

A. Introduction

The Audit Commission ("Audit") conducted a review of the management and control of food safety by the Centre for Food Safety ("CFS"). The present report concerns matters relating to the assessment of food safety risks, food surveillance, management of food incidents and complaints, and communicating with the public on food safety risks.¹

Background

2. In 2017, over 90% of foods for human consumption in Hong Kong were imported. According to the Census and Statistics Department's published trade statistics, the total value of imported foods in the year was \$205,351 million. The Food and Environmental Hygiene Department ("FEHD") has the mission of ensuring that food for sale in Hong Kong is safe and fit for consumption. In May 2006, CFS was established under FEHD to control food safety in Hong Kong.

3. CFS works under the legal framework of two Ordinances, namely, the Public Health and Municipal Services Ordinance (Cap. 132) and its subsidiary legislation,² and the Food Safety Ordinance (Cap. 612).³ In 2013-2014 to 2017-2018, CFS's expenditure had increased by 32% from \$448 million to \$592 million.

4. The Committee held three public hearings on 10, 15 and 18 December 2018 to receive evidence on the findings and observations of the Director of Audit's Report ("Audit Report").

¹ The findings of Audit on import control of foods are presented in Chapter 2 (Centre for Food Safety: Import control of foods) of the Director of Audit's Report No. 71.

² The Public Health and Municipal Services Ordinance and its subsidiary legislation require that food intended for sale should be fit for human consumption. They cover general protection for food purchasers, offences in connection with sale of unfit food and adulterated food, and seizure and destruction of unfit food.

³ The Food Safety Ordinance provides additional food safety control measures, such as and in particular a registration scheme for food importers/distributors.

The Committee's Report

5. The Committee's Report sets out the evidence gathered from witnesses. The Report is divided into the following parts:

- Introduction (Part A) (paragraphs 1 to 9);
- Assessment of food safety risks (Part B) (paragraphs 10 to 33);
- Food Surveillance Programme (Part C) (paragraphs 34 to 55);
- Management of food incidents and complaints (Part D) (paragraphs 56 to 76);
- Communicating with the public on food safety risks (Part E) (paragraphs 77 to 88); and
- Conclusions and recommendations (Part F) (paragraphs 89 to 91).

Speech by Director of Audit

6. **Mr David SUN Tak-kei, Director of Audit**, gave a brief account of the Audit Report at the beginning of the Committee's public hearing held on 10 December 2018. The full text of his speech is in *Appendix 12*.

Opening statement by Secretary for Food and Health

7. **Prof Sophia CHAN Siu-chee, Secretary for Food and Health**, made an opening statement at the beginning of the Committee's public hearing held on 10 December 2018, the summary of which is as follows:

- Director of Food and Environmental Hygiene had been asked to actively follow up Audit's recommendations and to provide concrete measures to improve CFS's daily operation; and
- the Food and Health Bureau would provide resources support to CFS to implement the improvement measures efficiently.

The full text of Secretary for Food and Health's opening statement is in *Appendix 13*.

Opening statement by Director of Food and Environmental Hygiene

8. **Miss Vivian LAU Lee-kwan, Director of Food and Environmental Hygiene**, made an opening statement at the beginning of the Committee's public hearing held on 10 December 2018. In gist, CFS had made improvements with respect to some recommendations put forward in the Audit Report and was actively pursuing some other recommendations for early implementation. For those recommendations which required a longer processing time, CFS had laid down work plans to process them as soon as possible. Details of the follow-up actions in response to Audit's recommendations are provided in the Director of Food and Environmental Hygiene's opening statement, the full text of which is in *Appendix 14*.

9. In response to the Committee's enquiry, **Director of Food and Environmental Hygiene** said at the public hearings that CFS had 661 civil service staff and 64 contract staff as at 30 June 2018. **Secretary for Food and Health** provided in her letter dated 6 December 2018 (*Appendix 15*) further information on the establishment and strength of civil servants and the number of contract staff under each division/section of CFS.

B. Assessment of food safety risks

10. According to paragraph 2.3 of the Audit Report, the delay and increase in expenditure of the first population-based food consumption survey ("first FCS") were due to, among others, alteration in the method of recruiting respondents. The Committee enquired about details of this change.

11. **Dr HO Yuk-yin, Controller, CFS** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letters dated 21 December 2018 and 2 January 2019 (*Appendices 16 and 17*) that:

- as the tender document of the first FCS did not specify the recruitment method, the tenderers were required to provide proposals on the method in their tender proposals;
- the appointed Contractor proposed to use random telephone calls to recruit the respondents. The Advisory Panel on the first FCS commented after the award of contract and during the planning of the survey that the limitation of the recruitment method proposed by the Contractor might introduce sampling errors and bias, and in turn affect the representativeness of survey data;

- the Contractor decided to adopt an improved recruitment method, i.e. recruiting respondents during visits to selected households in view of comments of the Advisory Panel, and revised the survey protocol accordingly; and
- as the altered recruitment method was not stipulated in the original contract, and such method was more demanding in terms of resources, the Contractor requested the extension of the contract period for 12 months and an increase in contract price. Legal advice obtained by FEHD considered that change of recruitment method after the award of the contract amounted to the nature of variation of contract. Approval was granted by the Financial Services and the Treasury Bureau for the contract variation to extend the contract period, alter the recruitment method and increase the contract value. Subsequently, approval was granted by Director of Food and Environmental Hygiene for the variation of contract for extending the contract period.

12. The Committee noted from paragraph 2.3 of the Audit Report that there were deficiencies found in the data submitted by the Contractor of the first FCS, causing delay, and asked about the details and how such deficiencies were addressed in the second population-based food consumption survey ("second FCS").

13. **Director of Food and Environmental Hygiene** replied in her letter dated 21 December 2018 (*Appendix 18*) that:

- the data submitted by the Contractor of the first FCS in April 2008 was unweighted data. After reviewing the submitted data, the Advisory Panel for the first FCS asked the Contractor to further submit the weighted data for review. Having compared both sets of data, the Advisory Panel was of the view that the weighted data could better represent the food consumption pattern of the Hong Kong population. The Contractor then took a series of procedures to process and analyse the full set of data once again;
- for the second FCS, there were requirements in the tender document for the Contractor to submit both weighted and unweighted data as well as the tabulation plan so as to facilitate early preparatory work on data analysis; and

- as computer-assisted interface was adopted in conducting interviews in the second FCS, data input and preliminary data verification for ensuring data accuracy could be undertaken at the same time as the interviews were being conducted, which helped shorten the time for data processing in the later part of the survey.

14. With reference to paragraphs 2.3 and 2.4 of the Audit Report, the Committee asked whether CFS had evaluated the first FCS and whether in planning for the second FCS, CFS had devised measures to address the inadequacies found.

15. **Director of Food and Environmental Hygiene** replied in her letter dated 21 December 2018 (*Appendix 18*) that:

- CFS had reviewed the first FCS although formal evaluation report was not compiled. The report of the first FCS included the limitation of the survey and recommendations for improving the survey methodology. The Advisory Panel established for the second FCS had held detailed discussion on the limitations of the first FCS, including method for recruiting respondents, low response rate, insufficient manpower, and the long time taken to process data; and
- improvement measures implemented in the second FCS to address the recruitment method and manpower were as follows:
 - (a) the second FCS continued to adopt the recruitment method through visits to selected households to ensure representativeness of the survey data; and
 - (b) the tender document of the second FCS laid down requirements on provision of full-time interviewers as well as requirement on service hour per week to be provided by the Contractor, drawing upon the undesirable experience of recruiting part-time students as interviewers in the first FCS.

16. According to paragraph 2.5 of the Audit Report, the initial response rate of the second FCS was only 42%, falling short of the expected rate of 70%. The Committee asked how the expected rate was set and about measures to increase the response rate.

17. **Controller, CFS and Dr Samuel YEUNG Tze-kiu, Consultant (Community Medicine) (Risk Assessment and Communication), FEHD** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 21 December 2018 (*Appendix 18*) that:

- the Advisory Panel for the second FCS had considered that higher response rate would help ensure that the survey results were representative of the target population for the second FCS, and the expected response rate of 70% was set making reference to those of similar local and overseas surveys which ranged from 59% to 80%; and
- measures to increase the response rate included:
 - (a) implementing good time management practice to make the content of interview concise (e.g. the Food Behaviour Questionnaire of the first FCS was no longer required);
 - (b) providing incentives by presenting supermarket coupons worth HK\$150 to every respondent upon completion of survey as a standardized practice since the commencement of main fieldwork; and
 - (c) enhancing the promotion and publicity of the survey, such as conducting press conference and posting announcements on CFS's website and social media, etc.

18. The Committee asked about the latest progress of the second FCS after CFS's latest efforts in monitoring its progress and the performance of the Contractor.

19. **Director of Food and Environmental Hygiene** advised in her letter dated 21 December 2018 (*Appendix 18*) that:

- according to the latest progress report (week 34, up to 10 December 2018), the number of completed cases was 906; the total service hour of interviewers was 4 454 hours; the number of service hours recorded in that week was 315 hours, which was higher than the basic requirement in the tender document (210 hours per week);

- comparing with week 15 as mentioned in the Audit Report, the situation had been improved in week 34, including: the number of completed cases per week had increased from 44 cases to 70 cases (about 60% increase); the number of service hours provided by interviewers per week had increased from 213 hours to 315 hours (about 50% increase); and the preliminary response rate had increased from 42% to 47%; and
- based on the latest progress, the Contractor estimated that the main fieldwork required about two years for completion, i.e. one year later than the expected completion date. As computer-assisted interface was adopted in conducting interview, which helped save time for data processing, the second FCS might not necessarily be delayed for a whole year.

20. In response to the Committee's request, **Director of Food and Environmental Hygiene** explained in her letter dated 21 December 2018 (*Appendix 18*) that, when comparing the questionnaire of the first FCS with that of the second FCS, the major differences were as follows:

- the interview content of the second FCS had been made concise by not keeping the "Food Behaviour Questionnaire" and the number of questions in the "Food Frequency Questionnaire" had been significantly reduced (from 112 questions to 36 questions) for the second FCS; and
- paper questionnaires were used in the first FCS, but in the second FCS, computer-assisted interface was adopted.

21. On the follow-up actions taken by CFS with the Contractor of the second FCS to expedite the progress of the survey, **Director of Food and Environmental Hygiene** advised in her letter dated 21 December 2018 (*Appendix 18*) that:

- CFS had issued a letter to the Contractor on 18 July 2018 (after week 13) to demand the Contractor to expedite the fieldwork. Upon receipt of the letter, the Contractor increased the number of service hours of interviewers in weeks 14 and 15, and thus the progress of the fieldwork was improved; and

- CFS then further issued letters to the Contractor on 18 October and 23 November 2018, demanding the Contractor to improve the survey progress and rectify the situation.

22. The Committee enquired about the provisions in the contract documents of the first FCS and second FCS which could address the unsatisfactory performance of the Contractor as the Contractor of the first FCS completed the project with a delay of 42 months.

23. **Director of Food and Environmental Hygiene** explained at the public hearings and supplemented in her two letters dated 21 December 2018 (*Appendices 16 and 18*) that:

- there were provisions in the service contract of the first FCS to protect the Government's rights and compensate the Government for any loss incurred by failure of the Contractor to fulfil the contract requirements, such as withholding payment of the contract price if the Contractor failed to observe or perform any provision of the contract to the Government's satisfaction;
- the Government should be entitled to terminate the contract by giving a written notice to the Contractor if the Contractor failed to meet the contract requirements. If the contract was terminated and the Government made other arrangements for the uncompleted services from any other sources, the Government might recover from the Contractor the relevant additional expenses incurred;
- for the second FCS, the Government should pay the contract price to the Contractor in four instalments. The Government was entitled to suspend payment of the contract price if the Contractor failed to observe or perform any provision of the contract to the Government's satisfaction. The Government should be entitled to terminate the contract by giving a written notice to the Contractor if the Contractor failed to meet the contract requirements; and
- if a contract was terminated, the Contractor concerned might be de-listed from the list of contractors for conducting statistical surveys for the Government. This list served as a reference for government bureaux/departments in inviting prospective contractors to submit tender proposals for similar projects. Under such circumstances, the

chance of the Contractor in participating in other Government tendering exercises in future might be affected.

24. With reference to paragraphs 2.8 and 2.13 of the Audit Report, the Committee enquired about the justifications for not conducting a separate food consumption survey covering the youth population as recommended by the Advisory Panel for the second FCS, and measures to be taken by CFS to obtain similar information for the younger population.

25. **Controller, CFS** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 21 December 2018 (*Appendix 18*) that:

- FEHD already conducted a food consumption survey for secondary school students in 2000 and data collected in that survey could be used for food safety risk assessment. The first FCS that was conducted in 2005 had not covered the youth population under 20 years old;
- for the second FCS, the Advisory Panel has explored the possibility of lowering the age limit in the scope of survey, but considered that there was technical difficulty in practice. If the age group of "18 to 29" would be enlarged to become "15 to 29" for covering the younger population, there would be difficulties in interpreting the survey results due to different eating habits between respondents who were studying and who were working. If an independent age group of "12 to 17" was added and further grouped by gender, the sampling ratio of the whole survey would need to be adjusted due to the small population base of these two age-gender groups, and the minimum number of successful respondents estimated by statistical calculation would be increased significantly from 4 800 to over 12 000. As such, the Advisory Panel considered that a separate survey covering the younger population groups would be more feasible; and
- CFS had started the preliminary work for conducting a food consumption survey for the younger population by studying relevant overseas experience that was suitable in the local context. Upon completion of the research work, which was expected in 2020, CFS would take into account the past experience and available resources to further formulate details of the plan for conducting the survey on the younger population.

26. With reference to paragraph 2.17 of the Audit Report, the Committee enquired about the reasons for not covering under the first total diet study ("TDS") some substances of higher concern (e.g. formaldehyde) and some foods which might contain high concentrations of the substances studied in TDS.

27. **Controller, CFS** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 21 December 2018 (*Appendix 18*) that:

- in selecting substances to be included for TDS, the following criteria were adopted: recommendations from international authorities; public health significance; and public concern;
- according to the evaluation report prepared by CFS, TDS had covered the majority of the priority substances suggested by international authorities at that time. Taking into consideration factors like the low stability of the substances in food and its decomposition with time, use of resources and limitation in testing capacity, certain substances ranked with high priority (including formaldehyde) were not included in TDS;
- a TDS food list was developed to select the representative foods from the food consumption dataset, based on the consumption pattern of the Hong Kong population, to set the number of foods to be analysed within a practicable range (150 food items which represented 88% of the average diet of the population). This was also an international common practice for conducting TDS; and
- certain food items that might contain high concentrations of the substances studied had not been covered in TDS taking into consideration efficient use of resources.

28. The Committee asked CFS whether in planning for future TDS, it would ensure that substances of high concern and foods containing high concentrations of the substances would be adequately covered.

29. **Controller, CFS** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 21 December 2018 (*Appendix 18*) that:

- when conducting future TDS, CFS would take into account the results of the evaluation conducted and the experience gained in the first TDS, and would consider according priority to including those substances ranked with high priority but had not yet been included in the first TDS;
- CFS would enhance the food list with a view to achieving a more comprehensive and effective coverage of representative foods and would keep in view the latest practices suggested by international authorities to improve the conduct of the second TDS; and
- as food consumption data was a pre-requisite for dietary exposure assessment and conducting TDS, CFS would apply the updated food consumption data in conducting the second TDS upon the completion of the second FCS.

30. The Committee sought details of the scoring mechanism for the selection of risk assessment studies ("RASs") as mentioned in paragraphs 2.24 and 2.25 of the Audit Report.

31. **Consultant (Community Medicine) (Risk Assessment and Communication), FEHD** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 21 December 2018 (*Appendix 18*) that CFS introduced a new mechanism for the Expert Committee on Food Safety ("Expert Committee")⁴ meeting held in September 2018 for selecting RASs for 2019. Under the new mechanism, every proposed RAS would be graded "High", "Medium" or "Low" against each of the following criteria to facilitate discussion by members:

- whether the subject of the project was of public health significance or concern;
- whether the project helped address risk management problems and provided scientific support to risk managers for identifying risk management options;

⁴ The Expert Committee on Food Safety was set up by CFS in September 2006 to deliberate on matters concerning major food control measures.

- whether the results of the project would provide scientific support to a legislative review; and
- whether the project was of significance in terms of public education, including the development of tailor-made guidelines/practice codes for the trade.

32. With reference to paragraphs 2.27 and 2.28 of the Audit Report, the Committee asked how CFS decided to use which channels to publicize reports of RASs.

33. **Controller, CFS** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 21 December 2018 (*Appendix 18*) that basically, the study report, executive summary, presentation slides and press release would be uploaded onto the dedicated webpage of the respective RAS. In addition, CFS formulated relevant messages and advice according to the needs of target audience, such as providing advice in easy-to-understand language for the general public through CFS's publication, webpages and social media, and recommendations to the trade through guidelines to facilitate them to implement CFS's advice in their daily operation. In October 2018, CFS posted the related links of supplementary information on the webpage of the corresponding studies as recommended by Audit to facilitate the public in obtaining relevant information.

C. Food Surveillance Programme

34. In reply to the Committee's enquiry, **Director of Food and Environmental Hygiene** advised in her letter dated 2 January 2019 (*Appendix 17*) that as at 30 June 2018, the strength of civil service staff and contract staff responsible for food surveillance in CFS was 280 and 19 respectively. The food sampling duty was mainly taken up by the Health Inspectors. Before their posting to CFS, they must obtain a professional diploma relevant to meat and foods inspection. The Committee noted that the establishment and strength of the Food Surveillance and Complaint Section was 122 and 117 respectively as at 30 June 2018 (*Appendix 15*).

35. With reference to Case 1 in paragraph 3.6 of the Audit Report, the Committee sought the rationale for selecting 105 pesticides among the 212 regulated pesticides relevant to cereal and grain products and the timeline for testing the remaining 107 pesticides.

36. **Dr Christine WONG Wang, Assistant Director (Risk Management), FEHD** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 2 January 2019 (*Appendix 17*) that CFS adopted a risk-based approach (e.g. the toxicity level of the pesticides) for selecting 105 pesticides⁵ among 212 regulated pesticides relevant to cereal and grain products for testing in the 2015 to 2017 Food Surveillance Programmes ("FSPs"). Up till 31 August 2018, a total of 151 pesticides relevant to cereal and grain products had been tested. CFS would continue to adopt the risk-based approach in determining the priorities of testing cereal and grain products against the remaining 61 pesticides. It aimed to complete the testing before end 2020.

37. With reference to Case 2 in paragraph 3.6 of the Audit Report, the Committee enquired how the action levels for different hazards were determined.

38. **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 2 January 2019 (*Appendix 17*) that action levels were set with reference to international guidelines and practices, such as the Codex Alimentarius Commission⁶ standards, standards of other economies, toxicological evaluations conducted by international and national scientific authorities, as well as taking into consideration the local situation.

39. In reply to the Committee's enquiry about the criteria adopted by CFS in determining the proportion of samples allocated to each food group for surveillance in FSP (paragraph 3.10 of the Audit Report refers), **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 2 January 2019 (*Appendix 17*) that CFS adopted the risk-based approach and considered various factors including the past food surveillance results, local and overseas food incidents, community concerns and relevant food risk assessments in determining the types of food samples to be collected, the frequency of tests, the number of samples and the laboratory analysis planned to be undertaken.

⁵ 43, 32 and 42 pesticides were tested in 2015, 2016 and 2017 respectively with some overlapped.

⁶ The Codex Alimentarius Commission was established in 1963 by the Food and Agriculture Organization of the United Nations and the World Health Organization. The Commission sets up food codes which are a collection of internationally adopted food safety standards and related texts. Members' adoption of the Codex Standards is voluntary and members may formulate their own food safety standards based on local situations.

40. With reference to Table 4 in paragraph 3.9 of the Audit Report, the Committee sought the reasons for allocating the largest proportion of surveillance food samples to fruits and vegetables under FSPs given that vegetables were not considered by CFS to be high-risk foods.

41. **Assistant Director (Risk Management), FEHD** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 2 January 2019 (*Appendix 17*) that:

- before implementation of the Pesticide Residues in Food Regulation (Cap. 132CM), there were a number of food poisoning incidents caused by high levels of pesticides in vegetables. After the implementation of the Pesticide Residues in Food Regulation from August 2014, CFS needed to collect baseline data to assess the compliance rate of the residual pesticides levels of vegetables and fruits in local markets. Hence, more vegetables and fruits samples were allocated under FSP in the past few years; and
- through the collection of more samples for a more comprehensive assessment, CFS hoped that public concern on the residual levels of pesticides in vegetables and fruits in local markets could be removed. Based on the experiences gained in running FSP in the past few years, and as the results of the baseline data for the majority of vegetables and fruits were satisfactory, CFS already started to reallocate resources to testing other foods and food hazards.

42. Referring to Case 4 in paragraph 3.16 of the Audit Report, the Committee asked about the criteria in determining the number of samples taken from different food outlets and reasons for 49% of the samples taken from supermarkets in the 2017 FSP.

43. **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 2 January 2019 (*Appendix 17*) that:

- the proportion of samples taken by CFS in supermarkets in 2017 was about 50%, which was broadly in line with the information provided by the Census and Statistics Department on the total retail sales of food and beverages in supermarkets/department stores and other retail outlets in that year;

- CFS had continuously reviewed and adjusted food sampling distribution under FSP. With effect from the first quarter of 2018, a food sampling ratio of 40:60 had been set for "supermarkets, convenience stores and department stores" and "other retail outlets". The proportion of samples for individual food surveillance projects in "supermarkets, convenience stores and department stores" and "other retail outlets" would be adjusted having regard to the usual point of sale of that food item; and
- CFS had, in response to the contents of the Audit report, appropriately increased the proportion of samples taken from markets at 15% and would adjust the sampling ratio at the retail level in view of local market conditions and other factors such as risk assessment and risk management. The updated operational guidelines on sampling ratio at the retail level (October 2018 version) had been issued to CFS staff.

44. With reference to paragraphs 3.17 and 3.18 of the Audit Report, the Committee enquired about the procedures for taking samples from food outlets and training for the sampling officers in this regard.

45. **Assistant Director (Risk Management), FEHD** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 2 January 2019 (*Appendix 17*) that:

- the routine surveillance samples were generally taken in the form of ordinary purchases. If unsatisfactory conditions were found in the routine surveillance samples, CFS would follow up, including the announcement of test results, and the taking of enforcement samples from the same location for prosecution purpose; and
- the Training Section of FEHD regularly provides the Health Inspectors with training related to the knowledge of food safety. At present, FEHD provided induction training to all newly recruited Health Inspectors. Among others, training on food safety control was covered. In addition, refresher courses, experience sharing sessions, seminars and workshops would be organized from time to time for them to reinforce their knowledge and skills and to share experience.

46. In response to the Committee's enquiry about the supervisory and monitoring measures to ensure that CFS staff complied with the guidelines on food sampling procedures, **Assistant Director (Risk Management), FEHD** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 2 January 2019 (*Appendix 17*) that:

- CFS had adopted a new measure requiring the Senior Health Inspectors of the Food Surveillance Unit to brief the Health Inspectors newly posted to CFS on the operational guidelines, the issues to note and all relevant circulars;
- CFS had also introduced new monitoring and supervisory meetings, enhanced communication with and supervision of the frontline staff, examined information in the Food Surveillance System and ensured that relevant colleagues complied with the various food sampling requirements set out in FSP; and
- the Chief Health Inspectors would host refreshment courses every six months to explain the relevant sampling procedures to the Health Inspectors. As a new measure, the Chief Health Inspectors would conduct accompanied visits with the Health Inspectors every two months. The accompanied visits by the Senior Health Inspectors with the Health Inspectors would be increased from every two months in the past to once every month, in order to enhance the knowledge of the Health Inspectors and the supervision on the standard of sampling work.

47. With reference to Case 5 in paragraph 3.16 of the Audit Report, the Committee asked about the reasons behind the distribution of fish samples, in particular only 1% of samples were grass carp and golden thread which were common fish types, and whether samples had been taken from the wholesale fish markets.

48. **Assistant Director (Risk Management), FEHD** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 2 January 2019 (*Appendix 17*) that:

- CFS took food samples for testing at the import, wholesale and retail levels. Whether CFS was able to take planned samples of intended fish types at the import level depended on the species and quantities of

the import consignments available at the time of taking samples. When encountering difficulties in taking samples of specific fish types at the import level, more samples for these fishes should be taken at the wholesale or retail levels;

- as the ratios of taking samples of yellowtail and salmon were on the high side in 2017, CFS would reduce the sampling proportion of these two fish types under the coming FSP, and at the same time increase the sampling ratio of other fishes, especially for those fishes frequently consumed by the public; and
- a total of 23 fish enforcement samples were taken by CFS in 2017 from various wholesale fish markets. All test results were satisfactory. In view of the unique business mode of the wholesale fish markets (stalls generally only sold fish to the industry or buyers registered with the Fish Marketing Organization), CFS staff were not able to enter the fish market as ordinary people to purchase the samples. CFS would liaise with the Fish Marketing Organization and explore possible ways to collect fish samples from the wholesale fish markets for routine food surveillance.

49. Referring to paragraph 3.17 of the Audit Report, the Committee asked about details relating to the purchasing of online food samples for microbiological testing.

50. **Assistant Director (Risk Management), FEHD** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 2 January 2019 (*Appendix 17*) that:

- in 2017, CFS staff took food samples via 75 channels/websites for microbiological testing. The types of the 3 868 food samples taken online were tabulated as follows:

Types of Food	Sub-total
Vegetables, fruits and products	1 281
Cereal, grains and products	765
Aquatic products	421
Meat, poultry and products	391
Milk, milk products and frozen confections	87
Others	923
Total	3 868

- CFS conducted regular online search for specific foods for testing, and made reference to internal information, the list of licensed/permitted premises and other intelligence to order foods online for routine food surveillance. In case of food incidents, CFS would order follow-up samples of relevant foods online for testing.

51. With reference to paragraph 3.24 of the Audit Report, the Committee asked about the capacity of the laboratories performing testing of food samples for CFS. **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 2 January 2019 (*Appendix 17*) that:

- the testing work of food samples taken under FSP were mainly performed by the Government Laboratory, the Public Health Laboratory Centre under the Department of Health, the Man Kam To Food Laboratory and the Fu Hing Street Laboratory under CFS;
- CFS and the Government Laboratory had respectively outsourced the testing work for some surveillance samples taken under FSP to an overseas private laboratory and several local private laboratories. CFS had outsourced some testing work to overseas private laboratory because no local private laboratories provided relevant services; and
- under special circumstances such as food incidents, the laboratories concerned had always deployed their resources flexibly to meet the service needs of CFS.

52. With reference to Case 6 in paragraph 3.26 of the Audit Report, the Committee asked about details of the case and why there was a delay of 203 days in delivering the food sample to the laboratory for antioxidant testing.

53. **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 21 December 2018 (*Appendix 18*) that:

- some food manufacturers used antioxidants in foods rich in fats and oils to delay the onset or slow down the development of rancidity due to oxidation. Use of antioxidants in food were regulated under the Preservatives in Food Regulation (Cap. 132BD) which specified the types of permitted antioxidants and their respective maximum permitted levels in specified foods including vegetable oils and fats;

- CFS collected 60 oil samples for testing of antioxidants under the same food surveillance project with satisfactory test results. Besides, CFS collected about 600 oil samples for testing of antioxidants from 2015 to 2018 (up to November) and all test results were satisfactory;
- the oil product was packed inside a sealed container and the amount of oxygen that penetrated into the food was limited. In addition, the concerned product was stored under room temperature and was not exposed to direct sunlight. It was unlikely that reduction in the antioxidant level of the concerned product, due to environmental factors, would be substantial;
- the CFS staff concerned did not notice that instead of the substituted time slot of October 2017, there was an earlier time slot for the same test in May 2017;
- the new operational guidelines stipulating that for surveillance projects samples had to be delivered to the laboratory within 14 days after the samples were taken were issued to CFS staff in October 2018 and implemented with immediate effect; and
- through the existing Food Surveillance System, CFS mastered information on the collected food samples such as the sampling dates and the test result dates, and could export the sampling information and compile management reports. CFS was strengthening the concerned system in order to enhance the supervision and monitoring of the delivery of samples to the laboratory.

54. Apart from the existing ordinances, the Committee asked whether there were any other food safety standards that could be adopted to determine if a food was fit for human consumption or not.

55. **Director of Food and Environmental Hygiene** advised in her letter dated 2 January 2019 (*Appendix 17*) that apart from the Public Health and Municipal Services Ordinance which stipulated that, food products for sale in Hong Kong must be fit for human consumption, and standards stipulated under its subsidiary legislations, CFS would make reference to the international guidelines and practice and standards adopted in other economies, toxicological assessment evaluated by international agencies, and take into account the local situation, for setting action levels for some hazards to facilitate risk management actions by CFS. CFS would

also conduct risk assessment to determine whether the levels of the substances in foods would pose any risk to human health.

D. Management of food incidents and complaints

56. With reference to paragraph 4.2 of the Audit Report, CFS detected overseas and local food incidents through collecting information/intelligence from national food authorities under the Food Incident Surveillance System ("FISS"). The Committee sought details of the mechanism and the countries covered under FISS.

57. **Consultant (Community Medicine) (Risk Assessment and Communication), FEHD** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 2 January 2019 (*Appendix 17*) that:

- CFS was the designated contact point for the International Food Safety Authorities Network ("INFOSAN") in the Hong Kong Special Administrative Region. Through this network, CFS directly received information on emergent food safety incidents issued by food safety authorities from 188 Member States (including most Southeast Asia economies) of the World Health Organization. Members of INFOSAN had to inform the INFOSAN Secretariat about food safety related incidents and emergencies of international significance; and
- CFS regularly monitored the Chinese and English websites of food safety authorities of other economies, including the United States, Canada, the European Union, the United Kingdom, Germany, Australia, New Zealand, South Africa, Singapore, the Mainland, Taiwan and Macau, through its FISS in order to further collect food incident information and intelligence relevant to these economies.

58. The Committee asked about the factors to be considered by CFS in determining which risk management action should be taken for a food incident. **Director of Food and Environmental Hygiene** advised in her letter dated 2 January 2019 (*Appendix 17*) that CFS conducted initial assessment for every food incident identified through FISS, and depending on the assessment outcome (for example, the nature and severity of the incident and the food hazard involved), took single or multiple necessary risk management actions. CFS would, from time to time, adjust the follow-up measures with regard to the development of the incident and the

investigation findings. The factor(s) to be considered by CFS when determining the different risk management measures to be adopted and some examples of food incidents and relevant risk management actions are set out in the letter.

59. With reference to Table 7 in paragraph 4.3 of the Audit Report, the Committee asked about the reasons for the decrease in the issuance of trade alert from 287 in 2013 to 29 in 2017 while food incidents detected through FISS increased by 28% during the same period.

60. **Controller, CFS** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 4 January 2019 (*Appendix 19*) that trade alert was sent through electronic means to traders who had registered to receive the alert. Regarding the 300 trade alerts which were issued in 2013, CFS was not able to identify the exact reasons for the apparently high number of trade alerts issued. It could not be ruled out that during the initial phase of this new trade alerting mechanism, the criteria for issuing trade alerts were still evolving and some trade alerts might have been unnecessarily issued.

61. With reference to Case 7 in paragraph 4.7 of the Audit Report, the Committee sought follow-up actions taken to ensure that sudan dyes were not present in dried Chinese white cabbage.

62. **Controller, CFS** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 2 January 2019 (*Appendix 17*) that:

- the main reason for the presence of Sudan red in the dried Chinese white cabbage in the case was that the concerned stall operator inappropriately tied up the dried Chinese white cabbage with red nylon rope stained with Sudan red;
- after receiving the unsatisfactory test result of the dried Chinese white cabbage sample, CFS immediately visited the market stall in question, but sale of dry cabbage was not found. CFS staff informed the vendor of the irregularities and instructed him to suspend the sale of the affected product. No dried Chinese white cabbage was found for sale by the concerned vendor during the follow-up visit by CFS staff in December 2018; and

- in 2017, CFS took 15 dried white Chinese cabbage samples for testing of colouring matters. With the exception of two dried Chinese white cabbage samples which were found to contain unpermitted colouring matters, all test results were satisfactory. The foreign substances (including colouring matters) from the surface of dried Chinese white cabbage could be removed during the cleaning process.

63. With reference to Cases 8 and 9 in paragraphs 4.7 and 4.20 respectively of the Audit Report, the Committee sought the sequence of events in handling the complaint case concerning mud crabs, the reasons for the long time lag between receiving advice from the Food Complaint Risk Analysis Panel⁷ and the collection of surveillance sample, and the reasons for the delay in publicizing unsatisfactory results after completion of testing.

64. **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 2 January 2019 (*Appendix 17*) that:

- the sequence of events in handling the case was set out in the letter. The Food Complaint Risk Analysis Panel discussed and provided advice on the case on 29 September 2016. The investigating officer successfully contacted the complainant and procured a surveillance sample of the mud crab on 15 December 2016. While CFS received test results on the surveillance sample indicating presence of a prohibited veterinary drug on 30 December 2016, CFS only publicized the unsatisfactory test result on 10 February 2017, after the Food Complaint Risk Analysis Panel discussed the matter on 9 February 2017; and
- improvement measures implemented included:
 - (a) CFS had advised the concerned staff on the necessity to follow up the food complaint cases timely and properly. CFS had explained to staff the requirements on handling food complaint

⁷ In July 2015, CFS established the Food Complaint Risk Analysis Panel, with an aim to providing professional support to CFS's Food Complaint Unit, in order to enhance the efficiency of the investigation work. The Panel is led by a directorate officer and comprises members from the grades of Medical Officers, Chemists, Health Inspectors and Scientific Officers. The Panel examines referred cases on more or less every working day. Upon receipt of referrals, the Panel will normally discuss and offer advice on the cases on the same day. Depending on complexity of the cases, the discussion of cases normally completes within around half an hour.

cases and taking follow-up samples in accordance with the relevant guidelines through regular briefings and case studies. CFS had stepped up monitoring of the progress of investigation of all food complaint cases, including the timely submission of cases to the Food Complaint Risk Analysis Panel for assessment; and

- (b) CFS had revised the relevant guidelines in May 2018 to specify that in taking follow-up actions, the investigating officer must obtain the enforcement sample right away in case the incriminated food was a seasonal food or was of a specified food category. CFS would closely monitor the time taken between taking food samples and publicizing the unsatisfactory testing results of the samples, and take necessary measures to minimize the time taken. In general, upon confirmation of the unsatisfactory results, a public announcement would be made promptly, usually within 24 hours and there was no need to wait for successful collection of the enforcement sample.

65. The Committee sought details of the 23 food recall exercises conducted in 2017 (Table 9 in paragraph 4.9 of the Audit Report refers), the improvement measures taken by CFS to enhance the monitoring of and improve the effectiveness of food recall exercises.

66. **Director of Food and Environmental Hygiene** provided details of the 23 food recall exercises mentioned in Table 10 of the Audit Report in her letters dated 2 and 4 January 2019 (*Appendices 17 and 19*). **Assistant Director (Risk Management), FEHD** explained at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her above two letters that:

- CFS would soon update the food recall guidelines promulgated in CFS's website for reference by the food traders and would clearly specify that the food traders must dispose of the recalled foods under the supervision of CFS staff. Towards this end, a trade consultation forum was conducted on 14 December 2018 to collect feedback from the trade. The updated guidelines would be completed in the first quarter of 2019; and
- should the food traders not follow the food recall guidelines in carrying out the recall exercise, Director of Food and Environmental Hygiene

might, under the Food Safety Ordinance, issue orders to direct the food traders to recall the subject foods. CFS had implemented the following measures to improve the effectiveness of food recall exercises:

- (a) proactively monitor the entire food recall exercise carried out by the food traders, and request the food traders to submit regular progress reports;
- (b) formulate and implement the "Food recall progress reports" to facilitate the food traders to provide relevant information for timely monitoring of the progress of recall;
- (c) strengthen communication with the food traders to ensure compliance with the food recall guidelines when carrying out recall exercises; and
- (d) assign Senior Superintendents to monitor the whole process of food recall exercise in order to ensure complete accomplishment of the exercise.

67. As to the Committee' enquiry about CFS's manpower to handle massive food incidents, including the relevant recall exercises, **Director of Food and Environmental Hygiene** advised in her letter dated 4 January 2019 (*Appendix 19*) that:

- in the event of a massive food incident, CFS would flexibly deploy manpower to handle different types of work including: ensuring the food traders to take off from the shelf the affected products upon receiving instructions from CFS, and to stop sale in the market and initiate recall; as well as carrying out checks of the concerned distributors and retailers to ensure the affected product would not enter the market; and
- taking the handling of the Brazilian frozen and chilled meat and poultry meat incident in 2017 as an example, upon receipt of media reports on 21 March 2017 about the quality problem of the exported Brazilian meat, CFS decided to take precautionary measures on the same day to temporarily suspend the importation of frozen and chilled meat and poultry meat produced in Brazil. CFS also immediately notified the Brazilian authority and the local traders of the relevant measures. The

quantity of Brazilian meat and poultry meat involved in the incident was 92 337 kilograms. A total of 89 217 kilograms of meat and poultry meat was recalled and the recall rate was 97%.

68. In reply to the Committee's enquiry on the total number of food recall exercises in 2017, **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 2 January 2019 (*Appendix 17*) that:

- in 2017, there were a total of 37 food recall exercises. The main reasons were unsatisfactory food samples detected from the regular surveillance system; investigation results of the food poisoning and complaint cases and notification by overseas authorities; and
- when CFS considered it necessary to remind the public that certain foods might pose health hazard, it would announce the recall of the concerned food. The general food recall would be carried out by the Health Inspector grade officers taking into account the specific circumstances of the incidents and with approval by a directorate officer. The Food Safety Ordinance empowered Director of Food and Environmental Hygiene to make food safety orders prohibiting the import and supply of problem food and ordering the recall of such food.

69. At the public hearing on 18 December 2018, Secretary for Food and Health said that an enhanced computer system would be used to trace the origins of food, the Committee sought details of the enhanced computer system and the implementation timetable.

70. **Director of Food and Environmental Hygiene** advised in her letter dated 4 January 2019 (*Appendix 19*) that:

- FEHD used the Complaint Management Information System to keep the information on all complaint cases. CFS maintained a database to keep information on food complaint cases, including the types of food being complained about and the outlets where there were repeated food complaints;
- in October 2018, CFS enhanced the existing food complaint database, including recording countries of origins of the foods under complaint;

- CFS was planning to set up a new database system to maintain information on the progress of investigation of the food complaint cases, so as to more comprehensively monitor the handling of food complaint cases; and
- CFS set up a dedicated team in 2017 to conduct a comprehensive review, standardize the operational procedures of the food import regulatory and monitoring system by phases and to reorganize its information system on a large scale to support the frontline staff on data management and analysis. The relevant work would strengthen CFS's regulatory work on food import, food surveillance, food safety incidents, risk assessment and traceability.

71. With reference to Table 11 in paragraph 4.15 of the Audit Report on the food complaints forwarded to CFS by FEHD, the Committee asked about various figures relating to the number of inspections conducted to the food premises concerned, the number of warnings issued, the number of prosecutions instituted by CFS as well as the number of food premises which had their licences suspended or cancelled as a result of the complaints.

72. **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 4 January 2019 (*Appendix 19*) that food complaints lodged with FEHD were, in the first place, handled by the responsible district environmental hygiene offices. These offices then forwarded the complaints to CFS for investigation. In 2017, CFS conducted 3 584 visits to premises under food complaint for taking food samples. In the same year, CFS issued a total of 1 031 warning letters to those incriminated premises and initiated 149 prosecutions related to food complaints. Of which, 146 were convicted and fines ranging from \$500 to \$20,000 were imposed, two cases were acquitted and one was awaiting for trial. FEHD ordered three licensed food premises (involved in food complaints and contravention of relevant legislation) to suspend business for seven days, after the operators were prosecuted by CFS and were convicted.

73. Referring to Table 12 in paragraph 4.16 of the Audit Report about the food complaints forwarded to CFS between 2014 and 2017, the Committee sought the reasons for the rising trend in the number of food complaints between 2014 and 2017 (a 30% increase).

74. **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 4 January 2019 (*Appendix 19*) that:

- the number of food complaints handled by CFS increased by 30% (1 275 complaints) from 4 294 (in 2014) to 5 569 (in 2017). CFS analysed the trend of the food complaint cases in the year and found that: (a) all food complaint cases were isolated/sporadic incidents and there were no epidemiologically linked cases; (b) in 2017, there were several well-publicized food scandals, namely, faked rice/rice products, faked seaweed and faked eggs, leading to a significant increase in the number of food complaints; and (c) some individuals lodged complaints specifically at some shops, for example, a complainant lodged a total of 140 food complaint cases targeted at a chained-supermarket in 2017;
- the Food Complaint Unit of CFS is overseen by Assistant Director (Risk Management), and assisted by a Senior Superintendent of Environmental Health to take care of the handling of food complaints. The number of staff members responsible for handling food complaints increased from 22 in 2014 to 24 in 2017 with details of a breakdown in the letter;
- in 2017, there were several well-publicized food scandals including, faked rice/rice products, faked seaweed and faked eggs. CFS conducted thorough investigations of all 118 complaints of "fake/counterfeit food". All testing results were found to be satisfactory and all complaints found unsubstantiated. CFS also used social platforms to publish information to clarify the incidents and to dispel public concerns; and
- in 2017, CFS handled a total of 733 food complaints in "deteriorated food". 49 complaints were substantiated cases, the incriminated food included mainly meat and meat products, dairy products (milk and milk beverages) and fruit and vegetables, etc. The remaining 684 cases were unsubstantiated. For those substantiated complaint cases, CFS issued a total of 43 warning letters to those incriminated premises and initiated six prosecutions related to food complaints. Of which, five cases were convicted and imposed with a fine of \$3,000 to \$ 10,000 and one case was acquitted.

75. With reference to paragraph 4.22 of the Audit Report, the Committee asked about the circumstances which warrant direct enforcement sampling, and the procedures to change the guidelines specifying such circumstances.

76. **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 4 January 2019 (*Appendix 19*) that:

- CFS's guidelines on the handling of food complaint stated that the investigating officer should obtain enforcement sample right away in case of the incriminated food involved specified food category, namely frozen confections, dairy products (milk and milk beverages), sushi, sashimi, raw oyster, siu mei and lo mei, etc; and
- CFS revised relevant guidelines in May 2018 such that the enforcement sample would be obtained right away in case the incriminated food involved seasonal food or specified food category that were available on a time-limited basis. For the period from 1 May 2018 to 15 December 2018, CFS took a total of 318 enforcement samples. Testing results of three were unsatisfactory. CFS publicized within 24 hours upon confirmation of the unsatisfactory testing results. CFS initiated prosecution against the incriminated vendor/manufacturer on the unsatisfactory testing results.

E. Communicating with the public on food safety risks

77. With reference to paragraph 5.2(a) of the Audit Report about the use of Internet and social media for publishing food safety information, the Committee sought the usage of and visits to CFS website, CFS Facebook, Facebook page of "Reduce Salt, Sugar, Oil. We Do" Charter, CFS Instagram, CFS mobile application and CFS's Rapid Alert System, and how CFS would cater for members of the public who did not access the Internet or a mobile phone for information.

78. **Consultant (Community Medicine) (Risk Assessment and Communication)**, **FEHD** provided the relevant figures at the public hearings and **Director of Food and Environmental Hygiene** supplemented further details in her letter dated 4 January 2019 (*Appendix 19*). **Director of Food and Environmental Hygiene** further stated in her letter that:

- from time to time, CFS provided food safety information to the public through various channels, such as press releases, CFS Facebook, publications on food safety (paper format and electronic format), pamphlets and posters. Related information on food safety incidents or food safety messages that affected the public or with public concern would be disseminated through CFS Facebook more frequently;
- CFS also organized workshops, talks and roving exhibitions regularly to disseminate food safety messages to different sectors of the community; and
- according to the experience of CFS, the key to whether food safety messages issued by CFS were reaching out to various sectors of the community depended on the degree of public concern about the message. For example, the recent advices from CFS to members of the public not to eat raw grass carp and uncooked locally harvested oysters reached out to different sectors of the community.

79. With reference to Table 16 in paragraph 5.9 of the Audit Report about the food safety exhibitions held between 2013 and 2017, the Committee sought explanation why the number of their attendees increased while the number of community organization exhibitions decreased during the aforesaid period.

80. **Consultant (Community Medicine) (Risk Assessment and Communication)**, **FEHD** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 4 January 2019 (*Appendix 19*) that:

- the community organization exhibitions referred to those food safety exhibitions organized by community organizations which borrowed exhibition panels and materials from CFS;
- the number of community organizations that organize exhibitions each year depended on a number of factors, including the community organization's activity plan in the year, whether the organization chose food safety as the theme of the exhibition, whether the organization needed to borrow exhibition panels and materials from CFS to hold food safety exhibitions, etc; and

- CFS would consider how to disseminate information to community organizations so that they knew they could borrow CFS panels and materials to organize food safety exhibitions. The number of participants in community organization exhibitions depended on a number of factors, including the location of the exhibition, opening hours, community organization mobilization, and whether there were other types of activities in the same venue, such as game booths and souvenirs given away.

81. With reference to paragraphs 5.10 and 5.12(c) of the Audit Report, the Committee asked about reasons why roving exhibitions were held only on weekdays from 10 am to 4 pm and whether CFS would adopt more flexible exhibition hours and enhance publicity to better facilitate public attendance.

82. **Consultant (Community Medicine) (Risk Assessment and Communication)**, **FEHD** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 4 January 2019 (*Appendix 19*) that CFS organized roving exhibitions in public markets at different locations. The usual exhibition time was from 10 am to 4 pm, Monday to Friday, mainly considering manpower and operational arrangements. With reference to Audit's recommendations, CFS had plan to extend the exhibition time to 6 pm and would further explore other improvement measures, including hiring external staff to be on duty at the roving exhibition, roving exhibitions at different locations and extending the exhibition time to 8 pm, as well as holding exhibitions on weekends, etc., to increase the number of visitors. CFS would further enhance publicity, such as providing information of exhibitions to e-news subscribers to promote the exhibitions.

83. In reply to the Committee's enquiry about the expenditure earmarked for the Food Safety Charter and "Reduce Salt, Sugar, Oil. We Do" Charter, **Director of Food and Environmental Hygiene** said at the public hearings and advised in her letter dated 4 January 2019 (*Appendix 19*) that the two programmes were part of the work of Risk Communication Section of CFS. The promotion of the programmes to the trade and the public was mainly through the annual event "Food Safety Day" of CFS and articles in Food Safety Bulletin and Food Safety Express. The annual expenses of the programmes were included in the total expenditure of the Risk Communication Section of \$42 million in 2017-2018 financial year and could not be calculated separately.

84. With reference to paragraphs 5.13 and 5.14 of the Audit Report, the Committee asked whether the Administration would review the need to maintain the Food Safety Charter.

85. **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 4 January 2019 (*Appendix 19*) that the Food Safety Charter was a voluntary scheme that encouraged the food trade to implement the "Five Keys to Food Safety" in its daily operation. Taking into consideration that all food premises were regulated by various licensing requirements and conditions to ensure food safety and hygiene, and that FEHD had implemented the Hygiene Manager and Hygiene Supervisor scheme which required all licensed food business to appoint a hygiene manager and/or hygiene supervisor to strengthen food safety supervision of food premises, CFS would review the objectives and effectiveness of Food Safety Charter and decide the way forward. If the Food Safety Charter would be kept after review, improvement measures would be introduced to monitor the commitment of the signatories of the scheme.

86. With reference to paragraphs 5.13 and 5.14 of the Audit Report, the Committee asked whether CFS should be responsible for promoting the "Reduce Salt, Sugar, Oil. We Do" Charter which might not be directly related to food safety. **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 4 January 2019 (*Appendix 19*) that food safety and healthy eating were closely related. Unhealthy eating habits, including eating too much high-sugar, high-sodium or high-fat foods, could put a burden on health, which could lead to overweight or obesity and high blood pressure, and increase risk of non-communicable diseases such as diabetes and cardiovascular disease. The food safety regulations in Hong Kong included regulating nutrition labelling of prepackaged foods. Under the Food and Drugs (Composition and Labelling) Regulations (Cap. 132W), prepackaged foods were required to list the nutrient content, including the contents of sodium and sugar.

87. With reference to paragraphs 5.13 and 5.14 of the Audit Report, the Committee asked whether the Administration would review the effectiveness of the programme relating to the "Reduce Salt, Sugar, Oil. We Do" Charter.

88. **Mr Eugene FUNG Kin-yip, Deputy Secretary for Food and Health (Food)2** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 4 January 2019 (*Appendix 19*) that:

- promotion of reduction of salt and sugar in food was jointly implemented by the Food and Health Bureau, the Committee on Reduction of Salt and Sugar in Food, the Department of Health and CFS to achieve synergy. The "Reduce Salt, Sugar, Oil. We Do" programme was only one of the measures taken by the Government to promote salt and sugar reduction for the population;
- the "Reduce Salt, Sugar, Oil. We Do" programme was a voluntary programme launched by CFS in 2014. In the past few years, the main challenge that CFS faced when promoting the "Reduce Salt, Sugar, Oil. We Do" programme was that the public's acceptance of salt and sugar reduction was not high. The food trade had not been able to gain insight into the business opportunities of reducing salt and sugar. Therefore, the food trade participation had not been positive. CFS also had room for improvement in promoting the programme;
- in view of the above, promotion of low-salt and low-sugar in the past few years stressed on "starting from an early age", enhancing information transparency and strengthening publicity and education. The food culture had enabled the public to gradually change the salty and sweet eating habits, accept a relatively healthy diet and promote the demand for food with less salt and sugar, so that the trade could cooperate more actively;
- the work had gradually been achieving results. For example, under the "Salt Reduction Scheme for School Lunch" launched by the Department of Health in the 2017-2018 school year, 12 participating lunch suppliers provided over 1 200 sodium-reduced lunch options for about 480 primary schools in Hong Kong, and the average sodium content per lunch was 14% lower than that of 2013. In 2018, a fast food restaurant chain in Hong Kong had introduced a variety of dishes with salt content that met the definition of low sodium in Hong Kong. The publicity work of the Committee on Reduction of Salt and Sugar in Food through social media had also aroused public interest and positive response; and
- a new scheme had been launched in recent months to involve restaurants in Hong Kong that had vision and commitment to salt and sugar reduction to lead and influence, and to provide delicious food/dish with less salt and/or less sugar, or welcome customers ordering food with less salt and/or sugar. The Administration expected the new scheme to have initial results in early 2019 and more

significant results by the end of 2019. A large-scale salt and sugar reduction campaign with the new scheme kick-off would be held in February 2019. "Reduce Salt, Sugar, Oil. We Do" programme would be integrated into the new scheme. The Administration would closely communicate with the restaurants participating in the new scheme and review the effectiveness and challenges of the scheme in a timely manner and adjust the plans as necessary.

F. Conclusions and recommendations

Overall comments

89. The Committee:

- notes that in 2017 over 90% of foods for human consumption in Hong Kong were imported and the total value of imported foods in the year was \$205,351 million; and Hong Kong has all along been promoted as a renowned "gourmet paradise" to attract tourists from all over the world;
- stresses that it is crucial, for the reason of public health and safety, that foods sold in Hong Kong must be safe and fit for consumption. This important gatekeeping task mainly falls on the Centre for Food Safety ("CFS") which was established in May 2006 under the Food and Environmental Hygiene Department ("FEHD");
- expresses grave dismay and finds it unacceptable that CFS had not sufficiently protected the rights and interests of the Government in the contract management for the first population-based food consumption survey ("first FCS") which started in March 2004 as evidenced by the following:
 - (a) the first FCS was completed in March 2010 with a delay of 42 months and the contract price increased by \$0.8 million from \$3.2 million to \$4 million;
 - (b) during the first FCS, various problems were encountered, including low response rate (overall response rate was only 48%, lower than the expected rate of 70%); insufficient manpower (the

drop-out rate of interviewers was high and a longer time was needed to complete the fieldwork than what the contractor had expected); and long time taken to process data (two extensions were approved in 2007 and 2008 for the contractor to extend the contract to process the data collected. The latter extension was due to deficiencies found in the processed data submitted to CFS for acceptance); and

- (c) while there were provisions in the contract for the first FCS for the Administration to withhold payments, or even terminate the whole contract under specified circumstances, there were no other provisions to deal with unsatisfactory performance of the contractor, such as substantial delays;
- expresses grave dismay and finds it unacceptable that CFS had not learnt a good lesson from the first FCS in formulating the second population-based food consumption survey ("second FCS") as evidenced by the various deficiencies as revealed in the Director of Audit's Report ("Audit Report") as follows:
- (a) according to the contract, at least 4 800 respondents were to be surveyed. Up to 30 July 2018, the actual number of completed cases was only 278, falling short of the 1 400 cases, which should have been completed by 30 July 2018, by some 1 100 cases (79%);
 - (b) the initial response rate was only 42%, falling short of the expected rate of 70%; and
 - (c) according to the contract, the contractor's interviewers should provide at least 210 hours of service per week; in the first 15 weeks, the total service hours provided by interviewers were only 1 313 hours, falling short of the requirement of 3 150 hours (i.e. 210 hours x 15 weeks) by 1 837 hours (58%);
- notes that after CFS followed up with the contractor in July 2018, some improvements had been made. According to the information provided by CFS, up to 10 December 2018, the number of completed cases was 906; the total number of service hours of interviewers was 4 454 hours; the number of service hours recorded in the latest week was 315 hours, which was higher than the basic weekly requirement of 210 hours in the tender document;

- urges CFS to continue to closely monitor the progress of the second FCS currently underway and the performance of the contractor;
- expresses serious concern and finds it unacceptable that, in view of a large number of more than 66 000 food samples taken annually for food testing under the routine surveillance purposes ("surveillance projects") as well as to follow up food incidents, complaints and unsatisfactory testing results of surveillance projects (collectively known as "follow-up projects"),⁸ CFS had not provided sufficient guidelines for its staff on the sampling, the work flow as well as on the timing on announcing the food testing results, and had not effectively monitored the compliance of its staff with the available guidelines, as evidenced by deficiencies revealed in the Audit Report as follows:
 - (a) no guidelines were provided on the distribution of samples among food outlets at the retail level in the 2017 Food Surveillance Programme ("FSP");
 - (b) no guidelines were provided on the distribution of samples among different fish types in the 2017 FSP;
 - (c) there were cases of non-compliance with sampling requirements in FSP in respect of the number of samples taken from each shop;
 - (d) more than 10% of the turnaround times of testing results in 2017 were more than 60 days, with the turnaround time of one test result as long as 230 days; and
 - (e) in a food complaint case, the unsatisfactory test results were only publicized 42 days after the testing results were received.

The above deficiencies could adversely affect the effectiveness of FSP in controlling and preventing food hazards in Hong Kong;

- notes that:
 - (a) CFS promulgated new operational guidelines for CFS staff in October 2018, including those on the timeliness of delivering food samples to the laboratory for testing;

⁸ In 2017, 60 323 and 6 656 samples were taken for the surveillance projects and follow-up projects respectively.

- (b) CFS also revised the guidelines in May 2018 so that the enforcement sample would be obtained right away in case of anticipated difficulties in identifying similar products during the follow-up;⁹ and
 - (c) CFS has enhanced regular supervisory check on sample records, monitoring the types of food samples and checking whether food samples were taken in accordance with the sampling requirements with proper documentation, including conducting a briefing on sampling requirements and introducing a new monitoring and supervision meeting to ensure compliance with the sampling requirements; and
- urges CFS to
- (a) review frequently the work flow of surveillance projects and follow-up projects, and handling of food incidents and complaints in order to supplement new guidelines where necessary or revise/update existing guidelines, as the case may be;
 - (b) enhance its monitoring of staff's compliance with guidelines, in particular the use of information technology to record relevant information and generate management reports for better monitoring of special cases; and
 - (c) review whether its establishment and manpower and the available laboratory capacity for food testing are sufficient to ensure that they could deal with the increasing workload and urgent food incidents which require immediate attention and action.

⁹ Before the revision, the guidelines stipulated the situations (e.g. food complaints about sushi and raw oyster) under which enforcement samples could be directly obtained (without first obtaining surveillance samples).

Specific comments

90. The Committee:

Assessment of food safety risks

- expresses serious concern and finds it unacceptable that:
 - (a) as at 31 August 2018, CFS still relied on the data collected by the food consumption survey on secondary school students conducted in 2000 (some 18 years ago) to help assess food safety risks faced by children and youths. CFS had not embarked on a separate food consumption survey covering the youth population;
 - (b) in Hong Kong, the population-wide food consumption data currently in use was that collected by the first FCS. The data so collected was related to the period March 2005 to July 2007 (more than 10 years ago). With rapid socio-economic changes (e.g. changes in food prices and food supplies as well as demographic changes), there could be big changes in the food consumption pattern of the population in Hong Kong and the food consumption data might have been outdated;
 - (c) some substances of high concern (e.g. formaldehyde which is a chemical commonly used in industry for manufacturing plastic resins) had not been studied in the total diet study ("TDS"), and for the substances studied, some foods which might contain high concentrations of the substances had not been covered in TDS;
 - (d) while in September 2017, the Expert Committee on Food Safety ("the Expert Committee") suggested that the selection of risk assessment studies ("RASs") could be improved by introducing a scoring system, the system was not introduced until September 2018; and
 - (e) for the 23 study reports of RASs conducted by CFS in 2008-2009 to 2018-2019 and published on the CFS website, the links to the supplementary information and those to the study reports were posted on different webpages of the CFS website, making it difficult for interested parties to locate the relevant information;

- notes that:
 - (a) as the fieldwork of the second FCS is being conducted, CFS will take into account the experience gained and take active measures to embark on a food consumption survey for the younger population subject to availability of resources;
 - (b) CFS will keep in view the feasibility of and the need for obtaining more up-to-date food consumption data taking into account the experience gained in the fieldwork of the second FCS and other competing priorities as a whole;
 - (c) in conducting future TDSs, CFS will take into account the evaluation results and the experience gained in the first TDS;
 - (d) CFS will continue to monitor and ensure proper operation of the new mechanism for selecting RASs;
 - (e) CFS has posted the related links of supplementary information on the webpages of corresponding RASs as recommended by the Audit Commission ("Audit") to facilitate the public access to the relevant information; and
 - (f) Director of Food and Environmental Hygiene has agreed with Audit's Recommendations in paragraphs 2.12, 2.18 and 2.30 of the Audit Report;

Food Surveillance Programme

- expresses serious concern and finds it unacceptable that:
 - (a) certain potential food hazards had not been covered for surveillance under FSPs of 2015, 2016 and 2017. Such hazards included those which were regulated by the law, those which might require CFS's follow-up actions should the hazards exceed certain thresholds, and those which had resulted in a food safety incident;
 - (b) from 2015 to 2017, a large proportion (ranging from 44% to 46%) of food samples were allocated to surveillance of fruits and vegetables according to FSPs. However, according to CFS, vegetables were not considered to be high-risk foods;

- (c) in the absence of specific guidelines on taking food samples from different food outlets and food types within individual food groups, CFS staff used their experience and discretion to implement the sampling plan. There were wide variations in the number of samples taken from different types of food outlets and from different food types. There was doubt as to whether food samples had been selected consistently as FSP intended;
 - (d) in 2017, of the 3 868 food samples purchased online, while 93% were purchased for chemical testing and radiation testing, only 7% were purchased for microbiological testing. In view of the potential safety concerns of online food purchase (e.g. risks of bacterial growth and cross-contamination during delivery of food), the proportion of online samples purchased for microbiological testing was on the low side;
 - (e) in 6 of the 10 surveillance projects in 2017 examined by Audit, there were cases of non-compliance with the sampling requirement of FSP that sampling officers should not take more than two samples from the same shop. Of the 2 687 samples of the six projects, 493 samples were taken at 104 shops, and the sampling requirement had not been followed; and
 - (f) in the 10 surveillance projects examined by Audit, the turnaround time (i.e. time lag between the collection of a food sample and the subsequent return of the testing result from the laboratory) could be as long as 230 days. In 18 of the 20 food samples with long turnaround time examined by Audit, there was a delay in delivering the samples to the laboratories, which ranged from 19 to 203 days;
- notes that:
- (a) CFS will continue to adopt the risk-based principle to review FSP. Regarding Case 1,¹⁰ using the risk-based approach, CFS will determine the priorities of testing cereal and grain products

¹⁰ According to Case 1 of the Audit Report, maximum residue limits applicable to cereal and grain products are specified for 212 pesticides in the Pesticide Residues in Food Regulation (Cap. 132CM). Testing of 105 pesticides of these 212 regulated pesticides in cereal and grain products was conducted in 2015 to 2017, whereas testing of the remaining 107 pesticides was not conducted.

against the remaining 61 pesticides. Regarding Case 2,¹¹ CFS will consider testing the remaining six hazards, in consultation with the Expert Committee. Regarding Case 3,¹² taking into account the recent findings of veterinary drug residues in honey products in April 2018, it is CFS's plan to undertake a new project under FSP of 2019 for testing veterinary drugs in honey samples;

- (b) based on the experience gained in running FSP in the past few years, and as baseline data is largely collected following the implementation of the Pesticide Residues in Food Regulation (Cap. 132CM) with effect from August 2014 and the results are satisfactory, CFS has already started to reallocate resources to testing other food hazards. More specifically, CFS has already shifted 1 500 samples in FSP of 2018 from testing pesticides to testing metallic contaminants in fruits and vegetables. Further reallocation will be made from testing pesticides in fruits and vegetables to testing metallic contaminants of other food types in FSP of 2019, in support of the operation of the Food Adulteration (Metallic Contamination) (Amendment) Regulation 2018, which is expected to take effect in November 2019;
- (c) CFS has been reviewing FSP and with effect from the first quarter of 2018, a sampling ratio of 40:60 in "Supermarkets, convenience stores and department stores" to "Other retails" has been adopted for food sampling at the retail level, with reference to statistics on total retail sales of food and beverages in supermarkets/department stores and other retail outlets provided by the Census and Statistics Department, and other risk factors. CFS will formulate further guidelines on the sampling ratio of different food outlets under these two broad categories;
- (d) CFS will increase the proportion of online food samples purchased for microbiological testing;

¹¹ According to Case 2 and paragraph 3.7 of the Audit Report, CFS has set thresholds for 27 potential food hazards not regulated under the law but 6 of these 27 hazards were not included in the 2018 surveillance project.

¹² According to Case 3 of the Audit Report, the presence of veterinary drug residues (e.g. antibiotics) in honey has not been regulated under the law. In FSPs of 2015, 2016 and 2017, no surveillance projects were formulated for detecting veterinary drug residues in honey. In April 2018, subsequent to a food incident, CFS found the existence of an antibiotic, a veterinary drug residue, in a sample of the honey in question.

- (e) CFS will closely monitor the delivery time of food samples with a view to reducing the turnaround time as far as possible. Frontline staff particularly new-comers will be properly briefed to discharge their duties in accordance with the laid-down operation manual and guidelines and to seek directives from seniors in case of doubt. In addition, CFS will enhance supervision to ensure compliance with the guidelines; and
- (f) Director of Food and Environmental Hygiene has agreed with Audit's Recommendations in paragraphs 3.13, 3.22 and 3.28 of the Audit Report;

Management of food incidents and complaints

- expresses serious concern and finds it unacceptable that:
 - (a) the time taken between the collection of food samples in the first instance and the subsequent publicizing of unsatisfactory testing results was long, ranging from 1 to 88 days with an average of 19 days in 2017;
 - (b) the long time (e.g. more than 60 days) taken to publicize the unsatisfactory results for some cases was due to the substantial time taken in testing food samples, and/or the delay in publicizing the results after the completion of food sample testing;
 - (c) the 23 food recall exercises in 2017 were not entirely effective. On the whole, only 49% (by quantity) of the products which had left the manufacturers were returned in the 23 exercises. However, CFS had not requested traders to provide, in accordance with CFS's guidelines, regular reports for monitoring the effectiveness of the recall;
 - (d) CFS guidelines had not specified the ways to ensure proper disposal of recalled foods. As a result, the disposal practices varied between cases. Of the 19 cases in 2017 where disposal was required, the disposal was not conducted under CFS supervision for seven cases;
 - (e) in 2014 to 2017, the number of food complaints forwarded to CFS increased by 30% (1 275 complaints) from 4 294 (2014) to 5 569 (2017). The increase in certain types of complaints was

particularly high (e.g. 188% increase in "fake/counterfeit food", 93% increase in "deteriorated food" and 77% increase in "body parts/excreta of animals or insects in food");

- (f) CFS did not compile regular management information for monitoring food complaints and surveillance of food safety; and
 - (g) for the 5 569 complaint cases handled in 2017, the time lag between the complaint dates and CFS's eventual closing of the complaint cases was generally long. In 3 389 (61%) cases, the time lag was more than 30 days, including 38 (1%) cases where the time lag was more than 240 days;
- notes that:
- (a) CFS will monitor the time taken between taking food samples and publicizing unsatisfactory testing results of the samples, and take necessary measures to minimize the time taken;
 - (b) CFS will request the traders to provide regular progress reports on food recall exercises according to CFS's guidelines and monitor the effectiveness of food recall exercises;
 - (c) CFS has reminded staff about the proper documentation and disposal of recalled foods. A guideline will be prepared;
 - (d) CFS has been using its food complaint database for monitoring possible food incidents and surveillance of food safety. The existing database facilitates data search for types of foods being complained about and outlets where there were repeated food complaints. In addition, CFS has set up since mid-2015 an internal panel led by a directorate officer to provide prompt and professional advice on the handling of more complicated food complaint cases;
 - (e) FEHD has reviewed the operational guidelines to set out the time frame for officers to follow up with the complainant to collect his statement or declaration and document the follow-up actions. The guidelines have been promulgated to all relevant staff for observance since early October 2018;

- (f) briefing will be arranged for staff, particularly newcomers, on the operation manual and guidelines. In addition, CFS has enhanced supervision to ensure compliance with the guidelines; and
- (g) Director of Food and Environmental Hygiene has agreed with Audit's Recommendations in paragraphs 4.13 and 4.23 of the Audit Report;

Communicating with the public on food safety risks

- expresses serious concern and disappointment that:
 - (a) while the findings of food studies conducted by other organizations are often publicized through the press media with a wide audience, CFS's current practice is to publicize its views and advice on the findings of the food studies through its Facebook page and website, without making use of press releases. CFS's practice would limit the spectrum and size of audience, which may also undermine the effectiveness of its communication with the public;
 - (b) CFS had not made arrangements to facilitate people viewing its food safety talks on the Internet (e.g. online broadcasting and placing recorded talks on the Internet);
 - (c) during the period 2013 to 2017, the total number of attendees at food safety exhibitions (i.e. standing exhibitions, roving exhibitions and community organization exhibitions) had decreased by 11%. For the roving exhibitions, a 52% decrease in the number of attendees was recorded; and
 - (d) implementation of the charters on food safety was not satisfactory. For the Food Safety Charter, the number of signatories (e.g. restaurants and food production premises participating in the charter) had decreased from 2 000 in 2012 to 1 800 in 2015, and then to 1 400 in 2018 which accounted for only about 5% of the number of all food premises. For the "Reduce Salt, Sugar, Oil. We Do" Charter, the number of signatories had remained at 37 in recent years. The limited numbers of signatories might undermine the effectiveness of the charters; and

- notes that:
 - (a) CFS will enrich its multimedia materials on the Internet;
 - (b) on food safety exhibitions, CFS will adopt more flexible exhibition hours and enhance publicity as appropriate;
 - (c) CFS will continue to endeavour to promote the Food Safety Charter to members of the food trade;
 - (d) having reviewed the implementation of the "Reduce Salt, Sugar, Oil. We Do" Charter, the Food and Health Bureau and CFS are launching new initiatives to more proactively enlist the support of the trade to provide more food/dishes with reduced salt and/or sugar, or to welcome customers' requests for reduction of salt and/or sugar in food when placing orders. CFS has started these new initiatives in recent months and expects to see more positive feedback from the trade; and
 - (e) Director of Food and Environmental Hygiene has agreed with Audit's Recommendations in paragraphs 5.11 and 5.16 of the Audit Report.

Follow-up action

91. The Committee wishes to be kept informed of the progress made in implementing the various recommendations made by the Committee and Audit.