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Panel on Food Safety and Environmental Hygiene

**Updated background brief prepared by
the Legislative Council Secretariat for the meeting on 13 February 2018**

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 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 one of the key components for CFS to identify potential food risk and monitor food safety level.

3. Under the Programme, CFS takes food samples at import, wholesale and retail levels for microbiological, chemical and radiation tests 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 regular food surveillance, targeted food

surveillance and seasonal food surveillance. CFS also conducts surveys on popular food items to assess the safety of food commonly consumed in Hong Kong. In 2016, apart from the regular 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 "Lap Mei"; and
- (c) one survey on popular food items, i.e. hot pot food and soup base.

Overall results

4. In 2016, CFS conducted tests on a total of about 65 500 food samples, among which 152 unsatisfactory samples were identified. The overall satisfaction rate was 99.8%. According to the Administration, for individual food products/items with problems identified, CFS had taken prompt risk management actions to safeguard public health.

Members' concerns

5. The Panel has received the Administration's briefing on CFS' work in respect of the Programme regularly since 2009. Members' major views and concerns are summarized in the ensuing paragraphs.

Safety of imported food

Imported food from the Mainland

6. Concerns were raised about the role of CFS in the regulatory control over the registered vegetable farms in the Mainland as well as the effectiveness and 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 operation and exchange views with the Mainland authorities on the regulation of farms.

7. Notwithstanding the above, some members considered the existing control measures in detecting and preventing problematic vegetables from importing into Hong Kong ineffective. They also expressed concern 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. In some members' views, CFS and the Customs and Exercise Department ("C&ED") should enhance the routine inspection at control points over vegetable vehicles, targeting in particular vehicles carrying vegetables for direct sale.

8. The Administration advised that vegetables imported from the Mainland must be sourced from vegetable farms and production and processing establishments 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. In tandem, CFS officers would inspect each vegetable vehicle when it arrived at the Man Kam To Food Control Office ("MKTFCO") 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.

9. The Administration further advised that CFS adopted a risk-based principle in taking food samples at import, wholesale and retail levels for relevant tests under the regular Programme to ensure that the foods complied with the legal requirements and were fit for human consumption. The Programme covered vegetables, regardless of whether the vegetables were distributed through wholesalers or were for direct sale.

Radiation testing on food imported from Japan

10. 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. There was a view that the Administration should enhance communication with the relevant authorities of the exporting countries/places regarding the scope of surveillance for imported foods and should check whether they adopted the same safety standards. Worrying that unscrupulous traders might mislead consumers into purchasing food products from the five affected prefectures of Japan by quoting the cities

(instead of prefectures) as places of origin of the food products, some members suggested the Administration amend the relevant provisions of the Food Safety Ordinance (Cap. 612) to require importers to state clearly where the food products came from, so as to provide consumers with the necessary information about the food products they purchased to facilitate the making of informed choices.

11. According to the Administration, in response to the Fukushima nuclear power plant incident occurred in 2011, the Director of Food and Environmental Hygiene issued on 24 March 2011 an order under section 78B of the Public Health and Municipal Services Ordinance (Cap. 132) to prohibit the import of 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 laid down by the Codex Alimentarius Commission ("Codex"). To safeguard public health, CFS conducted tests on radiation levels of every consignment of food products imported from Japan, irrespective of the origins of the products and the channels from which they were imported into Hong Kong. In addition to the 65 500 food samples inspected under the Programme, some 73 700 samples of food imported from Japan were tested in 2016. The test results of all of the 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.

Pesticide residues in food

12. Concern was raised whether the chemical standards for pesticides in food as laid down in the Pesticide Residues in Food Regulation (Cap. 132CM) ("PRFR") 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 PRFR.

13. The Administration advised that from the food safety perspective, all substances falling within the definition of "food" were regulated by PRFR which came into force in August 2014. Regardless of whether there was an MRL specified in Schedule 1 to PRFR, 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, PRFR 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 PRFR more flexible and practical.

Regulating online sale of food

14. Noting that only 4 000 food samples purchased online were tested in 2016, some members were concerned whether the number of samples taken for testing was adequate. Enquiries were raised about the criteria adopted by CFS in determining the types of food samples to be collected, the frequency and number of samples taken for testing, as well as the measures taken by the Administration to monitor online food selling activities conducted particularly through overseas websites.

15. 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 analysis 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 and relevant risk analyses. As there were limitations to regulate online food selling activities conducted throughout overseas websites which were not under the jurisdiction of Hong Kong, CFS' existing sampling programme mainly focused on food products purchased from local websites. That said, CFS regularly monitored the websites of overseas food safety agencies and media reports on food safety issues to ensure that food on sale in Hong Kong complied with the legal requirements and was fit for human consumption.

Inter-departmental cooperation

16. Concern was raised about the cooperation between CFS and 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.

17. The Administration advised that as a lot of food products were imported into Hong Kong from places outside Hong Kong, CFS would 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 with

C&ED would be carried out where necessary. The two departments would also hold meetings to follow up on each food incident and review the enforcement actions required.

Follow-up actions against problem food

18. Some members held the view that to enhance transparency, CFS should upload onto its website the full test reports of samples collected for testing, in particular when food safety incidents occurred and follow-up actions were taken. The test reports should set out in detail the testing methodology, the testing parameters and the testing results, etc.

19. According to the Administration, CFS would issue press releases and make available on its website the test results for food samples collected for testing in relation to food safety incidents of public concern and would also provide relevant information, such as the chemical analyses conducted, the test results and the follow-up actions taken by CFS, for easy reference of the public. If the test results indicated that the food samples concerned would pose immediate threats to public health, the Administration would (a) issue warning letters to the suppliers concerned, (b) trace the source and distribution of the foods concerned, (c) notify the authorities in the places of origin for follow-up, (d) suspend 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, and (e) require the concerned traders to stop sale, recall and dispose of the affected food.

Recent developments

20. On 13 November 2017, 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" ("the investigation report"). The Ombudsman has made in the investigation report various observations and comments regarding CFS' sampling of fruits and vegetables at MKTFCO, surveillance and sampling arrangements for 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 legislations. The Ombudsman has also made the following recommendations to CFS for more effective regulation of imported fruits and vegetables:

- (a) collecting more samples of fruits at MKTFCO for testing;

- (b) issuing guidelines instructing officers how to conduct more effective collection of samples of fruits and vegetables in storage compartments of lorries;
- (c) collecting more samples of fruits imported by sea at importers' warehouses/cold storages;
- (d) focusing on those fruits and vegetables believed to be imported by sea when conducting sampling at wholesale outlets;
- (e) where feasible, minimizing the time for sending samples of fruits and vegetables to GL and discussing with GL the possibility of putting more resources (including manpower, machinery, space, etc.) to speed up laboratory tests on food samples;
- (f) including lotus roots and bean sprouts in Schedule 1 to PRFR as soon as possible based on Codex's categorization of those two types of vegetables;
- (g) adopting Codex's existing standards for the content of lead in leafy vegetables and amending the Food Adulteration (Metallic Contamination) Regulations (Cap. 132V) as soon as possible to better safeguard public health in Hong Kong; and
- (h) extending 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 categorization 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.

21. The Administration issued in January 2018 an information paper on its follow-up actions in response to The Ombudsman's investigation report. It will brief members on the matter, when making a report on the Programme for 2017 at the Panel meeting on 13 February 2018.

Relevant papers

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

Council Business Division 2
Legislative Council Secretariat
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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	Official Record of Proceedings Pages 2787 to 2791 (Written question raised by Dr Hon Junius HO on "Measures to enhance food safety")
Panel on Food Safety and Environmental Hygiene	14.2.2017 (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 No. CB(2)1217/16-17(01))
	5.1.2018*	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 (LC Paper No. CB(2)642/17-18(01))

* Issue date