

ITEM FOR ESTABLISHMENT SUBCOMMITTEE OF FINANCE COMMITTEE

HEAD 139 – GOVERNMENT SECRETARIAT : FOOD AND HEALTH BUREAU (FOOD BRANCH) Subhead 000 Operational expenses

Members are invited to recommend to the Finance Committee the retention of the following supernumerary post in the Food and Health Bureau with effect from 24 May 2020 or upon approval of the Finance Committee, whichever is later, for a period of five years –

1 Senior Principal Executive Officer
(D2) (\$179,350 - \$196,050)

PROBLEM

The Food Branch of the Food and Health Bureau (FHB) needs sufficient and dedicated support at directorate level to monitor the work on food safety and continue to cope with the complex and challenging food safety policy issues in the coming five years by implementing new initiatives to safeguard food safety.

PROPOSAL

2. We propose to retain a supernumerary Senior Principal Executive Officer (SPEO)(D2) post in FHB, designated as Senior Principal Executive Officer (Food) (SPEO(Food)), with effect from 24 May 2020, or upon approval of the Finance Committee (FC), whichever is later, for a period of five years to provide sufficient support at directorate level to safeguard food safety.

/JUSTIFICATION

JUSTIFICATION

Background and Current Situation

3. The work of the Food Branch of FHB is closely related to the daily life of our citizens. The Food Branch is responsible for formulating, coordinating and implementing policies on food safety, agriculture and fisheries, veterinary public health and environmental hygiene.

Food Safety

4. Food safety is a huge portfolio. It covers a wide range of work, such as matters relating to the safety standards of a wide variety of foods, including aquatic products, food of plant origins, food of animal origins, and processed food; matters relating to import control of aquatic products, poultry eggs, food of plant origins and food of animal origins, and processed food for food safety considerations; overseeing of the management of food incidents; matters relating to formula products and foods intended for infants and young children, etc. Also, the Food Branch is responsible for matters relating to reduction of salt and sugar contents in food. In undertaking the above work, we often need to make reference to overseas practices and experiences, seek and consolidate stakeholders' views, draft amendment regulations and discuss with the trade to ensure smooth implementation of the legislation or policies.

5. Food safety is a grave concern in Hong Kong, which is a liberal and free market with a complex food supply chain providing a wide variety of food from all over the world. Any major food incident can have a huge impact on Hong Kong. Management of such incidents requires joint efforts by various Government departments as well as liaison with food safety authorities outside Hong Kong. Inputs and coordination at directorate level of the Food Branch are therefore essential. As there are outbreaks of food incidents locally or outside Hong Kong from time to time, the workload of the Food Branch in this regard has increased¹. At present, some 95% of our food is imported from places outside Hong Kong. To safeguard public health, it is imperative for the Government to respond promptly to any food incidents occurring in different places and related media reports. Examples of food incidents that drew extensive media coverage include the substandard lard incident in September 2014, pesticide residues detected in imported tea leaves/floral tea in May 2015, detection of excessive dioxin and dioxin-like polychlorinated biphenyls in hairy crabs in November 2016, bad quality

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¹ Take the food incidents identified by the Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department as an example, the number of cases detected through CFS's Food Incident Surveillance System increased from around 1 580 in 2014 to around 2 040 in 2019.

and falsified health certificates for meat products exported from Brazil as discovered in March and September 2017 respectively, romaine lettuce imported from the United States suspected to be contaminated with *E. Coli* in November 2018, etc. Both the media and the public expect that, as the regulatory body, the Government should respond promptly and implement effective measures. The Food Branch also needs to take effective actions to coordinate inter-departmental response, disseminate accurate information to the public and mitigate any impact on food supply. In addition, after the outbreak of major food incidents, the Food Branch very often needs to conduct in-depth reviews. Such work requires substantive policy guidance and support from directorate officers.

6. Since about 95% of our food is imported from places outside Hong Kong, we not only need to tackle food incidents but also keep a close eye on the multi-faceted development of food supply and food safety in major food supplying economies and the international community, as well as the ever-changing trend of food consumption and food handling by the public, so as to ensure that our monitoring and regulatory regime is in line with the international practice and the food consumption behaviour of the local community, thereby safeguarding public health. The above-mentioned work encompasses three essential elements, namely –

(a) **To update the food safety standards in legislation in a timely manner and ensure that the food types or items that need to be controlled are covered by the regulations:** In the past few years, the Government has introduced or amended a number of regulations related to food safety which include –

- (i) The Pesticide Residues in Food Regulation (Cap. 132CM), which aims to enhance regulatory control of pesticide residues in food with effect from August 2014;
- (ii) The Food and Drugs (Composition and Labelling) (Amendment) (No. 2) Regulation 2014, which aims to strengthen regulatory control on nutrition composition and nutrition labelling of infant formulae and took effect in phases from December 2015;
- (iii) The Imported Game, Meat, Poultry and Eggs Regulations (Cap. 132AK), which aims to expand regulatory control to cover imported eggs with effect from December 2015;
- (iv) The Food and Drugs (Composition and Labelling) Regulations (Cap. 132W), which aims to regulate nutrition labelling of follow-up formulae and prepackaged food for infants and young children with effect from June 2016; and

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- (v) The Food Adulteration (Metallic Contamination) (Amendment) Regulation 2018, which aims to enhance the regulatory control of and updating the standards for metallic contamination in food. The regulation was enacted in October 2018 and has been implemented in phases from November 2019.

We will continue to closely monitor the setting and updating of international food safety standards and regulations, and will review the local regulatory regime in related ordinances on the basis of scientific evidence, taking into consideration the local dietary habits and risk assessment results;

- (b) **To closely monitor stable supply and safety of imported non-staple food:** The Government has all along been attaching great importance to the stable supply of food to ensure that our citizens have adequate supply of food that meets local food safety standards. Given that the majority of our food is imported from places outside Hong Kong, food supply is affected by external factors. It is thus necessary for FHB to closely monitor the situation and coordinate and communicate with the relevant parties as and when required to minimise fluctuations in food supply and avoid any significant disruption to citizens' daily life as far as possible. As the Mainland is the principal source of our fresh food supply, FHB maintains close liaison with the Mainland authorities to ensure safe and stable supply of fresh food to Hong Kong. For instance, during the recent outbreak of COVID-19, some citizens were worried about the situation and stockpiled more than the usual amount of food and groceries in around late January to mid-February this year. This has resulted in a transient tight supply of certain food items. In view of this, FHB has immediately liaised with various food suppliers and the Mainland authorities and adopted measures to ensure steady supply and smooth transportation of food from the Mainland. We have also issued clarifications to the public that food supply was sufficient and stable so as to dispel their worry. Separately, with the development of the Greater Bay Area (GBA), traders are actively taking part in enhancing the quality of GBA agricultural products. As the regulatory body, the Government will closely monitor various kinds of foods imported from GBA into Hong Kong to ensure that they meet Hong Kong's statutory requirements and are fit for human consumption, while facilitating customs clearance for the import of food to meet demand;

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- (c) **To maintain close contacts with major food supplying economies and foster working-level and high-level exchanges and discussions, and to resolve problems and widen the scope of cooperation on food safety measures:** FHB has been maintaining close contacts and cooperation with the relevant authorities of the Mainland and other economies on issues relating to food safety standards, food incidents and food import control measures, etc. to enhance the control of food imported into Hong Kong.

7. Another important task of the Food Branch is to oversee the effective operation of CFS, including the daily work of CFS in the implementation of food safety monitoring policy, food safety management and import control. In 2019, CFS started to roll out in phases short, medium and long term management measures to enhance its effectiveness, including developing and establishing a number of major IT systems to reinforce its capability in food import control, surveillance, risk assessment and traceability, etc.

8. The Food Branch is also responsible for the secretariat work of the Committee on Reduction of Salt and Sugar in Food (CRSS) and provides full support to the Committee. Established in 2015, CRSS has formulated over 40 recommendations to help the public reduce the intake of salt and sugar in food, including the Department of Health's (DH) Salt Reduction Scheme for School Lunches in primary schools launched since 2017/18 school year with the target to reduce the average sodium level of primary school lunches to not more than 500mg in ten years; CFS' 'Salt/Sugar' Label Scheme for Prepackaged Food Products launched in late 2017 which to date has more than 200 prepackaged food products displaying the labels; and the Less-salt-and-sugar Restaurants Scheme introduced in early 2019 with around 950 restaurants joining the Scheme by now. As for public education and publicity, more recent efforts included a large-scale publicity event held in Tai Kwun in February 2019; a media tea reception in May 2019 with seven celebrity chefs conducting cooking demonstrations with less salt and sugar; and the less-salt-and-sugar cooking demonstrations by star chefs at the Food Expo in August 2019. Together with CFS, we have been pushing forward the work on product reformulation.

Directorate support for policy matters relating to food safety in the Food Branch

9. At present, the Food Branch is headed by an Administrative Officer Staff Grade A1 (D8) officer, designated as the Permanent Secretary for Food and Health (Food), who is underpinned by two Deputy Secretaries for Food and Health (Food) to handle the work of the Food Branch. Among the two Deputy Secretaries, Deputy Secretary for Food and Health (Food)2 (DS(F)2) (D3) is

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responsible for formulating all policy matters relating to food safety. DS(F)2 is now only supported by one Administrative Officer Staff Grade C (D2) officer, designated as Principal Assistant Secretary for Food and Health (Food)1 (PAS(F)1) at directorate level on a permanent basis. As PAS(F)1 has to support DS(F)2 in handling a wide spectrum of policy matters for more effective implementation of the work on safeguarding food safety, the Food Branch created a supernumerary post of SPEO to take up some of the duties of PAS(F)1 so as to strengthen the support to DS(F)2 with the approval of the FC of Legislative Council (LegCo) in November 2017. The supernumerary post is for a period of two and a half years, and due to expire on 24 May 2020. The existing organisation chart of the Food Branch is at Enclosure 1.

Encl. 1

10. Since the creation of the supernumerary post of SPEO(Food) in the past two years or so, PAS(F)1 has been able to better focus on completing the reviews of the export control of powdered formulae and the regulation of edible oils, on top of her regular duties. PAS(F)1 has also started to work on a legislative proposal to update the Harmful Substances in Food Regulations (Cap. 132AF). According to the current plan, a public consultation exercise on the proposed regulation of harmful substances will be conducted in 2020.

11. After the creation of the supernumerary SPEO post, SPEO(Food) has been charged to take up various duties, including handling the quality issue of meat products exported from Brazil and following up on the falsified health certificates; amending and implementing the Food Adulteration (Metallic Contamination) Regulations (Cap. 132V); monitoring the supply of non-staple food; assisting in the review of the measure of uplifting the import ban on vegetables, fruits, milk, milk beverages and dried milk from four prefectures of Japan (namely, Ibaraki, Tochigi, Chiba and Gunma) into Hong Kong with conditions that took effect from July 2018, monitoring the implementation of the new measure and re-visiting the situation together with the Japanese authorities from time to time; providing policy support to CFS in developing and establishing a number of major IT systems; and carrying out the initiatives to reduce salt and sugar in food, etc. The respective responsibilities and scope of work of PAS(F)1 and SPEO(Food) are set out at Enclosures 2 and 3.

Encls. 2 & 3

Need for Retaining the supernumerary SPEO post

12. Given the wide spectrum of work in the area of food safety, we expect the workload of the Food Branch will remain very heavy in the coming few years despite our strenuous efforts to update food safety legislations all along and the completion of a series of tasks in the past two years. There is a need to maintain the existing level of directorate support in order to cope with the work in the

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future. We propose that the supernumerary SPEO post be retained for five years and that the incumbent and PAS(F)1 continue to support DS(F)2 in the handling of complex food safety policy issues. Major considerations for the proposed retention of the supernumerary SPEO post for five years are as follows –

(a) Work related to legislative amendments

We shall closely monitor the international development on food safety standards and duly update the local food safety standards to harmonize with the international standards so as to facilitate trade and ensure food safety. We expect the updating and amendment proposals to be carried out progressively. This requires sufficient communication and coordination with stakeholders, understanding of the concerns of the trade, collating the public's views and taking forward the legislative work. The updating work requires substantial involvement of the two directorate officers under DS(F)2 (i.e. PAS(F)1 and SPEO(Food)). The next task in this area of work includes the formulation of the regulation proposals relating to harmful substances in food, which includes detailed reviews on the maximum levels for industrially-produced trans fat and mycotoxins, as well as the proposed maximum levels of harmful substances like erucic acid and benzo[a]pyrene in edible fats and oils. Besides, other areas of work include regulation of veterinary drug residues in food animal and foods and work relating to updating other food safety standards. We shall carry out the proposals in phases and the retention of the supernumerary post for five years will help take the work forward.

(b) Work related to food import control

We envisage that we may encounter various challenges and hectic workload on the food import control front in the future. After the accident at the Fukushima Nuclear Power Station, we have begun regular exchanges with the Japanese authorities on the import control of Japanese food. From mid-2018, permission has been given to import vegetables, fruits, milk, milk beverages and dried milk from the prefectures of Ibaraki, Tochigi, Chiba and Gunma into Hong Kong with conditions. The Food Branch has been maintaining close communication with the Japanese authorities in respect of this arrangement with a view to refining the inspection work, and smoothening the operation on the premise of food safety. In addition, GBA has been promoting the production of high-quality green food and advocating the use of information technology to enhance traceability of food supplied to Hong Kong. On this, FHB and CFS will work closely with other cities of GBA, and discuss the way

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forward to facilitate and cooperate in the operation of this kind of quality food project as well as to ensure stable supply of food. The Food Branch has also received from time to time requests for cooperation on food safety measures from other economies. Liaison between the Food Branch and the Mainland as well as other economies over food safety measures require extensive participation of SPEO(Food). It is therefore necessary to retain the SPEO post for five years to deal with the related work.

(c) Work related to reduction of salt and sugar in food

We are pressing ahead with efforts in public education on reduction of salt and sugar in food and have kick-started a sodium reduction programme through product reformulation. We have also carried out various publicity activities. The aim of these is to achieve certain targets set by FHB and the DH in ‘Towards 2025: Strategy and Action Plan to Prevent and Control Non-communicable Diseases in Hong Kong’, including a 30 per cent relative reduction in mean population daily intake of sodium by 2025. The supernumerary post of SPEO(Food) must be retained for an appropriate duration to implement and coordinate various initiatives in reduction of salt and sugar in food as it takes time to change the public’s dietary habits and implement product reformulation projects to achieve progress. It is critical to sustain these efforts. We are therefore of the view that retaining the supernumerary post for five years is appropriate and necessary.

If the supernumerary SPEO(Food) post cannot be retained, PAS(F)1 will have to take up all her duties and it is certain that the overall efficiency, quality and progress of work will be adversely affected.

13. We propose that during the five-year retention period of the supernumerary SPEO(Food) post, the responsibilities and scope of work of PAS(F)1 and SPEO(Food) be largely the same as their existing ones as set out at Enclosures 2 and 3. The proposed organisation chart of the Food Branch is the same as the existing organisation chart (Enclosure 1). During the five-year retention period of the supernumerary SPEO(Food) post, we will duly review the long-term workload and manpower requirements of the Food Branch.

ALTERNATIVES CONSIDERED

14. There are currently two Principal Assistant Secretaries (PASs) under the other Deputy Secretary in the Food Branch. One of the PASs, designated as PAS(F)2, is responsible for policy matters on public markets, environmental

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hygiene, burial, regulatory control over hawkers as well as pest and rodent control. The other PAS, designated as PAS(F)3, is responsible for policy matters on control of food animals, animal and veterinary health, sustainable development of the agricultural and fisheries industries as well as animal welfare. As shown in the existing organisation chart of the Food Branch at Enclosure 1, the two PASs are providing directorate support to the other Deputy Secretary i.e. DS(F)1² who is responsible for the above-mentioned policy matters in the Food Branch.

15. We have carefully explored whether the duties of the proposed SPEO(Food) can be taken up by PAS(F)2 and PAS(F)3. However, the schedules of the two PASs are equally heavy. Having considered their schedules of duties and existing workload, we are of the view that it is difficult for them to take up the work of SPEO(Food) without affecting the discharge of their current duties.

FINANCIAL IMPLICATIONS

16. The retention of the supernumerary post for the term set out in paragraph 1 above will bring about an additional notional annual salary cost at mid-point of \$2,283,600. During the five-year period of proposed retention of the supernumerary post, the full annual average staff cost, including salaries and staff on-cost, is \$2,916,000. FHB will include sufficient provision in the Estimates of the relevant years to meet the requirements of the proposal.

PUBLIC CONSULTATION

17. On 10 December 2019, we consulted the LegCo Panel on Food Safety and Environmental Hygiene on the proposal to make permanent the supernumerary SPEO post. At the meeting, quite a number of Members expressed their reservation on or do not support the proposal to make the post permanent at the present stage, while there was also support for the proposal by a Member. A Member suggested that FHB consider retaining the supernumerary post. Having listened to Members' views and after careful consideration, we have decided to propose retaining the supernumerary post for five years.

ESTABLISHMENT CHANGES

18. The establishment changes in the Food Branch of FHB under Head 139 – Government Secretariat – Food and Health Bureau (Food Branch) for the past three years are as follows –

/Establishment

² DS(F)1 is responsible for policy matters such as public markets, environmental hygiene, burial, regulatory control over hawkers, pest and rodent control, control of food animals, animal and veterinary health, sustainable development of the agricultural and fisheries industries as well as animal welfare.

Establishment (Note)	Number of Posts			
	Existing (as at 1 April 2020)	As at 1 April 2019	As at 1 April 2018	As at 1 April 2017
A	8+(1) [#]	8+(1)	8+(1)	8
B	19	19	18	17
C	33	33	30	28
Total	60+(1)	60+(1)	56+(1)	53

Note:

A – ranks in the directorate pay scale or equivalent

B – non-directorate ranks, the maximum pay point of which is above MPS point 33 or equivalent

C – non-directorate ranks, the maximum pay point of which is at or below MPS point 33 or equivalent

() – number of supernumerary directorate posts

– as at 1 April 2020, there were no unfilled directorate posts in the Food Branch of FHB

CIVIL SERVICE BUREAU COMMENTS

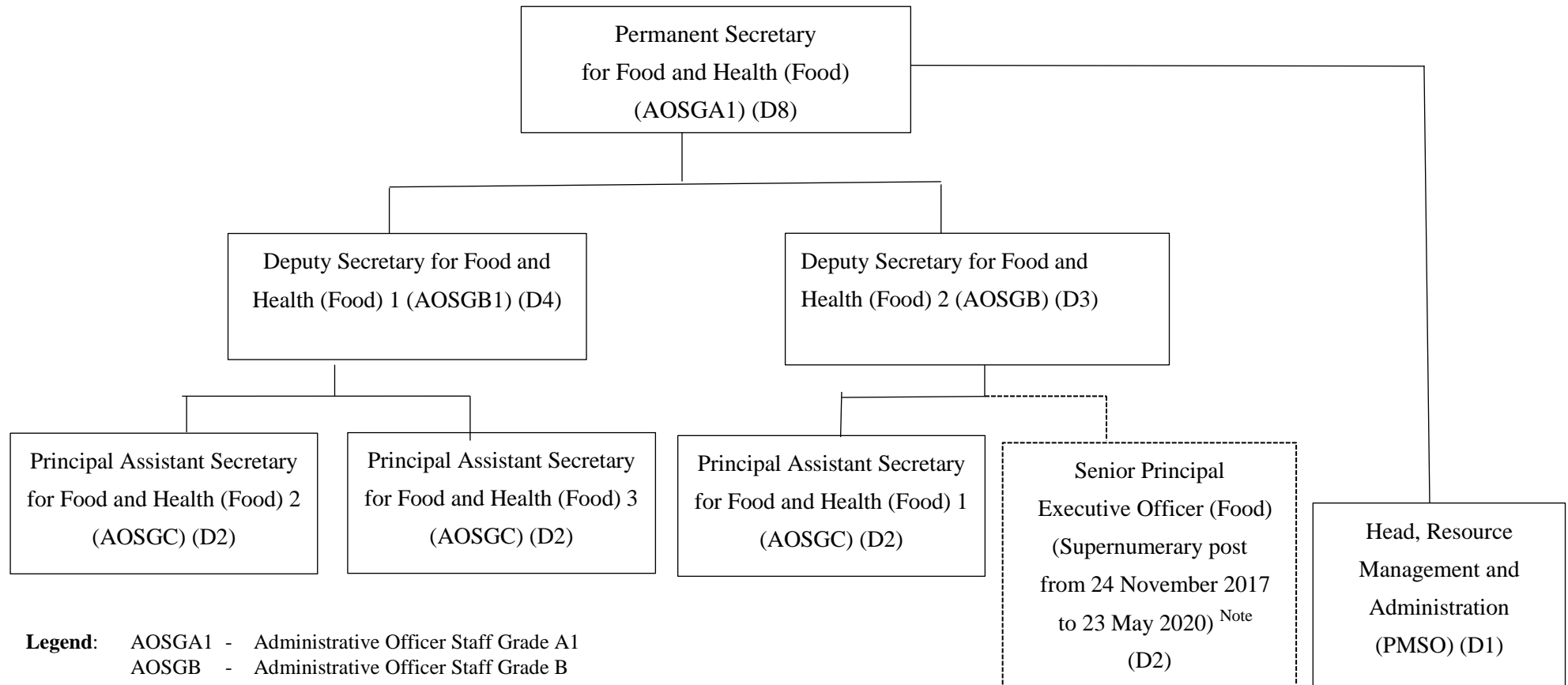
19. The Civil Service Bureau supports the retention of the proposed supernumerary SPEO post for five years. The grading and ranking of the proposed post are considered appropriate, having regard to the level and scope of the responsibilities required.

ADVICE OF THE STANDING COMMITTEE ON DIRECTORATE SALARIES AND CONDITIONS OF SERVICE

20. As the post is proposed on a supernumerary basis, its retention, if approved, will be reported to the Standing Committee on Directorate Salaries and Conditions of Service in accordance with the agreed procedure.

Food and Health Bureau
April 2020

Existing Organisation Chart of Food Branch of Food and Health Bureau



Legend: AOSGA1 - Administrative Officer Staff Grade A1
 AOSGB - Administrative Officer Staff Grade B
 AOSGB1 - Administrative Officer Staff Grade B1
 AOSGC - Administrative Officer Staff Grade C
 PMSO - Principal Management Services Officer

Note: It is proposed that the supernumerary post of the Senior Principal Executive Officer (Food) be retained for five years upon expiry of the post or upon the approval of the Finance Committee.

**Job Description of
Principal Assistant Secretary for Food and Health (Food)1**

Rank : Administrative Officer Staff Grade C (D2)

Responsible to : Deputy Secretary for Food and Health (Food)2

Main Duties and Responsibilities –

1. To oversee policy matters relating to the import control on food of plant origins, aquatic products and poultry eggs and the management of the respective food incidents.
2. To formulate policies on updating food safety standards and regulating novel foods.
3. To formulate policies and legislative amendment proposals to regulate the safety standards of edible fats and oils.
4. To formulate policies and legislative amendment proposals to regulate harmful substances in food.
5. To formulate and oversee policies relating to the export control on powdered formulae and supply chain improvement measures and their implementation.
6. To oversee matters relating to the operation of the Centre for Food Safety (CFS), including its follow-up on the recommendations of the Audit Commission and the Legislative Council Public Accounts Committee.
7. To housekeep the CFS.

**Job Description of
Senior Principal Executive Officer (Food)**

Rank : Senior Principal Executive Officer (D2)

Responsible to : Deputy Secretary for Food and Health (Food)2

Main Duties and Responsibilities –

1. To oversee policy matters relating to the import control on food of animal origins and the management of the respective food incidents.
2. To formulate policies on updating food safety standards.
3. To formulate policies on metallic contamination standards, propose amendments to the Food Adulteration (Metallic Contamination) Regulations and oversee their implementation.
4. To formulate policies relating to nutrition composition and labelling for pre-packaged foods.
5. To monitor supply of non-staple food.
6. To formulate policies on organic food.
7. To formulate policies relating to the import control on food from Japan arising from the accident at the Fukushima Nuclear Power Station and oversee their implementation.
8. To formulate and review policies relating to the reduction of salt and sugar in food and implementation of new initiatives, as well as oversee the work of the Secretariat of the Committee on Reduction of Salt and Sugar in Food.
9. To oversee implementation of IT systems improvement by CFS.
10. To housekeep the Government Laboratory.
