adopted by the Hong Kong Government was lower than that of Macau and the classification of food items for regulating aflatoxins was less comprehensive than those set by the European Union and Macau.

37. AD(FSC)/CFS responded that CFS had collected nine samples of mooncakes of the same brand for testing after the Macau authorities had announced the detection in mooncake samples of aflatoxins in excess of Macau's statutory limits. It was found that none of the local samples tested by CFS had exceeded the statutory limits adopted by Macau and Hong Kong in relation to aflatoxin. USFH and AD(FSC)/CFS further said that the Administration would keep in view the food safety standards, taking into account international standards and the risk assessment conducted by CFS. The Administration was reviewing the need to update the food safety standards stipulated in laws, including the statutory limits of aflatoxins in foods. It would report to the Panel on the outcome of the review when ready.

38. In response to Dr KWOK Ka-ki's enquiry about the implementation of the co-operation agreement entered into between Hong Kong and Shenzhen on the inspection and quarantine arrangement at Qianhai, AD(FSC)/CFS advised that as at 31 December 2016, the arrangement under the co-operation agreement whereby frozen meat destined for Hong Kong from overseas might be stored temporarily in the Qianhaiwan Bonded Port Area of Shenzhen for subsequent delivery to Hong Kong in batches had yet to be used by the trade.

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39. The Chairman considered that to enhance transparency, CFS should upload onto its website the full test reports of samples collected for testing, in particular when food safety incidents occurred and follow-up actions were taken. The test reports should set out in detail the testing methodology, the testing parameters and the testing results, etc. Dr KWOK Ka-ki suggested CFS improve the design of its website to make it more informative and user-friendly, so as to maximize the educational and publicity effect. USFH and AD(FSC)/CFS advised that CFS would issue press releases and make available on its website the test results of food samples collected for testing in relation to food safety incidents of public concern (e.g. the recent incident involving the suspected use of "fake" rice) and would also provide relevant information, such as the chemical analyses conducted, the test results and the follow-up actions taken by CFS, for easy reference of the public. The Administration would consider the suggestions made by the Chairman and Dr KWOK.

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40. At the request of the Chairman, the Administration undertook to provide information on the follow-up actions taken by CFS in response to the 152 unsatisfactory food samples detected under the food surveillance programme for 2016, including the number of successful prosecutions taken out by the Administration and the offence(s) involved.

*(To allow sufficient time for discussion on the remaining items on the agenda, the Chairman directed that the meeting be extended for 15 minutes.)*

## **VI. Implementation of the Nutrition Labelling Scheme** (LC Paper Nos. CB(2)768/16-17(07) and (08))

41. At the invitation of the Chairman, USFH updated members on the implementation of the Nutrition Labelling Scheme ("the Scheme"), the requirements on nutritional composition and nutrition labelling of infant formulae as well as the requirements on nutrition labelling of follow-up formulae and prepackaged food for infants and young children, as detailed in the Administration's paper (LC Paper No. CB(2)768/16-17(07)). Members noted the updated background brief on the subject prepared by the LegCo Secretariat (LC Paper No. CB(2)768/16-17(08)).

### Implementation of the Nutrition Labelling Scheme

42. Noting that the Food and Drugs (Composition and Labelling) (Amendment) (No. 2) Regulation 2014 required that any infant formula must contain energy and 33 nutrients ("1+33"), Mr HO Kai-ming asked whether the composition standards for infant formulae would be revised to include more nutrients. USFH advised that the Administration had taken into account

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the relevant Codex standards in establishing the current composition standards and nutritional labelling requirements for infant formulae.

43. Dr KWOK Ka-ki asked whether the Administration would review the requirement for the listing of the energy content and the seven core nutrients on the food nutrition labels (i.e. "1+7") and request the trade to provide more information on the nutrient content of the food products. USFH said that the Administration would examine from time to time the need to review the relevant requirements, and would take into account Dr KWOK's suggestion in this regard.

44. Dr KWOK Ka-ki enquired about the measures taken by the Administration to improve the legibility of nutrition labels and to educate the public to make good use of nutrition labelling information. USFH said that CFS had issued the "Trade Guidelines on Preparation of Legible Food Label" to assist the trade in providing clear and legible information on food labels. CFS would continue to encourage the trade to improve the legibility of nutrition labels. On the publicity and educational front, USFH and AD(FSC)/CFS advised that CFS had been enhancing public awareness and understanding of the Scheme through various means and channels. For instance, CFS had engaged a consultant to conduct surveys on public awareness of nutrition labelling in 2012. It was found that consumers of prepackaged foods had gained better understanding on nutrition labelling after the implementation of the Scheme. CFS would continue its efforts in educating the public on how to make healthier food choices by making use of the information on nutrition labels.

45. The Chairman expressed concern about the adverse impact on human health caused by excessive intake of trans fats in foods. Noting that trans fat was one of the seven core nutrients that had to be listed on the nutrition label, the Chairman suggested requiring traders/manufacturers to add the maximum daily intake of trans fat on the food label for consumers' reference. USFH and AD(FSC)/CFS advised that Codex had not set maximum limits for trans fats in foods. Nevertheless, the Administration would continue to educate the public to make use of the nutrition labels to make healthier food choices in the light of the recommendations of the World Health Organization. The Administration would also encourage the trade to produce food products with lower trans fat content. According to a study conducted by CFS in 2012, after years of public education and publicity, there was a declining trend in the mean trans fat content in food samples, reflecting the positive effect of the trade's effort in reducing trans fat level in their products.

46. The Chairman hoped that CFS would step up efforts in encouraging the trade to observe the relevant guidelines on reducing trans fats in food. She

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also suggested the Administration explore the feasibility of requiring food premises operators to indicate in their menus foodstuffs that were considered to have higher health risk, so as to facilitate patrons to make healthier choices. USFH said that the Administration noted the Chairman's suggestions.

47. The Chairman expressed concern whether the current penalty level could achieve sufficient deterrent effect against contravention of the nutrition labelling requirements. She enquired about the penalties imposed on convicted cases in the past few years. AD(FSC)/CFS advised that contravention of the nutrition labelling requirements under the Food and Drugs (Composition and Labelling) Regulations (Cap. 132W) might be subject to a maximum penalty of a fine at level 5 (\$50,000) and imprisonment for six months. The Administration had instituted prosecutions against non-compliance cases. The fine imposed by the court on offenders in 47 convicted cases ranged from \$800 to \$6,000. She stressed that while the Administration would institute prosecutions against non-compliance cases as appropriate, it would be for the court to decide on the penalty to be imposed on the offenders having regard to mitigation factors. In response to the Chairman's enquiry about the Administration's progress of implementing the recommendations made in the Director of Audit's Report No. 57 in relation to food labelling, AD(FSC)/CFS advised that CFS accepted the recommendations of the Director of Audit and had taken follow-up actions to implement the recommendations.

Small Volume Exemption Scheme

48. Noting that food products from Japan took up 57% of the 77 138 applications approved under the Small Volume Exemption ("SVE") Scheme for prepackaged food products with annual sales volume of 30 000 units or below, Mr HO Kai-ming was concerned whether the SVE scheme had been abused by certain types of food products, circumventing the nutrition labelling requirements for prepackaged foods. AD(FSC)/CFS explained that a manufacturer/an importer might apply to the Director of Food and Environmental Hygiene for nutrition labelling exemption for a prepackaged food product if certain requirements were met, e.g. the product must not carry nutrition claims on its label or in any advertisement. It should be noted that grantees of nutrition labelling exemption had to observe the general labelling requirements for prepackaged food products even though the SVE application was approved. Application for renewal of exemption for the following year would not be approved if the sales volume of the prepackaged food product exceeded the exemption limit of 30 000 units in the previous year.

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**VII. Any other business**

49. There being no other business, the meeting ended at 4:45 pm.

Council Business Division 2  
Legislative Council Secretariat  
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