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Panel on Food Safety and Environmental Hygiene

**Updated background brief prepared by
the Legislative Council Secretariat for the meeting on 14 February 2017**

Food surveillance

Purpose

This paper summarizes major views and concerns of members of the Panel on Food Safety and Environmental Hygiene ("the Panel") regarding the Food Surveillance Programme ("the Programme") of the Centre for Food Safety ("CFS").

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 registered farms/processing plants with audit inspections to enter Hong Kong, and requiring health certificates for certain food animals and food products, etc. At the downstream of the food supply chain, the Programme is a key component of CFS's measures to identify potential food risk and monitor food safety level.

3. Under the 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. To keep in line with the international trend of putting more focus on project-based surveillance, CFS has since 2007 adopted a three-pronged 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 which is commonly consumed in Hong Kong. In 2015, 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) eight targeted food surveillance projects, such as sulphur dioxide in meat and metallic contaminants in food;
- (b) six seasonal food surveillance projects, including Lunar New Year food, hairy crabs and Poon Choi; and
- (c) one survey on popular food items, i.e. hot pot food and soup base.

Overall results

4. In 2015, CFS conducted tests on a total of about 64 300 food samples, i.e. about nine samples per 1 000 persons of the population of Hong Kong. According to the Administration, this was a relatively high testing rate when compared with other overseas economies. There were 195 unsatisfactory samples among the test results. The overall satisfaction rate was 99.7%. For individual food products/items with problems identified, CFS had taken prompt risk management actions to safeguard public health.

Deliberations of the Panel

5. The Panel discussed issues relating to the Programme at a number of meetings between 2009 and 2016. Members' major views and concerns on the subject are summarized below.

Scope of the Food Surveillance Programme

6. Noting that the testing results of the food samples under the 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 questioned the comprehensiveness of the Programme and considered the scope of the existing sampling programme too narrow. There was a suggestion that CFS should include those types of food that were of public concern in its sampling programme to enhance the representativeness of the food surveillance projects. CFS was urged to play a more proactive role in identifying potential food risk and take prompt actions to follow up on food incidents to safeguard public health.

7. According to the Administration, CFS adopted a risk-based principle in determining the types of food samples to be collected, the frequency and number of samples taken for testing, and the types of laboratory analyses to be conducted. The sampling programme was under regular review by CFS and would be adjusted taking into account factors such as past surveillance results, local and overseas food incidents, relevant risk analyses as well as new requirements under legislation. CFS would consult the Expert Committee on Food Safety and obtain its endorsement before food surveillance projects under the Programme were implemented. CFS also monitored daily the information available from media and overseas food safety institutions on food safety issues and food incidents. It would verify the information with the relevant authorities of the food exporting country concerned and take follow-up actions where appropriate.

Food sampling and testing

8. Noting that about 64 300 food samples were taken by CFS for testing in 2015, some members cast doubt as to whether the number of food samples taken for testing was adequate. In their view, the Administration should increase the number of food samples taken for testing and allocate more resources to the work of CFS in respect of food surveillance. 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.

9. According to the Administration, the testing rate under the Programme was relatively high when compared with other overseas economies. 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.

10. In response to members' concern about the different testing methods adopted by the trade, non-government organizations and CFS, the Administration explained that CFS 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 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 might conduct his own testing and verify the testing result with that of the Government Laboratory.

11. Regarding 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 all 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.

Actions against problem food

12. In response to members' enquiries about follow-up actions taken by CFS in case food samples were identified to have problems, the Administration advised that a series of follow-up actions would be taken against problem food, including (a) issuing warning letters to the suppliers concerned, (b) tracing the source and distribution, (c) notifying the authorities in the places of origin for follow-up, (d) suspending the products in question from import into Hong Kong until CFS was satisfied with the remedial actions of the importers/manufacturers and the investigation reports to be submitted by the relevant authorities of the exporting countries, (e) requiring the concerned traders to stop sale, and (f) recalling and disposing of the affected food. While prosecution would be taken if there was sufficient evidence showing non-compliance with statutory requirements, there were not many prosecution cases as collection of evidence was difficult in most cases, particularly when the products concerned had already been sold out by the vendors. That said, the Administration emphasized that the main objective of food surveillance was to ensure food safety for public consumption rather than penalizing offenders.

Safety of imported food

13. Concerns were raised about the role of CFS in the regulatory control over the registered vegetable farms in the Mainland and the effectiveness as well as reliability of the relevant Mainland authorities' monitoring of food safety. 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.

14. Some members, however, considered the existing control measures in detecting and preventing problematic vegetables from importing into Hong Kong ineffective. The Administration stressed that vegetables imported from the Mainland must come from the vegetable farms and production and processing plants registered with the Mainland inspection and quarantine authorities. The Mainland authorities would regulate and monitor the farm size, environment, irrigation, soil, application of fertilizers and pesticides, as well as

conduct food tests on the vegetables before exporting them to Hong Kong. These apart, CFS officers would inspect each vegetable vehicle when it arrived at the Man Kam To Food Control Office at which checking would be conducted on whether the seal on the vehicle remained intact and whether the consignment tallied with the accompanying documents. CFS officers would also inspect the vegetables and take samples for quick tests for pesticide residues and comprehensive chemical analysis. On average, about seven to nine vegetable vehicles would be identified daily for full inspection.

15. Members were also concerned about the safety of food products directly sourced from food processors in the Mainland by local restaurants and supermarkets, as well as vegetables imported from the Mainland and directly distributed to retail outlets, instead of distributing through Government vegetable wholesale markets or the Vegetable Marketing Organization. Since Hong Kong relied heavily on imported food, members considered import control highly important in ensuring that food imported to Hong Kong was fit for human consumption. There was a call for the Administration to carry out stringent food safety checks on imported food. In some members' view, an effective mechanism had to be put in place to trace the source of food in order to timely address problems of contaminated food.

16. According to the Administration, the Food Safety Ordinance (Cap. 612) ("FSO") had come into full operation since 1 February 2012. Under FSO, all food importers and food distributors were required to register with the Director of Food and Environmental Hygiene ("DFEH") and food traders were required to maintain records of movements of food. FSO enabled CFS to identify the source of food more effectively and to take prompt action when dealing with food incidents.

17. Members continued to be concerned about the monitoring of radiation contamination of food products imported from Japan and the safety standards for radiation level adopted in Hong Kong. The Administration advised that in response to the Fukushima nuclear power plant incident in Japan in 2011, DFEH had issued an order under section 78B of the Public Health and Municipal Services Ordinance (Cap. 132) to prohibit import of vegetables and fruits, milk, milk beverages and milk powder from the five most affected prefectures of Japan, namely Fukushima, Ibaraki, Tochigi, Chiba and Gunma. CFS also prohibited 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, 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 of the Codex Alimentarius Commission. 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,

had to be tested under the Contamination Monitoring System. In addition to the 64 300 food samples inspected under the annual Programme, more than 72 500 samples of food imported from Japan were tested in 2015. The test results of all samples were satisfactory. CFS would review the testing standards from time to time and maintain close communication with the Japanese authorities to safeguard food safety at food sources.

Inter-departmental cooperation

18. Concern was raised about the cooperation between CFS and the Customs and Exercise Department ("C&ED") in handling food incidents. Some members enquired whether CFS and C&ED solely relied on the intelligence/complaints received in tracing food products in cases of food safety incidents, and how CFS and C&ED worked in collaboration to prevent illegal importation and smuggling of food under import ban.

19. The Administration responded that as a lot of food products were imported into Hong Kong from places outside Hong Kong, CFS would need to work with C&ED to conduct food inspections. While CFS had its own established mechanism to ensure food safety (e.g. the implementation of the import ban on certain Japanese food products from five prefectures in Japan), joint operations would be carried out with C&ED where necessary. The two departments would also hold meetings to follow up on each food incident and review the enforcement actions required. CFS would adjust the testing of certain food samples by analysing the intelligence, alerts and media reports on food incidents.

Pesticide residues in food

20. Noting that CFS completed pesticide residue tests on about 36 000 food samples in 2015 and only 93 samples were found to be unsatisfactory, members were concerned whether the chemical standards for pesticides in food as laid down in the Pesticide Residues in Food Regulation (Cap. 132CM) ("the Regulation") were appropriate and comparable to international standards. There was a suggestion that the Administration should review the maximum residue limits ("MRLs") and extraneous maximum residue limits ("EMRLs") under the Regulation.

21. The Administration responded that from the food safety perspective, all substances falling within the definition of "food" were regulated by the Regulation which came into force in August 2014. Regardless of whether there was an MRL specified in Schedule 1 to the Regulation, all food products should comply with the legislative requirements related to food safety in Hong Kong. For pesticide residues with no specified MRLs/EMRLs in Schedule 1,

the Regulation stipulated that except for exempted pesticides, import or sale of food containing such pesticide residues was allowed only if the consumption of the food concerned was not dangerous or prejudicial to health. CFS conducted risk assessment to determine whether the consumption of such food was hazardous or harmful to health. Risk assessment was a science-based method in line with the international practice. The adoption of a risk assessment approach also made the Regulation more flexible and practical.

Recent developments

22. The Administration will make a report on the Programme for 2016 at the Panel meeting on 14 February 2017. Members have requested the Administration to include in its report the following matters: (a) the feasibility of regulating activities of vegetable smuggling and reviewing the standards of pesticide residues in food, and (b) the results of the test on rice samples conducted by CFS in the wake of the recent case where "fake" rice was suspected to have been used by restaurants.

Relevant papers

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

Relevant papers on food surveillance

Committee	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	9.6.2009 (Item VI)	Agenda Minutes
	12.1.2010 (Item IV)	Agenda Minutes
	8.3.2011 (Item V)	Agenda Minutes
	10.4.2012 (Item VI)	Agenda Minutes
	12.3.2013 (Item VI)	Agenda Minutes Administration's follow-up paper on food surveillance results 2012 (LC Paper No. CB(2)1691/12-13(01))
	11.3.2014 (Item VI)	Agenda Minutes
	10.3.2015 (Item IV)	Agenda Minutes
	8.3.2016 (Item V)	Agenda Minutes Administration's follow-up papers on issues relating to the food surveillance work of the Centre for Food Safety (LC Paper Nos. CB(2)577/16-17(01) and CB(2)580/16-17(01))

Committee	Date of meeting	Paper
Legislative Council	11.1.2017	<u>Written question raised by Dr Hon Junius HO on "Measures to enhance food safety"</u>

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