

Advisory Council on Food and Environmental Hygiene

**Minutes of the Thirty-eighth Meeting
Held at 2:30 p.m. on Thursday, 6 December 2007
at Room 2005, 20/F, Murray Building, Garden Road, Central**

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

Dr. TANG Shuk-ming, Winnie

Professor HO Wing-shing, John

Professor WU Shiu-sun, Rudolf

Mr. KWOK Chun-wah, Jimmy, MH, JP

Mr. LAU Yiu-fai, Ronald

Mrs. Elizabeth MOK

Dr. YUE Kwok-to

Mrs. Stella HUNG, JP

Permanent Secretary for Food and
Health (Food)

Mr. CHEUK Wing-hing, JP

Director of Food and Environmental
Hygiene

Miss CHEUNG Siu-hing, JP

Director of Agriculture, Fisheries and
Conservation

Dr. LEUNG Ting-hung, JP

Department of Health
Head, Surveillance and Epidemiology
Branch

Absent with Apologies

Dr. WONG Sin-ying, Lillian

Miss LAM Wai-ling, Leona, JP

Professor HO Suk-ching, Sara

Mr. FONG Wo, Felix, JP

Miss LAM Chui-lin

Dr. LO Chi-kin, JP

Dr. LO King-shun

Dr. Veronica LEONG

In Attendance

Food and Health Bureau

Ms. Olivia NIP, JP	Deputy Secretary for Food and Health (Food)
Mrs. Angelina CHEUNG	Principal Assistant Secretary for Food and Health (Food) ¹
Dr. LEUNG Siu-fai	Principal Assistant Secretary for Food and Health (Food) ³
Mr. LIU Kim-man	Assistant Secretary for Food and Health (Food) Special Duties 3

Food and Environmental Hygiene Department

Dr. Constance CHAN, JP	Controller, Centre for Food Safety
Dr. S Y LEE	Assistant Director (Food Surveillance and Control)

Opening Remarks

1. The Chairman welcomed the newly appointed Deputy Secretary (Food) of Food and Health Bureau Ms. Olivia NIP, Director of Food and Environmental Hygiene Mr. CHEUK Wing-hing, and Assistant Director (Food Surveillance and Control) of Food and Environmental Hygiene Department Dr. S Y LEE and 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 matters arising from the minutes of last meeting.

Agenda Item 3 : The Proposed Food Safety Bill (ACFEH Paper 16/2007)

4. Mrs. Angelina CHEUNG introduced the paper.

5. A Member supported the proposed Food Safety Bill (the Bill). She suggested the Government to make use of information technology to minimize the burden and inconvenience to the trade. The Government should also publicize and provide training for the traders on the mandatory registration scheme for food importers and distributors. She said that the information and data collected from the mandatory registration scheme should be analyzed which might provide useful information on the different food chains and might give insights on the occurrence of food incidents and preventive measures. She asked if there would be any evaluation as to the effectiveness of the voluntary registration scheme as only some 800 importers and 400 distributors had been registered as at 30 November 2007.

6. Dr. Constance CHAN replied that the Government noted the impact on the food trade and had therefore proposed a number of facilitation measures, e.g. registration either by paper or through the internet. Besides, the Centre for Food Safety (CFS) would not prescribe the system/method for keeping records on food movement, so long as the record keeping system/method could serve the purpose of food tracing. The CFS would issue guidelines to assist the trade, especially small operators, to comply with the new regulatory requirements. In order to enable the Food and Environmental Hygiene Department (FEHD) to gain practical experience in administering the registration scheme and to familiarize the food trade with the new requirements, FEHD had not set a deadline for the voluntary registration scheme. At present, FEHD did not have too much information on distributors as compared to importers, as distributors seemed less keen in joining the voluntary registration scheme. FEHD would continue to consult the food trade and evaluate the effectiveness of the scheme after gathering more information on distributors and importers.

7. A Member also supported the Bill as it was a major step in improving food safety. He noted there was a high risk of ciguatera poisoning and said there should be tighter control on wild catch marine fish. He suggested that wild catch marine fish which came from high risk areas should be prohibited from import. Besides, stringent control should be imposed on shellfish, e.g. oysters and mussels collected at Lau Fau Shan as epidemiology survey revealed that the risk of food poisoning from consumption of local shellfish was high. He said that the problem of oysters and sea water pollution at Lau Fau Shan had been known for years but no improvement had been made to address the problem. He also enquired about the difference between the current provision in the Public Health and Municipal Services Ordinance (Cap 132) and the proposed Bill as the former also empowered the Authority to confiscate the problem food if it was found to be unfit for human consumption. He noted that the powers under the existing Cap 132 seemed to be sufficient or even more powerful than those proposed under the Bill.

8. Mrs. Stella HUNG replied that it would be impractical to require each consignment of wild catch marine fish to be accompanied with a health certificate. She said that fishermen were well aware of the location of the risky zone and would avoid fishing at those places. FEHD would consult the trade to learn more about their operation.

9. Miss CHEUNG Siu-hing said that suspected consignment of oysters would undergo “hold and test” under the existing legislation. They would be confiscated and disposed of if found to be unfit for human consumption. She said that Agriculture, Fisheries and Conservation Department (AFCD) had started to collect oyster samples regularly at Lau Fau Shan since early 2007. They would make use of the collected data to analyze the condition of oyster there, which would in turn provide a reference in considering whether AFCD might need to provide any technical support to oyster farmers. She emphasized that all oysters, whether they came from Lau Fau Shan or not, were subject to existing food safety control and would be regulated under the proposed Food Safety Bill, including the registration requirement for food distributors. Mr. CHEUK Wing-hing said that sale of oysters would be controlled at the distribution levels through registration of distributors and at retail level by Cap.132 which required all food to be fit for human consumption.

10. Mr. CHEUK Wing-hing said that under the current legislation, food

could be confiscated only after being tested and confirmed to be unfit for human consumption. However, under the proposed Bill, the authority could take preventive action by prohibiting or recalling a food, on the strength of food alert issued by other food authorities, or on reasonable suspicion that it would pose a health risk.

11. A Member said that he supported the proposed Bill as it was more effective than the existing one from the food safety point of view. He said that risk assessment could assist the Government to differentiate and classify food of different risk level and the Government might take necessary follow up action, e.g. prohibition of import or sale, food recall, etc. However, the proposed Bill could only be implemented successfully with the cooperation of the trade and the public. He said that it would be easier to promote the Bill among the food importers and distributors rather than the retailers. He suggested CFS to publicize the voluntary registration scheme on a wider scale.

12. A Member said that the Government, as a regulatory body, should ensure food safety but at the same time should render assistance to the trade upon implementation of new regulatory control. For example, the Government should provide the necessary training for the food traders and carry out environmental improvement works in cases like water pollution at Lau Fau Shan. The Government should also provide more resources on research and study which would be beneficial to the traders.

13. Mr. CHEUK Wing-hing replied that the Government would render assistance to the trade as appropriate, but at the same time the trade should bear the primary responsibility for ensuring food safety. The Innovation and Technology Commission, for example, administered funds for promoting applied research.

14. Miss CHEUNG Siu-hing replied that AFCD had advised the oyster farmers at Lau Fau Shan to import their oyster spats from reliable sources. She said that it might not be appropriate to conclude at this stage that the location was no longer a suitable place of production of oysters. Environmental Protection Department (EPD) studies had shown that the water quality had improved. AFCD would assess the sampling results before deciding on the way forward.

15. A Member said that he appreciated the need to enact the Bill to strengthen regulatory control on food safety. He, however, raised concern on the impact of the new regulatory measures on the small-sized traders. He urged the Government to consider measures to minimize the burden on the trade. He also enquired whether the additional expenditure for implementing the new Bill would be re-covered through the proposed registration fee.

16. Mr. CHEUK Wing-hing replied that the registration scheme would apply to importers and distributors whilst the record-keeping requirement would apply to retailers as well. FEHD was conscious that any newly imposed requirements should be convenient to the trade and therefore the Department would design simple registration form and application could be submitted by hard copies or through the internet. He believed that the record-keeping requirement would not cause undue inconvenience to the trade as traders should have kept record of their transaction with suppliers and customers in their normal course of business. Although FEHD might conduct random checks with importers and distributors, the latter would not be charged for the cost so incurred by FEHD.

17. Dr. Constance CHAN said that FEHD would discuss with the trade in order to better understand the trade operation so that with the Bill would be drafted in such a way that the requirements imposed are reasonable and practicable. The proposed Bill would create a good environment on food safety which was beneficial both to the trade and the public as it would reduce the occurrence of food incidents.

18. A Member said that it would be easier for FEHD to approach the major food importers and distributors but might not be so for the small ones. Past experience showed that most traders would adopt a “wait and see” approach when the Government proposed new regulatory control.

19. Mrs. Stella HUNG said that the Government would not impose excessive burden on the trade. On record-keeping, the traders would not be required to provide a separate system as far as the information currently being kept was sufficient for food tracing purpose. CFS would continue to liaise with the food trade including food importers, distributors and retailers to publicize the proposed Bill. The public and the trade could also send their views to Food and Health Bureau (FHB) or FEHD through different channels, e.g. letters and

emails.

20. A Member asked why reptiles were not included in the definition of “food” in Cap 132. Mrs. Angelina CHEUNG replied that while dead reptiles served on dishes would be regarded as “food” in Cap 132, import control of live reptiles was controlled under the Public Health (Animals and Birds) Ordinance (Cap 139).

21. A Member supported the proposed Bill. He understood that some food incidents could not be predicted, e.g. the recent luncheon meat incident, and said food traceability was a key factor to ensure food safety. He asked if the Government had any plan to deal with food smuggling activities. He also asked how FEHD could more effectively tackle unexpected food incidents and the criteria for selection of food samples for testing.

22. Mr. CHEUK Wing-hing said that legally there was no “smuggling” of foods (except meat, game and poultry) before implementation of the Bill, there were at present only some food items imported from improper channels. However, upon implementation of the Bill, it would be an offence if foods were not procured from registered importers or distributors. FEHD was all along in close liaison with other departments, e.g. Customs and Excise Department and AFCD, to tackle smuggling activities.

23. A Member said that the definition of “food” under the Bill should be wide enough so as to cover any items that were intended for human ingestion. Mrs. Angelina CHEUNG replied that the definition of “food” under section 2 of Cap 132 was broad enough although it had specifically excluded certain items which the Administration would like to regulate. For live animals and live birds which were excluded from Cap 132, they were properly regulated under Cap 139. There was however no legislative control for live fish and also live amphibian. Hence, the new Bill would include them as “food”. Water (other than bottled water) was also excluded from the definition of “food” in Cap 132. Although the quality of tap water was guaranteed by the Water Supplies Department, it might be contaminated during the process of ice-making. The Administration therefore recommended to extend the definition of “food” to cover ice so that ice-making plants could be properly regulated by the law.

24. Mr. CHEUK Wing-hing said that the definition of food at Annex A of

the paper included the food items listed at paras. (a) to (d) , but did not restrict to them, unless explicitly excluded in paras. (i) to (iv) of the definition. The coverage was therefore wide enough to catch any kind of food. The Chairman asked whether Bitter Nut was defined as food in Cap 132. Mr. CHEUK Wing-hing replied that as it was not excluded in the definition of “food” in Cap 132, it was included.

Agenda Item 4 : Summary of Recent Food Incidents (ACFEH Paper 17/2007)

25. Dr. Constance CHAN introduced the paper and reported the recent food incident of nitrofurans found in canned luncheon meat. The media reported on 30 November 2007 that the Singapore authority had suspended the import of three canned pork products from the Mainland since August 2007 due to the detection of low levels of nitrofurans at import level. As the three affected products were available in Hong Kong in accordance with the information provided by Singapore, the CFS immediately collected 11 samples of the canned pork products for testing metabolite of nitrofurans. One sample of Shanghai MaLing Pork Luncheon Meat B2 (Less Sodium)] (340 g) (Best Before Date: 26.12.2009) was found to contain minute quantity of nitrofurans metabolite. According to the sole agent, some 20 000 cans of the product concerned had been imported into Hong Kong on two occasions –December 2006 and January 2007. There was no import of the concerned product afterwards and no stock was left with the sole agent. The local distributors concerned stopped the sale and initiated recall of the products and CFS collected more samples for testing the results of which were pending.

26. The Chairman asked why every time when new food problems were found, they were uncovered by other countries, e.g. Singapore but not HKSAR. He believed that Singapore had got intelligence for testing nitrofurans in luncheon meat. Mr. CHEUK Wing-hing replied that FEHD did not know the reason for Singapore to test nitrofurans in luncheon meat, as information provided by Singapore was limited. He said it was not quite true that Hong Kong was always trailing behind other authorities in the detection of problematic food. Food testings worldwide were interactive. Actually, the CFS also detected problematic food ahead of other agencies, e.g. the detection of histamine in bottled salted fish from Thailand, preservatives in excess of safety limit in preserved apricot from USA, Sudan dyes in snacks from Japan and

contaminated oysters from Chile. As regards surveillance on canned food including luncheon meat, from January to October 2007, over 600 samples of canned food, including 40 luncheon meat products (with MaLing products among them), were tested for chemicals such as preservatives, antioxidants, colouring matters and heavy metals. MaLing luncheon meat was actually tested in end October, but no irregularities were found. The CFS did not hitherto test canned meat for nitrofurans because it was uncommon for it to be found in meat products, as pointed out by Professor Thomas Chan Yan-keung of the CUHK. Following the recent incident, CFS would step up surveillance on canned pork products.

27. The Chairman suggested that if academic experts of Expert Committee on Food Safety could draw up a list to those possible foods might contain prohibited chemicals by obtaining updated information from close related parties, e.g. farmers, with a view to alerting CFS what samples and chemicals should be taken and tested in a more cost effective approach. Dr. Constance CHAN replied that CFS staff had been studying the trend and analytical results of other countries by browsing their websites with a view to lining up our inspection and sampling programmes.

Agenda Item 5 : Any Other Business

28. Mrs. Angelina CHEUNG said that FHB would report the revised proposal on nutrition labelling scheme to the LegCo Panel on Food Safety and Environmental Hygiene on 11 December.

29. There being no other business, the meeting adjourned at 4:00 p.m.

Secretariat

Advisory Council on Food and Environmental Hygiene

Food and Health Bureau

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