

**Centre for Food Safety  
Food and Environmental Hygiene Department**

**Notes of Ninth Meeting of the Trade Consultation Forum held on  
16 January 2008 at 10:00 am at Conference Hall, 3 Edinburgh Place, Central, Hong Kong**

**Present**

**Government Representatives**

|                      |  |               |
|----------------------|--|---------------|
| Dr Y. Y. HO          | Consultant (Community Medicine)<br>(Risk Assessment & Communication) | (Chairman)    |
| Mrs. Angelina CHEUNG | Principal Assistant Secretary (Food)1                                |               |
| Mr. Mickey LAI       | Assistant Secretary (Food) Special Duties 2                          |               |
| Dr. Anne FUNG        | Principal Medical Officer (Risk Assessment &<br>Communication)       |               |
| Mr. F.W. LEE         | Senior Chemist (Food Chemistry)                                      |               |
| Ms. Joan YAU         | Scientific Officer (Contaminant)                                     |               |
| Ms. Y. S. LEUNG      | Superintendent (Import/Export)                                       |               |
| Ms. K. C. CHU        | Chief Health Inspector (Import/Export) Special<br>Duties             |               |
| Ms. S. C. CHEUNG     | Chief Health Inspector (Food Surveillance)                           |               |
| Mr. H. M. WONG       | Superintendent (Risk Communication)                                  | (Notes-taker) |

**Trade Representatives**

|                                |   |
|--------------------------------|---|
| Mr. Peter Johnston             | A.S. Watson Group (Hong Kong) Ltd         |
| Mr. FUNG Kwok keung            | A.S. Watson Industries                    |
| Mr. Ricky PANG                 | AEON Stores (HK) Co., Ltd.                |
| Mr. Edward CHAK                | AEON Stores (HK) Co., Ltd.                |
| Mr. Daniel POON                | AEON Stores (HK) Co., Ltd.                |
| Ms. Even TIN                   | Amoy Food Ltd                             |
| Ms. Sarach TAM                 | Amoy Food Ltd                             |
| Ms. Alan KWOK                  | Campbell Soup Asia Ltd.                   |
| Ms. Ming CHEUNG                | Campbell Soup Asia Ltd.                   |
| Mr. PAK Siu Wa                 | China Inspection Co Ltd                   |
| Mr. KO Kwok On                 | China Inspection Co Ltd                   |
| Ms. Grace YEE                  | City Super Ltd                            |
| Ms. Michelle HAU               | City Super Ltd                            |
| Ms. CHIU Yuen kei              | City Super Ltd                            |
| Mr. LEUNG Ho Wing<br>Covington | CK Life Sciences Int'l., Inc.             |
| Ms. CHEUNG Sin Man             | CMA Industrial Development Foundation Ltd |
| Ms. May KAN                    | Coca-Cola China Ltd                       |
| Ms. Tracy CHU                  | Consumer Council                          |
| Mr. Harry CHAN                 | Consumer Council                          |

|                          |  |
|--------------------------|--|
| Mr. Freddy FONG          | Foodscan Analytics Ltd                     |
| Mr. Leo YUEN             | HK Catering Service Management Association |
| Ms. Ruth YU              | Hong Kong Retail Management Association    |
| Ms. Anne CHUAH           | Hong Kong Standards and Testing Centre     |
| Ms. Kammy YEUNG          | Hong Kong Standards and Testing Centre     |
| Mr. NG Yat Ming          | Hong Kong Yakult Co., Ltd                  |
| Mr. LO Shu Ming          | Hong Kong Yakult Co., Ltd                  |
| Ms. Clara TANG           | Intertek Testing Services HK Ltd           |
| Mr. LEE Kwong Lam        | Kowloon Chamber of Commerce                |
| Mr. LAU Kin Wah          | Kowloon Chamber of Commerce                |
| Mr. Stephen CHOI         | Lee Kum Kee Intl Holdings Ltd              |
| Ms. Michelle KWAN        | Mannings Co. Ltd.                          |
| Mr. Joseph MA            | Nestle Hong Kong Ltd                       |
| Ms. CHAN Wing Eleanor    | Nestle Hong Kong Ltd                       |
| Ms. DONG Qing            | Ng Fung Hong Co. Ltd                       |
| Mr. LAM Tsz Mau          | Nissin Foods Co., Ltd.                     |
| Ms. Nicole LI            | Pappagallo Pacific Ltd                     |
| Ms. LAI Sin Man          | ParknShop Supermarket Co. Ltd.             |
| Ms. Stephanie SHUM       | Saint Honore Cake Shop Ltd                 |
| Mr. TANG Kwok Fai        | San Miguel Biewery HK Ltd                  |
| Mr. Wellock LO           | Sims Trading Co., Ltd                      |
| Mr. CHEUNG Siu Fat, Eric | Specialized Technology Resources (HK) Ltd  |
| Ms. CHIU Sze Man, Sammi  | Specialized Technology Resources (HK) Ltd  |
| Mr. Wayne CHU            | Technotrade Co., Ltd                       |
| Mr. HO Kwok Ying         | The Asia Provisions Co Ltd                 |
| Mr. WONG Ka Hing         | The Chinese University of HK               |
| Mr. Allen HO             | The Dairy Farm Group                       |
| Ms. May LO Kar Man       | The Dairy Farm Group                       |
| Mr. Samuel CHAN          | The Garden Company Ltd                     |
| Ms. Angela WONG          | The Garden Company Ltd                     |
| Mr. Ronald Y F LAU       | The Hong Kong Food Council Ltd             |
| Mr. Eric AU              | Unilever Hong Kong Ltd                     |
| Mr. CHAN Chi Kong, Ivan  | Vitasoy Intl Holdings Ltd                  |
| Ms. WONG Kit Yu          | Welcome Company Ltd                        |
| Mr. KU Chui Yee, Accacia | Wyeth (HK) Ltd                             |
| Ms. HUNG Kai Yee, Olivia | Wyeth (HK) Ltd                             |

### **Opening Remarks**

1. The Chairman welcomed all to the meeting and introduced Government Representatives attending the forum.

### **Agenda Item 1**

#### **Confirmation of the Notes of Last Meeting**

2. The notes of last meeting were confirmed without amendments.

### **Agenda Item 2**

#### **Matters Arising from the Notes of Last Meeting**

### **Regulation of Red 2G**

3. The Chairman said that trade representatives were told in the previous two meetings that in light of the latest scientific evidence and the recommendation of the Expert Committee on Food Safety, the Government was seeking a legislative amendment by removing Red 2G from Part I of the First Schedule of the Colouring Matter in Food Regulations. As there were other permitted red dyes available in the market and the Centre for Food Safety (CFS) already sent letters to the trade in early December 2007 to urge them to stop using Red 2G as colouring matter in food as soon as possible, the proposed ban on Red 2G was not expected to have great impact. The proposed amendment was presented to the Panel on Food Safety and Environmental Hygiene of the Legislative Council (LegCo) in early January 2008 for consideration and a grace period of six months was recommended. At the meeting, some councillors had expressed that due to the safety concern on Red 2G, it should be banned in food once the proposed amendment was enacted. Also, the six-month grace period should only apply to Red 2G-containing manufactured food with a valid date of durability. However, some had supported that the use of Red 2G in food and the sale of Red 2G-containing food be allowed in the grace period. There was no consensus among the councillors at the meeting. The Chairman consulted the trade over the immediate ban on Red 2G in food upon enactment of the proposed amendment.

4. A trade representative opined that the trade should be notified as soon as possible before enactment of the proposed amendment. As the six-month grace period was too short for the trade to sell out all manufactured food, he suggested that manufacture date be used as a threshold and Red 2G be banned in food after a specified manufacture date.

5. The Chairman responded that manufacture date had been discussed before. As there was no existing legislation on labelling of manufacture date, it could not be used as a threshold. In light of the latest scientific evidence on the safety concern of Red 2G, it was reasonable to introduce a six-month grace period. In fact, the issue was under discussion since September 2007 and the proposed amendment would not be approved shortly. As there would be a six-month grace period after the approval, the trade would have about one year for compliance with the proposed amendment.

6. A trade representative asked if the use of Red 2G in food and the sale of Red 2G-containing food were already not permitted.

7. The Chairman replied that, legally speaking, the trade could still use Red 2G in food and sell Red 2G-containing food for the time being. However, the trade was strongly discouraged to continue the usage of Red 2G. When the proposed amendment was endorsed by the LegCo and the grace period ended, they were not permitted to use Red 2G in food and sell Red 2G-containing food.

8. The trade representatives present at the meeting generally supported the recommendations of prohibiting the use of Red 2G in food and permitting the sale of Red 2G-containing manufactured food within the six-month grace period. The Chairman would reflect the views of the trade representatives to the relevant Authority.

### **Agenda Item 3**

#### **Matters Arising from the Notes of Last Meeting**

#### **Proposed Regulatory Framework for Pesticide Residues in Food**

9. The Chairman reminded the trade that the consultation exercise on the above matter would end in late January and advised them to give their views as soon as possible during the consultation period. The CFS working group would work with experts to establish standards and technical meetings would be conducted with the trade in the future.

#### **Agenda Item 4**

##### **The Levels of Heavy Metals in Seafood**

10. The Chairman said that a local media had recently released the results of a survey that excessive heavy metals were found in seafood samples. As its interpretation on the standards was different from that of the CFS, there was a need to explain how the regulatory standards would be applied in practice.

11. Ms Joan YAU made a presentation covering the background information of the media's survey on the levels of heavy metals in seafood, the international practices in interpreting maximum permitted concentrations for heavy metals in dried or processed food and the guidelines for the trade as reference. She said that in December 2007, a local media conducted a survey on the levels of cadmium and chromium in fresh and dried oysters. Although the Food Adulteration (Metallic Contamination) Regulations (Cap 132V) laid down maximum permitted concentrations for heavy metals in oysters, it did not specify whether such levels were applicable to processed food. According to the General Standard for Contaminants and Toxins in Foods of the Codex Alimentarius Commission (Codex), maximum levels were set for primary agricultural products and might be applied to processed and multi-ingredient foods by using appropriate factors. This recommendation was adopted by the member countries of the European Union and Australia. However, conversion factor might be affected by a number of factors including species, geographical locations, seasons and processing requirements, etc. Before applying the conversion factor, the most straightforward way was to conduct laboratory analysis and obtain the data for water contents of a food sample in unprocessed and processed states. Also, the trade might obtain conversion factors from other generally accepted data, such as food composition database. By applying the conversion factor, the levels of heavy metals in the dried oyster samples as reported were within the legal limits. The CFS would evaluate the safety of food and consider the intake of a contaminant for overall risk assessment. Ms YAU advised that the trade should note whether the food they sold or imported were fit for human consumption and complied with the legal standards in Hong Kong.

12. A trade representative asked whether the highest or lowest values should be used as the conversion factor was presented in range.

13. The Chairman responded that the table of the conversion factors as introduced contained approximate mean values for reference only. The exact values could be derived only when a laboratory analysis was conducted and the data for water content of a food sample in unprocessed and processed states were obtained.

14. Mr F W LEE replied that the best practice was to conduct laboratory tests for both dried and fresh oysters. But the trade could also consult literatures for the data for water content in unprocessed state.

15. A trade representative enquired whether fresh oysters should also be provided for a laboratory analysis of dried oysters.

16. Mr F W LEE replied that the trade was recommended to test fresh oysters in parallel with the respective dried oysters. Alternatively, data could be obtained from literature.

17. The Chairman added that conversion factors were not required for products not exceeding the limits but should be used appropriately for products nearly exceeding the limits.

18. A trade representative was concerned about law enforcement issue. As the conversion factors were for reference only, he wanted to know whether the highest or lowest values would be used in any alleged case of non-compliance.

19. Mr F W LEE replied that a number of factors such as species and origins of products would be considered in any alleged case of non-compliance.

20. The Chairman added that each food sample would be considered on its own merit and the conversion factors be used depending on the actual water content of a product. The latest issue of e-newsletter “Food Safety Focus” would be uploaded onto the CFS website that afternoon. Members of the trade were invited to read the feature on this subject.

21. A trade representative asked about the case for multiple-ingredient food.

22. Mr F W LEE responded that with reference to the standard adopted by Australia for processed products with multiple ingredients, each food ingredient would be calculated separately for water content. This required co-operation from the trade in providing the proportion of the ingredients in food.

23. A trade representative enquired whether the same standard was applied in the calculation of pesticides in agricultural products and whether conversion factors were needed especially for dried spices as the moisture content changed in the drying process.

24. Ms Joan YAU indicated that Codex has established maximum residue limits (MRLs) mainly for agricultural products and relevant limits were established for processed food on a need basis. As for the use of conversion factors, different countries had different regulatory practices. Currently, the Proposed Regulatory Framework for Pesticide Residues in Food in Hong Kong (the Proposed Framework) was under consultation. The framework would be finalised after the views were collected.

25. The Chairman said that the issue was related to the Proposed Framework under consultation. The views of the trade would be taken into consideration to develop the future framework.

26. A trade representative opined that the CFS should make clarification on the media’s survey on the levels of heavy metals in seafood to avoid any misunderstanding among the readers.

27. The Chairman responded that the CFS had been making use of publications and different channels to explain the criteria for law enforcement action to the public, the trade and the media.

28. A trade representative asked about the regulation of abalone sauce.

29. The Chairman advised the trade representative to provide information on the composition of the abalone sauce for further assessment.

#### **Agenda Item 5**

#### **The Proposed Food Safety Bill**

30. Ms Y S LEUNG reported the progress of Pre-Statutory Voluntary Registration Scheme for Food Importers / Distributors (the Voluntary Registration Scheme). Before enactment of the Proposed Food Safety Bill (the Bill), in order to encourage importers and distributors of different food types to notify the CFS of their businesses, the Voluntary Registration Scheme was introduced for high-risk foods from December 2006 to December 2007. These foods include poultry eggs; meat, poultry and game, live food animals and poultry; milk, milk beverages, cream and frozen confection; vegetables and fruits; fish and fish products. So far, over 900 importers and 500 distributors had notified the CFS of their businesses and most of them had agreed to upload their information onto the CFS website for public reference. The Voluntary Registration Scheme for other categories of food that had not been included in the above phases

was under planning and anticipated to commence in April 2008. As proposed, a total of six food categories including processed meat, seafood products and eggs; processed vegetables and fruits; milk and soybean products; grain and edible oil; drinks and snacks; sugar products and miscellaneous food items would be covered. The data collected and the experience gained through the Voluntary Registration Scheme could help the CFS prepare for the mandatory registration scheme. She hoped that the trade would join the Voluntary Registration Scheme actively.

31. The Chairman encouraged the trade to join the Registration Scheme.

32. Mr Mickey LAI introduced the proposed Bill to the meeting by Powerpoint. As there was inadequacy in the Public Health and Municipal Services Ordinance (Cap 132) and its subsidiary legislation on control of food safety, the Administration proposed to introduce the Bill and amend Cap 132 accordingly to tie in with the existing legislation. The features of the Bill included expansion on the definition of “food”; implementation of Mandatory Registration Scheme for Food Importers and Distributors (the Mandatory Registration Scheme) to create a comprehensive database; requirement of keeping records of the food movement by food traders to ensure that the sources and distribution of problem food could be traced swiftly in the event of a food incident. Also, the Bill proposed that the Authority could issue a prohibition of import order, prohibition of sale order and a recall order when problem food posed a serious health hazard to the public. It would also strengthen import control for specific food types. For example, import of aquatic products (except wild catch marine fish) should be accompanied with health certificates and import of high-risk aquatic products would be required of import licences for each consignment. The consultation exercise and drafting work were being carried out by the Food and Health Bureau. It was planned to introduce the Bill to the Legislative Council for scrutiny in the 2008-09 legislative session.

33. A trade representative asked if food processors would also be regulated by the Bill.

34. Mrs Angelina CHEUNG responded that processed food must also be fit for human consumption and food processors were subject to control under the existing Ordinance. She reminded the trade that the new food safety control measures applied to all food businesses including importers, distributors, local food manufacturers, etc.

35. A trade representative enquired whether registration and keeping of records on the movement of food were required for those who imported food ingredients.

36. Mrs Angelina CHEUNG responded that importers of food ingredients should also register with the food safety authority and keep the records on the movement of food ingredients. With a comprehensive database on food importers and distributors and the food movement records, the sources of problem food and its distribution could be traced quickly and the impact be reduced in the event of a food incident. This was in the interests of both the trade and the public.

37. The Chairman cited an example that records should be kept by an egg importer for selling of eggs and by a bakery that purchased the eggs.

38. A trade representative enquired about the health certificates and registration fee.

39. Mrs Angelina CHEUNG replied that the Bill had yet to come into effect and was planned to be introduced to the LegCo for scrutiny in the 2008-09 legislative year. The present thinking was to impose control measures on specific imported food types according to their risk level. Health certificates would be required for game, meat, poultry and seafood only. Under the proposed Mandatory Registration Scheme, importers and distributors would be required to provide simple information only and the proposed registration fee was about \$200 for a period of

three years. At present, it was proposed that a trader who was also a manufacturer, processor, wholesaler and distributor was required to register for one time only and to specify all the food types involved.

40. A trade representative asked if there were any problems of purchasing from the non-registered food traders and wanted to know where to get the registration information.

41. Mrs Angelina CHEUNG said the Bill proposed that all food distributors and retailers were required to patronise registered food importers and distributors only for the purpose of food safety. The information of registered food traders could be obtained through various channels such as the internet and telephone enquiry to the CFS.

42. A trade representative engaged in milk beverage enquired about the timetable for the Mandatory Registration Scheme.

43. Ms Y S LEUNG responded that the timetable for implementing the Mandatory Registration Scheme would be available only after enactment of the proposed Food Safety Bill. The second phase of the Voluntary Registration Scheme for other food categories would be launched in April 2008 and implemented by phases with wide publicity in major newspapers and trade briefings in advance. Regarding the Voluntary Registration Scheme for importers and distributors of beverages, it would be implemented after April 2008.

44. A trade representative asked if a food trader which was a manufacturer and importer was required to register for two times.

45. The Chairman responded that the same company was required to register once only.

46. Mrs Angelina CHEUNG added that companies should immediately notify the CFS of any changes to the food types involved in their business for better food traceability. To facilitate the food trade, the Administration was considering exempting those companies which had obtained certain food business licences under the Ordinance from registration as the Food and Environmental Hygiene Department (FEHD) already had their company's information. Details would still need to be considered. She hoped that this could reduce the trade's extra work and registration fee. However, in order to maintain a comprehensive database, they might be required to fill in registration forms to provide the necessary information.

47. A trade representative enquired about health certificates, mariculture, wild catch marine fish and wished to know whether health certificates would be required for processed food such as chicken powder and dried shrimp eggs.

48. Mrs Angelina CHEUNG replied that meat, poultry and game (including import of uncooked frozen and chilled meat) were subject to the regulation of the existing subsidiary legislation of Cap. 132 and must be accompanied with health certificates. It was proposed that the health certificate requirements would be extended to marine products and cultured products including marine fish, freshwater fish and shellfish under the Bill. However, it was recommended that wild catch marine fish be exempted from health certificates requirement but importers might be required to make statutory declaration on source of the wild catch fish. Processed meat was governed by the existing legislation and health certificates were not required. As for processed seafood, it was still under consideration. Views from the trade and reference from the international practices would be obtained. As for high-risk seafood such as sashimi, the Administration would consider requiring importers to apply for an import licence for each consignment.

49. A trade representative enquired whether restaurant operators were required to keep records

on the movement of food.

50. Mrs Angelina CHEUNG responded that the Administration would consider exempting restaurant operators from registration as they had obtained licences from FEHD and their information was already available. Same as retailers like supermarkets, restaurant operators purchased a wide variety of food ingredients to prepare food for customers and was required to keep purchase records for these food ingredients. When there was an outbreak of food incident, the purchase records could help trace the sources quickly and effectively.

51. A trade representative said that food manufacturers had to handle plenty of food and it was a burden for them to make registration and keep records on the movement of food.

52. Mrs Angelina CHEUNG replied that the Administration would consider exempting food manufacturers from registration as they had obtained licences. However, they were required to provide the information on the food types they sold. Food manufacturers should also keep records on the movement of all food ingredients and products. Regarding the duration for keeping the records, she invited the trade to provide their comments.

53. A trade representative observed that sushi was consigned for sale in supermarkets or shopping malls with supermarkets as licence holders and wanted to know whether the supplier or the supermarket should bear liability when problems arouse.

54. Mrs Angelina CHEUNG responded that there was no standard answer on the issue of liability for consigned goods. Each case should be dealt with on its own merit. Mrs CHEUNG thanked the trade for their views.

55. A trade representative in lunchbox and food delivery services enquired if registration was required for import of fish meat.

56. Mrs Angelina CHEUNG responded that food traders usually performed different roles such as importers, manufacturers and distributors. The Administration was considering exempting food manufacturers who had obtained licences from the registration requirement. However, movement records should be kept for different types of food ingredients and products.

57. A trade representative asked about the penalties.

58. Mrs Angelina CHEUNG responded that the Administration would seek advice from the Department of Justice and make reference to those laid down in Cap. 132 when formulating the penalties. The existing maximum penalties for offences related to food safety in Cap. 132 were a fine of \$50,000 and an imprisonment of six months.

59. A trade representative opined that the trade should be encouraged to join the registration.

60. Mrs Angelina CHEUNG shared his view and cited the recent food incidents as an example that the Voluntary Registration Scheme could help trace the sources of problem food effectively and reduce the impact on the trade. Therefore, the proposed Mandatory Registration Scheme could encourage the trade to make registration rather than force them to comply by penalties.

61. A trade representative enquired about the changes to the registered food types.

62. Ms Y S LEUNG replied that the trade was required to register for one time only on a company basis and immediately notify the CFS of any changes to food types. The CFS would consider devising some forms for report of changes to food types to facilitate the trade.

There being no other business. The meeting was adjourned at 12:30 pm.