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Panel on Food Safety and Environmental Hygiene

**Updated background brief prepared by
the Legislative Council Secretariat for the meeting on 11 June 2019**

Food surveillance

Purpose

This paper summarizes major views and concerns of members of the Panel on Food Safety and Environmental Hygiene ("the Panel") regarding the Food Surveillance Programme ("FSP") of the Centre for Food Safety ("CFS").

Background

Food Surveillance Programme

2. According to the Administration, CFS adopts the World Health Organization's "from farm to table" strategy to ensure food safety in Hong Kong. Control at source includes allowing only food from registered farms/processing plants with audit inspections to enter Hong Kong and requiring health certificates for certain food animals and food products, etc. At the downstream of the food supply chain, FSP is one of CFS' key components to identify potential food risk and monitor food safety level.

3. Under FSP, CFS takes food samples at import, wholesale and retail (including online retailers) levels for microbiological, chemical and radiation tests to ensure that food offered for sale complies with all legal requirements and is fit for human consumption. To keep in line with the international trend of putting more focus on project-based surveillance, CFS has since 2007 adopted a three-pronged surveillance strategy which consists of regular food surveillance, targeted food surveillance and seasonal food surveillance. CFS also conducts

surveys on popular food items to assess the safety of food commonly consumed in Hong Kong. In 2017, apart from the regular food surveillance (covering major food groups such as fruits and vegetables, meat, poultry, aquatic products, milk and cereals), CFS completed the following projects and surveys:

- (a) eight targeted food surveillance projects, such as sulphur dioxide in meat and metallic contaminants in food;
- (b) six seasonal food surveillance projects, including Lunar New Year food, hairy crabs and "Lap Mei"; and
- (c) one survey on popular food items, i.e. hot pot food and soup base.

Overall situation in 2017

4. In 2017, CFS conducted tests on a total of about 67 100 food samples, among which 106 unsatisfactory samples were identified. The overall satisfaction rate was 99.8%. According to the Administration, for individual food products/items with problems identified, CFS had taken prompt risk management actions to safeguard public health.

Investigation report published by the Office of The Ombudsman

5. On 13 November 2017, the Office of The Ombudsman published a direct investigation report on "Food and Environmental Hygiene Department's System of Safety Control for Imported Fruits and Vegetables" ("the investigation report"). The Ombudsman has made in the investigation report a number of observations and comments regarding CFS' sampling of fruits and vegetables at its Man Kam To Food Control Office ("MKTFCO"), surveillance and sampling arrangements for vegetables and fruits imported by sea, the lead time from sending samples to the Government Laboratory to the completion of the laboratory tests, and the regulation of the level of pesticide residues and metallic contaminants in food under the relevant legislations. The Food and Health Bureau and CFS agreed with and took on board The Ombudsman's recommendations made in the investigation report. At the Panel meeting on 13 February 2018, the Administration reported on the follow-up actions taken in response to The Ombudsman's advice and recommendations.

Members' concerns

6. The Panel has, since 2009, regularly received the Administration's briefings on FSP. Members' major views and concerns are summarized in the ensuing paragraphs.

Safety of imported food

Imported vegetables and fruits

7. Members noted the relatively low unsatisfactory rate associated with samples of vegetables, fruits and related products collected by CFS for testing (e.g. only 33 unsatisfactory samples (i.e. 0.11% unsatisfactory rate) were found in 2017). Query was raised about the accuracy and reliability of the overall satisfactory rate (over 99.8%) for those samples. Some members considered it necessary for CFS to collect more samples of vegetables, fruits and related products imported by land/sea for testing under FSP. Noting that CFS had issued guidelines instructing officers how to conduct more effective collection of samples of vegetables and fruits in storage compartments of lorries (including those placed deep inside) at MKTFCO, members sought details of the new sampling procedure adopted by CFS.

8. According to the Administration, vegetables and fruits were not high-risk food. As a matter of fact, the number of samples of vegetables, fruits and related products accounted for a rather high percentage of the annual total number of food samples tested by CFS in recent years. In response to the recommendations made in The Ombudsman's investigation report, CFS had arranged to increase the number of fruit samples taken at MKTFCO. The Administration would continue to give due and holistic consideration to the risks of different food types, and actively explore improvements to the sampling arrangement. Regarding the new sampling procedure, frontline staff members of CFS followed the principle of random sampling when collecting vegetables from lorries for inspection and testing. In addition to taking vegetables near the door of the storage compartment, they would collect vegetables placed at the inner part of the compartment using elevating work platforms, if necessary.

9. Concern was raised as to whether the surveillance work on local vegetables was more stringent than that on imported vegetables. The Administration stressed that CFS had all along been adopting a risk-based principle in taking vegetable samples, be they local vegetables or imported vegetables, for quick tests for pesticide residues and comprehensive chemical analysis at import, wholesale and retail levels under FSP to ensure they were fit for human consumption.

Food safety of vegetables under "direct sale"

10. Members were concerned about the role of CFS in the regulatory control over the registered vegetable farms in the Mainland as well as the effectiveness and reliability of the relevant Mainland authorities' monitoring of food safety.

According to the Administration, the Mainland authorities had a major role in ensuring the food safety of vegetables exported to Hong Kong. Under the current administrative arrangements between Hong Kong and the Mainland as well as the Administrative Measures on the Quarantine of the Vegetables Supplied to Hong Kong and Macao, the Mainland authorities had imposed stringent requirements for the management of registered farms. CFS visited about 20 registered farms annually to understand their operation and exchange views with the Mainland authorities on the regulation of farms.

11. Notwithstanding the above, some members considered the existing control measures in detecting and preventing problematic vegetables from importing into Hong Kong ineffective. They were also concerned about the safety of food products directly sourced from food processors in the Mainland by local restaurants and supermarkets as well as vegetables imported from the Mainland and directly distributed to retail outlets, instead of distributing through Government vegetable wholesale markets or the Vegetable Marketing Organization. In some members' views, CFS and the Customs and Exercise Department should enhance the routine inspection at control points over vegetable vehicles, targeting in particular vehicles carrying vegetables for direct sale.

12. The Administration advised that vegetables imported from the Mainland must be sourced from vegetable farms and production and processing establishments registered with the Mainland inspection and quarantine authorities. The Mainland authorities would regulate and monitor the farm size, environment, irrigation, soil, application of fertilizers and pesticides, as well as conduct food tests on the vegetables before exporting them to Hong Kong. In tandem, CFS officers would inspect each vegetable vehicle when it arrived at MKTFCO at which checking would be conducted on whether the seal on the vehicle remained intact and whether the consignment tallied with the accompanying documents. CFS officers would also inspect the vegetables and take samples for quick tests for pesticide residues and comprehensive chemical analysis. On average, about seven to nine vegetable vehicles would be identified daily for full inspection.

Radiation testing on food imported from Japan

13. Members continued to be concerned about the monitoring of radiation contamination of food products imported from Japan and the safety standards for radiation level adopted in Hong Kong. There was a view that the Administration should enhance communication with the relevant authorities of the exporting countries/places regarding the scope of surveillance for imported foods and should check whether they adopted the same safety standards. Worrying that unscrupulous traders might mislead consumers into purchasing

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

14. According to the Administration, in response to the Fukushima nuclear power plant incident occurred in 2011, the Director of Food and Environmental Hygiene issued on 24 March 2011 an order under section 78B of the Public Health and Municipal Services Ordinance (Cap. 132) to prohibit the import of vegetables and fruits, milk, milk beverages and milk powder from the five most affected prefectures of Japan, namely Fukushima, Ibaraki, Tochigi, Chiba and Gunma. CFS also prohibited the import of all chilled or frozen game, meat and poultry, all poultry eggs and all live, chilled or frozen aquatic products from these five prefectures, unless they were accompanied by a certificate issued by the competent authority of Japan certifying that the radiation levels did not exceed the guideline levels laid down by the Codex Alimentarius Commission ("Codex"). To safeguard public health, CFS conducted tests on radiation levels of every consignment of food products imported from Japan, irrespective of the origins of the products and the channels from which they were imported into Hong Kong. In addition to the 67 100 food samples inspected under FSP, some 84 100 samples of food imported from Japan were tested in 2017. The test results of all of the samples were satisfactory. CFS would review the testing standards from time to time and maintain close communication with the Japanese authorities to safeguard food safety at food sources.

Pesticide residues and metallic contaminants in food

15. Concern was raised whether the chemical standards for pesticides in food as laid down in the Pesticide Residues in Food Regulation (Cap. 132CM) ("PRFR") were appropriate and comparable to international standards. There was a suggestion that the Administration should review the maximum residue limits ("MRLs") and extraneous maximum residue limits ("EMRLs") under PRFR.

16. The Administration advised that from the food safety perspective, all substances falling within the definition of "food" were regulated by PRFR which came into force in August 2014. Regardless of whether there was an MRL specified in Schedule 1 to PRFR, all food products should comply with the legislative requirements related to food safety in Hong Kong. For pesticide residues with no specified MRLs/EMRLs in Schedule 1, PRFR stipulated that except for exempted pesticides, import or sale of food containing such pesticide

residues was allowed only if the consumption of the food concerned was not dangerous or prejudicial to health. CFS conducted risk assessment to determine whether the consumption of such food was hazardous or harmful to health. Risk assessment was a science-based method in line with the international practice. The adoption of a risk assessment approach made PRFR more flexible and practical.

17. Members noted with concern that predatory fish was the major source of mercury in the human diet and that large fish or predatory fish species (e.g. tuna, albonsino, shark, swordfish, marlin, orange roughy and king mackerel) might be high in mercury levels. Some members suggested that CFS should step up publicity on the adverse effects of mercury on susceptible population groups including pregnant women, women planning pregnancy as well as young children; and advise them to avoid the consumption of those types of fish which might contain high levels of mercury.

18. According to the Administration, it had conducted a review of the Food Adulteration (Metallic Contamination) Regulations (Cap. 132V) ("the Regulations"), taking into account Codex's latest standards on metallic contamination, relevant standards of other economies, local food consumption pattern/dietary practices and the results of CFS' risk assessment. With a view to better protecting public health, facilitating effective regulation and aligning Hong Kong's standards with international standards, the Administration would propose amendments to the Regulations. The Administration advised that as about 11% of women of childbearing age in Hong Kong had dietary exposure to methylmercury¹ (the most toxic form of mercury) exceeding the relevant health-based guidance value, it would propose to, among others, adopt a maximum level ("ML") of 0.5 mg/kg for methylmercury in fish (including predatory fish such as large tuna) to replace the existing ML of 0.5 mg/kg for total mercury in fish, which was more stringent than the standard of 1 mg/kg for predatory fish adopted by Codex.² It was noteworthy that CFS had been

¹ Studies have revealed that foetal exposure to methylmercury could adversely affect a baby's growing brain and nervous system.

² On 8 June 2018, the Administration published in the Gazette the Food Adulteration (Metallic Contamination) (Amendment) Regulation 2018 ("the Amendment Regulation") to amend the Regulations to revise/update the maximum levels ("MLs") for 14 metallic contaminants in food. Among others, ML for mercury (expressed as methylmercury) in fish was revised to 0.5 mg/kg. The Amendment Regulation was tabled before the Legislative Council on 13 June 2018 and was subject to the negative vetting procedure. The subcommittee studying the Amendment Regulation has completed its work and the deliberations of the subcommittee are set out in its report, which is available at <https://www.legco.gov.hk/yr17-18/english/hc/papers/hc20181005cb2-1877-e.pdf>. The Amendment Regulation will come into operation on 1 November 2019.

advising the public through its website to avoid excessive exposure to mercury. The Administration would explore other publicity channels apart from its website to disseminate the advice to the public.

Monitoring and regulating online sale of food

19. Some members were concerned whether the number of food samples taken for testing was adequate. Enquiries were raised about the criteria adopted by CFS in determining the types and number of food samples to be collected for testing, as well as the measures taken by the Administration to monitor online food selling activities conducted particularly through overseas websites.

20. The Administration reiterated that CFS adopted a risk-based principle in determining the types of food samples to be collected, the frequency and number of samples taken for testing, and the types of laboratory analysis to be conducted. The sampling programme was under regular review by CFS and would be adjusted taking into account factors such as past surveillance results, local and overseas food incidents and relevant risk analyses. As there were limitations to regulate online food selling activities conducted throughout overseas websites which were not under the jurisdiction of Hong Kong, CFS' existing sampling programme mainly focused on food products purchased from local websites.

21. According to the Administration, the Food and Environmental Hygiene Department ("FEHD") had introduced on 22 February 2016 a new set of licensing conditions for regulation of operators without physical premises and selling restricted foods via the Internet or social media platforms. The licensing conditions mainly required that restricted foods must be obtained from lawful sources and not be tampered with during transportation to prevent cross-contamination; and that the food products should be stored at a safe and proper temperature at all times. Moreover, the operators should provide on their websites information about their permits, such as the permit number, the registered address and the restricted foods permitted for sale, so that consumers could verify such information through FEHD's website when purchasing the foods online. FEHD would closely monitor online food selling activities. It would conduct investigations and take follow-up actions as and where appropriate (e.g. conducting "covert operations") against unlicensed food premises conducting online food selling activities in breach of the Food Business Regulation (Cap. 132X). In 2017, more than 4 000 food samples purchased online were collected for chemical and microbiological tests.

Recent developments

22. On 15 April 2019, the Consumer Council announced that methylmercury, parasites and worm eggs were detected in sashimi samples sourced from restaurants, supermarkets and takeaway outlets. Some members considered it necessary for CFS to review and update the testing parameters (such as heavy metals, pesticide residues and micro-organisms) for sashimi/raw seafood.

23. The Panel will receive the Administration's regular report on FSP at the meeting on 11 June 2019. In view of the findings of the Consumer Council in relation to sashimi/raw seafood as above-mentioned, the Administration has been requested to also brief members on the safety of food groups/items of concern to members of the public at the June meeting.

Relevant papers

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

**Relevant papers on food surveillance
issued in the Sixth Legislative Council**

Committee	Date of meeting	Paper
Legislative Council	11.1.2017	<u>Official Record of Proceedings Pages 2787 to 2791 (Written question raised by Dr Hon Junius HO on "Measures to enhance food safety")</u>
Panel on Food Safety and Environmental Hygiene	14.2.2017 (Item V)	<u>Agenda</u> <u>Minutes</u> Administration's follow-up papers on issues relating to the food surveillance work of the Centre for Food Safety (LC Paper No. <u>CB(2)1217/16-17(01)</u>)
Legislative Council	10.5.2017	<u>Official Record of Proceedings Pages 7008 to 7012 (Written question raised by Dr Hon KWOK Ka-ki on "Food safety of vegetables distributed directly to retail outlets for sale immediately after being imported from the Mainland")</u>

Committee	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	5.1.2018*	Administration's responses and follow-up actions to the Office of The Ombudsman's direct investigation report on Food and Environmental Hygiene Department's System of Safety Control for Imported Fruits and Vegetables (LC Paper No. <u>CB(2)642/17-18(01)</u>)
	13.2.2018 (Item IV)	<u>Agenda</u> <u>Minutes</u>
Legislative Council	11.7.2018	<u>Official Record of Proceedings Pages 14286 to 14291 (Written question raised by Hon Steven HO on "Control for food safety of fruits and vegetables")</u>
	8.5.2019	<u>Written question raised by Hon CHEUNG Kwok-kwan on "Food safety and descriptions of sashimi and sushi"</u>

* Issue date