



中華人民共和國香港特別行政區政府總部食物及衛生局
Food and Health Bureau, Government Secretariat
The Government of the Hong Kong Special Administrative Region
The People's Republic of China

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Clerk to Panel on Establishment Subcommittee
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn.: Miss S H Cheung)

Dear Miss Cheung,

Legislative Council Establishment Subcommittee

Hon CHU Hoi-dick's Enquiries on EC(2016-17)25

Thank you for relaying Hon CHU Hoi-dick's enquiries made on 24 and 25 April 2017 regarding EC(2016-17)25. Please find attached our response at **Annex**.

Yours sincerely,

(Signed)

(Kenneth CHAN)
for Secretary for Food and Health

cc: DFEH (Attn: Dr CHOI Mei-yee)

(Fax : 2521 9527)

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Legislative Council Establishment Subcommittee

Responses to Hon CHU Hoi-dick's Enquiries on EC(2016-17)25

Metallic Contamination in Food

The Public Health and Municipal Services Ordinance (Cap. 132) stipulates that all food for sale in Hong Kong must be fit for human consumption. The Food Adulteration (Metallic Contamination) Regulations (Cap. 132V) regulate the levels of metallic contaminants in food.

The Food Surveillance Programme of the Centre for Food Safety (CFS) under the Food and Environmental Hygiene Department (FEHD) monitors food for sale in Hong Kong to ensure its compliance with the legal requirements and fitness for human consumption. CFS takes food samples at the import, wholesale and retail (including online retailers) levels and adopts a risk-based principle in determining the types of 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 and the types of laboratory analysis are under regular review by CFS, taking into account factors such as past food surveillance results, local food incidents and those of different places, and relevant risk analyses.

From 2014 to 2016, CFS tested 194 000 food samples for testing on metallic contamination, among which 35 samples exceeded the legal limits. When food samples are tested with metallic contamination levels exceeding the legal limits, CFS traces the sources of these samples and notifies the authorities of the places of origin to facilitate follow-up actions. CFS also requires relevant parties to immediately stop selling and dispose of the problematic food.

To better protect public health, facilitate effective regulation and promote harmonisation between local and international standards, the Food and Health Bureau (FHB) and CFS are reviewing and considering updating Cap. 132V, and are planning to consult the Panel on Food Safety and Environmental Hygiene on the proposed updates at its meeting on 13 June 2017.

Chemical Residues in Food and Antimicrobial Resistance (AMR)

The Public Health and Municipal Services Ordinance (Cap. 132) stipulates that all food for sale in Hong Kong must be fit for human consumption. The Public Health (Animals and Birds) (Chemical Residues) Regulation (Cap. 139N) controls the feeding of drugs and chemicals to the food animals, while the Harmful Substances in Food Regulations (Cap. 132AF) regulate the levels of veterinary drugs in food. These two regulations cover approximately 40 veterinary drugs (including antibiotics and hormones).

CFS has put in place an ongoing monitoring mechanism that includes detecting the presence of residues of veterinary drugs in animals to be slaughtered in local slaughterhouses and conducting antibiotic residue testing on meat, poultry and aquatic products under the Food Surveillance Programme. From 2014 to 2016, CFS detected one case of using prohibited antibiotics and one case of using restricted antibiotics exceeding maximum residue level. CFS instituted prosecution in respect of the case involving the prohibited antibiotics case and the offender was convicted. Moreover, CFS collected 950 samples of meat, poultry and their products for hormone testing from 2014 to 2016, and the results were satisfactory for all samples.

AMR is a major public health challenge globally. To contain the issue of AMR, the Government set up the High Level Steering Committee on AMR (HLSC) and the Expert Committee on AMR (Expert Committee) in June and October 2016 respectively. The Expert Committee has already discussed the overview of AMR in Hong Kong and approaches to contain the issue, advising HLSC from a scientific perspective. Based on these advices, HLSC will advise on the strategies to contain AMR, taking into account the Expert Committee's recommendations and holistic considerations of the issue.

Radionuclides in Food

The Codex Alimentarius Commission (Codex) sets guideline limits for radionuclides in foods contaminated following a nuclear or radiological emergency, for the purpose of testing the radiation levels of food. The relevant guideline levels are 100 Bq/kg for iodine-131 and 1 000 Bq/kg in total for caesium-134 and caesium-137. According to Codex, foods in which the levels of radionuclides comply with these standards are fit for human consumption. The Expert Committee on Food Safety of FEHD considered the adoption of the Codex guideline levels appropriate in addressing public concerns over the safety of food imported from Japan. Since the Fukushima nuclear power plant incident in Japan in 2011, individual places (including Hong Kong) have implemented import control measures, having regard to their risk assessment results and local circumstances.

As far as Hong Kong is concerned, apart from the list of food under export prohibition of the Japanese authorities, the Director of Food and Environmental Hygiene issued an order under the Public Health and Municipal Services Ordinance (Cap. 132) to prohibit the import of all fruits and vegetables, milk, milk beverages and milk powder from the five most affected prefectures of Japan, namely Fukushima, Ibaraki, Tochigi, Chiba and Gunma, with effect from 24 March 2011. Moreover, all chilled or frozen game, meat and poultry, poultry eggs and live, chilled or frozen aquatic products from those five prefectures may be imported into Hong Kong only if accompanied by a certificate issued by the competent authority of Japan certifying that the radiation levels do not exceed the Codex guideline levels. The said order remains in force at present.

In terms of surveillance, CFS has stepped up testing on the radiation levels of food products from Japan at import, wholesale and retail levels according to the risk-based approach since the nuclear incident. Only food products with satisfactory test

results are released for sale in the market. Consignments are initially screened by the CFS staff with hand-held survey meters. Samples are then taken for screening using the Contamination Monitoring System. Samples with reading beyond the limits are sent to the Government Laboratory for further analysis, and the results of which are released on CFS' website. CFS has tested over 400 000 Japanese food samples since the import restriction on Japanese food took effect and the testing results of all samples were found satisfactory.

CFS will continue to adopt the risk-based strategy to monitor food imported from Japan so as to safeguard food safety and public health. We will also review the control on food imported from Japan according to the latest development, taking into consideration various factors such as the assessment by international bodies (e.g. the International Atomic Energy Agency), control measures of other jurisdictions, local food surveillance results, handling of the Fukushima nuclear plant incident by the Japanese authorities, as well as other relevant factors. In general, while food safety is our primary concern, we should also consider the latest development of the above factors and be mindful of the requirements of the World Trade Organisation.

Vegetables

Hong Kong is a free market. All along, imported vegetables may either be distributed through wholesale markets (including the wholesale markets operated by the Agriculture, Fisheries and Conservation Department (AFCD), the Cheung Sha Wan Wholesale Vegetable Market managed by Vegetable Marketing Organisation (VMO) or other private wholesalers) or sold directly at retail outlets (direct sale). According to the information from the Census and Statistics Department, there were about 850 000 tonnes of imported vegetables in 2016. According to the information from AFCD, about 340 000 tonnes of vegetables were transacted through the wholesale markets operated by AFCD and the VMO in 2016.

Whether vegetables are distributed through wholesalers is not relevant to food safety. Wholesale markets primarily provide a trading platform for importers and retailers to facilitate business. All vegetables sold in Hong Kong for human consumption, regardless of whether the vegetables are distributed through the wholesale markets operated by AFCD or the VMO, are subject to the local food safety regulatory mechanism. The details are as follows.

The Mainland is the major source of imported vegetables to Hong Kong. From the perspective of source management, the Government and the regulatory authorities in the Mainland have established administrative arrangements. Vegetables supplied to Hong Kong from the Mainland must come from registered vegetable farms and production and processing establishments under the supervision of the respective Entry-Exit Inspection and Quarantine Bureaux, must be accompanied with supporting documents to safeguard food safety, and must be affixed with labels which show the information on their origins on the packaging during transport. All fresh vegetables entering Hong Kong via the land route must be imported through Man Kam To Control Point as designated. The Mainland inspection and quarantine authorities conduct random inspection on the seal and documents of the vegetables to be supplied to Hong

Kong, and conduct testing on vegetable samples. Only consignments which come with intact seals and satisfy the inspection requirements are allowed to enter Hong Kong. Staff of CFS inspect registered farms on the Mainland every year to step up efforts in safeguarding the safety of agricultural products supplied to Hong Kong at source.

CFS staff inspect the vehicles which carry vegetables when the latter arrive at the Man Kam To Food Control Office. They check if the seal remains intact and whether the consignment tallies with the accompanying documents, inspect the vegetables, and adopt a risk-based approach in taking vegetable samples for quick tests for pesticide residues and comprehensive chemical analysis. CFS maintains close communication and co-operation with the Mainland authorities and exchanges intelligence with each other.

Apart from efforts on source management and import control, CFS adopts a risk-based principle in taking food samples at the import, wholesale and retail levels for relevant tests under the regular Food Surveillance Programme to ensure that the food comply with the legal requirements and are fit for human consumption. The regular Food Surveillance Programme covers vegetables, regardless of whether the vegetables are distributed through wholesalers or are for direct sale.

CFS takes follow-up actions on unsatisfactory samples, including destroying the vegetables, tracing the source, recording the information of the involved farm and inform the relevant Mainland authorities for follow-up. CFS staff will detain the next vegetable consignment from the farm concerned and will release the consignment only if and when the testing results are satisfactory.

The Government is mindful that vegetables are brought, in the name of self-consumption, into Hong Kong by travellers via the Lo Wu Control Point for sale in the market. In fact, CFS maintains close liaison with the Customs and Excise Department (C&ED) and exchanges intelligence on activities of importing vegetables through control points other than the Man Kam To Food Control Office. To intercept such activities, C&ED and CFS conduct joint operations from time to time. If travellers are found to have brought into Hong Kong a substantial amount of vegetables which are suspected not to be for self-consumption, C&ED refers the cases to CFS for follow-up action. From January 2015 to December 2016, C&ED referred 26 cases of travellers carrying a substantial amount of vegetables into Hong Kong via the Lo Wu Control Point to CFS. After intelligence gathering and investigation, it was evident that in three cases the vegetables were brought into Hong Kong for sale. CFS had initiated prosecutions against the persons concerned for not registering as food importers under the Food Safety Ordinance (Cap. 612). As for the other 23 cases, no sufficient evidence of sale could be found. Nonetheless, the travellers concerned voluntarily surrendered the vegetables to CFS for disposal. CFS destroyed about 0.7 tonnes of the vegetables.

In the past five years (i.e. 2012-2016), the number of vegetables and related products tested for pesticide residues under the Food Surveillance Programme of CFS and the number of unsatisfactory samples are tabulated below:

Year	Number of vegetables and related products tested for pesticide residues	Number of unsatisfactory samples
2012	18 255	2
2013	18 858	2
2014	18 344	35
2015	19 028	78
2016	19 529	42
Total	94 014	159#

The samples exceeded the maximum residue limits / extraneous maximum residue limits stipulated in the Pesticide Residues in Food Regulation (Cap. 132CM) or were regarded as unsatisfactory after risk assessment.

As for self-sufficiency rate of local vegetable, vegetables locally produced currently make up 1.7% of total consumption of vegetables in Hong Kong. Under the New Agriculture Policy, the Government will proactively enhance the productivity of local agriculture.

Genetically Modified (GM) Food

According to the World Health Organisation (WHO), genetically modified food currently available on the international market has passed the safety assessments of the respective food safety regulatory authorities and is not likely to be harmful to human health.

GM food is treated like any other food and is covered in the regular Food Surveillance Programme of CFS.

CFS has issued the “Guidelines on Voluntary Labelling of Genetically Modified Food”, which sets out the principles underlying recommended labelling approaches for GM food, and provides reference for the trade to make truthful and informative labels in a consumer-friendly manner. CFS will continue to promote the voluntary labelling regime to traders, provide the public with information on GM food and address food safety issues related to GM food.

The Government has been considering introducing a mandatory pre-market safety assessment scheme, with a view to providing additional safeguard to consumers on GM food for sale in Hong Kong. In this regard, FHB and CFS have been keeping in view international developments on the regulation of GM foods and the local circumstances with a view to coming up with a proposal for public consultation.

Organic Food

The major differences between organic food and ordinary food are their ways of production, processing and handling. Such differences cannot be detected by testing the food products (including vegetables). There is no significant difference

between the two in terms of food safety. CFS, through the risk-based Food Surveillance Programme, takes food samples (including organic food) at the import, wholesale and retail levels for testing.

We commissioned a consultancy study in 2011 to assess the need for regulating the production and sale of local organic food products. The study findings were reported to the Panel on Food Safety and Environmental Hygiene of the Legislative Council in 2013. In view of the small scale of the local organic food sector and the fact that the Government's main policy objectives in respect of food are to safeguard food safety and secure stable food supply, the consultancy report advised that there was no pressing need to introduce new legislation to regulate the production and sale of local organic food products.

The consultant suggested that the Government should enrich consumers' knowledge of organic food and improve the existing administrative measures, including further promoting the certification scheme, streamlining the certification procedures and promulgating a reporting mechanism for food fraud. We concurred with the consultant's suggestions. AFCD has been carrying out these suggestions with the support from the Hong Kong Organic Resource Centre (HKORC). Besides providing certification service for organic food, HKORC also organises activities to raise public awareness.

FHB and CFS will continue to keep in view the international development on the regulation of organic food and the local circumstance in studying the issue.

Cooked Meat

We will continue to study the regulation of cooked meat, including taking account of international practices. Also, we will continue to monitor the safety of meat products, conduct risk assessment on the safety of cooked meat, and take samples for testing.

In 2016, CFS took 851 samples of meat products (including dried meat, meat sausage, Chinese sausage, red sausage, meatball, shredded meat, ham, bacon, BBQ pork, luncheon meat, etc.) for testing. Test results were satisfactory except two pre-packaged cold cut samples and one roasted pork sample.

Online Food Trading

In view of the increasing prevalence of online food trading in recent years, FEHD introduced in February 2016 a new measure that requires operators selling restricted foods via the Internet to apply for a license from FEHD. The licensing conditions mainly require that restricted foods must be obtained from lawful sources, that they shall not be tampered with during transportation to prevent cross-contamination, and that the food products shall be stored at a safe and proper temperature at all times. Moreover, the operators shall provide on their websites information about their permits, so that consumers can verify such information through

FEHD's website when purchasing the foods online. Apart from regulating online sale of restricted foods without physical premises, FEHD has also imposed the above-mentioned new licensing conditions on premises issued with food business licences or restricted food permits if they operate online food sale at the same time.

FEHD has also been monitoring online food sale activities. If an unlicensed food business is suspected to be involved in selling any food for human consumption online, or the food is from a suspicious source, FEHD conducts investigation and takes follow-up actions accordingly.

As sale of food through the Internet has become increasingly popular, CFS has stepped up sampling of food available online for chemical and microbiological tests. In 2016, more than 4 000 food samples purchased online were tested. With the exception of one lobster tail sample with preservative found to have exceeded statutory limits, the test results of all samples were satisfactory. CFS has publicised the unsatisfactory sample and followed up on the relevant case.

FEHD has enhanced public education and publicity on matters which the public and the trade should pay attention to when purchasing and selling food online. Through channels such as FEHD's website, TV and radio Announcements in the Public Interest, leaflets and posters, members of the public are made aware of the nature, potential risks and delivery temperature control of foods purchased online, in particular perishable and high-risk foods. The trade is also advised of the need to apply for a food business licence or permit under the law for operating a food business, irrespective of its scale and nature, in order to protect consumers' rights and health. Moreover, during the peak periods of online food selling activities over the Christmas and Lunar New Year, FEHD steps up publicity to promote awareness on safety of food purchased through the Internet.

Salmon and Salmon Sashimi

CFS collected approximately 1 350 salmon and salmon sashimi samples for chemical and microbiological tests from 2014 to 2016. In these three years, apart from one sample collected in 2015 which was found to contain a pathogen level exceeding the standard of the Microbiological Guidelines for Food, the testing results of the rest of the samples were satisfactory.

Waste Cooking Oils (WCOs)

Presently, FEHD and the Environmental Protection Department (EPD) have collaboratively implemented administrative measures to regulate the recycling of WCOs generated from licensed food premises and cooked food centres. Specifically, EPD introduced an administrative scheme in February 2016 to register eligible local collectors/processors/exporters of WCOs. FEHD has imposed an additional licensing condition by phases since July 2016 on food premises operating under a license for a restaurant, factory canteen, food factory, bakery or under a tenancy for cooked food centres, requiring them to hand over any WCOs produced during the cooking process

on the premises to a collector, processor or exporter registered by EPD for disposal, and to keep the relevant transaction records for at least 12 months. FEHD will conduct random checks to ensure that the licensees concerned comply with the aforementioned licensing condition.

To allow sufficient time for the trade to make necessary preparations, FEHD will implement the new licensing condition 15 months after the written notifications are issued to the licensees (i.e. starting from November 2017). Warnings will be issued to licensees in breach of the aforementioned licensing condition. FEHD will consider cancelling the licences of those licensees which have repeatedly breached the aforementioned licensing condition.

According to the data provided by the parties registered with EPD, they may collect up to about 17 000 tonnes of used cooking oils and about 180 000 tonnes of grease trap waste from local restaurants in a year. While some of the WCOs will be used to produce biodiesel locally, most of it will be exported, after initial treatment, to overseas waste oils recyclers as raw materials for producing biodiesel.

As for legislative proposals, the Government launched a three-month public consultation exercise on the legislative proposals for regulating edible fats and oils in July 2015. As part of the public consultation exercise, we had briefed relevant stakeholders, including the food industry, on the regulatory objectives and legislative proposals through public consultation sessions, the Trade Consultation Forum of CFS and meetings. We reported the views received during the public consultation exercise and the Government's observations to the Legislative Council Panel on Food Safety and Environmental Hygiene in December 2015. We are in the course of formulating specific regulatory proposals.

Separately, CFS will commission a consultancy study on "cooking oils in use" in 2017, with a view to developing guidelines on good practices on "cooking oils in use" for the trade. CFS will engage the trade in the process

Reduction of Salt and Sugar in Food

The Government attaches great importance to the reduction of salt and sugar in food. Given that healthy eating is one of the keys to reducing the intake of salt and sugar in food, the Department of Health (DH) and CFS have been promoting healthy eating habits through collaboration with the food trade, schools and other stakeholders. For example, DH launched the "EatSmart@school.hk" in 2006 to promote healthy eating at schools, and launched the EatSmart@restaurant.hk Campaign in 2008 to encourage and assist restaurants to provide dishes with more fruits and vegetables and less oil, salt and sugar. CFS launched the "Reduce Salt, Sugar, Oil. We Do!" programme calling for food premises which are the Food Safety Charter signatories to follow CFS' advice on reducing salt and sugar in preparing food.

In mapping out the way forward to further promote our work in reducing salt and sugar in food, FHB, CFS, DH and the Education Bureau have been working closely with the Committee on Reduction of Salt and Sugar in Food (CRSS) and the

International Advisory Panel on Reduction of Salt and Sugar in Food to come up with measures which are pragmatic, concise and feasible. There are divergent views held by various local and overseas stakeholders on the effectiveness of introducing fiscal measures as a means to reduce the intake of sugar from food among the general public.

Considering the actual circumstances of Hong Kong, both CRSS and we are of the view that a step-by-step approach should be adopted, starting from aspects which are more achievable first before tackling the more difficult ones. In practical terms, CRSS has advised to further cultivate a culture of low-salt-and-sugar diets in the community along the three directions of “starting from an early age” through promoting healthy eating in pre-primary institutions and primary schools, enhancing transparency of information through the introduction of a front-of-pack low-salt-and-sugar labelling scheme for pre-packaged food to help consumers make better choices, and implementation of the “calorie” indication pilot scheme at staff canteens of public hospitals.

In this regard, DH has stepped up promoting healthy eating in preprimary institutions and primary schools. More than 80% of the staff canteens of public hospitals have implemented the “calorie” indication pilot scheme. As a precursor to the introduction of a voluntary front-of-pack low-salt-and-sugar labelling scheme for pre-packaged food, we are joining hands with CRSS in launching a front-of-pack low-salt-and-sugar label design competition and slogan-poster design competition. The competitions, with a view to cultivating the healthy diet of low-salt-and-low-sugar among the public, have started accepting entries in May 2017 until July 2017.

We will continue to make reference to the recommendations of CRSS and the WHO, as well as the relevant measures and experience relating to reduction of salt and sugar in food in other places (including the effectiveness of the measures, the response from the trade and consumers’ receptiveness, etc.), and give full and thorough consideration to the local circumstances in order to explore and contextualise salt and sugar reduction measures suitable for Hong Kong.

IT Systems of CFS

The existing IT systems of CFS were developed by contractors on different time to meet different user requirements. Since the IT systems, and their databases, have their own separate design and are different in data organisation and structure, there are difficulties in integrating those data systemically into a centralised database for data retrieval and analysis. The lack of flexibility in system design also poses limitations on the room for streamlining workflow. The existing functions of the systems do not readily enable CFS staff to handle tasks that involve multiple systems. Further programming by technical staff or the use of external software is necessary to merge the data for further consolidation and analysis. These limitations hinder the effectiveness of CFS’ food safety control efforts, including its risk profiling efficacy. Through comprehensively reviewing and revamping/capitalising the business processes of CFS and the design of its existing systems, developing systems of high efficiency to more effectively support food safety control work in an integrated manner, and introducing technology-driven solutions and automation to better support the work of

frontline staff, CFS will be able to effectively tackle the abovementioned problems.