

Centre for Food Safety
Food and Environmental Hygiene Department
Notes of the Thirteenth Meeting of the Trade Consultation Forum held on
22 September 2008 at 4:15 p.m. in Conference Hall, 3 Edinburgh Place, Central, Hong Kong

Present

Government Representatives

Dr. HO Yuk Yin	Consultant (Community Medicine) (Risk Assessment & Communication)	(Chairman)
Mr. Owin FUNG	Principal Assistant Secretary (Food) 3	
Mr. LEE Foo Wing	Senior Chemist (Food Chemistry)	
Ms. LEUNG Yuen Sheung	Superintendent (Import/Export)2	
Mr. TSE Lai Chi	Chief Health Inspector (Centre for Food Safety)	
Mr. CHU Yuen Keung	Scientific Officer (Standard Setting)1	
Mr. CHAN Wai Yan	Scientific Officer (Standard Setting)2	
Ms. POON Lai Yee	Senior Health Inspector (Food Safety Promotion)	(Notes-taker)

Trade Representatives

Ms. CATHERINE K.F. YU	A-1 BAKERY CO., (HK) LTD.
Mr. PINGO LUK	ABBOTT NUTRITION
Mr. LEONARD LOK	ABBOTT NUTRITION
Mr. EDWARD K.Y. CHAK	AEON STORES (HK) CO., LTD
Ms. LINDA WAI	AEON STORES (HK) CO., LTD
Mr. KENNY W.M. SIU	AEON STORES (HK) CO., LTD
Mr. DANIEL C.C. POON	AEON STORES (HK) CO., LTD
Ms. KYLIE K.Y. YIU	AEON STORES (HK) CO., LTD
Ms. EVA POON	AMOY FOOD LTD.
Ms. FIONA AU YEUNG	AMOY FOOD LTD.
Mr. WONG CUN HUNG	APITA
Mr. RICKY CHAN	APPOLO ICE CREAM CO. LTD.
Mr. PETER JOHNSTON	AS WATSON GROUP (HK) LTD.
Mr. ANDREW NG	ASA PACIFIC (HK) LTD.
Mr. C.P. KWOK	ASSURE CO., LTD.

Mr. ANSON POON	CALIFORNIA RED LTD.
Ms. MING CHEUNG	CAMPBELL'S
Mr. ALEX TSOI	CHEWY INT'L FOOD LTD.
Mr. LEO T.S. CHUNG	CHIN FUNG PROVISIONS CO., LTD.
Ms. GRACE YEE	CITY'SUPER
Mr. BEN LAM	CITY'SUPER
Mr. ALLAN ONG	CITY'SUPER
Ms. MAY KAN	COCA-COLA CHINA LTD.
Mr. CHAN WING KIN	CR CARE CO. LTD.
Mr. TOMMY K. CHAN	DAH CHONG HONG, LTD.
Mr. NELSON W.K. TSE	DAH CHONG HONG, LTD.
Mr. SAM CHAN	DAH CHONG HONG, LTD.
Ms. LACHEL NG	DAH CHONG HONG, LTD.
Ms. KATHY WONG	DAH CHONG HONG, LTD.
Mr. NELSON SHIM	DAH CHONG HONG, LTD.
Ms. DAISY LEUNG	DAH CHONG HONG, LTD.
Ms. MAVIS MOK	DAIRY FARM
Mr. CHEUNG WAI KAM	DALLY TRADING CO.
Ms. FOBBIE KONG	DKSH
Ms. FEON TSUI	DKSH
Ms. FIONA WAN	EDELMAN
Mr. TOM HO	EDELMAN
Mr. K.C. LAM	EUGINA LIMITED
Mr. ANTHONY CHEUNG YAT SING	EUGINA LTD.
Ms. DAISY LEUNG	F&N FOODS PTE LTD.
Mr. NELSON SHIM	F&N FOODS PTE LTD.
Ms. FUNG YUEN SHAN, SANDY	FERRERO ASIA LTD.
Mr. ROGER TAM	FHKI
Ms. AGNES HO	FONTERRA BRANDS (HK) LTD
Mr. ALFRED LI	FOODGEARS IND INTL LTD.
Mr. CHENG CHI YEUNG, HENRY	GENERAL MILLS H.K. LTD.
Ms. JACKIE P S LIU	GLAXO SMITH KLINE
Ms. LEE LAM LAMM, WINNIE	GOODWELL
Ms. RITA POON	GRAND HYATT HONG KONG
Ms. ZENITH TSE	GRAND UNITED GLOBAL LTD.
Mr. ALBERT TANG	HKSA
Ms. ELAINE HAU	HONG KONG GOLD COAST HOTEL

Mr.	NG YAT MING	HONG KONG YAKULT CO. LTD.
Mr.	JUNICHIRO IKUDOME	HONG KONG YAKULT CO. LTD.
Ms.	CORINE LIU	HONG KONG YAKULT CO. LTD.
Mr.	GARY LO	HONG KONG YAKULT CO. LTD.
Mr.	KENNY NG	HONG KONG YAMAZAKI BAKING CO., LTD.
Mr.	RYUZO TADOKORO	HONG KONG YAMAZAKI BAKING CO., LTD.
Mr.	MICHAEL K.W. HO	HUNG FOOK TONG
Mr.	BUBBLE T.P. HO	HUNG FOOK TONG
Mr.	PAK WAI FOOK	INNER MONGOLIA MENGNIU DAIRY (GROUP) CO., LTD
Mr.	WEN FENGLIANG	INNER MONGOLIA MENGNIU DAIRY (GROUP) CO., LTD
Mr.	JIM CHOY	INNER MONGOLIA YILI GROUP CO. LTD. LIQUID MILK BUSINESS UNIT
Mr.	GUIFEND YU	INNER MONGOLIA YILI INDUSTRIAL GROUP CO., LTD.
Ms.	JANNY LAI	I-SCREAM LTD.
Ms.	MONICA KHONG	JAPFA FOOD HK LTD
Mr.	JOHNNY CHAN	KEE WAH BAKERY LTD.
Mr.	DESMOND YIP	KEE WAH BAKERY LTD.
Ms.	KAY NG	KEE WAH FOOD PRODUCTION LTD.
Mr.	JERRY CHONG	KING BAKERY HOLDINGS LTD.
Ms.	ATHENA LEUNG	KJELDSSENS
Ms.	JESSICA CHUI	KJELDSSENS
Mr.	LEE KWONG LAM	KOWLOON CHAMBER OF COMMERCE
Ms.	WILPHIA YAU	KRAFT
Mr.	PATRICK S.P. WAN	LARK INT'L HOLDINGS LTD.
Mr.	VINCENT WONG	MANNINGS
Ms.	FENNY LAM	MARKS & SPENCER
Ms.	JAM TING	MASTER KONG(HK) TRADING CO., LTD.
Ms.	DEBBIE HO	MASTER KONG(HK) TRADING CO., LTD.
Mr.	NORMAN YUM	MAXIM'S
Ms.	RITA HO	MAXIM'S
Ms.	FLORENCE WONG	MEAD JOHNSON
Ms.	ANITA LIU	MEAD JOHNSON
Ms.	REGINA TAM	MEAD JOHNSON
Mr.	LEE KOK YONG	MEIJI DAIRY PRODUCTS HK LTD.
Ms.	LEE PUI LING, EMMA	MEIJI DAIRY PRODUCTS HK LTD.

Mr.	SAM. S. FUKUSHIMA	MEIJI DAIRY PRODUCTS HK LTD.
Mr.	JACKY SO	MENGNIU MILK INDUSTRY (HK) LTD.
Mr.	FAI TANG	MENGNIU MILK INDUSTRY (HK) LTD.
Ms.	IRIS KI	MISTER SOFTEE
Mr.	CORNEL KRUMMENACHER	NESTLE
Mr.	FRANCK LEYZE	NESTLE
Mr.	JOSEPH MA	NESTLE
Mr.	LI SHAN SONG	NG FUNG HONG
Ms.	YAU PUI YEE	NIKKEN'S JAPANESE FOOD CO., LTD.
Mr.	JONES T.M. LAM	NISSIN FOODS CO., LTD.
Ms.	GERMAN CHEUNG	PAPPAGALLO PACIFIC LTD
Mr.	CHRIS CHAN	PAT CHUN INT'L LTD.
Mr.	PERRY SIT	PHARMANEX
Ms.	HEDY L Y WONG	PHILIP K H WONG, KENNEDY Y H WONG & CO.
Mr.	WONG CHUN KONG	PHILIP K H WONG, KENNEDY Y H WONG & CO.
Mr.	ALBERT CAM	PRINCE OF PEACE
Mr.	EDMUND LO	RAINBOW ASSET
Mr.	ANDREW LEE	RAINBOW ASSET
Mr.	KOUJI NOGUCHI	RE-ON HOLDINGS LTD.
Ms.	CHARINE LAU	SGS
Mr.	KENNETH WONG	SILCO INT'L LTD.
Mr.	WELLOCK LO	SIMS TRADING CO., LTD
Ms.	IDA H.Y. NGAN	TAIKOO
Ms.	ERIN T.L. YEUNG	TAIPAN
Mr.	HO KWOK YING	THE ASIA PROVISIONS CO LTD
Mr.	THOMAS CHOW	THE ASSOCIATION FOR HK CATERING SERVICES MANAGEMENT LTD.
Ms.	MAPLE CHAU	THE CHINESE MANUFACTURERS' ASSOCIATION OF HONG KONG
Ms.	SAMUEL CHAN	THE GARDEN CO., LTD.
Mr.	WONG KA-WO	THE HONG KONG FOOD COUNCIL
Mr.	TOMMY NG	THE HONG KONG JOCKEY CLUB
Ms.	FREDA S.L. WONG	THE KOWLOON DAIRY LTD.
Ms.	CHOW MEI PO	TOMMY CHEUNG YU YAN OFFICE
Mr.	MICHAEL SIU	TRAPPIST DAIRY LTD
Mr.	ERIC AU	UNILEVER H.K. LTD.
Mr.	MICHAEL KWOK	VAST LUCK GROUP OF CO.
Mr.	IVAN CHAN	VITASOY INT'L HOLDINGS LTD.

Mr. BILLY TANG	VITSORY INT'L HOLDINGS LTD.
Mr. STEVE CHONG	WAH GAR GROUP
Ms. POLLY KWAN	WATSONS
Ms. MAY LO	WELLCOM
Mr. LI KA FUH	WILLIAM FOOD CO., LTD.
Mr. CALVIN Y C LEE	WILSON FOODS INTERTRADE (HK) LTD.
Ms. ANNA LAM	WINNER FOOD PRODUCTS LTD.
Ms. ALICE TANG	WYETH (HK) LTD.
Ms. KAREN LEE	WYETH (HK) LTD.
Mr. CHEN MAN TAK	YUE HWA CHINESE PRODUCTS EMPORIUM LTD.
Ms. W.C.LO	ZELOX INTERNATIONAL LTD.

Opening Remarks

1. The Chairman welcomed all to the meeting and apologised for the short notice of the meeting. He introduced Government Representatives to the forum.

Purpose of Meeting

2. The Chairman informed the meeting that Government would introduce legislation with a view to prohibiting inappropriate level of melamine in food sold in Hong Kong. The purpose of this meeting was to inform the food trade the content of the legislation and to seek views on the legislation from the food trade. Details on the legislation were already announced to the public by the Secretary for Food & Health at a press conference held in the same afternoon of holding that meeting. The legislation to implement an immediate control of inappropriate level of melamine in food would be published in the gazette on 23 September 2008, i.e. the day after the meeting, and come into operation on the same day.

Current Situation on Melamine

3. Ms. LEUNG Yuen Sheung reported to the meeting that, pursuant to the food incidents in mainland China concerning melamine were known, actions had been taken out by the Centre for Food Safety (CFS) to monitor melamine level in food sold in Hong Kong at all levels of the food trade. Since 13 September 2008, the CFS had tested around 400 samples of dairy products that were sold in the local market. These samples were collected from all levels of the food trade, including import, wholesale and retail. The testing results of about 300 samples were known. Among these, 10 samples were found to be melamine-tainted and their particulars had also been made known to the public through press release. Testing would be continued for dairy products and extended to cover all products containing milk elements imported from countries other than mainland China as far as practicable. Full information on testing results would be announced on the web site of the CFS on a daily basis. The trade and the public were welcomed to browse the web site for the testing results.

4. The Chairman advised that all products with unsatisfactory testing results on samples announced by the CFS would be required to be removed from sales outlets in the local market. Products that were tested outside Hong Kong and found unsatisfactory would not be required automatically to be removed from sales outlets in the local market and the decision on whether these products should continue to be sold would be a commercial decision of the respective traders.

Control of Melamine in Food

5. Mr. CHAN Wai Yan briefed the meeting about the nature of melamine, the presence of melamine in food and the harmful effects of melamine on human health. As regards the control of melamine in food, Mr. CHAN Wai Yan continued that there was no specific provision in the local legislation to control melamine in food sold in Hong Kong. In light of the recent incident in mainland China over the contamination of melamine in food, Mr CHAN said the Administration proposed to control melamine by including the standards of melamine in the Harmful Substances in Food Regulations::

- a) The maximum concentration limit of melamine in milk and food principally for the consumption of children under the age of 36 months, and pregnant and lactating women – 1 milligram (mg) per kilogram (kg); and
- b) The maximum concentration limit of melamine in other foods – 2.5 mg per kg.

6. The Chairman assured the meeting the standards set for the control of melamine in food had already taken into account various factors including the possible residues of melamine in the food chain and manufacturing process, as well as environmental contamination. Focus was put on dairy products targeting for children under 36 months, and pregnant and lactating women in view of their high consumption of such food products and vulnerability of young children. He trusted that the proposed standards in the legislation had struck a balance between the risk posed to the public and practicability for the food trade to comply with the legislation.

Legislative Process

7. Mr. TSE Lai Chi informed the meeting that in view of the recent melamine incident, the Government considered necessary to introduce legislative control over inappropriate level of melamine in food urgently through amending the Harmful Substances in Food Regulations (Cap 132AF). The Amendment Regulation would be published in the gazette on 23 Sept 2008 and come into operation on the same day, and be tabled at the Legislative Council for vetting on 8 October 2008. The vetting period was 28 days from the date of meeting at which it was laid, and might be extended for 21 days subject to a resolution passed.

8. The Chairman summed up that melamine had aroused high and wide public interest and concerns in Hong Kong. Government was obliged to undertake prompt actions to ease public concerns and to prevent melamine-tainted food sold in Hong Kong in order to uphold food safety and protect public health in Hong Kong. He welcomed views from the food trade on the proposed controlling steps to prevent melamine in food.

Law Enforcement

9. Ms. LEUNG Yuen Sheung noted suggestions from trade representatives that Government should work closely with the authorities in mainland China to exercise control over the source of melamine in food to be exported to Hong Kong instead of simply regulating melamine in food to be sold in Hong Kong and prosecuting traders in Hong Kong. In response to trader's view that it would be difficult for them to control the source of contamination as the food production took place outside Hong Kong upon enactment of

the new legislative requirement on melamine in food, Government would consider prosecution against traders on a case-by-case basis basing on the evidence collected. Consideration would also be given whether the trader has exercised due diligence or not.

10. The Chairman supplemented that, in view of the urgent situation, there was no grace period for enforcing the legislation. Prosecution would only be taken out for cases where the maximum concentration limit allowed for each category of food products was exceeded. Traders were advised to try their best to comply with the legal requirements for controlling melamine in food.

Testing Method

11. Mr. LEE Foo Wing told the meeting that there was no prescribed method to be adopted in testing melamine and Government would not regulate the testing method. Traders were at liberty of selecting the appropriate testing method so long as the method was sensitive enough to detect melamine below the maximum concentration levels set out for each category of food. If prosecution action would be taken out, it would be up to the court to decide whether the testing method was appropriate for complying with the legislation.

Milk Products under the Control

12. In reply to enquiries from trade representatives, the Chairman confirmed that the relatively stricter standard of 1 mg/kg was to regulate melamine in food including all “milk” and food products principally for the consumption of children under the age of 36

months as well as those for pregnant and lactating women. The trade might refer to Section 2 “Interpretation” clause of Hong Kong Law Chapter 132 “Public Health and Municipal Services Ordinance” for the definition of “milk”, namely cows milk, buffaloes milk and goats milk, and included cream and separated milk, but does not include dried milk, condensed milk or reconstituted milk. The legislation was also intended to cover milk beverages.

Supply of Milk Products

13. Mr. Owin FUNG was assured by trade representatives that the supply of infant formula milk powder and milk products would be adequate to meet the demand of the local market. Traders would closely monitor the situation and maintain a stable supply.

Responsibilities of Trade

14. The Chairman reminded that onus was on traders to ensure that their products sold in the market were free from melamine and other harmful substances. Government should not be held responsible for controlling the quality of individual products on behalf of traders. The testing conducted by Government was principally intended to enforce law and to ease public concerns. He recommended to the meeting that traders might wish to make known to their customers if their products were found free from melamine after testing.

15. The Chairman recommended that traders should continue to monitor the quality of their products and to comply with the legal requirements on controlling melamine in food,

including steps to control the quality of raw materials and to monitor the production process of their products, etc. He reiterated that the legislation would allow the presence of low levels of melamine in food due to environmental contamination but under no circumstances should melamine be added purposely to food.

Announcement of Testing Results

16. The Chairman said that only testing results on samples that were found exceeding the maximum concentration levels allowed by legislation were announced as unsatisfactory.

17. Information on the testing results was uploaded to the CFS's website www.cfs.gov.hk. The public might call the CFS's Hotline 2381 6096 for related enquiries. The hotline would operate from 9am to 9pm daily.

18. There being no other business, the meeting was adjourned at 5:50 p.m.