

Advisory Council on Food and Environmental Hygiene

**Minutes of the Thirty-fourth Meeting
held at 2:30 p.m. on Wednesday, 7 February 2007
at Room 2005, 20/F, Murray Building, Garden Road, Central**

Professor YUEN Kwok-yung, SBS, JP (Chairman)

Dr. CHAN Hei-ling, Helen

Mr. FONG Wo, Felix, JP

Mr. HUNG Hak-hip, Peter

Dr. Anthony Edward JAMES

Professor KWAN Hoi-shan

Mr. KWOK Chun-wah, Jimmy, MH

Miss LAM Chui-lin

Ms. LAM Wai-ling, Leona, JP

Mrs. LAM WONG Pik-har, Grace

Dr. LO Wing-lok, JP

Dr. TANG Shuk-ming, Winnie

Dr. WONG Sin-ying, Lillian

Mrs. Carrie YAU

Permanent Secretary for Health, Welfare
and Food (Food and Environmental
Hygiene)

Mr. W H CHEUK

Deputy Secretary for Health, Welfare and
Food (Food and Environmental
Hygiene)

Mrs. Stella HUNG

Director of Agriculture, Fisheries and
Conservation

Mr. Eddy CHAN

Director of Food and Environmental
Hygiene

Mr. Wallace LAU

Secretary of the Advisory Council on
Food and Environmental Hygiene

Absent with Apologies

Professor HO Suk-ching, Sara

Dr. LO Chi-kin, JP

Dr. LO King-shun

In Attendance

Health, Welfare and Food Bureau

Miss Vivian KO	Principal Assistant Secretary for Health, Welfare and Food (Food and Environmental Hygiene)2
Mr. Johnson TANG	Assistant Secretary (Food and Environmental Hygiene) 1
Miss Wendy AU	Assistant Secretary (Food and Environmental Hygiene) 5
Dr. Della SIN	Assistant Secretary (Food and Environmental Hygiene) Special Duties 1
Ms Selina LEE	Senior Executive Officer (Food and Environmental Hygiene)

Agriculture, Fisheries and Conservation Department

Dr. Thomas SIT	Assistant Director (Inspection & Quarantine)
Ms. KO Wan-chi, Wendy	Senior Agricultural Officer (Regulatory)

Food and Environmental Hygiene Department

Dr. MAK Sin-ping	Controller, Centre for Food Safety
Dr. Y Y HO	Consultant (Community Medicine)(Risk Assessment and Communication)
Dr. Constance CHAN	Assistant Director (Food Surveillance & Control)

Department of Health

Dr. Thomas TSANG

Consultant Community Medicine
(Communicable Disease)

Opening Remarks

The Chairman welcomed Members to the meeting.

Agenda Item 1 : Confirmation of the Minutes of the Last Meeting

2. Members confirmed the minutes of the last meeting without amendments.

Agenda Item 2 : Matters Arising from the Minutes of the Last Meeting

3. There was no matter arising from the minutes of last meeting.

Agenda Item 3 : Food Incidents Response and Management by the Centre for Food Safety (ACFEH Paper 1/2007)

4. Dr. Constance CHAN introduced the paper. A Member enquired if there was any system for registering the sole distributor or wholesaler of each food item. The beauty of having such a system was that the sole distributor or wholesaler of a problem could be traced and held responsible. Dr. MAK Sin-ping replied that most food safety rules and regulations in Hong Kong were stipulated in the Public Health and Municipal Services Ordinance, Cap. 132. The Ordinance required that all food for sale had to be wholesome, unadulterated and fit for human consumption. It depended on the strength of evidence in each food incident case to determine whether the importer, wholesaler or retailer should be prosecuted. The Ordinance also had a provision under which warranty might be pleaded as defence. At present, since import approval was required only for a few high risk food items, such as meat and milk, the Centre for Food Safety (CFS) did not have information on all importers. If there were a food incident that required follow up action, CFS

would trace back to find out the responsible party.

5. Mrs. Carrie YAU told the meeting that the Chief Executive had already directed that all food importers should be registered. The new food importer registration scheme would be launched by phases with a view to registering all food importers. This would facilitate investigation in case a food incident occurred.

6. A Member supported the development of a food importer registration scheme. Better regulation could be achieved only when the Administration knew clearly who imported what from where. She knew that samples were taken regularly from the fish and vegetable markets for inspection and suggested that if the food samples obtained from an importer were always found to be unfit for human consumption, the Administration should consider suspending or cancelling his licence.

7. Another Member supported the new food importer registration scheme. Given some food items might not be imported by the registered importers, he considered regulation at the retail level should also be required so as to ensure all players were abided by the rules. He opined that CFS needed to better inform the public that there was a food surveillance programme in place and that accurate information would be disseminated to the public immediately when an overseas food incident occurred. The public also needed to know that food samples in local markets were collected and tested regularly by CFS and international standards were applied for conducting the tests. Finally, the public should be encouraged to assist in monitoring local food incidents and report their findings to the CFS if they spotted one.

8. A Member said that she appreciated the need for CFS to disseminate accurate information as soon as possible about food incidents. Care should be taken, she suggested, to ensure that information so disseminated should not cause undue panic but seek to restore the public's confidence in consuming food that met our requirements. In short, it was necessary to strike a balance between transparency and information accuracy.

9. Mr. Eddy CHAN explained that the present regular food surveillance programme was originally intended to serve as an internal broad-brush indicator on the rate of compliance in respect of all food items in the market. The way in which food samples were collected was therefore informal in nature particularly

in view of the large sample size (over 60 000 a year). As and when the laboratory results were made available indicating a possible breach of the existing standards, the department would then take a second tier action to collect formal samples for the purpose of prosecution since not all breaches would constitute an immediate public health hazard. At this stage, the Department would not normally disclose the test results until the second tier results were available as there could well be legal challenges from the concerned retail outlets on the way in which the samples were collected. However, if the results indicated that the breaches were serious and that there was an immediate public health risk, the Department would immediately inform the public of the results of the preliminary tests and issue the necessary health advice. The present difficulty stemmed from the community's expectation that the Department should disclose all relevant information as and when the results were made available, irrespective of the way in which the samples were collected and the extent to which the breaches would likely to cause an immediate public health hazard. In this respect, he pointed out that, unlike the Consumer Council, FEHD had no legal powers to name the offending shops based on the results and the findings of the food surveillance programme unless sufficient evidence had been gathered for the purpose of prosecution. To address the community's concern on this matter, he said the CFS had started to review the present food surveillance programme to see if improvements could be made. As a start, the CFS had already embarked on a pilot programme to test seasonal foods during various festive periods throughout the year and make public announcements as soon as the results were made available. Dr. MAK Sin-ping added that when public health was at stake, even the information was preliminary; FEHD would make an announcement at once as evidenced in the recent food poisoning resulting from contaminated oyster case.

10. A Member supported the food importer registration scheme. He considered it a cost effective way to ensure the safety of imported food. Food importers have the responsibility to ensure that the food items came from safe sources. Besides, retailers should also be held responsible in a less elaborate way. They should retain the receipts, so that the source of food supply could be traced in case of food incidents. He enquired how the Administration captured intelligence on food incidents, whether reports from official sources, such as in the "Sudan Red" case, would be given more weight than those from other sources.

11. Mrs. Carrie YAU told the meeting that in the case of Sudan dye in

“red-yolk” eggs, FEHD immediately checked with the State General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) to find out whether the problem eggs had been exported to Hong Kong when the AQSIQ released information about the case. Because the eggs were not imported through the normal channel but came into Hong Kong as samples for an exhibition, CFS needed more time to eventually track them as a special import item. Dr. MAK Sin-ping added that, to broaden its food safety intelligence network, FEHD also checked overseas websites daily to identify food incidents. If the reports were not from official sources, they would check with the relevant official authorities to verify the information. The most effective way to obtain intelligence on food incidents was to enhance communication with overseas food authorities.

12. A Member suggested reviewing the Terms of Reference (TOR) of the CFS to make it clear that the CFS would only take care of food safety issues but not public health. For example, malachite green in fish should not be classified as food safety issue because of its low risk associated with the food and that public health would not be jeopardised with normal consumption of the food concerned. However, since the current TOR of CFS also covered public health, CFS therefore needed to deal with the case. Moreover, CFS should try to manage public expectation and impress upon the public that no food was 100% safe. The public should accept that at normal consumption level, food with low level of unsuitable substance would not have major impacts on health. He remarked that there might be practical problems in implementing the food importer registration scheme. It would also be difficult to require all small traders to keep paperwork on their transactions. Besides, if a supermarket sold the same product they sourced from two importers, the product would be mixed up on the shelf before sale. It would be difficult to identify the responsible importer if problem related to the product was found subsequently. Mrs. Carrie YAU replied that the public now demanded great transparency in issues related to public health and food safety. The Administration would further improve communications with the public, for example, by managing their fear by giving them accurate information based on sound science and telling them the risk level. Mrs. YAU further said the pragmatic way to introduce the food importer registration scheme was by phasing it in and accorded priority to food items consumed by the public on a daily basis. Consultation with the trade would also be conducted before implementation.

13. Another Member said every supermarket should have proper record on

the products they sold because it would charge the suppliers for shelf allocations accordingly. She suggested that a grace period be set for all importers to register and expected that most importers would actively register if they would like to continue their businesses.

14. A Member asked if prosecutions would be taken against anyone found culpable in the oil fish case. Mr. Eddy CHAN replied that CFS had submitted a brief on the case to Department of Justice (DoJ) for consideration of appropriate legal actions. DoJ would consider if there was sufficient evidence for prosecution.

15. In response to a Member's enquiry, Mr. Eddy CHAN said that the prosecution might be made against ParknShop because the oil fish leading to all the 14 reported cases of sickness after consumption were purchased from the shop. After 23 January 2007, when the CFS announced details about the case, more than 600 complaints/enquiries involving ParknShop and other retailers had been received. Upon the completion of investigations on these cases, CFS would submit the relevant findings and evidence to DoJ to seek advice whether prosecutions could be taken against the traders concerned.

16. A Member enquired if the evidence obtained included any fish and the labels/packaging materials for the food. Mr. Eddy CHAN replied that some of the complainants had provided packets of the fish they purchased and their labels/packaging materials. FEHD had already passed them to DoJ.

Agenda Item 4 : Priority Setting for Legislative Changes to Food Standards (ACFEH Paper 2/2007)

17. Dr. Y Y HO introduced the paper. A Member supported the proposed reviewing and updating of the legislations on food safety to bring local food standards up to date. She suggested that in addition to regulating drug residues in meat, residues of hormones should also be kept under a certain level. Dr. MAK Sin-ping said that the veterinary chemical residues such as hormones were regulated under different sections of the existing legislations. The proposed review exercise aimed at updating the relevant legislations to tie in with the latest developments in modern food science.

Agenda Item 5 : Proposed Amendments to the Pesticides Ordinance (ACFEH Paper 3/2007)

18. Ms Wendy KO introduced the paper. A Member asked how long it would take to make the proposed amendments to the Pesticides Ordinance. In response, Mrs Stella HUNG told the meeting that since there was public concern over the safety in using pesticides in agricultural produce, the Administration intended to complete the consultation with the trade in two to three months. She hoped that the entire exercise could be completed within a year as the proposed measures were relatively less restrictive compared to similar regimes overseas.

19. A Member expressed concern over the time it would take to train the entire pesticides user community and service providers in order to ensure compliance with the new requirements. In reply, Ms Wendy KO said AFCD planned to recognise current qualifications granted by other training institutions so as to avoid re-training the same group of users. Similar arrangements would be employed to accredit qualifications obtained from other training institutions in future.

20. A Member wondered why the licence of pest control service providers had to be renewed annually while authorizations to pesticide applicators and other individual pesticide users were valid for five years. She suggested that the validity of the service providers be aligned with the five year validity of the individual users so as to facilitate the pest control business. She also enquired if aged individuals could register with the AFCD for authorizations. Ms Wendy KO characterised the difference between the validity periods of the company (service providers) licence and individual users registrations as historical. She undertook to consider the feasibility of alignment having regard to the results of the trade consultation. There was no age limit for the registration with AFCD.

Agenda Item 6 : Any Other Business

21. In view of the recent confirmation of H5N1 cases among wild birds in Hong Kong, a Member asked about the Administration's plan to increase the supply of live chickens to meet demand before Chinese New Year while managing the risk of avian influenza. Mr. Wallace LAU told the meeting that

normally a maximum of 20 000 live chickens from the Mainland were allowed per day. To strike a balance between increased public demand for live chickens in the run-up to Chinese New Year and the need to manage the risk of avian influenza, the Administration had decided to temporarily raise the daily chicken import ceiling to between 60 000 to 80 000 levels for the seven days before Chinese New Year. To lower the risk of avian influenza associated with unsold live chickens at retail outlets, the Administration had also advanced the retail market cleansing day to fall on the third day of the New Year to ensure that all unsold chickens, if any, would be culled.

Secretariat

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