

**Advisory Council on Food and Environmental Hygiene**

**Minutes of the 78<sup>th</sup> Meeting  
held at 10:30 a.m. on Tuesday, 17 May 2022,  
in Room 1801, East Wing, Central Government  
Offices, 2 Tim Mei Avenue, Tamar, Hong Kong**

Prof Kenneth LEUNG Mei-yee, J.P. (Chairman)

Hon CHAN Hak-kan, B.B.S., J.P.

Dr Olivia CHAN Sinn-kay

Prof CHEN Sheng

Mr CHEUNG Ki-tang

Dr Jill CHIU Man-ying

Dr Crystal FOK Lo-ming

Dr Dennis IP Kai-ming

Prof Terence LAU Lok-ting

Dr Peter LEE Wai-man

Dr Stanley TAM Kui-fu

Mr Richard TSANG Lap-ki

Prof WONG Man-sau

Ms Vivian LAU Lee-kwan, JP

Permanent Secretary for Food and Health  
(Food)

Dr LEUNG Siu-fai, JP

Director of Agriculture, Fisheries and  
Conservation

Ms Irene YOUNG Bick-kwan, JP

Director of Food and Environmental  
Hygiene

Dr Rita HO Ka-wai

Head, Non-Communicable Disease  
Branch, Department of Health

Mr Amor WONG Yiu-tuen

Principal Assistant Secretary for Food  
and Health (Food) 3  
(Secretary to ACFEH)

### **Absent with Apologies**

Dr CHEN Xue-ping

Ms CHIANG Lai-yuen, J.P.

Ms Catherine CHING Siu-yi

Ms Sandy KEUNG Yurk-nam

### **In Attendance**

#### **Food and Health Bureau (FHB)**

Ms Ivy LAW Chui-mei

Deputy Secretary for Food and Health  
(Food) 1

Mr Anthony LI Ping-wai

Deputy Secretary for Food and Health  
(Food) 2

Ms Chelsea WONG Wing-chee

Principal Assistant Secretary for Food  
and Health (Food) 1

Mr Jodan FU Ka-shing

Assistant Secretary for Food and Health  
(Food) 4

#### **Food and Environmental Hygiene Department (FEHD)**

Miss Diane WONG Shuk-han, JP

Deputy Director (Environmental  
Hygiene)

Mr Gabriel TSANG Wing-lok

Assistant Director (Operations) 1

#### **Centre for Food Safety (CFS)**

Dr Christine WONG Wang

Controller, Centre for Food Safety

Dr Jackie LEUNG Ching-kan

Assistant Director (Risk Management)

#### **Agriculture, Fisheries and Conservation Department (AFCD)**

Dr Thomas SIT Hon-chung

Assistant Director (Inspection and  
Quarantine)

Dr Esther TO Man-wai

Senior Veterinary Officer (Animal  
Management) Development

## **Opening Remarks**

The Chairman welcomed members and Government representatives to the 78<sup>th</sup> meeting of the Advisory Council on Food and Environmental Hygiene (ACFEH).

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

2. The minutes of the last meeting on 19 October 2021 were confirmed.

### **Agenda Item 2: Food Surveillance Programme of the Centre for Food Safety (ACFEH Paper 1/2022)**

3. Dr Jackie LEUNG briefed the meeting on the Food Surveillance Programme (FSP) of the Centre for Food Safety (CFS).
4. Dr Peter LEE and Dr Olivia CHAN enquired if samples had been taken from local farms or fish farms for testing. Dr LEUNG Siu-fai responded that the Agriculture, Fisheries and Conservation Department (AFCD) was responsible for monitoring of the produces from local crop, fish or livestock farms. AFCD would also provide surveillance services for detecting diseases in animals and drug residues in food animals as well as managing the risk of antimicrobial resistance (AMR) in local farms.
5. The Chairman further enquired on the surveillance for food imported from the Mainland and other jurisdictions. Dr Jackie LEUNG responded that taking import of meat and poultry as an example, the Government would have to establish an import protocol with the exporting countries prior to the importation. The Government would inform them about the relevant legal requirements of Hong Kong. The Government would also conduct field trips to their farms and processing plants to understand the food safety mechanisms including food surveillance in the exporting jurisdictions.
6. Dr Jill CHIU asked whether CFS had any plan to conduct regular surveillance on trans-fat and increase the frequency of checking after the amended Harmful Substances in Food Regulations (Cap.132AF) was in force. Dr Christine WONG replied that CFS would enhance the relevant surveillance under its FSP.
7. Prof CHEN Sheng enquired whether the method of measuring contaminant residue in food had been updated routinely and whether CFS had made reference to local scientific papers so as to enhance the FSP. He also enquired which categories of pathogenic germs had been included in the current surveillance methods and how CFS would utilise the data obtained from the outsourced surveillance on AMR.

8. Dr Jackie LEUNG responded that CFS's FSP covers different chemical substances and microbiological agents (including metallic contaminants, pesticides etc.) having legal standards or other food safety limits. CFS would constantly update the FSP according to intelligence gathered and food surveillance results and investigate unsatisfactory results. Besides, CFS had conducted a two-year pilot study on the surveillance of AMR in food and had utilised the data obtained to develop routine surveillance on AMR in food.

9. Dr Olivia CHAN commented that the surveillance on antimicrobial usage (AMU) should be associated with AMR and asked whether the Government would take reference from Denmark's Yellow Card Initiative on Antibiotics in promoting prudent AMU. The Initiative granted yellow or red cards to the food produced after determining their level of antimicrobial residue, so as to facilitate the general public to recognise food safety issue. Dr LEUNG Siu-fai responded that AFCD had carried out a monitoring programme on AMU and AMR levels for local farms, with a view to reducing the usage of antibiotics in medium term. AFCD would consider the proposed grading system as a long term target.

10. Dr Crystal FOK asked how the general public could know if an online store was holding a restricted food permit and the origins of the food being sold. Ms Irene YOUNG responded that online stores selling restricted food on online platforms were required to obtain a permit from the Food and Environmental Hygiene Department (FEHD). The number of applications for such permit had in fact increased from around 420 in 2019 to over 1 600 in 2021. In order to provide more protection for customers, FEHD required permit holders to list out relevant details, such as the serial number of the permit, type of restricted food sold and address of the shop, etc. on the websites and promotional materials of their shops. For the case of selling raw oysters, the permit holders were also required to state the origins/ sources of supply. All these details could be verified on FEHD's website.

11. Concerning the food safety issue of food sold online and sold by individuals, Hon CHAN Hak-kan was concerned that there were people offering the sale of food, including hotpot seasoning and ice-cream imported from the Mainland, on social media platforms and other communication applications.

12. Miss Diane WONG explained that the Government was able to regulate online stores that were linked with a physical store under the current arrangement, as all these physical stores were required to obtain the relevant licences and restricted food permits where applicable. Whilst there was no regulatory regime in monitoring third-party platforms currently, the Government was considering the possibility of introducing further licence conditions, requiring the licence holders to monitor food safety issues that involved a third-party platform engaged by them. The Government would consult the trade and work out the detailed mechanisms and promotion plans in due course.

13. Dr Christine WONG added that CFS had been taking samples of food sold online for testing through direct purchases from various websites and online platforms along a risk-based approach under its FSP. In addition, CFS had formed an internal working group this year to specifically plan targeted surveillance for online food. Besides, instead of traditional media platforms, CFS had also switched to using social media platforms and online advertisements in recent years to conduct promotional and public education work.

14. Prof WONG Man-sau enquired whether there were any safety guidelines on the procedures of delivery of food for online or third-party delivery platforms. Miss Diane WONG responded that there were clear licensing conditions and regulations for licence holders on the delivery containers, storage temperature as well as procedures for cleansing, etc. Whilst there were currently no guidelines for third-party platforms, the Government would invite licence holders to communicate and suitably monitor the good practice of the delivery agents of third-party platforms engaged by them at this stage, so as to better ensure food safety.

15. Concerning the handling of smuggled foodstuff confiscated by the Government, Hon CHAN Hak-kan enquired whether CFS could conduct food safety checks on these foods and pass them on to charitable organisations to avoid wasting. Prof WONG Man-sau commented that it was difficult to balance between food safety and the needs of the disadvantaged groups. She advised that it might be possible to engage non-governmental organisations (NGOs) to handle smuggled foodstuff confiscated by the Government, as long as there were clear guidelines and sufficient risk analysis on whether the smuggled foodstuff was safe for consumption.

16. Miss Diane WONG replied that the food safety issue of confiscated foodstuff remained a grave concern as there were no relevant health certificates. Under the established mechanism, the Government would dispose of the confiscated foodstuff at landfills. Ms Irene YOUNG echoed that since the delivery and storage method as well as the expiry date of the smuggled foodstuff could not be properly ascertained, the Government would tend to take a cautious approach when handling smuggled foodstuff.

17. Dr Jill CHIU suggested the Government make use of bio-conversion technology in handling smuggled foodstuff confiscated in order to avoid wasting. The Chairman responded that this issue could be further discussed during the meetings of ACFEH Working Group on Environmental Hygiene.

18. Prof Terence LAU observed that the sale of ready-to-eat food had become a trend in recent years. As the origins of the food concerned might be unknown, he suggested the Government engage NGOs to conduct tests on them specifically, and pass the message on food safety as well as possible impact of consuming such food to the general public. Besides, he also advised the Government to consider whether it was necessary or well-justified to come up with guidelines on verification of safety of smuggled foodstuff confiscated.

19. Mr CHEUNG Ki-tang observed that there were vacuum-packed ready-to-eat food allegedly being smuggled into Hong Kong and enquired whether the Government would also take enforcement actions on these. Besides, he also enquired if the Government would enhance inspections on whether online stores had listed out relevant details of their permits.

20. Mr Gabriel TSANG responded that the Government would conduct inspections and undercover operations if necessary to check if the permit holders had complied with relevant requirements. Dr Christine WONG added that CFS would also collect food samples for testing and take enforcement actions if the test results were unsatisfactory.

21. Prof WONG Man-sau observed that there had been people routinely using light goods vehicles to sell smuggled food on the roadside. She asked whether the Government had any measure to combat these illegal activities, and reach out to the general public and educate them about the importance of food safety, which could be a complicated issue for ordinary citizens.

22. Miss Diane WONG responded that it might be difficult for FEHD to take law enforcement actions if there had been no evidence showing that monetary transactions were involved during the process of settlement at the spot. In terms of public education, the Chairman advised that the Government could distribute leaflets at the black spots, so as to raise the awareness of the general public. Ms Irene YOUNG further added that FEHD would investigate suspected cases upon receipt of complaints and encourage the general public to report suspected cases to the department.

23. Mr Richard TSANG observed that some people were blaming FEHD for taking enforcement actions against some shops allegedly selling food without a permit. He enquired whether FEHD had any publicity plan to make known the message to the general public that it was the responsibility of the shops for obtaining the required permit. The Chairman also enquired whether the Government had done any work to educate the public on ways to lower the risks of purchasing food online.

24. Ms Vivian LAU responded that the Government had been actively conveying food safety messages to the trade and the general public. The Government had organised Food Safety Day annually, and there were also promotional videos, leaflets and festival promotions, etc. to raise public awareness about food safety issue. The Government would continue to step up its publicity efforts. Ms Irene YOUNG supplemented that although much free air-time had been used for the promotions on anti-epidemic work in the past two years, FEHD continued to roll out different thematic promotions, such as tramcar advertising, with a view to raising public awareness on food safety.

### **Agenda Item 3: Proposed Amendments to the Prevention of Cruelty to Animals Ordinance (ACFEH Paper 2/2022)**

25. Dr Thomas SIT briefed the meeting on the proposed amendments to the Prevention of Cruelty to Animals Ordinance (Cap. 169).

26. Dr Stanley TAM enquired whether the Government would request the responsible person of an animal (responsible person) to attend improvement courses for less serious cases whilst directly pressing charges against more serious cases, and whether there were examples for respective scenarios.

27. Dr Thomas SIT quoted a scenario where a cattle in slaughterhouse was unable to drink water as it was being tied up, in which case the enforcement officer would give a warning and request the responsible person to rectify within a certain period of time before enforcement actions were taken. Ms Ivy LAW supplemented that, instead of an improvement course, specific improvement actions and time limit would be clearly stipulated in an improvement notice issued to the responsible person, requiring him/her to make the required rectifications. If the person failed to comply with the requirements within the time specified in the improvement notice, the Government might then press charges for breaching duty of care. The Government might also press charges against more serious cases for animal cruelty having regard to the actual circumstances.

28. The Chairman considered that more public education would be needed before the amended Cap.169 was in force, so that parents would understand that they would be liable for breaches committed by their children under the age of 16. Besides, he asked whether the Government would introduce a licencing regime for pest control activities, as he noted that pest control was excluded from the duty of care requirement. He also enquired if feather clipping should be prohibited as a cruelty act.

29. Dr Thomas SIT responded that the Government would step up its efforts to educate the public before the amended Cap. 169 took effect. He advised that the current legislation already prohibited cruelty during pest control, and other jurisdictions had also excluded pest control activities from duty of care in the interest of public health. He said that the Government proposed to prohibit conducting specified restricted procedures on live animals, as there had been cases in which pet shops conducted tail cropping on dogs and cats without anaesthetisation, which would cause unnecessary suffering to the animals. Regarding feather clipping on birds, in so far as it would not hurt the bone structure, it was similar to hair-cutting for humans which would unlikely cause any pain, and hence would not be prohibited. Dr LEUNG Siu-fai stressed that pest control was only exempted from the new duty of care requirement under the amended Cap. 169. Such acts would still violate the law if they caused unnecessary suffering, both under the prevailing or proposed amended legislation.

30. Mr CHEUNG Ki-tang considered that there might be many grey areas under the amended Cap. 169, hence it would be important to step up efforts on public education. He commented that the duty of care offence would most probably take place at home and that the number of reports on suspected offences received from the public might increase significantly. He asked if the Government had sufficient manpower to deal with these reports in a timely manner. Mr Richard TSANG also asked if there would be measures to prevent the public from making frivolous reports on suspected offences.

31. Dr Jill CHIU suggested the Government maintain close communication with religious bodies on mercy release issue. Besides, she considered that releasing animals that did not have the ability to survive in the wild should be considered an offence under the amended Cap. 169.

32. Ms Ivy LAW explained the differences between the principles of duty of care and animal cruelty. Duty of care would only apply to responsible persons. On the other hand, any person would be prohibited, under the current as well as the amended law, from inflicting cruelty on animals by causing unnecessary suffering to them. In particular, a new cruelty provision on poisoning (which would not apply to pest control) was proposed under the amended Cap. 169. AFCD would publish codes of practice on keeping different types of animals, so as to provide practical guidance to the public to comply with the duty of care. The Society for the Prevention of Cruelty to Animals would be engaged to assist in handling reported cases and issuing improvement notices where applicable. Improvement notices were not intended to be punishment-oriented, but to educate the responsible person concerned to take better care of the animal and enhance animal welfare. Concerning the issue of mercy release, an explicit cruelty offence was proposed to prohibit any person from releasing or abandoning animals in a way causing unnecessary suffering to the animals. AFCD would continue to liaise with religious bodies to disseminate messages about mercy release to their members.

33. Dr Thomas SIT supplemented that it would be difficult to differentiate the intentions of certain acts that resulted in suspected breaches, hence suspected breaches of duty of care and animal cruelty would need to be dealt with on a case-by-case basis having regard to the actual circumstances. Dr LEUNG Siu-fai added that AFCD had all along been educating the public on issues of animal welfare, promulgating general guidelines on keeping pets on AFCD's website (pets.gov.hk).

34. Dr Dennis IP Kai-ming enquired whether neutering would be considered causing unnecessary suffering to animals. Mr Richard TSANG also enquired whether it should be considered the same if animals were hurt during training.

35. Dr Thomas SIT responded that western communities had been promoting the advantages of animal neutering in the past few decades, whilst some Northern-European countries (such as Norway and Sweden) had recently published



guidelines, stating that neutering would not be necessary if there were other ways for the owners to prevent animals from reproducing. In any case, neutering would be allowed as long as no unnecessary suffering had been caused to the animals. Concerning training of animals, Dr SIT said that no harm or pain would be caused to the animals if proper training methods were adopted.

36. Dr Olivia CHAN advised that neutering could be beneficial for female cats from medical perspective as it could reduce the risk of certain kinds of disease, while for male cats, it could also reduce the risk of getting hurt during estruses. Hence, it would be important to balance between animal rights and animal welfare whilst considering whether neutering was suitable for animals. On a related note, she would like the Government to consider whether trap-neuter-release (TNR) should continue to be carried on. Dr Thomas SIT responded that the Government would remain watchful with regard to TNR but would also be open-minded to consider applications which were conducive to enhancing animal welfare.

37. The Chairman enquired whether there would be any procedure/ chain of command for AFCD officers when entering domestic premises to rescue animals without a warrant. Dr Thomas SIT replied that AFCD was currently discussing with the Department of Justice a robust mechanism for entering domestic premises to rescue animals without a warrant. Ms Ivy LAW supplemented that the threshold for entering into domestic premises without a warrant would be very high as officers would have to take into account various factors such as (i) whether there was an imminent risk of serious harm to the animal concerned or a need to prevent loss or destruction of evidence of the offence and (ii) whether it was not reasonably practicable to apply for a warrant in the circumstances of the case. The Government would propose to empower a senior veterinary officer or a police officer at or above the rank of superintendent to give consent for entering and search premises without a warrant, whilst taking into account the aforementioned factors.

#### **Agenda Item 4: Any other business**

38. In view of the organisational changes in the Government with effect from 1 July 2022, the Chairman and some Members enquired whether ACFEH would be dismissed. Ms Vivian LAU replied that the policies on environmental hygiene, food safety, agriculture and fisheries, and veterinary public health etc. which were currently under the purview of Food Branch of FHB would be entirely taken over by the Environment and Ecology Bureau. Subject to the final decision of the Chief-Executive-Elect on the re-organisation of the new term Government, there should be no change to the actual operation of ACFEH.

39. There being no further business, the meeting was adjourned at 12:30 p.m.

#### **Secretariat**

**Advisory Council on Food and Environmental Hygiene  
December 2022**