

立法會
Legislative Council

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Panel on Food Safety and Environmental Hygiene

**Minutes of special meeting
held on Saturday, 8 April 2017, at 9:30 am
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
Hon Tommy CHEUNG Yu-yan, GBS, JP
Prof Hon Joseph LEE Kok-long, SBS, JP
Hon Starry LEE Wai-king, SBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon LEUNG Kwok-hung
Hon Steven HO Chun-yin, BBS
Hon CHAN Chi-chuen
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Elizabeth QUAT, JP
Hon Martin LIAO Cheung-kong, SBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Andrew WAN Siu-kin
Hon HO Kai-ming
Hon SHIU Ka-fai
Hon Wilson OR Chong-shing, MH
Dr Hon Pierre CHAN
Hon HUI Chi-fung
Hon Jeremy TAM Man-ho

Member attending : Hon James TO Kun-sun

Members absent : Hon WONG Ting-kwong, SBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon CHAN Han-pan, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon CHIANG Lai-wan, JP
Hon CHU Hoi-dick
Hon SHIU Ka-chun
Hon Tanya CHAN
Hon CHEUNG Kwok-kwan, JP
Hon LUK Chung-hung
Hon Kenneth LAU Ip-keung, MH, JP
Hon KWONG Chun-yu
Hon Nathan LAW Kwun-chung
Dr Hon YIU Chung-yim
Dr Hon LAU Siu-lai

Public Officers attending : Item I

Dr Gloria TAM Lai-fan, JP
Controller, Centre for Food Safety
Food and Environmental Hygiene Department

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

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

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

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

Miss Michelle TANG
Council Secretary (2) 2

Miss Emma CHEUNG
Legislative Assistant (2) 2

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I. Issues relating to the import of frozen and chilled meat and poultry meat from Brazil

(LC Paper Nos. CB(2)1135/16-17(01) and (02) and CB(2)1059/16-17(01) and (02))

At the invitation of the Chairman, Assistant Director (Food Surveillance and Control), Centre for Food Safety briefed members on the follow-up actions taken by the Centre for Food Safety ("CFS") and the latest development in response to the incident concerning the quality of frozen and chilled meat and poultry meat from Brazil ("the incident"), as set out in the Administration's paper (LC Paper No. CB(2)1135/16-17(01)). Members noted the information note on the subject prepared by the Legislative Council Secretariat (LC Paper No. CB(2)1135/16-17(02)).

The Administration's follow-up actions in response to the incident

Suspension of import and order of recall

2. Dr KWOK Ka-ki considered that the Administration was slow in reacting to the incident, as CFS decided to suspend the import of all frozen and chilled meat and poultry meat from Brazil not until 21 March 2017. The Chairman shared the views expressed by Dr KWOK. While she appreciated the efforts made by CFS in response to the incident, she queried why the import ban of meat and poultry meat from Brazil could not be imposed earlier when compared with other countries. Furthermore, given that the order of recall was issued three days later than the import ban, the Chairman expressed worries that unscrupulous traders might make use of the time gap to sell restricted meat products which had already been imported into Hong Kong prior to the import ban.

3. Controller, Centre for Food Safety ("Controller/CFS") responded that timely follow-up actions had indeed been taken by the Administration. She advised that:

- (a) following media reports about product quality issues of some meat plants in Brazil on 18 March 2017 and investigation into corruption or misconduct of their food safety control officials by the Brazilian authorities, CFS had immediately liaised with the Brazilian authorities to gather relevant information through various channels, including the Consulate General of Brazil in

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Hong Kong ("CG") about the matter. CFS received CG's first reply in the morning of 21 March advising that investigation by the Brazilian authorities was underway. Most of the information available at that time was related to suspected fraudulent acts committed by meat plants in Brazil, with a small amount relating to the quality of the meat products, and no information was associated with food safety problem. CG also confirmed that food safety of Brazilian meat products was not at issue in Brazil. There was no concrete evidence justifying the imposition of an import ban at the early stage of the incident;

- (b) the quality of frozen and chilled meat and poultry meat from Brazil had all along been satisfactory since they were first permitted to be imported into Hong Kong in the 1980s;
- (c) the incident in Brazil had intensified and the information disseminated by the media had become confusing later on. For the sake of prudence, CFS decided to temporarily suspend the import of all frozen and chilled meat and poultry meat from Brazil starting from the evening of 21 March as a precaution;
- (d) the process of recall commenced on 24 March and was completed on 6 April. During the interval, a total of 32 containers of meat products from Brazil had arrived in Hong Kong. While 27 of them were transhipped to other places (including two containers returning to Brazil), four had not undergone devanning and were marked and sealed at the godowns direct. The remaining one had undergone devanning, from among which about 7 000 kilograms of meat products had been discharged to the local market. The Administration had managed to recall about 4 000 kilograms among those 7 000 kilograms meat; and
- (e) as at 6 April, CFS had recalled over 89 000 kilograms of relevant products from local importers and distributors, irrespective of the date of import.

4. Mr Tommy CHEUNG, Mr Steven HO, Mr LEUNG Che-cheung, Mr SHIU Ka-fai and Dr Pierre CHAN commended the Administration for its follow-up actions to safeguard food safety in Hong Kong, which were considered appropriate.

5. Mr HO Kai-ming appreciated the follow-up actions taken by CFS staff so far in response to the incident. It was his understanding that the trade was

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able to obtain even earlier than CG the names of the 21 meat plants under investigation by the Brazilian authorities. He enquired whether there was an established communication mechanism between the Administration and the relevant authorities of the Mainland (such as the Ministry of Commerce) and other countries for regular exchanges of relevant information facilitating the identification of unexpected food safety problems.

6. Controller/CFS advised that CFS had all along been keeping close communication with the relevant authorities in the Mainland and other countries. Under the existing mechanism, while the risk assessments conducted by the Mainland or other countries would provide a good reference, the decision to impose an import ban or not would rest with the Administration based on its own risk assessment.

Enforcement

7. Dr KWOK Ka-ki noted from media reports that despite the order of recall, some traders continued to sell meat products supplied by the 21 meat plants in question. He asked whether and what enforcement actions would be taken, and the penalties imposed on food traders for contravening the recall orders in previous cases. Mr Christopher CHEUNG expressed worries that some traders might fraudulently change/alter the place of origin on food labels so as to sell frozen and chilled meat and poultry meat imported from Brazil to avoid financial loss. He enquired how the Administration could prevent the restricted meat products from entering the local market.

8. Controller/CFS stressed that if traders continued to sell meat products supplied by the 21 meat plants under investigation, they might be liable to commit offences by (a) applying a false trade description under the Trade Descriptions Ordinance (Cap. 362) ("TDO"); (b) selling food not of the nature, substance or quality demanded by the purchaser under section 52 of the Public Health and Municipal Services Ordinance (Cap. 132) ("PHMSO"); or (c) selling any food unfit for human consumption under section 54 of PHMSO. The respective maximum penalties were a fine of \$500,000 and imprisonment of five years under TDO, a fine of \$10,000 and imprisonment of three months under section 52 of PHMSO and a fine of \$50,000 and imprisonment of six months under section 54 of PHMSO. She further said that CFS had conducted a number of inspections on food distributors and retailers since 20 March 2017 and no restricted meat products from Brazil were found available in the local market. She welcomed members of the public to report to CFS any suspected non-compliance with the recall requirement. CFS would take enforcement actions in accordance with the relevant legislation.

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9. Mr CHAN Chi-chuen said that according to his understanding, it was the Customs and Excise Department ("C&ED")'s responsibility to enforce TDO. He wondered whether C&ED would follow up cases suspected to be in breach of PHMSO. Controller/CFS advised that CFS and C&ED had all along been working closely and joint operations were mounted on many occasions in the past. If food products were seized by C&ED at port control points for suspected smuggling or contravention of TDO, CFS would be kept informed for consideration of the need to take appropriate follow-up actions. Regarding the incident under discussion, CFS and C&ED had a mutual understanding on how to handle suspected offences or non-compliance cases.

10. Mr Christopher CHEUNG asked whether CFS solely relied on the information provided by importers and distributors in implementing the recall. Controller/CFS advised that most of the meat products recalled were surrendered voluntarily by traders who were cooperative in providing information about the movement of the concerned meat products and surrendering the same to CFS staff for verification, marking and sealing.

11. In response to the question raised by Dr Pierre CHAN regarding the numbers of convicted cases involving contravention of sections 52 and 54 of PHMSO and TDO as well as the penalties imposed by the Court on the convicted persons in recent years, Controller/CFS undertook to provide the relevant information after the meeting.

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Chemical tests

12. Regarding the 180 samples of meat and poultry meat collected for testing since the occurrence of the incident, Dr KWOK Ka-ki enquired whether any type of carcinogens were included in the tests. Mr HO Kai-ming said that there were allegations that Brazilian meat plants were suspected of mixing cardboard in sausage products. He enquired whether paper had been adopted as one of the testing parameters.

13. In response, Controller/CFS advised that:

- (a) as frozen and chilled meat and poultry meat were not supposed to be eaten in raw, microbiological analysis was not conducted on the 180 meat samples;
- (b) to address the concern that meat and poultry meat products from Brazil might have deteriorated, Total Volatile Nitrogen, an indicator for meat deterioration, was adopted for laboratory analysis. Other food safety indicators adopted included sorbic

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acid, nitrate and nitrite. The test results of all the samples in all of the testing parameters were satisfactory; and

- (c) as for the question of whether tests would be conducted to examine the existence of paper in food products, CFS staff would first inspect the food products by sight. Should there be suspicion of any irregularities, further laboratory tests would be conducted.

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14. At the request of the Chairman, Controller/CFS undertook to provide, after the meeting, details of the test results of different meat items against individual food safety indicators/testing parameters, in relation to the 180 meat samples of chilled meat and poultry meat imported from Brazil and taken at the import and retail levels for testing of meat deterioration.

15. Mr Jeremy TAM asked whether the same testing methodology and parameters would be adopted by CFS in its upcoming tests on meat products imported from countries other than Brazil. Controller/CFS advised that the testing methodology and parameters would be reflected in CFS' work plan for the regular Food Surveillance Programme. Mr TAM was also concerned whether meat products imported from countries whose market share in Hong Kong was insignificant, such as Australia, would be tested for all the food safety indicators. Controller/CFS responded that sale volume/market share was only one of the many factors that CFS would take into account in determining the frequency of sample collection for testing. CFS regularly reviewed the sampling programme and the types of laboratory analysis to be conducted, taking into account all relevant factors such as past food surveillance results, local and overseas food incidents, and relevant risk analyses.

16. Referring to paragraph 2 of the Administration's paper, Mr LEUNG Yiu-chung noted that CFS took a total of 17 060 samples of meat and poultry meat for testing over the past three years and 36 of the samples were found unsatisfactory. He enquired what major problems were identified in those 36 unsatisfactory samples and what follow-up actions were taken by CFS in response to the unsatisfactory test results. Mr CHAN Chi-chuen also sought details of the testing parameters adopted by CFS for testing of those meat samples. Controller/CFS undertook to provide the requested information after the meeting.

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17. Ir Dr LO Wai-kwok wondered whether more meat and poultry meat samples should be taken for testing. Controller/CFS advised that testing on chilled meat and poultry meat from Brazil would continue, notwithstanding that the recall process had been completed. To enhance surveillance of

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Brazilian frozen and chilled meat and poultry meat, relevant meat products from Brazil would be allocated to a "watch list/black list" under the Food Surveillance Programme and CFS would closely monitor the situation. Mr LEUNG Che-cheung enquired about the difference between the "watch list" and the "black list" in terms of surveillance measures to be taken by CFS. Controller/CFS advised that as it involved details of CFS' inspection and enforcement strategies, it would not be appropriate to disclose the details. Generally speaking, collection of samples for testing was based on the potential risks that the food items might pose to public health.

18. Noting that some Brazilian meat products had been transhipped to other places/countries, Mr LEUNG Che-cheung asked whether these meat products would be subject to quality and food safety checks. Controller/CFS responded that under the existing legislation, food items transhipped to other places/countries through Hong Kong were not inspected as the food consignments concerned did not enter the local market.

Impact on the trade

19. Mr Steven HO expressed concern about the impact of the import ban on frozen and chilled meat and poultry meat from Brazil on the trade, in particular the importers. He said that all import shipments of Brazilian meat products which arrived in Hong Kong after the implementation of the import ban were held up at the Kwai Chung Container Terminal, as a result of which affected importers had to pay extra fees to shipping lines and terminal operators for temporary storage. In his view, the Food and Health Bureau should join hands with other relevant bureaux, such as the Commerce and Economic Development Bureau, to explore whether and how financial assistance should be provided to the affected trade operators. Mr LEUNG Che-cheung echoed Mr HO's views.

20. Controller/CFS responded that the Administration was first informed of the predicament faced by the importers during the briefing session with the trade held on 23 March 2017. CFS had suggested the trade to either return the meat products imported from Brazil to the meat plants or destroy them. Controller/CFS added that taking into account the views of the trade that some meat products ordered from Brazil might have been shipped prior to the import ban and would arrive at Hong Kong only after the ban came into effect, CFS had decided to make special arrangements to allow the landing of Brazilian frozen and chilled meat and poultry meat shipped to Hong Kong prior to the import ban. Nevertheless, these products must be marked and sealed to prevent them from entering the market, pending completion of the relevant investigation.

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21. Mr Christopher CHEUNG said that the incident had dealt a severe blow to the trade. He asked whether the Administration would assist the affected traders in seeking compensation from the meat plants in Brazil which were involved in the incident. Controller/CFS responded that since the investigation conducted by the Brazilian authorities was still in progress, it would be too early to discuss the question of compensation at this stage. That said, there was a mechanism for the Government to deal with claims for compensation arising from the implementation of government policies.

22. Mr Tommy CHEUNG enquired whether the Administration had a timetable for releasing the meat products which had been marked and sealed. Controller/CFS responded that CFS would keep monitoring the development of the incident. It would maintain close liaison with the Brazilian authorities and communication with the trade. Depending on the results of the relevant investigation being conducted by the Brazilian authorities, the consignments of meat products would only be released to the market if there was no more food safety concern.

Impact on members of the public

23. In response to Ir Dr LO Wai-kwok's and the Chairman's queries as to whether the Administration had a good grasp of the situation and whether the amount of meat products supplied by the 21 meat plants under investigation that had entered the market was far more than the Administration assessed, Controller/CFS explained that an import licence issued by the Food and Environmental Hygiene Department ("FEHD") was valid for six weeks starting from the issue date. According to the Administration's records, import licences had been issued to six of the 21 plants under investigation in the six weeks since early February 2017. The products covered by the import licences issued to these six plants only accounted for less than 1% of all Brazilian meat products covered by the import licences issued by FEHD over the same period of time. In reply to Dr Pierre CHAN's enquiry, Controller/CFS said that at present, there were about 5 000 Brazilian meat plants eligible to export meat products.

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24. The Chairman and Ir Dr LO Wai-kwok requested the Administration to provide information on (a) the total quantity of meat and poultry meat products covered by valid import licences issued by FEHD to the six/21 meat plants in question/under investigation in the last year; (b) their respective percentage shares in the total quantity of Brazilian meat products covered by import licences issued during the same period of time; (c) the total quantity of meat and poultry meat products supplied to Hong Kong by the six/21 meat plants in question/under investigation during the six weeks immediately preceding the date of import ban, i.e. 21 March 2017; and

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(d) save the 21 meat plants under investigation, a full list of Brazilian meat plants currently permitted to supply meat products to Hong Kong.

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25. The Chairman and Mr LEUNG Yiu-chung opined that it would be difficult to restore public confidence if the Administration did not disclose the names of importers/distributors/retailers involved in the process of recall nor give a clear assurance on the safety of meat products currently available in the local market, as consumers could not verify whether meat products currently available for sale in Hong Kong came from the 21 meat plants under investigation. They requested the Administration to provide a list of local food importers, distributors and retailers affected by the order of recall.

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26. Controller/CFS responded that at present, CFS collected information/intelligence through seven sources/channels to assist in its identification and the tracing of the source of problematic food imported into Hong Kong and its determination of the extent of distribution of the food concerned in the territory. The sources/channels included (a) statistics provided by the Census and Statistics Department, (b) information from C&ED, (c) the register of food importers and distributors kept by CFS under the Food Safety Ordinance (Cap. 612) ("FSO"), (d) import licences for certain foods under the Import and Export Ordinance (Cap. 60), (e) information from trade networks or other intelligence, (f) information on food labels and (g) the notification systems established with the relevant authorities of other jurisdictions. Controller/CFS advised that in order to cope with the present day challenges in food safety control, the Administration planned to upgrade the IT systems in CFS for enhancing the overall IT capability and for supporting interface with the Trade Single Window project which would be spearheaded by the Commerce and Economic Development Bureau. The revamped IT systems would provide a one-stop electronic platform enabling CFS to trace the movement of foods along the entire distribution chain from importation to sale by retail to consumers. It was anticipated that the entire enhancement project would take about 10 years to complete. At the request of the Chairman, Controller/CFS undertook to provide after the meeting more detailed information on the seven sources/channels from which CFS collected information/intelligence.

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27. Mr LEUNG Kwok-hung appreciated that the workload of the Administration in safeguarding food safety in Hong Kong was very heavy, as food supply in Hong Kong relied heavily on import from the Mainland and abroad. Casting doubt over CFS' capability in tracing the source and movement of problematic foods in the event of food incidents, he requested the Administration to provide information on the measures taken by CFS to enhance the food tracing mechanism established under FSO.

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28. Mr LEUNG Yiu-chung was concerned whether the Administration had taken any measures to ensure the safety of meat products imported from Brazil prior to the import ban. The Chairman asked about the number of retailing points which had sold meat products supplied by the 21 meat plants in question prior to the import ban, and whether CFS had inspected all of them after the incident. Controller/CFS advised that CFS had conducted inspections on retail outlets in various districts and no outlet was found to continue to sell meat products from the 21 meat plants in question. CFS staff would spot check the foods for sale during the inspections.

29. In response to Mr LEUNG Yiu-chung's concern about the accuracy of inspections by spot checking, Controller/CFS advised that the arrangement was precautionary in nature. Upon completion of the recall, affected meat products could not be sold in the market. The Administration was confident that the movement of all frozen and chilled meat and poultry meat imported from the 21 meat plants under investigation during the six-week period immediately preceding the import ban had been tracked down by FEHD for follow-up actions. She supplemented that CFS would continue to conduct inspections at meat retailing points and take enforcement actions when necessary. At the request of the Chairman and Mr LEUNG, Controller/CFS agreed to provide the latest progress of (a) inspections conducted by CFS on local retailing points since the incident to ensure compliance with the mandatory recall requirement; and (b) the operation of the recall process including the total quantity of meat and poultry meat recalled and the retailing points involved.

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(Members agreed to extend the meeting beyond its appointed time to allow all members who had requested to ask questions to do so.)

Effectiveness of food safety regulatory mechanism adopted by CFS

30. In response to Ir Dr LO Wai-kwok's enquiry about Hong Kong's food monitoring system for imported meat, Controller/CFS advised that the Administration had to strike a balance between protecting health of the consumers and ensuring fair trade practices in the food trade. It should be noted that Hong Kong's import inspection and quarantine requirements in respect of livestock and poultry meat were drawn up having regard to the recommendations of the World Health Organization and the World Organisation for Animal Health. In gist, FEHD had put in place a monitoring system for imported meat. The system adopted international standards and practices based on risk assessment. All places of origin for meat must submit to FEHD relevant information which included legislation regulating hygiene standards of meat; animal disease situation; facilities and hygiene standards of farms, slaughterhouses and processing plants; and issuing authority and

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accreditation details of health certificates etc. to certify the hygiene standard of their meat. Then, on-site inspection would be conducted and on passing through the former vetting procedures, they would then be permitted to supply meat to Hong Kong on a trial basis. On arrival at port control points, the trial shipment(s) of meat products would be detained for examination. CFS would conduct physical inspection as well as sampling for laboratory testing. The consignment(s) could only be released to the market for sale after the testing results were satisfactory. If FEHD was satisfied with the trial shipments/consignment(s), subsequent consignments would be sampled for testing, although they could be released for sale before the final testing results were available. If the testing results were unsatisfactory, FEHD would ask the exporting country's authorities to suspend shipment, to conduct a comprehensive investigation into the causes of the problem and then send the investigation report to FEHD. FEHD would only allow imports of meat to resume when the exporting country's authorities had identified and corrected the relevant problem to the satisfaction of FEHD.

31. The Chairman said that the case under discussion involved suspected bribery of government officials by meat producers in exchange for permission to sell and export allegedly contaminated meat. She expressed deep concern about the effectiveness of the current food monitoring system for imported foods which relied on production of health certificates issued by the authority of the place of origin. In her view, the Government should step up surveillance and control measures over imported meat and high-risk food products, instead of reacting to reports of problematic food products and recalling the food products concerned from the retail outlets.

32. Controller/CFS responded that the Government had always attached great importance to ensuring food safety in Hong Kong through a multi-pronged approach, including regulating food safety standards by legislation, conducting food surveillance programme and establishing food incidents handling mechanism. For the present case, CFS would continue to maintain liaison with the Brazilian authorities, conduct reassessment and enhance surveillance of Brazilian frozen and chilled meat and poultry meat at the import, wholesale and retail levels for testing of meat deterioration and other food safety indicators in response to the latest developments.

Procedural matters discussed

33. Mr LEUNG Kwok-hung and Dr KWOK Ka-ki requested that a verbatim record of this meeting be prepared, as it was necessary for every detail of the responses provided by Controller/CFS during the meeting be recorded.

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34. The Chairman advised that according to House Rule 25(b), verbatim records were not normally prepared for a meeting, except where the Panel was conducting an enquiry and had been authorized to summon witnesses to give evidence. This notwithstanding, she might, with the agreement of the Panel, determine that a verbatim record of a meeting be made. The request should, however, be justified on the grounds of need and such a request should be submitted to The Legislative Council Commission with justifications for record.

35. The Chairman further said that the Panel Clerk would, after the meeting, prepare the minutes of this meeting which would be presented in detailed form and circulated to members for comments and endorsement once ready.

36. Mr Tommy CHEUNG said that he did not see any strong justification for preparing a verbatim record of this meeting. He cautioned that the proposal would depart from the Secretariat's usual practice and incur additional administrative cost.

37. As members had different views on whether a verbatim record should be prepared for this meeting, the Chairman decided to put the matter to vote. Since the question was not agreed by a majority of the members present, she declared that the motion was negatived.

II. Any other business

38. There being no other business, the meeting ended at 11:22 am.