



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

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:

	2013	2014	2015	2016	2017
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
Total	4 863 213	2 888 255	2 132 295	2 083 055	1 552 902

* 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:

Year	2013	2014	2015	2016	2017
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:

2018	Total number of vehicles inspected	Average number of vehicles inspected per day	Average time of inspection
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 ^[Note 1]	71	68	23	91	27.9	23.0	50.9
Control of foods imported by land ^[Note 2]	125	117	-	117	45.6	18.5	64.1
Sub-Total ^[Note 3]	253	240	23	263	91.7	51.4	143.1
Other expenditure related to import control ^[Note 4]					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 ^[Note 1]	89	84	24	108
Control of foods imported by land ^[Note 2]	138	126	-	126
Total ^[Note 3]	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-