

Advisory Council on Food and Environmental Hygiene

**Minutes of the Forty-second Meeting
Held at 2:30 p.m. on Thursday, 30 October 2008
at Room 2005, 20/F, Murray Building, Garden Road, Central**

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

Professor HO Wing-shing, John

Dr. LO King-shun

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

Dr. LO Chi-kin

Miss LAM Chui-lin

Dr. YUE Kwok-to

Dr. Veronica LEONG

Mr. LAU Yiu-fai, Ronald

Mrs. Elizabeth MOK

Miss LAM Wai-ling, Leona, JP

Mrs. Stella HUNG, JP

Permanent Secretary for Food and Health (Food)

Mr. CHEUK Wing-hing, JP

Director of Food and Environmental Hygiene

Dr. LEUNG Siu-fai

Assistant Director, Department of Agriculture, Fisheries and Conservation

Dr. LEUNG Ting-hung, JP

Head, Surveillance and Epidemiology Branch, Department of Health

Absent with Apologies

Professor HO Suk-ching, Sara

Professor WU Shiu-sun, Rudolf

Dr. WONG Sin-ying, Lillian

Mr. FONG Wo, Felix, JP

Dr. TANG Shuk-ming, Winnie

Ms. Olivia NIP, JP

Deputy Secretary for Food and Health
(Food)

In Attendance

Food and Health Bureau

Mrs. Angelina CHEUNG

Acting Deputy Secretary for Food and
Health (Food)

Mr. Owin FUNG

Principal Assistant Secretary for Food
and Health (Food)³

Mr. Edward CHAN

Assistant Secretary for Food and Health
(Food) Special Duties 1

Food and Environmental Hygiene Department

Dr. Constance CHAN, JP

Controller, Centre for Food Safety

Dr. S Y LEE

Assistant Director (Food Surveillance
and Control)

Dr. Y Y HO

Consultant (Community Medicine)
(Risk Assessment and Communication)

Government Laboratory

Dr. T L TING

Government Chemist

Opening Remarks

1. 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. The Chairman briefed members that an information paper (ACFEH Paper 12/2008) had been sent to members by the Secretariat via e-mail on 26.10.2008. The paper outlined the Administration's proposal to amend the 2008 Food Business (Amendment) Regulation to allow retailers to keep live poultry overnight at retail level on a certain day if a black rainstorm warning or a gale warning (i.e. typhoon signal no. 8, 9 or 10) was in force at any time between noon and 8:00 pm on that day.

Agenda Item 3 : Summary Report on Incident of Melamine in Milk Powder and Milk-related products (ACFEH Paper 09/2008)

4. Dr. Constance CHAN introduced the paper.

5. A Member asked about the timetable of the testing of melamine in eggs, vegetables and meats, and asked whether the Government Laboratory (GL) could cope with the increased workload. She further enquired whether private laboratories could offer any help in this regard.

6. Dr. Constance CHAN replied that inspection would be made to all egg importers within the week to collect egg samples for testing of melamine. She added that testing of melamine in chilled meats would come first, followed by fresh meats, fishes and vegetables.

7. As regards GL's testing capacity, Dr. T L TING confirmed that the existing resources of GL could cope with the extra workload generated from the

testing of melamine since some routine food surveillance work had already been outsourced earlier in the year. He said that GL would collaborate with private laboratories to see how certain analysis work could be outsourced to lessen GL's heavy workload. On accreditation, Dr. TING supplemented that a technical seminar was held on 23 September 2008 where 15 private laboratory representatives participated. Basically, 7 private laboratories already had the resources and capability to test melamine for the trade while the remaining ones could also attain the same level of proficiency provided that certain upgrading or modification work was put in place. Private laboratories might also submit their application to a recognized organization under the Innovation and Technology Commission for accreditation of their service.

8. A Member asked whether prosecution would be taken against some recent unsatisfactory results of food samples containing melamine. He opined that the trade should also take the initiative to test their food to ensure food safety rather than relying solely on the Government. Dr. Constance CHAN replied that whether prosecution would be taken out depended on the evidence of each individual case and advice sought from Department of Justice where appropriate. She added that the Centre for Food Safety (CFS) maintained a constant dialogue with the trade with a view to obtaining more intelligence on suspicious food. She also appealed to the trade to be cautious in sourcing import of eggs.

9. A Member expressed her concern on whether small food shop operators had the ability to have various kinds of food tested before sale. She also doubted the ability of local private laboratories in handling test orders from the food trade. She asserted that control at the Mainland source would be more effective in the prevention of harmful substance in food.

10. A Member asked where melamine in different kinds of food came from and whether CFS had any prior intelligence about the presence of the melamine in food. Dr. Constance CHAN replied that there was no such intelligence available but pointed out that a few years ago a food incident occurred in the Mainland where babies feeding on some protein-deficient milk powder developed a “Big Head” symptom. She further said that since the determination of the amount of protein in milk primarily hinged on the detection of nitrogen elements, some unscrupulous traders therefore tried to create a false sense of protein richness by adding melamine, which was a nitrogen-rich compound, into milk.

11. The Member further asked if the melamine test conducted by the Government was only a screening test and whether the tests performed by private laboratories could stand up to vigorous legal or scientific challenge. Dr. T L TING confirmed that all the tests conducted by GL were thorough and confirmatory. He also pointed out that GL would not outsource the tests which were for enforcement purposes. As regards the credibility and reliability of private laboratories, he reassured that there was a sound mechanism in monitoring the test results undertaken by the private laboratories. Furthermore, he said that, to his understanding, the courts in Hong Kong did not demand a proof of accreditation of public or private laboratories and that it was the opinion of an expert that counted.

12. A Member said the melamine in food incident had created adverse impacts to both the small and big establishments in Hong Kong. He pointed out that the trade had recently received a letter from CFS asking them to turn in their “suspicious food ingredients” voluntarily for the testing of melamine. He reflected that the trade worried whether such test results, if found to be positive, would result in prosecution by the Government. Mr. CHEUK Wing-hing

reassured that there was no need for the trade to worry as CFS had never intended to rely on the positive results derived from such channel for prosecution. Nevertheless, he reminded that the trade had the primary responsibility for ensuring the food sold by them was fit for human consumption. He reiterated that it was impossible for the Government to test all kinds of food for sale in the market.

13. A Member pointed out that it was very difficult for the trade to know of purposely added harmful substances to food. She enquired if CFS maintained a central database of the ingredients of all the food imported by registered traders. Dr. Constance CHAN replied that CFS was equally concerned about the addition of harmful substances to food. She said that there was a dedicated group of officers in CFS who assumed a watchdog role in monitoring food incidents around the world. Furthermore, Hong Kong, being a member of the World Health Organization INFOSAN, received prompt information from the organization. As regards registration of food traders, she pointed out that presently the registration was only done on a voluntary basis. However, with the coming enactment of the new legislation on food safety, the mandatory registration system would facilitate the work of food tracing.

14. A Member asked why some countries like Singapore set a zero tolerance for melamine in food while Hong Kong did not. He urged that the Government should respond quickly to food incidents. Mr. CHEUK Wing-hing replied that at the time of considering the safety limit for the presence of melamine in food, there was no international standard available for reference. In setting the legal standard, he said that reference was made to the daily tolerable intake of melamine for adults and children set by the US Food and Drug Administration. A legal limit of 1 ppm was set for infant food while 2.5 ppm for other foods. On the other hand, he pointed out that some places

such as Taiwan had changed position several times in setting the standard for melamine, drifting from zero tolerance to 2.5 ppm and then back to zero tolerance again. Mrs. Angelina CHEUNG supplemented that the definition of milk included chocolate milk and milk beverage, which were also bound by the 1 ppm legal limit.

15. A Member said that he was concerned with Mainland standard on melamine in food. Dr. Constance CHAN replied that the Mainland standard of melamine in food was slightly less stringent than that of Hong Kong. The Mainland set a legal limit of 1 ppm in infant food and 2.5 ppm for liquid milk and other foods. To this end, Dr. CHAN said that CFS had communicated with AQSIQ which confirmed that food for export to Hong Kong would comply with the legal standard in the territory. Mrs. Stella HUNG informed the meeting that the Mainland authority was also very concerned with the melamine incident and a food safety legislation, hopefully to be enacted in the near future, would help enhance food safety in the Mainland. Mrs. HUNG further drew members' attention that the testing results of various foods in the Mainland were uploaded regularly onto AQSIQ's official website for general information.

16. A Member encouraged the Government to be more proactive in cooperating with local universities in food research work. He proposed the inclusion of canned food into the regular surveillance conducted by CFS. He was also worried whether the feed for fish, crabs and shrimps in local farms would be at risk as such feed was likely to be imported from the Mainland. Furthermore, he suggested that the Government should explore ways in improving intelligence collection/exchange. His suggestion was also supported by another Member who proposed CFS to set up a special task force for collecting/analyzing intelligence. Dr. Constance CHAN replied that canned food had already been covered in the first stage of melamine test conducted by

CFS and that the testing of other foods such as meat and fish would be progressively conducted. On the issue of feed, Dr. LEUNG Siu-fai replied that local fish farmers only reared fish but not shrimps and crabs. A few fish local farms used synthetic feed. About 50% of their feed was imported from the Mainland while the remaining was from overseas such as Taiwan and Japan. Dr. LEUNG said that AFCD maintained a close contact with local fish farmers and reminded them to obtain fish feed from reliable sources, preferably with a product certification showing that the feed did not contain any melamine. He also said that AFCD had solicited fish farmers' cooperation in reporting any suspicious cases of adulterated feed for their follow-up action.

17. A Member asked whether the present legislation had specified the testing method in the detection of melamine as different test methods might yield different results. In addition, he doubted whether there was a clear definition in the law to enable the public and the trade to have a clear understanding of the coverage of milk and milk-related products by law. Dr. Constance CHAN replied that there was clear definition of milk in the legislation under Cap. 132. She pointed out that CFS had held briefing sessions recently for people/parties concerned on the legal standard of melamine in food including the legal definition of milk. Further briefing session would be conducted if necessary.

18. In response to the Chairman, Dr. Constance CHAN replied that as soon as the pet food issue had come to light last year, CFS immediately contacted the US Consulate General to obtain more information. The US authority replied that the risk of melamine-tainted animal feed posed to human was assessed to be very low. For example, a 132-lb adult had to consume at least 800 lbs of melamine-tainted meat to be adversely affected. The views of other countries worldwide also did not indicate any significant health risk associated with

melamine. It was not until mid September this year when the “Sanlu” incident broke out that the presence of melamine in food became a concern. Dr. T L TING said that in May 2007 the Government Laboratory started to develop an initial High Pressure Liquid Chromatography (HPLC) plus UV Detection method for the detection of melamine. After months of refinement, a more sophisticated detection method was finally available in August 2007. With the immediate availability of such effective detection method, GL was able to perform prompt analysis on melamine in food on receipt of the first food sample on 13 September 2008 and to provide very strong laboratory support thereafter.

19. The Chairman commented that CFS was indeed very close to a much earlier detection of melamine in milk because GL was already fully equipped to provide solid support. He opined that CFS should not be too reliant on the US authority as the primary source of information. The decision as to the options of action should still rest with the authority of Hong Kong. He emphasized that given the grave impact of the melamine incident, it was essential that the right decision could be made at the right moment by CFS to tackle the issue. Dr. CHAN responded that there was no information or suggestion from other countries that milk could have been adulterated with melamine.

**Agenda Item 4 : Public Health and Municipal Services (Amendment)
Bill 2008 (ACFEH Paper 10/2008)**

20. Mrs. Angelina CHEUNG introduced the paper.

21. A Member supported the amendment bill to empower the Director of Food and Environmental Hygiene to make administrative orders for the prohibition of import, supply and recall of problem food.

22. A Member also supported the amendment bill in principle but was concerned, if an order was made, whether the 14-day statutory period was sufficient for food importers to lodge an appeal. Mrs. Angelina CHEUNG replied that some of the existing provisions in the Public Health and Municipal Services Ordinance had already provided that any person aggrieved by the decision of the Director of Food and Environmental Hygiene might appeal to the Municipal Services Appeals Board. She understood that this Appeal Board would expedite action in dealing with an appeal against an order made under the amendment bill. A Member further asked about the procedure that the Authority would take in handling different consignments of food from the same producer if only one specific consignment was found to be problematic. Dr. Constance CHAN replied that countries issuing food alert had been very specific in providing accurate information on the production codes of the consignment in question. Based on such accurate information, DFEH would focus on the production codes in making the administrative order. She added that the current practice of considering resumption of food import from a previous problematic source was based on a “3+3” mechanism. Under such mechanism, the first three consignments of the specific food would be subject to a “Hold and Test”, whereby the food could not be released into the market until the availability of a satisfactory test results. Afterwards, the subsequent three consignments would only be subject to “Test and Release”, that was to say, the food concerned would only be tested but no restriction as to its movement would be imposed.

23. The Chairman expressed his support to the amendment bill.

Agenda Item 5 : Summary of Recent Food Incidents (other than Melamine) (ACFEH Paper 11/2008)

24. Dr. Constance CHAN introduced the paper.

25. A Member said that FEHD would be given more power after the enactment of the Food Safety Bill. She said that she understood as a current practice FEHD would issue a warning letter to food trader in the event of unsatisfactory food samples. She asked what kind of follow-up action would be taken by FEHD following the issue of the warning letter. Dr. CHAN replied that past experience indicated that the trade was generally very cooperative if they were requested to withdraw certain problem food from the shelves. For those traders with a poor track record, CFS would step up inspection to ensure compliance. She believed that after the new food legislation had come into force, CFS would be in a better position to safeguard public health.

26. A Member expressed his gratitude to the work done by CFS and GL in testing food samples. He noticed there was a drop in the incidence of Paralytic Shellfish Poisoning (PSP) and ciguatoxin food poisoning cases and enquired whether this was the result of improved publicity or communication work raising the awareness of the trade. Dr. Constance CHAN confirmed that there were fewer PSP and ciguatoxin food poisoning cases in both last year and this year. She said that as a current practice the results of routine food surveillance would be announced by CFS on a bi-monthly basis. In addition to the regular announcement, if it was considered that the unsatisfactory food samples might likely pose an immediate threat to public health, immediate announcement would also be made. Furthermore, warning letters would be issued to importers and the trade concerned urging their remedial action. She added that at present a “Rapid Alert System” was put in place where pre-registered food traders/importers would receive instant notification whenever a food alert was on. As regards action at source, Dr. CHAN said that CFS maintained close liaison with consulates general and AQSIQ, requesting their early action on the problematic food at the source of supply.

27. Mr. CHEUK Wing-hing informed the meeting of a recent incident where CFS was criticized for late announcement and inability to protect consumers from consuming clenbuterol-tainted chilled pork. Mr. CHEUK said that the pork concerned was imported from Thailand. As soon as positive test result was received, CFS had tried to stop further sale but all chilled pork in question had been sold to customers due to its short shelf-life. Nevertheless, CFS had already issued warning letter to the importer as well as notifying the Thailand Authority for remedial actions. Subsequent consignments of chilled pork were subject to the “3+3” mechanism to ensure their fitness for human consumption before being released into the market.

28. The Chairman appreciated the efforts made by CFS in upholding food safety to protect public health.

Agenda Item 6 : Any Other Business

29. There being no other business, the meeting adjourned at 4:35 p.m. The Secretariat would inform members of the date of the next meeting in due course.

Secretariat

Advisory Council on Food and Environmental Hygiene

Food and Health Bureau

January 2009