

**Centre for Food Safety**  
**Food and Environmental Hygiene Department**  
**Notes of the Sixty Second Meeting of the Trade Consultation Forum**  
**held on 2 February 2018 at 10:00 a.m.**  
**in Conference Room at Room 102, 1/F, New Wan Chai Market,**  
**258 Queen's Road East, Wan Chai, Hong Kong**

**Present**

**Government Representatives**

Dr. Samuel YEUNG	Consultant (Community Medicine) (Risk Assessment & Communication)	(Chairman)
Dr. Andrew LAU	Senior Medical Officer (Risk Assessment) <sup>2</sup>	
Ms. LI Wai Hung	Senior Fisheries Officer (Fisheries Management) / AFCD	
Ms. Iris CHEUNG	Scientific Officer (Programme Planning) <sup>1</sup>	
Mr. KWAN Chi Wai	Chief Health Inspector (Food Safety Promotion)	
Mr. LAI Wing Chi	Superintendent (Risk Communication)	(Secretary)

**Trade Representatives**

Ms. Lina LIM	A. S. Watson Industries
Ms. NG Hin Yan	A-1 Bakery Co., (HK) Ltd.
Mr. Kenny PIN	Abbott Laboratories Ltd.
Ms. Lilian TANG	Aeon Topvalu (Hong Kong) Co., Ltd.
Ms. Karen CHAN	ALS Technichem (HK) Pty Ltd.
Ms. Vincci KO	Café de Coral Holdings Limited
Mr. TSANG Wah Him	Calbee Four Seas Co., Ltd.
Ms. KWAN Wing Ki	China Dragon Inspection & Certification (H.K.) Ltd.
Mr. WONG Chi	China Inspection Co Ltd.
Ms. Vienna SUEN	City Super Limited
Ms. May KAN	Coca-Cola China Ltd.
Mr. Houston WONG	Consulate General of Canada
Ms. LEUNG Kwan Yee	Dah Chong Hong
Mr. Philip KWAN	Danone HK Ltd.
Ms. Kacila LEUNG	Enviro Labs Limited
Mr. Freddy FONG	Foodscan Analytics Ltd.

Ms. Karen CHIU	Friesland Campina (HK) Ltd.
Mr. Chris CHAN	General Mills Hong Kong Ltd.
Mr. Gary LO	Hong Kong Yakult Co., Ltd.
Ms. Chloe LAU	Hong Kong Yakult Co., Ltd.
Mr. Alan FUNG	Intertek Tesing Services HK Ltd.
Ms. Alice WONG	Lee Kum Kee International Holdings Ltd.
Ms. Caroline HO	Mazim's Caterers Ltd.
Ms. Susana Munoz	Ministry of Economy of Mexico
Ms. Eva POON	Nestle Hong Kong Limited
Mr. Fujinawa Toshimichi	Nissin Foods (H.K.) Management Co. Ltd.
Ms. Doris LO	Nu Skin Enterprises HK, LLC
Ms. German CHEUNG	Pappagallo Pacific Limited
Mr. Jimmy TSANG	PARKnSHOP (HK) Limited
Ms. Ava WONG	Pizza Hut Hong Kong Management Limited
Mr. Kenneth LAM	Prominent (Env) Int'l Ltd.
Ms. LAI Ching Sum	Satay King (Holdings) Co., Ltd.
Ms. LAM Sau Wai	SGS Hong Kong Limited
Mr. WONG Kam Chuen	Swire Coca-Cola HK Ltd.
Mr. Victor KOK	Tai Pan Bread & Cakes Co., Ltd.
Ms. Sally CHAN	The Hong Kong Food Council Ltd.
Ms. Caroline YUEN	U.S. Consulate General Hong Kong
Mr. CHAN Chi Kong	Vitasoy International Holdings Ltd.
Ms. Sheena TAM	Wellcome Fresh Food Centre
Mr. LAM Tsz Mau	Winner Food Products Ltd.

### **Opening Remarks**

The Chairman welcomed all trade representatives to the 62<sup>nd</sup> meeting and introduced government representatives to the meeting.

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

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

## **Agenda Item 1**

### **Draft Legislation for Implementation of the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) in Hong Kong**

3. Ms. LI Wai Hung of the Agriculture, Fisheries and Conservation Department briefed the meeting of the draft legislation for implementation of the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) in Hong Kong. The Convention seeks to conserve Antarctic marine living resources, which cover the populations of fin fish including toothfish (*Dissostichus* spp.), molluscs, crustaceans and all other relevant species. . China acceded to the CCAMLR in 2006, and the Convention had not been extended to the Hong Kong Special Administrative Region yet. Toothfish were vulnerable to overfishing owing to their longevity, large size, slow growth and late maturation. They were highly sought after in the world fish market, and were experiencing significant levels of exploitation and illegal, unreported and unregulated (IUU) fishing. The Commission established under the CCAMLR adopted a conservation measure (CM) entitled “Catch Documentation Scheme for *Dissostichus* spp.” (CDS) in 2000 to protect toothfish from IUU fishing within the Convention Area. Each landing and transshipment of *Dissostichus* spp. should be accompanied by a completed valid *Dissostichus* catch document. Each shipment of *Dissostichus* spp. to be imported, exported or re-exported shall be accompanied by valid import/export/re-export document. The market names of toothfish in Hong Kong might include Patagonian toothfish, Chilean white seabass, Antarctic toothfish, white cod, etc., and the retail price might be up to \$120/100g. Hong Kong became one of the major importing economies of toothfish which accounted for about 10% of the relevant total annual catch quota, yet this amount only covered less than 1% of the local total consumption of fisheries products, thus, the impact to the trade in Hong Kong would be minimal. The proposed legislation aimed to implement the requirements under CCAMLR including a control scheme

for the trading of toothfish and other relevant conservation measures in order to better protect the Antarctic marine living resources and contribute to the international concerted efforts in the protection and sustainable use of marine resources. Past consultation was conducted in 2014. Majority of importers and exporters were supportive of the proposal as it would help to protect the marine resources and deter import of toothfish obtained from illegal sources. They were aware of the catch documents and the Catch Documentation Scheme (CDS) for toothfish. As Toothfish was only one of the many fisheries products in their business, the proposed control scheme would not cause too much burden on their operation. Seafood traders mainly requested that the application and inspection procedures under the proposed control scheme should be simple and user-friendly. Retailers were concerned about their possible liability under the proposed control scheme, and opined that the scheme should not target the retail level. Environmental groups supported the government to implement CCAMLR and requested the government to implement the measures under the Catch Documentation Scheme, and conduct regular and *ad hoc* enforcement actions to combat the illegal trade. All stakeholders agreed that the government should maintain a close contact and continue the communication with them regarding the development of the proposal and considered it necessary for the government to organise education and publicity programme for the trade as well as the public in general. Ms. LI briefed that the tentative Conservation of Antarctic Marine Living Resources Bill had two regulations: (a) Toothfish Catch Documentation Scheme (TCDS) Regulation and (b) Port Inspection and Control Regulation. It would empower the enforcement agency to obtain relevant information for validation of import/export/re-export documents for toothfish, search vessels, inspect, seize or confiscate consignments without valid catch or export/re-export documents, and dispose the confiscated items. Under the proposed TCDS regulation, a person must not import, export or re-export toothfish unless accompanied with a licence issued in accordance with the proposed regulation, and produced the relevant licence to an authorized officer. Anyone who

contravened the proposed legislation committed an offence and would be liable on conviction to a maximum fine at level 6 and imprisonment for 12 months. To apply for a licence, the applicant had to (a) fill out the specified form ; (b) provide the catch/export/re-export document issued in accordance with the Catch Documentation Scheme under the Convention; (c) provide other relevant documents; and (d) pay the prescribed fee. As regards port inspection for combating IUU fishing, while Hong Kong had no fishing vessel operating in the Convention Area, if necessary, the Government would inspect other fishing vessels carrying Antarctic marine living resources entering the port of Hong Kong to land or transship, and require fishing vessels to provide notification and declaration prior to entry. Entry of IUU fishing vessels would be denied and landing and transshipment from these vessels would be prohibited.

4. One trade representative suggested that the government should provide a labelling system for the toothfish products such as QR code for certification of the legality and source of the product for the public's information. Ms. LI Wai Hung informed that the proposed legislation aimed to implement the requirements of the CCAMLR in Hong Kong. The major measure was to exercise control over the import / export of such products. Certification of the harvesting area and labelling of the concerned products might be found in other places or organizations such as the Marine Stewardship Council so that the products could be traced from harvesting area to retail points. These options could be considered by the trade.

5. Another trade representative asked whether the Food and Environmental Hygiene Department (FEHD) would implement corresponding surveillance and enforcement actions with the enactment of the TCDS regulation. The Chairman remarked that the proposed regulation aimed at exercising control at the import / export level led by the Agriculture, Fisheries and Conservation Department (AFCD). Ms. LI Wai Hung informed that in relation

to the proposed regulation, enforcement action at the import / export level would be undertaken by AFCD with the assistance from other relevant departments, e.g. Customs and Excise Department. As toothfish is a food product, it might be controlled under other food safety scheme as well. At the retail level, AFCD would also conduct investigation as necessary, for example, upon receiving complaints. Upon the enactment of the legislation, toothfish intended to be imported should apply for a license under the proposed regulation. The Chairman asked what the retailers should do to ensure that the products from importers were legal. Ms. LI remarked that the retailers could ask the importers to produce the valid catch documents and relevant permits for clarification. The trade representative continued to ask whether the catch documents would need to be retained for six months as usual food products. The Chairman remarked that the control of import / export of toothfish was not due to food safety concern. The proposed legislation was mainly concerning conservation of Antarctic marine living resources. Ms. LI remarked that the importers / exporters may need to keep the catch documents in order to apply for import / export licences. The Chairman supplemented that AFCD would be the lead enforcement department to implement the new legislation and oversee necessary surveillance.

6. Ms. LI Wai Hung informed that the consultation period of the proposed legislation would last until the end of March 2018, members of the trade might provide comments on the subject by visiting AFCD's website or through fax or email. After that the proposal would be put forward to the LegCo Panel on Food Safety and Environmental Hygiene and the Bills Committee in mid-2018. Subject to the scrutiny by the Bills Committee, it was expected that the draft legislation would be passed by early 2019 and the two subsidiary legislations would be passed by the end of 2019. The government would consider deferring the commencement of the relevant legislation for about 6 months from the date of the gazettal to allow time for the trade to adapt to the new legislative requirements, and the new legislation

would be expected to come into force in the first half of 2020.

7. One trade representative asked whether food premises and the retail level would need to produce the catch documents during inspection by FEHD staff. Ms. LI Wai Hung informed that the aim of the proposed regulation was to exercise control over the import / export of toothfish products. Retailers and food premises might ask their suppliers to produce the catch documents if they would like to obtain the information of the source of the toothfish. If possibly illegal items were discovered at the retail level, the AFCD might collect samples from the shop(s) concerned and conduct appropriate investigation. The Chairman remarked that the retailers might, in protecting their own interests, ask for the relevant catch documents from suppliers.

8. In deliberating on the authenticity of the products and upon the enquiry of the Chairman, Ms. LI Wai Hung informed that there were two species of toothfish, *Dissostichus mawsoni* and *Dissostichus eleginoides*. Confirmation of the species could be done by DNA or other relevant testing. The Chairman said that retailers might check the scientific name of the product and ask for the relevant catch document from the supplier. Ms. LI added that AFCD would enhance publicity and education to let the public know more about this kind of fish and the proposed regulatory control on its import / export.

## **Agenda Item 2**

### **Phthalates in Food**

9. Dr. Andrew LAU informed the meeting that the CFS had finished a risk assessment study on “Phthalates in Food” (Plasticisers). The CFS had analysed over 310 samples for the level of seven types of phthalates (i.e. DEP, DBP, BBP, DEHP, DNOP, DINP and DIDP), and assessed the impact on health from the dietary exposure to these types of phthalates.

Phthalates was a large group of chemicals that were commonly used to soften plastics polymers (otherwise known as “plasticisers”), and used in a wide range of consumer products including but not limited to plastic utensils and toys. Being ubiquitous in the environment due to extensive use in plastics, low levels of phthalates in food were not unexpected due to environmental contamination. Health-Based Guidance Values (HBGVs) were available for the seven phthalates. Starting in May 2011, authorities in Taiwan announced that they had found illegal use of plasticisers (DEHP, DINP, DBP) as a clouding agent in order to reduce cost and increase stability. The CFS found that relevant products (mainly drinks) could contain plasticisers up to level exceeding 200,000 µg/kg. The CFS had since established action levels for four plasticisers (DBP, DEHP, DINP, DIDP) in order to quickly screen out products abused with plasticisers. Plasticisers were included in the Center’s regular Food Surveillance Programme since then. The aim of the current study was to determine the levels of the seven plasticisers with HBGVs in the different foods, to estimate the dietary exposure to phthalates of the Hong Kong adults with data from the HK Food Consumption Survey, and to assess the health risk associated with the exposure, if any. About 100 types of food in 16 groups e.g. drinks, dairy products, milk products, fish, meat, vegetables, fruits, cereals, oil and fats were collected from places where the public commonly purchased foods including supermarkets and wet markets. Of the 317 samples collected, 310 samples (98%) were detected with at least one phthalate. Results showed that phthalates were widespread in food at low levels, which was in line with similar studies in other places. DEHP was the most commonly detected plasticiser, followed by DINP, BBP, DBP, DIDP, DEP and DNOP. The results showed that even for the consumers who had higher plasticiser exposure, the exposure values were well within the corresponding HBGVs for individual phthalate. No sample in this study contained level of plasticisers which were compatible with deliberate use as those found during the Taiwan Plasticisers Incident. Four samples (1.3%) were found to exceed the action level:, 2 edible oil samples were found containing 3300 and 3500 ug/kg



DEHP (Action Level: 1500 ug/kg) and 2 Chinese white wines with 560 and 470 ug/kg DBP (Action Level: 300 ug/kg). The levels in other oil samples were from 44 to 900 ug/kg DEHP and levels in other Chinese wines were from 15 to 31 ug/kg DBP. As edible oil and spirits would dissolve phthalates more readily from the plastics upon direct contact, these results were not a surprise and did not point to intentional use. CFS has already met with the relevant representatives of the oil, wine and supermarket trade, stressing the importance of choosing the correct food grade packaging and food contact materials for its applications and to train staff properly in order to reduce the chance of plasticisers being transferred to food. Also, relatively higher level of DINP was identified in a sample of minced pork with 7900 µg/kg DINP. The levels found would not cause adverse health problem upon usual consumption and did not exceed action levels. Although the levels found in this study were not expected to cause adverse health effects, the CFS had contacted the trade in stressing the importance of choosing the right food packaging for the intended use, and paying attention to the details of the production process in order to minimize the transfer of plasticisers to food.

10. The Chairman encouraged the trade to continue to explore ways to reduce the level of plasticiser in food although result of the study indicated that the existing levels were not high.

11. One trade representative remarked that EU and China had regulation on the level of plasticisers of packaging materials. He asked whether Hong Kong would also impose such regulation. The Chairman replied that from the perspectives of the CFS, the current focus would be on level of plasticizer in food, while other department might have control over the packaging materials.

12. Another trade representative asked whether the Government would consider introducing legislation in Hong Kong to enforce the requirement. He asked whether the CFS would

undertake a further study to find out the level of migration of plasticisers from packaging materials to foods in Hong Kong. He remarked that the current study had found two samples of edible oil with high DEHP, and asked for the total number of edible oil samples taken. Dr. Andrew LAU replied that 33 samples of edible oil had been tested. The Chairman replied that the current study aimed to identify whether there was indication of abuse of plasticisers as a clouding agent, the levels of plasticisers in foods and the corresponding health risk to the public. The study had not targeted the levels of plasticisers in packaging materials. Internationally, the regulatory control was targeted at the material itself but not the food items. The trade might consider requesting their food packaging materials suppliers to produce document to support that the materials were fit for the intended use and comply with requirements such as those in the EU.

13. One trade representative remarked that plastic food wrap used by supermarkets was in direct contact with the food itself and posed a great hazard, which might explain why two samples of prepackaged minced meat were found to have higher levels of plasticiser. She said that the trade would try to source qualified packaging materials and ask suppliers to provide relevant testing reports. She also asked whether the samples of edible oil tested could be further classified into different types of oil. Dr. Andrew LAU replied that regarding the 33 samples of edible oil tested, the result would be uploaded to the CFS website in the meantime with categorization into different sub-types. The Chairman remarked that the level of plasticiser in edible oil might not be related to the types of oil but would be affected by the degree of contamination during the various stages of processing, delivery and packaging.

14. One trade representative commented that the food contact materials were actually the source of contamination, which were under regulatory control in the USA, EU and China. She opined that they should also be regulated in Hong Kong. Since Hong Kong did not have

the corresponding legislation, it was not uncommon that local food business be questioned by supplier of food prepackaging materials why their products had to comply with overseas standards. It would therefore be easier for local food trade to communicate their requirement if there were local standards. Another trade representative however remarked that the supplier should be able to advise the procurer the standard that their product was complying with. He considered that the Government should be very careful before considering legislation. There were many kinds of food packaging additives and different countries had different regulations. The trade representative further pointed out that non-judicious legislation or legislation without referencing to overseas standards were both far from acceptable. CFS should stay open-minded and listen to different views of the industry.

15. In response to the enquiry of another trade representative, the Chairman said that in addition to communicating with the trade in this forum, CFS would also release the study results in form of press conference, press release and uploading of study result on the CFS website on the same day.

#### **Any Other Business**

#### **Advice on Avian Influenza to Handlers of Fresh Provision Shops and Market Stalls**

#### **Selling Chilled Poultry**

16. The Chairman informed the meeting that subsequent to the detection of H5 Avian Influenza virus in two local fresh provision shops recently, the CFS would like to take this opportunity to give the trade some advice in handling of poultry in fresh provision shops and market stalls.

17. Mr. KWAN Chi Wai advised the meeting of the precautionary measures in handling of poultry. The trade and the public were advised to observe good personal, food and environmental hygiene at all times. The following good hygienic practices were of particular importance in avoiding the spread of the virus through food:

- (a) Purchase poultry from a reputable and reliable source. It should be noted that imported poultry should be accompanied by an official certificate issued by a competent authority certifying that the poultry are fit for human consumption;
- (b) When receiving, food businesses should inspect poultry to ensure that during transportation the poultry are protected from contamination and kept at correct temperatures (i.e. chilled poultry should be at 4°C or below);
- (c) Store and display poultry at correct temperatures (i.e. chilled poultry should be at 4°C or below);
- (d) Minimise cross-contamination of food contact surfaces, refrigerators and display cabinets through hygienic handling of raw poultry;
- (e) Refrigerators, display cabinets, all surfaces in contact with raw poultry during handling should be kept clean and be thoroughly cleaned and disinfected at intervals of sufficient frequency;
- (f) Ready-to-eat foods and chilled poultry should be stored or displayed separately in order to prevent cross-contamination;
- (g) After handling poultry products, food handlers should wash hands thoroughly; and
- (h) Poultry and poultry products should be cooked thoroughly before serving.

18. Mr. KWAN Chi Wai informed the meeting that fresh provision shops and market stalls with permission to sell live poultry were not allowed to sell live water poultry including duck and goose. They were not allowed to sell live quail with other live poultry at the same

premises. He then elaborated on the licensing / tenancy conditions on prevention of Avian Influenza which were applicable to those fresh provision shops and market stalls selling live poultry.

19. Mr. KWAN Chi Wai further elaborated on the additional licensing / tenancy conditions on prevention of Avian Influenza which were applicable to those fresh provision shops and market stalls selling imported chilled poultry.

20. One trade representative remarked that Hong Kong and the Mainland had two different supplier lists on imported chilled poultry. She asked which one should be followed. She also understood that FEHD would conduct visits to those chilled poultry plants in the Mainland on a half-yearly basis and she wanted to know the areas of inspection. Mr. KWAN Chi Wai replied that the list kept by CFS on the website included all approved processing plants eligible for exporting chilled chicken to Hong Kong whereas the one kept by General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) on the website included all approved processing plants eligible for exporting chilled and frozen poultry to Hong Kong. For importing chilled poultry, the trade could make reference to the supplier list provided by the AQSIQ. Mr. LAI Wing Chi supplemented that in visiting the processing plants, CFS officers would inspect the hygienic conditions and the slaughtering procedures, and also the environmental hygiene facilities installed. The Chairman remarked CFS would liaise with Mainland authorities in conducting visits to plants in the Mainland.

#### **Date of Next Meeting**

21. The date of next meeting would be decided later.

22. There being no other business, the meeting was adjourned at 12:15 p.m.