

**SUPPLEMENTAL REPORT OF THE  
PUBLIC ACCOUNTS COMMITTEE  
ON  
REPORT NO. 71 OF THE DIRECTOR OF AUDIT  
ON  
THE RESULTS OF  
VALUE FOR MONEY AUDITS**

*May 2019*

*P.A.C. Report No. 71A*

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**ACRONYMS AND ABBREVIATIONS**

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*Introduction*

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**The Establishment of the Committee** The Public Accounts Committee is established under Rule 72 of the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region, a copy of which is attached in *Appendix 1* to this Report.

2. **Membership of the Committee** The following Members are appointed by the President under Rule 72(3) of the Rules of Procedure to serve on the Committee:

**Chairman** : Hon Abraham SHEK Lai-him, GBS, JP

**Deputy Chairman** : Hon Kenneth LEUNG

**Members** : Hon Paul TSE Wai-chun, JP  
Hon Steven HO Chun-yin, BBS  
Hon LAM Cheuk-ting  
Hon SHIU Ka-fai  
Hon Tanya CHAN

**Clerk** : Anthony CHU

**Legal Adviser** : YICK Wing-kin

*Procedure*

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**The Committee's Procedure** The practice and procedure, as determined by the Committee in accordance with Rule 72 of the Rules of Procedure, are as follows:

- (a) the public officers called before the Committee in accordance with Rule 72 of the Rules of Procedure, shall normally be the Controlling Officers of the Heads of Revenue or Expenditure to which the Director of Audit has referred in his Report except where the matter under consideration affects more than one such Head or involves a question of policy or of principle in which case the relevant Director of Bureau of the Government or other appropriate officers shall be called. Appearance before the Committee shall be a personal responsibility of the public officer called and whilst he may be accompanied by members of his staff to assist him with points of detail, the responsibility for the information or the production of records or documents required by the Committee shall rest with him alone;
- (b) where any matter referred to in the Director of Audit's Report on the accounts of the Government relates to the affairs of an organisation subvented by the Government, the person normally required to appear before the Committee shall be the Controlling Officer of the vote from which the relevant subvention has been paid, but the Committee shall not preclude the calling of a representative of the subvented body concerned where it is considered that such a representative could assist the Committee in its deliberations;
- (c) the Director of Audit and the Secretary for Financial Services and the Treasury shall be called upon to assist the Committee when Controlling Officers or other persons are providing information or explanations to the Committee;
- (d) the Committee shall take evidence from any parties outside the civil service and the subvented sector before making reference to them in a report;
- (e) the Committee shall not normally make recommendations on a case on the basis solely of the Director of Audit's presentation;
- (f) the Committee shall not allow written submissions from Controlling Officers other than as an adjunct to their personal appearance before the Committee; and

*Procedure*

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- (g) the Committee shall hold informal consultations with the Director of Audit from time to time, so that the Committee could suggest fruitful areas for value for money study by the Director of Audit.

2. **Confidentiality undertaking by members of the Committee** To enhance the integrity of the Committee and its work, members of the Public Accounts Committee have signed a confidentiality undertaking. Members agree that, in relation to the consideration of the Director of Audit's reports, they will not disclose any matter relating to the proceedings of the Committee that is classified as confidential, which shall include any evidence or documents presented to the Committee, and any information on discussions or deliberations at its meetings, other than at meetings held in public. Members also agree to take the necessary steps to prevent disclosure of such matter either before or after the Committee presents its report to the Council, unless the confidential classification has been removed by the Committee.

3. A copy of the Confidentiality Undertakings signed by members of the Committee has been uploaded onto the Legislative Council website.

4. **The Committee's Report** This Report contains the Public Accounts Committee's supplemental report on Chapter 2 of Report No. 71 of the Director of Audit on the results of value for money audits which was tabled in the Legislative Council on 28 November 2018. Value for money audits are conducted in accordance with the guidelines and procedures set out in the Paper on Scope of Government Audit in the Hong Kong Special Administrative Region - 'Value for Money Audits' which was tabled in the Provisional Legislative Council on 11 February 1998. A copy of the Paper is attached in *Appendix 2*. The Committee's Report No. 71 was tabled in the Legislative Council on 20 February 2019.

5. **The Government's Response** The Government's response to the Committee's Report is contained in the Government Minute, which comments as appropriate on the Committee's conclusions and recommendations, indicates what action the Government proposes to take to rectify any irregularities which have been brought to notice by the Committee or by the Director of Audit and, if necessary, explains why it does not intend to take action. It is the Government's stated intention that the Government Minute should be laid on the table of the Legislative Council within three months of the laying of the Report of the Committee to which it relates.

*Committee Proceedings*

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**Meetings** The Committee held a total of three meetings and four public hearings in respect of the subjects covered in this Report. During the public hearings, the Committee heard evidence from a total of nine witnesses, including one Director of Bureau and one Heads of Department. The names of the witnesses are listed in *Appendix 3* to this Report.

2. **Arrangement of the Report** The evidence of the witnesses who appeared before the Committee, and the Committee's specific conclusions and recommendations, based on the evidence and on its deliberations on the relevant chapter of the Director of Audit's Report, are set out in Part 4 below.

3. The video and audio record of the proceedings of the Committee's public hearings is available on the Legislative Council website.

4. **Acknowledgements** The Committee wishes to record its appreciation of the cooperative approach adopted by all the persons who were invited to give evidence. In addition, the Committee is grateful for the assistance and constructive advice given by the Secretary for Financial Services and the Treasury, the Legal Adviser and the Clerk. The Committee also wishes to thank the Director of Audit for the objective and professional manner in which he completed his Report, and for the many services which he and his staff have rendered to the Committee throughout its deliberations.

## **A. Introduction**

The Audit Commission ("Audit") conducted a review of the import control of foods by the Centre for Food Safety ("CFS"), including matters relating to the control of foods imported by air, road and sea, control of live food animals and live aquatic products (for simplicity, unless otherwise stated, hereinafter foods and live food animals are collectively referred to as foods), registration and inspection of food traders, and other issues relating to import control of foods and the way forward.<sup>1</sup>

2. Hon Kenneth LEUNG declared that he was a member of the Trade and Industry Advisory Board. Hon SHIU Ka-fai declared that he was a member of the Trade and Industry Advisory Board and Business Facilitation Advisory Committee, and unremunerated honorary adviser or honorary member to some non-governmental organizations or trade associations.

### Background

3. 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. CFS works under the legal framework of two Ordinances, namely, the Public Health and Municipal Services Ordinance (Cap. 132), and its subsidiary legislation,<sup>2</sup> and the Food Safety Ordinance (Cap. 612).<sup>3</sup>

4. In 2013-2014 to 2017-2018, CFS's expenditure had increased by 32% from \$448 million to \$592 million. During this period, over 50% of the annual expenditure were spent on import control of foods. Control at source is recognized

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<sup>1</sup> The findings of Audit on CFS's management of food safety are contained in Chapter 1, CFS: Management of food safety, of the Director of Audit's Report No. 71. The Committee's Report on this chapter is contained in its Report No. 71 issued in February 2019.

<sup>2</sup> 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.

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

as an effective control mode in food safety. Control measures include requiring the presence of health certificates issued by overseas authorities for import of foods, and allowing only live food animals from approved farms to enter into Hong Kong.

5. Imported foods are broadly classified into two types: namely, high-risk foods,<sup>4</sup> and other imported foods. For high-risk foods, specific import documents are required for their import into Hong Kong. These documents include an import licence<sup>5</sup> and import permission.<sup>6</sup> For other imported foods, no health certificates or import licences or import permissions are required under the law. Administrative arrangements may be agreed with relevant regulatory authorities of the place of origin for certain imported food types to better ensure food safety and public health.

6. The Committee held four public hearings on 7, 11 and 25 January and 6 March 2019 to receive evidence on the findings and observations of the Director of Audit's Report ("Audit Report").

### The Committee's Report

7. 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 14);
- Control of foods imported by air (Part B) (paragraphs 15 to 37);
- Control of foods imported by road (Part C) (paragraphs 38 to 57);
- Control of foods imported by sea (Part D) (paragraphs 58 to 75);
- Control of live food animals and live aquatic products (Part E) (paragraphs 76 to 95);

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<sup>4</sup> High-risk foods include frozen meat, frozen poultry, chilled meat and chilled poultry, prohibited meat (e.g. meat comprising the wall of the thorax or abdomen), game, eggs, milk and frozen confections, livestock, live poultry, and aquatic products, that pose higher food safety risks as they are easily perishable and more likely subject to risk of pathogens.

<sup>5</sup> An import licence covers the import of a single food consignment and is valid for a period of six weeks.

<sup>6</sup> An import permission covers the import of multiple food consignments and is valid for a period of six months.

- Registration and inspection of food traders (Part F) (paragraphs 96 to 113);
- Other issues relating to import control of foods and way forward (Part G) (paragraphs 114 to 122); and
- Conclusions and recommendations (Part H) (paragraphs 123 to 125).

Speech by Director of Audit

8. **Mr John CHU Nai-cheung, Director of Audit**, gave a brief account of the Audit Report at the beginning of the Committee's public hearing held on 7 January 2019. The full text of his speech is in *Appendix 4*.

Opening statement by Secretary for Food and Health

9. **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 7 January 2019, the summary of which is as follows:

- CFS was aware of the inadequacies in its workflow during the review by Audit. Some improvement measures had been implemented or formulated, such as issuing guidelines in cases of the lack of guidelines or insufficient guidelines, strengthening training and supervision of staff, enhancing the enforcement concept of staff and improving the filing of information and work records;
- a dedicated team was formed by CFS in end 2017 to re-engineer CFS's workflow and overhaul its information technology ("IT") systems to support the frontline staff more effectively; and
- since 24 March 2011 when certain foods from five prefectures were restricted from importing into Hong Kong, CFS had conducted radiation tests on 550 000 food samples imported from Japan and all

results of these samples complied with the standards laid down by the Codex Alimentarius Commission.<sup>7</sup>

The full text of Secretary for Food and Health's opening statement is in *Appendix 5*.

Opening statement by Director of Food and Environmental Hygiene

10. **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 7 January 2019, the summary of which is as follows:

- CFS would continue to strengthen staff supervision and training to ensure that officers of food control offices at air, land and sea borders adhered to the CFS's Operational Manual on import control of foods ("Operational Manual") and guidelines when performing their duties;
- in early January 2019, CFS issued new guidelines, requiring officers at the airport office to check the original health certificates and supporting documents of food consignments and inspect the consignments in accordance with a risk-based approach before releasing them from the air cargo terminals, so as to ensure the safety of food imports;
- on control of food imports by land, CFS was strengthening cooperation with the Customs and Excise Department ("C&ED"). It would take further steps to effectively deal with the problem of vehicles evading food inspections at the Man Kam To Food Control Office ("MKTFCO"). Other measures were also taken to ensure that vehicles had obtained prior approval from CFS for carrying chilled food and to collect samples of frozen/chilled meat and poultry at random; and
- CFS had also taken various measures to address the issues revealed by Audit on the control of food imports by sea.

The full text of Director of Food and Environmental Hygiene's opening statement is in *Appendix 6*.

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<sup>7</sup> 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.



11. With reference to Table 2 in paragraph 1.7 of the Audit Report, the Committee enquired about the reasons for the increase in the number of prosecutions between 2015 and 2016 under the Public Health and Municipal Services Ordinance (i.e. from 490 to 766).

12. **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 23 January 2019 (*Appendix 7*) that:

- the number of prosecution cases in Table 2 were initiated by CFS against contraventions of the Public Health and Municipal Services Ordinance, its subsidiary legislation, and the Food Safety Ordinance and were not limited to those involving control of imported foods; and
- the number of prosecutions in 2016 increased substantially comparing to 2015 mainly because a large number of prosecutions were instituted against contraventions of the regulation of poultry egg imports. The amended Imported Game, Meat, Poultry and Eggs Regulations (Cap. 132AK) came into effect on 5 December 2015, under which no one could import poultry eggs into Hong Kong unless they produced a health certificate issued by an issuing entity from the place of origin recognized by Director of Food and Environmental Hygiene to certify that the eggs were fit for human consumption, and obtain permission in writing from FEHD to facilitate tracking of the actual importation and surveillance on the poultry eggs by CFS.

13. Figure 1 in paragraph 1.9 of the Audit Report showed that the expenditure ratio of CFS on import control had remained unchanged at around 57% from 2013-2014 to 2017-2018. The Committee asked whether CFS had reviewed its manpower resources in view of the change in workload, e.g. no live chickens had been imported into Hong Kong since 2017.

14. **Dr Christine WONG Wang, Assistant Director (Risk Management), Food and Environmental Hygiene Department and Director of Food and Environmental Hygiene** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 23 January 2019 (*Appendix 7*) that the total number of staff at all the food control offices at air, sea and land borders were 292 as at 1 January 2019. This represented an increase of 34 staff when compared to 2017-2018. During 2013-2014 to 2017-2018, the expenditure on import control of foods had increased from \$258 million to

\$337 million (a total increase of \$79 million). In 2018-2019, the relevant estimated expenditure further increased by \$52 million to \$389 million. CFS reviewed its staff establishment each year in accordance with actual needs. In the past five years, the overall manpower of the food control offices at air, sea and land borders was relatively stable. Despite the decrease in the quantity of live animals imported into Hong Kong, CFS needed to maintain basic manpower to handle the workload, in particular at land border offices.

## **B. Control of foods imported by air**

15. According to paragraph 2.12 of the Audit Report, CFS staff had exercised discretion to release three consignments which failed to present the original health certificates on the spot to the Airport Food Inspection Offices ("AFIOs"), and no physical inspections were conducted for these consignments. The Committee asked about the number of the cases in the past year in which similar discretion had been exercised and whether there were any guidelines on how such discretion should be granted, including if physical inspections should be conducted.

16. **Director of Food and Environmental Hygiene** provided the staffing situation and operation schedules of AFIOs at the three cargo terminals of the Hong Kong International Airport, namely the Hong Kong Air Cargo Terminals Limited, Cathay Pacific Cargo Terminal and Asia Airfreight Terminal, in her letter dated 23 January 2019 (*Appendix 7*). **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 31 January 2019 (*Appendix 8*) that:

- foods imported by air were mainly fresh provisions like chilled meat and poultry meat. Due to the short air freight time to Hong Kong, importers sometimes had difficulties submitting supporting documents when applying for import licences, as these documents might be shipped together with the consignments;
- provided that food safety was not compromised, CFS would consider the circumstances of individual cases and facilitate business operation by allowing importers to present the original supporting documents for custom clearance at AFIOs. To ensure the safety of imported foods, officers at AFIOs would examine the import documents of the food consignment concerned and conduct food inspections by adopting a risk-based approach;

- in 2018, there were 54 cases in which discretion was granted to release food consignments without original health certificates at AFIOs. In 13 of these cases, the food importers did not supplement the original health certificates to CFS staff for inspection within the seven-day period. The importers for 12 of these cases had subsequently furnished the original copies of documents. CFS had issued warnings to the food importers concerned; and
- there was still one case without furnishing of the original copies of documents. CFS was seeking legal advice on the relevant case. Prosecution would be instituted if there was sufficient evidence.

17. With reference to paragraph 2.14 of the Audit Report, the Committee asked about the progress of the implementation of the new guidelines for CFS staff to exercise discretion on the release of food consignments without original supporting documents and their effectiveness.

18. **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 23 January 2019 (*Appendix 7*) that:

- at the end of October 2018, CFS formulated specific guidelines on granting discretion for release of food consignments from air cargo terminals without original health certificates based on specific conditions, such as good track records of the importer involved, should be fulfilled; the staff on duty should physically inspect the consignment; and the case must be endorsed by a Senior Health Inspector;
- after the implementation of the guidelines, there were 2 191 cases in November and December 2018 in which importers were required to present the original health certificates and supporting documents for clearance at AFIOs. Twelve of these cases were granted discretion for release of food consignments;
- after a review, CFS updated the guidelines in early January 2019. AFIO officers were advised to check the original health certificates and supporting documents of a food consignment and conduct food inspection in accordance with the risk-based principle before releasing the consignment from the air cargo terminal;

- in issuing the updated guidelines, CFS mainly took into account the requirements of the Imported Game, Meat, Poultry and Eggs Regulations. Provided that food safety was not affected, CFS allowed importers to present the original health certificates and the relevant import documents at AFIOs when the relevant consignments were imported into Hong Kong by air. In light of the present situation, the new guidelines could strike a balance between ensuring food safety and business facilitation; and
- the trade was informed of the updated measures. Notices were also posted at conspicuous locations of AFIOs to remind the trade about the new arrangement. The new measures had been implemented smoothly since early January 2019.

19. In reply to the Committee's enquiry about measures in place for frontline staff to verify the authenticity of the original health certificate and ensure that the health certificate corresponded to the food consignment being examined, **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 23 January 2019 (*Appendix 7*) that:

- CFS would distribute a standard specimen of the health certificate to the food inspection offices and the Food Importer/Distributor Registration and Import Licensing Office ("FIRLO"). The specimen of the health certificate would be saved for easy access and reference by duty officers; and
- supervisors would provide newly appointed Health Inspectors with training on the workflow involved and the specimens of the health certificates, and brief them on the methods to verify the relevant information. In case there was any doubt about the authenticity of the original health certificate and/or the corresponding food consignment, the frontline staff would make a report to their supervisors. Upon examination of the case, the supervisors on duty would make verification as deemed necessary with the authority of the exporting end through the relevant section of CFS.

20. The Committee noted from Case 1 in paragraph 2.12 of the Audit Report that the consignment concerned was released without the submission of the original

Export Declaration<sup>8</sup> on the spot and without an import permission issued by CFS. The Committee was concerned about the streamlined procedure for importing foods from the European Union ("EU") member states, in particular for food originated from animals slaughtered in one EU member state but exported from another EU member state to Hong Kong, and how CFS would ensure that frontline staff are fully informed of any new overseas requirements/procedures.

21. **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 23 January 2019 (*Appendix 7*) that:

- starting from 1 December 2017, CFS had fully adopted the dual-purpose document of EU for use in respect of eligible EU member states (i.e. those EU member states that had already established relevant meat import protocol with Hong Kong). The document could be used either as a health certificate or an Export Declaration for importing beef, pork and mutton from eligible EU member states;
- under the new arrangement, an eligible EU member state where the animal was slaughtered for export would make use of the document to issue a health certificate in respect of the meat. If the animal was slaughtered by one eligible EU member state and the meat was exported by another eligible member state, the export member state would use the document to issue the Export Declaration, and the importer had to obtain written permission from CFS before importing the consignment into Hong Kong;
- if the EU member state where the animal was slaughtered or the meat was exported was not an eligible EU member state, the new arrangement and the dual-purpose document would not apply; and
- Case 1 happened shortly after the above new arrangement was put into practice. Learning from the experience gained from this incident, CFS had enhanced the awareness and training of any new arrangement among the frontline staff through regular working meetings and briefings. CFS had further reminded the frontline staff to strictly implement the new EU arrangement for meat imports.

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<sup>8</sup> An Export Declaration issued by an exporting European Union ("EU") member state is required for foods (i.e. beef, pork and mutton) originated from animals slaughtered in one EU member state but exported from another EU member state to Hong Kong.

22. With reference to paragraphs 2.15 and 2.16 of the Audit Report, the Committee enquired about the latest position in devising guidelines on the ratio and number of food samples selected for physical inspection and whether randomization sampling would be adopted.

23. **Assistant Director (Risk Management), Food and Environmental Hygiene Department** and **Director of Food and Environmental Hygiene** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 31 January 2019 (*Appendix 8*) that:

- there had been no guidelines on the number of samples to be inspected in a physical inspection.<sup>9</sup> The time required for inspection of each food consignment was usually about 15 minutes (not including the time taken for radiation testing and sampling);
- CFS was comprehensively reviewing the present sampling work with references to similar practices in other economies and the relevant guidelines of the Codex Alimentarius Commission, with a view to formulating operational guidelines on the appropriate number of samples to be taken during physical inspection of imported foods at border control points and putting in place improvement measures for sampling; and
- the operational guidelines were expected to be ready in the first quarter of 2019. CFS would further consult the sections concerned on the actual operation of the guidelines and enhance communication with and supervision of frontline staff to ensure their compliance with the new guidelines.

24. With reference to paragraphs 2.18 to 2.25 of the Audit Report on monitoring of the radiation level of foods imported from Japan, the Committee sought details of such testing under the Contamination Monitoring System ("CMS"), including procedures to separate the edible parts from the inedible parts.

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<sup>9</sup> According to Note 15 in paragraph 2.15 of the Audit Report, the only exception is for physical inspection of chilled/frozen meat and poultry imported by sea and placed in cold stores, and eggs. For these foods, 5% of a food consignment should be selected for physical inspection.

25. **Director of Food and Environmental Hygiene** provided the operational procedures of a hand-held survey meter on the radiation level of foods as well as the operational procedures of CMS tests in her letter dated 31 January 2019 (*Appendix 8*). **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 31 January 2019 (*Appendix 8*) that:

- after the Fukushima Nuclear Incident in 2011, CFS had been using hand-held survey meters in conducting comprehensive surveillance on the radiation levels of Japanese food imports. The hand-held survey meter was reliable and recognized by the International Atomic Energy Agency as a means and device for obtaining instant readings of radiation tests. If the radiation level of the hand-held survey meter exceeded 0.4 microsievert per hour, CFS would detain the consignment and collect more samples for CMS testing. For consignments that had passed the radiation test of a hand-held survey meter, CFS would still adopt a risk-based approach to take some samples for CMS testing as an extra and supplementary measure. The factors of consideration included the surveillance results of the Japanese authorities, the previous local surveillance results and risk assessments for specific types of food; and
- according to the "Measurement of Radionuclides in Food and the Environment" issued by the International Atomic Energy Agency, for some foods like fish, bones would not be used in the testing and it would be easier to remove bones after heating the food at 150 degrees Celsius for an hour. Based on the past experience of the Food Chemistry Section of CFS, the edible portion of a food sample could be extracted for testing using the appropriate tools. The extraction method mentioned in the guidelines was for general reference only.

26. According to paragraph 2.22 of the Audit Report, food samples were pre-selected by importers for tests at the Hong Kong Air Cargo Terminals Limited, and Director of Food and Environmental Hygiene said at the public hearings that this practice was contrary to CFS guidelines. The Committee asked about details of the relevant guidelines and follow-up actions taken on this non-compliance case.

27. **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letters dated 23 January 2019 (*Appendix 7*) and 8 April 2019 (*Appendix 9*) that:

- CFS did not accept pre-selected food samples from importers. This principle applied to all food samples for inspection by CFS, including Japanese food imports by air or sea. It had all along been laid down in the Operational Manual that food samples should be taken by CFS staff at random. CFS staff on duty would sign and affix a dedicated mark on the packing of the food sample selected;
- taking into account Audit's observations on individual cases, CFS introduced supplementary guidelines on 14 November 2018 on the procedures for taking food samples at AFIOs for tests. The supplementary guidelines required the operational staff to personally inspect each consignment of targeted food by taking samples from different parts of the consignment at random and examine the import documents. CFS had further reminded its staff to strictly comply with the relevant guidelines; and
- between 2013 and 2017, there was no cases of staff members suspected of dereliction of duty or violation of discipline with respect to food import control. CFS had taken prompt follow-up actions pursuant to the Civil Service Regulations and the established procedures of FEHD to investigate the cases mentioned in the Audit Report, and investigation was in progress.

28. With reference to paragraph 2.25 of the Audit Report, CFS staff reflected that it was impractical to remove all inedible parts in the setting of AFIOs. The Committee sought explanation from the Administration on whether reviews had been conducted on the relevant guidelines taking into account actual frontline operation and measures to ensure compliance of the guidelines.

29. **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 31 January 2019 (*Appendix 8*) that:

- in conducting CMS tests, CFS staff should remove the inedible portion of the food sample as far as practicable. Starting from October 2018, the operational guidelines for CMS were made available to all AFIOs for easy reference by the frontline staff;
- to assist frontline officers in fully understanding the CMS operational procedures for testing of food samples, briefings and regular supervisory inspections by Senior Health Inspectors and on-site



demonstrations by Chemical Analyst from the Food Chemistry Section were arranged. The relevant information was also uploaded to the Intranet for reference by all staff. CFS would hold regular briefing sessions and produce videos on the CMS operational procedures for reference of relevant staff as learning materials; and

- although there was still room for improvement in the procedures for taking samples from imported Japanese foods for CMS testing, it had little effect on the test results.

30. With reference to paragraph 2.25 of the Audit Report, the Committee asked about the reasons for different procedures in conducting radiation tests between foods imported by air and sea and the implications of these differences.

31. **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 31 January 2019 (*Appendix 8*) that:

- all food consignments from Japan, whether by air or sea, would have to go through measurement of radiation contamination with a hand-held survey meter by CFS staff, and conducting the CMS test as necessary (see paragraph 25 above); and
- for Japanese foods imported by air, the above screening procedures were carried out at AFIOs. A food consignment would be released from the air cargo terminal if a satisfactory result was obtained by hand-held survey meter testing and samples had been taken for the CMS test (if applicable). As for Japanese foods imported by sea, testing with a hand-held survey meter and sample collection were generally conducted in the warehouse of the importer concerned. The collected samples would be dispatched to CFS's Radiation Monitoring Team for the CMS test. If the test result was satisfactory, CFS would issue a letter to the importer to allow release of the relevant food consignment.

32. Director of Food and Environmental Hygiene replied at the public hearings that the conduct of a CMS test normally lasted for 30 minutes. As such, the Committee asked why the food consignments were allowed to early release subjected to both hand-held and CMS tests before the CMS test results were available as pointed out in paragraph 2.25 of the Audit Report.

33. **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 31 January 2019 (*Appendix 8*) that:

- starting from end September 2018, AFIOs had launched new measures. Before a food consignment tested with satisfactory results with a hand-held survey meter and sampled for CMS testings was released from the air cargo terminal, CFS would inform the importer concerned in writing to refrain from selling the relevant food products. The food consignment could only be sold in the market when a release letter was received from AFIOs if the radiation test result was satisfactory;
- since the commencement of the Food Safety Order prohibiting the import of certain food products from five Japanese prefectures on 24 March 2011, CFS had tested over 550 000 samples of imported Japanese food products. So far no sample had been tested with radiation levels exceeding the Codex's guideline levels; and
- from 1 January 2016 to 31 December 2018, CMS tests were conducted on 84 451 samples. None of them exceeded the Codex's guideline levels. Among these samples, seven samples were detected with low levels of radioactivity. After learning about the test results, the traders were willing to discontinue the sale of the relevant food products and remove them from the shelf, return the products to the country of origin, or surrender them for disposal.

34. As Director of Food and Environmental Hygiene said at the public hearings that electronic health certificates would enhance the issuing of import licences, the Committee sought further details of the electronic health certificates system, such as the number of countries which issued electronic health certificates, and any implementation timetable to widen the use of electronic health certificate.

35. **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 23 January 2019 (*Appendix 7*) that:

- direct government-to-government data transfer would enable CFS to receive data on health certificates issued by the authority in the exporting place in the first instance and the data thus collected were intact, accurate and reliable. The data collected could be used for various food import control measures, including the processing of import licence applications for meat and poultry; and

- currently, there were arrangements in place for CFS to receive electronic data on health certificates transferred from the relevant authorities of Australia, New Zealand and the Netherlands. CFS was approaching other authorities, including the Mainland, the United States of America and Brazil, to explore the feasibility of data transfer for an electronic health certificate. The actual progress of negotiation and the implementation of the arrangement would depend on the readiness of the issuing entity as well as the time required for both ends in revamping their IT systems.

36. According to paragraph 2.27 of the Audit Report, Director of Food and Environmental Hygiene said that FEHD would enhance supervisory inspections to enhance full compliance with relevant guidelines. In respect of inspections at the terminal border points, the Committee asked about the supervisory inspection system before such enhancements were made and details of the enhancements.

37. **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 23 January 2019 (*Appendix 7*) that:

- in respect of monitoring AFIO staff in sampling of food imported from Japan for conducting CMS test, the supervisory staff previously conducted supervisory inspections every two months in accordance with the Operational Manual. No record of inspections was kept; and
- since October 2018, the frequency of supervisory inspections had increased to at least once a week and a formal record kept by the responsible senior supervisory officer was required. In addition, CFS had provided operational guidelines for easy reference by frontline staff at all AFIOs. On top of re-briefing of frontline staff on the operational procedures by Senior Health Inspectors, CFS would hold briefing sessions on a regular basis.

### **C. Control of foods imported by road**

38. With reference to paragraph 2.32 of the Audit Report, the Committee noted that apart from those required by CFS to drive their vehicles carrying food consignments into MKTFCO for inspection, CFS would also entertain some other importers to inspect their food consignments. The Committee enquired about the

reasons for this arrangement as this situation would add to the already heavy workload of MKTFCO.

39. **Assistant Director (Risk Management), Food and Environmental Hygiene Department** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 31 January 2019 (*Appendix 8*) that some importers took the initiative to send their food consignments to MKTFCO for inspection when importing non-regulated foods by land. Their purpose was for CFS to affix a seal of inspection on their consignments. In 2018, about 3 400 food consignments of this nature were inspected at MKTFCO, an average of about 280 consignments per month. On the whole, this kind of workload was at a level acceptable to MKTFCO.

40. The Committee enquired about the joint arrangement between CFS and C&ED (paragraph 2.37 of the Audit Report refers).

41. **Assistant Director (Risk Management), Food and Environmental Hygiene Department** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 31 January 2019 (*Appendix 8*) that:

- all vegetables entering Hong Kong by land were imported from the Man Kam To Control Point. After customs clearance, vehicles carrying vegetables would be directed to MKTFCO for verification of import documents and sample collection by CFS in accordance with a risk-based principle;
- in the past five years, all vegetable vehicles inspected at the MKTFCO came from Mainland registered vegetable farms and their production and processing establishments;
- following the commencement of the Pesticide Residues in Food Regulation (Cap. 132CM) in August 2014, CFS started conducting joint operations with C&ED in late August 2014 to enhance inspection of vehicles carrying vegetables to Hong Kong through Man Kam To. Under this joint operation mechanism, C&ED would intercept vehicles carrying vegetables to Hong Kong at the Man Kam To Control Point to combat smuggling activities under the camouflage of a vegetable

vehicle. After inspection, these vehicles would be directed to MKTFCO for inspection of vegetables by CFS; and

- for risk management, C&ED would also identify box-type lorries carrying vegetables for inspection by FEHD. In addition, C&ED would intercept targeted vegetable vehicles based on the information provided by CFS and refer them to CFS for inspection. Taking the recommendations of the Audit Report into account and after discussion with C&ED, CFS had started to extend the scope of joint operations to inspection of vehicles carrying regulated foods (e.g. eggs, meat, etc.).

42. The Committee also enquired about the joint arrangement between CFS and the Hong Kong Police Force ("the Police") (paragraph 2.38 of the Audit Report refers).

43. **Assistant Director (Risk Management), Food and Environmental Hygiene Department** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 31 January 2019 (*Appendix 8*) that the Police and CFS had conducted joint operations on a regular basis since September 2014. During these operations, the Police would identify vegetable vehicles based on their appearance and direct them to MKTFCO for inspection by CFS. The frequency of joint operations was determined by factors such as staffing arrangements and the operational priorities of each department. CFS was also discussing with the Police on the feasibility of further strengthening cooperation with each other.

44. With reference to paragraphs 2.39 to 2.41 of the Audit Report, the Committee noted some vehicles carrying consignment of foods evading inspection by CFS. The Committee enquired about the follow-up actions taken on the 11 suspected evading cases.

45. **Assistant Director (Risk Management), Food and Environmental Hygiene Department** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 31 January 2019 (*Appendix 8*) that CFS had followed up on the 11 cases concerning vehicles carrying chilled poultry meat and bypassing MKTFCO. Regarding the nine vehicles that had on at least one occasion evaded inspection at MKTFCO, CFS had issued warning letters to the importers concerned in respect of two vehicles and put their names on

the watch list. For the other seven vehicles, CFS staff had entered incorrectly their registration numbers into the system that discrepancies occurred upon checking of these records by Audit. For the two vehicles mentioned in the Audit Report as carrying chilled poultry meat according to the Road Cargo System ("ROCARS")<sup>10</sup> records but having evaded inspection at the MKTFCO, CFS was actively following up the relevant investigation work.

46. In reply to the Committee's enquiry about the number of successful prosecution cases against vehicles evading inspection, **Director of Food and Environmental Hygiene** advised in her letter dated 31 January 2019 (*Appendix 8*) that from 2015 to 2017, CFS instituted 33 prosecutions under section 68 of the Public Health and Municipal Services Ordinance against drivers who did not stop their vehicles for inspection by CFS as requested. The offenders all pleaded guilty and were fined from \$600 to \$2,000. CFS was reviewing the penalties for offences under the food safety legislation and plans to report the findings to the Legislative Council Panel on Food Safety and Environmental Hygiene in 2019-2020.

47. Noting that in Case 3 in paragraph 2.46 of the Audit Report where there was a suspected case of import of frozen beef patties without an import licence, the Committee sought details of the case.

48. **Assistant Director (Risk Management), Food and Environmental Hygiene Department** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 31 January 2019 (*Appendix 8*) that:

- in the case, a consignment of 432 cartons of frozen beef patties was imported from the Mainland by an importer through the Mam Kam To Control Point in 2018. The consignment was inspected by the Health Inspector on duty at MKTFCO, who considered that the meat products had been subjected to a process of preservation. The driver confirmed that the beef patties had been subjected to preservation and microwave processing. After checking the import declaration, the manifest and

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<sup>10</sup> ROCARS is an electronic advance cargo information system for customs clearance of road cargoes. The shipper or freight forwarder is obliged to submit a pre-defined set of cargo information to C&ED through ROCARS 14 days in advance or at least 30 minutes before the cargo consignment being imported into or exported from Hong Kong by trucks.

the health certificate of the consignment, it was considered that no import licence was required and the consignment was released;<sup>11</sup>

- the importer concerned further confirmed that the consignment of frozen beef patties had been subjected to a process of preservation. CFS also made an enquiry to the relevant authority of the export country and received a reply confirming that the above information was correct;
- as a practice, the frontline staff would release a food consignment after physical examination without keeping a record if no import licence was required. In respect of this, CFS had adopted improvement measures by issuing guidelines and a checklist on physical inspection to frontline officers. The existing system was also improved to remind frontline officers to check the relevant documents and keep a record of any irregularities spotted; and
- regarding the definition of "frozen" in the Imported Game, Meat, Poultry and Eggs Regulations, CFS was further consulting the Department of Justice for advice.

49. With reference to paragraph 2.48 of the Audit Report, the Committee enquired about the reasons for the release of the two consignments of foods without investigation despite the lack of seal numbers on the original health certificates. The Committee also asked about the existing mechanism in place for CFS to communicate with the Mainland authorities on irregularities found during inspections.

50. **Assistant Director (Risk Management), Food and Environmental Hygiene Department** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 31 January 2019 (*Appendix 8*) that:

- vehicles transporting frozen poultry and departing from other provinces usually had to unload their consignments upon arrival in Shenzhen. The consignments would then be reloaded onto cross-boundary

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<sup>11</sup> According to paragraph 3 in Case 3 in paragraph 2.46 of the Audit Report, it was stated in the CFS's letter to the Department of Justice that the Health Inspector on duty overlooked the checking of the import licence during the inspection of the consignment.

vehicles for conveyance to Hong Kong. The arrangement of marking seal numbers on the health certificates might not be applicable to the consignments concerned;

- in handling these frozen poultry consignments, CFS staff would check the place of origin shown on the packing of the frozen poultry, and also verify the health certificate, the import licence, the Mainland manifest and the import declaration before releasing the consignments;
- in response to Audit's observations, CFS had taken improvement measures, including updating the guidelines, preparing a physical inspection checklist and reminding frontline officers to keep a record and, where necessary, clarifying issues with the Mainland authorities on the spot if any irregularities were found during verification of documents as well as enhancing supervision of the frontline staff and on-the-spot guidance;
- CFS had been working closely with the General Administration of Customs of the People's Republic of China ("GACC") on matters relating to food imports to Hong Kong. It also maintained communication with the contact persons of the relevant local custom authorities by emails and phone; and
- regarding the lack of seal numbers on the health certificates of frozen poultry, CFS had communicated with the Mainland authorities and the situation had improved. So far in 2019, three consignments of frozen poultry had been imported from other provinces, all with seal numbers on the health certificates and no irregularities were found.

51. The Committee asked how CFS could effectively identify vehicles that were required to enter into MKTFCO for inspection and whether monitoring based on ROCARS records sufficient and effective for CFS to take inspection and enforcement actions.

52. **Assistant Director (Risk Management), Food and Environmental Hygiene Department** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 31 January 2019 (*Appendix 8*) that:



- CFS obtained around 160 000 entries of ROCARS information from C&ED each month to draw a reference for comparison with the FEHD's records on regulated foods, and follow up on cases found to be inconsistent with the information provided, including referring the registration numbers of vehicles suspected of evading MKTFCO inspections to C&ED to facilitate interception of these vehicles. This arrangement was effective in enhancing the identification of and curbs on vehicles evading CFS inspections with regulated foods on board;
- CFS and C&ED were considering increasing the frequency of transfer of the ROCARS records from once every two weeks to once weekly to step up inspection and enforcement. CFS was also exploring ways to facilitate retrieval of the relevant information to enhance identification of suspected vehicles; and
- a closed circuit television system was installed at the passing lanes of the Man Kam To Control Point at the end of 2017 to strengthen control on imported foods. CFS would review the overall staffing arrangement, with a view to stepping up efforts to combat vehicles evading inspection with regulated foods on board and the follow-up work.

53. In response to the Committee's enquiry about the mistakes in inputting the vehicle registration numbers into the CFS's inspection record system, **Director of Food and Environmental Hygiene** advised in her letter dated 31 January 2019 (*Appendix 8*) that regarding the wrong entry of information by hand, CFS had improved the existing system, apart from additional briefings for the staff. The system would give a warning signal when the vehicle registration number entered was different from that of the vehicle approved for carrying chilled poultry meat by CFS. Starting from July 2018, CFS randomly selected 5% of the inspection record for verification on a daily basis and no incorrect records had been found.

54. The Committee noted that from paragraph 2.58 of the Audit Report that there were 158 vehicles approved by CFS for transporting chilled foods as at April 2018 and asked about details of the approval procedures, including any mechanism to re-examine the vehicles periodically.

55. **Assistant Director (Risk Management), Food and Environmental Hygiene Department** said at the public hearings and **Director of Food and**

**Environmental Hygiene** supplemented in her letter dated 26 February 2019 (*Appendix 10*) that:

- Health Inspectors of CFS were responsible for inspecting vehicles importing chilled meat and poultry at MKTFCO. Officers of the MKTFCO were deployed on two shifts, with three to four Health Inspectors on each shift to serve the operating hours of the Mam Kam To Control Point (7:00 am to 10:00 pm);
- since 2002, only vehicles approved by FEHD were allowed to transport imported chilled meat and poultry to Hong Kong. The Health Inspectors would approve the applications submitted by importers and their food transport operators if they were satisfied with the result of vehicle inspection. There was no specified period of time for the approval;
- upon inspection of foods conveyed by an approved vehicle at the control points, the Health Inspector would also check the hygienic condition of the vehicle and the food storage temperature to ensure that the vehicle was suitable for transporting chilled meat and poultry; and
- if there were changes in the information of the vehicle after the application was approved, a new application should be made for approval by FEHD before the vehicle could be used for transporting chilled meat and poultry imported from the Mainland. Starting from 2019, FEHD would conduct a comprehensive inspection on all approved vehicles every two years.

56. According to paragraph 2.59 of the Audit Report, there were cases where vehicles transporting chilled foods were not approved for such purpose. The Committee sought explanation how these cases happened and the Administration's measures to address these cases.

57. **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 26 February 2019 (*Appendix 10*) that:

- in the past, the list of vehicles approved for importing chilled meat and poultry was not kept in the computer system of MTKFCO. It was not possible for the frontline officers to identify a vehicle that was not approved during the inspection; and

- CFS observed this inadequacy during the Audit's review and put in place improvement measures in July 2018, including adding the list of vehicles approved for importing chilled meat and poultry to the computer system. When a vehicle on the list entered MTKFCO, the frontline officers would input the vehicle registration number into the system. The system would give a warning signal if the information entered was different from that on the list.

#### **D. Control of foods imported by sea**

58. In response to the Committee's enquiry about the latest sampling guidelines for physical inspection of foods imported by sea, **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 26 February 2019 (*Appendix 10*) that CFS selected food consignments for physical inspection in accordance with the Operational Manual. The details were as follows:

- 20% of import licences issued under the Imported Game, Meat, Poultry and Eggs Regulations for permission cases of imported consignments of chilled or frozen meat and poultry were randomly selected by computer each day for physical inspection of food consignments;
- five other cases of frozen meat and poultry consignments issued with import licences were randomly selected by computer each day for physical inspection of food consignments;
- for consignments of chilled or frozen meat and poultry issued with import licences that were granted with a copy of health certificate, one from each 50 import licences was randomly selected for physical inspection of food consignments;
- one from each 100 egg consignments was randomly selected for physical inspection; and
- for each flavour of imported milk, milk beverages and frozen confections, one from each five consignments was randomly selected for physical inspection.

59. Regarding the problem of container seals having broken off by importers prior to CFS's inspection (paragraphs 2.77 and 2.78 of the Audit Report refer), the

Committee sought whether CFS had implemented any measures to address the problem and details of the latest enhancements measures.

60. **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 26 February 2019 (*Appendix 10*) that:

- in selecting food consignments imported by sea for inspection at the Kwai Chung Customhouse ("KCCH") checkpoint, CFS adopted a risk-based monitoring approach to conduct inspections on high-risk target containers. Food consignments (e.g. chilled food) that could not be inspected at the KCCH checkpoint due to practical constraints would be inspected at the warehouses or cold stores of the importers concerned;
- for high-risk target containers selected for inspection, regardless of whether food inspections were conducted at the KCCH checkpoint or the cold storages or cold stores of importers, CFS staff must ensure that the seal/lead seal of a container was intact before it could be opened for food inspection;
- as for routine inspection of other containers (i.e. not high-risk target containers) at importers' warehouses, cold storages or cold stores, taking into account the mode of operation of the trade and other practical operational concerns, the intactness of the container seal/lead seal was not a prerequisite for physical inspection of imported food consignments. However, CFS staff must check the indications on the packages against the information of the import documents (the shipping mark, name of product, name of processing plant, date of manufacture, etc.) to ensure that the foods inspected came from the original container. This practice was similar to that in other countries (including New Zealand and Singapore);
- in paragraph 2.77 of the Audit Report, the guideline that CFS required that a container carrying the consignments must be sealed and the seal of the container should not be opened until it was confirmed to be intact by CFS officers targeted high-risk target refrigerated containers, and the requirement was not applicable to containers selected for routine inspections;
- in the past few years, there was no case in which the act of breaking the container seal by the importer was witnessed when the food containers

were conveyed to the cold stores for inspection. From October 2015 up to 2018, a total of six high-risk target containers were inspected at the cold stores (two in 2015, three in 2016 and one in 2017). In all these cases, CFS staff had checked the intactness of the container seals/lead seals before conducting physical inspections;

- CFS selected two high-risk target containers in January 2019 for inspection, with the additional requirement of ascertaining the intactness of the container seal/lead seal prior to the performance of food inspection at the cold stores of importers. In both cases, the entire inspection process was time-consuming. The unloading area of a cold store was very busy with forklift trucks in operation. CFS staff encountered some difficulties in collaborating with the importers during the actual operation; and
- CFS would review the situation in two directions, namely, the feasibility of providing cold storage facilities at the KCCH checkpoint and applying a risk-based principle in selecting high-risk target containers for inspection at cold stores, with CFS staff witnessing the act of breaking the seal prior to the conduct of food inspections.

61. Noting from paragraphs 2.81 to 2.84 of the Audit Report that in 2017, of the 3 616 physical inspections conducted for foods imported by sea, only 18 were conducted at the KCCH checkpoint. The Committee enquired about the planned use of KCCH and measures to increase the usage of the facilities.

62. **Dr HO Yuk-yin, Controller, Centre for Food Safety and Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 26 February 2019 (*Appendix 10*) that:

- as at the end of January 2019, there were 61 licensed cold stores in Hong Kong. Routine physical inspection of food consignments imported by sea were mainly conducted at the warehouses, cold storages or cold stores of the importers concerned. These inspections were carried out by 24 Health Inspectors from the Hong Kong and Kowloon Offices and FIRLO. On average, about 15 imported food consignments were inspected at importers' warehouses or cold stores each working day;

- to strengthen monitoring of foods imported by sea, CFS set up the KCCH checkpoint in October 2015 to inspect foods shipped to Hong Kong by sea. The KCCH checkpoint was an additional facility for inspecting high-risk food containers on top of routine inspections of food consignments at the warehouses, cold storages or cold stores of importers;
- before the KCCH checkpoint was set up, CFS was aware that given the practical circumstances (a temporary checkpoint without chilling facilities, and the difficulty to provide chilling facilities there), it could not be used for inspection of refrigerated food containers. The KCCH checkpoint was meant for inspection of food containers with potential food safety risks<sup>12</sup> and did not cover frozen foods;
- in September and October 2015, CFS held a number of briefings on the KCCH checkpoint for the trade. On 18 November 2015, CFS organized a trade consultation forum to further brief the trade on the KCCH checkpoint; and
- although there were practical difficulties furnishing the KCCH checkpoint with chilling facilities, CFS was discussing and assessing the feasibility of providing such facilities at the KCCH checkpoint with the Architectural Services Department. An implementation timetable would be formulated upon completion of the relevant feasibility study taking into account the circumstances.

63. According to paragraph 2.87 of the Audit Report, the Committee sought explanation of the usefulness of the Electronic System for Cargo Manifest ("EMAN") I in identifying all pre-arrival import information to facilitate CFS's inspection work, in particular importers with food from Japan and the rationale for using EMAN I on a voluntary basis instead of making it compulsory to use the system.

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<sup>12</sup> These risks include consignments with potential food safety hazards as revealed by intelligence, foods coming from economies with food safety incidents, importers which had previously disregarded instructions to contact CFS for food inspections, and food imports with doubtful information.

64. **Ms Louise HO Pui-shan, Deputy Commissioner of Customs and Excise**<sup>13</sup> said at the public hearings and **Commissioner for Customs and Excise** supplemented in his letter dated 23 January 2019 (*Appendix 11*) that:

- the prevailing legislation did not require sea cargo carriers to submit pre-arrival cargo information. To facilitate risk profiling and expedite customs clearance, C&ED introduced EMAN I in 2003 to encourage cargo carriers to submit pre-arrival e-manifests. C&ED had been conducting outreach publicity in order to encourage more sea cargo carriers to participate in the scheme;
- the cargo carriers participating in the EMAN Statement One Submission Scheme would submit pre-arrival e-manifests via the EMAN system, while non-EMAN I cargo carriers could submit paper manifests;
- in order to facilitate radiation tests to be conducted by CFS on food products imported from Japan, C&ED would provide CFS with information in advance on all seaborne food products imported from Japan. Under the notification mechanism, C&ED would screen the e-manifests submitted under EMAN I for food products imported from Japan; and
- the submission rate had already attained 85% of the cargo information for goods imported from Japan. C&ED would also request non-EMAN I cargo carriers (i.e. the remaining 15%) to submit pre-arrival paper manifests for screening information of goods reported to be food products. The information would be passed to CFS together with the information from EMAN I. Through the notification mechanism, C&ED provided CFS with information of all seaborne food products imported from Japan.

65. **Mr Eugene FUNG Kin-yip, Deputy Secretary for Food and Health (Food)**<sup>2</sup> said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 31 January 2019 (*Appendix 8*) that, to facilitate CFS in conducting radiation tests on food products imported from Japan, C&ED would provide with information on all seaborne food products imported from Japan to CFS in advance. The Administration expected that with the

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<sup>13</sup> Ms Louise HO Pui-shan attended the first and second public hearings on 7 and 11 January 2019 respectively as Assistant Commissioner (Boundary and Ports), Customs and Excise Department.

implementation of Phase 3 of the "Trade Single Window" ("TSW") in the future, cargo information could be submitted through the TSW platform in advance. CFS would develop an information system to link up with TSW for gathering cargo information in conducting risk assessment on food imports.

66. The Committee noted the several issues raised in relating to import licences in paragraphs 2.90 to 2.103 of the Audit Report and enquired about the requirements and procedures for applying an import licence.

67. **Controller, Centre for Food Safety** said at the public hearings and **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 26 February 2019 (*Appendix 10*) that any person or importer importing frozen or chilled meat and poultry into Hong Kong must hold an import licence issued under the Import and Export Ordinance (Cap. 60). FEHD was the designated authority to issue import licences for such foods. Each consignment of imported frozen or chilled meat and poultry must be covered by an import licence. The application must be supported by a valid health certificate for the consignment concerned issued by the recognized issuing entity of the exporting place or by specific approval from Director of Food and Environmental Hygiene. To apply for an import licence, payment was only required for purchase of the original application form (\$3 per set and \$20 per pad (20 sets)).

68. With reference to paragraphs 2.90 to 2.96 of the Audit Report, the Committee sought information on the cancellation of import licences selected for inspection by importers.

69. **Controller, Centre for Food Safety** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 26 February 2019 (*Appendix 10*) that:

- when a consignment of imported frozen or chilled meat and poultry was selected for physical inspection by CFS, FIRLO would add a licensing requirement to the import licence stating that "the consignment shall be inspected before release". Upon receipt of the approved import licence, the importer would be aware that the consignment was subject to physical inspection by CFS staff;



- CFS conducted an analysis on 372 import licences which covered frozen or chilled meat and poultry that were imported by sea and were selected for physical inspection by CFS in October and November 2018. Among them, 70 (or some 19%) import licences were found to have the importer subsequently applying for cancellation, which involved altogether 35 importers. Importers had different grounds for making applications to cancel their import licences, mainly out of concern of commercial operations. However, it could not be ruled out that some might have done so for evasion of physical inspections; and
- as some importers might apply for cancellation of import licences to evade physical inspection of food consignments, CFS had introduced an improvement measure since October 2018 by keeping a monitoring system of cancelled import licences. If a food consignment had been selected for physical inspection but subsequently not done because of cancellation of the import licence by the importer, the information contained in the cancelled licence (such as the name of the importer) would be included in the system. The food consignment concerned would still be subject to physical inspection by CFS if the importer re-applied for an import licence for the same consignment of frozen/chilled meat/poultry (carrying the same health certificate).

70. In reply to the Committee's enquiry about the rationale for setting the validity period of import licences at six weeks, which might not be suitable for food consignments with shipping time longer than six weeks, **Director of Food and Environmental Hygiene** advised in her letter dated 26 February 2019 (*Appendix 10*) that taking into account the relatively short durability for chilled meat and poultry, the import licences were valid for six weeks. FEHD would actively consider the feasibility of extending the validity of import licences.

71. According to paragraph 2.93 of the Audit Report, FIRLO needed to spot out import licences unused by importers for cancellation, as required in the Operational Manual. The Committee asked the work in this aspect and whether frontline staff of FIRLO had indicated to CFS management any operational difficulties encountered in the process and measures adopted by CFS to resolve the difficulties.

72. **Controller, Centre for Food Safety** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 26 February 2019 (*Appendix 10*) that:

- the return of expired unused import licences by importers to CFS for cancellation was entirely voluntary in nature. The reasons for non-return of import licences included that the expired import licences were discarded and the relevant documents were lost, and the non-return was not contrary to the legislation or in breach of the licensing requirements;
- the management and the supervisory staff of CFS maintained liaison with the frontline staff and encouraged the staff to reflect challenges met at work and put forward improvement suggestions. Communication with the frontline staff was on-going and conducted in different forms;
- the existing computer system of CFS had its limitations. All issued import licences would be shown as "unused". When a food consignment had undergone document checking or been selected for physical inspection, the computer system would then show this import licence as "used". The "unused" import licences mentioned in the Audit Report only reflected those licences that had not undergone document checking or physical inspection in the CFS's computer system, not reflecting the actual situation whether import licences were unused;
- CFS conducted a survey from June to December 2018 to identify import licences of which CFS had requested for document checking or had selected them for physical inspection. The results showed that during the period, out of the 1 163 import licences stipulated with the above licensing condition imported through the sea route, 88% were used and the importers concerned had submitted the import documents and/or accepted physical inspection of their consignments. The remaining 12% were unused (5% were returned to CFS by the importers voluntarily and 7% were not returned);
- CFS had enhanced its computer system which could now identify whether an importer had applied for more than one import licence for the same meat consignment. This was to ensure that the same consignment of meat would not be issued with several import licences at the same time; and
- in the long run, with the implementation of Phase 3 of TSW in the future, cargo information needed for custom clearance had to be submitted through the TSW platform in advance. CFS would develop

an information system to link up with TSW for gathering cargo information in conducting risk assessment on food imports. CFS would then have more timely and comprehensive knowledge of the usage of import licences.

73. In reply to the Committee's enquiry about prosecutions initiated against importer who could not provide the required imported documents for foods imported by sea, **Director of Food and Environmental Hygiene** advised in her letter dated 26 February 2019 (*Appendix 10*) that from 2016 to 2018, CFS instituted 14 prosecutions under section 4 of the Imported Game, Meat, Poultry and Eggs Regulations and one prosecution under section 5A of the Milk Regulation (Cap. 132AQ) against importers who failed to present valid import documents for food consignments imported by sea. All cases were convicted with imposition of fines from \$1,000 to \$20,000.

74. According to paragraph 2.100 and Case 6 in the paragraph of the Audit Report, the delay in submitting the original health certificates for 315 cases ranged from 141 days to 717 days (as at 30 June 2018). The Committee sought detailed information on the reasons for the delay and follow-up actions taken on these cases, in particular Case 6.

75. **Director of Food and Environmental Hygiene** advised in her letter dated 8 April 2019 (*Appendix 9*) that:

- for the 281 import licences in 2016, officers of FIRLO returned the original certificates to importers after checking and signing their import licences without keeping a proper checking record. As a result, based on the available information,<sup>14</sup> Audit considered that all 281 import licences in 2016 were without the submission of original health certificates;
- starting from January 2017, CFS had saved records of import licences with original health certificates checked to the computer system. As

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<sup>14</sup> According to Note 35 to paragraph 2.100 of the Audit Report, in late September 2018, the CFS informed Audit that as the recording of the dates of sighting original health certificates by CFS staff in the computer system had not fully taken effect until 2017 owing to limited manpower, some cases in 2016 might still be shown as original health certificates not yet submitted in the computer system, although the original health certificates of these cases might actually have already been submitted.

for the 34 import licences in 2017 (i.e. 315-281), the original health certificates were all checked and proved satisfactory, with records entered into the computer system accordingly;

- in Case 6, an importer did not submit the original health certificate within 42 days after the issuance of an import licence. The first warning letter was issued in July 2017 and reissued in August 2017 because the first letter sent to the importer was undelivered and returned, followed by a second warning letter in September 2017. CFS staff subsequently visited the importer's office and found that the business was no longer related to food importation. CFS also confirmed that the importer had not applied for an import licence since December 2017; and
- regarding control of food imports by sea, CFS had strengthened staff supervision and sought to increase its manpower since January 2017. If an importer did not produce the original health certificate to CFS within 42 days after the issuance of an import licence, CFS would take follow-up actions, including issuing a reminder and/or a warning letter to the importer. CFS was now reviewing the workflow of issuing import licences for import of foods coming under regulation by sea.

#### **E. Control of live food animals and live aquatic products**

76. With reference to paragraph 3.9 of the Audit Report, the Committee sought explanation for the Field Officers of CFS not clarifying with GACC on the questionable livestock and the mechanism between CFS and GACC in ensuring that the list of registered farms put on the website of GACC was updated.

77. **Assistant Director (Risk Management), Food and Environmental Hygiene Department** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 26 February 2019 (*Appendix 10*) that:

- according to the administrative arrangement between the Hong Kong Special Administrative Region and the Mainland authorities, Mainland food animals and live aquatic products supplied to Hong Kong must originate from registered farms approved by GACC with the provision of valid animal health certificates. CFS maintained liaison with the Mainland authorities concerning changes in the list of registered farms.

CFS would also regularly check the list of registered farms on the GACC website and verify the relevant information with the Mainland authorities if necessary; and

- regarding the cattle farm mentioned in paragraph 3.9 of the Audit Report, where two consignments of bovines were inspected by Audit in the company of CFS staff on 17 May 2018, the Mainland authorities confirmed on 14 February 2017 that it was a registered farm approved for exporting to Hong Kong. The two consignments of bovines were accompanied by valid animal health certificates and attached with intact official seals affixed by the Mainland authorities. They had passed inspection by the Mainland inspection and quarantine authorities and were released only after passing inspection by CFS staff.

78. With reference to paragraph 3.10 of the Audit Report, the Committee enquired about the actions taken by CFS in seeking clarification with the relevant Mainland parties regarding the two farms not on the list of approved farms and the typing mistake on the farm code of the third farm as shown on the website of GACC given that the farm had supplied livestock to Hong Kong since 2010.

79. **Assistant Director (Risk Management), Food and Environmental Hygiene Department** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 26 February 2019 (*Appendix 10*) that:

- for the two farms mentioned in paragraph 3.10(b) of the Audit Report, the Mainland authorities confirmed respectively in February and April 2017 that they were registered farms approved for exporting to Hong Kong. The registration status of the two farms remained unchanged. The consignments of bovines from these two registered farms in the above period were accompanied by valid animal health certificates and attached with intact official seals affixed by the Mainland authorities. The consignments had passed inspection by the Mainland inspection and quarantine authorities. They were released only after passing inspection by CFS staff;
- regarding the third farm mentioned, the Mainland authorities confirmed that it was a registered pig farm (Farm C) which has been supplying pigs to Hong Kong since 2010;

- in April 2017, CFS found that the Mainland authorities had updated the list of registered farms that exported to Hong Kong on the relevant website. The original code of Farm C was changed and became identical with the code of another registered farm exporting to Hong Kong (Farm D) without changing other information about Farm C (including its name and address). As for Farm D, all information were same as what was previously entered on the registered farm list. As each farm should have a unique code, CFS had reasonable ground to consider the new code of Farm C as an input mistake. Hence, CFS had not particularly sought clarification from the Mainland authorities at that time;
- in response to Audit's enquiry, CFS communicated with the Mainland authorities which confirmed on 26 September 2018 that Farm C's code on the website was an input mistake. Subsequently, the code of Farm C was reverted to the original code; and
- CFS agreed that there was room for improvement in handling this case. In the future, CFS staff would seek clarification from the Mainland authorities as early as possible if there are suspected mistakes in the registered farm list posted on the GACC website.

80. With reference to paragraph 3.13 of the Audit Report, for the 23 accompanied inspections, the Committee sought the reasons for CFS to allow importers not showing the permits issued by Agriculture, Fisheries and Conservation Department ("AFCD") to Field Officers upon arrival of the animals at the Man Kam To Animal Inspection Station ("MKTAIS") and improvement measures taken in this regard, including whether any review undertaken on the practicality of the AFCD permit term requiring the importers to show the permits to Field Officers.

81. **Assistant Director (Risk Management), Food and Environmental Hygiene Department** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 26 February 2019 (*Appendix 10*) that:

- the permit issued by AFCD under the Rabies Regulation (Cap. 421A) allowed the permittee (i.e. the importer) and the airline/shipping company responsible for shipping animals to convey animals to Hong Kong, subject to the clauses listed therein. The permit, which listed out the daily maximum number of livestock permitted to be

imported to Hong Kong, was valid for one month. The arrangements under the permit were applicable to live food animals imported from the Mainland;

- AFCD issued a permit to local importers that imported food animals from the Mainland for multiple use and the importer should produce it to the officer authorized by AFCD (i.e. a CFS officer) when the animals were shipped to Hong Kong. However, as the goods vehicle driver that conveyed the animals to Hong Kong was not the permittee (i.e. the importer), in actual operation it was impractical to adhere to the above clause by requiring the importer to produce the permit for inspection upon the arrival of each livestock consignment; and
- after discussing the issue among CFS, AFCD and the importers concerned, the three parties reached a consensus on the improvement measures. Starting from November 2018, the importers would produce the original AFCD permit to CFS each month after obtaining the permit from AFCD, and CFS staff would make photocopies of the relevant documents accordingly. When CFS staff inspected imported food animals at the control point, they would check whether the consignee's name on the animal health certificate of each consignment was identical with the importer's name on the permit produced to CFS by the importer. AFCD had confirmed that the new arrangement was compatible with the clauses of the permit.

82. In reply to the Committee's enquiry, **Director of Food and Environmental Hygiene** advised in her letter dated 26 February 2019 (*Appendix 10*) that in the past three years, the daily number of livestock imported by individual importers had been within the daily maximum import quota indicated on the AFCD permit.

83. Given that a few incidents in the Audit Report have shown that some CFS guidelines on the import control of foods had practical difficulties in actual operations, the Committee asked whether CFS had a mechanism to regularly review the guidelines as well as to streamline workflow of inspection, having regard to actual circumstances and frontline operation so as to facilitate the conduct of inspection by frontline staff as well as trade facilitation.

84. **Director of Food and Environmental Hygiene** advised in her letter dated 26 February 2019 (*Appendix 10*) that:

- CFS would review the Operational Manual and internal guidelines in light of the work situation and consult the trade and/or the relevant sections within CFS in order to update the Operational Manual and guidelines in a timely manner. In addition, CFS held working meetings with the frontline staff regularly to communicate with them as well as to exercise supervision to ensure that they were informed of and understand the Operational Manual and internal guidelines. Newly appointed officers would be given training and briefings on the implementation of the Operational Manual and guidelines. CFS encouraged the frontline staff to reflect problems encountered at work or their views on the manual and guidelines to the senior management; and
- in 2017, CFS set up a dedicated team to fully review the operational processes and the monitoring system for regulation of food imports and to carry out major revamping of the information system, with a view to supporting the work of the frontline staff and enhancing data management and analysis by CFS. The new measures would be implemented in phases starting from 2019.

85. With reference to paragraph 3.22 and Case 8 in the paragraph of the Audit Report, there were three consignments of live aquatic products the quantity of which stated on the food import declaration forms was found greater than that shown on the original animal health certificates. These three consignments were released without evidence that CFS had ascertained the reasons for the discrepancy or sought clarification from the relevant Mainland parties. The Committee sought details of the guidelines in dealing with discrepancy between the information shown in the food import declaration form and animal health certificate and any improvements made to the guidelines in this respect.

86. **Director of Food and Environmental Hygiene** advised in her letter dated 8 April 2019 (*Appendix 9*) the inspection procedures of imported live aquatic food products by CFS at MKTAIS. **Assistant Director (Risk Management), Food and Environmental Hygiene Department** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 8 April 2019 (*Appendix 9*) that:

- it was technically not feasible to ascertain the net weight of live aquatic product consignments during import inspection. For this reason, CFS made reference to the import quantity on the animal health certificate



and entered it into computer system for record purposes. The quantity of a consignment put down by the driver on the food import declaration form was merely an estimate. Previously, CFS's operational guidelines did not require officers to clarify with the driver the weight of live fish declared by the driver on a voluntary basis; and

- in response to Audit's recommendation, CFS had updated the operational guidelines to require the frontline staff to make clarifications with the driver if the import quantity on the food import declaration form was greater than that listed on the animal health certificate.

87. Given that the main purpose of voluntary submission of food import declaration form was to collect the contact information of the driver of the vehicle carrying the live aquatic products and his vehicle registration number to facilitate communication if necessary, the Committee asked whether CFS had any plan to simplify the form.

88. **Assistant Director (Risk Management), Food and Environmental Hygiene Department** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 8 April 2019 (*Appendix 9*) that:

- generally speaking, a driver would have filled out the food import declaration form upon arrival at MKTAIS. If the driver was unable to produce the form for inspection, CFS officers would provide such a form for him to fill out on the spot on voluntary basis. The information collected mainly served as additional information for tracing the food source rather than verifying the information on the animal health certificate during import inspection; and
- CFS was reviewing the food import declaration form and the exercise was expected to be completed in 2019. The form was only for use by drivers conveying imported food by land. CFS had no plan to require drivers conveying live aquatic products imported by air or sea to fill out the form for the time being.

89. In reply to the Committee's enquiry, **Director of Food and Environmental Hygiene** advised in her letter dated 8 April 2019 (*Appendix 9*) that in 2016, 2017 and

2018, CFS conducted five, seven and 13 inspections to registered Mainland farms supplying live aquatic food products to Hong Kong respectively. The major items of inspection included the geographical location and environment of the farm, the use of veterinary drugs and control on feed, the control of water quality in aquaculture, the sources of aquatic fingerlings and their control, traceability of records of production and the routine hygienic control practices of a farm.

90. In reply to the Committee's enquiry about the traceability of imported live food animals and live aquatic products, **Director of Food and Environmental Hygiene** advised in her letter dated 8 April 2019 (*Appendix 9*) that CFS could obtain information about importers or consignees of food livestock and live aquatic products from the animal health certificates issued by the Mainland authorities and the permits for imported food livestock granted by AFCD. Where it was deemed necessary to contact the local importer or the consignee and neither of them could be reached, CFS would detain the relevant consignment until the parties concerned were reached. The results of this arrangement were proved satisfactory.

91. **Director of Food and Environmental Hygiene** further advised in her letter dated 8 April 2019 (*Appendix 9*) that in the past three years, there were 11 cases involving detention of food consignments, including one case without the provision of a valid animal health certificate, three cases requiring immediate clarification of animal health certificates, four cases where the seal number did not tally with that listed on the animal health certificate, and three cases where the conditions of registered farms remained uncertain.

92. The Committee enquired about the mechanisms in place in ensuring that the seals attached to the vehicles carrying food consignments were genuine, and the registered farms were importing food products originated from their own farms and not from other places.

93. **Assistant Director (Risk Management), Food and Environmental Hygiene Department** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 8 April 2019 (*Appendix 9*) that:

- food live animals imported to Hong Kong would first be inspected by the authorities of the place of origin. After completion of inspection/quarantine, an animal health certificate would be issued in

respect of the consignment of food animals concerned. The consignment would be loaded onto a conveying vehicle, with an official seal attached to the vehicle, under the supervision of the authorities. If the food livestock had to be transferred in the Mainland, the original seal would be removed by the Mainland authorities for inspections/quarantine checks prior to the export of the consignment. An official seal would be reaffixed afterwards; and

- CFS officers conducted import inspection on vehicles carrying food livestock to Hong Kong at MKTAIS, including checking the intactness of the seal and verifying whether the seal number tallied with that listed on the animal health certificate. After satisfactory completion of import inspection, CFS staff would break the official seal affixed by the Mainland authorities, attach a CFS seal to the conveying vehicle and issue a movement permit to the driver to release the consignment.

94. With reference to Case 9 in paragraph 3.36 of the Audit Report, the Slaughterhouse (Veterinary) Section informed Audit that as the total admitted quantity of the swine was less than the maximum quantity of swine permitted under the AFCD permit, it had not sought clarification from Veterinary Public Health Section ("VPHS"). However, improvement measures had been implemented since late September 2018. The Committee sought details of the improvement measures and the number of cases where the admitted quantities of livestock were greater than those shown on the animal health certificates in the past three years and the follow-up actions taken to sort out the discrepancies and the results.

95. **Assistant Director (Risk Management), Food and Environmental Hygiene Department** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 8 April 2019 (*Appendix 9*) that:

- in the past three years, there were about 114 000 consignments of food livestock imported from the Mainland. In each of these years, the quantity of Mainland imported food livestock admitted to slaughterhouses was less than the total quantity declared on the animal health certificates;
- regarding Case 9, CFS had followed up on this issue with the Mainland authorities. As the livestock would be regrouped for dispatch by vehicles to Hong Kong after completion of inspection/quarantine by

the Mainland authorities during transfer, it was likely that certain consignments of livestock would not be regrouped in the exact quantity for dispatch by vehicles given the quantity of livestock and the tight transportation schedule; and

- since September 2018, the Slaughterhouse (Veterinary) Section of CFS would ascertain the quantity of livestock in a consignment admitted to the slaughterhouse with the slaughterhouse operator, and check whether there were discrepancies between the admitted quantity and the quantity shown on the movement permit issued to the driver by VPHS at MKTAIS. In case the admitted quantity was greater than that shown on the movement permit, MKTAIS would be informed and VPHS would clarify the discrepancies with the Mainland authorities. So far no discrepancy had been found.

#### **F. Registration and inspection of food traders**

96. In reply to the Committee's enquiry, **Director of Food and Environmental Hygiene** advised in her letter dated 8 April 2019 (*Appendix 9*) that active food importers/distributors referred to food traders who had registered with the Department and whose registration was still valid. As at 31 December 2018, there were 11 994 food importers/distributors with valid registration in the register. From 2013 to 2017, the computer system of FEHD only kept the cumulative number of registered food traders without a breakdown on the number of food traders with valid registration at the end of each year.

97. According to paragraph 4.9 of the Audit Report, many food importers/distributors were not aware of the registration requirements as stipulated in the Food Safety Ordinance. The Committee sought the Administration's measures taken to enhance education/promotion of the registration requirements and the mechanism in place for CFS to identify those food importers/distributors who were neither registered nor exempted, such as seeking information from other relevant departments (e.g. the Inland Revenue Department) to identify those importers/distributors which declared that they would carry on food importation or distribution business.

98. **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 8 April 2019 (*Appendix 9*) that:

- since the Food Safety Ordinance came into operation in 2011, CFS had sought through different channels to convey and explain the content of the Ordinance to the trade, other stakeholders and the public, including setting up a dedicated webpage on the Food Safety Ordinance on the CFS website, publishing a pamphlet and a guideline, communicating with the trade via consultation forums and sending officers to attend talks on the registration scheme for food traders and the related record keeping requirements each year during the Food Expo organized by the Hong Kong Trade Development Council; and
- in conducting inspections on food retailers, CFS would check their suppliers to find out whether they had registered as food distributors/importers. Starting from March 2019, apart from conducting inspections on registered food importers/distributors and exempted food traders engaging in food importation/distribution business, CFS also randomly inspected the premises of exempted food traders who claimed that they did not carry on any food importation/distribution business and the premises of licensees/permittees who did not reply to FEHD.

99. According to paragraph 4.9 of the Audit Report, there were 44 prosecution cases against unregistered food importers/distributors in 2013 to 2017. The Committee asked about the results of these cases and the figures on the number and results of such cases in 2018.

100. **Director of Food and Environmental Hygiene** advised in her letter dated 8 April 2019 (*Appendix 9*) that the 44 prosecutions were convicted and fines ranging from \$420 to \$30,000 were imposed. In 2018, no prosecution was taken out by CFS against food traders not registered as food importers/distributors under the Food Safety Ordinance.

101. The Committee asked whether CFS would consider registering a food trader only when it imported food into Hong Kong for the first time, so as to save resources and simplify the relevant work procedures.

102. **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 8 April 2019 (*Appendix 9*) that under section 4 of the Food Safety Ordinance, a person must not carry on a food importation business

unless the person was registered as a food importer in respect of that business. The Ordinance also stipulated the registration requirements and procedures for verification by FEHD. In inspecting imported food consignments, CFS officers would also verify whether the food importers were registered or exempted food importers.<sup>15</sup>

103. As Director of Food and Environmental Hygiene said at the public hearings that currently CFS did not fully grasp all the information relating to imported foods, the Committee asked whether there was any implication on the safety of imported foods.

104. **Director of Food and Environmental Hygiene** advised in her letter dated 8 April 2019 (*Appendix 9*) that according to the Public Health and Municipal Services Ordinance and its subsidiary legislation, the import of certain high-risk foods like game, meat, poultry, eggs, milk beverages and frozen confections required the prior permission of FEHD and/or an import licence issued by the Department. For foods other than the above high-risk foods coming under regulation, importers were not required to report to the Department on the import of each food consignment. Nonetheless, CFS took food samples at the import, wholesale and retail levels and adopted a risk-based principle in determining the types of food samples to be collected, the sampling frequency and the types of laboratory analysis to be conducted, so as to ensure food safety.

105. With reference to Table 18 in paragraph 4.17 of the Audit Report, the Committee asked how CFS defined higher risk, medium risk and lower risk levels of the businesses inspected by FIRLO.

106. **Director of Food and Environmental Hygiene** advised in her letter dated 8 April 2019 (*Appendix 9*) that the risk levels of the businesses were determined by comprehensive analysis, taking into account the type of food, the business mode of the food premises and whether unfavourable past records were involved. CFS did not have breakdowns on the respective number of high-risk, medium-risk and low-risk businesses as at the end of 2016 and 2017.

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<sup>15</sup> This is a new measure in responding to Audit's recommendation. See paragraphs 4.17, 4.21 and 4.22 of the Audit Report.

107. In reply to how CFS selected food traders for inspection, **Director of Food and Environmental Hygiene** advised in her letter dated 8 April 2019 (*Appendix 9*) that:

- CFS made use of a computer programme to randomly select food traders meeting the relevant high-risk, medium-risk or low-risk criteria for inspection. Since mid-2015, CFS had adopted a risk-based principle in determining the inspection ratio;
- review and adjustments had been made in the light of the Audit Report and the actual operation, and the number of inspections, instead of the inspection ratio, had been adopted as the criterion since January 2019. The target was to conduct at least 500 inspections in a year, including not less than 250 and 200 inspections (i.e. 50% and 40% of the full-year target) on high-risk and medium-risk businesses of food traders respectively;
- food incidents or food complaints were often concerned with high-risk or medium-risk foods, for which special inspections would be conducted on food traders accordingly. There was no need to set a fixed inspection ratio or a fixed number of inspections for low-risk businesses; and
- with the implementation of the above measures, it would be more effective to exercise supervision of high-risk, medium-risk and low-risk businesses and compute the actual number of inspections conducted on these businesses each year. As to whether the actual number of inspections in a certain year could meet the target, this would be largely determined by the manpower deployed and the work priorities at the time.

108. The Committee enquired about the manpower to conduct the inspection of food traders and the procedures.

109. **Assistant Director (Risk Management), Food and Environmental Hygiene Department** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 8 April 2019 (*Appendix 9*) that:

- the inspection of food traders by FIRLO was taken up by a Senior Health Inspector and two Health Inspectors. The inspection work accounts for 30% of their workload. The remaining 70% workload of the three officers mainly involved the handling of other work, including processing of the registration of food traders, renewal of registration and information update, handling of related complaints and public enquiries, promotion of the registration of food traders and proper keeping of food information records, and enforcement actions. A flow chart showing the inspection procedures is provided in the above letter; and
- CFS had improved the checklist for inspection of food traders and the inspection report in October 2018. Apart from properly recording the inspection results and the follow-up actions taken in the computer, inspection officers would record the number of invoices inspected and take photographs showing the invoices inspected for review by supervisory officers. Moreover, Senior Health Inspectors would conduct supervisory visits and provide on-site supervision to Health Inspectors on a bi-monthly basis.

110. In paragraph 4.17 of the Audit Report, eight importers were found unregistered or had not been exempted from registration. The Committee asked about the follow-up actions on these cases and any measures to improve the verification process.

111. **Assistant Director (Risk Management), Food and Environmental Hygiene Department** said at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 8 April 2019 (*Appendix 9*) that among the eight importers, one importer was a licensee exempted from the registration requirement; one case, after seeking the advice of the Department of Justice, was considered to be lacking sufficient evidence for prosecution following investigation by CFS; and six cases were still under investigation. CFS had stepped up efforts to remind its officers and border staff to verify the registration status of food importers, including confirming whether they were exempted food traders, when checking their import documents and inspecting their food consignments, and to take follow-up actions as appropriate.



112. With reference to paragraphs 4.19 and 4.20 of the Audit Report, the Committee sought figures on the number of unsuccessful inspection on food traders in the past three years and measures to improve the successful rate of inspections.

113. **Director of Food and Environmental Hygiene** advised in her letter dated 8 April 2019 (*Appendix 9*) that:

- there were 22, 49 and 13 unsuccessful inspections in 2016, 2017 and 2018 respectively. The inspections were unsuccessful mainly because the food premises were found to have ceased operation or changed to a new business;
- as regards the 49 cases of unsuccessful inspections in 2017 mentioned in paragraph 4.20 of the Audit Report, they were all dealt with despite variance in length of time and priority. The follow-up actions included issuance of a letter to the food traders concerned reminding them to notify FEHD if there was any change in their registration particulars, and putting food traders having valid registration on the monitoring list;
- CFS had, starting from the end of 2018, deducted the number of unsuccessful inspections from the annual number of inspections and set a target to conduct at least 500 successful inspections each year, with additional inspections conducted on food traders to make up the shortfall in the number of successful inspections. The food trader monitoring system had been improved to prompt CFS staff to arrange inspections on food traders on the list when they opted to renew registration;
- inspection officers were required to properly record the findings and follow-up actions in respect of unsuccessful inspections in the computer for checking by supervisory officers. The supervisory officers would also conduct supervisory visits and provide on-site guidance on a bimonthly basis. CFS was actively planning to increase the manpower of FIRLO to ensure the quality and efficiency of the inspection work; and
- in the course of inspections, some food traders were found not carrying out food importation/distribution business. These inspections were considered as completed inspections. The number of such cases in

each of the past three years (from 2016 to 2018) was 37, 36 and 50 respectively.

**G. Other issues relating to import control of foods and way forward**

114. Regarding Table 21 in paragraph 5.14 of the Audit Report, the Committee asked about the reasons for the high error rate of CFS staff in inputting data of imported food consignments into the Food Import Control System ("FICS")<sup>16</sup> (77 out of 117 food consignments) and measures taken to improve the situation.

115. **Controller, Centre for Food Safety** explained at the public hearings and **Director of Food and Environmental Hygiene** supplemented in her letter dated 8 April 2019 (*Appendix 9*) that data had to be entered manually into FICS. The 77 consignments in question involved 39 frontline officers, including 32 Health Inspectors and 7 Clerical Officers. To improve the situation, apart from additional briefings for the staff, CFS had enhanced the existing system to include required input of the above omitted information. CFS would continue to conduct random checks on the FICS records on a regular basis to enhance and monitor data inputs.

116. In paragraph 5.24 of the Audit Report, Director of Food and Environmental Hygiene said that CFS had enhanced supervisory measures to ensure that supervisory visits were conducted properly to assess performance of staff and give advice on the practice. The Committee sought details of the enhancement measures.

117. **Director of Food and Environmental Hygiene** advised in her letter dated 8 April 2019 (*Appendix 9*) that the improvement measures included the following:

- a Senior Health Inspector would accompany a Health Inspector to carry out inspections and provide on-site guidance on a regular basis. At AFIOs and MKTFCO, Senior Health Inspectors had also stepped up the weekly supervisory inspections having regard to the mode of operation of each food control office. In addition, Chief Health Inspectors of the Food Import and Export Section would conduct monthly surprise supervisory inspections to different offices in rotation; and

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<sup>16</sup> The Food Import Control System is a computer system used in carrying out import control. It captures a range of information about imported foods (e.g. types and quantities of foods).

- since October 2018, CFS had enhanced the supervisory inspection record to lay emphasis on recording the findings of on-site supervision, so as to effectively evaluate the staff performance and provide on-site guidance as appropriate. CFS would continue to provide training and explain the Operational Manual and guidelines to new recruits and provide refresher courses as deemed necessary. Staff would be reminded to pay attention to the Operational Manual and guidelines during regular working meetings and communicate on problems arising from the implementation of the manual and guidelines.

118. With reference to paragraph 5.25 of the Audit Report, the Administration said at the public hearings that a working group had been formed to study the establishment of TSW. The Committee requested the Administration to provide details of the group, including whether there was an implementation timetable of TSW.

119. **Director of Food and Environmental Hygiene** said at the public hearings and supplemented in her letter dated 8 April 2019 (*Appendix 9*) that:

- TSW was being implemented in three phases. Phase 1, which was launched in December 2018, covered five types of import and export trade documents for specific types of commodities and would be progressively extended to cover some 13 types of trade documents in the first half of 2019 at the earliest. Phase 2 would cover some 28 additional types of trade documents. Phase 3 would cover trade documents required or proposed to be required for all cargoes (e.g. Import and Export Declaration). Subject to the progress of all the preparatory work, the Administration planned to roll out Phase 2 in 2022 and Phase 3 in 2023 at the earliest; and
- to take forward the TSW project, a dedicated Project Management Office was set up in April 2016 under the Commerce and Economic Development Bureau. In 2017 and 2018, FEHD joined 14 of the meetings of the Office at different levels to discuss issues of common interest on the development and implementation of TSW.

120. In paragraph 5.30 of the Audit Report, Director of Food and Environmental Hygiene said that CFS was currently revamping its IT systems and was already in the process of reviewing the business processes and workflow in food import control.

The Committee asked the Administration to provide further information and implementation timetable of this revamp exercise.

121. **Director of Food and Environmental Hygiene** explained at the public hearings and supplemented in her letter dated 8 April 2019 (*Appendix 9*) that:

- the existing 16 IT systems of CFS were developed at different times by contractors to meet different needs. As each IT system (and its database) was independently designed, the organization and structuring of data of the systems were different, without integration into a central database to facilitate retrieval and analysis;
- the lack of flexibility in system design was also a hindrance to streamlining of workflow. In processing work requests involving various systems, CFS officers could not complete the work by using the existing functions of the systems. Instead, the assistance of technical staff had to be sought in writing another programme or using external software to combine the data for processing and analysis. All these limitations affected the cost-effectiveness of the food safety work of CFS and its efficiency in conducting risk assessment;
- CFS established a dedicated team at the end of 2017 to look closely at its operational workflow, revamp its IT systems for higher efficiency, and enhance its mode of operation through IT to support the work of its frontline staff and reinforce its capability in food import control, surveillance, incident management, risk assessment and traceability. Phased improvements to the IT systems would start from the end of 2019;
- specifically, a food trader portal would be set up to provide a platform for electronic communication between CFS and the food trade. The existing FICS would be replaced by a new system which would support the streamlined workflow and procedures on import control and the provision of food export certification. A new Food Incident Management System would be developed to strengthen the management of food safety incidents. The above systems would interface with each other to provide a well-connected network of information in support of risk profiling and risk-based inspection to enhance food safety control; and

- the team in charge of the above work would have 74 staff members at an estimated staffing expenditure of about \$58 million in 2019-2020.

122. In reply to the Committee's enquiry about new resources in 2019-2020 for CFS, **Director of Food and Environmental Hygiene** explained at the public hearings and supplemented in her letter dated 8 April 2019 (*Appendix 9*) that in 2019-2020, 35 additional civil service posts would be created in CFS along with an additional provision of \$25 million to implement the review and the enhancement measures. A task group, led by the Controller, Centre for Food Safety, was set up to take forward the recommendations of Audit and the Committee on the food safety management of CFS and its control on imported foods. The task group had commenced a comprehensive review on the Operational Manual and guidelines, its staff management and supervision arrangements, training requirements, and manpower and resource requirements. CFS had started to roll out concrete and effective short, medium and long term measures to enhance its effectiveness by phases.

## **H. Conclusions and recommendations**

<b>Overall comments</b>
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123. The Committee:

- notes that:
  - (a) in 2017, over 90% of foods and live food animals for human consumption (for simplicity, unless otherwise stated, hereinafter foods and live food animals are collectively referred to as foods) 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. In May 2006, the Centre for Food Safety ("CFS") was established under the Food and Environmental Hygiene Department ("FEHD") to control food safety in Hong Kong; and
  - (b) in 2013-2014 to 2017-2018, CFS's expenditure had increased by 32% from \$448 million to \$592 million. In this period, CFS

spent more than 50% of its annual expenditure on import control of foods;

- stresses that:
  - (a) import control is of paramount importance to ensuring food safety in Hong Kong as control at source<sup>17</sup> has increasingly been recognized as an effective control mode in food safety by the Administration. CFS staff at food control offices set up across the territory are responsible for carrying out established procedures for controlling the import of foods via air, road and sea;
  - (b) CFS management bears an undeniable responsibility of ensuring proper implementation of various import control measures at its various food control offices for foods according to the procedures laid down in CFS's guidelines/Operational Manual on import control of foods ("Operational Manual"); and
  - (c) CFS management also has a responsibility to proactively devise and review their guidelines/Operational Manual to ensure that they could achieve the main purpose of ensuring food safety. At the same time, CFS management should also ensure CFS staff to follow these guidelines/Operational Manual which have to be practical for implementation, and could suit the changing environment with a view to facilitating the trade and all relevant stakeholders;
- expresses grave dismay and finds it unacceptable that CFS staff have not followed the procedures in the control of foods as stipulated in the Operational Manual as evidenced by the following incidents revealed in the Director of Audit's Report ("Audit Report"):
  - (a) for two consignments imported by air, CFS staff only examined a readily accessible carton of food placed on the top of the batch of consignment;

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<sup>17</sup> Control at source includes, for example, requiring the presence of health certificates issued by overseas authorities for import of foods, and allowing only live food animals from approved farms to enter into Hong Kong.

- (b) in five inspections on food samples imported by air for radiation tests using the Contamination Monitoring System ("CMS") machine, the food samples were pre-selected by importers;
  - (c) food samples imported by air used in CMS test procedures should contain only the edible portion of approximately one kilogram ("kg"). In 12 cases, one kg was entered in the computer system for CMS tests without re-weighing the samples after eliminating the inedible portion and in one case, the actual weight of the food sample was 3.37 kg;
  - (d) CFS staff did not clarify the discrepancies (e.g. in respect of weight, quantity and source of the foods imported by road) between the import documents found during inspections with the relevant parties (e.g. General Administration of Customs of the People's Republic of China ("GACC")); and
  - (e) two consignments (of frozen poultry) had been imported by road without seal numbers on the original health certificates. Hence, the procedure of matching the seal numbers to the numbers of the security seals on the vehicles carrying the consignments could not be performed. There was no assurance that the consignments (which had been released) carried by the vehicles were identical with those shown on the original health certificates;
- expresses dismay and finds it unacceptable that CFS management has failed to effectively monitor its staff's compliance with the guidelines/Operational Manual promulgated as evidenced by the above incidents revealed in the Audit Report;
  - expresses disappointment and finds it unacceptable that CFS's middle management staff have failed to effectively supervise their frontline subordinates in performing their routine duties in accordance with the guidelines/Operational Manual as evidenced by the above incidents revealed in the Audit Report;
  - expresses grave dismay and finds it unacceptable about various problems with CFS's existing practices/systems in relating to the import control of foods by air, road and sea and that CFS has not proactively reviewed such practices/systems and the guidelines/Operational Manual to identify the insufficiencies/impracticalities as evidenced by the following cases revealed in the Audit Report:

- (a) there were no guidelines on the selection of food samples to be inspected in a physical inspection. CFS staff only selected very small quantity for physical inspections for foods imported by air (as low as one out of 831 cartons (0.1%)), by road (three cartons out of 1 000 (0.3%)) and by sea (two out of 2 025 cartons (0.1%)). In nine of the 18 Audit-accompanied inspections, CFS staff only examined the foods in front. In five such inspections in which several types of foods were involved, only one type of food had been selected for examination;
- (b) for the period January to April 2018, of the 59 vehicles carrying chilled food consignments, nine vehicles had at least once evaded CFS inspection at the Man Kam To Food Control Office ("MKTFCO") and two vehicles had never been driven into MKTFCO for CFS inspection of the consignments. On 27 August 2018, of the 24 vehicles carrying food consignments required to be checked by CFS at MKTFCO, four vehicles carrying consignments of eggs had evaded CFS inspection at MKTFCO;
- (c) seven vehicles which had entered MKTFCO were not shown in the CFS inspection records because the vehicle registration numbers of the vehicles had been wrongly entered into the CFS's inspection records. There was no proper verification procedure and checking by the management on the accuracy of the data entered into the system;
- (d) CFS staff did not check whether vehicles transporting chilled foods to Hong Kong through Man Kam To had been approved by CFS for transporting chilled foods;
- (e) CFS did not have the practice of conducting periodic examinations of approved vehicles to ensure that they continue to be suitable for transporting chilled foods;
- (f) on average only about 1.5 inspections were conducted monthly at the CFS's Kwai Chung Customhouse ("KCCH") due to the lack of cold storage facilities but the limitations should have been foreseen at the time when KCCH was set up in October 2015;



- (g) for foods imported by sea, there were a number of cases (ranging from 16% to 48%) where importers had cancelled their import licences when their food consignments covered by the licences had been selected by CFS for inspection. There was a high percentage of unused import licences (increased from 60 865 in 2013 to 85 475 in 2017) and CFS had not identified whether an issued import licence has been used;
  - (h) for food consignments arrived by sea subjected to physical inspections at warehouses or cold stores, contrary to the requirement of the Operational Manual, the seals had already been broken off by importers and the foods of the consignments had been stored at the warehouses or cold stores prior to CFS's inspections;
  - (i) in all the 23 Audit-accompanied inspections conducted on 16 and 17 May 2018, contrary to the terms of the permit issued by the Agriculture, Fisheries and Conservation Department, the importers did not show the permits to CFS's Field Officers upon arrival of the animals at the Man Kam To Animal Inspection Station; and
  - (j) CFS staff (e.g. Health Inspectors) did not ascertain whether food importers had registered under the Food Safety Ordinance (Cap. 612) (or were exempted from registration) at border control points;
- expresses serious concern and has reservations about CFS's decision<sup>18</sup> to cancel the granting of discretion for release of food consignments without original health certificates from air cargo terminal and the impact on the operation of the trade;
  - calls on CFS, in introducing any new measures to tighten the import control of foods, to conduct adequate consultation with the trades and all relevant stakeholders with a view to striking a balance in the import control of foods and the facilitation of business operation;

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<sup>18</sup> CFS formulated guidelines on granting discretion for release of food consignments from air cargo terminals without original health certificates in October 2018. In view of the small number of cases that were granted such discretion in November and December 2018 (12 out of 2 191 cases), CFS updated its guidelines in early January 2019 that CFS staff were to check the original health certificates before releasing the consignment from the air cargo terminal.

- notes that CFS created a supernumerary post of Senior Principal Executive Officer in 2017 up to 31 March 2024 to head a dedicated team to take forward the recasting and re-engineering of workflow and an overhaul of information technology systems to substantially strengthen its data management and analysis for enhanced food safety control, including the Trade Single Window;<sup>19</sup> and
- urges CFS to:
  - (a) set up a mechanism to review the work flows at various food control offices in order to identify whether they could achieve their intended purpose and are practical, as well as other areas of improvements;
  - (b) supplement new guidelines where necessary or revise/update existing guidelines/Operational Manual, as the case may be;
  - (c) enhance its communication channels with the relevant authorities in the Mainland and other countries/areas from which foods are imported so that CFS could be informed of any updates (e.g. the list of registered farms as shown on the website of GACC) and any discrepancies found during the import control could be clarified as soon as practicable;
  - (d) review whether its establishment and manpower are sufficient to ensure that they could handle the increasing workload at the food control offices; and
  - (e) make good use of the new dedicated team to conduct a comprehensive review of various systems under CFS, including upgrading the information system and the workflows associated with the import control of foods so that the procedures/workflows could be rationalized and simplified to ensure the integrity of the input data, avoid manual errors and enhance its monitoring of staff's compliance with guidelines, among other objectives. The work of the dedicated team should be expedited and any

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<sup>19</sup> For international trade, "Single Window" refers to a facility (e.g. an information technology platform) which allows trading parties to lodge information and documents with a single entry point to fulfil all import and export regulatory requirements. In his 2016-2017 Budget Speech, the then Financial Secretary announced that the Government should establish a Trade Single Window.

recommendations made by the team should be implemented as soon as possible.

<b>Specific comments</b>
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124. The Committee:

Control of foods imported by air

- expresses grave dismay and finds it unacceptable that:
  - (a) for non-permission cases (i.e. import licences issued with the submission of supporting documents comprising original health certificates or photocopies of original health certificates), of a total of 138 import licences issued from 25 to 31 January 2018, 134 (97%) import licences were issued without submission of any of the required supporting documents, contrary to the requirements set out in the Operational Manual;
  - (b) for 44 food consignments imported by air in January 2018, three of them were issued with import licences based on submission of photocopies of health certificates. Their importers, however, failed to provide the required original health certificates on the spot to the Airport Food Inspection Offices ("AFIOs"). Upon the consent of the Senior Health Inspectors, the consignments were released without physical inspections conducted by CFS staff;
  - (c) in one of the three consignments mentioned in paragraph (b) above, the consignment was released without the original Export Declaration (i.e. an import document for the import of beef, pork and mutton from a European Union member state but the animal was slaughtered in another European Union member state) submitted on the spot and without an import permission as required by CFS;
  - (d) of 12 radiation tests accompanied by the Audit Commission ("Audit") conducted in May and June 2018 for foods imported

from Japan using CMS machine, the food samples for CMS tests were pre-selected by importers in five inspections; and

- (e) for import of foods by air, CMS tests were conducted by Health Inspectors of AFIOs. For import of foods by sea, CMS tests were conducted by Science Laboratory Technologists and Science Laboratory Technicians who were apparently more professionally competent in conducting CMS tests;
- notes that:
  - (a) CFS has reminded colleagues to issue import licences after receipt of supporting documents (i.e. an original health certificate, a photocopy of health certificate, or an import permission) from importers as far as practicable;
  - (b) CFS issued new guidelines in October 2018 and January 2019 and conducted briefing for frontline staff for the handling of food consignments arrived at the border checkpoint, in particular on the arrangement when the original health certificates were not available. Frontline staff were also reminded that physical inspection of food consignments should be conducted;
  - (c) CFS will prepare guidelines on the number of food samples to be inspected in a physical inspection of foods imported by air;
  - (d) CFS will issue a new guideline on sampling at physical inspection at the Airport. CFS is also enhancing supervision of frontline operation at AFIOs;
  - (e) regarding the collection of food samples for CMS tests, FEHD would take follow-up actions, implement improvement measures and enhance supervisory inspections to ensure full compliance with relevant guidelines; and
  - (f) Director of Food and Environmental Hygiene has agreed with Audit's recommendations in paragraphs 2.13, 2.16 and 2.26 (b) to (d) of the Audit Report;
- recommends that CFS should take measures to ensure that all food samples collected for all tests, in particular CMS tests, are selected by CFS staff themselves at AFIOs;

Control of foods imported by road

- expresses grave dismay and finds it unacceptable that:
  - (a) it might not be appropriate for CFS to consider that fully cooked or flavoured meat are not under the control of the Imported Game, Meat, Poultry and Eggs Regulations (Cap. 132AK). CFS needs to seek clarification from the Department of Justice regarding the scope of the Regulations;
  - (b) in 12 of 28 food consignments imported through Man Kam To in January 2018 and examined by Audit, and in four of 18 Audit-accompanied inspections at MKTFCO in April 2018, there were discrepancies between import documents (e.g. original health certificates and import licences). However, CFS staff did not clarify the discrepancies before releasing the consignments;
  - (c) from January to April 2018, of the 59 vehicles transporting chilled foods to Hong Kong through Man Kam To, 14 (24%) had not been approved by CFS. Of these 14 vehicles, 12 vehicles had entered into MKTFCO. However, CFS staff did not notice that the vehicles had not been approved for transporting chilled foods. Two of the 14 vehicles had evaded CFS inspections at MKTFCO;
  - (d) of the 158 vehicles approved for transporting chilled foods as at 20 April 2018, 20 were container carriers. Containers of 10 of these carriers had not been included in the list of approved vehicles, and those for the other 10 carriers were not approved by CFS; and
  - (e) there were no guidelines on the selection of food samples at import level for laboratory tests under the Food Surveillance Programme;
- notes that:
  - (a) CFS has been liaising with relevant parties on the improvement measures for addressing the problem of vehicles evading CFS inspection of food consignments at MKTFCO;

- (b) CFS has enhanced supervision to ensure that operation has been conducted according to the guidelines on conducting physical inspection;
- (c) CFS has reminded frontline staff to clarify the irregularities with GACC as soon as practicable and document the actions taken to deal with the irregularities;
- (d) CFS will work out guidelines on an appropriate number of food samples and food types to be inspected in a physical inspection of foods imported by road;
- (e) CFS has enhanced supervision to ensure frontline operation is conducted according to the guidelines;
- (f) CFS has included the checking of approved vehicles in the inspection checklist;
- (g) CFS has included the containers approved for carrying chilled meat/poultry in the approved vehicle list;
- (h) the approved vehicle list and the containers, if any, have been made available to frontline staff for checking;
- (i) re-inspection of the approved vehicles for transporting chilled meat and poultry will be conducted at a two-year interval;
- (j) CFS will monitor and review the guidelines on collection of food samples for laboratory tests to meet the objective and operational needs from time to time; and
- (k) Director of Food and Environmental Hygiene has agreed with Audit's recommendations in paragraphs 2.44, 2.52, 2.56, 2.62 and 2.65 of the Audit Report;

#### Control of foods imported by sea

- expresses grave dismay and finds it unacceptable that:
  - (a) the KCCH checkpoint commenced operation in late October 2015 in order to align the practice of monitoring foods imported by sea with those imported by air and road. However, in the period

from late October 2015 to 30 June 2018, an average of about 1.5 inspections was conducted monthly at the KCCH checkpoint only. In 2017, of the physical inspections conducted for 3 616 food consignments imported by sea, only 18 were held at the KCCH checkpoint, while the remaining 3 598 were conducted at warehouses or cold stores;

- (b) according to the Custom and Excise Department, as advance declaration was only made on a voluntary basis, only about 85% sea cargo information could be obtained through the Electronic System for Cargo Manifest Statement One. As CFS relied on the Electronic System to identify importers to make arrangements with them for conducting radiation tests on every food consignment imported from Japan, some importers might not have been identified and hence no radiation tests were conducted for some consignments imported from Japan;
- (c) from 1 January 2017 to 31 March 2018, there was a considerable percentage of cases (ranging from 16% to 48%) where importers had cancelled their import licences when their food consignments covered by the licences had been selected by CFS for inspection;
- (d) according to the Operational Manual, CFS needs to spot out unused import licences for cancellation in order to prevent improper use of these licences by importers. However, in years 2013 to 2017, the proportion of unused import licences was high, ranging from 86% to 96% (of all licences issued). The number of unused import licences had increased from 60 865 in 2013 to 85 475 in 2017;
- (e) to prevent the use of counterfeit photocopies of health certificates, CFS required that for import licences issued based on the submission of photocopies of health certificates, importers should submit original health certificates to CFS within 42 days (an import licence is valid for six weeks). However, in 2016 and 2017, there were 281 and 34 import licences respectively, of which the original health certificates had not been submitted within 42 days. The delay ranged from 141 days to 717 days (as at 30 June 2018);
- (f) in 2017, of the 1 903 import licences for food consignments selected by CFS for physical inspection, 411 (22%) had been

cancelled. CFS did not re-select additional import licences to replace those that had been cancelled for physical inspection; and

- (g) there were inadequacies in the conduct of physical inspection and follow-up actions taken up by CFS staff, including quantity in letter for releasing consignment overstated; quantity of foods inspected less than required; overall examination of the whole consignment and cross-checking to supporting documents not conducted; sample of foods not properly selected; and warning letters to importers not issued;

- notes that:

- (a) CFS will sort out the discrepancy between the requirement of the Operational Manual and the actual inspection practices of not witnessing the act of breaking seal attached to containers by importers;
- (b) CFS will solicit assistance from relevant parties to explore the possibility of setting up a formal food control office with cold storage facilities at KCCH for inspection of targeted food consignments imported via sea route;
- (c) CFS has been working with relevant authorities on Trade Single Window which plans to capture all pre-arrival import information, among other things;
- (d) CFS has launched an exercise to identify expired unused import licence (permission cases) since mid 2018 and the exercise is planned to be completed by 4th quarter of 2018. CFS is considering the way forward upon completion of the exercise;
- (e) CFS has notified importers in writing to return the expired unused licence (permission cases) for cancellation;
- (f) CFS has implemented improvement measures to select additional import licences for physical inspection to make up for those cancelled import licences being selected;
- (g) CFS has been implementing improvement measures and the percentage of import licences issued with photocopies of health certificate has decreased from 24% in 2016 to 18% in 2017;



- (h) CFS has enhanced supervision to ensure frontline operation is conducted according to the guidelines/Operational Manual;
  - (i) CFS has reminded frontline staff to make clarifications with importers on any discrepancies in import documents and properly record any actions taken;
  - (j) CFS will provide guidance to frontline staff on selection of food samples randomly for the conduct of physical inspections; and
  - (k) Director of Food and Environmental Hygiene has agreed with Audit's recommendations in paragraphs 2.88, 2.102(a) to (c) and (e) and 2.108 of the Audit Report;
- recommends that CFS should explore a more effective way to identify and cancel unused import licences on a regular basis;

Control of live food animals and live aquatic products

- expresses dismay and finds it unacceptable about the following cases revealed in the Audit Report:
- (a) from 27 April to 28 May 2018, nine consignments of bovines and 15 consignments of swine were imported from six farms that were not on the list of registered farms as shown on the website of GACC. CFS did not seek immediate clarification from GACC;
  - (b) there were discrepancies in import documents (i.e. food import declaration forms and original animal health certificates) for the import of live aquatic products. For example, in one consignment imported in January 2018, the quantity of live aquatic products stated on the food import declaration form of 6 000 kg was greater than that shown on the original animal health certificate of 2 710 kg (i.e. a difference of 3 290 kg). Furthermore, in examining the import documents of five consignments of live aquatic products, in all the five consignments, the information on importers or exporters filled in by the drivers of vehicles carrying the products on the food import declaration forms was unclear;

- (c) in the six accompanied inspections conducted on 16 May 2018, Audit found that the Field Officer only inspected one of the four types of fish in a consignment; and
  - (d) in May 2018, in 98 consignments (involving 140 heads of swine), the quantities of live swine admitted into slaughterhouses were greater than the quantities of the live swine shown on the animal health certificates;
- notes that:
  - (a) with effect from 4th quarter of 2018, CFS would seek immediate clarification with GACC prior to the release of consignments of livestock if the registration status of the farm is uncertain or there are other irregularities;
  - (b) CFS has agreed with relevant parties to implement improvement measures with effect from November 2018 so that the permittee shall present the original special permit to CFS in a timely manner;
  - (c) CFS has proactively clarified with the drivers if necessary and has implemented an enhanced inspection scheme on fish types;
  - (d) CFS has implemented improvement measures since late September 2018 and the discrepancies between the admitted quantities of livestock and the quantities on the movement permit have been identified and verified with relevant parties on a daily basis; and
  - (e) Director of Food and Environmental Hygiene has agreed with Audit's recommendations in paragraphs 3.16, 3.32 and 3.38 of the Audit Report;
- recommends that CFS should consider reviewing its guidelines on the import control of live aquatic products taking into account the practical difficulties to verify accurately the quantity of the consignments as stated in the food import declaration forms and original animal health certificates;

Registration and inspection of food traders

- considers it inexplicable and unacceptable that:
  - (a) in years 2013 to 2017, of the 3 420 licensees to whom request letters were sent by Food Importer/Distributor Registration and Import Licensing Office ("FIRLO") requiring them to provide information on their licences and businesses to FEHD, only 483 (14%) replied to FIRLO that they did not carry on any importation/distribution businesses or provided the requested information to FIRLO. FIRLO had not taken any follow-up actions on those licensees that had not replied to FIRLO;
  - (b) of the prosecutions against 44 unregistered food importers/distributors in years 2013 to 2017, the majority of them (39 of 44) claimed that they either were unaware of or had misunderstood the registration requirement;
  - (c) CFS staff (e.g. Health Inspectors) did not have the practice of ascertaining whether food importers had registered under the Food Safety Ordinance (or were exempted from registration) at border control points. In 117 import documents examined by Audit in 2018, there were four importers who had imported foods into Hong Kong without having been registered or exempted. In the 54 inspections accompanied by Audit in 2018, there were five importers who had imported foods into Hong Kong without having been registered or exempted;
  - (d) some inspections had not been conducted in accordance with the risk-based inspection plan. In years 2014 to 2017, contrary to the inspection plan, less than 50% (ranging 31% to 48%) of the yearly inspections had been conducted on food traders of higher-risk businesses. In years 2015 to 2017, contrary to the inspection plan, less than 10% (ranging from 1% to 4%) of the yearly inspections had been conducted on food traders of lower-risk businesses;
  - (e) in examining food transaction records at premises of food traders, FIRLO staff only requested the sighting of a small number of invoices as supporting documents for the records; and

- (f) in 2017, of the 540 inspections of food traders, 49 inspections (concerning food importers/distributors) were not successful due to various reasons (e.g. the address of the business premises was invalid). Of the 49 cases of unsuccessful inspections, FIRLO had not taken any follow-up actions for 16 cases. In another 11 cases, FIRLO sent correspondence to the food importers/distributors to follow up the cases but either further action had not been taken afterwards or FIRLO further contacted the food importers/distributors but to no avail;
- notes that:
  - (a) CFS has put in place arrangements for keeping records of non-responding licensees (who have been requested to provide information on their licences and businesses to FEHD) and further contacting these licensees by other means such as e-mails;
  - (b) CFS has increased publicity and would continue to raise the awareness of the trade on the registration requirement under the Food Safety Ordinance;
  - (c) CFS staff at the border offices have been reminded to promptly check the status of importers at the point of importing food consignments;
  - (d) CFS has stepped up enforcement against unregistered food importers where warranted. In 2016 and 2017, CFS took 14 and eight prosecutions against unregistered food importers and distributors respectively;
  - (e) the results of inspections have been entered in the computer for record and for formulation of the risk-based inspection plan as a stop-gap measure, pending a more comprehensive overhaul of the information technology infrastructure for CFS currently underway; and
  - (f) Director of Food and Environmental Hygiene has agreed with Audit's recommendations in paragraphs 4.11, 4.21 and 4.26 of the Audit Report;

Other issues relating to import control of foods and way forward

- expresses serious concern that:
  - (a) in the two priority-setting exercises of 2006 and 2009, the Expert Committee on Food Safety<sup>20</sup> accorded "high priority" to the updating of food safety standards for three substances of concern (i.e. "pesticide residues", "veterinary drug residues" and "shellfish toxins and mycotoxins"). However, as at 31 August 2018, the updating of food safety standards for two of the three high-priority items (i.e. "veterinary drug residues" and "shellfish toxins and mycotoxins") was not yet completed;
  - (b) for the import documents of 117 food consignments examined by Audit in 2018, errors and/or omissions in inputting data into the Food Import Control System were found in 77 consignments; and
  - (c) there were no clear guidelines on the requirements for supervisory visits for individual food control offices, and the supervisory practices varied among food control offices; and
- notes that:
  - (a) CFS has provided a briefing to frontline staff regarding requirement of data input and plans to enhance supervision regarding data input;
  - (b) CFS has enhanced supervisory measures to ensure that supervisory visits are conducted properly to assess performance of staff and give advice on the practice; and
  - (c) Director of Food and Environmental Hygiene has agreed with Audit's recommendations in paragraphs 5.10, 5.16, 5.23, 5.29 and 5.35 of the Audit Report.

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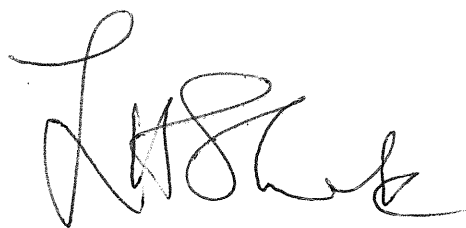
<sup>20</sup> In September 2006, CFS set up the Expert Committee on Food Safety which is tasked with advising Director of Food and Environmental Hygiene on matters such as food safety operational strategies and measures.

<b>Follow-up action</b>
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125. The Committee wishes to be kept informed of the progress made in implementing the various recommendations made by the Committee and Audit.

SIGNATURES OF THE CHAIRMAN,  
DEPUTY CHAIRMAN AND MEMBERS OF THE COMMITTEE

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Abraham SHEK Lai-him  
(Chairman)



Kenneth LEUNG  
(Deputy Chairman)



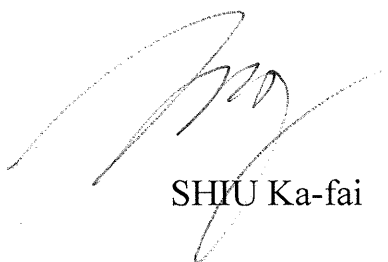
Paul TSE Wai-chun



Steven HO Chun-yin



LAM Cheuk-ting



SHIU Ka-fai



Tanya CHAN

17 April 2019

**CHAPTER IN THE DIRECTOR OF AUDIT'S REPORT NO. 71  
DEALT WITH IN THE PUBLIC ACCOUNTS COMMITTEE'S REPORT**

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**Director of  
Audit's Report  
No. 71**

**P.A.C.  
Report No. 71A**

<u><b>Chapter</b></u>	<u><b>Subject</b></u>	<u><b>Part</b></u>
2	Centre for Food Safety: Import control of foods	4



**RULES OF PROCEDURE OF  
THE LEGISLATIVE COUNCIL OF  
THE HONG KONG SPECIAL ADMINISTRATIVE REGION**

**72. Public Accounts Committee**

(1) There shall be a standing committee, to be called the Public Accounts Committee, to consider reports of the Director of Audit –

- (a) on the accounts of the Government;
- (b) on such other accounts required to be laid before the Council as the committee may think fit; and
- (c) on any matter incidental to the performance of his duties or the exercise of his powers as the committee may think fit.

(2) The committee shall also consider any report of the Director of Audit laid on the Table of the Council which deals with examinations (value for money audit) carried out by the Director relating to the economy, efficiency and effectiveness of any Government department or public body or any organization to which his functions as Director of Audit extend by virtue of any Ordinance or which receives public moneys by way of subvention.

(3) The committee shall consist of a chairman, deputy chairman and 5 members who shall be Members appointed by the President in accordance with an election procedure determined by the House Committee. *(L.N. 214 of 2005)*

(3A) The chairman and 2 other members shall constitute a quorum of the committee. *(L.N. 214 of 2005)*

(3B) In the event of the temporary absence of the chairman and deputy chairman, the committee may elect a chairman to act during such absence. *(L.N. 214 of 2005)*

(3C) All matters before the committee shall be decided by a majority of the members voting. Neither the chairman nor any other member presiding shall vote, unless the votes of the other members are equally divided, in which case he shall give a casting vote. *(L.N. 214 of 2005)*

(4) A report mentioned in subrules (1) and (2) shall be deemed to have been referred by the Council to the committee when it is laid on the Table of the Council.

(5) Unless the chairman otherwise orders, members of the press and of the public shall be admitted as spectators at meetings of the committee attended by any person invited by the committee under subrule (8).

(6) The committee shall meet at the time and the place determined by the chairman. Written notice of every meeting shall be given to the members and to any person invited to attend a meeting at least 5 clear days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.

(7) *(Repealed L.N. 214 of 2005)*

(8) The chairman or the committee may invite any public officer, or, in the case of a report on the accounts of or relating to a non-government body or organization, any member or employee of that body or organization, to give information or any explanation or to produce any records or documents which the committee may require in the performance of its duties; and the committee may also invite any other person to assist the committee in relation to any such information, explanation, records or documents.

(9) The committee shall make their report upon the report of the Director of Audit on the accounts of the Government within 3 months (or such longer period as may be determined under section 12 of the Audit Ordinance (Cap. 122)) of the date on which the Director's report is laid on the Table of the Council.

(10) The committee shall make their report upon the report of the Director of Audit mentioned in subrule (2) within 3 months (or such longer period as may be determined by the Council) of the date on which the Director's report is laid on the Table of the Council.

(11) Subject to these Rules of Procedure, the practice and procedure of the committee shall be determined by the committee.

**Paper presented to the Provisional Legislative Council  
by the Chairman of the Public Accounts Committee  
at the meeting on 11 February 1998 on  
Scope of Government Audit in the  
Hong Kong Special Administrative Region -  
'Value for Money Audits'**

**SCOPE OF WORK**

1. The Director of Audit may carry out examinations into the economy, efficiency and effectiveness with which any bureau, department, agency, other public body, public office, or audited organisation has discharged its functions.
2. The term "audited organisation" shall include -
  - (i) any person, body corporate or other body whose accounts the Director of Audit is empowered under any Ordinance to audit;
  - (ii) any organisation which receives more than half its income from public moneys (this should not preclude the Director from carrying out similar examinations in any organisation which receives less than half its income from public moneys by virtue of an agreement made as a condition of subvention); and
  - (iii) any organisation the accounts and records of which the Director is authorised in writing by the Chief Executive to audit in the public interest under section 15 of the Audit Ordinance (Cap. 122).
3. This definition of scope of work shall not be construed as entitling the Director of Audit to question the merits of the policy objectives of any bureau, department, agency, other public body, public office, or audited organisation in respect of which an examination is being carried out or, subject to the following Guidelines, the methods by which such policy objectives have been sought, but he may question the economy, efficiency and effectiveness of the means used to achieve them.

## GUIDELINES

4. The Director of Audit should have great freedom in presenting his reports to the Legislative Council. He may draw attention to any circumstance which comes to his knowledge in the course of audit, and point out its financial implications. Subject to these Guidelines, he will not comment on policy decisions of the Executive Council and the Legislative Council, save from the point of view of their effect on the public purse.

5. In the event that the Director of Audit, during the course of carrying out an examination into the implementation of policy objectives, reasonably believes that at the time policy objectives were set and decisions made there may have been a lack of sufficient, relevant and reliable financial and other data available upon which to set such policy objectives or to make such decisions, and that critical underlying assumptions may not have been made explicit, he may carry out an investigation as to whether that belief is well founded. If it appears to be so, he should bring the matter to the attention of the Legislative Council with a view to further inquiry by the Public Accounts Committee. As such an investigation may involve consideration of the methods by which policy objectives have been sought, the Director should, in his report to the Legislative Council on the matter in question, not make any judgement on the issue, but rather present facts upon which the Public Accounts Committee may make inquiry.

6. The Director of Audit may also -

- (i) consider as to whether policy objectives have been determined, and policy decisions taken, with appropriate authority;
- (ii) consider whether there are satisfactory arrangements for considering alternative options in the implementation of policy, including the identification, selection and evaluation of such options;
- (iii) consider as to whether established policy aims and objectives have been clearly set out; whether subsequent decisions on the implementation of policy are consistent with the approved aims and objectives, and have been taken with proper authority at the appropriate level; and whether the resultant instructions to staff accord with the approved policy aims and decisions and are clearly understood by those concerned;

- (iv) consider as to whether there is conflict or potential conflict between different policy aims or objectives, or between the means chosen to implement them;
- (v) consider how far, and how effectively, policy aims and objectives have been translated into operational targets and measures of performance and whether the costs of alternative levels of service and other relevant factors have been considered, and are reviewed as costs change; and
- (vi) be entitled to exercise the powers given to him under section 9 of the Audit Ordinance (Cap. 122).

## **PROCEDURES**

7. The Director of Audit shall report his findings on value for money audits in the Legislative Council twice each year. The first report shall be submitted to the President of the Legislative Council within seven months of the end of the financial year, or such longer period as the Chief Executive may determine. Within one month, or such longer period as the President may determine, copies shall be laid before the Legislative Council. The second report shall be submitted to the President of the Legislative Council by the 7th of April each year, or such date as the Chief Executive may determine. By the 30th April, or such date as the President may determine, copies shall be laid before the Legislative Council.

8. The Director's report shall be referred to the Public Accounts Committee for consideration when it is laid on the table of the Legislative Council. The Public Accounts Committee shall follow the rules governing the procedures of the Legislative Council in considering the Director's reports.

9. A Government minute commenting on the action Government proposes to take in respect of the Public Accounts Committee's report shall be laid on the table of the Legislative Council within three months of the laying of the report of the Committee to which it relates.

10. In this paper, reference to the Legislative Council shall, during the existence of the Provisional Legislative Council, be construed as the Provisional Legislative Council.

**Witnesses who appeared before the Committee  
(in order of appearance)**

Prof Sophia CHAN Siu-chee	Secretary for Food and Health
Mr Eugene FUNG Kin-yip	Deputy Secretary for Food and Health (Food) <sup>2</sup>
Miss Vivian LAU Lee-kwan	Director of Food and Environmental Hygiene
Dr HO Yuk-yin	Controller, Centre for Food Safety Food and Environmental Hygiene Department
Dr Christine WONG Wang	Assistant Director (Risk Management) Food and Environmental Hygiene Department
Ms Winnie LAU Wing-han	Assistant Director (Corporate and System Management) Food and Environmental Hygiene Department
Ms Louise HO Pui-shan	Assistant Commissioner (Boundary and Ports) Customs and Excise Department <sup>*</sup>  Deputy Commissioner of Customs and Excise <sup>**</sup>
Ms Sandra TAM So-ying	Head of Land Boundary Command Customs and Excise Department
Dr CHUI Tak-yi	Acting Secretary for Food and Health

<sup>\*</sup> for the hearings held on 7 and 11 January 2019.

<sup>\*\*</sup> for the hearing held on 25 January 2019.

**A brief account of Chapter 2 of Report No. 71  
“Centre for Food Safety: Import control of foods”  
by the Director of Audit  
at the Public Hearing of the Public Accounts Committee  
of the Legislative Council on Monday, 7 January 2019**

Mr. Chairman,

Thank you for inviting me here to give a brief account of Chapter 2 of Report No. 71 of the Director of Audit, entitled “Centre for Food Safety: Import control of foods”.

This Audit Report comprises five PARTs.

**PART 1 of the Report, namely “Introduction”, describes the background of the audit.**

According to the Census and Statistics Department’s published trade statistics, in 2017, the total value of foods imported into Hong Kong was about \$205,400 million, which accounted for over 90% of foods for human consumption. Therefore, import control is of paramount importance to ensuring food safety, and control at source is recognised as an effective control mode in food safety. Control at source includes, for example, requiring the presence of health certificates issued by overseas authorities for import of foods, and allowing only live food animals from approved farms to enter into Hong Kong.

**PART 2 of the Report, subdivided into PARTs 2A, 2B and 2C, examines control of foods imported by different modes of transport (i.e. air, road and sea).**

To ensure the safety of imported foods, the Centre for Food Safety (CFS) has established procedures for controlling the import of foods via air, road and sea. For imported food consignments, the CFS staff of food control offices located at air, road and sea borders conduct five major procedures: (1) document checking; (2) on-the-spot physical inspections on a sample basis; (3) collecting food samples for laboratory tests under the Food Surveillance Programme; (4) radiation tests of certain imported foods; and (5) input of consignment information into the Food Import Control System (FICS). After the satisfactory completion of the above procedures, the consignments will be released.

For foods imported by air, the control is carried out by the Airport Food Inspection Offices. According to the CFS’s Operational Manual on import control of foods (Operational Manual), an import licence may be issued with the submission of a supporting document issued by a recognised authority of the exporting economy. However, the Audit Commission

(Audit) noted that during the course of the audit review, 97% of import licences were issued without the submission of the supporting documents, contrary to the requirement of the Operational Manual.

We also found a number of inadequacies in physical inspections and radiation tests. For example, for the import of high-risk foods, such as frozen meat, there were cases where the importers failed to provide original health certificates or import permissions. Upon the discretionary consent of the CFS staff, the consignments were released without physical inspections. In addition, in each of the 20 physical inspections accompanied by Audit, the CFS staff only inspected one carton of the food consignment. Furthermore, Audit noted that for some radiation tests under the Contamination Monitoring System, food samples were pre-selected by importers, and that some tests were not properly conducted to measure the radiation contamination level.

For foods imported by road, they are mainly handled by the Man Kam To Food Control Office (MKTFCO), which is the only office responsible for the inspection of consignments of certain foods (e.g. meat, poultry and eggs) imported by road from the Mainland. Owing to the high risk nature of certain foods, as a condition of import permissions, drivers of vehicles carrying consignments of such foods must drive their vehicles to the MKTFCO for inspection of the consignments by the CFS. In addition, only vehicles approved by the CFS are allowed to transport chilled foods. Audit, however, found that for the period January to April 2018, of the 59 vehicles transporting high-risk foods to Hong Kong through Man Kam To, 11 had evaded CFS inspection. In addition, 14 vehicles had not been approved by the CFS for carrying chilled foods.

In accompanying the CFS staff in 18 inspections conducted at the MKTFCO, Audit found that in some inspections, the CFS staff only opened the right doors of the vehicles carrying the consignments and examined the foods in front, or only selected very small quantity of foods or one type of foods for inspections.

Most foods are imported into Hong Kong by sea. The CFS staff conduct import documents checking and physical inspections on a selective basis. In general, physical inspections are conducted at importers' warehouses or privately-run cold stores. When situations warrant, physical inspections are conducted at the food inspection checkpoint located in the Kwai Chung Customhouse (KCCH checkpoint). Audit found that for food consignments subjected to physical inspections at warehouses or cold stores, the seals of containers carrying food consignments had already been broken off by importers before the CFS's inspections, and that not all the consignments from Japan were subjected to radiation testing. These practices were contrary to the requirements of the Operational Manual.



In order to align the practice of monitoring of foods imported by sea with that of foods imported by air and road, the CFS had set up the KCCH checkpoint to conduct physical inspection of food consignments. During the audit review, Audit found that in 2017, only 18 (i.e. 0.5%) of the 3,616 physical inspections conducted for foods imported by sea were conducted at the KCCH checkpoint. In addition, there was a high percentage of cases (ranging from 16% to 48% during January 2017 to March 2018) where importers requested to have their import licences cancelled when their consignments had been selected by the CFS for inspection. Audit also found that there was delay in submission of original health certificates by importers and inadequacies in selecting samples for physical inspections.

Audit has made a number of recommendations to the Food and Environmental Hygiene Department (FEHD) in respect of the issues relating to the control of foods imported by air, road and sea.

**PART 3 of the Report examines the CFS's control of live food animals and live aquatic products.**

Under the administrative arrangements with the Mainland, live food animals and live aquatic products imported into Hong Kong must originate from registered farms approved by the General Administration of Customs of the People's Republic of China (GACC). In addition, they must be imported with animal health certificates issued by the GACC. Audit's sample examination showed that the CFS had not sought, in a timely manner, clarifications from the GACC for import of consignments of bovines and swine from farms not on the list of registered farms.

Under the Rabies Regulation, a person shall import into Hong Kong any animal with a permit issued by the Agriculture, Fisheries and Conservation Department. According to the terms of permits, importers are required to show the permits to Field Officers upon arrival of the animals at the Man Kam To Animal Inspection Station. Audit found that in all of the 23 accompanied inspections, the importers failed to do so and the CFS did not take any remedial action. Audit's sample examination also reflected some discrepancies between the quantities stated on the food import declaration forms and the quantities on the animal health certificates. This showed that some live food animals might have been imported without health certification.

Audit has made a number of recommendations in respect of the audit findings.

**PART 4 of the Report examines the registration and inspection of food traders.**

Under the Food Safety Ordinance, any person who carries on a food importation or distribution business is required to register with the Director of Food and Environmental Hygiene as a food importer or food distributor. In addition, a food trader must keep

transaction records so that consignments could be traced (e.g. in food incidents). Audit found that in years 2013 to 2017, of the 3,420 cases in which the CFS requested information on licences and businesses from food importers or distributors who were exempted from the registration requirement, over 85% had not responded to the CFS's request. The CFS did not follow up these cases. In the 117 import documents examined and 54 inspections accompanied by Audit, Audit found that 8 importers had imported foods into Hong Kong without having been registered or exempted. Audit analysed the CFS's inspection records for 2017 and found that 49 (9%) of the 540 inspections were not successful but there were inadequacies in the CFS's follow-up actions. We have recommended that the FEHD should take follow-up actions accordingly.

**PART 5 of the Report examines other issues relating to the import control of foods and way forward.**

According to the CFS, food imported into Hong Kong should meet local standards for food safety. The CFS reviews from time to time the need for updating food safety standards having regard to various factors. As at 31 August 2018, updating of two food safety standards for "veterinary drug residues" and "shellfish toxins and mycotoxins" respectively was not yet completed, despite the fact that updating of these two food safety standards had been accorded "high priority" as early as 2006 and 2009.

The CFS uses the FICS, which is a computer system, to monitor the food import procedures. Audit examined the import documents of 117 food consignments and found that in 66% of the consignments, there were errors or omissions in inputting data into the system.

To ensure the safety of imported foods, the CFS has implemented measures for the import control of foods. However, as shown in this Audit Report, there were incidences of non-compliance and difficulties in implementing the measures. Hence, Audit has recommended that the FEHD should conduct a comprehensive review of the CFS's import control of foods, taking into account Audit's findings and recommendations set out in the Report.

Our views and recommendations were agreed by the FEHD. I would like to take this opportunity to acknowledge with gratitude the full cooperation, assistance and positive response of the Department's staff during the course of the audit review. I would also like to thank the Customs and Excise Department for its assistance in this matter.

Thank you, Mr. Chairman.

**Public Accounts Committee of the Legislative Council  
Public Hearing on Chapter 2 of the Director of Audit's Report No. 71  
7 January 2019**

**Centre for Food Safety: Import Control of Foods**

**Opening Remarks by the Secretary for Food and Health**

Chairman,

I would like to thank the Audit Commission for conducting a review and providing valuable comments on the import control of foods of the Centre for Food Safety (CFS). I agree with the findings of the Audit Report that there is room for improvement on various aspects of CFS' daily operation and the handling of individual cases. CFS must rectify those inadequacies as soon as possible.

2. As mentioned in my opening remarks at the hearing of the Public Accounts Committee (PAC) on Chapter 1 of the Audit Report on CFS' "Management of Food Safety", we attach great importance to safeguarding food safety. I have instructed the Director of Food and Environmental Hygiene (DFEH) to follow up seriously and proactively the recommendations in the Audit Report and the upcoming PAC reports, and propose specific measures to improve the daily operation of CFS, with a view to strengthening public confidence in the food safety mechanism as well as CFS' work to safeguard food safety.

3. In the course of facilitating the Audit Commission in conducting the review, CFS had already noticed that there were inadequacies in some of its work and had taken or started various remedial actions, including providing staff with operational manuals and guidelines on work areas where there were no or inadequate guidelines, enhancing training and supervision of staff, and strengthening staff's law enforcement mindset and the keeping of data and records.

4. CFS already put in place a dedicated team in end 2017 to look closely at its operational workflow, enhance its mode of operation through information technology (IT) in import control of foods and food surveillance, revamp its IT systems and develop systems of high efficiency to support the work of its frontline staff more effectively, and strengthen its capability in data management and analysis. These measures will be rolled out in the next few years by phases according to their priorities, with a view to reinforcing CFS' capability in food surveillance, incident management, risk assessment and traceability. The Food and Health Bureau (FHB) will try its best to provide resource support for CFS to assist it to implement the recommendations of the Audit Commission and PAC.

5. Despite the inadequacies in certain aspects of CFS' daily operation, our food safety mechanism is sound and robust, and the food safety in Hong Kong has remained at a high standard.

6. Regarding the observations in the Audit Report on CFS' radiation tests on food imported from Japan, I have to make a few responses in order to allay any misunderstanding or concern of the public.

7. Since the Fukushima incident in 2011, CFS has made use of hand-held survey meters to comprehensively test the radioactivity level of food consignments imported from Japan. Hand-held survey meters are of high sensitivity and reliability and provide immediate readings on radioactivity level. The use of those meters for testing radioactivity is a method recognised by the International Atomic Energy Agency. The meter will discharge a sound to indicate that specific food consignment imported from Japan cannot pass the radiation test, whenever the radioactivity level of that consignment is slightly higher than the natural background radiation in Hong Kong.

8. Food consignments imported from Japan will be detained if they fail the radiation tests conducted by the hand-held survey meters. Samples will be taken from the detained consignments for further laboratory examination under the Contamination Monitoring System (CMS). Samples will also be taken from food consignments that have passed the tests by hand-held survey meters on a risk-based approach for examination under the CMS for additional safeguard.

9. While the guideline levels of radioactive Caesium-134 and Caesium-137 in food prescribed by the Codex Alimentarius Commission (Codex) is 1000 Bacquerel per kilogram (Bq/kg), CFS has adopted an extremely prudent arrangement by setting the alert level of CMS at 15 Bq/kg. Despite the fact that there are inadequacies in the sampling process of food imported from Japan for examination under the CMS, they will not affect the test results of CMS. Food samples with radioactivity levels exceeding the guideline levels will not be misguided as satisfactory.

10. The Order to prohibit the import of certain foods from the five affected prefectures of Japan to Hong Kong came into effect on 24 March 2011. Over the years, CFS has tested over 550 000 samples of food imported from Japan. All food samples have not exceeded the Codex guideline levels.

11. The Audit Report also mentioned our work related to the updating of food safety standards. FHB and CFS have been closely monitoring the developments of Codex and international trend in the regulation of food hazards for timely review of the local food safety standards. FHB and CFS work closely on formulating directions for regulation of various food hazards and setting priorities on relevant legislations and legislative amendments, taking into consideration factors including unforeseeable food safety incidents, local dietary practice, risk assessment results, and views collected from public consultations etc.

12. We have all along spared no effort in regulating food hazards by means of legislation. Over the past decade, we updated the standards for preservatives and antioxidants in food, set new standards for melamine in food, introduced the Nutrition Labelling Scheme for prepackaged food, formulated the Nutritional Composition and Nutrition Labelling Scheme for formula products and food for infants, prohibited the use of Red 2G in food, updated the schedule of permitted sweeteners, enacted the Food Safety Ordinance and the Pesticide Residues in Food Regulation, imposed import control on poultry eggs, and completed the amendments to the Food Adulteration (Metallic Contamination) Regulation in October 2018. We plan to conduct public consultation on proposals to strengthen the regulation of harmful substances in food (including mycotoxins mentioned in the Audit Report) in 2019.

13. I would like to invite DFEH to respond to the key recommendations in the Audit Report on CFS' import control of foods. Thank you, Chairman.

- END -

(Translation)

**Legislative Council Public Accounts Committee**  
**Public Hearing on Chapter 2 of the Director of Audit's Report No. 71**  
**on 7 January 2019**  
**Centre for Food Safety: Import Control of Foods**  
**Opening Remarks by Director of Food and Environmental Hygiene**

Chairman,

The Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department (FEHD) is committed to safeguarding food safety in Hong Kong. I would like to thank the Audit Commission (Audit) for its audit on our food safety work. I agree with the recommendations made in the Director of Audit's Report (the Audit Report). Some of the recommendations have been put into practice and the rest are being actively pursued. I shall now give a concise reply to the recommendations raised in the Audit Report on import control of foods by the CFS.

**Control of Foods Imported by Air, Land and Sea**

2. To ensure the safety of imported foods, the CFS has established procedures for controlling food imports by air, land and sea. It will continue to strengthen staff supervision and training to ensure that officers of food control offices at air, land and sea borders adhere to the operational manuals and guidelines when performing their duties.

**Control of Food Imports by Air**

3. I am aware that the public is particularly concerned whether the CFS will issue import licences for foods imported by air only after all the required supporting documents have been received. My response is as follows:

- (a) Foods imported by air are mainly fresh provisions like chilled meat and poultry meat. Due to the short air freight time to Hong Kong, importers sometimes have difficulties submitting supporting documents (e.g. health certificates) when applying for import licences, as these documents may be shipped together with the consignments. Provided that food safety is not affected, the CFS will consider the circumstances of individual cases and facilitate business operation by allowing importers to present the original

supporting documents for custom clearance at the airport office. To ensure the safety of imported foods, officers at the airport office will examine the import documents of the food consignment concerned and conduct food inspections by adopting a risk-based approach.

- (b) The CFS has enhanced the supervision of these operations and reminded its staff that import licences should, as far as practicable, be issued only after the submission of supporting documents (e.g. copies of health certificates or import permissions). In early January 2019, the CFS issued new guidelines, requiring officers at the airport office to check the original health certificates and supporting documents of food consignments and inspect the consignments in accordance with a risk-based approach before release from the air cargo terminals, so as to ensure the safety of food imports.

4. In taking samples of imported foods, the CFS does not accept pre-selected food samples from importers. According to the operational manual, the operational staff must personally inspect each consignment of the targeted food by taking samples at random and examine the import documents. Taking into account the Audit's observations on individual cases, we have further reminded our staff to strictly comply with the relevant guidelines in checking the import documents of each food consignment and conducting food inspections in accordance with a risk-based approach. The CFS will formulate more detailed guidelines and strengthen supervisory inspections to ensure that its staff fully observe the guidelines when taking enforcement actions.

### **Control of Food Imports by Land**

5. Regarding the control of foods imported by land, the CFS is aware of public concerns about vehicles with food consignments evading the CFS inspection at the Man Kam To Food Control Office (MKTFCO).

6. At present, the freight trade is required to provide specified information on the cargo and driver through the Land Cargo System (ROCARS) at least 30 minutes before the consignment is conveyed by truck across a land boundary control point for adequate risk assessment by the Customs and Excise Department (C&ED). All laden trucks entering or exiting Hong Kong through the land boundary control points have to make electronic declaration through the ROCARS, otherwise it constitutes an offence in law. The CFS is strengthening cooperation with the C&ED. It will take further steps to effectively deal with the problem of vehicles evading food inspections at the MKTFCO. Other measures are also



taken to ensure that vehicles have obtained prior approval from the CFS for carrying chilled food and to collect samples of frozen/chilled meat and poultry at random. The CFS will monitor and review the relevant guidelines so as to achieve the original purposes and meet operational needs.

### **Control of Food Imports by Sea**

7. Regarding the control of foods imported by sea, the Audit suggested that the utilisation rate of the food control checkpoint at the Kwai Chung Customhouse (KCCH checkpoint) should be improved. Owing to intrinsic constraints (e.g. insufficient cold storage facilities for inspection/sampling), our inspection work at the KCCH checkpoint has been limited, resulting in a low usage rate of the checkpoint as compared with inspections conducted at warehouses or cold stores of importers. The CFS is actively considering the setting up of a formal food control office with chilling facilities at the KCCH checkpoint to enhance inspections of targeted food consignments imported by sea.

8. Under the existing practice, when targeted food consignments (including those related to importers with unsatisfactory track records or problem foods, as shown by intelligence) are imported by sea, the CFS will arrange compulsory physical inspections of the original sealed containers at the KCCH checkpoint. However, due to time and resource constraints, it is practically difficult for the CFS staff to witness the act of breaking the seals of containers when inspecting food consignments at warehouses or cold stores of importers. The CFS will sort out the discrepancies between the requirements of the operational manual and the actual inspection practices and consider revising the manual accordingly.

9. An importer may apply for a number of import licences and keep some of them unused so that when the meat consignment covered by a licence is selected for physical inspection, the importer can apply to cancel the import licence and use a spare licence to import the same meat consignment. To deal with the situation, the CFS has implemented an improvement measure by keeping a watch list of cancelled import licences. If a food consignment is not subjected to physical inspection by the CFS due to cancellation of the import licence, the cancelled licence will be put on the list. The same meat consignment imported by the same importer will still be directed by the FEHD for inspection.

10. Taking into account the actual operation of the trade, the CFS allows importers to apply for import licences with photocopies of health certificates, but the original health certificates must be submitted to the CFS for verification before the meat products concerned can be put up for sale. The CFS has taken improvement measures to select additional

import licences to make up for those licences cancelled with consignments not subjected to physical inspection.

## **Conclusion**

11. Our food safety work operates at various levels, all are closely related. The CFS will continue to enhance communication and cooperation with the departments concerned to step up enforcement actions at the import level.

12. Apart from gatekeeping work at the import level, the CFS will continue to take a greater variety of food samples for tests at the wholesale and retail levels under the Food Surveillance Programme and play a monitoring role in different aspects to fully protect local food safety on all fronts.

13. In addition, we will continue to strengthen staff training and supervision to ensure that the information contained in import documents for foods imported by air, land and sea is correctly entered into the Food Import Control System. The CFS is overhauling its information technology system and reviewing the operational procedures by phases, with a view to re-engineering the work process and updating the information technology system for IT-enabled business transformation to meet the operational needs of its units and better safeguard food safety.

14. Thank you, Chairman.

- End -



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來函檔號 Your ref. : CB4/PAC/R71

23 January 2019

Mr Anthony CHU  
Clerk to Public Accounts Committee  
Legislative Council Secretariat  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong  
(Fax: 2543 9197)

Dear Mr Chu,

**LegCo Public Accounts Committee**  
**Consideration of Chapter 2 of the Director of Audit's Report No. 71**  
**Centre for Food Safety: Import Control of Foods**

I refer to your letter dated 8 January 2019, requesting this Department to provide supplementary information on Chapter 2 "Centre for Food Safety: Import Control of Foods" of the Director of Audit's Report No. 71. The relevant information is set out as per attached please.

Yours sincerely,

( Christine CHOW )

for Director of Food and Environmental Hygiene

c.c.:

Secretary for Food and Health  
Controller, Centre for Food Safety  
Secretary for Financial Services and the Treasury  
Director of Audit  
Commissioner of Customs & Excise

**Reply to Letter of 8 January 2019 from  
Legislative Council Public Accounts Committee**

(a)

The statistics on imported live food animals (head) from 2013 to 2017 are as follows:

	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Live food cattle	19 153	18 602	17 911	17 493	17 338
Live food goats	6 472	5 371	4 381	3 396	3 465
Live food pigs	1 575 810	1 624 926	1 583 398	1 439 568	1 455 379
Live chickens	2 301 900	912 300	61 300	32 000	0
Other live poultry*	959 878	327 056	465 305	590 598	76 720
<b>Total</b>	<b>4 863 213</b>	<b>2 888 255</b>	<b>2 132 295</b>	<b>2 083 055</b>	<b>1 552 902</b>

\* This includes pigeons, pheasants, chukars, guinea fowls and silky chickens.

All live food animals and poultry are imported from the Mainland via the Man Kam To Control Point. In recent years, there was a decrease in the number of live food animals imported. It was mainly due to the outbreaks of H7 avian influenza on the Mainland. Out of various commercial considerations, the Mainland poultry farms exporting live food poultry to Hong Kong have reduced their supplies. The import of live chicken has come to a halt since early 2016. The Mainland poultry farms have also ceased to supply other types of live poultry to Hong Kong since mid-February 2017.

(b)

Table 2 in paragraph 1.7 of the Audit Report shows the number of prosecution cases initiated by the Centre for Food Safety (CFS) against contraventions of the Public Health and Municipal Services Ordinance (Cap. 132), its subsidiary legislation and the Food Safety Ordinance (Cap. 612). These cases were not limited to those involving control of imported foods. In comparison with 2015, the number of prosecutions taken out in 2016 increased substantially mainly because a large number of prosecutions were instituted against contraventions of the regulation of poultry egg imports. The amended Imported Game, Meat, Poultry and Eggs Regulations (Cap. 132AK) came into effect on 5 December 2015, under which no one can import poultry eggs into Hong Kong unless they produce a health certificate issued by an issuing entity from the place of origin recognised by the Director of Food and Environmental Hygiene to certify that the eggs are fit for human consumption, and obtain permission in writing from a health officer of the Food and Environmental Hygiene Department (FEHD) after providing relevant information on the import of poultry eggs to the FEHD to facilitate tracking of the actual importation and surveillance on the poultry eggs by the CFS, with a view to protecting food safety and public health.

(c)

Under the Prevention and Control of Disease Ordinance (Cap. 599), local food poisoning cases must be reported to the Department of Health (DH). Suspected food poisoning cases received will be investigated by the Centre for Health Protection of the DH. Established cases occurring in local food premises will then be referred to the CFS for follow-up action. The statistics on food poisoning cases referred to the CFS from 2013 to 2017 are set out in the following table:

<b>Year</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Number of food poisoning cases referred to the FEHD by the DH	285	216	256	201	185
Number of persons affected	991	924	993	1 011	711

(d) (i)

Please refer to reply (b) above.

(d) (ii)

Under the Public Health and Municipal Services Ordinance (Cap. 132) and its subsidiary legislation, the maximum penalty for offences related to food import control is a fine of \$50,000 and six months' imprisonment. The CFS will provide information on the cases brought to prosecution and the court will pass a sentence by considering the circumstances of each case. Taking the Game, Meat, Poultry and Eggs Regulations (Cap 132AK) as an example, from 2015 to 2017, the fines for non-compliance with the restriction on the import of meat, meat products, poultry and eggs under section (4) ranged from \$10 to \$49,000. The case with the minimum fine imposed involved a small amount of pork and eggs. The defendants were each fined \$10. The case involving the maximum fine was related to the import of eggs without applying for import permission. A fine of \$49,000 was imposed on the concerned food importer. Members of the trade were informed by the CFS of the new requirements on egg imports before the new regulation came into effect. The CFS has also informed members of the public about the new requirements through various channels including press release, Facebook, Radio Announcements of Public Interest, posters displayed in MTR train compartments as well as the display of publicity materials at each relevant border control point, etc.

(d) (iii)

In October 2017, the Hong Kong Customs and Excise Department (C&ED) intercepted a truck at Man Kam To and referred it to the FEHD for follow-up action and investigation. There were 204 kg of fresh duck liver, 44.7 kg of fresh pork, 10.1 kg of fresh beef, 53 kg of fresh duck and 14.8 kg of silky chicken on board the truck without health certificates. The FEHD subsequently laid prosecution against the driver and the consignor. Both were sentenced to imprisonment for one month with 12 months' suspension.

(e)

There is a maximum penalty for offences related to food imports under the Public Health and Municipal Services Ordinance (Cap. 132), its subsidiary legislation and the Food Safety Ordinance (Cap. 612). The level of penalty imposed by the court in the majority of cases convicted over the past three years was far lower than the maximum penalty prescribed by these ordinances. This indicates that there is room to impose heavier fines or even imprisonment if the court considers it necessary to do so. Under the judicial system of the HKSAR, the court will make an independent judgement on each case.

The CFS is reviewing the penalties for offences under the food safety legislation and plans to report the findings to the Panel on Food Safety and Environmental Hygiene of the Legislative Council (LegCo) in 2019-20.

(f)

According to the administrative arrangement reached between the CFS and the Mainland authorities, all vehicles carrying fresh produce from the Mainland to Hong Kong must go through the Man Kam To Control Point. The CFS has a food control office set up at Man Kam To to inspect different food consignments (mainly fresh produce and foods of restricted food groups) imported by land. The CFS also has a food control checkpoint at Lok Ma Chau to conduct spot checks on vehicles transporting non-fresh produce to Hong Kong through the control point. The other land border food control offices of the CFS are mainly responsible for handling and investigating suspected cases of travellers bringing in food of restricted food groups illegally as referred by the C&ED.

At present, the Man Kam To Food Control Office and the Lok Ma Chau Food Control Checkpoint provide 23 and 3 parking spaces for food inspections respectively. The CFS does not keep record of the number of vehicles importing foods by land. The food consignments inspected by the Man Kam To Food Control Office and the Lok Ma Chau Food Control Checkpoint recorded by the CFS in 2018 are as follows:

<b>2018</b>	<b>Total number of vehicles inspected</b>	<b>Average number of vehicles inspected per day</b>	<b>Average time of inspection</b>
Man Kam To Food Control Office (excluding live food animals inspected by the Man Kam To Animal Inspection Station)	33 683	92	5 - 20 minutes
Lok Ma Chau Food Control Checkpoint	1 114	3	5 - 10 minutes

(g) & (h)

From 2013-14 to 2017-18, the percentage of CFS's expenditure on import control of foods over its total expenditure remained broadly the same. During this period, the expenditure on import control of foods has increased from \$258 million to \$337 million (a total increase of \$79 million). In 2018-19, the relevant estimated expenditure further increases by \$52 million to \$389 million.

The CFS reviews its staff establishment each year in accordance with actual needs. In the past five years, the overall manpower of the food control offices at air, sea and land borders was relatively stable. The establishment and expenditure of the food control offices are tabulated below.

2013-14 (as at 31 March 2014)

	Manpower				Expenditure (\$ million)		
	Civil servants		Contract Staff	Total Actual Manpower	Total personal emoluments	Other expenditure of the offices [Note 5]	Total Expenditure
	Establishment	Strength					
Food control offices at air, sea and land borders							
Control of foods imported by air	57	55	-	55	18.2	9.8	28.0
Control of foods imported by sea <sup>[Note 1]</sup>	71	68	23	91	27.9	23.0	50.9
Control of foods imported by land <sup>[Note 2]</sup>	125	117	-	117	45.6	18.5	64.1
Sub-Total <sup>[Note 3]</sup>	253	240	23	263	91.7	51.4	143.1
Other expenditure related to import control <sup>[Note 4]</sup>					83.9	31.3	115.2
Total expenditure					175.6	82.7	258.4

## 2014-15 (as at 31 March 2015)

	Manpower				Expenditure (\$ million)		
	Civil servants		Contract Staff	Total Actual Manpower	Total personal emoluments	Other expenditure of the offices [Note 5]	Total Expenditure
	Establishment	Strength					
Food control offices at air, sea and land borders							
Control of foods imported by air	57	54	-	54	19.3	12.3	31.6
Control of foods imported by sea [Note 1]	71	68	20	88	29.2	24.7	53.9
Control of foods imported by land [Note 2]	125	111	-	111	47.0	21.5	68.5
Sub- Total [Note 3]	253	233	20	253	95.5	58.5	154.0
Other expenditure related to import control [Note 4]					89.0	35.0	124.0
Total expenditure					184.5	93.5	278.0

## 2015-16 (as at 31 March 2016)

	Manpower				Expenditure (\$ million)		
	Civil servants		Contract Staff	Total Actual Manpower	Total personal emoluments	Other expenditure of the offices [Note 5]	Total Expenditure
	Establishment	Strength					
Food control offices at air, sea and land borders							
Control of foods imported by air	57	52	2	54	20.9	13.2	34.0
Control of foods imported by sea [Note 1]	71	69	21	90	32.7	25.5	58.2
Control of foods imported by land [Note 2]	125	110	-	110	47.2	21.3	68.4
Sub- Total [Note 3]	253	231	23	254	100.7	60.0	160.6
Other expenditure related to import control [Note 4]					93.7	34.2	127.9
Total expenditure					194.4	94.2	288.6



2016-17 (as at 31 March 2017)

	Manpower				Expenditure (\$ million)		
	Civil servants		Contract Staff	Total Actual Manpower	Total personal emoluments	Other expenditure of the offices [Note 5]	Total Expenditure
	Establishment	Strength					
Food control offices at air, sea and land borders							
Control of foods imported by air	57	53	-	53	22.5	12.9	35.4
Control of foods imported by sea [Note 1]	74	71	14	85	35.6	29.5	65.1
Control of foods imported by land [Note 2]	125	114	-	114	49.6	21.9	71.5
Sub- Total [Note 3]	256	238	14	252	107.8	64.2	172.0
Other expenditure related to import control [Note 4]					94.5	46.7	141.2
Total expenditure					202.3	110.9	313.2

2017-18 (as at 31 March 2018)

	Manpower				Expenditure (\$ million)		
	Civil servants		Contract Staff	Total Actual Manpower	Total personal emoluments	Other expenditure of the offices [Note 5]	Total Expenditure
	Establishment	Strength					
Food control offices at air, sea and land borders							
Control of foods imported by air	58	56	-	56	23.3	16.6	39.9
Control of foods imported by sea [Note 1]	70	66	20	86	32.7	32.0	64.7
Control of foods imported by land [Note 2]	126	116	-	116	52.5	26.3	78.8
Sub- Total [Note 3]	254	238	20	258	108.5	74.9	183.4
Other expenditure related to import control [Note 4]					99.9	54.2	154.1
Total expenditure					208.4	129.1	337.5

For the 2018-19 financial year (up till 1.1.2019), the total actual manpower of the food control offices at air, sea and land borders is 292: a total increase of 34 staff when compared to 2017-18 (as at 31.3.2018). Details are tabulated below:

#### 2018-19

	Manpower (as at 1 January 2019)			
	Civil servants		Contract Staff	Total Actual Manpower
	Establishment	Strength		
Food control offices at air, sea and land borders				
Control of foods imported by air	58	58	-	58
Control of foods imported by sea <sup>[Note 1]</sup>	89	84	24	108
Control of foods imported by land <sup>[Note 2]</sup>	138	126	-	126
Total <sup>[Note 3]</sup>	285	268	24	292

Note 1: Includes relevant staff and expenditure of the Hong Kong and Kowloon Offices, the Radiation Inspection Office and the Waterfront Offices.

Note 2: Includes relevant staff and expenditure of the Frontier Offices and the Import Inspection Unit of the Veterinary Public Health Section.

Note 3: The sum of individual items may not equal to the total owing to rounding.

Note 4: Includes slaughterhouse veterinary drugs tests, ante-mortem inspection and post meat inspection, etc.

Note 5: Includes both recurrent expenditure and capital expenditure.

(i)

As mentioned in replies to parts (g) & (h) above, the CFS reviews its staff establishment each year having regard to actual operation needs. Regarding the food control offices at sea borders, as at 31 March 2018, the actual manpower was 86. As at 1 January 2019, the actual manpower is 108. The increase in manpower is mainly for strengthening control of imported food via sea route and preparation for the commencement of operation of the new control point at West Kowloon Station of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link.

Taking into account the comments in the Audit Report, the CFS will initiate follow-up actions and review the manpower of the food control offices, with a view to ensuring the quality and efficiency of import control work.

(j)

The CFS will review the manpower of the offices every year and make appropriate deployment in accordance with the actual operational needs. For details, please refer to replies to parts (g) to (i) above.

(k)

The management of the CFS holds working meetings regularly with the frontline staff. In response to the recommendations of the Audit Report, the CFS has enhanced communication with the frontline staff and strengthened their supervision. The CFS also from time to time reminds and encourages the frontline staff to reflect problems encountered at work or their views to the senior management as early as possible.

(l)

In formulating operational manuals and guidelines, the CFS will brief the trade and listen to their views on the new measures related to them through consultation forums, letters and the CFS website, etc.

(m)

For staff members suspected of dereliction of duty or violation of discipline, the FEHD will take appropriate follow-up action according to the Civil Service Regulations and the established procedures of the Department. Between 2013 and 2017, there were no relevant cases with respect to food import control at air border. As regards cases mentioned in the Audit Report, the CFS is seriously following up on and investigating the related cases in accordance with the procedures laid down by the Department.

(n)

The CFS reviews its establishment, including that of the Airport Food Inspection Offices (AFIOs), each year according to operational needs. The staffing situation and operation schedules of the AFIOs in the three air cargo terminals are as follows:

	Health Inspector		Clerical Assistant		Workman II		Assistant Clerical Officer
Hong Kong Air Cargo Terminals Limited	0730 - 1530	1	0730 - 1530	1	0730 - 1600	3	0912 - 1800 Monday to Friday
	0800 - 1600	1	0900 - 1700	1	1500 - 2330	2	
	1530 - 2330	2	1530 - 2330	1	2315 - 0745	1	
	2330 - 0730	1	Saturday: 0730 - 1530	1			
			Sunday	0			
Cathay Pacific Cargo Terminal	0730 - 1530	2	0730 - 1530	1	0730 - 1600	2	
	1530 - 2330	2	1530 - 2330	1	1500 - 2330	2	
	2330 - 0730	1	Saturday: 0730 - 1530	1	2315 - 0745	1	
			Sunday	0			
Asia Airfreight Terminal	0730 - 1530	1	0730 - 1530	1	0730 - 1600	1	
	1530 - 2330	1	1530 - 2330	1	1500 - 2330	1	
	2330 - 0730	1	Saturday: 0730 - 1530	1	2315 - 0745	1	
			Sunday	0			

(o)

Starting from 1 December 2017, the CFS has fully adopted the dual-purpose document of the European Union (EU) for use in respect of eligible EU member states (i.e. those EU member states that have already established relevant meat import protocol with Hong Kong). The document can be used either as the Health Certificate or the Export Declaration for importing beef, pork and mutton from eligible EU member states. Under the new arrangement, an eligible EU member state where the animal was slaughtered for export will make use of the document to issue a health certificate in respect of the meat. If the animal was slaughtered by one eligible EU member state and the meat was exported by another eligible member state, the export member state will use the document to issue the export declaration, and the importer has

to obtain written permission from the CFS before importing the consignment into Hong Kong. If the EU member state where the animal was slaughtered or the meat was exported is not an eligible EU member state, the new arrangement and the dual-purpose document will not apply.

Case 1 mentioned in the Audit Report happened shortly after the above new arrangement was put into practice. After the incident, the CFS has strengthened training of its frontline staff regarding the new EU arrangement for meat imports, including explaining to them details of the dual-purpose document applicable to eligible EU member states. The CFS has further reminded the frontline staff to strictly implement the above arrangement. Summing up the experience gained in this incident, the CFS has enhanced the awareness of the new arrangement among the frontline staff through regular working meetings and briefings.

(p)

Foods imported by air are mainly fresh provisions like chilled meat and poultry meat. Due to the short air freight time to Hong Kong, importers sometimes have difficulties submitting supporting documents (e.g. health certificates) when applying for import licences, as these documents may be shipped together with the consignments. Provided that food safety is not compromised, the CFS will consider the circumstances of individual cases and facilitate business operation by allowing importers to present the original supporting documents for custom clearance at the AFIOs. To ensure the safety of imported foods, officers at the AFIOs will examine the import documents of the food consignment concerned and conduct food inspections by adopting a risk-based approach.

In 2018, there were 54 cases in which discretion was granted to release food consignments without original health certificates by Senior Health Inspectors on duty at the AFIOs at the Hong Kong International Airport. In 13 of these cases, the food importers did not supplement the original health certificates to the CFS staff for inspection within the 7-day period. The importers for 12 of these cases have subsequently furnished the original copies of documents. The CFS has issued warnings to the food importers concerned.

There is still one case without furnishing of the original copies of documents. The CFS is seeking legal advice on the relevant case. Prosecution will be instituted if there is sufficient evidence.

At the end of October 2018, the CFS has formulated specified guidelines on granting discretion for release of food consignments without original health certificates from air cargo terminals: Specific conditions (including that the importer involved should have good track records and there should be no adverse records on food safety, such as unsatisfactory samples) should be fulfilled; the staff on duty should physically inspect the consignment; and the case must be endorsed by a Senior Health Inspector.

The CFS updated the guidelines in early January 2019. AFIO officers are required to check the original copies of health certificates and supporting documents of a food consignment and conduct food inspection in accordance with a risk-based approach before releasing the consignment from the air cargo terminal, so as to ensure the safety of food imports. In issuing the new guidelines, the CFS takes the following factors into account:

- Under the Imported Game, Meat, Poultry and Eggs Regulations (Cap. 132 AK), importers are required to provide health certificates issued by the issuing entities of exporting countries/places recognised by the FEHD for the import of meat, poultry and eggs. Foods imported by air are mainly fresh provisions like chilled meat and poultry meat. Due to the short air freight time to Hong Kong, importers sometimes have difficulties submitting supporting documents (e.g. health certificates) when applying for import licences, as these documents may be shipped together with the consignments. Provided that food safety is not affected, the CFS will issue import licences without the submission of health certificates subject to the condition that the concerned importer must provide the original import documents at the time of import of the relevant foods at the AFIOs for processing of the clearance procedures. This is to cater for individual circumstances and to facilitate business operation as far as practicable;
- There were 8 cases in which discretion was granted for the release of food consignments in November 2018 and 4 such cases in December 2018, a very low number among the food consignments requiring the submission of original health certificates or export declarations in the same corresponding periods.

The trade was informed of the above new measures at the AFIOs. Notices were also posted at conspicuous locations of the AFIOs to remind the trade about the new arrangement. The CFS will continue to promote the measures to the trade through relevant channels. The CFS will, in the light of circumstances, put the relevant measures under review as appropriate.

(q)

In taking samples of imported foods, the CFS definitely does not accept pre-selected food samples from importers. This principle applies to all food samples for inspection by the CFS, including Japanese food imports by air or sea. It has all along been laid down in the operational manual of the CFS that food samples are to be taken by the CFS staff at random. The CFS staff on duty will sign and affix a dedicated mark on the packing of the food sample selected. The relevant guidelines were attached to the letter of the Food and Health Bureau (FHB) dated 14 December 2018 to the LegCo Public Accounts Committee (PAC). The operational manual already existed when the Audit conducted site inspections at the AFIOs from May to June 2018.

Taking into account the Audit's observations on individual cases, the CFS introduced supplementary guidelines on the procedures for taking food samples at the AFIOs for tests on 14 November 2018. The supplementary guidelines (attached to the FHB's letter of 14 December 2018 to the LegCo PAC) clearly point out that the operational staff must personally inspect each consignment of targeted food by taking samples from different parts of the consignment at random and examine the import documents. The CFS has further reminded its staff to strictly comply with the relevant guidelines.

Regarding the cases mentioned in the Audit Report, the CFS has taken prompt follow-up actions pursuant to the Civil Service Regulations and the established procedures of the Department. As investigation is in progress, the CFS is not in a position to make further comments.

(r)

In respect of monitoring the Airport Food Inspection Office staff of the CFS in sampling of food imported from Japan for conducting contamination monitoring system test, the supervisory staff previously conducted supervisory inspections every two months in accordance with the operational manual. No record of inspections was kept. Since October 2018, the frequency of supervisory inspections has increased to at least once a week and a formal record kept by the responsible senior supervisory officer is required. In addition, the CFS has provided the operational guidelines for easy reference by frontline staff at all the AFIOs. On top of re-briefing of frontline staff on the operational procedures by Senior Health Inspectors, the CFS will hold briefing sessions on a regular basis.

(s)

After reaching an agreement with the relevant authority of an economy on the import of restricted foods, the CFS will request the authority concerned to submit the original copy and a specimen copy of the health certificate. The CFS will distribute a standard specimen of the health certificate to the food inspection offices at air, land and sea borders and the Food Importer/Distributor Registration and Import Licence Office. The specimen of the health certificate will be saved in an image file for easy access and reference by duty officers.

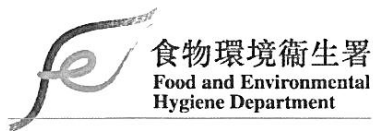
Supervisors will provide newly appointed Health Inspectors with training on the workflow involved and the specimens of the health certificates, and brief them on the methods to verify the relevant information. In case there is any doubt about the authenticity of the original health certificate and/or the corresponding food consignment, the frontline staff will make a report to their supervisors. Upon examination of the case, the supervisors on duty will make verification as deemed necessary with the authority of the exporting end through the relevant section of the CFS.

(t)

Direct government-to-government data transfer would enable the CFS to receive data on health certificates issued by the authority in the exporting place in the first instance. As the collection of data does not involve a third party, it can ensure that the data collected are intact, accurate and reliable. The data collected can be used for various food import control measures, including the processing of import licence applications for meat and poultry.

Currently, there are arrangements in place for the CFS to receive electronic data on health certificates transferred from the relevant authorities of Australia, New Zealand and the Netherlands. The CFS is actively approaching other authorities, including the Mainland, the USA and Brazil, to explore the feasibility of data transfer for an electronic health certificate. The actual progress of negotiation and the implementation of the arrangement would depend on the readiness of the issuing entity as well as the time required for both ends in revamping their information technology systems.

-End-



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來函檔號 Your ref. : CB4/PAC/R71

31 January 2019

Mr Anthony CHU  
Clerk to Public Accounts Committee  
Legislative Council Secretariat  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong

Dear Mr Chu,

**LegCo Public Accounts Committee**  
**Consideration of Chapter 2 of the Director of Audit's Report No. 71**  
**Centre for Food Safety: Import Control of Foods**

I refer to your letter dated 15 January 2019, requesting this Department to provide supplementary information on Chapter 2 "Centre for Food Safety: Import Control of Foods" of the Director of Audit's Report No. 71. We issued an interim reply to you on 24 January 2019.

The relevant information is now enclosed for reference please.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Christine Chow'.

( Christine CHOW )

for Director of Food and Environmental Hygiene

c.c.:

Secretary for Food and Health  
Secretary for Financial Services and the Treasury  
Director of Audit



**Reply to letter of 15 January 2019 from  
Legislative Council Public Accounts Committee**

(a), (b) and (c)

As mentioned in the reply of the Food and Environmental Hygiene Department (FEHD) dated 23 January 2019 to question (p) in the letter of the Legislative Council (LegCo) Public Accounts Committee (PAC) of 8 January 2019, foods imported by air are mainly fresh provisions like chilled meat and poultry meat. Due to their short air freight time to Hong Kong, importers sometimes have difficulties submitting supporting documents (e.g. health certificates) when applying for import licences, as these documents may be shipped together with the consignments. Provided that food safety is not compromised, the Centre for Food Safety (CFS) will take the actual situation into account and facilitate business operation by allowing importers to present the original supporting documents during clearance at the Airport Food Inspection Offices (AFIOs). To ensure the safety of imported foods, officers at the AFIOs will examine the import documents of the food consignment concerned and conduct food inspection by adopting a risk-based approach.

At the end of October 2018, the CFS formulated these specific guidelines on granting discretion for release of food consignments from air cargo terminals without original health certificates: Specific conditions (including that the importer involved should have good track records and there should be no adverse records on food safety, such as unsatisfactory samples) should be fulfilled; the staff on duty should physically inspect the consignment; and the case must be endorsed by a Senior Health Inspector.

After the implementation of the guidelines, there were 2 191 cases in November and December 2018 in which importers were required to present the original health certificates and supporting documents for clearance at the AFIOs. Out of these cases, only 12 cases satisfied the specific conditions and were granted discretion for release of food consignments by the Senior Health Inspector on duty. It can be seen that in actual operation, the number of cases granted discretion only accounted for a small number of cases requiring the submission of original health certificates or supporting documents in the same period.

After a review, the CFS updated the guidelines in early January 2019. The AFIO officers are advised to check the original health certificates and supporting documents of a food consignment and conduct food inspection in accordance with the risk-based principle before releasing the consignment from the air cargo terminal, so as to ensure the safety of food imports.

In issuing the updated guidelines, the CFS mainly takes into account the requirements of the Imported Game, Meat, Poultry and Eggs Regulations (Cap. 132 AK), under which importers are required to provide health certificates issued by the issuing entities of exporting countries/places recognised by the FEHD for the import of meat, poultry and eggs. Provided that food safety is not affected, the CFS allows importers to present the original health certificates and the relevant import documents at the AFIOs when the relevant consignments are imported into Hong Kong by air. In doing so, the CFS has catered for actual operation of the trade to facilitate business operation as far as practicable. In light of the present situation, the new guidelines can strike a balance between ensuring food safety

and business facilitation. The FEHD will keep in view the actual operational situation and enhance the system as deemed necessary.

The trade was informed of the updated measures. Notices were also posted at conspicuous locations of the AFIOs to remind the trade about the new arrangement. The new measures have been [in smooth operation] since implementation in early January 2019.

(d)

The CFS is comprehensively reviewing the present sampling work, including assessing the usual quantity of each consignment of imported foods at various border control points. Reference is made to similar practices in other economies and the relevant guidelines of the Codex Alimentarius Commission (Codex) are studied, with a view to formulating operational guidelines on the appropriate number of samples to be taken each time during physical inspection of imported foods at border control points and putting in place improvement measures for sampling. The drafting of the operational guidelines is expected to complete in the first quarter of 2019. The CFS will further consult the sections concerned on the actual operation of the guidelines and enhance communication with and supervision of the frontline staff to ensure their compliance with the sampling requirements set out in the new guidelines.

(e)

The AFIOs staff of the CFS conduct physical inspections of imported foods. The time required for inspection of each food consignment is usually about 15 minutes (not including the time taken for radiation testing and sampling).

(f)(i)

The operational procedures of a hand-held survey meter :

- Switch on the hand-held survey meter;
- Scan the imported Japanese food;
- If the radiation level reaches 0.4 microsievert or above per hour, the CFS staff have to take food samples for testing under the Contamination Monitoring System (CMS).

The operational procedures of the CMS:

- Commminute the edible portion of food in a blender;
- Put the sample into a Marinelli beaker for the CMS test;
- Enter the relevant information (including the sample weight and sample identification mark, etc.) into the computer system. If the radiation level exceeds 15 Bq/kg, the sample will be sent to the Government Laboratory (GL) for a more detailed analysis.

In paragraph 2.24(a) of Chapter 2 of the Audit Report, reference is made to the guidebook “Measurement of Radionuclides in Food and the Environment” issued by the International Atomic Energy Agency. It is mentioned that for some foods like fish, it is easy to remove bones after heating the food at 150°C for an hour. Based on the past experience of the Food Chemistry Section of CFS, the edible portion of a food sample (including fish) can be extracted for testing using the appropriate tools (e.g. a small knife). The extraction method mentioned in the guidebook is for general reference only.

(f)(ii) and (iii)

After the Fukushima Nuclear Incident in 2011, the CFS has been using hand-held survey meters in conducting comprehensive surveillance on the radiation levels of Japanese food imports. The hand-held survey meter is recognised by the International Atomic Energy Agency as a means and device for obtaining instant readings of radiation tests. It is highly sensitive and reliable. If a consignment of imported Japanese foods cannot pass the radiation test of a hand-held survey meter, the CFS will detain the consignment and collect more samples for CMS testing. For consignments that have passed the radiation test of a hand-held survey meter, the CFS will still adopt a risk-based approach to take some samples for the CMS test as an extra and supplementary measure to ensure food safety.

The CFS takes samples from food consignments that have passed the radiation test of a hand-held survey meter for CMS testing in accordance with a risk-based principle. The factors of consideration include the surveillance results of the Japanese authorities, the previous local surveillance results and risk assessments for specific types of food. For instance, as the radiation level of milk, milk beverages and dried milk will pose a higher risk to the consumer group “infants and young children”, the CFS will take a higher percentage of samples from such consignments for the CMS test. As a further example, following conditional lifting of import restriction of vegetables, fruits, milk, milk beverages and dried milk from the four Japanese prefectures Ibaraki, Tochigi, Chiba and Gunma starting from 24 July 2018, the CFS has been taking a higher percentage of samples from the above foods imported from these Japanese prefectures for CMS testing.

(f)(iv)

The number of samples taken from imported Japanese foods for radiation testing by the CFS in the past three years is as follows:

Year	Number of samples tested by hand-held survey meters	Number of samples tested under the CMS
2016	60 856	24 463
2017	68 666	29 056
2018	78 706	30 932
Total	208 228	84 451

In the past three years, no sample exceeded the detection level of hand-held survey meter of 0.4 microsievert per hour that required further CMS testing.

(f)(v) and (vi)

The CFS takes the Codex’s guideline levels for radionuclides in food as the standard for testing the radiation levels of food (1000 Bq/kg for radiocaesium Cs-134 and Cs-137 (combined)). In view of public concerns about radiation contamination, the CFS has been adopting a relatively stringent level by setting the detection level of 15 Bq/kg as the alarm level of the CMS. When the radiation reading of a food sample exceeds this level, the CFS will send the sample to the GL for more detailed analysis of specific radionuclides.

From 1 January 2016 to 31 December 2018, CMS tests were conducted on 84 451 samples. None of them exceeded the Codex’s guideline levels. Among these samples, seven were

detected with a minute amount of radiocaesium Cs-134 and Cs-137 (between 19 Bq/kg and 74 Bq/kg). The details are as follows:

Year	Number of samples with a minute amount of radiocaesium Cs-134 and Cs-137 (combined) detected by the CMS	Number of samples with test results exceeding the Codex's guidelines level of 1000 Bq/kg for radiocaesium Cs-134 and Cs-137 (combined) detected by the CMS
2016	5 (between 24 Bq/kg and 74 Bq/kg)	0
2017	0	0
2018	2 (between 19 Bq/kg and 22 Bq/kg)	0
Total	7 (between 19 Bq/kg and 74 Bq/kg)	0

Regarding the seven samples detected with low levels of radioactivity, the CFS had immediately notified the traders concerned of the test results. After learning about the results, the traders were willing to discontinue the sale of the relevant food products and remove them from the shelf, return the products to the country of origin, or surrender them for disposal. The test results and details of the samples were also posted on the CFS website under "Situation Update of Radiation Tests on Food Imported from Japan" and brought to public attention with the issue of a press release.

The CFS will review the alarm level at appropriate times to strike a balance among food safety, the workload of radiation testing and facilitation of business.

(g)(i) and (ii)

In conducting the CMS test, the inedible portion of the food sample should be removed as far as practicable. The CFS staff should do the same whenever possible. Starting from October 2018, the operational guidelines for CMS are made available to all the AFIOs for easy reference by the frontline staff. To assist frontline officers in fully understanding the CMS operational procedures for testing of food samples, briefings and regular supervisory inspections by Senior Health Inspectors and on-site demonstrations by Chemical Analyst from the Food Chemistry Section are arranged. The relevant information is also uploaded to the Intranet for reference by all staff. The CFS will hold regular briefing sessions and produce videos on the CMS operational procedures for reference of relevant staff as learning materials.

Although there is still room for improvement in the procedures for taking samples from imported Japanese foods for CMS testing, it has little effect on the test results. It should not happen that food samples with excessive radiation levels will return a satisfactory test result.

(h) and (i)

Japanese foods are mainly imported by air and sea. At the import level, all food consignments from Japan, whether by air or sea, will have to go through measurement of radiation contamination with a hand-held survey meter by the CFS staff. If a consignment of imported Japanese foods cannot pass the radiation test of a hand-held survey meter, it will be detained and more samples will be taken for the CMS test. For consignments that have passed the radiation test of a hand-held survey meter, the CFS will still adopt a risk-based approach to take samples from some of these consignments for CMS testing as an extra and supplementary measure to ensure food safety.

For Japanese foods imported by air, the above screening procedures are carried out at the AFIOs. A food consignment will be released from the air cargo terminal if a satisfactory result is obtained by hand-held survey meter testing and samples have been taken for the CMS test (if applicable). As for Japanese foods imported by sea, testing with a hand-held survey meter and sample collection are generally conducted in the warehouse of the importer concerned. The collected samples will be dispatched to the CFS's Radiation Monitoring Team for the CMS test. If the test result is satisfactory, the CFS will issue a release letter to the importer to allow release of the relevant food consignment.

Starting from end September 2018, the AFIOs launched the new measures. Before a food consignment tested with satisfactory results with a hand-held survey meter and sampled for CMS testing is released from the air cargo terminal, the CFS will inform the importer concerned in writing to refrain from selling the relevant food products. The food consignment can only be sold in the market when a release letter is received from the CFS. The AFIOs staff will issue a release letter in respect of a food consignment if the radiation test result is satisfactory. We believe that the concerned measures can strike a reasonable balance between ensuring food safety and business facilitation.

Since the commencement of the Food Safety Order prohibiting the import of certain food products from five Japanese prefectures on 24 March 2011, the CFS has tested over 550 000 samples of imported Japanese food products. So far no sample has been tested with radiation levels exceeding the Codex guideline levels.

The CFS has food recall procedures and guidelines in place for food incidents. In the past three years, no Japanese food imports by air or sea have to be recalled due to samples tested with radiation levels exceeding the Codex's guideline levels. Regarding the seven samples detected with low radiation levels mentioned in replies (f)(v) and (vi), after learning about the test results, the traders were willing to discontinue the sale of the relevant food products and remove them from the shelf, return the products to the country of origin, or surrender them for disposal.

(j) and (k)

In paragraph 2.87 of the Audit Report, concern is raised over whether the CFS has full information on Japanese food products imported by sea. As mentioned in the reply of the Hong Kong Customs and Excise Department (C&ED) dated 23 January 2019 to the LegCo PAC, to facilitate the CFS in conducting radiation tests on food products imported from Japan, the C&ED will provide with information on all seaborne food products imported from Japan to the CFS in advance. Under the notification mechanism, the C&ED will screen the e-manifests submitted under the EMAN I for food products imported from Japan. Although the EMAN I is a voluntary scheme, the submission rate has already reached 85%. In other words, it covers 85% of the information on cargoes imported from Japan.

In addition, the C&ED will request non-EMAN I cargo carriers to submit pre-arrival paper manifests (i.e. the remaining 15% of information on cargoes imported from Japan) for screening information of goods reported to be food products. The information will be passed to the CFS together with the information from the EMAN I.

Through the notification mechanism, the C&ED provides the CFS with information on all seaborne food products imported from Japan.

We expect that with the implementation of Phase 3 of the “Trade Single Window” (TSW) in the future, cargo information can be submitted through the TSW platform in advance. The CFS will develop an information system to link up with the TSW for gathering cargo information in conducting risk assessment on food imports.

(l)

Some importers take the initiative to send their food consignments to the Man Kam To Food Control Office (MKTFCO) for inspection when importing non-regulated foods by land. As we understand it, their purpose was for the CFS to affix a seal of inspection on their consignments. In 2018, about 3 400 food consignments of this nature were inspected at the MKTFCO, an average of about 280 consignments per month. On the whole, this kind of workload was at a level acceptable to the MKTFCO.

(m) and (q)

All vegetables entering Hong Kong by land are imported from the Man Kam To Control Point. After customs clearance, vehicles carrying vegetables will be directed to the MKTFCO for verification of import documents and sample collection by the CFS in accordance with a risk-based principle. In the past five years, all vegetable vehicles inspected at the MKTFCO came from Mainland registered vegetable farms and their production and processing establishments.

Following the commencement of the Pesticide Residues in Food Regulation (Cap. 132CM) in August 2014, the CFS started conducting joint operations with the C&ED in late August 2014 to enhance inspection of vehicles carrying vegetables to Hong Kong through Man Kam To.

Under the joint operation mechanism of the CFS and the C&ED, the C&ED will intercept vehicles carrying vegetables to Hong Kong at the Man Kam To Control Point to combat smuggling activities under the camouflage of a vegetable vehicle. After inspection, these vehicles will be directed to the MKTFCO for inspection of vegetables by the CFS. For risk management, the C&ED will also identify box-type lorries carrying vegetables for inspection by the FEHD. In addition, the C&ED will intercept targeted vegetable vehicles based on the information provided by the CFS and refer them to the CFS for inspection.

The Hong Kong Police has been stepping up cooperation with the CFS in conducting joint operations against illegal immigrants on a regular basis since September 2014. During these operations, the Police will identify vegetable vehicles based on their appearance and direct them to the MKTFCO for inspection by the CFS. The frequency of joint operations is determined by factors such as staffing arrangements and the operational priorities of each department.

Taking the recommendations of the Audit Report into account and after discussion with the C&ED, the CFS has started to extend the scope of joint operations to inspection of vehicles carrying regulated foods (e.g. eggs, meat, etc.). The CFS is also discussing with the Police on the feasibility of further strengthening cooperation with each other.

(n)(i) and (o)

The CFS has followed up on the 11 cases concerning vehicles carrying chilled poultry meat and bypassing the MKTFCO. Regarding the nine vehicles mentioned in the Audit Report that have on at least one occasion evaded inspection at the MKTFCO, the CFS had issued warning letters to the importers concerned in respect of two vehicles and put their names on the watch list. As for the other seven vehicles, actually they had not evaded the MKTFCO inspection. It was due to the mistakes of the CFS staff in entering the information of their registration numbers that discrepancies occurred upon checking of these records by Audit.

Regarding the wrong entry of information by hand, the CFS has improved the existing system apart from additional briefings for the staff. The system will now give a warning signal when the vehicle registration number entered is different from that of the vehicle approved for carrying chilled poultry meat by the CFS. Starting from July 2018, the CFS randomly selects 5% of the inspection record for verification on a daily basis. The above improvement and monitoring measures were found to be functioning well. So far, no record has to be corrected.

For the two vehicles mentioned in the Audit Report as carrying chilled poultry meat according to the Road Cargo System (ROCARS) records but having evaded inspection at the MKTFCO, the CFS is actively following up the relevant investigation work.

(n)(ii), n(iii), n(iv), n (vi), n(vii) & (p)

The CFS obtains the relevant ROCARS information from the C&ED on a regular basis to collect data, draw a reference for comparison with the FEHD's records on regulated foods, and follow up on cases found to be inconsistent with the information provided, including referring the registration numbers of vehicles suspected of evading the MKTFCO inspection to the C&ED to facilitate interception of these vehicles. This arrangement complies with the relevant legislation and is effective in enhancing the identification of and curbs on vehicles evading the CFS inspection with regulated foods on board.

The CFS and the C&ED are considering increasing the frequency of transference of the ROCARS records from once every two weeks to once weekly to step up inspection and enforcement. The CFS is also exploring ways to facilitate retrieval of the relevant information to enhance identification of suspected vehicles.

The CFS has also studied other options to curb vehicles evading inspection at the MKTFCO with regulated foods on board. As mentioned in reply (m) above, after discussion with the C&ED, the FEHD has extended the scope of joint operations on inspection of vegetable vehicles to vehicles carrying regulated foods like eggs and meat. The CFS is also discussing with the Police on the feasibility of further strengthening cooperation with each other.

A closed circuit television system (CCTV) was installed at the passing lanes of the Man Kam To Control Point at the end of 2017 to strengthen control on imported foods. The CFS will review the overall staffing arrangement, with a view to stepping up efforts to combat vehicles evading inspection with regulated foods on board and the follow-up work.

(n)(v)

From 2015 to 2017, the CFS instituted 33 prosecutions under section 68 of the Public Health and Municipal Services Ordinance (Cap. 132) against drivers who did not stop their vehicles for inspection by the CFS as requested. The offenders all pleaded guilty and were fined from \$600 to \$2,000. In the same period, the CFS took out 10 prosecutions under section 4 of the Imported Game, Meat, Poultry and Eggs Regulations (Cap. 132 AK) against contravention of the restrictions on imported meat, meat products, poultry and eggs. The cases were all convicted, six with the imposition of a fine ranging from \$220 to \$1,630, two with a jail term of one month, suspended for 12 months. In the two remaining cases, the offenders were sentenced to community service of 200 hours and 90 hours respectively.

As mentioned in the reply of the FEHD dated 23 January 2019 to question (e) in the letter of the LegCo PAC of 8 January 2019, the CFS is reviewing the penalties for offences under the food safety legislation and plans to report the findings to the LegCo Panel on Food Safety and Environmental Hygiene in 2019-20.

(r)

Regarding Case 3 in the Audit's Report, a consignment of 432 cartons of frozen beef patties was imported from the Mainland by an importer through the Mam Kam To Control Point on 26 January 2018. The consignment was inspected by the Health Inspector on duty at the MKTFCO, who considered that the meat products had been subjected to a process of preservation. The Health Inspector had also contacted the importer by phone through the driver and confirmed that the beef patties had been subjected to preservation and microwave processing. After checking the import declaration, the manifest and the health certificate of the consignment, it was considered that no import licence was required and the consignment was released.

In response to Audit's enquiry on the MKTFCO in May 2018, the CFS issued an email to the importer concerned on 14 May 2018 requesting for further information. In the email reply, the importer further confirmed that the consignment of frozen beef patties had been subjected to a process of preservation. The CFS also made an enquiry to the relevant authority of the export country and received a reply confirming that the above information was correct.

As a usual practice, the frontline staff will release a food consignment after physical examination without keeping a record if no import licence is required. In respect of this, the CFS has adopted improvement measures by issuing guidelines and a checklist on physical inspection to frontline officers. The existing system is also improved to remind frontline officers to check the relevant documents and keep a record of any irregularities spotted

Regarding the definition of "frozen" in the Imported Game, Meat, Poultry and Eggs Regulations (Cap. 132AK), the CFS is further consulting the Department of Justice (DoJ) on the relevant legal advice.

(s)

Vehicles transporting frozen poultry and departing from other provinces usually have to unload their consignments upon arrival in Shenzhen. The consignments will then be reloaded onto cross-boundary vehicles for conveyance to Hong Kong. The arrangement of marking seal



numbers on the health certificates may not be applicable to the consignments concerned. In handling these frozen poultry consignments, the CFS staff will check the place of origin shown on the packing of the frozen poultry, and also verify the health certificate, the import licence, the Mainland manifest and the import declaration before releasing the consignments. In response to Audit's observations, the CFS has taken improvement measures, including updating the guidelines, preparing a physical inspection checklist and reminding frontline officers to keep a record and, where necessary, clarify issues with the Mainland authorities on the spot if any irregularities were found during verification of documents as well as to enhance supervision of the frontline staff and on-the-spot guidance.

(t)

The transport arrangements for conveying foods to Hong Kong are under the purview of the authority of the place of export. The CFS has been working closely with the General Administration of Customs of the Mainland on matters relating to food imports to Hong Kong. It also maintains communication with the contact persons of the relevant local custom authorities by emails and phone. Regarding the lack of seal numbers on the health certificates of frozen poultry, the CFS has communicated with the Mainland authorities and the situation has improved. So far in 2019, three consignments of frozen poultry have been imported from other provinces, all with seal numbers on the health certificates and the vehicles concerned and no irregularities were found. The CFS will continue to maintain close liaison with the Mainland customs authorities.

(u)



The information concerns the enforcement details of the Department which are not suitable for public disclosure, or else the enforcement work may be affected in the future.

(v)

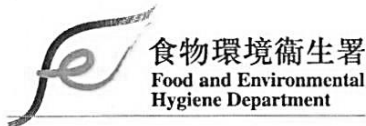


The information concerns the enforcement details of the Department which are not suitable for public disclosure, or else the enforcement work may be affected in the future.

(w)

We will keep the guidelines and the workflow of imported food control under review and enhance the existing information systems. In the course of work, we will continue to closely collaborate with the relevant government departments and other food control authorities.

- ENDS -



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8 April 2019

Mr Anthony CHU  
Clerk to Public Accounts Committee  
Legislative Council Secretariat  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong

Dear Mr Chu,

**LegCo Public Accounts Committee**  
**Consideration of Chapter 2 of the Director of Audit's Report No. 71**  
**Centre for Food Safety: Import Control of Foods**

I refer to your letters dated 8 March and 1 April 2019, requesting this Department to provide supplementary information on Chapter 2 "Centre for Food Safety: Import Control of Foods" of the Director of Audit's Report No. 71. The relevant information is now enclosed for reference please.

Yours sincerely,

A handwritten signature in black ink that reads 'Christine Chow'.

( Christine CHOW )

for Director of Food and Environmental Hygiene

c.c.:

Secretary for Food and Health  
Secretary for Financial Services and the Treasury  
Director of Audit

**Reply to letter of 8 March 2019 from  
Legislative Council Public Accounts Committee**

(a)(i)

Regarding the 315 import licences without the submission of original health certificates mentioned in paragraph 2.100 of the Audit Report, there were 281 and 34 import licences in 2016 and 2017 respectively. For the 281 import licences in 2016, officers of the Food Importer/Distributor Registration and Import Licensing Office (FIRLO) of the Centre for Food Safety (CFS) returned the original certificates to importers after checking them and signing their import licences, but did not keep a proper checking record of original health certificates before mid-June 2016. As a result, the Audit Commission (Audit), having regard to the available information, considered that all 281 import licences in 2016 were without the submission of original health certificates. This was not completely true. The CFS has gradually improved the situation from July 2016 onwards. Starting from January 2017, the CFS saves records of import licences with original health certificates checked to the computer system. As for the 34 import licences in 2017 mentioned in the Audit Report, the original health certificates were all checked and proved satisfactory, with records entered into the computer system accordingly.

(a)(ii)-(iii)

It is mentioned that in Case 6, an importer did not submit the original health certificate within 42 days after the issuance of an import licence in 2017. Audit considered that after the issuance of first warning letter of July 2017, the CFS should have issued a second warning letter to the importer in August 2017 rather than reissuing the first warning letter. However, the first warning letter was reissued because according to the dispatch record of Hong Kong Post, the letter sent to the importer in July 2017 was undelivered and returned. As a result, the CFS reissued the first warning letter in August, followed by a second warning letter in September 2017. The CFS staff subsequently visited the importer's office and found that the business there was changed and no longer related to food importation. The CFS has also confirmed that the importer has not applied for an import licence since December 2017.

(a)(iv)-(v)

The control points of sea, air and land routes operate differently. An importer who obtains an import licence by submitting a duplicate copy of health certificate must produce the original health certificate in respect of the consignment imported by air or land for inspection

by the CFS at the relevant control point. Hence, there is no similar situation in respect of food consignments imported via air or land.

Regarding control of food imports by sea, the CFS has strengthened staff supervision and sought to increase its manpower since January 2017. If an importer does not produce the original health certificate to the CFS within 42 days after the issuance of an import licence, the CFS will take follow-up action, including issuing a reminder and/or a warning letter to the importer in accordance with the operational manual. As mentioned in paragraph 2.101 of the Audit Report, since June 2018, the CFS has stepped up efforts to follow up on delays in submitting original health certificates by importers. The CFS is now reviewing the workflow of issuing import licences for import of foods coming under regulation by sea.

(b)(i)-(ii)

The inspection of imported live aquatic food products by the CFS at the Man Kam To Animal Inspection Station (MKTAIS) is as follows:

1. Collect and check the original copy of animal health certificate issued by the General Administration of Customs of the People's Republic of China (GACC) (a copy of animal health certificate, with information of individual person(s) or organisation(s) covered, is attached at **Annex 1**);
2. Check whether the farm code on the original animal health certificate is identical with the information on the list of registered farms for aquatic food animals approved by the GACC;
3. Collect the Food Import Declaration Form voluntarily filled out by the driver (a copy of the form is attached at **Annex 2**);
4. Check whether the seal number of the conveying vehicle is identical with the reference number on the original animal health certificate before opening the seal;
5. Physical inspection of live aquatic products;
6. Release the consignment of live aquatic products; and
7. Data management:
  - i. Scan the animal health certificate and the Food Import Declaration Form and keep the original and scan copies of the two documents in file; and
  - ii. Enter the information on the animal health certificate and the importer and exporter information provided by the driver on the Food Import Declaration Form into the relevant computer systems.

(b)(iii)-(vi) and (e)

It is technically not feasible to ascertain the net weight of live aquatic product consignments during import inspection. For this reason, CFS makes reference to the import quantity on the animal health certificate and enters it into computer system for record purposes. The quantity of a consignment put down by the driver on the Food Import Declaration Form is merely an estimate. Previously, the CFS's operational guidelines did not require officers to clarify with the driver the weight of live fish declared by the driver on a voluntary basis.

In response to Audit's recommendation, the CFS has updated the operational guidelines to require the frontline staff to make clarifications with the driver if the import quantity on the Food Import Declaration Form is greater than that listed on the animal health certificate.

Generally speaking, a driver will have filled out the Food Import Declaration Form upon arrival at the MKTAIS. If the driver is unable to produce the form for inspection, the CFS officers will provide a Food Import Declaration Form for him to fill out on the spot. The information voluntarily given by the driver in the Food Import Declaration Form mainly serves as additional information for tracing the food source rather than verifying the information on the animal health certificate during import inspection.

The CFS is reviewing the Food Import Declaration Form. The revision of the form is expected to be completed in 2019. The form is now only for use by drivers conveying imported food by land. The CFS has no plan to require drivers conveying live aquatic products imported by air or sea to fill out the form for the time being.

(c)

The CFS adopts a risk-based principle in collecting samples of live aquatic products at different levels for testing. As the water for keeping imported live aquatic products during conveyance is for temporary use and generally not used for cooking or consumption, it is not covered by the Food Surveillance Programme of the CFS.

(d)

In 2016, 2017 and 2018, the CFS conducted 5, 7 and 13 inspections to registered Mainland farms supplying live aquatic food products to Hong Kong respectively. The major items of inspection included the geographical location and environment of the farm, the use of veterinary drugs and control on feed, the control of water quality in aquaculture, the sources

of aquatic fingerlings and their control, traceability of records of production and the routine hygienic control practices of a farm.

(f)

The CFS can obtain information about importers or consignees of food livestock and live aquatic products from the animal health certificates issued by the Mainland authorities and the permits for imported food livestock granted by the Agriculture, Fisheries and Conservation Department. Generally speaking, where it is deemed necessary to contact the local importer or the consignee and neither of them can be reached, the CFS will detain the relevant consignment until the parties concerned are reached and the results are proved satisfactory.

(g)

In the past three years, there were 11 cases involving detention of food consignments by the CFS, including 1 case without the provision of a valid animal health certificate, 3 cases requiring immediate clarification of animal health certificates, 4 cases where the seal number did not tally with that listed on the animal health certificate, and 3 cases where the conditions of registered farms remained uncertain.

(h)

Food live animals imported to Hong Kong will be inspected by the authorities of the place of origin before they are delivered from the farm. After completion of inspection/quarantine, an animal health certificate will be issued in respect of the consignment of food animals concerned. The consignment will be loaded onto a conveying vehicle, with an official seal attached to the vehicle, under the supervision of the authorities. The food livestock have to be transferred in the Mainland. At the transfer house, the seal affixed by the authorities of the place of origin will be removed by the Mainland authorities for conducting export inspections/quarantine checks prior to the export of the consignment. An official seal will be reaffixed under the supervision of the Mainland authorities afterwards.

The CFS officers conduct import inspection on vehicles carrying food livestock to Hong Kong at the MKTAIS, including checking the intactness of the seal and verifying whether the seal number tallies with that listed on the animal health certificate. After satisfactory completion of import inspection, the CFS staff will break the official seal affixed by the

Mainland authorities, attach a CFS seal to the conveying vehicle and issue a movement permit to the driver to release the consignment.

(i) & (j)

In the past three years, there were about 114 000 consignments of food livestock imported from the Mainland. In each of these years, the quantity of Mainland imported food livestock admitted to slaughterhouses was less than the total quantity declared on the animal health certificates. Regarding the case of May 2018 mentioned in Case 9, the CFS has followed up on this issue with the Mainland authorities. It is learnt that livestock will be regrouped for dispatch by vehicles to Hong Kong after completion of inspection/quarantine by the Mainland authorities at the transfer house. Given the large number of livestock and the tight transportation schedule, it is likely that certain consignments of livestock will not be regrouped in the exact quantity for dispatch by vehicles.

In response to Audit's recommendation, the CFS has put in place improvement measures since September 2018. The Slaughterhouse (Veterinary) Section of the CFS will ascertain the quantity of livestock in a consignment admitted to the slaughterhouse with the slaughterhouse operator, and check whether there are discrepancies between the admitted quantity and the quantity shown on the movement permit issued to the driver by the Veterinary Public Health Section (VPHS) at the MKTAIS. In case the admitted quantity is greater than that shown on the movement permit, the MKTAIS of the VPHS will be informed of the discrepancies. The VPHS will then clarify the discrepancies with the Mainland authorities. Since the implementation of Audit's recommendations, no discrepancy has been found.

(k)

As mentioned in paragraph 4.5 of the Audit Report, active food importers/distributors refer to food traders who have registered with the Department and whose registration is still valid. As at 31 December 2018, there were 11 994 food importers/distributors with valid registration in the register. From 2013 to 2017, the computer system of the Department only kept the cumulative number of registered food traders. There was no breakdown on the number of food traders with valid registration at the end of each year.

(l)

The Food Safety Ordinance (FSO) (Cap. 612) came into operation in 2011 after scrutiny by the Legislative Council. Since then, the CFS has sought through different channels to



convey and explain the content of the FSO to the trade, the other stakeholders and the public, including setting up a dedicated webpage on the FSO on the CFS website, publishing a pamphlet and a guideline on the FSO, communicating with the trade via consultation forums and sending officers to attend talks on the registration scheme for food traders and the related record keeping requirements each year during the Food Expo organised by the Hong Kong Trade Development Council to explain the FSO and answer enquiries.

On law enforcement, in conducting inspections on food retailers, the CFS will check their suppliers to find out whether they have registered as food distributors/importers. Starting from March 2019, apart from conducting inspections on registered food importers/distributors and exempted food traders engaging in food importation/distribution business, the CFS also randomly inspects the premises of exempted food traders who claim that they do not carry on any food importation/distribution business and the premises of licensees/permittees who do not reply to the Department. The Department will continue to enhance inspections and enforcement actions in the light of the available information.

(m)

Under section 4 of the FSO, a person must not carry on a food importation business unless the person is registered as a food importer in respect of that business. The FSO also requires food importers to provide their business registration information in a specified form, which shall be signed by an authorised person of the company and submitted along with the relevant supporting documents (e.g. a duplicate copy of business registration document) for verification by the Department. In inspecting imported food consignments, the CFS officers will also verify whether the food importers are registered or exempted food importers under the FSO. The CFS will take appropriate follow-up action in case of doubt.

(n)

The Public Health and Municipal Services Ordinance (Cap. 132) stipulates that all food for sale in Hong Kong should be fit for human consumption. According to the Ordinance and its subsidiary legislation, the import of certain high-risk foods like game, meat, poultry, eggs, milk beverages and frozen confections requires the prior permission of the Department and/or an import licence issued by the Department. For foods other than the above high-risk foods coming under regulation, importers are not required to report to the Department on the import of each food consignment. Nonetheless, the CFS takes food samples at the import, wholesale and retail levels and adopts a risk-based principle in determining the types of food

samples to be collected, the sampling frequency and the types of laboratory analysis to be conducted, so as to ensure food safety.

(o)(i)-(ii)

The risk levels of the businesses are determined by comprehensive analysis, taking into account the type of food (e.g. foods such as sashimi and sushi carry a higher risk), the business mode of the food premises (e.g. whether the premises are of a large scale and well managed) and whether unfavourable past records are involved. Some food traders may be assigned different risk levels because of importing or distributing different types of food. The CFS does not have breakdowns on the respective number of high-risk, medium-risk and low-risk businesses as at the end of 2016 and 2017.

(o)(iii)-(viii) and (q)

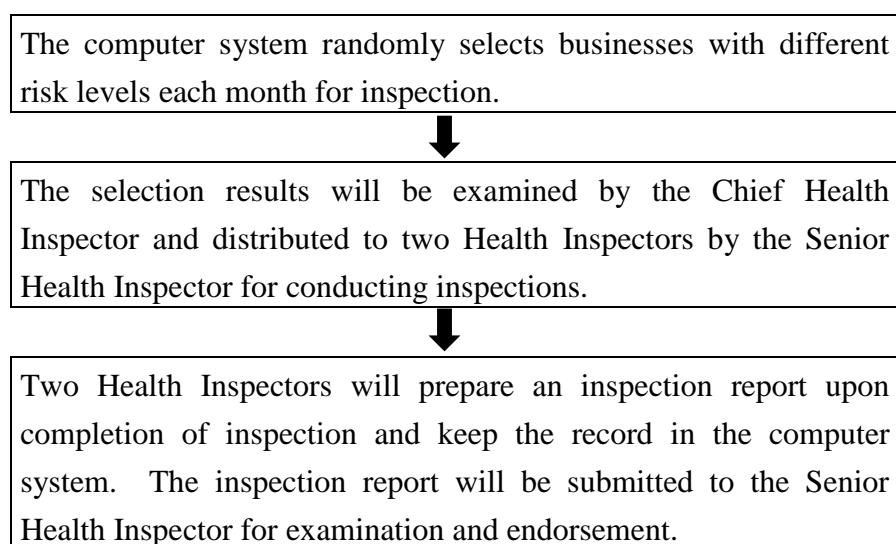
The CFS makes use of a computer programme to randomly select food traders meeting the relevant high-risk, medium-risk or low-risk criteria for inspection. Since mid-2015, the CFS has adopted a risk-based principle in determining the inspection ratio. Review and adjustments have been made in the light of the Audit Report and the actual operation, and the number of inspections instead of the inspection ratio has been adopted as the criterion since January 2019. The target is to conduct at least 500 inspections in a year, including not less than 250 and 200 inspections (i.e. 50% and 40% of the full-year target) on high-risk and medium-risk businesses of food traders respectively. Low-risk businesses only accounts for about 10% of the target. However, food incidents or food complaints are often concerned with high-risk or medium-risk foods, for which special inspections will be conducted on food traders accordingly. Hence, there is no need to set a fixed inspection ratio or a fixed number of inspections for low-risk businesses.

It is believed that with the implementation of the above measures, it will be more effective to exercise supervision of high-risk, medium-risk and low-risk businesses and compute the actual number of inspections conducted on these businesses each year. As to whether the actual number of inspections in a certain year can meet the target (e.g. the total number of inspections in 2015 was 5% lower than the full-year target mentioned above), this will be largely determined by the manpower deployed and the work priorities at the time. The CFS will continue to review the arrangements and make adjustments in a timely manner.

(p)

The inspection of food traders by the FIRLO of the CFS is taken up by a Senior Health Inspector and two Health Inspectors. The inspection work accounts for 30% of their workload. The remaining 70% workload of the three officers mainly involves the handling of work related to the FSO, including processing of the registration of food traders, renewal of registration and information update, handling of related complaints and public enquiries, promotion of the registration of food traders and proper keeping of food information records, and enforcement actions taken in accordance with the FSO.

The general workflow of inspection of food traders is as follows:



The CFS has taken improvement measures in response to Audit's recommendations. The checklist for inspection of food traders by Health Inspectors and the inspection report were improved in October 2018 (see [Annex 3](#)). Apart from properly recording the inspection results and the follow-up actions and saving such records to the computer, inspection officers will record the number of invoices inspected and take photographs showing the invoices inspected for review by supervisory officers. Moreover, Senior Health Inspectors will conduct supervisory visits and provide on-site supervision to Health Inspectors on a bi-monthly basis.

(r) and (v)

Among the inspections to premises of food traders conducted by the CFS officers shown in Tables 17 and 18 of the Audit Report, there were 22, 49 and 13 unsuccessful inspections in 2016, 2017 and 2018 respectively. The inspections were unsuccessful mainly because the

food premises were found to have ceased operation or changed to a new business. As regards the 49 cases of unsuccessful inspections in 2017 mentioned in paragraph 4.20 of the Audit Report, they were all dealt with despite variance in length of time and priority. The follow-up actions included issuance of a letter to the food traders concerned reminding them to notify the Department if there was any change in their registration particulars, and putting food traders having valid registration on the monitoring list.

In response to the Audit's recommendations, the CFS has taken improvement measures which included, starting from the end of 2018, deducting the number of unsuccessful inspections from the annual number of inspections and setting a target to conduct at least 500 successful inspections each year, with additional inspections conducted on food traders to make up the shortfall in the number of successful inspections. Moreover, the food trader monitoring system has been improved to prompt the CFS staff to arrange inspections on food traders on the list when they opt to renew registration.

Regarding the handling of unsuccessful inspections, the CFS enhanced the inspection checklist and report form in October 2018 to require inspection officers to properly record and save to the computer the inspection findings and follow-up actions for checking by supervisory officers. The CFS will issue letters to food traders and make a record in the inspection report form. The supervisory officers will also conduct supervisory visits and provide on-site guidance on a bimonthly basis. The CFS is actively planning to increase the manpower of the FIRLO to ensure the quality and efficiency of the inspection work.

(s)

During on-site inspections, apart from verifying the registration particulars of food traders, the CFS officers will also check and examine the records maintained by food traders and give suggestions to food traders on record keeping where necessary. In the course of inspections and checking of records, some food traders were found not carrying out food importation/distribution business. These inspections were considered as completed inspections. The number of such cases in each of the past three years (from 2016 to 2018) was 37, 36 and 50 respectively. In the future, the CFS will review the situation and make adjustments having regard to particular circumstances and actual needs.

(t)

Between 2013 and 2017, the CFS instituted 44 prosecutions against food traders failing to register as food importers/distributors under the FSO. All the cases were convicted and

finances ranging from \$420 to \$30,000 were imposed. In 2018, no prosecution was taken out by the CFS against food traders not registered as food importers/distributors under the FSO.

(u) and (w)

It is mentioned in paragraph 4.17 of the Audit Report that eight food importers were found unregistered. Among them, one importer is a licensee exempted from the registration requirement; one case, after seeking the advice of the Department of Justice, is considered to be lacking sufficient evidence for prosecution following investigation by the CFS; and six cases are still under investigation. Should there be sufficient evidence, prosecution will be instituted.

The CFS has stepped up efforts to remind its officers and border staff to verify the registration status of food importers, including confirming whether they are exempted food traders, when checking their import documents and inspecting their food consignments, and to take follow-up actions as appropriate. The CFS will keep the workflow of import control of foods under review and enhance its existing computer facilities and system, with a view to further improving the verification mechanism.

(x)

In response to Audit's observations, the CFS has taken improvement measures. A Senior Health Inspector will accompany a Health Inspector to carry out inspections and provide on-site guidance on a regular basis. At the Airport Food Inspection Offices and the Man Kam To Food Control Office, Senior Health Inspectors have also stepped up to weekly supervisory inspections having regard to the mode of operation of each food control office. In addition, Chief Health Inspectors of the Food Import and Export Section will conduct monthly surprise supervisory inspections to different offices in rotation. Since October 2018, the CFS has enhanced the supervisory inspection record to lay emphasis on recording the findings of on-site supervision, so as to effectively evaluate the staff performance and provide on-site guidance as appropriate. The CFS will continue to provide training to new recruits and explain how the operational manual and guidelines should be implemented. It will also remind its staff to pay attention to the operational manual and guidelines during regular working meetings, facilitate communication on problems arising from the implementation of the manual and guidelines, and provide refresher courses as deemed necessary.

(y)

The Trade Single Window (TSW) aims to establish a single electronic platform for one-stop lodging of trade documents and submissions with the Government for trade declaration and customs clearance. The TSW is being implemented in three phases. Phase 1, which was launched in December 2018, covers five types of import and export trade documents for specific types of commodities and will be progressively extended to cover some 13 types of trade documents in the first half of 2019 at the earliest. Phase 2 will cover some 28 additional types of trade documents. Phase 3 will cover trade documents required or proposed to be required for all cargoes (e.g. Import and Export Declaration, Advance Cargo Information and Cargo Report). Subject to the progress of all the preparatory work, the Government plans to roll out Phase 2 in 2022 and Phase 3 in 2023 at the earliest.

To take forward the TSW project, a dedicated Project Management Office (PMO) was set up in April 2016 under the Commerce and Economic Development Bureau. The PMO has maintained close partnership with all participating government agencies, including the Food and Environmental Hygiene Department. Meetings were held from time to time at different levels to discuss issues of common interest on the development and implementation of the TSW, including the business process, workflow design, information technology (IT) planning and legislative work. In 2017 and 2018, the Department joined 14 of such meetings.

(z) and (aa)

The CFS currently has 16 IT systems (see **Annex 4**). The existing IT systems of the CFS were developed at different times by contractors to meet different needs. As each IT system (and its database) is independently designed, the organisation and structuring of data vary from one system to another. The data cannot be systematically integrated into a central database to facilitate retrieval and analysis. The lack of flexibility in system design is also a hindrance to streamlining of workflow. In processing work requests involving various systems, the CFS officers cannot directly perform the work by applying the regular functions of a system. Instead, the assistance of technical staff has to be sought in writing another programme or using external software to combine the data for processing and analysis. All these limitations affect the cost-effectiveness of the food safety work of the CFS and its efficiency in conducting risk assessment.

The CFS established a dedicated team at the end of 2017 to look closely at its operational workflow, revamp its IT systems for higher efficiency, and enhance its mode of operation through IT to support the work of its frontline staff and reinforce its capability in food import

control, surveillance, incident management, risk assessment and traceability. Phased improvements to the IT systems of the CFS will start from the end of 2019. Specifically, a Food Trader Portal will be set up to provide a platform for electronic communication between the CFS and the food trade. The existing FICS will be replaced by a new IT system which will support the streamlined workflow and procedures on import control and the provision of food export certification. There will also be a newly developed Food Incident Management System to strengthen the management of food safety incidents. The above systems will interface with each other to provide a well-connected network of information in support of risk profiling and risk-based inspection to enhance food safety control.

The team in charge of the above work will have 74 staff members at an estimated staffing expenditure of about \$58 million in 2019-20.

(bb)

The FICS of the CFS is a computer system for carrying out import control. The staff of the food control offices would check the import documents of food consignments and conduct physical inspections if necessary. Imported food consignments will only be released when the required information is confirmed to be correct. The relevant data will be entered into the FICS for record use. The information can facilitate the monitoring of the complete cycle of food importation process. The data has to be entered manually into the system. The cases in which errors were found are shown in Table 21. The 77 consignments in question concerned with 39 frontline officers, including 32 Health Inspectors and 7 Clerical Officers. Regarding wrong entry of information by hand, apart from additional briefings for the staff, the CFS has enhanced the existing system to include required input of the above omitted information. The CFS will continue to conduct random checks on the FICS records on a regular basis to enhance and monitor data inputs.

(cc)

The CFS has set up a task group, led by the Controller, CFS, to take forward the recommendations of Audit and the Legislative Council Public Accounts Committee on the food safety management of the CFS and its control on imported foods. The task group has commenced a comprehensive review on the CFS' operational manual and guidelines, its staff management and supervision arrangements, training requirements, and manpower and resource requirements. The CFS has started to roll out concrete and effective short, medium and long term measures to enhance its effectiveness by phases, including updating the guidelines where there are inadequacies or ambiguities, enhancing the training and

supervision of the frontline staff, strengthening their law enforcement mindset, and stepping up the maintenance of data and records. In 2019-20, 35 additional civil service posts will be created in the CFS along with an additional provision of \$25 million to implement the review and the enhancement measures.

- ENDS -





中华人民共和国出入境检验检疫  
ENTRY-EXIT INSPECTION AND QUARANTINE  
OF THE PEOPLE'S REPUBLIC OF CHINA

附件一  
Annex 1

正本  
ORIGINAL

共1页, 第1页Page1 of 1

编号 No.: 219000000915614001

动物卫生证书  
ANIMAL HEALTH CERTIFICATE

发货人名称及地址

Name and Address of Consignor

收货人名称及地址

Name and Address of Consignee

动物种类

Species of Animals

活鱼/活鱼/活鱼/活鱼

动物学名

Scientific Name of Animals

\*\*\*/\*\*/\*\*/\*\*

动物品种

Breed of Animals

活鲢鱼/活鳙鱼/活鲮鱼/活鲫鱼

产地

Place of Origin

广东省中山市/广东省中山市/广东省中山市/广东省中山市

报检数量

Quantity Declared

\*\*3300千克/ \*\*1150千克/ \*\*100千克/  
\*\*200千克

检验日期

Date of Inspection

2019年04月03日

启运地

Place of Despatch

深圳口岸

发货日期

Date of Despatch

2019年04月05日

到达国家/地区

Country/Region of Destination

中国香港

运输工具

Means of Conveyance

汽车 粤港

兹证明:

1. 上述动物来自海关注册的养殖场, 注册场名称: [REDACTED], 注册号: [REDACTED]; 运输工具海关封识号: 02543850;
2. 经检查, 上述动物健康状况良好, 未发现任何水生动物传染病和寄生虫病的临床病状;
3. 经日常监督管理及抽样监测显示, 上述动物未饲喂或使用氯霉素、阿伏霉素、盐酸克伦特罗、沙丁胺醇、己烯雌酚、己烷雌酚、己烯雌酚、孔雀石绿等药品, 没有证据显示动物体内含有超过了最高残留限量的药物或有毒物质残留;
4. 上述动物适合供人食用。

\*\*\*\*\*



签证地点Place of Issue 中山

签证日期Date of Issue 2019年04月04日

Official Stamp

官方兽医Official Veterinarian [REDACTED]

签名Signature [REDACTED]

中华人民共和国出入境检验检疫机关及其官员或代表不承担签发本证书的任何财务责任。No financial liability with respect to this certificate shall attach to the entry-exit inspection and quarantine authorities of the P. R. of China or to any of its officers or representatives.

[c4-1(2018.4.20) \* 1]



BA0129320

食物入口申報表  
Food Import Declaration Form

入口日期： Date of Import	車牌 Vehicle Registration No.	香港： Hong Kong 廣東： Guangdong
-------------------------	--------------------------------------	--------------------------------------

申報人資料（貨主／司機\*）

Particulars of Person Making this Declaration (Owner/Driver\*)

姓名：  
Name

電話號碼：  
Tel. No.

地址：  
Address

香港入口商 <u>Importer</u>	內地出口商 <u>Exporter</u>
姓名／商號*： Name/Company Name*	姓名／商號*： Name/Company Name*
地址： Address	地址： Address
商業登記證號碼： Business Registration Certificate No.	
電話號碼： Tel. No.	

入口食物資料  
Particulars of Imported Food Consignments

食物名稱 Description of Articles of Food	數量 (如籮數及重量) Quantity (e.g. no. of baskets and weight)	來源地 (如菜場名稱及地址) Origin (e.g. name and address of farm)	運往何處 Delivery To
			* (i) 長沙灣蔬菜統營處第      號檔 Cheung Sha Wan Vegetable      Stall No. Market Organisation (ii) 長沙灣副食品市場第      號檔 Cheung Sha Wan Wholesale      Stall No. Food Market (iii) 西區副食品市場第      號檔 Western Wholesale Food Market      Stall No. (iv) 其他（請提供詳情） Others (Please specify)

只供辦事處填寫  
For Office Use Only

申報人簽署：  
Signature of Declarant

**用途聲明**  
**Statement of Purpose**

（根據《個人資料（私隱）條例》作出）  
（向資料當事人展示或提供）  
(under the Personal Data (Privacy) Ordinance)  
(to be displayed or provided to data subjects)

**收集資料的目的**

**Purpose of Collection**

1. 你所提供的個人資料，會由食物環境衛生署（“本署”）食物安全中心用作食物安全管制用途。個人資料的提供，純屬自願。如果你不提供充分的資料，我們未必能夠處理你的申請，或在有需要時提供協助。  
The personal data are provided by individuals to the Centre for Food Safety, Food and Environmental Hygiene Department (“this Department”) for the purposes of food safety control. The provision of personal data is voluntary. If you do not provide sufficient information, we may not be able to process your application or provide assistance to you where appropriate.

**接受轉介人的類別**

**Classes of Transferees**

2. 你所提供的個人資料，主要由本署內部使用，但亦可能在有需要時因以上第 1 段所列目的向其他政府決策局和部門或有關方面（包括一般市民）披露。此外，資料只可於你同意作出該種披露或作出該種披露是《個人資料（私隱）條例》所允許的情況下，才向有關方面披露。  
The personal data you provide are mainly for use within this Department but they may also be disclosed to other Government bureaux and departments or other parties (including the general public) for the purposes mentioned in paragraph 1 above. Apart from this, the personal data may only be disclosed to those parties where you have given prior consent to such disclosure or where such disclosure is allowed under the Personal Data (Privacy) Ordinance.

**查閱個人資料**

**Access to Personal Data**

3. 根據《個人資料（私隱）條例》第 18 條及 22 條以及附表 1 第 6 原則所述，你有權查閱及修正個人資料，包括有權取得個人資料。應查閱要求而提供資料時，可能要徵收費用。  
You have a right of access and correction with respect to personal data as provided for in Sections 18 and 22 and Principle 6 of Schedule 1 of the Personal Data (Privacy) Ordinance. Your right of access includes the right to obtain a copy of your personal data. A fee may be imposed for complying with a data access request.

**查詢**

**Enquiries**

4. 有關所提供個人資料的查詢（包括查閱及修正資料），請送交：  
Enquiries concerning the personal data provided, including the making of access and corrections, should be addressed to:

香港金鐘道 66 號  
金鐘道政府合署 43 樓  
食物環境衛生署  
食物安全中心  
高級行政主任（食物安全中心）  
電話號碼：2867 5300

Senior Executive Officer (Centre for Food Safety)  
Centre for Food Safety  
Food and Environmental Hygiene Department  
43<sup>rd</sup> Floor, Queensway Government Offices,  
66 Queensway, Hong Kong  
Telephone No. : 2867 5300

## Food Importer/ Food Distributor/ Retailer Inspection Record

Date:		Time (Duration):	
-------	--	---------------------	--

Business Name:	
Address:	
BRC No. #:	
Name of person contacted/person interviewed @:	

Nature of Business:	Food Importer*	Food Distributor*	Food Retailer*
---------------------	----------------	-------------------	----------------

Status of Registration*	Registered* Exempted* Trader No.:	Unregistered*	N.A.
----------------------------	---	---------------	------

<b>Viability for inspection of selected traders /change of designated zone of retailers</b>	
(1) Registered/Exempted traders *	
The selected trader not viable for inspection due to the reasons on the right(e.g. business not yet started, not in Hong Kong, business wound up, etc.)	
(2) Food Retailer *	
(a) Assigned District / Sub-area:	
(b) Inspected District/Sub-area different from assigned District/Sub-area (Please provide reasons on the right if you cannot find a retailer which matches the sampling criteria in the designated zone)	

Food Type of Business:	
---------------------------	--

Inspection Items			Complied with legal provisions (Y/N)	Action Taken
Registered as food importer/distributor*				
Exempted traders, already provided related information to DFEH				
Information tally with record of registered/ exempted trader				
Proper record keeping	(i)	Food Acquisition*/ Capture of Local Aquatic Products* Record		
	(ii)	Food Supply Record*		

Date of inspection / re-inspection (if applicable)	No. of invoices checked	Photo of invoice / transaction record attached	Findings (e.g. details of non-compliance of legal requirements, actual risk level of business mode found or other additional information)

@: Delete where appropriate and give full name of person contacted/ person interviewed

\*: Delete where appropriate

#: If available

Signature: \_\_\_\_\_  
Name and Post of  
Inspector : \_\_\_\_\_  
Date : \_\_\_\_\_

Endorsement by senior officer		
Comment:		
Signature:	Name:	
Date:	Post:	

**List of Information Technology Systems in the Centre for Food Safety**

1. Food Import Control System (FICS)

The FICS is to support end-to-end processing of the food import procedures, in particular the processing of applications for food traders' registrations with payment, import permission and import licence, and to support inspection on food consignments imported by air, sea and land. It serves as a central repository for keeping data and information about food traders, including importers and distributors registered with the Centre for Food Safety (CFS), offenders' information in relation to prosecutions against illegal import of game, meat, poultry, unsatisfactory sampling and e-certificates from overseas countries, with capabilities of downloading electronic health certificates from websites of overseas countries and retrieval of the relevant data.

2. Food Surveillance System (FSS)

The FSS is to automate and improve the effectiveness and efficiency of food surveillance operation of the CFS by including statistical tools, project planning for sampling plans and mobile computing devices with the support of global positioning system to assist market surveys, enhance sample collection and delivery processes, interface with the relevant computer systems for speeding up information exchange, and facilitate the use of monitoring and tracking facilities and business intelligence tools.

3. Live Food Animal System (LFAS)

The LFAS is to provide a central database system for keeping track of the admission records of food animal, fresh water fish, poultry, seafood and chilled fish and their chemical test results.

4. Overseas Farm Information System (OFIS)

The OFIS is used for maintaining the records and import figures of registered Mainland farms and the information on inspections to these farms.

5. Mainland Farm Geographic Information System (MFGIS)

The MFGIS presents the Mainland registered farms geographically on the map of China to facilitate surveillance and control of infectious diseases.

6. Foodborne Disease Information System (FDIS)

The FDIS is to provide a web-based system for maintaining records of foodborne diseases and follow-up investigations and actions.

7. Exposure Assessment System (EASY)

The EASY is to calculate the dietary exposure of the population to different food substances to facilitate the conducting of total diet studies and risk assessment exercises.

8. Food Safety E-Information Delivery System (FSEIDS)

The FSEIDS is to disseminate the latest information and convey rapid alert messages on food safety issues to food-related parties. It enables the CFS to collaborate with the food trade in promoting food safety messages to the public.

9. Food Nutrition Labelling System (FNLS)

The FNLS is a web service to provide input function of food ingredients and nutrient information for printing of food labels in different formats; and to enable food manufacturers and traders to prepare nutrition labels for pre-packaged food products to facilitate the enactment of the Food and Drugs (Composition and Labelling) Regulations in 2008.

10. Nutrition Information Inquiry System (NIIS)

The NIIS is to provide inquiry functions over the Internet for the public to seek nutrient information. It keeps a web-based searchable database containing nutrient data of commonly consumed food items which are of relevance and interest to our local community.

11. Maximum Residue Limit (MRL) System

The MRL system is a web-based searchable database containing MRLs/extraneous MRLs (EMRLs) laid down in Schedule 1 to the Pesticide Residues in Food Regulation (Cap. 132CM). It aims to facilitate the trade and the general public in finding relevant pesticide MRLs/EMRLs for the concerned “pesticide-food” pairs.

12. Hong Kong Diet (HKDiet) System

The HKDiet is developed to assist data collection on food intake of interviewees during fieldworks of food consumption surveys. It supports direct data input by interviewers during fieldworks.

13. Nutrition Calculator (NuCal) Mobile App

The NuCal mobile app helps the public understand the daily intake levels of different nutrients so that they can make better food choices.

14. Food Safety (FS) Mobile App

The FS mobile app is to disseminate to the public food safety messages related to food safety campaigns. It provides a platform for public access to food safety alerts and information disseminated by the CFS, and supports sharing of information via social media to facilitate notification on food alerts and other emergency updates.

15. FEHD Instant Messaging System (FIMS)

The FIMS adopts the instant messaging technology for immediate delivery of text messages and photos, which can improve the efficiency of communication and collaboration between the front-line and back-office staff.

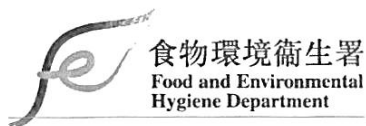
16. Emergency Telephone Hotline Centre (ETHC)

The ETHC is an electronic telephony system that contains the automatic call distribution (ACD) system, the interactive voice response system (IVRS) and the customer relations management (CRM) system for the establishment of an emergency hotline centre to handle heavy public enquiries during outbreaks of major food incidents.



**Reply to Letter of 1 April 2019 from  
Legislative Council Public Accounts Committee**

For staff members suspected of dereliction of duty or violation of discipline, the Food and Environmental Hygiene Department will take appropriate follow-up actions according to the Civil Service Regulations (CSRs) and the established procedures of the Department. Between 2013 and 2017, there were no relevant cases with respect to food import control. The cases mentioned in the Audit Report were taken up by the Centre for Food Safety (CFS) pursuant to the CSRs and the established procedures of the Department in 2018. The CFS is still following up on these cases.



香港金鐘道 66 號金鐘道政府合署 45 樓  
45/F Queensway Government Offices,  
66 Queensway, Hong Kong  
電話 Telephone: 2867-5408 傳真 Fax: 2530-1368

本函檔號 Our ref. : FEHD CFS/1-125/55/3 C  
來函檔號 Your ref. : CB4/PAC/R71

26 February 2019

Mr Anthony CHU  
Clerk to Public Accounts Committee  
Legislative Council Secretariat  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong

Dear Mr Chu,

**LegCo Public Accounts Committee**  
**Consideration of Chapter 2 of the Director of Audit's Report No. 71**  
**Centre for Food Safety: Import Control of Foods**

I refer to your letter dated 29 January 2019, requesting this Department to provide supplementary information on Chapter 2 "Centre for Food Safety: Import Control of Foods" of the Director of Audit's Report No. 71. The relevant information is now enclosed for reference please.

Yours sincerely,

A handwritten signature in black ink that reads 'Christine Chow'.

( Christine CHOW )

for Director of Food and Environmental Hygiene

c.c.:

Secretary for Food and Health  
Secretary for Financial Services and the Treasury  
Director of Audit

**Reply to letter of 29 January 2019 from  
Legislative Council Public Accounts Committee**

(a) & (b)

Since 2002, only vehicles approved by the Food and Environmental Hygiene Department (FEHD) are allowed to transport imported chilled meat and poultry to Hong Kong. To obtain the approval, importers and their food transport operators are required to submit an application form to the FEHD for vehicle inspection. Approval will be granted if the Health Inspector is satisfied with the result of vehicle inspection. There is no specified period of time for the approval. Upon inspection of foods conveyed by an approved vehicle at the control points, the Health Inspector will also check the hygienic condition of the vehicle and the food storage temperature, etc. to ensure that the vehicle is suitable for transporting chilled meat and poultry. If there are changes in the information of the vehicle after the application is approved, for examples the vehicle registration number is changed or another vehicle is used, a new application should be made for approval by the FEHD before the vehicle can be used for transporting chilled meat and poultry imported from the Mainland. Starting from 2019, the FEHD will conduct a comprehensive inspection on all approved vehicles every two years.

(c)

According to the operation procedures of the Centre for Food Safety (CFS), after a vehicle conveying imported chilled meat and poultry enters the Man Kam To Food Control Office (MTKFCO), the frontline officers will conduct inspection and release the consignment if they are satisfied with the food safety of the consignment, and find the hygienic conditions of the conveyance vehicle and its food storage temperature suitable for carrying chilled meat and poultry. In the past, the list of vehicles approved for importing chilled meat and poultry was not kept in the computer system of the MTKFCO. It was not possible for the frontline officers to identify a vehicle that was not approved during the inspection (of its hygienic conditions and food storage temperature). The CFS observed this inadequacy during its facilitation to the Audit's review. Hence, it put in place some improvement measures in July 2018, including adding the list of vehicles approved for importing chilled meat and poultry to the computer system. When a vehicle on the list enters the MTKFCO, the frontline officers will input the vehicle registration number into the system. The system will give a warning signal if the information entered is different from that on the list. Starting from July 2018, the CFS randomly selects 5% of the inspection record for verification on a daily basis to ensure that the above improvement and monitoring measures are functioning well.

(d)

Health Inspectors of the CFS are responsible for inspecting vehicles importing chilled meat and poultry at the MKTFCO. Officers of the MKTFCO are deployed on two shifts, with three to four Health Inspectors on each shift to serve the operating hours of the Mam Kam To Control Point (7:00 am to 10:00 pm). They are responsible for inspection of vehicles carrying chilled meat and poultry as well as other food inspection work.

As for inspection of vehicles by Health Inspectors at the MKTFCO, the CFS staff will check the items set out at **Annex A**.

(e)

Vehicles transporting frozen meat from other provinces (other than Guangdong Province) usually have to unload their consignments upon arrival in Shenzhen. The consignments will then be reloaded onto the cross-boundary vehicles for conveyance to Hong Kong. In the past, if there were no seal numbers on the health certificates, or if any irregularities were found, the CFS staff would check the place of origin shown on the packing of the frozen meat, and also verify the health certificate, the import licence, the Mainland manifest and the import declaration before releasing the consignments. In response to Audit's observations in paragraph 2.48, the CFS has taken improvement measures since September 2018, which include preparing a physical inspection checklist, reminding frontline officers to keep a record and, where necessary, clarifying issues with the Mainland authorities on the spot if any irregularities were found during verification of documents, as well as enhancing supervision of the frontline staff and on-the-spot guidance. Regarding the seal numbers on the health certificates of frozen poultry, the CFS has communicated with the Mainland authorities and the situation has improved. So far in 2019, three consignments of frozen poultry have been imported from other provinces, no irregularities were found on the seal numbers marked on the health certificates and the conveyance vehicles.

(f), (g)(iv) and (v)

The CFS applies a risk-based principle in selecting and inspecting food containers shipped by sea. In selecting containers for inspection, the CFS takes into account such factors as the relevant intelligence, food safety incidents in different places, whether the importers concerned have previously disregarded instructions to contact the CFS for food inspections, and whether the information provided for the imported food consignments is doubtful.

Routine physical inspection of food consignments imported by sea are mainly conducted at the warehouses, cold storages or cold stores of the importers concerned. This is similar to the practice of other economies (e.g. New Zealand and Singapore) in inspecting foods imported by sea routes. Nonetheless, to strengthen monitoring of foods imported by sea, the CFS set up the Kwai Chung Customhouse (KCCH) checkpoint in October 2015 to inspect foods shipped to Hong Kong by sea. The KCCH checkpoint is an additional facility for inspecting high-risk food containers on top of routine inspections of food consignments at the warehouses, cold storages or cold stores of importers. Before it was set up, the CFS was aware that given the practical circumstances (it was a temporary checkpoint without chilling facilities, and it would be difficult to provide chilling facilities there), this checkpoint could not be used for inspection of refrigerated food containers. Consequently, all selected refrigerated food containers (whether high-risk or not) have to be inspected at the warehouses or cold stores of the importers concerned.

Hence, the KCCH checkpoint is meant for inspection of food containers with potential food safety risks (consignments with potential food safety hazards as revealed by intelligence, foods coming from economies with food safety incidents, importer has previously disregarded instructions to contact the CFS for food inspections, and food imports which information is doubtful) and does not cover frozen foods.

Regarding the setting up and operation of the KCCH checkpoint, the facilities that the Hong Kong Customs and Excise Department (C&ED) provided for the KCCH were decided at a working meeting between the CFS and the C&ED on 22 September 2015, the minutes (English only) of which are at [Annex B](#). In September and October 2015, the CFS held a number of briefings on the KCCH checkpoint for the trade. The notes of the briefing sessions (English only) are at [Annex C](#). On 18 November 2015, the CFS organised a trade consultation forum to further brief the trade on the KCCH checkpoint. The speaking note and the notes of the consultation forum are at [Annex D](#).

(g)(i) and (iii)

As at the end of January 2019, there were 61 licensed cold stores in Hong Kong. Their distribution, with a breakdown by districts, was as follows:

<b>District</b>	<b>Number of licensed cold stores</b>
Southern District	2
Kwun Tong District	3
Sham Shui Po District	1
North District	4
Sha Tin District	9
Kwai Tsing District	21
Tai Po District	2
Tsuen Wan District	8
Tuen Mun District	4
Yuen Long District	3
Islands District (Airport)	4
<b>Total</b>	<b>61</b>

As mentioned in paragraph 2.82 of the Audit Report, the CFS conducted 3,598 physical inspections on imported foods (involving 3,598 imported food consignments) at warehouses or cold stores in 2017. These inspections were carried out by 24 Health Inspectors from the Hong Kong and Kowloon Offices and the Food Importer/Distributor Registration and Import Licensing Office (FIRLO) of the CFS. On average, about 15 imported food consignments were inspected at importers' warehouses or cold stores on each working day.

(g)(ii)

The CFS selects food consignments for physical inspection in accordance with the operational manual. The details are as follows:

- (1) 20% of import licences issued under the Imported Game, Meat, Poultry and Eggs Regulations (Cap. 132AK) for permission cases of imported consignments of chilled or frozen meat and poultry are randomly selected by computer each day for physical inspection of food consignments;
- (2) 5 other cases of frozen meat and poultry consignments issued with import licences are randomly selected by computer each day for physical inspection of food consignments;
- (3) For consignments of chilled or frozen meat and poultry issued with import licences that are granted with a copy of health certificate, one from each 50 import licences is randomly selected for physical inspection of food consignments;
- (4) One from each 100 egg consignments is randomly selected for physical inspection; and
- (5) For each flavour of imported milk, milk beverages and frozen confections, one from each five consignments is randomly selected for physical inspection.

(g)(vi)

Although there are practical difficulties furnishing the KCCH checkpoint with chilling facilities, the CFS is discussing and assessing the feasibility of providing such facilities at the KCCH checkpoint with the Architectural Services Department. An implementation timetable will be formulated upon completion of the relevant feasibility study taking into account the circumstances.

(h)

In selecting food consignments imported by sea for inspection at the KCCH checkpoint, the CFS adopts a risk-based monitoring approach to conduct inspections on high-risk target containers (i.e. intelligence indicates that the foods have potential food safety risks, the foods are from economies with occurrence of food safety incidents, the importer concerned has previously failed to contact the CFS as instructed for arrangement of food inspections, and there is doubt about the particulars of the imported food consignment, etc.). Food consignments (e.g. chilled food) that cannot be inspected at the KCCH checkpoint due to practical constraints will be inspected at the warehouses or cold stores of the importers concerned.

For high-risk target containers selected for inspection, regardless of whether food inspections are conducted at the KCCH checkpoint or the cold storages or cold stores of importers, the CFS staff must ensure that the seal/lead seal of a container is intact before it can be opened for food inspection.

As for routine inspection of other containers (i.e. not high-risk target containers) at importers' warehouses, cold storages or cold stores, taking into account the mode of operation of the trade and other practical operational concerns, the intactness of the container seal/lead seal is not a

prerequisite for physical inspection of imported food consignments (The relevant measures to enhance surveillance of food imports by sea have been submitted for discussion at the Legislative Council Panel on Food Safety and Environmental Hygiene on 10 November 2015. The relevant paper is at **Annex E**). However, the CFS staff must check the indications on the packages against the information of the import documents (the shipping mark, name of product, name of processing plant, date of manufacture, etc.) to ensure that the foods inspected come from the original container. In terms of practice, the routine inspection of food containers imported by sea is similar to that in other countries (including New Zealand, Singapore).

In paragraph 2.77 of the Audit Report, it is mentioned that “For food consignments imported by sea, the CFS requires that a container carrying the consignments must be sealed. According to the operational manual: (a) ‘at the checkpoint (KCCH checkpoint), the seal of the container should not be opened until it is confirmed to be intact by CFS officers’; and (b) ‘for food products (e.g. chilled foods) that cannot be inspected at the above checkpoint due to practical constraints, CFS conducts food inspections at the warehouses or cold stores of the importer concerned, although the seal of the container must be confirmed to be intact by CFS officers before it can be opened’.” The relevant operational manual targets high-risk target refrigerated containers, and the requirement is not applicable to containers selected for routine inspections. As the CFS pointed out at the PAC hearing on 25 January 2019, in the past few years, there was not a case in which the act of breaking the container seal by the importer was witnessed when the food containers were conveyed to the cold stores for inspection. After the hearing, the CFS further checked the record and confirmed that from the commencement of the KCCH checkpoint in October 2015 up to 2018, a total of six high-risk target containers were inspected at the cold stores (2 in 2015, 3 in 2016 and 1 in 2017). In all these cases, the CFS staff had checked the intactness of the container seals/lead seals before conducting physical inspections. Moreover, the CFS selected two high-risk target containers in January 2019 for inspection, with the additional requirement of ascertaining the intactness of the container seal/lead seal prior to the performance of food inspection at the cold stores of importers. In both cases, the entire inspection process was rather time-consuming. Furthermore, the unloading area of a cold store was very busy with forklift trucks in operation. The CFS staff encountered some difficulty in collaborating with the importers during the actual operation.

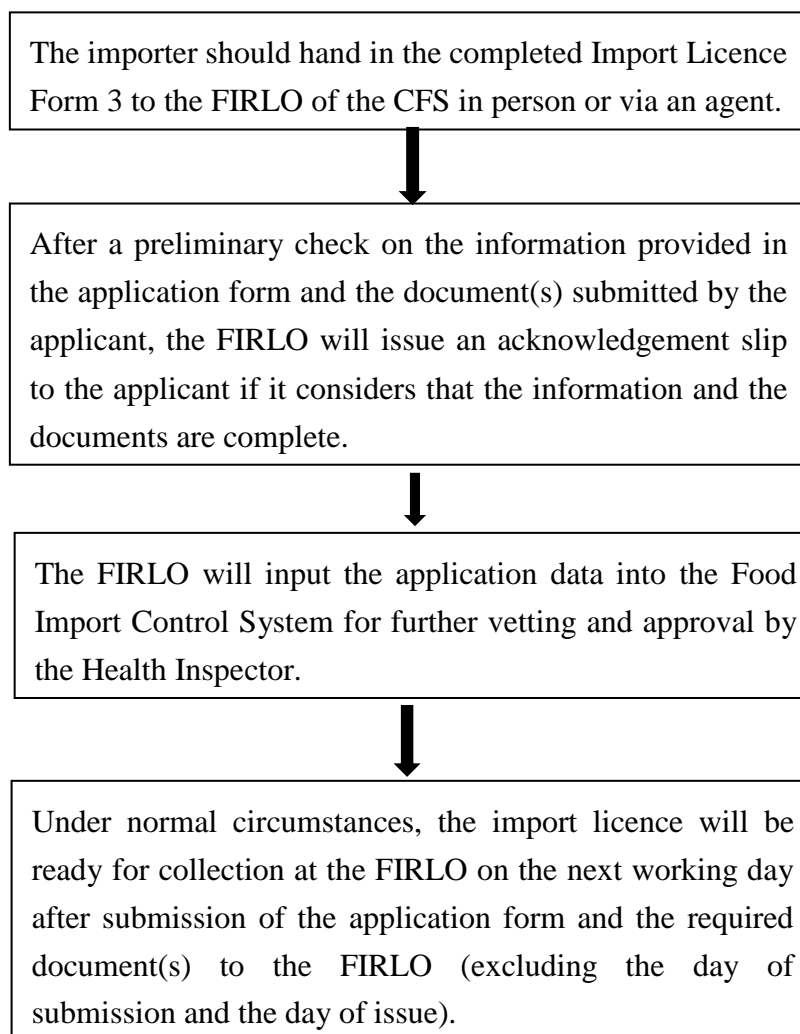
Nevertheless, we will review the situation in two directions. On one hand, we will study the feasibility of providing cold storage facilities at the KCCH checkpoint. On the other hand, we will continue to apply a risk-based principle in selecting high-risk target containers for inspection at cold stores, with the CFS staff witnessing the act of breaking the seal prior to the conduct of food inspections.

(i)

Any person or importer importing frozen or chilled meat and poultry into Hong Kong must hold an import licence issued under the Import and Export Ordinance (Cap. 60). The FEHD is the designated authority to issue import licences for such foods. Each consignment of imported frozen or chilled meat and poultry must be covered by an import licence. Applications for import licences should be made by completing the original application form, i.e. Import Licence Form 3 (TRA 187). The application must be supported by a valid health certificate for the consignment concerned issued by the recognised issuing entity of the exporting place or by specific approval from the Director of Food and Environmental Hygiene. To apply for an import licence, payment is only required for purchase of the

***\*Note by Clerk, PAC: Please refer to LC Paper No. CB(2)192/15-16(05) on LegCo Website for Annex E.***

original application form TRA 187 (\$3 per set and \$20 per pad (20 sets)). No other fees are charged. The steps for the issuance of an import licence are as follows:



(j) and (k)

When a consignment of imported frozen or chilled meat and poultry is selected for physical inspection according to the mechanism stated in (g)(ii) by the CFS, the FIRLO will add a licensing requirement to the import licence stating that “the consignment shall be inspected before release”. Upon receipt of the approved import licence, the importer will be aware that the consignment is subject to physical inspection by the CFS staff.

The CFS conducted an analysis on 372 import licences which covered frozen or chilled meat and poultry that were imported by sea and were selected for physical inspection by the CFS in October and November 2018. Among them, 70 (or some 19%) import licences were found to have the importer subsequently applying for cancellation, which involved altogether 35 importers. Each of them applied for cancellation of 1 to 7 import licences. As the CFS understands it, importers have different grounds for making applications to cancel their import licences, mainly out of concern of commercial operations. However, it cannot be ruled out that some might have done so for evasion of physical inspections.



As some importers may apply for cancellation of import licences to evade physical inspection of food consignments, the CFS has introduced an improvement measure since October 2018 by keeping a monitoring system of cancelled import licences. If a food consignment has been selected for physical inspection but subsequently not done because of cancellation of the import licence by the importer, the information contained in the cancelled licence (such as the name of the importer) will be included in the system. The food consignment concerned will still be subject to physical inspection by the CFS if the importer re-applies for an import licence for the same consignment of frozen/chilled meat/poultry (carrying the same health certificate). The improvement measure has been functioning well since its introduction. The CFS will also keep a close watch over the importers on the monitoring list and analyse cases of repeated cancellation of import licences for corresponding follow-up actions.

(l)

Import licenses issued by the FEHD cover frozen and chilled meat and poultry. Taking into account the relatively short durability for chilled meat and poultry, the import licences issued by the FEHD are valid for 6 weeks. The FEHD will actively consider the feasibility of extending the validity of import licences.

(m) & (o)

The operational manual of the CFS mentioned in paragraph 2.93 of the Audit Report directs the FIRLO staff to spot out unused import licences so as to identify and follow up on food consignments imported by sea and were suspected of evading physical inspections. Currently, the return of expired unused import licences by importers to the CFS for cancellation is entirely voluntary in nature. The reasons for non-return of import licences include that the expired import licences were discarded and the relevant documents were lost, and the non-return is by no means contrary to the legislation or in breach of the licensing requirements.

The management and the supervisory staff of the CFS maintain liaison with the frontline staff and encourage the staff to reflect challenges met at work and put forward improvement suggestions. Communication with the frontline staff is on-going and conducted in different forms. The CFS does not keep records of such communication.

(n)(i) to (n)(v) and (p)

The existing computer system of the CFS has its limitations. All issued import licences will be shown as “unused”. When a food consignment has undergone document checking or been selected for physical inspection, the computer system will then show this import licence as “used”. As an import licence that has been used will still be shown as “unused” if the food consignment covered by the licence has not undergone document checking or has not been selected for physical inspection, the “unused” import licences mentioned in paragraph 2.94 and Table 9 of the Audit Report only reflected the classification of import licences (whether unused or used) of food consignments that have not undergone document checking or physical inspection in the CFS’s computer system, not reflecting the actual situation of import licenses that were unused.

In response to Audit Commission’s observations, the CFS conducted a survey from June to December 2018 to identify import licences of which the CFS has requested for document checking or have selected them for physical inspection, and thus the CFS has laid down the

concerned licensing conditions thereon. After checking the expired import licences that have not been used, CFS could have a better idea on whether the importers had breached the issue condition, i.e. requiring submission of import documents upon arrival in Hong Kong or requiring physical inspection, if so requested. The results showed that during the period, out of the 1,163 import licences stipulated with the above licensing condition imported through the sea route, 88% were used and the importers concerned had submitted the import documents and/or accepted physical inspection of their consignments. The remaining 12% were unused (5% were returned to the CFS by the importers voluntarily and 7% were not returned).

Having regard to the information which importers have to provide in applying for the import licence, the CFS has enhanced its computer system which can now identify whether an importer has applied for more than one import licence for the same meat consignment. This is to ensure that the same consignment of meat will not be issued with several import licences at the same time. For food consignments selected for physical inspection but which import licences are subsequently cancelled by the importers, the CFS will put the information of the relevant import licences on a watch list. The food consignment concerned is still be subject to physical inspection by the CFS if the importer re-applies for an import licence for the same meat consignment.

In the long run, we expect that with the implementation of Phase 3 of the Trade Single Window (TSW) in the future, cargo information needed for custom clearance has to be submitted through the TSW platform in advance. Meanwhile, the CFS will develop an information system to link up with the TSW for gathering cargo information in conducting risk assessment on food imports. The CFS will then have more timely and comprehensive knowledge of the usage of import licences.

(q)

Sea, air and land boundary control points are different in terms of infrastructure and modes of operation. Therefore, the inspection processes for foods imported by sea, air and land are not the same. As mentioned in parts (f) and (g) above, the CFS applies a risk-based principle in selecting and inspecting food containers shipped by sea, while routine physical inspection of food consignments imported by sea are mainly conducted at the warehouses, cold storages or cold stores of the importers concerned. This is similar to the practice of other economies in inspecting foods imported by sea routes. Based on the above principles and arrangements, the CFS will continue to review the guidelines for selecting food consignments imported by sea for physical inspection, and will make appropriate adjustments where necessary.

(r)

From 2016 to 2018, the CFS instituted 14 prosecutions under section 4 of the Imported Game, Meat, Poultry and Eggs Regulations (Cap. 132AK) and 1 prosecution under section 5A of the Milk Regulation (Cap. 132AQ) against importers who failed to present valid import documents for food consignments imported by sea. All cases were convicted with imposition of fines from \$1,000 to \$20,000. The number of prosecutions is as follows:

<b>Relevant provisions</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Section 4 of the Imported Game, Meat, Poultry and Eggs Regulations (Cap. 132AK)	7	3	4
Number of convicted cases	7	3	4
Fines imposed	\$1,000 - \$8,000	\$2,000 - \$10,000	\$1,800 - \$20,000
Section 5A of the Milk Regulation (Cap. 132AQ)	-	1	-
Number of convicted cases	-	1	-
Fines imposed	-	\$6,000 + \$6,600 (daily fine of \$300 x 22 days) Total: \$12,600	-

(s) and (t)

According to the administrative arrangement between the Hong Kong Special Administrative Region and the Mainland authorities, Mainland food animals and live aquatic products supplied to Hong Kong must originate from registered farms approved by the General Administration of Customs, People's Republic of China (GACC) with the provision of valid animal health certificates. The CFS maintains liaison with the Mainland authorities concerning changes in the list of registered farms. For example, the Mainland authorities will inform the CFS of the farms that have completed registration for export to Hong Kong. The CFS will also regularly check the list of registered farms on the GACC website and verify the relevant information with the Mainland authorities if necessary.

Regarding the cattle farm mentioned in paragraph 3.9 of the Audit Report, where two consignments of bovines were inspected by Audit in the company of the CFS staff on 17 May 2018, the Mainland authorities confirmed on 14 February 2017 that it was a registered farm approved for exporting to Hong Kong. In other words, the registration status of the farm was confirmed by the Mainland authorities before 17 May 2018. The two consignments of bovines were accompanied by valid animal health certificates and attached with intact official seals affixed by the Mainland authorities. They had passed inspection by the Mainland inspection and quarantine authorities and were released only after passing inspection by the CFS staff.

The registration status of the farm remains unchanged. It continues to supply cattle to Hong Kong.

(u)

As for the two farms covered during the audit period (27 April to 28 May 2018) as mentioned in paragraph 3.10(b) of the Audit Report, the Mainland authorities confirmed respectively in February and April 2017 that they were registered farms approved for exporting to Hong Kong. The registration status of the two farms remain unchanged and they continue to supply cattle to Hong Kong. The consignments of bovines from these two registered farms in the above period were accompanied by valid animal health certificates and attached with intact official seals affixed by the Mainland authorities. The consignments had passed inspection by the

Mainland inspection and quarantine authorities. They were released only after passing inspection by the CFS staff. The liaison details between the CFS and the Mainland authorities concerning these two registered cattle farms are set out in the following table:

Date	Details
Cattle Farm A (registered for exporting cattle to Hong Kong)	
14.2.2017	<ul style="list-style-type: none"> <li>● The CFS inspected the imported live cattle and found that Farm A was not on the list of registered farms for exporting to Hong Kong.</li> <li>● The CFS staff immediately sought clarification from the Mainland authorities, which confirmed on the same day that the farm was a registered farm approved for exporting to Hong Kong.</li> </ul>
14.2.2017 - 28.5.2018	<ul style="list-style-type: none"> <li>● Registered Farm A continued to export cattle to Hong Kong. The CFS did not receive any notification from the Mainland authorities concerning change of registration status of the farm.</li> </ul>
Cattle Farm B (registered for exporting cattle to Hong Kong)	
20.4.2017	<ul style="list-style-type: none"> <li>● The Mainland authorities informed the CFS that Farm B had completed registration in March 2017 and was approved for exporting to Hong Kong.</li> </ul>
25.4.2017 - 28.5.2018	<ul style="list-style-type: none"> <li>● The first consignment of bovines from Registered Farm B was supplied to Hong Kong on 25 April 2017. The farm continued to export cattle to the territory afterwards. The CFS did not receive any notification from the Mainland authorities concerning change of registration status of the farm.</li> </ul>

(v)

Regarding the third farm mentioned in paragraph 3.10 (b) of the Audit Report, the Mainland authorities confirmed that it was a registered pig farm (Farm C) which has been supplying pigs to Hong Kong since 2010.

In April 2017, the CFS found that the Mainland authorities had updated the list of registered farms that exported to Hong Kong on the relevant website. The original code of Farm C was changed and became identical with the code of another registered farm exporting to Hong Kong (Farm D). However, the other information about Farm C (including its name and address) was not changed. As for Farm D, its code, name, address and other information was same as what was previously entered on the registered farm list. As each farm should have a unique code and the above identical code had all along been assigned to Farm D, the CFS had reasonable ground to consider the new code of Farm C as an input mistake. Hence, the CFS had not particularly sought clarification from the Mainland authorities at that time.

In response to Audit's enquiry, the CFS communicated with the Mainland authorities on the above issue in September 2018. In its reply, the Mainland authorities confirmed that Farm

C's code on the website was an input mistake. Subsequently, on the list of registered farms for exporting to Hong Kong posted on the GACC website, the code of Farm C was reverted to the original code.

The CFS agrees that there is room for improvement in handling this case. In the future, the CFS staff would seek clarification from the Mainland authorities as early as possible if there are suspected mistakes in the registered farm list posted on the GACC website.

(w)

The permit issued by the Agriculture, Fisheries and Conservation Department (AFCD) under the Rabies Regulation (Cap. 421A) allows the permittee (i.e. the importer) and the airline/shipping company responsible for shipping animals to convey animals to Hong Kong, subject to the clauses listed on the permit and its attached pages. The permit, which lists out the daily maximum number of livestock permitted to be imported to Hong Kong, is valid for one month. The arrangements under the permit are applicable to live food animals imported from the Mainland.

The AFCD issues the permit to local importers that import food animals from the Mainland. As stated in additional clause (1) of the permit, the permit is for multiple use and the importer should produce it to the officer authorised by the AFCD (i.e. a CFS officer) when the animals are shipped to Hong Kong. The AFCD will send duplicate copies of the permit to the CFS by fax after its issuance. However, as the goods vehicle driver that conveys the animals to Hong Kong is not the permittee (i.e. the importer), in actual operation it is impractical to adhere to the above clause by requiring the importer to produce the permit for inspection upon the arrival of each livestock consignment.

In response to Audit's recommendation, the CFS took the initiative to discuss improvement measures with the AFCD. The AFCD also liaised with the importers concerned. After joint discussions, the three parties reached a consensus on the improvement measures. Starting from November 2018, the importers will produce the original AFCD permit to the CFS each month after obtaining the permit from the AFCD, and the CFS staff will make photocopies of the relevant documents accordingly. When the CFS staff inspect imported food animals at the control point, they will check whether the consignee's name on the animal health certificate of each consignment is identical with the importer's name on the permit produced to the CFS by the importer. The AFCD has confirmed that the new arrangement is compatible with the clauses of the permit.

(x)

In the past three years, the daily number of livestock imported by individual importers has been within the daily maximum import quota indicated on the AFCD permit.

(y)

The CFS will review the operational manual and internal guidelines in light of the work situation and consult the trade and/or the relevant sections within the CFS in order to update the manual and guidelines in a timely manner. In addition, the CFS holds working meetings with the frontline staff regularly to communicate with them as well as to exercise supervision

to ensure that they are informed of and understand the operational manual and internal guidelines.

In response to Audit's recommendations, the CFS has enhanced communication with the frontline staff, their supervision and on-the-spot guidance. Newly appointed officers will be given training and briefings on the implementation of the operational manual and guidelines. The CFS encourages the frontline staff to reflect problems encountered at work or their views on the manual and guidelines to the senior management.

In 2017, the CFS set up a dedicated team to fully review the operational processes and the monitoring system for regulation of food imports and to carry out major revamping of the information system, with a view to supporting the work of the frontline staff and enhancing data management and analysis by the CFS. The new measures will be implemented in phases starting from 2019.

- ENDS -

**List of items to be checked in the inspection of vehicles  
conveying chilled meat and poultry  
by CFS at the MKTFCO**

1. A goods vehicle, with an enclosed conveying compartment and equipped with refrigerating devices capable of maintaining a chilling temperature between 0°C and 4°C, and in no circumstances exceeding 8°C, shall be provided for the transportation of imported chilled meat, poultry and/or offal.
2. The internal surfaces of the conveying compartment shall be smooth and impervious to facilitate cleansing.
3. Hanging rails and/or metal or plastic containers shall be provided in the conveying compartment for separate storage of imported chilled meat, poultry and/or offal.
4. The vehicle shall have temperature devices which constantly record the temperature of the conveying compartment on a running graph during the trip.
5. A temperature gauge shall be provided outside the conveying compartment so that the driver can readily monitor the temperature in the compartment.
6. The conveying compartment of the vehicle approved for transportation of imported chilled meat, poultry and/or offal shall be kept clean and free from refuse, dirt or other offensive substances, and shall be cleansed and disinfected before loading and after unloading or as and when required by a Health Inspectorate officer.
7. The conveying compartment of the vehicle shall only be used for transportation of imported chilled meat, poultry and/or offal approved by the FEHD. Different types of poultry shall be placed at different parts of the conveying compartment. Apart from chilled meat, poultry and/or offal, the vehicle shall not be used for transportation of any other commodities.

8. Imported chilled meat, poultry and/or offal shall be kept hygienically in the conveying compartment at a chilling temperature between 0°C and 4°C, and in no circumstances exceeding 8°C. This temperature requirement applies to all portions of poultry.
9. Every door or window of the conveying compartment of the vehicle for carrying imported chilled meat, poultry and/or offal shall be kept properly closed except during loading and unloading of food. The chilling devices of the conveying compartment shall be kept running at all times when the compartment is loaded.
10. No person shall remain in the conveying compartment of the vehicle except for the purpose of loading and unloading of food or for cleansing, disinfection and maintenance of the conveying compartment.
11. The refrigerating devices of the conveying compartment and the temperature gauge shall be kept in good working condition at all times.



List of Facilities provided for  
Setting Up a **Temporary** Food Check Point by FEHD at KCCH

	<b>List of facilities to be offered by C&amp;ED</b>	
1.	One container truck bay at the KCCH with operating hours between 0900 hrs and 2200 hrs from Monday to Saturday (No. 3 Container Truck Parking Space of the new cargo examination compound and the corresponding examination bay area as depicted at the <u>Appendix</u> )	- 3 office chairs to be provided - Photocopying service at Duty Office, 9/F, KCCH - FEHD to decide the installation of a fax line & own fax machine
2.	A temporary work station (next to the metal storage cage at the new compound area) with two office desks, <del>two</del> <u>three</u> office chairs and two power sockets. ( <u>Location for temporary use of fax machine and photocopier</u> )	
3.	One car parking space to facilitate FEHD officers' travelling to and from KCCH for reporting on/off duty and meal arrangements	
4.	The waiting area at the Lobby of the G/F of KCCH for stand-by	- Confirmed provision and microwave oven can be used at 1245 hrs
5.	Male and Female Toilets on G/F	
6.	Pantry on 9/F ( <u>whether there is the provision of microwave oven and water dispensing machine</u> )	
<u>7.</u>	<u>Lockers for storage of equipment / stationery /reflective vest</u>	- A cabinet to be provided at the temporary work station

Remarks: No wi-fi service at KCCH.

Notes of Briefing Session on  
Further Improving Control of Food Imported by Sea

Date : 24.9.2015 (Thursday)  
Time: 3:00 pm (1<sup>st</sup> Briefing Session)  
Venue: Lecture Theatre at 3/F, Lai Chi Kok Training School

**ATTENDEE**

**(I) Trade side**

A total of 77 representatives of 52 Japanese food importers attended the briefing session, as shown in the Annex.

**(II) Centre for Food Safety (CFS)**

Ms. CHEUNG Lai-kuen, Senior Superintendent (CFS)1  
Ms Doris TAM, Superintendent (Import/Export)3  
Mr. Mok Wai Hung, Chief Health Inspector (Import/Export)7  
Mr Kwan Kin Wai, Senior Health Inspector (Import/Export)R1  
Ms. Rachel TAM, SEO(I/E)IR  
Mr. John Yip, EO(I/E)IR

**Notes of meeting**

SS(CFS)1 welcomed all representatives of Japanese food importers attending the forum and briefed them on ‘Further Improving Control of Food Imported by Sea’, an enhanced food container inspection at Kwai Chung Customhouse (KCCH).

The following major enquiries were raised by the representatives of food importers:

Q1: Were radiation certificates required for all categories of Japanese food imported to Hong Kong?

A: Following the Fukushima nuclear incident in Japan, DFEH made an order in March 2011 under the Public Health and Municipal Services Ordinance to prohibit the import of vegetable, fruit, milk and milk powder which were from the five prefectures of Japan, i.e. Fukushima, Ibaraki, Tochigi, Gunma and Chiba into Hong Kong . However, chilled or frozen game, meat and poultry, poultry eggs and live, chilled or frozen aquatic products accompanied by a

certificate issued by the competent authority of Japan certifying that the radiation levels did not exceed the corresponding Guideline Levels of Codex could be imported into Hong Kong.

Q2: Which party of the food trade would CFS approach for food inspection at KCCH?

A: CFS would only approach food importers for the inspection of food containers at KCCH.

Q3: Would there be cold store provided for the importers at KCCH?

A: There was currently no cold storage facilities provided at the CFS checkpoint at KCCH. Preliminarily, no chilled or frozen food items would be chosen for the enhanced food inspection at KCCH.

Q4: Could the food importers requested for their imported food being inspected at the KCCH?

A: The importers' request would not be entertained because CFS would base on mentioned criteria/ risk assessment to choose food containers.

Q5: Would the inspection of container be arranged in the late afternoon? How long would it take for the food inspection at KCCH?

A: CFS would arrange the food inspection in the morning or early afternoon in order not to cause any inconvenience to the food traders. The required time for the inspection of container would depend on the quantity and packing of the food in the container.

Q6: Would the importers be required to be present for food inspection at KCCH?

A: Importer or his representative whose container was chosen should be present during food inspection at KCCH to witness the progress.

Q7: Would CFS pay for the cost of the food inspected? Would there be any document certifying that the food could be released after the inspection?

A: As only radiation test by handheld meter would be conducted at KCCH,

CFS would not purchase food sample for CMS test at KCCH. Release letter would be issued on the spot. However, if the result by handheld was doubtful, CFS would purchase food sample for CMS.

Q8: Would forklift and manual workers be available for food inspection at KCCH?

A: Yes.

Q9: Would CFS be responsible for any damages incurred during the food inspection?

A: Importer or his representative should be present during inspection to oversee loading and unloading of the goods. If CFS received any request for claim, CFS would provide the case with our findings to DoJ for seeking legal advice.

Q10: As the longer the time samples of food items were taken for testing, the importers would bear more cost, would CFS shorten the time for the sample testing?

A: It takes 2-3 days for CMS test, CFS would liaise with the Government Laboratory to shorten the testing time if CMS test was required.

Q11: If radiation of the food items was detected but the level of radiation was lower than the Guideline level, should the food items be required to be disposed of?

A: You might refer to CFS website that there were as at today about 60 food items detected with low radiation level but did not exceed the corresponding Guideline Levels of Codex. Although such food was considered safe for human consumption, concerned importers usually surrendered the food items voluntarily to CFS for disposal to ensure good quality of their food products and gain confidence of consumers.

Q12: Were Surveyor appointed by importer be allowed to be present in the food inspection at KCCH?

A: Surveyor would be allowed but prior notification should be given to CFS for follow-up action with C&ED as KCCH was under the management of

C&ED.

Q13: Some food traders had encountered that although their food items had been found free from radiation after testing by handheld meter, they were still required to have samples of their food items taken for testing at Government Laboratory. Why were food inspection practices not aligned as the new mode in KCCH?

A: CFS adopted risk-based approach in carrying out radiation test (handheld/CMS) in warehouses or cold stores. Although we would only conduct handheld test in KCCH, CFS would continue to take samples at wholesale and retail level basing on risk assessment. .

Q14: Would food importers with good records be subject to less frequent food inspection?

A: CFS selection criteria of container for inspection at KCCH would include importers with uncooperative track record to report to CFS or failed to provide e-manifest voluntary to C&ED or incomplete information of e-manifest. However, if there was food incident in surrounding areas/ overseas or CFS received intelligence about import of food from the restricted prefectures of Japan, importers even with good tracking records would be subjected to inspection of food containers at KCCH. Anyway, importers were reminded to report to CFS and submitted import documents before the arrival of their imported food items for arrangement of inspection. They should also remind their forwarders the same.

Q15: Would CFS follow C&ED's practice to inspect containers at importers warehouse?

A: CFS would not consider at the moment as not all the importers had their own warehouses and equipment such as forklift. CFS would inspect food containers at KCCH.

Q16: Were importers allowed to bring along their vanning and devanning equipment and workers at KCCH?

A: C&ED's clarification was required as KCCH was a restricted premises managed by C&ED.

Q17: Would CFS seal the container after food inspection? CFS would help food traders if CFS would seal the container after food inspection to ensure security of the food items during transportation.

A: No, the importers had to seal the container by themselves after the release of the food container by CFS. CFS had no legal basis to seal the container for the owner basing on security purpose. However, CFS would mark and seal those suspected unfit food under legal ground.

Q18: The new mode at KCCH was for imported Japanese food. Would other food categories imported through sea border be required to be inspected?

A: All imported food containers would be selected for inspection in KCCH under the risk-based approach. The new mode started with Japanese food due to the reasons mentioned before including Fukushima nuclear incident in Japan in March 2011, concern of food safety of Japanese food by some HK citizen, a complaint concerning import of Chiba carrot in this Jan. Besides, as a new legislation on regulation of imported eggs would be implemented in December 2015, imported eggs container through sea border would also be inspected under the new mode.

Q19: When would the food order targeted at Japanese food be lifted?

A: CFS would continue to monitor the situation by collecting relevant information from Japan and other countries. We would inform food traders if there would be any development in this respect.

The meeting ended at 5:15 pm.

Centre for Food Safety  
Food and Environmental Hygiene Department  
25 September 2015

Notes of briefing session to importers on  
Further Improving Control of Food Imported by Sea

Date : 25.9.2015 (Friday)

Time: 10:00 pm (2<sup>nd</sup> Briefing Session)

Venue: Theatre at 2/F, Oi Kwan Court, Oi Kwan Road, Wanchai, HK

**ATTENDEE**

**(I) Trade side**

A total of 46 representatives of 33 Japanese food importers attended the briefing session, as shown in the Annex.

**(II) Centre for Food Safety (CFS)**

Ms. CHEUNG Lai-kuen, Senior Superintendent (CFS)1

Ms Doris TAM, Superintendent (Import/Export)3

Mr. Mok Wai Hung, Chief Health Inspector (Import/Export)7

Mr Kwan Kin Wai, Senior Health Inspector (Import/Export)R1

Ms. Rachel TAM, SEO(I/E)IR

Mr. John Yip, EO(I/E)IR

**Notes of meeting**

SS(CFS)1 welcomed all representatives of Japanese food importers attending the forum and briefed them on ‘Further Improving Control of Food Imported by Sea’, an enhanced food container inspection at Kwai Chung Customhouse (KCCH).

The following major enquiries were raised by the representatives of food importers:

Q1: How would CFS handle cases of console container (夾櫃) carrying multi-categories of goods items owned by different importers? Would container with goods items other than Japanese food be unsealed for inspection?

A: As mentioned in the briefing before, C&ED provided Japanese food import information from pre-arrival manifest to CFS daily for follow-up action, CFS would base on risk-based criteria such as intelligence, food incidents in surrounding areas, past track records of importers, etc to select targeted

containers for inspection at KCCH. CFS was not aware that the container was 'console' basing on the received manifest information from C&ED. Hence, the selected targeted containers might include consul containers.

Q2: In the console container cases involving several importers, individual importer of the container did not have the right to unseal the container. In such circumstance, which importer would CFS approach for food inspection?

A: Base on the Japanese food import information in the pre-arrival manifest as provided by C&ED to CFS daily, CFS would contact the importer appeared on the manifest. The importer had to communicate with the forwarder to arrange for the food container inspection at KCCH.

Q3: Which party was to provide devanning and vanning services for food inspection in KCCH? How many workers? Trade experienced that 3-4 workers were required for the devanning and vanning services and it took more than 3-4 hours. Drivers as hired by the importers would not take part in the vanning and devanning of goods. The time required for the devanning and vanning services.

A: CFS would provide forklift and workers to assist in food container inspection at KCCH. There would be one worker at the initial stage but would later increase to 2-3 workers. Importer or your representative could assist during devanning and vanning services if so wished. The duration of inspection would depend on various factors including types and quantities of food items, packing mode, etc.

Q4: Would there be any cold storage facilities at KCCH? As the goods would be of various types which would take a number of workers for devanning and vanning, would the manual workers CFS provided be sufficient to speed up the devanning and vanning process in order to shorten time in the food inspection process? CFS should take into account that food inspection at KCCH would induce higher cost paid by the importers.

A: There was currently no cold storage facilities provided at KCCH, chilled/frozen containers would not be selected for inspection preliminarily under the new mode of food inspection at KCCH. CFS noted the importers' concern on time, manpower and cost factors in the new mode of food inspection at KCCH.



Q5: To implement the new mode of food inspection in October 2015 before sorting out problem, such as time and manpower, would be too hasty. As chilled and frozen food items were considered as high risk, what was the purpose of food inspection if chilled/frozen food items were not inspected at KCCH?

A: Currently, there were CFS food checkpoints at the airport and land borders, however, there was no such checkpoint at sea borders. The new measure to conduct food container inspection in KCCH based on risk-based approach would be an enhancement to the current sea border control. CFS would continue the current sea border control by conducting food inspections at warehouses or cold stores.

Q6: For console container cases involving several importers, the importer of the Japanese food did not have the right to unseal the whole container of assorted goods items. Some importers would require the presence of cargo surveyors in unsealing the container if the goods/food items were of high cost, such as wine and other luxurious food items.

A: The importer appeared on the manifest should communicate with his forwarder for food inspection of console container case. CFS would also liaise with importer to work out the schedule for food inspection at KCCH before issuing the detention notice.

Q7: As it would be difficult for the importers of console cases to arrange food inspection at KCCH as individual importer did not have the right to unseal the container, would it not be more appropriate for CFS to approach the forwarders instead of importers to arrange consul food container inspection at KCCH?

A: CFS ensured food safety and regulated import of food through relevant regulations such as Public Health and Municipal Services Ordinance and Food Safety Ordinance. Under the existing legislation, we would direct importers instead of forwarders to arrange their food containers to be delivered to KCCH for inspection by CFS.

Q8: CFS did not understand the operational flow and logistics of containers imported via sea. The mode of operation of container via sea route was totally different to those consignments imported via airport and land. Unlike air and land routes, importers would encounter many operational difficulties in directing the food container to KCCH for inspection. CFS should contact

C&ED to familiar with the inspection of imported container via sea. They inspected containers at KCCH and also importers' warehouses.

A: C&ED had demonstrated their works at Kwai Chung Container Terminal and KCCH to CFS staff. Besides, CFS did contact some importers to collect their current practice via sea route. Hence, CFS was aware of the operational flow and logistics of containers imported through sea route.

Q9: Would CFS follow C&ED's practice to inspect imported food containers at forwarders' warehouse?

A: In the initial stages, CFS would not inspect containers at forwarders' warehouse because not all the importers had their own warehouses and equipment such as forklift and laborers. However, CFS noted the suggestion.

Q10: As it was understood that C&ED conducted dangerous goods inspection at KCCH for anti-terrorism reason, why CFS implemented the new mode of food inspection at KCCH?

A: C&ED and CFS had similar purpose of inspecting containers at KCCH under respective purviews. C&ED's risk profiling focused on anti-terrorism, narcotics interdiction, etc. For CFS, as mentioned, we would conduct enhanced inspections to food containers imported by sea at KCCH basing on risk-based approach, such as intelligence/ complaints received, food incident in surrounding areas, past track record such as non-reporting cases or incomplete manifest information, etc, to protect food safety.

Q11: Were there any figures on contaminated food items with radiation detected in Hong Kong ever since the Fukushima nuclear incident in Japan in 2011?

A: Result of surveillance on radiation level had all along been uploaded in the CFS webpage daily. Given three vegetable samples from Chiba in March 2011 detected with radiation level exceeding the corresponding Guideline Levels of Codex, the DFEH had subsequently issued a Food Safety Order. Since then, about 60 food items were detected with low radiation level but did not exceed the Guideline Levels. Food traders usually surrendered the food items to CFS voluntarily for disposal to ensure good quality of their food products and gain confidence of customers.

Q12: Would CFS just target those importers with poor track record in the new mode of food inspection at KCCH rather than involving all the food importers? It seemed that food importers with good track record in console container were “punished” under the new mode of food inspection at KCCH.

A: As mentioned, CFS would base on risk-based approach to select food containers for inspection at KCCH. Apart from poor tracking record of importers, CFS would also consider other criteria, such as intelligence/complaints, food incidents of surrounding areas, etc.

Q13: The new mode at KCCH was for imported Japanese food. Would other food categories imported through sea border be required to be inspected?

A: All imported food containers would be selected for inspection in KCCH under the risk-based approach. The new mode started with Japanese food due to the reasons mentioned before including Fukushima nuclear incident in Japan in March 2011, concern of food safety of Japanese food by some HK citizen, a complaint concerning import of Chiba carrot in this Jan. Besides, as a new legislation on regulation of imported eggs would be implemented in December 2015, imported eggs container through sea border would also be inspected under the new mode.

Q14: It would be difficult for the importers to arrange transport for food inspection at KCCH, which involved “double handling” of the container in driving the container to KCCH and then back to the importers’ warehouse. Moreover, no definite time was given as to how long it would take for the food inspection at KCCH, while it would just usually take two hours for the importers/forwarders to unload their food items from the containers at their warehouses. This would also lead to the problem of finding a place to park the container after the inspection at KCCH. All the factors would incur higher cost to be paid by the importers. How would CFS cope with these problems which caused nuisances to the importers? CFS should not implement the new mode of food inspection in KCCH in October 2015 before resolving all these problems.

A: It was anticipated that concerned stakeholders including importers, forwards and shippers would be affected by the enhanced inspection to food containers at KCCH. Hence, the purpose of this briefing session aimed at informing importers of the new sea border enhancement for your early liaison/arrangement with relevant stakeholders to cope with CFS’s new measure to

protect food safety. CFS noted importers' concern/ comment on time, manpower and higher cost under the new mode of food inspection at KCCH. In respect of operational difficulties on inspection of console container at KCCH, CFS would look into the issue.

Q15: Would CFS be responsible for any damages incurred during the food container inspection at KCCH?

A: Importers/ their representatives should be present during inspection to oversee loading and unloading of the goods at KCCH. If CFS received any request for claim, CFS would submit the case with our findings to DoJ for seeking legal advice.

Q16: Could the driver drive away the 'vehicle head' and leave the truck in the inspection bay for CFS inspection? The driver will return to KCCH with the 'vehicle head' after completing other orders.

A: The suggestion was not supported because CFS staff might need to wait for the return of the driver with 'vehicle head'. This would interrupt the smooth operation flow in KCCH.

Q17: How many inspection bays would there be for food inspection at KCCH?

A: Importers needed not to worry about it. An inspection bay in KCCH should have been arranged for inspection of your container according to the information in the detention letter issued to the importer.

Q18: What would happen if the importers missed the food inspection requirement due to public holidays?

A. Based on the import information in pre-arrival manifest provided by C&ED, CFS would contact the importer before arrival of the container so as to agree with a date of inspection. A detention letter with date and time of inspection would then be issued to the importer.

Q19: Although my company usually imported full container of food, not consul container, we anticipated double handling of the food container under the new mode of inspection at KCCH. There would be increased operational cost incurred in employing different forwarders to deliver containers to and from

KCCH. Delayed arrival to the booked warehouse would also incur additional cost to find another storage place. Such situation would also affect the importer's contract with the warehouse.

A: CFS noted your concerns. While CFS would look into the operational flow in KCCH, importers were advised to contact your stakeholders early for necessary preparation.

The meeting ended at 12:00 noon.

Centre for Food Safety  
Food and Environmental Hygiene Department  
28 September 2015

Notes of Briefing Session on  
Further Improving Control of Food Imported by Sea

Date : 20.10.2015 (Tuesday)  
(Briefing for poultry egg importers)  
Time: 3:00 pm  
Venue: Lecture Theatre at 3/F, Lai Chi Kok Training School

**ATTENDEE**

**(I) Trade side**

A total of 57 representatives of 44 egg importers attended the briefing session, as shown in the Annex.

**(II) Centre for Food Safety (CFS)**

Ms CHEUNG Lai-kuen, Senior Superintendent (CFS)1  
Ms Doris TAM, Superintendent (Import/Export)3  
Ms Ho Kit Yi, Chief Health Inspector (Import/Export)5  
Mr Sin Chiu Hong, Senior Health Inspector (Import/Export) HK1  
Ms. Rachel TAM, SEO(I/E)IR  
Mr. John Yip, EO(I/E)IR

**Notes of meeting**

SS(CFS)1 welcomed all representatives of food importers attending the forum and briefed them on ‘Further Improving Control of Food Imported by Sea’, an enhanced food container inspection at Kwai Chung Custom House (KCCH).

The following major enquiries were raised by the representatives of food importers:

Q1: For all types of Japanese food imported to Hong Kong, were radiation certificates required, including chilled meat? Should the food inspected at the chilled store be sealed before inspection?

A: Due to the Fukushima nuclear incident in Japan, DFEH made an order in 2011 under the Public Health and Municipal Services Ordinance to prohibit the import of vegetable, fruit, milk and milk powder from the five prefectures of Japan, i.e. Fukushima, Ibaraki, Tochigi, Gunma and Chiba into Hong Kong .

However, chilled or frozen game, meat and poultry, poultry eggs and live, chilled or frozen aquatic products from the five prefectures accompanied by a certificate issued by the competent authority of Japan certifying that the radiation levels did not exceed the corresponding Guideline Levels of Codex could be imported into Hong Kong. Targeted chilled meat containers issued with detention letter would be inspected at importers' cold storage area and the container seal should be intact.

Q2: Would the importers be required to be present for food inspection at KCCH?

A: It was advisable for the importer whose container was chosen or his representative to be present during food inspection at KCCH in order to witness the inspection progress.

Q3: As the legislation for poultry eggs would be implemented on 5 December 2015, were health certificates for imported eggs from the countries of origin ready? Which were the countries with their health certificates agreed by CFS?

A: CFS had actively liaised with Consulate General and relevant food authorities of exporting countries to work out agreed health certificates (H/C) before implementation of the poultry egg legislation for import of eggs/egg products.

Q4: While the majority of imported poultry eggs were from Mainland China, USA, Thailand and Malaysia, a lower percentage of poultry eggs were from Ukraine, Pakistan, etc. As it would take around two months to import poultry eggs to Hong Kong, should the health certificates from the exporting countries were not yet ready when the legislation was implemented, the egg importers would suffer loss and the supply of poultry eggs in Hong Kong would be in short.

A: Health certificates for imported poultry eggs would be required when the legislation of poultry eggs were implemented on 5 December 2015. While CFS had already agreed on the health certificates with some major eggs exporting countries, we also actively urged relevant Consulate General and relevant food authorities of exporting countries to step up the process of the agreed H/C. CFS would take note of the importers concern on the readiness of health certificates.

Q5: What would be the criteria for assigning KCCH or warehouse as the place of inspection for poultry eggs? C&ED would inspect food at either wholesale markets where there were more skilled workers or warehouse of the importers. CFS could make reference to C&ED in food inspection. It was suggested that there should be grace period at the commencement of the legislation of poultry eggs.

A: CFS would inspect eggs containers at KCCH. CFS was aware of the operational flow and logistics of containers imported through sea route as C&ED had demonstrated their works at Kwai Chung Container Terminal and KCCH to CFS staff. CFS would provide forklift with driver and workers for devanning and vanning of food items if the food inspection was conducted in KCCH but not in importers' warehouse.

Q6: How long would it take for the food inspection at KCCH ?

A: CFS would arrange the food inspection in the morning or early afternoon in order not to cause any inconvenience to the food traders. The required time for the inspection of container would depend on factors such as the risk assessment, quantity and packing of the food in the container.

Q7: What were the procedures for application of permission for imported poultry eggs from CFS? Would the permission limit the quantity of imported eggs?

A: Importers should apply to CFS for permission to import eggs/ egg products. Relevant import information such as name and quantity of food to be imported, the exporting country, etc should be provided in the application form in accordance with the amended regulation. The validity of the permission would be 6 months for shipments. Importers would be required to inform CFS for import of each shipment of the eggs. Importers were not allowed to import eggs more than the quantity allowed in the written permission.

Q8: Were imported food items inspected at land border?

A: Food items imported through land border would be inspected at Man Kam To Food Control Office as usual.

Q9: If the imported food in a console container included eggs and meat, if



either the poultry egg or meat was subject to laboratory test, would both the eggs and meat be sealed?

A: CFS would release the container after taking samples or if necessary, detain the sealed container waiting for test result. Importer was required to make temporary arrangement for storage of the detained sealed container. We would make assessment for different scenario.

Q10: How long would it take if the food item was marked and sealed before it was released? Should the detention period be say more than five days, the importers would suffer loss as more cost would be incurred for storing the detained food items during the detention period. Would there be enough time for CFS to arrange food inspection with the importers before shipment of the food items arrived?

A: CFS would liaise with the laboratory for earlier test result of food container as far as possible. Based on the import information in pre-arrival manifest provided by C&ED, CFS would contact the importer before arrival of the container so as to agree with a date of inspection. A detention letter with date and time of inspection would then be issued to the importer. Food traders were requested to cooperate with CFS once they received notification for the enhanced food inspection.

The meeting ended at 4:40 pm.

Centre for Food Safety  
Food and Environmental Hygiene Department  
20 October 2015

Notes of Briefing Session on  
Further Improving Control of Food Imported by Sea

Date : 22.10.2015 (Thursday)  
(Briefing for frozen confectionary & milk importers)  
Time: 3:00 pm  
Venue: Lecture Theatre at 3/F, Lai Chi Kok Training School

**ATTENDEE**

**(I) Trade side**

A total of 40 representatives of 24 food importers attended the briefing session, as shown in the Annex.

**(II) Centre for Food Safety (CFS)**

Ms CHEUNG Lai-kuen, Senior Superintendent (CFS)1  
Ms Doris TAM, Superintendent (Import/Export)3  
Ms Ho Kit Yi, Chief Health Inspector (Import/Export)5  
Mr Liang King Man, Chief Health Inspector (Import/Export)6  
Mr Sin Chiu Hong, Senior Health Inspector (Import/Export) HK1  
Ms. Rachel TAM, SEO(I/E)IR  
Mr. John Yip, EO(I/E)IR

**Notes of meeting**

SS(CFS)1 welcomed all representatives of food importers attending the forum and briefed them on ‘Further Improving Control of Food Imported by Sea’, an enhanced food container inspection at Kwai Chung Custom House (KCCH).

The following major enquiries were raised by the representatives of food importers:

Q1: How long would it take for the food inspection at KCCH, detention of food container waiting for test result?

A: Selected food containers would generally be directed to KCCH for CFS inspection. For frozen confectionary and fresh milk, the containers would be inspected at the importers’ cold store. For inspection of food containers at KCCH, the containers would be released upon satisfactory inspection result

and taking sample, if necessary. For detained container waiting for result of food sample from Government Laboratory, it may take a few days for the test result. CFS would liaise with laboratory for earlier test result. The importer was required to make temporary arrangement for detaining the sealed container. CFS would usually arrange the food inspection in the morning or early afternoon in order not to cause any inconvenience to the food traders. The required time for the inspection of container would depend on factors such as the risk assessment, quantity and packing of the food in the container.

Q2: The importers for frozen confectionary had experienced that while the food items such as ice cream was required to be inspected within 48 hours after arrival in Hong Kong, inspection by CFS could not be arranged within the time limit as inspectors informed them that the Government Laboratory was fully occupied due to heavy workload. It might take the importers weeks before their frozen confectionary food items could be inspected by CFS.

A: CFS had already noted the said situation, Please rest assured that actions were being taken to improve the situation.

Q3: Would food importers with good records be subject to less frequent food inspection?

A: CFS selection criteria of container for inspection at KCCH would include importers with uncooperative track record to report to CFS or failure to provide e-manifest voluntarily to C&ED or incomplete information of e-manifest. However, if there was food incident in surrounding areas/ overseas or CFS received intelligence about import of restricted food from the restricted areas, importers even with good tracking records would be subjected to inspection of food containers at KCCH. Importers were reminded to report and submitted import documents to CFS immediately after loading the food at exporting countries and before the arrival of their imported food items in HK for arrangement of inspection. They should also remind their forwarders/ shippers the same.

Q4: Would popsicles without milk content, though under the frozen confectionary food category, be required for inspection under the enhanced mode of inspection? If sample of the frozen confectionary was taken for further testing and detained, the importers would bear more cost for storing the food at the chilled store. What were to be tested for imported popsicles ?

A: The enhanced inspection at the KCCH applied to all food items imported at sea border, such as frozen confectionary, fresh milk, Japanese food, poultry eggs in particular when the legislation for poultry eggs would be implemented in December 2015. The tests applied to popsicles included the bacteriological tests such as total bacteria count and coliform; chemical tests such as food colouring, artificial sweetener, radiation, etc.

Q5: What would be the effects on the logistics companies under the new mode of food inspection at KCCH? Would the cargo forwarders be required to liaise with CFS or C&ED?

A: CFS would contact the food importers but not the forwarders for arrangement of container inspection at the KCCH. Food importers should then liaise with their forwarders, if necessary, in arranging the imported food to be inspected at KCCH. To facilitate the food inspection, forwarders/ shippers should provide detailed import information as required in the pre-arrival manifest.

Q6: Would there be any information on the enhanced mode of food inspection at KCCH such as the workflow, documents to be inspected, etc. uploaded in the CFS website?

A: Yes, relevant information would be issued to importers.

Q7: For the frozen confectionary to be inspected at the importer's warehouse, should the seal of the container remain intact before the inspection?

A: Yes. The seal of the container at the warehouse should be intact for inspection by CFS inspector. The following procedures would then be the same as inspection of frozen confectionary as at present.

Q8: Would console containers with different food items be inspected at KCCH under the new mode?

A: Depending on the circumstance, console containers of different food items would be inspected at the KCCH or warehouses if situation warrant.

Q9: Food items inspected at the airport food control check points would be released after the inspection if no further testing was required. Would it be the same at KCCH under the new mode of inspection?

A: Yes, unless there was doubt on the imported food and food sample had to be taken for testing.

Q10: If both CFS and C&ED required to inspect the food container, would there be any arrangement to minimize the inconvenience caused to the importers?

A: Inspections conducted by CFS and C&ED were not the same. CFS inspection aimed at protection of food safety while that of C&ED would be for prevention of arm and drug trafficking. Should it happen that both inspection by CFS and C&ED would be required, CFS would liaise with C&ED for a joint inspection at KCCH.

Q11: What would happen if there was shipment delay after arrangement for food inspection at KCCH had been made with CFS?

A: Importers should inform CFS officers and re-schedule the food inspection at KCCH.

Q12: If food sample was taken for further check during the food inspection at KCCH, would the whole container be detained? It would induce extra cost for detaining the container. Would CFS pay for the extra cost for renting the chilled store, transport cost, etc. if the container had to be detained pending result of the food testing at the laboratory?

A: Testing of food might be required during the food inspection., If necessary, release of food could only be done after satisfactory test results, Under such circumstance, the whole container would be detained and sealed. The importers would be required to arrange temporary storage of the detained sealed container and bear the cost so incurred. CFS would not pay for the extra cost. The mechanism for further improving control of food imported by sea was to protect food safety and gain confidence on food safety from members of the public.

Q13: The trade suggested CFS to consider making a pledge for how long the food test result would be known in order to minimize the cost in detaining the container.

A: CFS noted the suggestion and would arrange the test results be obtained as

early as possible.

Q.14: Why was frozen food allowed to be inspected and detained if necessary at the importers' warehouse but the arrangement did not apply to dry food?

A: The CFS aimed at carrying inspection of the sealed containers at the CFS inspection point at KCCH under the enhanced sea border control. For special circumstance such as frozen food, the alternative arrangement at importers' warehouse could be considered.

Q.15: As shipment of food items from Taiwan would take just around two day to arrive in Hong Kong. Would CFS' inspection be arranged speedily enough to meet the short shipment time?

A: Under such circumstance, the targeted importer after being notified by CFS should provide us with import documents as soon as possible for arrangement of inspection of sealed container at KCCH.

Q16: Could the importers choose to have their imported food be inspected at the KCCH or their warehouse?

A: The CFS aimed at carrying inspection of the sealed containers at the CFS inspection point at KCCH under the enhanced sea border control. Frozen food items could be inspected at the importers' warehouse.

Q17: If the imported food in a console container included different types of milk but just one type of milk was subject to laboratory test, would all the milk products in the container be detained and sealed?

A: Depending on the circumstance, containers containing different milk products would be inspected, released or detained at the KCCH or warehouses according to risk assessment.

The meeting ended at 5:00 pm.

Centre for Food Safety  
Food and Environmental Hygiene Department  
22 October 2015

**Centre for Food Safety**  
**Food and Environmental Hygiene Department**  
**Notes of the Fifty Second Meeting of the Trade Consultation Forum**  
**held on 18 November 2015 at 2:30 p.m.**  
**in Conference Room at Room 102, 1/F, New Wan Chai Market,**  
**258 Queen's Road East, Wan Chai, Hong Kong**

**Present****Government Representatives**

Dr. HO Yuk Yin	Consultant (Community Medicine) (Risk Assessment & Communication)	(Chairman)
Dr. Samuel YEUNG	Principal Medical Officer (Risk Assessment & Communication)	
Ms. Joey KWOK	Scientific Officer (Total Diet Study)	
Mr. Nicky HO	Scientific Officer (Nutrition Labelling)	
Mr. YANG Chi Ming	Chief Health Inspector (Food Safety Promotion)	
Mr. WONG Cheuk Ho	Superintendent (Risk Communication)	(Secretary)

**Trade Representatives**

Ms. May LAU	A & W Food Service Ltd.
Ms. LIM Lay Nak	A.S. Watson Industries
Ms. Christy CHEUNG	A.S. Watson Industries
Mr. LO Lok Sang	A-1 Bakery Co., (HK) Ltd.
Mr. Andrew WONG	Abbott Laboratories Limited
Ms. Lilian TANG	AEON Topvalu (Hong Kong) Co., Ltd.
Ms. Caroline YUEN	American Consulate General, Agricultural Trade Office
Ms. CHAN Nga Li	Amoy Food Ltd.
Mr. Rex LEUNG	Angliss Hong Kong Food Service Ltd.
Mr. CHAU Wing Kong	B & S Company
Mr. LAM Pak Wah	Best Harvest Company Ltd.
Ms. Kylie SHUM	Birdland (Hong Kong) Limited
Mr. Kenrick CHU	Bureau Veritas Hong Kong Limited
Mr. TSANG Wah Him	Calbee Four Seas Co. Ltd
Mr. Justin WONG	Castco Testing Centre Ltd.
Ms. Jessica OU YANG	CATALO Natural Health Foods Ltd.
Mr. Ivan CHAN	CATALO Natural Health Foods Ltd.

Ms. Leona WONG	Cerebos (Hong Kong) Ltd.
Mr. Ryan CHAN	CFSS Co., Ltd.
Mr. Howard MAK	Chemical Laboratory (HK) PTE. Ltd.
Ms. May LEUNG	Chemical Laboratory (HK) PTE. Ltd.
Ms. LI Ka Fung	Chew's Food International Ltd.
Ms. Hannah WONG	China Dragon Inspection & Certification (HK) Ltd.
Mr. Chi WONG	China Inspection Co., Ltd.
Ms. Samantha TSANG	China Resources Vanguard (HK) Co Ltd.
Ms. Grace YEE	City Super Ltd.
Ms. Elaine WONG	CMA Testing & Certification Laboratories
Ms. May KAN	Coca-Cola China Ltd.
Mr. XU Xiao Xu	Coils Electronic Co., Ltd.
Mr. Houston WONG	Consulate General of Canada
Mr. Michael LEE	Dah Chong Hong Ltd.
Ms. Sandy TSE	Danone Nutricia ELN Hong Kong Ltd.
Mr. Howard SUEN	Deqingyuan (Hong Kong) Limited
Mr. Carlo C. Catingan	Dole Hong Kong Limited
Ms. Charlotte LAU	Economic Department, Consulate General of France
Ms. Karin HO	Eurofins
Mr. Henry CHENG	Fonterra Brands (Hong Kong) Ltd.
Mr. Freddy FONG	Foodscan Analytics Ltd.
Ms. CHAN Miu Ling	Fresh-cut Produces Ltd.
Ms. Doris CHAN	FrieslandCampina (Hong Kong) Limited
Ms. Natalie YUEN	FrieslandCampina (Hong Kong) Limited
Ms. Noel HO	Garden Heart Food Ltd.
Ms. Joe MAK	General Mills HK Ltd.
Mr. TO Yui Nam	Global Wellness Logistics
Ms. Alice WAN	Godiva Chocolatier (Asia) Limited
Ms. Heidi HO	GS1
Mr. Anson POON	GS1
Mr. CHAN King Lung	HAVI Freight Management Ltd.
Ms. HONG Pui I	HAVI Logistics Services (HK) Ltd.
Ms. NG Kwai Chi	Health Naturally Co., Ltd.
Ms. Connie KUNG	Heinz Hong Kong Limited
Ms. Ada WONG	Herbalife Asia Pacific Services Ltd.
Ms. CHEUNG Tin Yan	HK Elements Ltd.
Mr. Allen WONG	Hong Kong Food Science & Technology Association
Mr. Billy TANG	Hong Kong Food Science & Technology Association
Mr. YUEN Lam Piu	Hong Kong Ham Holdings Ltd.



Ms. Isabella LEUNG	Hong Kong Institute of Vocational Education (Chai Wan)
Ms. LAU Kam Sim	Hong Kong Yakult Co., Ltd.
Mr. Ronald CHOW	Hung Fook Tong
Ms. Katrina NG	Hutchison China Meditech Ltd.
Ms. Leona HO	IKEA
Ms. Yolanda CHOW	International Food Safety Association
Ms. WAN Lok Man	Intertek Testing Service H.K. Limited
Ms. MOU Yee Man	Itochu HK Ltd.
Mr. Tanaka Hiroyuki	Japan External Trade Organization
Mr. Nao CHOW	Japan External Trade Organization
Ms. Kennie SIU	Kellogg Asia Marketing Inc.
Ms. Alice WONG	Lee Kum Kee International Holding Ltd.
Mr. SIU Wai Lun	M & S Industries Ltd.
Ms. Faye LEUNG	Mannings
Mr. Stephen LAM	Mannings
Ms. Rita HO	Maxim's Caterers Limited
Ms. SO Po In	Maxim's Caterers Limited
Ms. Juliana CHAN	Maxim's Food Factory
Ms. Amy CHU	Mead Johnson Nutrition (Hong Kong) Ltd.
Mr. Matthew TANG	Mondelez Hong Kong Limited
Mr. WONG Pui Sum	Natural Alliance Co. Ltd.
Mr. Joseph MA	Nestle Hong Kong Ltd.
Mr. LAU Wing Lun	Nine to Five Ltd.
Mr. Herbert LEE	Nissin Foods Co., Ltd.
Ms. Jasmine IP	Nu Life International Headquarters
Ms. German CHEUNG	Pappagallo Pacific Ltd.
Ms. Cactus LAI	ParknShop (HK) Limited
Mr. Peter Johnston	ParknShop (HK) Limited
Ms. WONG Sheung Ling	Pizza Hut HK Management Ltd.
Ms. Launita CHAN	Polybrands International Ltd.
Ms. LAM Hoi Ming	Power Mark Development Ltd.
Mr. Thomas YEUNG	Reckitt Benckiser Hong Kong Limited
Ms. Susana Munoz Enriquez	Secretariat of Economy of Mexico
Ms. LEUNG Wing Shan	SFB Ltd.
Ms. Carol LAI	SGS Hong Kong Limited
Mr. Nick LEUNG	Snow Brand Hong Kong Co., Ltd.
Ms. Antonia Martinez F.	Spanish Trade Commission
Ms. LIU Wing Shan	Swire Coca-Cola HK
Mr. Victor KOK	Tai Pan Bread & Cakes Co., Ltd.

Ms. Sally LEUNG	The Dairy Farm Group
Ms. Anna LEUNG	The Dairy Farm Group
Mr. LING Tsun Kit	The Garden Company Ltd.
Ms. Kammy YEUNG	The Hong Kong Standards and Testing Centre Ltd.
Ms. Vanessa CHAU	Truth & Faith International Ltd.
Ms. Wing CHEUNG	Unilever Hong Kong Ltd.
Mr. Attlee LAU	URC Hong Kong Co., Ltd.
Mr. LE Van Nghia	Vietnam Trade Office
Mr. Sidney NG	Vital Production Ltd.
Ms. Winnie KWOK	Vitasoy International Holdings Ltd.
Ms. Clara LAM	Wellcome
Mr. LAM Tsz Mau	Winner Food Products Ltd.
Mr. Philip KWAN	Wrigley Asia Pacific Ltd
Mr. Tony CHOW	Wyeth (Hong Kong) Holding Co. Ltd.

#### **In Attendance**

Mr. WANG Chao	China Food and Drug Administration
Ms. LONG Jie	China Food and Drug Administration
Mr. KE Faye	China Food and Drug Administration
Mr. LI Weixin	China Food and Drug Administration
Mr. LI Weifeng	China Food and Drug Administration
Ms. LI Huimin	China Food and Drug Administration
Mr. JIN Fabin	China Food and Drug Administration

#### **Opening Remarks**

The Chairman welcomed all trade representatives to the 52<sup>nd</sup> meeting and introduced government representatives to the meeting. He also welcomed seven representatives from the China Food and Drug Administration who came to Hong Kong on a study tour and introduced to them the function of this Forum.

#### **Confirmation of the Notes of Last Meeting**

#### **Agenda Item 4**

##### **Seaport Control at Kwai Chung Container Terminal**

20. Mr. YANG Chi Ming informed the meeting that in order to strengthen the monitoring of food imported by sea, the CFS had set up a Food Control Checkpoint (Checkpoint) at Kwai Chung Customhouse (KCCH). The Checkpoint had commenced operation in October 2015. The risk-based surveillance principle was adopted in selecting containers conveying food via sea route for inspection. Taking into account such factors as relevant intelligence, food safety incidents in neighboring areas, whether the importers concerned had previously disregarded instructions to contact CFS for food inspections and whether cargo manifests were submitted to C&ED prior to container arrival or whether the cargo manifests contained all the required information. Imported food items subject to inspection included: food affected by food incidents; other imported food under regulatory control; and food of higher risk (e.g. milk / milk products, frozen confections, etc.). After the container was loaded onto

the vessel at the exporting end, and prior to its arrival in Hong Kong, the food importer should take the initiative to notify the CFS of the shipment as early as possible, along with the submission of relevant import documents. Containers of food shipped to Hong Kong by importers would be inspected at the KCCH Checkpoint if selected by CFS. Before the container's arrival in Hong Kong, CFS issued a notice to the importer concerned requiring the importer's container to be transferred to the Checkpoint for inspection on the date and at the time specified on the notice. The seal / lead seal of the selected container should not be opened. CFS officers would examine the food items in the container or, should circumstances warranted, took samples for testing by the Government Laboratory before release of the consignment. Depending on the circumstances of the case (e.g. frozen foods), the CFS might examine the imported food at other specified sites. The CFS had conducted a number of briefing sessions on the enhanced food regulatory measures and arrangements at Kwai Chung Container Terminals to the trade and called on trade members to collaborate with the Government.

21. In response to an enquiry from a trade representative, Mr. YANG Chi Ming informed that her name would be forwarded to the Food Import and Export Section for invitation to the next briefing session. The Powerpoint presentation of this meeting had been uploaded to the CFS website for general information.

22. In response to an enquiry of another trade representative, the Chairman explained that unless the consignment had to be detained, the items could be released after examination or taking samples without the need to wait for testing results. Enquiries on operational details could be addressed to the Food Import and Export Section. In response to an enquiry of another trade representative, the Chairman mentioned that there was no plan to install new facilities to inspect frozen food at KCCH. He also replied another trade representative that

for Japanese food items requiring checking of radiation level, the checking would be performed in one go and there would not be separate checks on the same items.



# Strengthening Surveillance of Food Imported by Sea



# Food Control Checkpoint for Food Imported by Sea

- To strengthen the monitoring of food imported by sea, CFS has set up a Food Control Checkpoint at Kwai Chung Customhouse (KCCH).
- The Checkpoint has commenced operation in October 2015.



# Food Control Checkpoint for Food Imported by Sea

Food Control Checkpoint at Kwai Chung Customhouse (KCCH)





# Regulatory Control Arrangements

## 1. Selection Criteria

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- Adopt the risk-based surveillance principle in selecting containers conveying food via sea route for inspection at that Checkpoint.
- Taking into account such factors as relevant intelligence, food safety incidents in neighboring areas, whether the importers concerned has previously disregarded instructions to contact CFS for food inspections and whether cargo manifests were submitted to C&ED prior to container arrival or whether the cargo manifests contain all the required information.

# Regulatory Control Arrangements

## 2. Items selected for inspection

- CFS adopts the risk-based principle and driven by public concern about the safety of imported food products.
- Imported food subject to inspection include:
  - Imported food affected by food incidents;
  - Other imported foods under regulatory control
  - Foods of higher risk (e.g. milk / milk products, frozen confections, etc.)
    - Poultry eggs which will be under regulatory control in December this year
    - Foods covered under the Food Safety Order issued by the Director of FEH (e.g. food imported from Japan, edible oil imported from Taiwan, etc.)



# Regulatory Control Arrangements

## 3. Import Documents Submission

- After the container is loaded onto the vessel at the exporting end, and prior to its arrival in Hong Kong, the food importer should take the initiative to notify the CFS of the shipment as early as possible, along with the submission of relevant import documents.

Import Licence

Bill of Lading

Official Certificate /  
Health Certificate

Packing List

Certificate of  
radiation levels

# Regulatory Control Arrangements

## 4. Inspection of container for food safety test arrangements

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### ● Food Control Checkpoint at KCCH

- Containers of food shipped to Hong Kong by importers are inspected at the KCCH checkpoint if selected by CFS.
- Before the container arrives in Hong Kong, CFS issues a notice to the importer concerned.
- Requiring the importer's container, after arrival, to be transferred to the checkpoint for inspection on the date and at the time specified on the notice.

# Regulatory Control Arrangements

## 5. Security seals

- The seal / lead seal of the selected container should not be opened by the importer / the driver until the container has been delivered to the Food Control Checkpoint at KCCH.
- It must be confirmed by CFS officers that the seal is intact on arrival before opening the container.





# Regulatory Control Arrangements

## 6. Food Safety Test

- CFS officers examine the food items in the container.



# Regulatory Control Arrangements

## 6. Food Safety Test

- Should circumstances warrant, CFS officers may take samples for testing by the Government Laboratory before release of the consignment. The container will be detained before the testing result is released, if necessary.



# Regulatory Control Arrangements

## 7. Other Specified Sites

- Depending on the circumstances of the case (e.g. frozen foods), the CFS may examine the imported food at other specified sites (such as the place where the container is to be opened and unloaded).
- The seal / lead seal of the container must be confirmed to be intact by CFS officers before it can be opened.



Importer's warehouse  
(apply to frozen or chilled foods)



# Briefing to Food Traders

- CFS has conducted a number of briefing sessions on the enhanced food regulatory measures and arrangements at KC Container Terminals to the trade and called on trade members to collaborate with the Government.



*Thank you*

香港海關  
香港北角渣華道 222 號  
海關總部大樓



HONG KONG  
CUSTOMS AND EXCISE DEPARTMENT  
Customs Headquarters Building,  
222 Java Road, North Point, Hong Kong

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本署檔號	Our ref	:	CECR/ORG/REV/13 Pt.3
來函檔號	Your ref	:	CB4/PAC/R71
電話	Tel.	:	2669 4434
圖文傳真	Fax	:	2676 2424

23 January 2019

Mr Anthony CHU  
Clerk to Public Accounts Committee  
Legislative Council Secretariat  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong  
(ahychu@legco.gov.hk)

Dear Mr CHU,

**Public Accounts Committee**  
**Consideration of Chapter 2 of the Director of Audit's Report No. 71**  
**Centre for Food Safety: Import control of foods**

I refer to your letter dated 15 January 2019 requesting the Department to provide information to facilitate the Public Accounts Committee's consideration of Chapter 2 of the Director of Audit's Report No. 71.

— The requested information is set out in the **Annex**.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'S Y Tam', is written over a horizontal line.

(S Y Tam)

for Commissioner of Customs and Excise

c.c.:

Secretary for Food and Health

(fax no. 2526 3753)

Director of Food and Environmental Hygiene

(fax no. 2524 1977)

Secretary for Financial Services and the Treasury

(fax no. 2147 5239)

Director of Audit

(fax no. 2583 9063)

## Annex

- (a) The cargo carriers participating in the EMAN Statement One Submission Scheme (EMAN I) will submit pre-arrival e-manifests via the EMAN system, while non-EMAN I cargo carriers can submit paper manifests.

In order to facilitate radiation tests to be conducted by the Centre for Food Safety (CFS) on food products imported from Japan, the Customs and Excise Department (C&ED) will provide CFS with information in advance on all seaborne food products imported from Japan. Under the notification mechanism, C&ED will screen the e-manifests submitted under EMAN I for food products imported from Japan. Although EMAN I is a voluntary scheme, the submission rate has already attained 85%, that is, it covers 85% of the cargo information for goods imported from Japan. In addition, C&ED will also request non-EMAN I cargo carriers to submit pre-arrival paper manifests (i.e. the remaining 15% of the cargo information for goods imported from Japan.) for screening information of goods reported to be food products. The information will be passed to CFS together with the information from EMAN I. Through the notification mechanism, C&ED provides CFS with information of all seaborne food products imported from Japan.

- (b) The prevailing legislation does not require sea cargo carriers to submit pre-arrival cargo information. To facilitate risk profiling and expedite customs clearance, C&ED introduced EMAN I in 2003 to encourage cargo carriers to submit pre-arrival e-manifests. Given its popularity in the industry, the submission rate of EMAN I has already attained 85%. Meanwhile, C&ED has been conducting outreach publicity in order to encourage more sea cargo carriers to participate in the scheme.
- (c) C&ED is not in the position to comment on the relevant measures as they fall under the purview of the Food and Environmental Hygiene Department.

(d)(i) To tie in with the strengthened inspection of imported vegetables by CFS, C&ED and CFS have mounted a joint operation at Man Kam To Control Point since 2014.

(ii) As regards para 2.37(a), to combat smuggling activities of using vegetable consignments as camouflage, C&ED will select goods vehicles carrying vegetable consignments for inspection at Man Kam To Control Point. Under the joint operation mechanism, C&ED will, upon completion of Customs inspection, divert the goods vehicles with vegetable consignments on board to CFS officers for further action.

As regards para 2.37(b), under the joint operation mechanism, CFS will provide C&ED in advance with the vehicle registration numbers of target goods vehicles carrying vegetable consignments. C&ED will then assist in intercepting the target vehicles and divert them to CFS officers for further action.

(iii) After discussion, C&ED and CFS have extended the scope of the operation to inspection of goods vehicles carrying eggs and meat consignments.

-End-

## ACRONYMS AND ABBREVIATIONS

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AFCD	Agriculture, Fisheries and Conservation Department
AFIO	Airport Food Inspection Office
Audit	Audit Commission
Audit Report	Director of Audit's Report
C&ED	Customs and Excise Department
CFS	Centre for Food Safety
CMS	Contamination Monitoring System
EMAN	Electronic System for Cargo Manifest
EU	European Union
FEHD	Food and Environmental Hygiene Department
FICS	Food Import Control System
FIRLO	Food Importer/Distributor Registration and Import Licensing Office
GACC	General Administration of Customs of the People's Republic of China
IT	Information technology
KCCH	Kwai Chung Customhouse
kg	Kilogram
MKTAIS	Man Kam To Animal Inspection Station
MKTFCO	Man Kam To Food Control Office
Operational Manual	Operational Manual on import control of foods
ROCARS	Road Cargo System
the Police	Hong Kong Police Force
TSW	Trade Single Window
VPHS	Veterinary Public Health Section