

Centre for Food Safety
Food and Environmental Hygiene Department
Notes of the Forty sixth Meeting of the Trade Consultation Forum
held on 17 September 2014 at 2:30 p.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. Y. Y. HO	Consultant (Community Medicine) (Risk Assessment & Communication)	(Chairman)
Dr. Janet HO	Senior Medical Officer (Risk Communication)	
Ms. Janny MA	Scientific Officer (Microbiology)	
Ms. KWAN Wai-ching	Chief Health Inspector (Hazard Analysis and Critical Control Points) 1	
Mr. YANG Chi-ming	Chief Health Inspector (Food Safety Promotion)	(Secretary)

Trade Representatives

Ms. Katherine POON	A.S. Watson Industries
Mr. Andrew WONG	Abbott Laboratories Limited
Ms. Caroline YUEN	American Consulate General Hong Kong
Ms. POON Wing Yan	Amoy Food Ltd.
Ms. TAI Ping Ying	Aqua Pure Distilled Water Co., Ltd.
Ms. Carrie HUI	Asana (Hong Kong) Ltd.
Mr. WONG Chi Kwan	Asana Direct Ltd.
Ms. Rachel Yim	Asana Supply Limited
Mr. Taliessin Reaburn	Australian Trade Commission
Mr. LAM Pak Wah	Best Harvest Food Ltd.
Mr. Philip WANG	Blast Imports Limited
Ms. Monique HUI	Budweiser Hong Kong Holding Co. Ltd.
Ms. Joanne LI	Bureau Veritas Hong Kong Limited
Mr. Thomas MAK	Café Deco Group
Mr. TSANG Wah Him	Calbee Fourseas Co., Ltd.

Mr. Louis PANG	Cathay Pacific Catering Services
Ms. Leona WONG	Cerebos (Hong Kong) Ltd.
Mr. Gary LAM	CFSS Co., Ltd.
Mr. Sunit Dattani	China Business Ltd. I/P Regency
Mr. Jack TSE	China Resources Ng Fung Limited
Ms. Samantha TSANG	China Resources Vanguard (HK) Co Ltd
Ms. Grace YEE	City Super Ltd.
Ms. Patience CHOI	CMA IDF
Ms. May KAN	Coca-Cola China Ltd.
Mr. HO Man Lee	Coils Electronic Co., Ltd. (759 Store)
Mr. Houston WONG	Consulate General Of Canada
Ms. Queenie LAU	Consulate General Of Mexico In Hong Kong And Macau SAR
Ms. Susana Muñoz ENRIQUEZ	Consulate General Of Mexico In Hong Kong And Macau SAR
Ms. KONG King Yan	CR Care Company Ltd.
Mr. TSANG Lok Wah	Dai Chong Hong - Food Mart
Ms. Sandy TSE	Danone Nutricia Early Life Nutrition (HK) Ltd.
Ms. Kit TSOI	Danone Nutricia Early Life Nutrition (HK) Ltd.
Mr. Carlo Catingan	Dole HK Ltd.
Mr. James WONG	EDO Trading Co.
Ms. CHAN Sok Meng	Fairwood Holdings Ltd.
Ms. Sue SO	FANCL
Ms. Susanna CHING	Favour Capital International Ltd.
Mr. Henry CHENG	Fonterra Brands (Hong Kong) Ltd.
Mr. Freddy FONG	Foodscan Analytics Ltd
Ms. WONG Wing Yin	Forever Living Products Asia Ltd.
Ms. Karen CHIU	Friesland Campina (Hong Kong) Limited
Ms. Monica LAM	Gastro Primo Ltd.
Mr. Alex PANG	Gastro Primo Ltd.
Ms. Debbie WAN	General Mills
Ms. Sally LEUNG	Godiva Chocolatier (Asia) Ltd.
Ms. Esther LAM	Gourmet House Ltd.
Ms. Heidi HO	GSI Hong Kong
Mr. Timothy CHAN	Hago Limited
Ms. Emily LI	Health Affluence Technology Group Co., Ltd.
Ms. Connie KUNG	Heinz Hong Kong Limited
Ms. Ada WONG	Herbalife
Ms. CHEUNG Tin Yan	HK Elements Ltd.

Ms. Robbie LAM	Holiday Inn Golden Mile Hotel
Mr. TAM Hop Sing	Hong Kong Federation of Restaurants and Related Trades Limited
Mr. Billy TANG	Hong Kong Food Science & Technology Association
Ms. Frenda WONG	Hong Kong Suppliers Association Ltd.
Mr. Gray LO	Hong Kong Yakult Co., Ltd.
Ms. YAU Yim Ni	Hop Fat Company
Ms. YU Ka Man	Hop Fat Company
Mr. Ronald CHOW	Hung Fook Tong (Herbal Tea) Ltd.
Ms. Katrina NG	Hutchison Hain Organic (HK) Ltd
Ms. Wendy CHAN	Imperial Bird's Nest International Co., Ltd.
Mr. Macro LO	Institution of Dinning Art
Ms. MOU Yee Man	Itochu Hong Kong Ltd.
Ms. Pansy CHUNG	JW Marriott Hotel Hong Kong
Mr. HO Tak Po	Kamperry Development Limited
Ms. Vicky CHU	KerryFlex Supply Chain Solutions Ltd
Mr. POON Chi Ho	KerryFlex Supply Chain Solutions Ltd.
Ms. Claudia WONG	Lee Kum Kee International Holding Ltd.
Ms. Mandy KWONG	LF Asia (HK) Ltd
Mr. PANG Kai Ming	Lingsik King Ltd.
Mr. Wilson SIU	M & S Industries Ltd.
Ms. Kathy KOK	Malaysia External Trade Development Corporation
Mr. Stephen LAM	Mannings
Ms. Faye LEUNG	Mannings
Ms. Gloria YUEN	Marks & Spencer (Asia Pacific) Ltd.
Ms. Tammy WONG	Mars Foods Inc.
Ms. Juliana CHAN	Maxim's Food Factory
Ms. Debbie CHAU	McDonald's Restaurants (HK) Ltd.
Ms. Debby NG	MCMIA
Ms. Amy CHU	Mead Johnson Nutrition (Hong Kong) Ltd.
Mr. WONG Ching Fai	Michael Wah Hing Co., Ltd.
Ms. MARILYN A.LI	Mushroom Bakery
Mr. WONG Pui Sum	Natural Alliance Co. Ltd.
Ms. Sara AU	Nature's Nutritional Holdings Ltd.
Mr. Joseph MA	Nestle Hong Kong Ltd.
Mr. Benson CHEUNG	New Kondo Trading Co., Ltd.
Ms. Haymann LAU	New Zealand Consulate-General
Mr. Karlus CHEN	New Zealand Focus (Hong Kong) Limited
Mr. LAU Wing Lun	Nine To Five Limited

Mr. Herbert LEE	Nissin Foods (H.K.) Management Co., Ltd.
Ms. Christine WONG	Nutrifarm Food Trading Co. Ltd
Ms. WAN Kin Yan	Oceanwild Frozen Food Co., Ltd.
Ms. Yuki KONG	Orient Europharma Co., Ltd.
Mr. YUEN Tai Hong	Panway Corporation Limited
Ms. German CHEUNG	Pappagallo Pacific Ltd.
Ms. Manely Ma.G.Gomez	Philippine Consulate General
Mr. Anthony WONG	Ping Shan Foods Co., Ltd
Ms. Vivian KWOK	Prime SeaSalt International Ltd
Ms. Kay KWAN	PrizeMart Limited
Mr. Dennis FUNG	Royal Medic (Holdings) Limited
Ms. Esther YU	San Miguel Brewery Hong Kong Limited
Mr. Lewis HAU	Saraya (Hong Kong Sales) Co., Ltd.
Ms. Amy YIP	SIMS Trading Co., Ltd.
Mr. Raymond On	Sino Group Of Hotels
Mr. Nick LEUNG	Snow Brand HK Co., Ltd.
Ms. Antonia Martinez	Spanish Trade Commission
Ms. AU Pui Chi	Super Star Group
Ms. LIU Wing Shan	Swire Coca-Cola HK Ltd
Mr. LAI Shing Hin	The Association For Hong Kong Catering Services Management Ltd.
Ms. WONG Lee Na	The Dairy Farm Company Ltd. / Wellcome
Ms. Sally CHAN	The HK Food Council
Ms. Doris LO	The Hong Kong Health Food Association
Mr. Don FUNG	The Hong Kong Jockey Club
Mr. John LEUNG	The Ritz-Carlton, Hong Kong
Ms. Anna LAM	Tsit Wing Coffee Co. Ltd.
Mr. Dexter LAU	Tsui Wah Holdings Limited
Ms. Pauline PONG	Unilever Hong Kong Ltd.
Mr. LE VAN NGHIA	Vietnam Trade Office
Mr. CHAN Chi Kong	Vitasoy International Holdings Lltd.
Mr. Philip KWAN	Wrigley Asia Pacific
Mr. Tony CHOW	Wyeth (Hong Kong) Holding Co. Ltd.

Opening Remarks

The Chairman welcomed all trade representatives to the 46th 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.

Matters Arising

3. As a follow up to paragraph 4 of the minutes of the last meeting on “Adulteration of Meat”, Mr. YANG Chi-ming informed the meeting that further advice from Department of Justice had been sought. It was confirmed that the word ‘adulteration’ was used in the section heading but not in the body of Section 51A of the Public Health and Municipal Services Ordinance (Cap. 132). According to Chapter 1 of Section 18(3) of the Interpretation and General Clauses Ordinance, section heading to any provision of any Ordinance shall not have any legislative effect and shall not in any way vary, limit or extend the interpretation of any Ordinance. In addition, since the legislative intent of Section 51A was for the protection of customers, the legislation did not require the prosecution to prove that there was an adverse impact to the customers. The Chairman concluded that injection of liquid into raw meat was illegal, regardless of whether the treatment was harmful to human or not.

Agenda Item 1

Report on the Study of Microbiological Quality of Prepackaged Long Shelf Life Refrigerated Products

4. Ms. Janny MA briefed the meeting about the results of the study of microbiological quality of prepackaged long shelf life refrigerated products conducted by CFS. She firstly introduced listeriosis which was primarily a foodborne disease caused by *Listeria monocytogenes* (LM). She explained the optimal growing conditions of LM, the potential risk of long shelf life refrigerated foods as well as various control measures. Ms. MA then presented the study aimed to assess the microbiological quality of prepackaged long shelf life refrigerated products at the end of shelf life. A total of 100 ready-to-eat samples including cheese, smoked seafood, processed meat and salad were tested for LM count and hygienic indicators i.e. aerobic colony count (ACC) and *Escherichia coli* count. In terms of food safety, none of the samples contained excessive LM i.e. the count in all samples was less than 20 cfu/g.. The microbiological quality of majority of the samples (89%) were either of satisfactory or borderline at the end of shelf life. Samples with unsatisfactory quality (11%) were due to excessive ACC or *E. coli* count. Ms MA explained the results did not indicate the concerned samples were potentially hazardous to the consumer upon consumption, but indicated a need for improvement on the food production and processing. Ms MA further elaborated that one smoked seafood and 7 processed meat samples were found to contain excessive ACC. Post-processing contamination and/or inadequate temperature control might result in the unsatisfactory microbiological quality of these samples. Ms MA continued that three cheese samples were found to contain high *E. coli* count; it might be due to the use of raw/ unpasteurised milk contaminated with *E. coli* in these products. Ms. MA also informed the meeting that out of 100 samples in the study, 71 of them (71%) carried a “use by” date; while 27 (27%) carried a “best before” date. Ms MA noted that two samples

carried both “use by” and “best before” dates on the package. Ms MA reminded as stipulated in Cap 132W, prepackaged food should be legibly marked or labelled with the appropriated durability indication: a “best before” date or a “use by” date. Ms MA told the meeting that follow up inspections revealed that one of the concerned samples showed only the "use by" date on the package, while the other questioned product was not detected during the follow up inspections.

5. Ms MA advised the trade to maintain good food and personal hygiene at all food processing stages; provide an adequately refrigerated environment (at or below 4 °C) throughout the supply chain; provide sufficient information on food label for the consumers to make informed food choices; and ensure all information provided on food label complies with the legal requirements. Ms MA also advised the public to read food labels carefully to make informed food choices; follow the storage instructions provided by the manufacturer and avoid cross-contamination; and do not use food after the “use by” date as shown on the food label. She further advised the susceptible populations including pregnant women, the elderly and immunocompromised individuals, to avoid high risk foods especially refrigerated ready-to-eat foods with long shelf life; choose cheeses carefully before consumption; and cook food thoroughly and consume cooked food promptly after cooking. The Chairman reported that a press conference on releasing the study result was being held in parallel with the trade consultation forum.

Agenda Item 2

New Food Labelling Enforcement Action to be effective from 1 October 2014

6. Mr. YANG Chi-ming introduced to the meeting the new food labelling enforcement action. The Food and Drugs (Composition and Labelling) (Amendment: Requirements for

Nutrition Labelling and Nutrition Claim) Regulation 2008 (the Amendment Regulation), which introduced the Scheme for prepackaged food, had come into operation since 1 July 2010. Under the current food labelling enforcement action, where irregularities such as incomplete nutrition label, discrepancy between the actual nutrient content based on test result and the stated value on the nutrition label was detected, and other general labelling irregularities were detected, warning letters would be issued and the traders would be given explanation period / grace period to comply with the requirement. The CFS had decided to tighten up its enforcement by doing away with the explanation period as well as the practice of issuing warning letters and allowing time for rectifying the irregularities. Starting from 1 October 2014, prosecution would be initiated immediately when non-compliance with the requirements was identified.

7. In response to the trade's request in the last meeting for more time for explanation and rectification in respect of those traders with labelling irregularities detected, Mr. YANG replied that under the new food labelling enforcement strategy, for those products with discrepancy between the actual nutrient content based on test result and the stated value on the nutrition label, the trade would be informed of the discrepancy in writing before summons of the committed offence were passed to the Prosecution Section for consideration to lay the information to the Court. During the preparation of relevant summons, scientific substantiation for the detected discrepancy submitted by the trade concerned would be considered by relevant expert before further action taken by staff of this Centre provided that such information reaches our Department before the submission of the summons papers to the Prosecution Section. Traders might take advantage of this period to make their defences after 1 October 2014 when the explanation and warning periods no longer exist.

8. One trade representative said that currently 21 days would be allowed for traders to

provide explanation for discrepancy between stated value on the nutrition label and the actual nutrient content. She enquired whether the same period would be available under the new arrangement. The Chairman replied that the CFS would seek legal advice from Department of Justice before the submission of the summons papers to the Prosecution Section and the process would normally exceed 21 days.

9. One trade representative enquired that if a retailer was not informed by the distributor that a product on sale was illegal and continued to sell the product, whether the retailer concerned would be liable to prosecution. The Chairman remarked that if an illegal product was identified, the CFS would at once inform the distributor and demand that the concerned product be retrieved from sale. The retailer still selling the product might be prosecuted.

10. In response to an enquiry of a trade representative, the Chairman said that as there would be no explanation period under the new enforcement action, the CFS would initiate prosecution once non-complying products were identified and the products should be retrieved from sale.

11. One trade representative remarked that there were some importers importing foreign products not fulfilling the requirements but using his company's brand name. He enquired whether the brand name holders would also be informed when non-complying products were identified. The Chairman agreed to consider the matter. With regard to the trade representative's remarks of invalid testing methods used by the Government, the Chairman remarked that the Government had a set of standard testing methods and would take into consideration other equivalent testing methods which might be acceptable before instituting prosecution. The trade representative said that as the new enforcement action did not allow an explanation period, the products concerned had to be retrieved from sale once irregularity

was identified. Even if further testing afterwards proved the irregularity unfounded, the damage to the trader was already done. The Chairman commented that it would not be proper if suspected illegal products were still allowed to be put on sale.

12. In response to an enquiry of a trade representative, the Chairman informed that the sampling criteria were the same as those of nutrition labels. Depending on individual situation, both informal and formal sampling would be conducted and the trader concerned would be informed prior to the conduct of formal sampling. Mr. YANG Chi-ming added that the trader would be informed of the irregularity before the submission of the summons papers to the Prosecution Section. The trade representative requested that the testing methodology be advised in the notification letter.

13. In response to an enquiry of a trade representative, Mr. YANG Chi-ming replied that according to section 63(7) of Cap. 132 that if a food sample has been taken by an officer for the purpose of analysis was manufactured or put into its wrapper or container by a person (not being a person to whom one part of the sample is required to be given by virtue of the provisions of subsection (2)) having his name, and an address in Hong Kong, displayed on the wrapper or container, the officer shall within 3 days after taking such sample, send to that person a notice informing him that the sample has been taken by him and where the sample was taken or, as the case may be, from whom it was purchased.

14. One trade representative said that for some natural health products, the ingredients of different batches would be somewhat different which would be indicated in the test results. The Chairman responded that tolerance levels for deviation in different batches of products had been worked out. Nevertheless, quality control of the product had to be stepped up if the deviation was very large.

15. A trade representative mentioned that the requirements of the Trade Guidelines on Preparation of Legible Food Label were high, such as the requirement to meet minimum font size. She said that the legibility issue would not pose imminent health hazard to the public. She asked if the requirements were breached, whether the CFS would institute prosecution based on the law or the Guidelines. The Chairman replied that legal action would be based on Cap. 132 but not the Guidelines. If the trade strictly followed the Guidelines, they would be free from prosecution. If the font size requirements of the Guidelines were not followed, provided that the label concerned could be read by a person with normal eyesight, they would still not be liable to prosecution. If there was no improvement in respect of the trade on this matter, it would be possible that LegCo members would propose legislation to tighten up control.

16. In response to a trade representative's remarks that more than one sample should be taken before instituting prosecution to avoid a sample occasionally not meeting the standard be selected, the Chairman responded that it was not agreeable since the trader should ensure that each and every unit of the product meets the basic requirement. In response to enquiries of two other trade representatives, the Chairman remarked that any amendment to the content of the food label requires the prior endorsement of the manufacturer. Mr. YANG Chi-ming remarked that if the food label of a product on the shelf was found missing or destroyed, law enforcing staff of FEHD would handle the matter on a case-by-case basis depending on individual circumstances.

Agenda Item 3

Food Safety Advice on Production of Soups and Drinks

17. Ms. KWAN Wai-ching briefed the meeting of the food safety advice on production of

soups and drinks. Prepackaged soups and drinks were popular in Hong Kong. If there was mishap in their production, food incident with great implication might occur. Bacteria were the main biological hazard and improper temperature control during the production process would highly increase the food safety risk. Strict control measures should be applied to the processes of cooking, cooling, storage, delivery and retail outlet storage to destroy bacteria and prevent their growth. In addition, basic environmental hygiene, equipment sanitation, food hygiene and personal hygiene requirements should be followed. Written instructions on storage and consumption of the products should be provided to consumers.

Agenda Item 4

Online Sale of Food

18. Mr. YANG Chi-ming introduced to the meeting the points to note for online sale of food. As online shopping was becoming increasingly popular, more and more enterprises were tapping into the business opportunities by offering various kinds of food and groceries for sale on the internet with the purchase delivered straight to customers. Traders should note that food safety regulations related to the import, sale and advertising of food products governing traditional business activities were also applicable to sales activities conducted online. An import licence was required for the import of frozen/chilled meat or frozen/chilled poultry. Milk or milk beverages and frozen confections could only be imported from approved sources of manufacture. For the sale, advertising or display of prepackaged food products, local food labelling requirements stipulated in Cap. 132W had to be observed. Any person who carried on a food business (including importation or distribution) had to register as a food importer/distributor and maintain records of the movements of food. Any person who carried on a food business should observe the basic food law in Hong Kong laid down in Part V of the Public Health and Municipal Services

Ordinance (Cap. 132).

19. One trade representative pointed out that was a website based in New Zealand selling milk products online, targeting customers in Hong Kong and China and directly delivering the products to consumers. She asked whether there was control over such businesses as the products might not be fit for consumption. Mr. YANG Chi-ming replied that it was necessary to obtain approval before milk products could be imported into Hong Kong. If the website and business was based in Hong Kong, action would be taken to prosecute the importer if there was no prior approval for the import of the product. If the business transaction was conducted overseas, there might be difficulties in obtaining evidence and carrying out prosecution. The Chairman supplemented that the CFS would issue alerts to the public via the CFS website and other channels against the consumption of such products, if warranted. Action might also be taken against the import of the product.

20. A trade representative asked whether action would be taken against the online trader if the food label was not shown on the online photograph of the product. Mr. YANG Chi-ming informed that legal action would be based on the physical product but not photographs. The Chairman remarked that the online trader should provide the food label information online, otherwise consumers would only have limited information before making choices.

Any Other Business

Food Safety Ordinance (Cap. 612)

21. Mr. YANG Chi-ming introduced to the meeting the contents of the Food Safety Ordinance (Cap. 612). The Food Safety Ordinance (Cap. 612) had commenced its full operation on 1 February 2012. This new ordinance introduced a food tracing mechanism to help the Government trace the source of the food more effectively and take prompt action

when dealing with food incidents. The food tracing mechanism included a registration scheme for food importers and food distributors and a record-keeping requirement relating to movement of food. The Ordinance also provided power to make regulations for tightening import control on specific food types, and to make food safety orders to prohibit the import and supply of problem food and order the recall of such food. Mr. YANG added that a “Code of Practice on Keeping Records Relating to Food” which had been issued to traders was being revised and would be uploaded to the ordinance website for reference.

22. The Chairman said that computerization of record was highly desirable for fast response to urgent situation. Sometimes traders would be required to provide the relevant data in 24 hours. In addition, the information provided had to be accurate or else the traders would be held responsible.

Food Safety Order gazetted on 14 September 2014

23. Mr. YANG Chi-ming briefed the meeting of the Food Safety Order issued on 14 September 2014 in connection with the incident of “sub-standard lard” from Taiwan. He first elaborated on the background of the incident in chronological order. He then introduced the Order which prohibited the import into and supply within Hong Kong 25 food brands starting from noon, 14 September 2014 until further notice. The Order also demanded the recall and disposal of such food within 14 days in the prescribed manner applicable to importers, distributors and retailers. The CFS also published on the same date a list of traders who might have distributed or used lard/lard products of the concerned Taiwan manufacturer produced on or after 1 March 2014. The list might be subject to amendment upon the request of the importer/distributor with reasonable grounds.

24. In response to a trade representative's enquiry, the Chairman said that according to existing information from the Taiwanese authorities and the reported analytical test results from the CFS, the risk assessment from the CFS showed that the food safety risk might be increased if consuming the specified food. Nevertheless, the risk was considered to be not high and there should be no cause for undue concern.

25. A trade representative said that in releasing the said list to the public, the CFS was prompt in action but had not ensured the accuracy of the information resulting in the business of some retailers adversely affected. The Chairman said that the list represented customer information provided by importers and major distributors. If the retailers/traders identified a necessity for amendment, they should forward the proposal for amendment to the importer/distributor who would verify and submit the request to the CFS. The CFS would also verify the concerned information and would then amend the list as soon as possible. The Chairman reminded the traders to ensure the accuracy of the descriptions and details of their transaction records with the importers/distributors. He remarked that the public's right to be informed promptly had to be observed. The trade representative said that the Government should tighten up control and monitor of the various processes of the food chain to prevent recurrence of similar incidents.

26. In view that it was very difficult to ascertain the quality of edible oil purchased, one trade representative suggested to establish an accreditation system for the products of suppliers. The Chairman replied that the Government would follow up and consider measures to address the issue.

27. The Chairman informed the meeting that two trade briefing sessions on Food Safety Ordinance (Cap. 612) and Food Safety Order gazetted on 14 September 2014 would be held in the afternoons of 18 September 2014 and 24 September 2014 respectively at Lai Chi Kok

Government Offices. All trade representatives were welcome to attend. Mr. YANG Chi-ming informed that relevant information and topics of the incident together with the Food Safety Order were available on the CFS website for general information.

Date of Next Meeting

28. The next meeting would be held in December 2014.

29. There being no other business, the meeting was adjourned at 5:35 p.m.