

Advisory Council on Food and Environmental Hygiene

**Minutes of the 80th Meeting
held at 3:00 p.m. on Friday, 7 July 2023,
in Room 3, G/F, Central Government Offices,
2 Tim Mei Avenue, Tamar, Hong Kong**

Prof Kenneth LEUNG Mei-ye, JP	(Chairman)
Hon CHAN Hak-kan, S.B.S., JP	
Prof CHEN Sheng	
Mr CHEUNG Ki-tang	
Dr Jill CHIU Man-ying	
Mr Rayman CHUI Man-wai	
Dr Crystal FOK Lo-ming	
Dr Clive LO Sze-chung	
Ms NGAI Oi-ling	
Dr Stanley TAM Kui-fu	
Miss Vivian LAU Lee-kwan, JP	Permanent Secretary for Environment and Ecology (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
Ms Anna CHOR Kin-lan	Principal Assistant Secretary for Environment and Ecology (Food) 3 (<i>Secretary to ACFEH</i>)

Absent with Apologies

Ms CHIANG Lai-yuen, JP	Mr Sam CHONG Yan-kit
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Dr Kenneth LAM Ka-ho

Dr Peter LEE Wai-man

Miss Jennifer LIU Wai-fun

Dr WONG Ka-hing

Prof WONG Man-sau

In Attendance

Environment and Ecology Bureau (EEB)

Ms Ivy LAW Chui-mei

Deputy Secretary for Environment and Ecology (Food) 1

Mr Anthony LI Ping-wai

Deputy Secretary for Environment and Ecology (Food) 2

Mr LAM Chun-pong

Assistant Secretary for Environment and Ecology (Food) SD4

Agenda item 3

Environment and Ecology Bureau (EEB)

Mr Parson LAM Chun-wah

Principal Assistant Secretary for Environment and Ecology (Food) 2

Miss Sibyl WONG Hoi-ching

Assistant Secretary for Environment and Ecology (Food) 7

Food and Environmental Hygiene Department (FEHD)

Mr Arsene YIU Kai-cheuk

Deputy Director (Environmental Hygiene)

Miss Christina WONG Yuen-yue

Senior Assistant Officer (Env Hygiene)

Mr Benny YIP Kwok-cheung

Senior Superintendent (Legislative Review)

Mr Keith CHONG Wan-wai

Senior Superintendent (Legislative Review)

Mr Dennis CHIU Bit-keung

SEO (Legislative Review)

Agenda item 4

Environment and Ecology Bureau (EEB)

Mr Joseph SIU, Wing-ho

Senior Principal Executive Officer
(Food)

Ms Bonnie YIM Yik-huen

Assistant Secretary for Environment and
Ecology (Food) 9

Centre for Food Safety (CFS)

Dr. Christine WONG Wang

Controller, Centre for Food Safety

Dr. Jeff LEE Pui-man

Assistant Director (Risk Management)

Department of Health (DoH)

Mr Andy CHAN Siu-wing

Assistant Director (Env Compliance)

Agriculture, Fisheries and Conservation Department (AFCD)

Dr. CHU Chun-wa, Jim

Acting Assistant Director (Fisheries &
Marine Conservation)

Mr. CHOW Wing-kuen

Senior Fisheries Officer (Aquaculture
Fisheries)

Agenda item 5

Environment and Ecology Bureau (EEB)

Mr. Kenny TUNG Kin-fai

Assistant Secretary for Environment and
Ecology (Food) 6

Dr. Annie WONG Wai-fun

Assistant Secretary for Environment and
Ecology (Food) SD2

Centre for Food Safety (CFS)

Dr. Christine WONG Wang

Controller, Centre for Food Safety

Opening Remarks

The Chairman welcomed members and Government representatives to the 80th meeting of the Advisory Council on Food and Environmental Hygiene (ACFEH). In particular, he extended a warm welcome to new members Mr Rayman CHUI, Dr Clive LO and Ms NGAI Oi-ling, and said he looked forward to working in close partnership with them.

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

2. The minutes of the last meeting on 19 Jan 2023 were confirmed.

Agenda Item 2: Matters Arising from the Last Meeting

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

Agenda Item 3: Second-stage Review on Environmental Hygiene-related Legislation (ACFEH Paper 3/2023)

4. Mr Benny YIP briefed the meeting with a PowerPoint presentation on the preliminary proposals for the second-stage review on environmental hygiene-related legislation. The proposed legislative amendments and administrative measures aimed to enhance the enforcement efficiency and deterrent effect of the legislation, so as to achieve sustainable improvements in environmental hygiene.
5. Mr CHEUNG Ki-tang enquired about the factors which the Government would consider before prosecuting illegal display of bills or posters. Mr Benny YIP explained that prosecution would be instituted when sufficient evidence was collected from investigation.
6. The Chairman enquired whether the tenant or the owner would be liable for offences related to public health nuisances in buildings or flats. Mr Benny YIP replied that the addressee to whom the Notice of Intended Entry or Nuisance Order was issued would be liable. Whether the addressee would be the tenant or the owner depended on the individual circumstance of each case.

7. Regarding shopfront extension, Dr Stanley TAM would like to know the considerations behind increasing the penalty from “fine or imprisonment” to “fine and imprisonment”. He remarked that the proposed imprisonment of 3 months for first conviction seemed to be on the high side. Ms Ivy LAW explained that the proposal aligned with other provisions in Cap. 132 and that “3-month imprisonment” would only be the maximum penalty which might be imposed by the court. Based on past record, only a few cases were sentenced to imprisonment.

8. Concerning pest control, Dr Crystal FOK considered it difficult to catch people red-handed tampering with equipment to destroy / test for vermin. Mr Benny YIP advised that the proposal also had the aim of deferring people from tempering with the equipment for more effective vermin control. The Chairman suggested FEHD to step up publicity on the legislative amendments after their commencement.

9. In response to the enquiry of Ms NGAI Oi-ling, Mr Benny YIP elaborated on the “Scheme of Participation by Property Management Agents in Tackling Dripping Air-conditioners” (the Scheme). A total of 268 buildings or housing estates had joined the scheme so far and the department would continue to promote the scheme. Concerning street sleepers, internal guidelines would be issued to FEHD frontline officers on how to handle different situations and the department would seek assistance from Social Welfare Department as necessary. Dr Clive LO enquired about FEHD’s views on the situation of shopfront extension at Mong Kok Flower Market. Mr Benny YIP responded that the problem had improved progressively with the Government conducting joint-enforcement operations thereat in recent years. Miss Vivian LAU added that the Mong Kok Flower Market was one of the few designated “tolerated areas”. Operators at the Market were already allowed to place good/articles three feet outside the shopfront boundary to facilitate their operation. The issue at stake was more about going beyond the tolerated area.

10. The Meeting expressed support to the Government’s proposal for legislative amendments under the second-stage review on environmental hygiene-related legislation.

Agenda Item 4: Response Measures Against Discharge of Wastewater from Fukushima Nuclear Power Plant (ACFEH Paper 4/2023)

11. Mr Anthony LI briefed Members on the response measures to be taken by the Government to safeguard food safety and public health in response to the Japanese Government’s plan to discharge nuclear contaminated water from Fukushima Nuclear Power Plant into the ocean after treatment. The Government would formulate import control measures on relevant food products from Japan based on scientific and risk assessment.

12. Dr Jill CHIU raised concerns on the long term accumulation and transformation of radioactive substances arising from the discharge of nuclear contaminated water. She mentioned that some local scientists had developed “artificial mussels”, a device used for pollution monitoring in aquatic environment. The device had been used for monitoring radioactive substance in waters near Xiamen. She would alert the HKSAR Government if any irregularity was observed. She also suggested the Government to invite local experts to participate in the inter-departmental working group.

13. Dr Crystal FOK would like to know the kind of aquatic products to be included in the monitoring programme.

14. Mr Rayman CHUI supported the Government to step up imported product monitoring but remained concerned if it would affect the time needed for custom clearance, which would compromise the freshness of products from Japan.

15. Mr Anthony LI replied that the Government had gradually stepped up radiological tests on imported Japanese food products since mid-April this year and no significant increase in time required for custom clearance was observed so far. The Government would keep in view the situation and consider deploying additional manpower for monitoring if the situation warranted in order to minimize the impact to the trade. The existing monitoring programme covered fresh, chilled, frozen, dried or otherwise preserved aquatic products. Dr Christine WONG supplemented the details of the food monitoring programme. All consignments of imported Japanese aquatic products would be subject to radiological testing. However, in view of complexity of the testing of radionuclides of alpha and beta, some samples of aquatic products would be selected for testing on a risk-based approach. Miss Vivian LAU emphasised that locally, monitoring would be conducted by the Government covering imported and locally caught aquatic products and sea water samples. The Government would step up the efforts on information dissemination to maintain public confidence.

16. Dr Clive LO enquired whether aquatic products from South Korea, Mainland China and Taiwan will be covered in the monitoring programme. Dr Christine WONG responded that on top of aquatic products from Japan, CFS would also adopt scientific and risk assessment to proactively collect samples of food products from other countries and regions for radiation testing.

17. The Chairman said that Dr Kenneth LAM could not attend the meeting in person, but had provided written comment regarding control at source. In response to Dr LAM’s comment, Dr Christine WONG said that Hong Kong had deployed import control as one of the major food safety control measures. Under the current control regime, while radiation certificate was required for the specific regulated food products to certify compliance of the radiation level with the Codex guidance levels, CFS would also collect food samples for radiation testing upon their arrival in Hong Kong from the concerned five prefectures of Japan subject to

import control. The Chairman asked whether the Government would consider expanding the import control regime to 9 prefectures of Japan in view of the latest control arrangement of Macau. Miss Vivian LAU noted that the import control regime of Macao covered products originating from one metropolis and nine prefectures. Hong Kong would closely monitor the situation and where necessary, review the import control measures based on scientific and risk assessment.

18. Hon CHAN Hak-kan supported the action taken by the Government. He suggested that the Government should consider working closely with the Mainland authorities on the subject, requiring all imported Japanese food products to be affixed with labels on the packaging to indicate the prefectures of origin, and seeking to recover Hong Kong's expenses on the enhanced radiation surveillance programme from the Japanese Government and Japanese food exporters.

19. Mr Anthony LI replied that the Mainland had already banned the import of all products originating from one metropolis and nine prefectures of Japan since 2011. The Government and the Mainland authorities had all along maintained close liaison and established a notification mechanism on food safety issues. The Government had weighed the pros and cons of imposing mandatory labelling requirements on all imported Japanese food products and considered the need was minimal at this stage as the trade would generally refrain from importing food products from prefectures under import control. Besides, food tracing could be achieved by inspection of import documents under the existing arrangement. The Government would ensure imported food products were safe for consumption and consult local experts if warranted.

20. The Meeting indicated support to the Government's proposed response measures, which were based on scientific and risk assessment, against the discharge of nuclear contaminated water from the Fukushima Nuclear Power Plant.

Agenda Item 5: Review on the Regulation of Preservatives and Antioxidants in Food (ACFEH Paper 5/2023)

21. Dr Samuel YEUNG briefed the meeting with a PowerPoint presentation on the details of review on the regulation of preservatives and antioxidants in food. Amendments were proposed to enhance protection to consumers, promote harmonisation of local and international food safety standards and facilitate the food trade.

22. The Chairman suggested CFS to invite comments on the proposed amendment from new ACFEH member Dr WONG Ka-hing, who was a food safety expert but could not attend the meeting.

[Post meeting note: Dr WONG Ka-hing, who also sat on the Expert Committee on Food Safety, has already been consulted on the issue under that committee.]

23. Mr Rayman CHUI advised that the catering industry had no comment on the proposed legislative amendments. Dr Jill CHIU enquired whether contamination from packaging materials would be covered by the proposed amendments.

24. Dr Samuel YEUNG advised that contamination from packaging materials would be covered by other regulations which would be outside the scope of the subject review. He added that the regulation of preservatives and antioxidants would be under the first phase of review on food additives, whilst sweeteners and colouring matters would be reviewed in a later phase. Risk-based assessment would be conducted if no standalone standard for a particular food-pair was stipulated in the law.

25. Mr CHEUNG Ki-tang asked about the responses from the trade during the stakeholder consultation. Dr Samuel YEUNG advised that a number of trade forums were conducted and the trade expressed no major concern on the proposed amendments. CFS would continue to communicate with the trade and publish guidelines to help them comply with the proposed amendments. Dr Christine WONG added that from previous engagement, concerns from the trade mainly arose from the arrangement of grace period for canned and pre-packaged food.

26. Dr Clive LO enquired whether there would be a negative list for preservatives and antioxidants under the Preservatives in Food Regulation (Cap. 132BD). Dr Samuel YEUNG advised that Cap.132BD took a “positive list” approach instead. It would be an offence to add preservatives and antioxidants to food not stipulated in Cap.132BD.

27. The Meeting indicated support to the Government’s amendment proposal on regulation of preservatives and antioxidants in food.

Agenda Item 6: Any other business

28. The Chairman congratulated Prof CHEN Sheng on his establishing the Department of Food Science and Nutrition at Hong Kong Polytechnic University recently.

29. There being no further business, the meeting was adjourned at 5:15 p.m.

Secretariat
Advisory Council on Food and Environmental Hygiene
April 2024