

**立法會**  
**Legislative Council**

LC Paper No. CB(2)983/17-18  
(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, 9 January 2018, at 2:30 pm**  
**in Conference Room 3 of the Legislative Council Complex**

**Members present** : Hon Steven HO Chun-yin, BBS (Chairman)  
Dr Hon KWOK Ka-ki (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 Claudia MO  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon CHAN Chi-chuen  
Hon LEUNG Che-cheung, SBS, MH, JP  
Hon Alice MAK Mei-kuen, BBS, JP  
Hon KWOK Wai-keung, JP  
Dr Hon Helena WONG Pik-wan  
Dr Hon Elizabeth QUAT, BBS, JP  
Hon POON Siu-ping, BBS, MH  
Dr Hon CHIANG Lai-wan, JP  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP  
Hon Andrew WAN Siu-kin  
Hon CHU Hoi-dick  
Hon HO Kai-ming  
Hon SHIU Ka-fai  
Hon SHIU Ka-chun  
Hon Wilson OR Chong-shing, MH  
Hon YUNG Hoi-yan  
Dr Hon Pierre CHAN  
Hon Tanya CHAN  
Hon HUI Chi-fung  
Hon LAU Kwok-fan, MH

Hon Kenneth LAU Ip-keung, BBS, MH, JP  
Hon KWONG Chun-yu  
Hon Jeremy TAM Man-ho

**Member attending** : Hon LAM Cheuk-ting

**Member absent** : Hon CHAN Han-pan, JP

**Public Officers attending** : Item IV

Dr CHUI Tak-yi, JP  
Under Secretary for Food and Health

Mr Eugene FUNG Kin-yip, JP  
Deputy Secretary for Food and Health (Food) 2

Miss Cherry WONG Pui-sum  
Senior Principal Executive Officer (Food) (Acting)  
Food and Health Bureau

Dr HO Yuk-yin, JP  
Controller, Centre for Food Safety  
Food and Environmental Hygiene Department

Dr Samuel YEUNG Tze-kiu  
Consultant (Community Medicine) (Risk Assessment  
and Communication), Centre for Food Safety  
Food and Environmental Hygiene Department

Item V

Dr CHUI Tak-yi, JP  
Under Secretary for Food and Health

Mr Eugene FUNG Kin-yip, JP  
Deputy Secretary for Food and Health (Food) 2

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

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

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

Miss Cally LAI  
Legislative Assistant (2) 2

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Action

**I. Confirmation of minutes**  
(LC Paper No. CB(2)604/17-18)

The minutes of the meeting held on 14 November 2017 were confirmed.

**II. Information papers issued since the last meeting**  
(LC Paper Nos. CB(2)589/17-18(01), CB(2)642/17-18(01),  
CB(2)651/17-18(01) and CB(2)659/17-18(01))

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

- (a) Administration's consolidated response to the referral from the Panel on Public Service regarding the work of the Joint Offices for Investigation of Water Seepage Complaints;
- (b) Administration's responses and follow-up actions to the Office of The Ombudsman's direct investigation report on "Food and Environmental Hygiene Department's System of Safety Control for Imported Fruits and Vegetables";
- (c) submission dated 5 January 2018 from the Conservancy Association concerning the construction of the Agricultural Park; and
- (d) joint submission dated 5 January 2018 from five organizations on issues relating to the implementation progress of the New Agricultural Policy.

3. The Chairman said that in response to members' request raised at the meeting on 14 November 2017, the Administration had provided an information paper on its responses and follow-up actions to the Office of

Action

The Ombudsman's direct investigation report on "Food and Environmental Hygiene Department's System of Safety Control for Imported Fruits and Vegetables", as referred to in paragraph 2(b) above. The Administration had proposed to brief members on its follow-up actions in response to the investigation report, together with the item "Report on the Food Surveillance Programme for 2017" at the next Panel meeting.

**III. Date of next meeting and items for discussion**  
(LC Paper Nos. CB(2)606/17-18(01) and (02))

Regular meeting in February 2018

4. Members agreed to discuss the following items at the next regular meeting scheduled for Tuesday, 13 February 2018 at 2:30 pm:

- (a) Report on the Food Surveillance Programme for 2017 and follow up measures in response to The Ombudsman's investigation report on "Food and Environmental Hygiene Department's System of Safety Control for Imported Fruits and Vegetables";
- (b) Creation of a supernumerary post of Senior Principal Executive Officer in the Private Columbaria Affairs Office of the Food and Environmental Hygiene Department for the regulation of private columbaria;
- (c) Expansion of Wo Hop Shek Crematorium (Item 3026NB); and
- (d) New allocation arrangement for public niches (including advance allocation and time-limited leases) and green burial initiatives

5. Members also agreed that the meeting be extended to end at 5:30 pm to allow sufficient time for discussion of all items on the agenda.

Items for discussion at future meetings

*Policy initiatives related to land premium and traffic impact assessment issues of pre-cut-off columbaria*

6. The Chairman said that at the last meeting held on 12 December 2017, when receiving the Administration's briefing on its work progress in relation to the implementation of the Private Columbaria Ordinance (Cap. 630) in the initial six-month period following enactment, some members suggested that the Panel should hold a public hearing to receive public views on the two

Action

policy initiatives announced by the Government to address the land premium and traffic impact assessment issues of pre-cut-off columbaria seeking a licence under the Ordinance. The Chairman further said that subsequent to his follow-up discussion with the Administration on the timing for holding the public hearing, the Administration had provided the Panel with a supplementary paper responding to key issues of concern to members raised at the meeting on 12 December 2017 (LC Paper No. CB(2)645/17-18(01)). In its paper, the Administration suggested that the Panel might consider holding the public hearing in or after April 2018, as the status on the applications for specified instruments received by the Private Columbaria Licensing Board would be better known after 29 March 2018 (i.e. the deadline for the pre-cut-off columbaria to submit their applications). Having considered the Administration's response, the Chairman suggested and members agreed that the public hearing be scheduled in late April 2018 or shortly afterwards.

*Progress of initiatives under the New Agriculture Policy and construction of the Agricultural Park*

7. The Deputy Chairman and Dr Helena WONG noted with concern that the Administration would seek approval from the Public Works Subcommittee ("PWSC") at its meeting to be held on 17 January 2018 for project estimates of \$400.40 million and \$136.34 million respectively for the resumption of land and the road works for the establishment of an agricultural park in Kwu Tung South (phase 1) under Capital Works Reserve Fund Block Allocations for 2018-2019. They considered that the Panel should hold a special meeting as early as possible, preferably before PWSC's discussion of the said items, to discuss with the Administration the implementation progress of the New Agriculture Policy, the construction of the Agricultural Park and the designation of Agricultural Priority Areas and to receive public views on these issues. The Chairman said that he would check with the Administration after the meeting on its plan and timetable for discussing the matters at a Panel meeting.

*(Post-meeting note: The Administration's paper reporting on its work progress in respect of the major initiatives under the New Agriculture Policy and setting out its proposed timetable to brief the Panel on the construction works of the Agricultural Park Phase 1 was issued to members vide LC Paper No. CB(2)721/17-18 on 16 January 2018.)*

*Review of legislation relating to animal welfare*

8. Dr CHIANG Lai-wan said that in consideration that the Subcommittee to Study Issues Relating to Animal Rights formed under the Panel was on the waiting list for re-activation of work and could resume its operation to continue the study on various issues not until a vacant slot was available, the

Action

Administration should timely brief Panel members on the progress of its review of legislation relating to protection of animal welfare and prevention of animal cruelty (i.e. item 18 on the Panel's list of outstanding items for discussion). She suggested that arrangement be made for the Panel to discuss the subject matter in the third quarter of 2018. The Chairman said that he would relay the request to the Administration.

9. Regarding the other two issues raised by Dr CHIANG Lai-wan, i.e. (a) regulation of Chinese herbal medicines and progress of the establishment of the permanent Government Chinese Medicines Testing Institute and (b) regulation of health food products, the Chairman said that those issues fell within the purview of the Panel on Health Services.

**IV. Result of the public consultation on proposed amendments to the Food Adulteration (Metallic Contamination) Regulations (Cap. 132V)**

(LC Paper Nos. CB(2)606/17-18(03) and (04))

10. At the invitation of the Chairman, Under Secretary for Food and Health ("USFH") briefed members on the results of the public consultation exercise on the proposed amendments to the Food Adulteration (Metallic Contamination) Regulations (Cap. 132V) ("the Regulations"), as detailed in the Administration's paper (LC Paper No. CB(2)606/17-18(03)). Members noted the updated background brief on the subject (LC Paper No. CB(2)606/17-18(04)) prepared by the Legislative Council ("LegCo") Secretariat.

11. Dr Helena WONG and Mr Jeremy TAM welcomed the Administration's proposals to amend and update the Regulations, with a view to aligning with the principle of the Codex Alimentarius Commission ("Codex") and modern international regulatory trends of specifying metallic contamination standards for individual food/food groups of significant dietary exposure. Dr WONG hoped that the Administration could introduce the Amendment Regulations into LegCo as early as possible, preferably within March 2018, for timely scrutiny of the subsidiary legislation.

Proposed maximum levels for cadmium in polished rice and leafy vegetables

*Cadmium in polished rice*

12. The Deputy Chairman, Dr Helena WONG, Dr CHIANG Lai-wan, Mr Andrew WAN and Mr Jeremy TAM expressed deep concern that the proposed relaxation of the maximum level ("ML") for cadmium in polished rice from 0.1 mg/kg to 0.2 mg/kg would expose the general population to a higher health risk, given that rice was a major diet on which local people

Action

relied and there were potential health risks associated with excessive intake of cadmium. Noting that some overseas jurisdictions, such as Australia and New Zealand, still adopted an ML of 0.1 mg/kg for cadmium in polished rice, these members considered it more appropriate for Hong Kong to retain the existing ML for cadmium in polished rice for better protection of public health. The Deputy Chairman queried whether the Administration had yielded to the pressure from rice traders in reviewing the cadmium standard in polished rice.

13. In response to Mr Jeremy TAM's enquiry about the results of the routine food surveillance programme in the past in respect of rice samples, Controller, Centre for Food Safety ("Controller/CFS") said that from 2012 up to present, CFS had taken more than 400 rice samples for testing of metallic contamination under its food surveillance programme. The test results of 99% of the rice samples were satisfactory, with only three samples exceeding the existing standard of 0.1 mg/kg and one exceeding the proposed standard of 0.2 mg/kg for cadmium. The levels of cadmium found in 64% of the rice samples were even below the limit of detection for cadmium in general food (i.e. 0.02 mg/kg).

14. Mr Jeremy TAM opined that the results showed that the adoption of the existing standard of 0.1 mg/kg for cadmium in polished rice did not have any adverse impact on the supply of rice in Hong Kong. He did not see any imminent need for the Administration to revise the standard for cadmium in polished rice. Mr SHIU Ka-fai, however, considered the existing ML for cadmium in polished rice too stringent. He said that he and the trade were supportive of the proposed revision from 0.1 mg/kg to 0.2 mg/kg.

15. Deputy Secretary for Food and Health (Food) 2 ("DSFH(F)2") and Controller/CFS made the following response:

- (a) the existing maximum permitted concentrations ("MPCs") of 0.1 mg/kg for cadmium in the food group "cereals and vegetables" (including polished rice) as laid down in the Regulations was established by the Government in 1983. When establishing/reviewing standards on metallic contamination under the Regulations at that time, the Government had made reference to the Codex standards and other jurisdictions (e.g. Australia, Japan, Singapore, the United Kingdom ("UK") and the United States of America ("USA")) as well as the available data on the metallic concentrations in various foodstuffs;
- (b) the Administration's proposed ML of 0.2 mg/kg for cadmium in polished rice was more stringent than the existing Codex standard of 0.4 mg/kg which was adopted in 2006. According to the information that the Administration had gathered, among the

Action

countries/economies that had established MLs for cadmium in polished rice, only Australia and New Zealand (apart from Hong Kong) had maintained an ML of 0.1 mg/kg for cadmium in polished rice and their standards were established before 1999. Economies of which polished rice was their staple food had adopted the Codex standard of 0.4 mg/kg (e.g. Japan, Taiwan and Vietnam), the standard of 0.2 mg/kg (e.g. the Mainland, Korea and Singapore) or did not have an ML (Thailand). The proposed ML of 0.2 mg/kg for cadmium in polished rice compared favourably with those economies. Also, it was likely that Australia and New Zealand might relax their standard for cadmium in polished rice after they had conducted reviews of metallic standards in food;

- (c) in formulating the proposed ML for cadmium in polished rice, the Administration had taken into account various relevant factors, including the latest Codex standards, relevant standards of other jurisdictions, the local food consumption pattern and dietary practice, and results of risk assessments conducted in the past, etc. According to the report of the "First Hong Kong Total Diet Study: Metallic Contaminants", rice contributed to only 6% of the total exposure of cadmium for average consumers of the population, whereas the dietary exposures to cadmium of average and high consumers of the population accounted for 33% and 75% of the relevant health-based guidance value respectively. The health of the general population was unlikely to be affected by the intake of cadmium through rice. Results of CFS's risk assessment also indicated that a proposed ML at 0.2 mg/kg for cadmium in polished rice, based on the local rice consumption, was adequate in protecting public health in Hong Kong. As such, the Administration did not have strong scientific justification to keep the existing MPC for cadmium in polished rice; and
- (d) in proposing the standard for cadmium in polished rice, the Administration did not face any pressure from rice traders. Under the proposed amendments, cadmium was only one of the six metallic contaminants with proposed MLs applicable to polished rice. The other five metallic contaminants were antimony, arsenic, chromium, lead and mercury. The current proposals were to tighten the standards for arsenic, lead and mercury, relax the standard for cadmium while maintaining the prevailing standards for antimony and chromium. The proposed ML for lead would be 30 times more stringent than the existing ML. The overall quality of rice would likely improve given that the rice would have to meet all of the six standards.



Action

16. In response to Mr LAU Kwok-fan's enquiry, DSFH(F)2 said that the Administration believed that the proposed new standards for the six metallic contaminants for polished rice would have minimal impact on the supply of rice in Hong Kong. In future, only rice products meeting all relevant standards would be allowed to enter the local market. It was expected that rice products to be supplied to Hong Kong would be of good quality.

Admin

17. The Chairman said that Members belonging to the Democratic Alliance for the Betterment of Hong Kong supported the Administration's proposed amendments to the Regulations. He urged the Administration to clearly explain to the public the criteria adopted in reviewing the standards for metallic contamination in food under the current exercise, including the justifications for revising ML for cadmium in polished rice from 0.1mg/kg to 0.2 mg/kg. He also requested the Administration to provide for members' reference information on whether other major jurisdictions (e.g. Australia, Japan, Singapore, UK and USA) had announced any plan/timetable for conducting the next round of review when they last reviewed/amended/established their standards for metallic contamination in food, and if yes, the details.

18. In response, DSFH(F)2 advised that the Administration would step up publicity through CFS' website on the revised standards for metallic contaminants in food and explain the rationale for revising the cadmium standard in polished rice.

#### *Cadmium in leafy vegetables*

Admin

19. Dr Helena WONG said that to her understanding, the Mainland, Taiwan and the European Union had adopted MLs for cadmium in leafy vegetables in the range of 0.05 mg/kg to 0.2 mg/kg, and Australia an ML of 0.1 mg/kg. She and Mr Andrew WAN enquired about the justifications for relaxing the standard for cadmium in leafy vegetables from 0.1 mg/kg to 0.2 mg/kg while tightening the standard for cadmium in bulb vegetables, brassica vegetables, fruiting vegetables (cucurbits) and fruiting vegetables (other than cucurbits) from 0.1 mg/kg to 0.05 mg/kg, and requested a written response from the Administration.

20. Controller/CFS responded that the Administration had adopted the corresponding Codex standards in proposing MLs for metallic contaminants in vegetables. One of the key Codex criteria for establishing MLs of contaminants in food was that MLs should be set at levels necessary to protect public health while not affecting food supply in general (i.e. less than 5% of the test results for levels of metallic contamination for the food groups were found exceeding the proposed MLs). As the risk assessments conducted by CFS in the past indicated that revision of the standard for cadmium in leafy vegetables and other vegetables would not pose higher health risk or

Action

affect the supply of vegetables in Hong Kong, the Administration considered it appropriate to bring MLs for cadmium in leafy vegetables and other vegetables in line with the corresponding Codex standards.

21. The Chairman and Mr LAU Kwok-fan noted that vegetables imported from the Mainland must come from registered vegetables farms or collection stations on the Mainland. When the vegetables reached Man Kam To ("MKT") Control Point, CFS would collect vegetable samples for testing. While there was a growing trend in recent years that merchants would distribute vegetables directly to retail outlets for sale immediately after importing the vegetables from the Mainland ("direct sale"), they expressed concern about the surveillance control over imported vegetables if new metallic contamination standards for vegetables were to be adopted, in particular CFS' surveillance and sampling arrangements in respect of vegetables for direct sale.

22. In response, DSFH(F)2 advised that CFS had all along adopted a risk-based principle in taking food samples at import, wholesale and retail levels for relevant tests under the routine food surveillance programme to ensure that the foods complied with the legal requirements and were fit for human consumption. The programme covered vegetables, regardless of whether they were distributed through wholesalers or were for direct sale. DSFH(F)2 further said that all fresh vegetables entering Hong Kong via the land route must be imported through MKT and were subject to inspection by CFS. CFS officers would inspect vegetable vehicles when they arrived at the MKT 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. About 30 000 samples of imported vegetables and fruits were tested by CFS each year.

23. Mr LAU Kwok-fan said that The Ombudsman had in the direct investigation report (as referred to in paragraph 2(b) above) mentioned the practice of CFS' frontline staff in collecting vegetables from lorries for inspection and testing, whereby only vegetables placed near the door of the storage compartment were taken. He suggested that consideration be given to extending the opening hours of MKT Control Point to allow more time and greater flexibility for CFS to conduct inspection on imported vegetables. Besides, CFS frontline staff should collect vegetables placed at the inner and higher part of the compartment for testing. Echoing his views, the Chairman further suggested that the Administration should consider requiring all imported vegetables be transported to wholesale markets for centralized wholesaling, so as to facilitate CFS' inspection and testing work on vegetables.

Action

24. DSFH(F)2 advised that in response to the recommendations made in The Ombudsman's direct investigation report, CFS had issued guidelines advising frontline staff members on how to take samples of vegetables and fruits in the storage compartments of lorries (including those placed deep inside) in order to implement the procedures effectively. He suggested that vehicle drivers take into account the opening hours of MKT Control Point to allow themselves sufficient time for customs clearance. He added that the opening hours of the border crossing points had to be agreed to by both sides.

Proposed maximum levels for methylmercury in fish

25. Mr SHIU Ka-fai expressed concern over the Administration's proposal to adopt an ML of 0.5 mg/kg for methylmercury in fish (including predatory fish such as large tuna) to replace the existing ML of 0.5 mg/kg for total mercury in fish, which was more stringent than the standard of 1 mg/kg for predatory fish adopted by Codex.

26. Controller/CFS responded that there was no relevant Codex ML for total mercury in fish, but Codex had established guideline levels ("GLs") for methylmercury in fish (other than predatory fish) and predatory fish at 0.5 mg/kg and 1 mg/kg respectively. Controller/CFS further explained that methylmercury was the major form of mercury in fish and was more toxic than inorganic mercury. As fish had been known as the major dietary source of methylmercury exposure in human, the Administration considered it inappropriate from a local public health perspective to strictly follow the relevant Codex GL which was less stringent than the existing ML for mercury in predatory fish in Hong Kong. As such, an ML of 0.5 mg/kg for methylmercury in fish, including predatory fish, was proposed.

MLs for other food groups

27. Dr Helena WONG asked whether consideration would be given to the suggestion from the Consumer Council by adopting a food group called "other foods"; and establishing MLs for metallic contaminants for "other foods" under which food items such as snack and sugar confectionery, which were not included in the current legislative amendment exercise, would be covered. Mr Andrew WAN made a similar enquiry.

28. DSFH(F)2 and Controller/CFS responded that according to the Codex principle for establishing MLs in food, MLs should only set for food in which the contaminant might be found in amounts that were significant for the total exposure of the consumer. In other words, it was not necessary to set MLs for each and every type of foods that contained a contaminant. For food/food groups without specific MLs under the Regulations, CFS would continue to make use of risk assessment as the safety net, striking a balance between safeguarding public health and avoiding undue regulation. Dr Helena WONG

requested the Administration to provide, in writing, a more detailed elaboration of its responses.

### Grace period

29. Dr Helena WONG noted that the Administration proposed to provide a grace period for the Amendment Regulations to come into effect, i.e. a grace period of 12 months for fresh foods (i.e. fresh fruits and vegetables, fresh meat and edible offal of animals and poultry, aquatic animals and eggs), and a grace period of 24 months for other food items. In her view, a grace period of 12-18 months for all food items would be more appropriate as this would be sufficiently long enough for the trade to adapt to the updated MLs. The Deputy Chairman also considered that a grace period of 24 months for non-fresh foods was too long.

30. Controller/CFS responded that having considered that sufficient time had to be provided for the trade to adapt to the updated MLs and the local testing and laboratory sector to build up testing capacity based on the new MLs, the Administration proposed a grace period of 12 months for fresh food given their shorter durability and 24 months for other food items which could have a shelf/storage life of 24 months or longer. The Administration also noted that traders of non-fresh foods would need a reasonable grace period to sell their existing stock before the food products came to expire.

## **V. Work on the review of export control on powdered formulae** (LC Paper Nos. CB(2)606/17-18(05) and (06))

31. At the invitation of the Chairman, USFH briefed members on the implementation of the export control on powdered formulae, as set out in the Administration's paper (LC Paper No. CB(2)606/17-18(05)). With the aid of power-point presentation, DSFH(F)2 briefed members also on the Administration's work in monitoring the supply and price levels of powdered formulae and review of the export control. Members noted the background brief on the subject (LC Paper No. CB(2)606/17-18(06)) prepared by the LegCo Secretariat.

*(Post-meeting note: The softcopy of the power-point presentation materials was issued to members vide LC Paper No. CB(2)668/17-18(01) on 9 January 2018.)*

### Review of export control on powdered formulae

32. The Deputy Chairman, Mr LEUNG Che-cheung, Mr LAM Cheuk-ting and Mr LAU Kwok-fan considered that as non-local demand for powdered formulae remained strong, the Administration should continue to implement

Action

the Import and Export (General) (Amendment) Regulation 2013 ("the Amendment Regulation") to ensure stable and sufficient supply of powdered formulae for local infants and young children. While the shortage problem of powdered formulae had improved in recent years, products of individual brands and individual stages still revealed different degrees of shortage, particularly in districts with frequent parallel trading activities such as the North District, Yuen Long and Tuen Mun. They expressed worries that revoking the export control might affect the local supply of powdered formulae and aggravate parallel trading activities which would have an impact on the price levels of powdered formulae as well as the environmental hygiene of those districts where parallel trading activities were prevalent. According to these members, the general public in Hong Kong were opposed to lifting the export control.

33. While welcoming the review of the export control on powdered formulae, Mr Tommy CHEUNG and Mr SHIU Ka-fai said that as the operation of the supply chain of powdered formulae (such as the usage of various pre-order services) had safeguarded the stability of local supply, the Administration should consider lifting the export control which, in their view, ran contrary to the principle of free trade. In Mr CHEUNG's view, the export restrictions, if to be retained, should only apply to those brands and stages of powdered formula that had shortage at retail level.

34. Mr Jeremy TAM considered it appropriate for the Administration to review the effectiveness and necessity to continue with the export control of powdered formulae. That said, the Administration should ensure that the supply and price levels of powdered formulae would remain stable after the export control was revoked or relaxed. In his view, the Administration should ensure that there was a "supply safety net" for local infants and young children under which a reserve stock sufficient for the consumption by the local population for a reasonable period was guaranteed.

35. USFH and DSFH(F)2 responded that when implementing the export control of powdered formulae in 2013, the Administration had indicated that it was meant to be a short-term measure. Over the years, the Administration had kept reviewing the operation of the export control. It was now an opportune time to conduct a more comprehensive and thorough review of the export control. The Administration was open-minded to the review and issues to be considered during the review would include: (a) whether sufficient and stable supply of powdered formulae to local infants could be effectively safeguarded; (b) whether there were long-term measures to safeguard the effective operation of the supply chain of powdered formulae; (c) the impact of revoking or relaxing the export control on the society (such as whether it would greatly aggravate the environmental hygiene problems of the districts with frequent parallel trading activities); and (d) other related

Action

factors and developments (such as the recent adjustment to tariff in the Mainland on powdered formulae for special purposes).

36. In response to members' enquiries about the survey methodologies, DSFH(F)2 advised that the Administration would collect through market surveys more comprehensive information and data in order to better understand the market situation of powdered formulae and the consumers' behaviours of local parents. The Administration would expand the coverage of the market surveys from usually the existing two major brands (i.e. Mead Johnson and Friso) to other major powdered formula products in Hong Kong, making reference to objective market data. All the 18 districts in the territory, instead of only five districts, would also be covered in each survey. If a fieldworker could not buy a certain powdered formula product in his/her first-hit at a retail outlet, the fieldworker would further check (a) the availability of the surveyed product at the same retail outlet within three calendar days; and (b) the availability of the surveyed product in a nearby retail outlet of the same kind. Apart from the above-mentioned random sampling, the Administration would also conduct dedicated follow-up surveys to ascertain if there was occasional or persisting shortage in retail outlets where surveyed products were not immediately available on the first-hits. The Administration would also pay attention to the market prices of the powdered formulae, including the comparison of the stock and price levels between pharmacies and chain stores.

37. Mr LAU Kwok-fan asked about the circumstances under which the Administration would consider repealing the Amendment Regulation. In his view, as the usage of pre-order services provided by the powdered formula suppliers (e.g. the Coupon Scheme) was low, it should not be used as an indicator for assessing the market situations. Mr LAM Cheuk-ting said that it was his understanding that many pharmacies in the North District were monopolized by a few operators. As these pharmacies did not implement the Coupon Scheme, parents in the North district had difficulties in purchasing powdered formulae. Mr LAM opined that instead of conducting market surveys to assess the market situations, the Administration should evaluate whether the local supply chain of powdered formulae had the capacity to cope with a potentially huge demand from the Mainland if and after the export control was revoked.

38. In response, USFH and DSFH(F)2 reiterated that the Administration was open-minded to the review of the export control on powdered formulae. It was premature at this stage to assume that the export control would be revoked, relaxed or would remain in force. The Administration would uphold the principle of no presupposition and would analyze the data collected from the market surveys and questionnaires objectively, with a view to presenting to the public the current status of the supply chain and its capacity in coping with a potentially huge demand.

Action

39. Mr POON Siu-ping stressed the importance for the Administration to ensure sufficient and stable supply of powdered formulae for local infants and young children. In response to Mr POON's enquiry about the timetable for completing the review, DSFH(F)2 said that the review would be conducted through market surveys and questionnaires, covering all of the 18 districts. It was roughly estimated that it would take about three to four weeks to complete information and data collection in each of the districts. The review would then follow the steps set out in paragraph 12 of the Administration's paper. The Administration would announce the review outcome after considering the survey findings and other relevant considerations, etc.

40. The Chairman and Dr Helena WONG expressed concern that revoking the export control would aggravate parallel trading activities which might cause environmental and hygiene problems. The Chairman considered that the Administration should step up enforcement against public cleanliness offences caused by parallel trading. Dr WONG enquired about the manpower resources deployed for combating parallel trading activities in each district, and whether additional resources would be allocated for such purpose if the Administration decided to revoke the export control. DSFH(F)2 responded that relevant government departments including the Police, the Customs and Excise Department, the Immigration Department and the Food and Environmental Hygiene Department jointly dealt with problems associated with parallel trading activities which were not confined to powdered formulae. He, however, did not have any statistics on manpower deployed by respective departments. DSFH(F)2 stressed that given the complexity of the review and the number of issues involved, the Administration would take into account all the comments received before considering the way forward.

41. The Chairman opined that as the shortage problem of powdered formulae stemmed mainly from parallel trading activities, the review of export control on powdered formulae should be jointly conducted by the Commerce and Economic Development Bureau ("CEDB") and the Food and Health Bureau; and when the subject was next discussed, representatives from CEDB should attend the meeting to respond to members' questions. USFH and DSFH(F)2 advised that the Administration noted the Chairman's view and would follow-up with relevant bureaux/departments.

*Supply and trading of powdered formulae*

42. The Deputy Chairman sought information about the average shortage for Mead Johnson and Friso in Yuen Long and Tuen Mun districts in recent years. DSFH(F)2 responded that, as examples to illustrate, the average shortage rate for Stage 3 products for the two brands recorded in March 2017 in Yuen Long, North and Tai Po districts were about 20%, 10% and 7%

Action

respectively. As advised earlier, the Administration would collect more comprehensive information on the market situation of powdered formulae, including the shortage rate of major brands of products and the consumers' behaviour of local parents in purchasing powdered formulae, through market surveys with extended coverage and enhanced sampling.

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43. The Deputy Chairman said that there was no scientific evidence suggesting that powdered formulae for infants and young children of 12 to 36 months had nutritional and health benefits. He asked whether consideration would be given to enhancing public education on the nutritional need of infants and young children aged between 12 to 36 months to reduce the reliance of local parents on powdered formula products. He requested the Administration to provide supplementary information in this regard after the meeting.

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44. In response to the enquiries of the Deputy Chairman and Mr LAU Kwok-fan, DSFH(F)2 said that the volume of re-export of powdered formulae between 2000 and 2017 (Q1-Q3) referred to the quantities of powdered formulae exported to other places outside Hong Kong under a licence issued by the Director-General of Trade and Industry. The figures did not include the quantities of powdered formulae diverted away from the local retail level in Hong Kong. The Deputy Chairman requested the Administration to provide the volume of powdered formulae re-exported to the Mainland in 2016, among the 60,000,000 kg of powdered formulae imported into Hong Kong in the same year.

45. Mr LAU Kwok-fan said that the figures showing the volume of retained import of powdered formulae in the past 10 years could not accurately reflect the supply of powdered formula products in Hong Kong. He and Mr LEUNG Che-cheung considered that the Administration should find out the quantities of powdered formulae diverted away from Hong Kong through parallel trading, as this was an important piece of information for the Administration's consideration of whether the export control on powdered formulae should be revoked, relaxed or retained.

## **VI. Any other business**

46. There being no other business, the meeting ended at 4:23 pm.