For discussion on 13 February 2018

LegCo Panel on Food Safety and Environmental Hygiene

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"

Purpose

This paper briefs Members on the work of the Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department (FEHD) in respect of the Food Surveillance Programme (FSP) for 2017 and reports on the major surveillance results and the follow-up actions taken.

Food Surveillance Programme

2. CFS adopts the World Health Organization (WHO)'s "from farm to table" strategy to safeguard food safety in Hong Kong. Control at source includes allowing only food from approved 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 FSP is one of the key components to safeguard food safety.

3. Through the FSP, CFS monitors food for sale to ascertain whether the food complies with the legal requirements and is fit for human consumption. CFS takes food samples at the import, wholesale and retail (including online retailers) levels and adopts a risk-based principle in determining the types of samples to be collected, the sampling frequency, the sample size, and the types of laboratory analysis to be conducted. CFS regularly reviews the sampling programme and the types of laboratory analysis, taking into account factors such as past food surveillance results, food incidents in Hong Kong and in other places, and relevant risk analyses. CFS also consults the Expert Committee on Food Safety on food surveillance projects under the FSP.

4. The food surveillance strategy is made up of regular food surveillance, targeted food surveillance and seasonal food surveillance. In addition, CFS conducts surveys on popular food items to assess the safety of food commonly consumed in Hong Kong. In 2017, CFS completed eight targeted food surveillance projects, six seasonal food surveillance projects and one survey on popular food items. The details are set out in <u>Annex 1</u>.

5. CFS has strengthened surveillance to address public concerns over food incidents and reports relating to food safety. For instance, in response to the incidents relating to the quality of and the use of falsified health certificates for meat from Brazil, the detection of the pesticide fipronil in eggs from Dutch farms, and French infant and young children formulae suspected to be contaminated with salmonella, CFS had taken immediate risk management measures, including liaising with the relevant authorities and the trade for more details and information, ascertaining whether the problem foods were sold in Hong Kong and, where necessary, taking food samples from the local market for testing of the hazardous substances in question. The test results of unsatisfactory samples were made public through press releases.

Announcement Mechanism

6. CFS releases a Food Safety Report each month to make public the routine surveillance results of the previous month. Results of targeted food surveillance projects, seasonal food surveillance projects and surveys on popular food items are released as soon as possible upon completion.

7. If the test results indicate that the food samples will pose significant threats to public health or will be of public concern, CFS will issue press releases to explain the risks involved and advise the public against consuming the food in question. CFS will also upload the information of the incidents concerned onto its Facebook page.

The Situation in 2017

8. Other than radiation testing on samples of food imported from Japan¹, CFS conducted tests on a total of about 67 100 food samples in 2017.

9. There were 106 unsatisfactory samples (please see <u>Table 1</u>). The overall satisfaction rate was 99.8%.

Food group	Number of samples tested*	Number of unsatisfactory samples (unsatisfactory rate)	Major problems (number of unsatisfactory samples involved)
Vegetables, fruits and related products	29 900	33 (0.11%)	Pesticides (19), metallic contaminants (7), preservatives (2), colouring matters (2), food labelling (2), pathogens (1)
Meat, poultry and related products	6 300	2 (0.03%)	Preservatives (1), pathogens (1)
Aquatic products and related products	5 900	23 (0.39%)	Metallic contaminants (11), veterinary drug residues (7), dioxins and dioxin-like polychlorinated biphenyls (PCBs) (2), preservatives (1), pathogens (1), food labelling (1)
Milk, milk products and frozen confections	9 800	22 (0.22%)	Hygiene indicators (21), composition (1)

Table 1: Major problems of unsatisfactory samples

¹ Please refer to paragraph 23 below for radiation testing of samples of imported food from Japan.

Cereals and cereal products	3 500	4 (0.11%)	Preservatives (2), metallic contaminants (2)
Others	11 800	22 (0.19%)	Pesticides (8), preservatives (6), food labelling (3), hygiene indicators (1), composition (1), patulin (1), undeclared allergens (1), pathogens (1)
Total	67 100	106 (0.16%)	

* Figures may not add up to the total due to rounding.

10. In general, CFS' follow-up actions regarding problem foods include tracing the source of the concerned consignment from which unsatisfactory samples are found, informing the relevant authorities of the exporting places to take follow-up actions, requesting the importers/distributors to stop selling and surrender the problem foods for disposal where necessary, and releasing the results to the public (see paragraph 7 above).

11. Most of the unsatisfactory samples did not involve serious problems and would not cause adverse health effects to the general public. CFS has been advising the public to maintain a balanced diet and avoid excessive intake of chemicals or metallic contaminants as a result of picky eating.

12. Overall speaking, the FSP for 2017 indicated that the overall satisfaction rate of the food sold in Hong Kong remained to be high, which was comparable to the situation in recent years. For individual food products with problems identified, CFS has taken prompt and effective risk management actions to safeguard public health.

Related Matters

13. We set out below the food safety of various types of food which are of interest to the public.

I. <u>Pesticide residues in vegetables and fruits</u>

14. The Pesticide Residues in Food Regulation (Cap. 132CM) came into effect in August 2014. CFS completed pesticide residue tests on about 21 700 vegetable and fruit samples collected at the import, wholesale and retail levels in 2017. Of these, 19 samples were found to be unsatisfactory while the remaining samples were all satisfactory. The overall unsatisfactory rate was less than 0.1%.

15. According to the findings of the risk assessment² conducted by CFS on the unsatisfactory samples tested for pesticide residues, it was unlikely that normal consumption of the foods concerned would lead to immediate adverse health effects. Excessive pesticide residues in these foods may be caused by non-compliance with the Good Agricultural Practices (GAP) by the trade, such as using excessive pesticides and/or not allowing sufficient time for pesticides to decompose before harvesting. The maximum residue limit (MRL) of pesticide residues in food stipulated in the Pesticide Residues in Food Regulation is not a safety indicator. It is the maximum concentration of pesticide residues permitted in a food commodity when applying pesticides under the GAP. In this connection, consumption of food with pesticide residues higher than the MRL does not necessarily cause any harmful effects on health.

16. The Office of The Ombudsman published a direct investigation report on "Food and Environmental Hygiene Department's System of Safety Control for Imported Fruits and Vegetables" on 13 November 2017. The Administration submitted an information paper (at <u>Annex 2</u>) to the Legislative Council Panel on Food Safety and Environmental Hygiene in early January 2018, setting out the responses and follow-up actions of the Food and Health Bureau (FHB) and CFS.

² The assessment methodology involves comparison between the data determined by the detected level of pesticide residues in a food sample in combination with the relevant consumption pattern of the food (i.e. the result of risk assessment) and the safety reference values (e.g. acceptable daily intakes for long-term exposure assessment, or acute reference dose for short-term exposure assessment).

II. Food safety of vegetables under "direct sale"

17. All along, imported vegetables may either be distributed through wholesale markets (including the wholesale markets operated by the Agriculture, Fisheries and Conservation Department (AFCD), the Cheung Sha Wan Vegetable Marketing Organisation (VMO) or private wholesalers) or sold directly at retail outlets ("direct sale"). Whether vegetables are distributed through wholesalers is not relevant to safeguarding food safety. Wholesale markets primarily provide a trading platform for importers and retailers to facilitate business. Vegetables sold in Hong Kong for human consumption, regardless of whether the vegetables are distributed through the wholesale markets operated by AFCD or the VMO, are subject to local food safety regulatory mechanism.

III. <u>Travellers bringing vegetables suspected not for self-consumption</u>

18. The Government is mindful that vegetables are brought, in the name of self-consumption, into Hong Kong by travellers via the Lo Wu Control Point for sale in the market. In fact, CFS and the Customs and Excise Department (C&ED) maintain close contact and exchange intelligence on activities of importing vegetables through control points other than the Man Kam To Food Control Office. To intercept such activities, joint operations are conducted by C&ED and CFS from time to time. If travellers are found to have brought into Hong Kong a substantial amount of vegetables suspected not for self-consumption, C&ED will refer the cases to CFS for From January 2015 to December 2017, 34 cases of follow-up action. travellers carrying a substantial amount of vegetables into Hong Kong detected at the Lo Wu Control Point were referred to CFS. After intelligence gathering and investigation, it was evident that in three cases the vegetables were brought into Hong Kong for sale. CFS had initiated prosecution against the persons concerned for not registering as food importers under the Food Safety Ordinance (Cap. 612). As for the other 31 cases, there was insufficient evidence to prove that the vegetables concerned were for the purpose of sale. Nonetheless, the travellers concerned voluntarily surrendered the vegetables to CFS for disposal. CFS destroyed about one tonne of vegetables in total. CFS disseminates advice to local vegetable retailers and vegetable importers through risk communication

from time to time, reminding them that imported vegetables, regardless of whether they are being distributed to retailers via vegetable wholesale markets, have to be sourced from registered vegetable farms and production and processing establishments on the Mainland.

IV. <u>Metallic contaminants in aquatic products</u>

19. CFS collected over 1 100 aquatic food samples through its regular food surveillance projects for testing of metallic contaminants in 2017. There were 11 samples detected with metallic contaminants at levels exceeding the legal limits, including seven crab samples with excessive cadmium and four samples of fish and fish products with excessive mercury. The testing results of the remaining samples were satisfactory.

20. Occasional consumption of crabs with cadmium exceeding the legal limits as detected in the aforementioned samples would not cause adverse effects on health.

21. International organisations such as the World Health Organisation have pointed out that predatory fish is the major source of mercury in the human diet. The Total Diet Study Report published by CFS has also pointed out that large fish or predatory fish species (e.g. tuna, alfonsino, shark, swordfish, marlin, orange roughy and king mackerel) may be high in mercury levels. Hence, population groups particularly susceptible to the adverse effects of mercury, such as pregnant women, women planning pregnancy and young children, are advised to opt for fish that are smaller in size and avoid consuming those types of fish which may contain high levels of mercury, in order to minimise the risk of excessive exposure to mercury in food.

V. <u>Radiation testing on food imported from Japan</u>

22. In response to the Fukushima nuclear power plant incident (the Fukushima incident) in Japan on 11 March 2011, the Director of Food and Environmental Hygiene issued an order (the Order) under section 78B of the Public Health and Municipal Services Ordinance (Cap. 132) on 23 March 2011 to prohibit the import of certain fresh produce, milk, milk beverages

and milk powder 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, poultry eggs and all live, chilled or frozen aquatic products from the five prefectures is prohibited, unless they are accompanied by a certificate issued by the competent authority of Japan attesting that the radiation levels do not exceed the guideline levels of the Codex Alimentarius Commission $(Codex)^3$.

23. In addition, since the Fukushima incident, CFS has been conducting tests on the radiation levels for every consignment of food products imported from Japan. CFS tested some 84 100 Japanese food samples in 2017 and the testing results of all samples were satisfactory. CFS released the testing results on its website every working day. Since the Order came into effect, CFS has tested some 465 000 samples of imported Japanese food, and all of the testing results were satisfactory⁴.

24. However, since the Order came into effect, there have been multiple instances of illegal import of vegetables and fruits from those five prefectures, import of chilled or frozen meat without radiation testing certificates, health certificates and import documents from those five prefectures, and erroneous reporting of place of origin. These incidents had caused concern to the Legislative Council and the public over the food export control regime of the Japanese authority. These incidents also affected the public's confidence on the Japanese food safety regime in terms of radiation

³ Before 8 December 2017, the certificates issued by the competent authority of Japan were required to attest that the radiation levels of iodine-131 (I-131), caesium-134 (Cs-134) and caesium-137 (Cs-137) in the relevant food products do not exceed the guideline levels of Codex. Since 8 December 2017, these certificates are only required to attest that the radiation levels of Cs-134 and Cs-137 in the relevant food products do not exceed the guideline levels of Codex. According to the information provided by the international organizations, I-131 has a relatively short half-life (about 8 days) and will decay within a short time after a nuclear event. It has been more than six years since the Fukushima incident occurred. Various places/countries, such as the European Union and Singapore, no longer require food exported from Japan to be tested for I-131 but only require the competent authority of Japan to attest that the radiation levels of Cs-134 and Cs-137 in such food do not exceed the Codex guideline levels. Having consulted the Expert Committee on Food Safety, CFS no longer requires the Japanese authority to test for I-131 with effect from 8 December 2017.

⁴ 66 samples (mainly tea products) were found to have low levels of radioactivity which did not exceed the guideline levels of the Codex.

testing. FHB and CFS have been urging the Japanese authority to step up its gatekeeping efforts (including source tracing).

25. It has been more than six years since the Fukushima incident occurred. A number of economies have already relaxed or revoked their import restrictions against Japanese food imports. FHB and CFS have maintained close communication with the Japanese authority regarding the aforementioned import restrictions. We will continue to review these import restrictions having regard to the latest development.

VI. Food safety of online sale of food

26. FEHD introduced on 22 February 2016 a set of licensing conditions for regulation of operators without physical premises and sale of restricted foods via the Internet or social media platforms, and started accepting applications for the relevant permits on the same day. The licensing conditions mainly require that restricted foods must be obtained from lawful sources, that they shall not be tampered with during transportation to prevent cross-contamination, and that the food products shall be stored at a safe and proper temperature at all times. Moreover, the operators shall 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 can verify such information through the FEHD website when purchasing the foods online. In 2017, 146 permits were issued for online food sale. FEHD has been monitoring online food selling activities. If an unlicensed food business is suspected to be involved in selling any food for human consumption online, or the food is from a suspicious source, FEHD will conduct investigation and take follow-up action accordingly, including issuing warnings to the websites concerned. Should there be sufficient evidence, prosecution will be initiated. In 2017, 22 prosecutions were instituted by FEHD against unlicensed food premises conducting online food sale activities in breach of the Food Business Regulation (Cap. 132X).

27. As sale of food through the Internet has become increasingly popular, CFS has stepped up sampling of food available online for chemical and microbiological tests. In 2017, more than 4 000 food samples purchased online were tested. With the exception of one turmeric rice

sample containing a preservative not permitted in food, and one roast beef sample detected with Listeria monocytogenes, the test results of all samples were satisfactory.

28. FEHD has enhanced public education and publicity on matters which the public and the trade should pay attention to when purchasing and selling food online. Through channels such as the FEHD website, TV and Radio Announcements in the Public Interest, leaflets and posters, members of the public are made aware of the nature, potential risks and delivery temperature control of foods purchased online, in particular perishable and high-risk foods. The trade is also advised of the need to apply for a food business licence or permit under the law for operating a food business, irrespective of its scale and nature, in order to protect consumers' rights and health. Moreover, during the peak periods of online food selling activities over Christmas and the Lunar New Year, FEHD will intensify publicity to promote safety awareness of food purchase through the Internet.

Future Work

29. CFS will continue to strengthen its efforts in food surveillance, enforcement and public education, etc. to safeguard food safety in Hong Kong.

30. An effective food surveillance mechanism is premised on an effective food tracing mechanism. The Food Safety Ordinance empowers CFS to monitor food import and distribution activities through an enhanced food tracing mechanism. This facilitates CFS to identify the sources and causes of food incidents, as well as the parties that should be held liable for the incidents. The mechanism also enables CFS to take enforcement actions and enhances the deterrent effects. Where resources permit, CFS will step up its surveillance efforts, including conducting spot checks to further ensure that food import and distribution activities comply with the food traceability requirements.

Advice Sought

31. Members are invited to note the content of this paper.

Food and Health Bureau Food and Environmental Hygiene Department Centre for Food Safety February 2018

Annex 1

Projects under 2017 Food Surveillance Programme

(A) <u>Regular Food Surveillance</u>

It covered major food groups such as fruits and vegetables, meat, poultry, aquatic products, milk and cereals. CFS adopted a risk-based approach in taking samples for chemical and microbiological analyses.

(B) <u>Targeted Food Surveillance</u>

- (i) Sulphur dioxide in meat
- (ii) Metallic contaminants in food
- (iii) Listeria monocytogenes in ready-to-eat foods
- (iv) Vibrio parahaemolyticus in ready-to-eat foods
- (v) Salmonella in ready-to-eat foods
- (vi) Coagulase-positive staphylococci organisms in ready-to-eat foods
- (vii) Bacillus cereus in ready-to-eat foods
- (viii) Clostridium perfringens in ready-to-eat foods

(C) Seasonal Food Surveillance

- (i) Lunar New Year food
- (ii) Rice dumplings
- (iii) Mooncakes
- (iv) Hairy crabs
- (v) Lap mei
- (vi) Poon choi

(D) Survey on Popular Food Items

(i) Hot pot food and soup base

LegCo Panel on Food Safety and Environmental Hygiene

Office of The Ombudsman's Direct Investigation Report on Food and Environmental Hygiene Department's System of Safety Control for Imported Fruits and Vegetables: Administration's Responses and Follow-up Actions

Purpose

The Office of The Ombudsman published a direct investigation report (the Investigation Report) on "Food and Environmental Hygiene Department's System of Safety Control for Imported Fruits and Vegetables" on 13 November 2017. This document briefs Members on the responses and follow-up actions of the Food and Health Bureau (FHB) and the Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department (FEHD).

Investigation Report

2. The Investigation Report made various observations and comments regarding the sampling of fruits and vegetables by CFS at its Man Kam To Food Control Office (MKTFCO), surveillance and sampling arrangements of vegetables and fruits imported by sea, the lead time from sending samples to the Government Laboratory (GL) to the completion of the laboratory tests, and the regulation of the level of pesticide residues and metallic contaminants in food under the relevant legislation. Also, the Investigation Report made eight recommendations:

- (a) **Recommendation** (1): collect more samples of fruits at MKTFCO for testing;
- (b) **Recommendation (2)**: issue guidelines instructing officers how to conduct more effective collection of samples of fruits

and vegetables in storage compartments of lorries (including those placed deep inside);

- (c) **Recommendation (3)**: collect more samples of fruits imported by sea at importers' warehouses/cold storages;
- (d) **Recommendation (4)**: when conducting sampling at wholesale outlets, focus on those fruits and vegetables believed to be imported by sea;
- (e) **Recommendation (5)**: where feasible, try to minimise the time for sending samples of fruits and vegetables to GL and discuss with GL the possibility of putting more resources (including manpower, machinery, and space etc.) to speed up laboratory tests on food samples:
- (f) Recommendation (6): include lotus roots and bean sprouts in Schedule 1 to Pesticide Residues in Food Regulation (PRFR) as soon as possible based on Codex's categorisation of those two types of vegetables;
- (g) Recommendation (7): adopt Codex's existing standards for the content of "lead" in leafy vegetables and amend Food Adulteration (Metallic Contamination) Regulation (FAMCR) as soon as possible to better safeguard public health in Hong Kong; and
- (h) Recommendation (8): continue to strive to extend the scope of regulation under the Schedules to the relevant laws in order to cover more local food categories, by drawing reference, for example, from the requirements of Mainland authorities on food safety surveillance and the latest categorisation of food in countries/regions from which vegetables and fruits are imported into Hong Kong, and setting Maximum Residue Limits (MRLs) for pesticides and metallic contaminants in any fruits and vegetables commonly consumed in Hong Kong for inclusion in the Schedules to the relevant laws for enforcement and regulation.

Administration's response and follow-up actions

3. According to the World Health Organization (WHO)'s "from farmto-table" principle, regulating food safety requires active cooperation from all stakeholders along the food supply chain, including control-at-source measures at places of production, manufacturers using good manufacturing practices, the food inspection and quarantine effort by the governments of importing and exporting places, as well as emphasis on hygiene from different operators in the sales chain, etc. The Investigation Report mainly focuses on the food control effort by the authorities of the importing region.

4. FHB and CFS welcomed the Investigation Report, agreed with and had taken on board The Ombudsman's advice and recommendations, and had taken follow-up actions to implement all of the recommendations.

5. Our responses to the eight recommendations are as follows:

Recommendation (1): collect more samples of fruits at MKTFCO for testing

6. The Administration appreciates that The Ombudsman shows understanding that vegetables and fruits are not "high-risk" foods. In fact, CFS tested approximately 30 800 samples of vegetables, fruits, and their products in 2016, which accounted for a rather high percentage of the annual total number of food samples tested by CFS. The overall satisfactory rate was over 99.8% for vegetables, fruits and their products. In response to the recommendations of the Investigation Report, CFS has arranged to increase the number of fruit samples taken at MKTFCO. We will continue to give due and holistic consideration to the risks of different food types, and actively explore improvements to the sampling arrangement.

Recommendation (2): issue guidelines instructing officers how to conduct more effective collection of samples of fruits and vegetables in storage compartments of lorries (including those placed deep inside)

7. Frontline staff members of CFS follow the principle of random sampling when collecting vegetables from lorries for inspection and testing. In addition to taking vegetables near the door of the storage compartment,

they will collect vegetables placed at the inner and higher part of the compartment using elevating work platforms if necessary. CFS has drafted a guideline for frontline staff members 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, and to ensure occupational safety. CFS will also enhance relevant training and on-site guidance. CFS has scheduled the trial run for the new sampling procedure for early 2018.

Recommendation (3): collect more samples of fruits imported by sea at importers' warehouses/cold storages

8. CFS continuously reviews its import level monitoring system. While the infrastructure and modes of operation at sea, air and land boundary control points are different, CFS establishes specific monitoring arrangements based on objective conditions. CFS established a Food Control Checkpoint for food imported by sea at Kwai Chung Customhouse, which had commenced operation since the end of October 2015, to strengthen the surveillance of food imported by sea and further enhance our food control system (please refer to Paragraph 10). In addition, CFS has taken initiative to take fruit samples from the importers' warehouses for testing, and has increased the number of samples.

Recommendation (4): when conducting sampling at wholesale outlets, focus on those fruits and vegetables believed to be imported by sea

9. CFS will make continuous efforts to review and improve the food sampling arrangements, making reference to The Ombudsman's recommendations and following a risk-based principle.

10. Regarding the sampling of fruits imported by sea at the import level, CFS would conduct sampling at the Food Control Checkpoint in Kwai Chung or the importers' warehouses or cold storages. When determining the venue for sampling food imports, CFS would consider risk factors, such as the track records of the importers; intelligence; as well as specific technical and operational situations, such as whether the food requires cold storage. Therefore, the location to conduct food inspection mainly hinges on the situation of each specific case. CFS has started sampling vegetables and fruits at the Food Control Checkpoint in Kwai Chung and will maintain close contact with the Customs and Excise Department to better utilise the facilities there.

11. Regarding the sampling of fruits at the wholesale level, CFS has conducted surveys at the Cheung San Wan Wholesale Food Market, the Western Wholesale Food Market and the Kowloon Wholesale Fruit Market in Yau Ma Tei to further understand the approximate proportion of fruits which were imported by sea at the wholesale level. According to CFS' findings, 80% of fruits in the three aforementioned wholesale markets were imported by sea. FEHD has stepped up the surveillance programme for fruits from wholesale markets and will continue to increase the number of fruit samples for testing.

Recommendation (5): where feasible, try to minimise the time for sending samples of fruits and vegetables to Government Laboratory and discuss with the latter the possibility of putting more resources (including manpower, machinery, space, etc.) to speed up laboratory tests on food samples

12. All fresh vegetables entering Hong Kong via the land route must be imported through Man Kam To Control Point (MKTCP) as designated. When the inbound vehicles carrying vegetables arrive at MKTFCO, CFS staff members would check if the seal on the vehicle remains intact, examine the accompanying documents, inspect the vegetables, and adopt a risk-based approach to take vegetable samples for quick tests for pesticide residues and comprehensive chemical analysis.

13. At present, testing of vegetable samples taken at MKTCP or collected in case of food incidents can usually complete within 2-3 working days. Testing procedure for vegetable samples for other routine surveillance would take a longer time to complete.

14. In general, CFS will conduct on-site quick tests for pesticide residues for higher-risk pesticides and the results will be released within the same day. For comprehensive chemical analysis on the higher-risk pesticides, Man Kam To Food Laboratory (MKTFL) of CFS will provide on-site testing service and the detailed test results are usually available

within 2-3 days. If CFS notices any suspicious case, such as consignment from unknown sources, a lack of accompanying documents, broken seal etc., or the relevant consignment or its production farm is involved in a food safety incident affecting public health, CFS will detain the lorry until the test result is satisfactory.

15. Under the risk-based principle, CFS will also take samples from consignments which are of lower risk, are accompanied with complete documents, with intact seal or the registered farm of which is not involved in any food safety incident, etc. Under the existing division of labor, MKTFL is mainly responsible for testing higher-risk vegetables samples, so lower-risk vegetable samples are normally sent to GL for routine surveillance. When The Ombudsman stated that GL generally could complete testing within 19 working days, it was referring to the aforementioned testing of lower-risk vegetable samples, instead of referring to the testing of all vegetable imports.

16. Regarding the routine and lower-risk vegetable sample testing, CFS is further considering The Ombudsman's recommendations with GL, discussing various issues including resource allocation, and will make flexible arrangements to minimise the time for sending vegetable and fruit samples to GL as far as possible. CFS will deploy resources flexibly and effectively, keep on reviewing the testing arrangement, so as to safeguard food safety and allocate resources for the most targeting regulatory strategies.

Recommendation (6): include lotus roots and bean sprouts in Schedule 1 to Pesticide Residues in Food Regulation (PRFR) as soon as possible based on Codex's categorisation of those two types of vegetables

17. All foods for sale in Hong Kong (regardless of whether their names and food classifications are stipulated in the legislation) must be in compliance with the requirements of the laws and regulations of Hong Kong, including that they must be fit for human consumption. PRFR applies to all foods for sale in Hong Kong, regardless of whether an individual food or food group is specified under PRFR. For example, some food groups (such as "Leafy Vegetables" or "Root and Tuber Vegetables") cover a wide varieties of vegetables regularly consumed by the public. Therefore, it is unnecessary to list all types of vegetables in the PRFR. In addition, PRFR also stipulates that food can only be imported or sold if consuming them is not hazardous or prejudicial to health. CFS has been following the international practice of conducting risk assessment to assess whether consuming the food concerned is hazardous or prejudicial to health. Therefore, it is not a regulatory loophole when the list of food items is not exhaustive.

18. We had made reference to the then food classification and standards set by the Codex Alimentarius Commission (Codex) when we prepared Schedule 1 to PRFR. Codex did not classify "Lotus roots" and "bean sprouts" into "Leafy Vegetables" or "Root and Tuber Vegetables" respectively until July 2017. Other than Codex, we also took reference from the relevant standards of major countries and regions exporting food to Hong Kong (including Mainland, the United States and Thailand). We also took into account the actual local situation, local dietary habits, and the comments received during public consultation. At the time of preparing PRFR, there were approximately 2 800 Codex standards and 800 Mainland standards, while there were over 7 000 standards covered in the Schedule 1 of PRFR, indicating that the number of MRLs covered by Schedule 1 of PRFR has already been far more than the international standards recognised in international trade.

19. For pesticide-food pairs with no specified MRLs/extraneous maximum residue limits in Schedule 1 of PRFR, CFS will conduct risk assessments to ensure that the consumption of the food concerned will not be hazardous or prejudicial to health. In view of the huge range of food products, it is not practical to set standards for each type of food. CFS carried out risk assessments to ensure whether consumption of "bean sprouts" and "lotus roots" samples containing pesticide residues were dangerous or prejudicial to health. Risk assessment is a science-based method which has been well-recognised in the international arena. The approach of conducting risk assessment for pesticide-food pairs with no specified MRLs/extraneous maximum residue limits was agreed upon after thorough discussion and consultation during the enactment of PRFR. In addition, CFS has introduced the Guidelines on Food Classification for the Pesticide Residues in Food Regulation (Cap. 132CM) to classify the foods commonly found in Hong Kong according to Codex food classification system to facilitate the trade in identifying the appropriate pesticide residue limits that are relevant to the food commodities concerned.

20. Keeping abreast of development is one of the cornerstones of safeguarding food safety. CFS will keep in view the development of other places regarding the implementation of the latest Codex standards, to facilitate us to consider whether and if so how to adopt Codex's classification on "bean sprouts" and "lotus roots" and their respective MRLs.

Recommendation (7): adopt Codex's existing standards for the content of "lead" in leafy vegetables and amend Food Adulteration (Metallic Contamination) Regulation (FAMCR) as soon as possible to better safeguard public health in Hong Kong

21. FHB and CFS completed a 3-month public consultation exercise on the proposed amendments to the FAMCR in early September 2017. One of the proposed amendments is to adopt the Codex standard (0.3 mg/kg) for the maximum level of "lead" in leafy vegetables. Before finalising the legislative proposals and putting forward the Amendment Regulations for tabling in the Legislative Council, FHB and CFS will consider the views received during the public consultation exercise.

Recommendation (8): continue to strive to extend the scope of regulation under the Schedules to the relevant laws in order to cover more local food categories, by drawing reference, for example, from the requirements of Mainland authorities on food safety surveillance and the latest categorisation of food in countries/regions from which vegetables and fruits are imported into Hong Kong, and setting MRLs for pesticides and metallic contaminants in any fruits and vegetables commonly consumed in Hong Kong for inclusion in the Schedules to the relevant laws for enforcement and regulation.

22. CFS will continue to keep in view international development, including the revision of standards by Codex and other jurisdictions, their experience in implementing the revised standards, the dietary habit of Hong Kong people as well as other relevant factors, so as to review the relevant food safety legislation and regulatory regimes as and when appropriate. For example, we are reviewing the current regulatory regime of harmful

substances (including mycotoxins) in food and will carry out a public consultation exercise in 2018 regarding the proposal on strengthening relevant regulatory control.

Advice Sought

23. Members are invited to note the Administration's responses to the Investigation Report and the follow-up actions.

Food and Health Bureau Food and Environmental Hygiene Department Centre for Food Safety January 2018