

For discussion
on 10 December 2019

Legislative Council Panel on Food Safety and Environmental Hygiene

**Proposed making permanent of one supernumerary post of
Senior Principal Executive Officer in
the Food Branch of the Food and Health Bureau**

Purpose

This paper sets out and seeks Members' support for the proposal to make permanent one existing supernumerary post of Senior Principal Executive Officer (SPEO) (D2) in the Food Branch of the Food and Health Bureau (FHB). The Food Branch of FHB is responsible for policy formulation for all matters relating to food safety and environmental hygiene. As its existing establishment is not sufficient to cope with an increased workload under the food safety portfolio, it is necessary to make permanent the existing SPEO supernumerary post so as to strengthen the directorate support of the Food Branch to deal with the increasingly complex food safety policy issues and new initiatives.

Justifications

Background and Current Situation

2. 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 putting in place various policies on food safety, agriculture, fisheries, veterinary public health and environmental hygiene.

Food Safety Portfolio

3. Food safety has always been a huge portfolio. It covers 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 the management of food incidents; matters relating to formula products and foods intended for infants and young children, etc. Also, the work of the Food Branch covers matters relating to reduction of salt and sugar contents in food. The above work involves a wide range of issues and will often involve making reference to overseas practices and experiences, seeking and consolidating the stakeholders' views, drafting the amendment regulations and discussion with the trade to ensure smooth implementation of the legislation or policies.

4. Given the widespread public concern about food safety, coupled with the fact that Hong Kong 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 incidents can have extensive impact on Hong Kong. Management of such incidents also involves coordination with various Government departments as well as food safety authorities outside Hong Kong, which would require inputs at directorate level of the Food Branch. 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 necessary 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, problem with the quality and falsified health certificates for meat 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 the Government, as the regulatory body, to 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

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 1 500 incidents in 2014 to around 1 950 incidents in 2018.

conduct in-depth reviews. Such work requires substantive policy guidance and support from directorate officers.

5. Since about 95% of our food is imported from places outside Hong Kong, we need to not only tackle food incidents but also keep a close eye on the multi-faceted development of food supply and food safety internationally and in major food supplying economies, as well as the ever-changing behaviour of food consumption and food handling in the community, 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 elements that are of utmost importance, namely –

- (a) To update the food safety standards in legislation in a timely manner and put the requisite food types or items under regulation: For the past few years, the Government has introduced or amended a number of regulations related to food safety –
 - (i) Enhancing regulatory control of pesticide residues in food through the Pesticide Residues in Food Regulation (Cap. 132CM) with effect from August 2014;
 - (ii) Strengthening the regulatory control on nutrition composition and nutrition labelling of infant formulae through the Food and Drugs (Composition and Labelling) (Amendment) (No. 2) Regulation 2014 which took effect in phases from December 2015;
 - (iii) Expanding regulatory control under the Imported Game, Meat, Poultry and Eggs Regulations (Cap. 132AK) to cover imported eggs with effect from December 2015;
 - (iv) Regulating nutrition labelling of follow-up formulae and prepackaged food for infants and young children through the Food and Drugs (Composition and Labelling) Regulations (Cap. 132W) with effect from June 2016; and
 - (v) Enhancing the regulatory control and updating the standards for metallic contamination in food through enactment of the Food

Adulteration (Metallic Contamination) (Amendment) Regulation 2018 in October 2018, which has been or will be implemented in phases from November 2019.

As to future work, we are now drafting a legislative proposal to update the Harmful Substances in Food Regulations (Cap. 132AF), which includes proposing the maximum levels for industrially-produced trans fat and mycotoxins, as well as other harmful substances like erucic acid and benzo[a]pyrene in edible fats and oils. We plan to consult the public on the proposal next year. Moreover, we are closely monitoring the setting and updating of food safety standards and regulations internationally, and will review the local regulatory regime in related ordinances, taking into consideration the local dietary habits and risk assessment results and on the basis of scientific evidence;

- (b) To closely monitor stable supply and safety of imported non-staple food: The Government all along attaches great importance to the stable supply of food to ensure that our citizens have adequate food that meets local food safety standards. In recent years, with the supply of powdered formulae arousing concern, the Government has formulated measures to stabilise the supply, and put the implementation of the measures and the operation of the supply chain of the powdered formulae under ongoing monitoring. In early 2018, FHB conducted a comprehensive and thorough review on the export control of powdered formulae. The review results were released in February 2019. Having analysed the market situation and duly taken into consideration the stakeholders' views, FHB decided to maintain the status quo for the export control at this stage. We will continue to keep in view the operation of the supply chain of powdered formulae, as well as the changes in the potential non-local demand for powdered formulae in the local retail market, so as to safeguard the stable supply of powdered formulae in Hong Kong. In future, we will continue to monitor the stability of various food supply to Hong Kong and, where necessary, coordinate efforts to ensure sufficient and safe food supply to the public;
- (c) To maintain close contacts with major food supplying economies to conduct 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 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 to Hong Kong. In recent years, we have discussed with the European Union (EU) member states on improving the import arrangement of food products from EU. As agreed with EU, from 1 December 2017 onwards, eligible EU member states are allowed to export to Hong Kong meat and meat products originated or slaughtered in the other eligible EU member states. This serves as a facilitation measure to enrich the choices of meat for our citizens. In addition, from July 2018, permission was given to import vegetables, fruits, milk, milk beverages and dried milk from four prefectures of Japan (namely, Ibaraki, Tochigi, Chiba and Gunma) into Hong Kong with conditions, having regard to the information on radiation monitoring of Japanese food products by Hong Kong and international expert organisations and the Japanese Government as well as the situation of import control over Japanese food of other economies and the actual situation of Hong Kong. The conditions for import refer to the requirements that each consignment of the aforesaid food products should be accompanied by a radiation certificate and a valid exporter certificate issued by the Ministry of Agriculture, Forestry and Fisheries of Japan. These measures can ensure that the Japanese food products comply with the stipulated radiation levels on the one hand, and increase the variety of the food supplied to Hong Kong on the other hand. In future, we will continue our work in this regard to explore more facilitation measures on the premise of food safety.

6. Another important task of the Food Branch is to oversee the effective operation of CFS, including implementation of a series of recommendations put forth earlier by the Audit Commission and the Legislative Council (LegCo) Public Accounts Committee concerning the daily work of CFS in food safety management and import control. In response to the recommendations, CFS set up in early 2019 a task group, led by the Controller, CFS, to comprehensively review the operational manuals and guidelines, staff management and supervision, training, manpower and resource requirements of CFS. In consultation with FHB, CFS has started to roll out by phases short, medium and long term measures to enhance its effectiveness, including updating guidelines where there were

inadequacies or ambiguities, enhancing training and supervision of frontline staff, and strengthening staff's law enforcement mindset and the practice of proper maintenance of data and record-keeping, etc. In addition, CFS is currently developing and establishing a number of IT systems to support the work of its frontline staff and reinforce its capability in food import control, surveillance, incident management, risk assessment and traceability. The IT systems will be rolled out in order of priorities starting from the end of this year and the system development work is expected to be completed by 2024. We will continue to monitor and follow up with the implementation progress of the improvement measures and provide policy guidance and support where appropriate in a timely manner.

7. The Food Branch is also responsible for the secretariat work of the Committee on Reduction of Salt and Sugar in Food (CRSS), providing full support to the Committee. Established since 2015, CRSS has formulated a number of recommendations to help the public reduce the intake of salt and sugar in food. The Government has taken forward the recommendations in tandem. The Department of Health (DH) launched the Salt Reduction Scheme for School Lunches in primary schools since 2017/18 school year, with a view to reducing the average sodium level of primary school lunches by 5% to 10% per year down to not more than 500mg in ten years. In 2017/18 school year, the average sodium content of primary school lunch has already met the Scheme's sodium reduction target for 2018. So far, 13 school lunch suppliers joined the Scheme and provided over 2 100 sodium-reduced lunch options to about 88% of primary schools in Hong Kong. Besides, CFS launched the "Salt/Sugar" Label Scheme for Prepackaged Food Products in late 2017. At present, the labels are displayed on more than 200 prepackaged food products for easy identification by consumers. We have also launched the Less-salt-and-sugar Restaurants Scheme in early 2019 to encourage restaurants to participate in territory-wide salt and sugar reduction. Currently, near 1 000 restaurants have joined the Scheme. As for public education and publicity, to promote a new less-salt-and-sugar dietary culture and lifestyle, more recent work included a large-scale publicity event in February 2019 and a media tea reception in May 2019 to invite seven celebrity chefs to conduct cooking demonstration with less salt and sugar. These activities received positive response from the public and facilitated the media in sharing the message of new culinary ideas of salt and sugar reduction with the public. We will continue to adopt a multi-pronged approach to push forward the "Salt/Sugar" Label Scheme for Prepackaged Food Products and the Less-salt-

and-sugar Restaurants Scheme in future. We will also proactively reach out to the trade and implement public education such that a less-salt-and-sugar dietary culture will take root in the community.

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

8. 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 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. To take forward more effectively the work on safeguarding food safety, the Food Branch created a supernumerary post of SPEO to strengthen the support to DS(F)2 with the approval of the Finance Committee of LegCo in November 2017. The supernumerary post is for a period of 2.5 years, lasting up to 23 May 2020. The existing organisation chart of the Food Branch is at Annex 1.

Proposal

9. Safeguarding food safety is a long-term and important task. PAS(F)1 currently has to handle a wide spectrum of policy matters which is complex and voluminous. Her workload is already extremely heavy and it will not be possible for PAS(F)1 to take up more work without significantly compromising the overall efficiency, work quality and work progress. After the supernumerary SPEO post is made permanent as proposed, SPEO(Food) will continue to take up some of the duties of PAS(F)1 so as to aptly cope with the work on safeguarding food safety. The responsibilities and distribution of work of PAS(F)1 and SPEO(Food) are set out at Annex 2 and Annex 3. The organisation chart of the Food Branch following this proposal is the same as the existing organisation chart (Annex 1).

Alternatives Considered

10. 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 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 Annex 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.

11. 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

12. The creation of the proposed permanent post as set out in paragraph 1 above will bring about an additional notional annual salary cost at mid-point of \$2,179,800. 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.

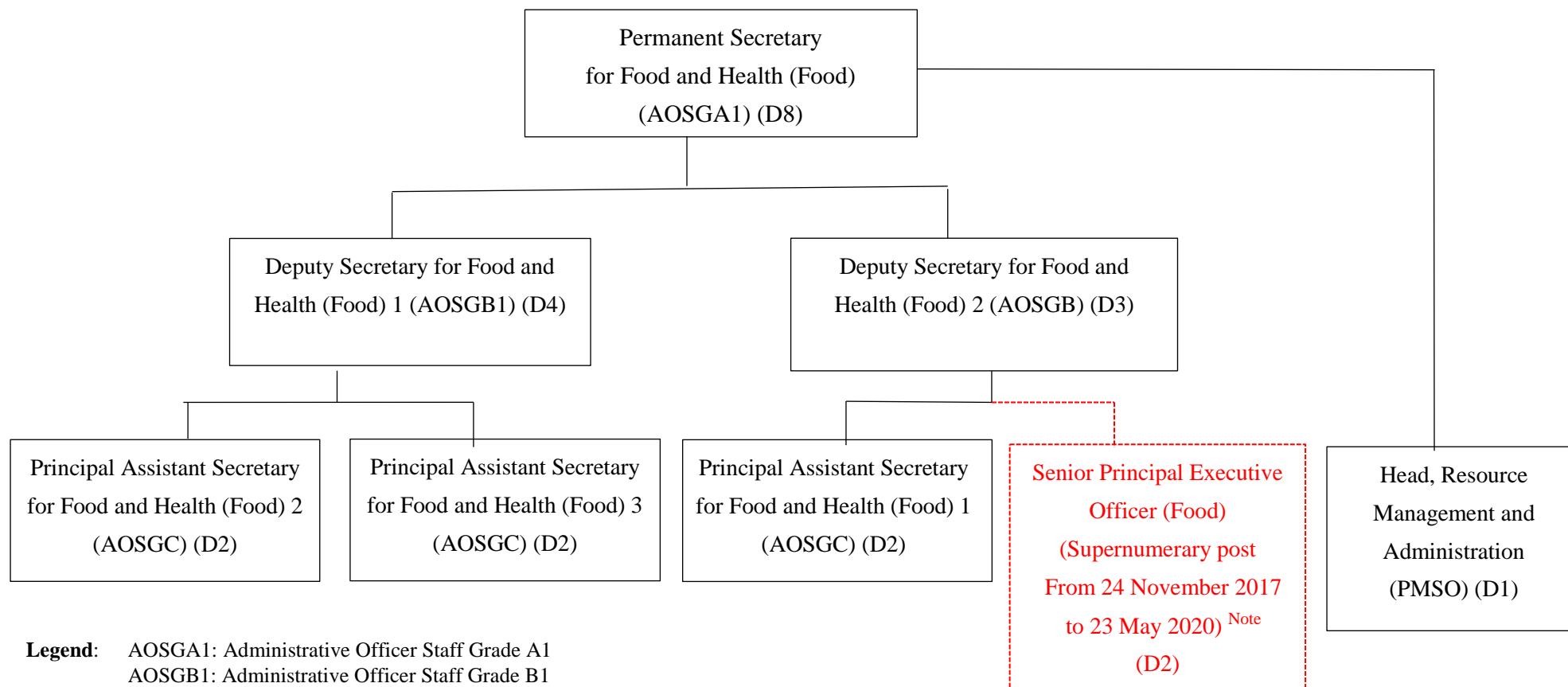
² DS(F)1 is responsible for policy matters on environmental hygiene, public markets, burial, regulatory control over hawkers, pest and rodent control, control of food animals, animal and veterinary health, sustainable development of the agricultural and fisheries industries as well as animal welfare.

Advice Sought

13. Members are invited to offer views on the proposal. Subject to Members' views, we will submit the proposal to the Establishment Subcommittee for recommendation to the Finance Committee for approval.

Food and Health Bureau
December 2019

Existing Organisation Chart of Food Branch of Food and Health Bureau



Note: It is proposed that the supernumerary post of the Senior Principal Executive Officer (Food) be made permanent.

**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, including its follow-up on the recommendations of the Audit Commission and the LegCo Public Accounts Committee.
7. To housekeep the Centre for Food Safety.

**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 Fukushima Nuclear Power Plant Incident 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 the Centre for Food Safety.
10. To housekeep the Government Laboratory.