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本函檔號 Our ref. : FEHD CFS/1-125/55/3 C
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', is written over a light grey circular background.

(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 -