

Advisory Council on Food and Environmental Hygiene

**Minutes of the Thirty-fifth Meeting
held at 2:30 p.m. on Friday, 20 April 2007
at Room 1007, 10/F, Citibank Tower, Garden Road, Central**

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

Professor HO Suk-ching, Sara

Professor HO Wing-shing, John

Mr. KWOK Chun-wah, Jimmy, MH

Miss LAM Chui-lin

Ms. LAM Wai-ling, Leona, JP

Mr. LAU Yiu-fai, Ronald

Dr. Veronica LEONG

Dr. LO Chi-kin, JP

Dr. LO King-shun

Mrs. Elizabeth MOK

Dr. TANG Shuk-ming, Winnie

Dr. WONG Sin-ying, Lillian

Professor WU Shiu-sun, Rudolf

Mr. W H CHEUK

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

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

Mr. FONG Wo, Felix, JP

Dr. YUE Kwok-to

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
Dr. Howard WONG	Assistant Secretary (Food and Environmental Hygiene) Special Duties 2
Ms Selina LEE	Senior Executive Officer (Food and Environmental Hygiene)

Food and Environmental Hygiene Department

Ms Alice LAU	Deputy Director (Environmental Hygiene)
Dr. MAK Sin-ping	Controller, Centre for Food Safety
Dr. Constance CHAN	Assistant Director (Food Surveillance & Control)
Dr. Samuel YEUNG	Principal Medical Officer (Risk Assessment & Communication)

Department of Health

Dr. L. Y. TSE	Head, Surveillance and Epidemiology Branch
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Government Laboratory

Mr. CHOI Koon-kay	Chief Chemist (Health & Other Scientific Services Group)
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Opening Remarks

The Chairman welcomed Members to the meeting, in particular the new Members who joined the Council in April.

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 : Work Programme on Food Safety and Environmental Hygiene in 2007/08

4. Mr. Wallace LAU introduced the work programme on Food Safety and Environmental Hygiene in 2007/08. A Member asked for the Administration's assessment on the number of new legislation it could successfully legislate in the coming year. Besides, he would like to know if there was any policy or work plan on genetically modified food. Mr. W H CHEUK replied that most food safety rules and regulations in Hong Kong were stipulated in the Public Health and Municipal Services Ordinance, Cap. 132 while some were included in Public Health (Animals and Birds) Ordinance, Cap. 139. To strengthen the local food safety regulatory regime, the Health, Welfare and Food Bureau (HWFB) was working in earnest on preparing the legislative proposals for a new Food Safety Bill. The new legislation would comprehensively cover the different aspects of food control, including new initiatives such as food recall. The drafting work for this Ordinance would be accorded top priority. The legislative proposal would be ready for consultation with the Legislative Council (LegCo) and the public by end of this year or early next year. He expected the whole legislative process would take about two years. Amendments to control imported eggs and regulate the use of pesticides would be submitted to the LegCo in the year 2006/07. Legislative proposals on Nutrition Labelling would also be submitted to the LegCo in the year 2006/07. The draft

regulation on Poultry Slaughtering and Processing Plant and Abstraction of Seawater would be submitted to the LegCo in the year 2007/08. Mr. Eddy CHAN added that less time would be taken for the introduction of the legislation concerning control of imported eggs, nutrition labelling and abstraction of seawater because only amendments to the subsidiary legislation were required. As regards genetically modified (GM) food, Mr. CHAN told the meeting that there was no established international standard on its labelling requirement. As to its safety, it had been internationally accepted so far that GM foods currently on sale in the market should have passed pre-sale safety assessment. Dr MAK Sin-ping added that Codex Alimentarius Commission (Codex) had yet to set standards for labelling requirements in respect of GM food. It would be more meaningful to pursue in future the requirement for pre-sale safety assessment instead.

5. In response to A Member's enquiry about mosquito control measures, Mr. Eddy CHAN replied that mosquito prevention and control was an ongoing work of the department. They would select different locations to place ovitraps every month. If the Monthly Ovitrap Index of a specific location was high, anti-mosquito operation would be conducted.

6. A Member asked about the Government's plan to review and update the food standards. Since the food consumption pattern of Hong Kong people differed from that of people in other countries, this factor should be taken into account when drawing up the food standards. Dr. MAK Sin-ping said that the Expert Committee on Food Safety under the Centre for Food safety (CFS) had decided that priority should be given to setting/reviewing standards for veterinary chemical residues and pesticide residues. Codex standards were major sources of reference in the course of setting food standards because they were internationally recognized. Reference would also be made to standards in other overseas countries. She agreed that consumption pattern was an important factor in assessing food safety. CFS had commissioned the Chinese University of Hong Kong to conduct a food consumption survey of Hong Kong people. The survey report would be ready by early next year, and the information in the report would be useful for risk assessment.

7. Another Member asked if trans fat would be covered in the legislative programme. Mr. W H CHEUK replied that in view of the concerns expressed by many LegCo members concern over the issue, trans fat would be one of the areas to be covered in the nutrition labelling review.

8. A Member was glad to note that more resources had been allocated to strengthening food safety. He also supported the proposal to enhance veterinary input in local slaughterhouse management. In addition to conducting tests on level of chemicals and carcinogen in food samples, he suggested bacteria and parasite should also be targeted. He enquired about the coordination of food sample tests conducted by various Government departments. Mr. CHOI Koon-kay replied that there would be 38 new civil servant posts for food testing in the Government Laboratory (GovtLab) following allocation of additional resources. GovtLab mainly performed chemical analysis of food products to support the ongoing Food Surveillance Programme of Food and Environmental Hygiene Department (FEHD).

9. A Member suggested that when aqua privies were converted into flushing toilets, auto-flushing facilities be installed to further improve environment hygiene. To enhance public understanding on food safety issues, he urged the CFS to arrange more educational activities, in particular those involving the community. As regards the outsourcing of food testing work, he remarked that universities and other educational institutes should start offering relevant courses so that capable professionals could be trained to carry out the analytical work. He suggested GovtLab to share its experience with the trade as GovtLab had developed many useful testing methods and other expertise.

10. A Member noted that the Importer Registration Scheme was one of the work priorities of HWFB. He asked if there was any regulation for food production in Hong Kong, the definition of food and what kind of imported food required registration. Mr. Eddy CHAN replied that there was a licensing requirement for various kinds of food business under Cap. 132, including general restaurant, food factory, fresh provision shop and light refreshment restaurant etc. Except for the importation of game meat, meat, poultry meat and milk products, importers of other food items were not required to seek prior approval or to be registered under existing law. Dr. MAK Sin-ping added that the current definition of food in Cap. 132 did not cover items such as live fish. The new food safety law would cover all food items that needed to be regulated.

11. A Member enquired whether FEHD would recruit food scientists and veterinary officers, and the qualification required for these posts. Dr. MAK Sin-ping replied that CFS needed a variety of professionals, including food scientists. They had developed prerequisite entry requirements for posts in

various related fields, such as biotechnology and toxicology. FEHD would create four to five posts of veterinary officers in the year 2007/08 to enhance food animal inspection services at slaughterhouse and step up inspection of farms in the Mainland. She anticipated difficulties in the recruitment of veterinary officers. Mrs. Stella HUNG added that it was difficult to recruit veterinary officers as veterinarians got better salary in private sector. The Agriculture, Fisheries and Conservation Department (AFCD) as Grade Manager would have to recruit over 10 veterinarians to fill both existing vacancies and new posts, and recruitment was conducted all year round.

12. A Member asked if there was any onsite laboratory for the veterinary officer in slaughterhouses to conduct sample tests. Dr. MAK Sin-ping replied that there were facilities in the slaughterhouse to conduct simple tests, such as parasite detection. Samples would be submitted to AFCD for other more complicated tests. Mrs. Stella HUNG told the meeting that veterinary officers in slaughterhouses maintained close communication with colleagues in AFCD. If unacceptable materials were found in the samples, such as chemical residues, the samples would be sent to GovtLab for confirmatory testing. Mr. CHOI Koon-kay added that when GovtLab received such requests for chemical analysis of the samples from AFCD or slaughterhouses, they would conduct tests at once and send the report to AFCD or FEHD as soon as possible. The GovtLab's report would be required if legal actions were involved.

Agenda Item 4 : Strategy for Food Surveillance in 2007 (ACFEH Paper 4/2007)

17. Dr. Constance CHAN introduced the paper. A Member said though Hong Kong had a higher number of samples tested per 1 000 population when compared with other overseas countries, the higher population density in Hong Kong would multiply the adverse health effects of food incidents. Therefore, population density should be taken into account when considering a suitable sampling rate. She supported the release of Food Surveillance Reports on CFS website, but suggested to further improve the circulation by displaying them in FEHD markets and major supermarkets, for example, through the use of LCD TV screen. Dr. MAK Sin-ping replied that in addition to uploading the reports onto CFS website, the reports were also distributed to the general public at FEHD's District Offices and some supermarkets. The reports specifically prepared for the trade would be sent by mail. Other means of communication

were being considered, such as LCD TVs and banners on FEHD properties, broadcast of public education materials on Roadshow and posters at FEHD market etc.

18. A Member said that the information provided by CFS to different target groups should have different focus. For example, the information for general public should be easy to understand and avoid technical terms. She noted that a variety of food testings were being conducted by a number of organizations, such as the Consumer Council and Vegetable Marketing Organization. She wondered if coordination or information exchange between FEHD and other organizations would help spread the message. Dr. MAK Sin-ping said that the information provided to the trade and the general public was not the same. CFS had all along maintained a smooth cooperation with the Consumer Council. Upon receipt of the study results from the Consumer Council, CFS would give its comments to make them more accurate. Besides, CFS conducted two joint studies with the Consumer Council every year. The Vegetable Marketing Organization would ensure the pesticides residues left on vegetables from accredited farms were within the legal limits. CFS would strive to co-operate with other related organizations.

19. A Member said that the food sampling rate would be more meaningful if it were compared with cities, rather than countries. If such figures were available and reflected that Hong Kong had a higher sampling rate than other cities, it was worth informing the general public of this. She proposed that a promotion and image building strategy should be adopted and messages with different focus should be targeted at different customer groups through various dissemination channels. Dr. MAK Sin-ping told the meeting that it was difficult to make the comparison because very few countries/places had such a high proportion (over 90%) of imported food like Hong Kong. Many other countries needed not take food samples from the wholesale or retail levels because quality assurance procedures had already been adopted when the food was produced. Even Singapore had a different monitoring system where more samples would be taken from the supplier who had a poor record of compliance. As Hong Kong did not have an importer registration scheme at present, the CFS would conduct more targeted food surveillance and disseminate the related reports as soon as possible, instead of focusing on routine food surveillance.

20. In response to a Member's enquiry if CFS had adopted power analysis in sampling so as to provide information relating to the probability of detection,

Dr. MAK Sin-ping said that CFS was using a risk-based approach in determining the types and number of samples to be collected.

21. A Member said in general, the public hoped CFS would collect more food samples. He supported HWFB and CFS to request for more resources to carry out this function. The frequency of issue of Food Surveillance Report should also be increased.

22. A Member said the publicity programme should be updated in a timely manner to address the public's concern during different seasons. She agreed that more resources should be deployed to conduct targeted food surveillance instead of routine food surveillance because suppliers should have the responsibility to ensure the food items were safe for consumption. She expressed concern over illegal food production in Mainland and asked how CFS monitored these incidents, adding that CFS would be able to gather more information if a communication platform was provided between FEHD and the general public. Dr. MAK Sin-ping replied that when the importer registration scheme was in place, the traceability of food would be much improved. The importer, wholesaler and distributors should keep information as regards the sources and destinations of their food products and collection of samples would not be limited at retail level.

23. A Member said that while it was important for the CFS to establish its image and status, CFS did not have the power that the Consumer Council had to disclose the names of problematic shops. She noted that the paper had not addressed how CFS was going to obtain more power. She compared the two-stage approach in sample collection mentioned in the last meeting and the three-tier approach in food surveillance and asked about the difference between the two. Mr. Eddy CHAN said that the two types of activities were different in nature. For the routine sample testing, because the over 60 000 samples collected annually for testing covered a vast variety of food items, the sampling size of individual food item was inevitably restricted. Therefore, the findings by CFS might differ from those provided by other organizations which conducted tests on only one food item based on a large number of samples. In future, CFS would not reduce the routine food surveillance, but would conduct more surveillance targeted at specific food hazard and continue to conduct tests on festival or seasonal food. As regards the two-stage approach in sample collection of routine food surveillance, Mr. Eddy CHAN clarified that this would enable FEHD to take subsequent enforcement/prosecution actions, apart

from serving as a general surveillance tool in assessing the extent to which foods for sale in HK were in compliance with our statutory or international standards. He said that, firstly, food samples were collected informally by the department at the various wholesale and retail outlets. As and when the laboratory results were made available indicating a possible breach of the existing food hazard standards, the department would then collect formal samples for the purpose of prosecution. At this stage, management of the shop would be informed that samples were collected by the department and they were allowed to keep part of the samples. The department would not normally disclose the test results until the second tier results were available as there could be legal challenges from the concerned retailers on the way in which the samples were collected. However, Government intended to empower the food authority to disclose the name of problematic food businesses, in the new food safety Bill.

Agenda Item 5 : Review of the Centre for Food Safety (ACFEH Paper 5/2007)

24. Mr. Wallace LAU introduced the paper. A Member proposed that food business operators who had obtained Hazard Analysis and Critical Control Point (HACCP) or ISO22000 should be exempted from the suspension of food licence under the Demerit Points System on Suspension and Cancellation of Licence (Demerit Points System). However, in the past six years, only around 30 companies successfully obtained HACCP. The number of companies being granted ISO22000 would be even fewer because more resources were needed to meet the required standards. If these standards were so difficult to attain, it could not serve the purpose of promoting a self-regulatory mechanism for the trade. Mr. Eddy CHAN said that ISO22000 was a well recognized international food production standard and the most relevant standard for food production business under ISO. If a food operator obtained ISO22000, it would be appropriate to exempt it from certain penalties under the Demerit Points System. Besides, the frequency of inspection conducted by the department could be reduced because compliance with these standards implied good practices being adopted by the food operator. He agreed that the ISO22000 was indeed a very high standard for the industry, but both the public and the regulator would need to be assured that only the best operators would be exempted from DMS under such a regulatory framework. The department had discussed related issues with the trade and so far no adverse response was received. The department could review overseas experience to see whether

there were other acceptable standards for the purpose of granting exemption.

25. A Member opined that CFS had in the past year provided very useful information to the general public concerning food safety. This information was also useful for the food business to improve their food production process. She proposed CFS to step up publicity and educational activities, especially targetting at the young generation. Besides, she said that the legislative proposal for food safety ordinance should be expedited.

26. A Member said that CFS should aim at perfecting the self-regulatory mechanism of the food business, involving the general public in monitoring the food business and providing quick response in case of food incidents. He also supported the outsourcing of straight-forward analytical work to private laboratories so that the limited resources at GovtLab could be utilized in the most effective way.

Agenda Item 6 : Summary of Recent Food Incidents (ACFEH Paper 6/2007)

27. Mr. Wallace LAU and Dr. Constance CHAN introduced the paper. A Member appreciated the efforts made by CFS and the Consumer Council in the testing of dried, shredded squid and remarked that it was hard to control the media as they would choose topics based on news worthiness.

28. A Member said that the report disclosed by the Consumer Council only indicated the total arsenic level without differentiating between organic and inorganic arsenic. The figure, therefore, was comparatively high. She suggested that accurate information should be conveyed to consumers to avoid panic. Noting that the paper stated that 10% of the total arsenic was assumed to be inorganic, she asked how this percentage was determined. Dr. MAK Sin-ping replied that it was clearly indicated in the report that the figure quoted was total arsenic level and that drawing reference from international authorities, a 10% was assumed to be inorganic. However, the report was rather technical and the media had chosen to cover only part of the report. Therefore, the message seemed to be unclear for the general public. CFS would continue to collaborate with the Consumer Council and would strive to improve the dissemination of information in future.

29. In response to a Member's enquiry, Dr. MAK Sin-ping said that the Consumer Council had sent the report to CFS before the press release but it only contained result figures. CFS had difficulties commenting on the results as it did not have details of the tests. Since the Consumer Council's focus was whether the arsenic in food would affect health, the Council was less concerned as to whether this had exceeded the legal limit and if prosecution needed to be taken. Another difficulty was that even the Codex had not set the level of arsenic in seafood because arsenic was a natural environmental contaminant. Dr. MAK added that they were reviewing if communication with the Consumer Council could be further improved to present the public with a complete picture in releasing food test results in future.

30. Mr. CHOI Koon-kay told the meeting that CFS had already given some samples to GovtLab to conduct comprehensive tests on dried shredded squid. The level of water content, organic and inorganic arsenic would be analysed. Because different seafood in different areas would vary in the ratio of organic and inorganic arsenic content, it was controversial for the Consumer Council to adopt the assumed level of inorganic arsenic in their tests.

31. A Member suggested that CFS liaise with the Consumer Council before the latter released its report. The Administration could also make better preparation by trying to solicit support from the media.

Agenda Item 7 : Any Other Business

32. The Chairman raised the following issues and asked for responses from the Food and Environmental Hygiene Department (FEHD).

- (i) The Government's view on trans-fat, and its advice to the food trade in respect of labelling hydrogenated fat in food.
- (ii) The FEHD's plan to improve its prosecution procedures to ensure prosecution deadlines would be met.
- (iii) The 15 day cremation service lead-time, and the mortuary service facility.

(i) Trans-fat

33. In response, Dr. L Y TSE confirmed that trans-fat had properties similar to saturated fat in terms of health effects. As it increased low density cholesterol and reduced high density cholesterol, excessive intake of trans-fat would increase the risk of coronary heart diseases and strokes. The Department of Health would continue to inform the public through public education programme of the risk of trans-fat and the food to avoid in order not to take in an excessive amount of the substance.

34. Dr. MAK Sin-ping added that CFS would also educate the public about trans-fat as part of their risk communication work. As to labelling of pre-packaged food, she understood that there was no uniform international standard for listing trans-fat on nutrition labels and individual countries might set their-own requirements. Hong Kong would make reference to the practice of major food supplying countries in setting our requirements on trans-fat in the course of setting nutrition labeling requirements. In view of the concern of the LegCo and the public, the Administration intended to include trans-fat in the first phase of implementing nutrition labelling requirements.

(ii) Prosecution Deadline

35. On recent media reports criticizing the FEHD for missing the prosecution time limit on some cases, Mr. Eddy CHAN told the meeting that of the 50 000 summons cases handled by the department over the last 3 years, only 33 cases (or 0.08%) were dropped for missing the time limit for various reasons. The FEHD had improved the prosecution case monitoring system since the Ombudsman's report to prevent the re-occurrence of the same in future. Communications between the head office and regional offices also improved to ensure a timely reporting of investigation results based on which prosecution decisions would be made.

36. Mr. CHOI Koon-kay added that the GovtLab had also pledged additional resources to provide timely test results to FEHD on food complaint samples collected for investigation and law enforcement purposes.

(iii) Cremation Service and Mortuary Space

37. Commenting on recent media reports on the long waiting time for

cremation service which might have contributed to the overcrowding in some public mortuaries, Mr. Eddy CHAN emphasized that the FEHD had been successful in honouring its pledge to assign a cremation slot in 15 days if clients did not insist on a slot on a preferred date. He also reported progress in FEHD's programme to install new incinerators to double the incinerating capacity; as well as efforts to add new incinerators to existing sites. The latter initiative met some resistance from a district council concerning the Wo Hop Shek crematorium. The department would work with them to address their concern with a view to building the required facilities to meet projected demand beyond 2014.

38. The Chairman reminded Members that the meeting schedule tabled was tentative. The Secretariat would notify Members the date of the next meeting in due course.

Secretariat
Advisory Council on Food and Environmental Hygiene
Health, Welfare and Food Bureau
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