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Panel on Food Safety and Environmental Hygiene

Background brief prepared by the Legislative Council Secretariat for the meeting on 9 March 2021

Food Surveillance Programme of the Centre for Food Safety

Purpose

This paper provides background information on the work of the Centre for Food Safety ("CFS") of the Food and Environmental Hygiene Department ("FEHD") regarding the implementation of the Food Surveillance Programme ("FSP"), and summarizes major views and concerns of members of the Panel on Food Safety and Environmental Hygiene ("the Panel") on FSP.

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 (a) regular food surveillance (covering major food groups such as fruits and vegetables, meat, poultry, aquatic products, milk and cereals), (b) targeted food surveillance and

(c) seasonal food surveillance. CFS also conducts surveys on popular food items to assess the safety of food commonly consumed in Hong Kong.

Overall situation in 2019

4. According to the Administration, apart from collecting about 66 200 samples for regular food surveillance, CFS completed in 2019 eight targeted food surveillance projects (such as sulphur dioxide in meat and metallic contaminants in food), six seasonal food surveillance projects (such as Lunar New Year food, hairy crabs and "Lap Mei") and one survey on popular food items (i.e. hot pot food and soup base). The overall satisfaction rate was 99.8%.

Members' concerns

5. Members' major views and concerns are summarized in the ensuing paragraphs.

Safety of imported food

Surveillance of imported vegetables

6. Concerns were raised about (a) the follow-up actions taken by CFS in respect of sampling checks of imported vegetables in response to the direct investigation report entitled "Food and Environment Hygiene Department's System of Safety Control for Imported Fruits and Vegetables" published by the Office of The Ombudsman in November 2017; and (b) the measures taken by FEHD to address the problem of vehicles evading CFS' inspection of food consignments at the Man Kam To Food Control Office ("MKTFCO"), as pointed out by the Audit Commission's report on value-for-money review of the work of CFS in respect of food safety management and import control of foods published in October 2018.

7. The Administration advised that CFS had sought the assistance of the Customs and Excise Department ("C&ED") in intercepting targeted vehicles (including vehicles carrying vegetables) for referral to CFS staff for inspection at MKTFCO. In response to the recommendations made in The Ombudsman's investigation report, frontline staff members of CFS had adopted the principle of random sampling when collecting vegetables from vehicles for inspection and testing. In addition to taking vegetables near the door of the storage compartment, CFS staff would collect vegetables placed at the inner part of the compartment using elevating work platforms, if necessary. CFS had also issued an inspection checklist for frontline staff of boundary control points, reminding them of the required import documents for different types of food and the items to be inspected.

8. In response to an enquiry about the actions taken by CFS if unsatisfactory vegetable samples from the Mainland were identified, the Administration advised that if vegetables imported from Mainland registered vegetables farms were detected with excessive pesticide residues or metallic contaminants, CFS would trace the sources of the vegetables concerned and alert the Mainland authorities which would normally suspend the export from the implicated farms until measures had been taken to rectify the problem.

Surveillance of imported frozen and chilled meat

9. Some members pointed out that according to media reports, the situation of unscrupulous traders selling chilled or frozen pork as fresh pork was quite rampant due to the persistently high prices of live pigs since the outbreaks of African Swine Fever in mid-2019 on the Mainland. Quite a number of fresh meat shops displayed and stored chilled pork in ways that were non-compliant with the licensing conditions (e.g. failing to keep chilled pork in a chiller maintained at a temperature between 0 and 4 degrees Celsius, and hanging up defrosted pork to pass it off as fresh pork). Enquiries were raised as to whether FEHD and C&ED had strengthened inspections on fresh meat shops to see whether there were contraventions of the Food Business Regulation (Cap. 132X) ("FBR") or the Trade Descriptions Ordinance (Cap. 362) ("TDO"), and how FEHD would detect non-fresh pork when inspecting fresh meat shops.

10. According to the Administration, a fresh provision shop licence must be obtained for a food business which involved the sale of fresh, chilled or frozen pork. Enforcement actions would be taken by FEHD and C&ED respectively against breaches of relevant licensing conditions and contraventions of TDO involving suspected sale of chilled or frozen pork with false claims as fresh pork. At the import level, FEHD would check the imported chilled or frozen pork in each consignment and monitor the distribution of such products. A dedicated team had been set up to monitor the operation of fresh provision shops and market meat stalls suspected of selling chilled or frozen pork as fresh pork. During the regular inspection on fresh provision shops/market meat stalls and upon receipt of complaints, FEHD would inspect the invoices and trace the sources of the relevant pig carcasses. If there were suspicions over the relevant invoices and sources of pig carcasses, FEHD would carry out investigations and take appropriate follow-up actions, including deploying agent provocateurs to collect evidence and information.

11. Question was raised about the criteria adopted in determining the 447 Brazilian establishments eligible for exporting meat, poultry meat and eggs to Hong Kong after the Brazilian meat incident occurred in 2017. The Administration advised that after rounds of discussion between CFS and the Brazilian authorities, specific import requirements were laid down on the importation of Brazilian meat into Hong Kong by the end of 2019. These

requirements were based on food safety principles and in line with the standards of the World Organisation for Animal Health, the Codex Alimentarius Commission, the Hazard Analysis Critical Control Point System and Good Manufacturing Practices. Risk-based veterinary audit and drug monitoring programmes were also strengthened. The Brazilian authorities had thereafter drawn up a list of eligible establishments according to the specific import requirements and revised the content of its official health certificates issued for beef, pork, poultry meat and eggs for export to Hong Kong to enhance traceability.

Surveillance on aquatic products and related products

12. Some members were concerned that compared with other food groups, the unsatisfactory rate for aquatic products and related products was quite high. These members enquired whether CFS would step up sample tests on aquatic products and related products (e.g. sashimi and sushi) and monitor the safety of relevant food products sold by restaurants or online food ordering platforms. There was a suggestion that CFS should strengthen publicity to remind consumers of the potential health risks associated with consumption of aquatic products.

13. According to the Administration, aquatic products, being more liable to bacteriological or chemical contamination in the harvesting zone or handling process, were considered as relatively high-risk food items. In recent years, CFS had increased the number of aquatic product samples taken at import, wholesale and retail levels for testing of metallic contaminants and veterinary drug residues. CFS had also purchased food from online food ordering platforms for microbiological testing to monitor the safety of online food sale. On the education front, CFS had been advising susceptible population groups to avoid consumption of those types of fish (involving mainly predatory fish species such as tuna and swordfish) which might contain higher levels of metallic contaminants, and requiring importers to obtain health certificates issued by relevant authorities of the exporting economies to certify that the aquatic products concerned were fit for human consumption.

Issues relating to coronavirus disease 2019

14. Some members expressed concern about media reports that some workers responsible for putting labels on pre-prepackaged fruits and vegetables imported from Britain at a logistics warehouse were confirmed to have been infected with the coronavirus disease 2019 ("COVID-19") and there were speculations that COVID-19 might have been transmitted through the food packaging process. Enquiries were raised as to whether CFS or the relevant departments had investigated into these cases and whether CFS had monitored the safety of food packaging amidst the outbreak of COVID-19.

15. According to the Administration, COVID-19 was a respiratory illness and the primary transmission route was through person-to-person contact and direct contact with respiratory droplets generated when an infected person coughed or sneezed. According to the "COVID-19 and food safety: guidance for food businesses" issued by the World Health Organization in April 2020, COVID-19 virus could not multiply in food. It was highly unlikely that people could contract COVID-19 from food or food packaging. Also, there was no evidence of viruses that caused respiratory illnesses being transmitted via food or food packaging. The Centre for Health Protection of the Department of Health had carried out epidemiological investigations and contact tracing on the confirmed cases. All environmental samples taken from that logistics warehouse were tested negative for COVID-19 virus.

Metallic contamination in food

16. Members noted with concern that among the 1 790 samples with a shorter shelf life which were tested for metallic contaminants from November 2019 to May 2020, 13 samples were found to have exceeded the maximum levels for metallic contaminants set out under the Food Adulteration (Metallic Contamination) (Amendment) Regulation 2018 ("the Amendment Regulation"). Enquiry was raised about the follow-up actions taken regarding these unsatisfactory samples. Some members also expressed concern about the testing results of rice products in respect of the level of cadmium since the implementation of the Amendment Regulation.

17. The Administration advised that the Amendment Regulation first took effect on 1 November 2019 for certain types of fresh food (i.e. fresh fruit and vegetable and their juices, fresh meat and edible offal of animal and poultry, aquatic animals and poultry eggs). It would cover all food (including rice) from 1 November 2020 onwards. From November 2019 to May 2020, more than 3 500 food samples were collected for testing of metallic contaminants. The overall satisfaction rate was 99.6%. Among the 3 500 samples, 1 790 samples (including vegetables and fisheries products) were tested against the maximum levels of metallic contaminants set out under the Amendment Regulation and the overall satisfaction rate was 99.3%. Regarding the unsatisfactory samples, CFS had taken appropriate follow-up actions, including assessing the associated risks on public health, tracing the sources of the food consignments concerned, informing the relevant authorities of the places of origin, instructing vendors to stop selling the implicated batches of foods, requesting the importers/distributors to recall and dispose of the implicated foods, making public announcements and explaining to the public the food safety risks involved, etc.

Monitoring and regulating online sale of food

18. As mentioned earlier in paragraphs 12 and 13, concern was raised about the safety of food products ordered from online food ordering platforms/mobile apps (i.e. food/dishes made and delivered to customers upon receiving online orders). In some members' views, CFS should check whether food suppliers had, for the purpose of preventing cross-contamination, stored the food purchased online at a safe and proper temperature during the transportation/delivery process to customers, by collecting samples from food delivery motorbikes for testing.

19. In response, the Administration advised that with effect from February 2016, FEHD required operators who did not have physical premises to apply for permits in accordance with FBR if they sold restricted food online. Permits were issued on the conditions that the operators must provide particulars, such as permit number, type(s) of restricted food permitted for sale and business address, on their websites and printed promotional materials for consumers' reference and for verification on FEHD's website. In addition, the restricted food must be obtained from lawful sources and prepackaged by the suppliers before delivering to customers, the packages should not be tampered with during transportation to prevent cross-contamination, and the food should be stored at a safe and proper temperature at all times.

20. The Administration further advised that from 2017 to 2019, FEHD conducted about 4 200 inspections on food premises supplying food for online sale, as well as places of business of online food ordering platforms which had obtained permits for online sale of restricted food. FEHD had also purchased food from online food ordering platforms to check whether the food concerned was stored at a safe and proper temperature upon delivery to customers. Between 2017 and 2019, about 200 checks were made and the results were all satisfactory.

21. In response to members' enquiry about the regulatory control over online food selling activities conducted through overseas websites (e.g. the sale of salted fermented seafood (such as fermented crab) on Korean online shopping websites), the Administration advised that as the coverage of regulation and consumer protection for food transactions made abroad could be different from those in Hong Kong, CFS had been advising the public through various publicity means that they should pay attention to the potential risks associated with purchasing food products from overseas websites.

Recent developments

22. The Administration will brief the Panel on the implementation of FSP in 2020 at the meeting on 9 March 2021.

Relevant papers

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

Council Business Division 2
Legislative Council Secretariat
3 March 2021

**Relevant papers on the
Food Surveillance Programme of the Centre for Food Safety**

Committee	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	14.2.2017 (Item V)	<u>Agenda</u> <u>Minutes</u>
	13.2.2018 (Item IV)	<u>Agenda</u> <u>Minutes</u>
	11.6.2019 (Item IV)	<u>Agenda</u> <u>Minutes</u>
	9.6.2020 (Item IV)	<u>Agenda</u> <u>Minutes</u>
Legislative Council	24.6.2020	<u>Official Record of Proceedings</u> <u>Pages 8806 to 8925 (Written</u> <u>question raised by Hon Steven</u> <u>HO on "Chilled or frozen pork</u> <u>being sold as fresh pork")</u>
	11.11.2020	<u>Official Record of Proceedings</u> <u>Pages 1290 to 1293 (Written</u> <u>question raised by Hon Starry</u> <u>LEE on "Safety issues relating</u> <u>to leanness-enhancing agents")</u>