

立法會
Legislative Council

LC Paper No. CB(2) 332/01-02
(These minutes have been seen by
the Administration)

Ref : CB2/PL/FE

LegCo Panel on Food Safety and Environmental Hygiene

Minutes of Meeting
held on Monday, 18 June 2001 at 8:30 am
in Conference Room A of the Legislative Council Building

Members Present : Hon Fred LI Wah-ming, JP (Chairman)
Hon Tommy CHEUNG Yu-yan, JP (Deputy Chairman)
Hon CHAN Yuen-han
Hon SIN Chung-kai
Hon WONG Yung-kan
Hon Jasper TSANG Yok-sing, JP
Hon LAU Kong-wah
Hon SZETO Wah
Hon Michael MAK Kwok-fung
Dr Hon LO Wing-lok
Hon IP Kwok-him, JP

Members Attending : Hon Andrew CHENG Kar-foo

Members Absent : Hon David CHU Yu-lin
Hon Albert HO Chun-yan
Hon James TO Kun-sun
Dr Hon YEUNG Sum
Hon YEUNG Yiu-chung
Hon LAW Chi-kwong, JP
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon WONG Sing-chi

Public Officers : Item IV

Attending

Mrs Stella HUNG

Deputy Secretary for the Environment and Food (A)

Mr David LAU

Principal Assistant Secretary for the Environment and Food (A) 2

Mrs Rita LAU

Director of Food and Environmental Hygiene

Mr W H CHEUK

Deputy Director (Environmental Hygiene)

Food and Environmental Hygiene Department

Item V

Mrs Stella HUNG

Deputy Secretary for the Environment and Food (A)

Mr David LAU

Principal Assistant Secretary for the Environment and Food (A) 2

Mrs Rita LAU

Director of Food and Environmental Hygiene

Dr Gloria TAM

Assistant Director (Food Surveillance and Control)

Food and Environmental Hygiene Department

Mr W H CHEUK

Deputy Director (Environmental Hygiene)

Food and Environmental Hygiene Department

Dr P Y LEUNG

Deputy Director (Food and Public Health)

Food and Environmental Hygiene Department

Clerk in Attendance : Mrs Constance LI
Chief Assistant Secretary (2)5

Staff in Attendance : Miss Irene MAN
Senior Assistant Secretary (2)9

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I. Confirmation of minutes of meeting

(LC Paper No. CB(2)1821/00-01)

The minutes of the special meeting held on 26 April 2001 were confirmed.

II. Date of next meeting and items for discussion

(LC Paper Nos. CB(2) 1846/00-01(01) and (02))

2. Members agreed that the control of hawking activities would be discussed at the Panel meeting scheduled for 17 July 2001.

III. Information paper(s) issued since last meeting

(LC Paper No. CB(2) 1783/00-01(01))

3. Members noted that the Administration had provided a response on "Proposed arrangement for stallholders in Central Market".

IV. Consultancy study on licensing of food business other than restaurants

(LC Paper No. CB(2) 1846/00-01(03))

4. At the invitation of the Chairman, Deputy Director (Environmental Hygiene) of Food and Environmental Hygiene Department (DD(EH)) briefed members on the present licensing system for non-restaurant food premises and the recommendations of a consultancy study to streamline the system. He said that at present, there were two categories of licences, one for restaurant licence and the other for non-restaurant food premises. Under the second category, there were eight types of premises, namely, bakery, cold store, factory canteen, food factory, fresh provision, frozen confections factory, milk factory and siu mei/lo mei shop. The number of licences issued for the first category of licence was about 9,000 while that for the second category about 8,100. Under the current policy, a supermarket, for example, might have to apply for four to five types of licences for selling different products. Besides, the rate of withdrawal and rejection of applications was high. This had taken up valuable resources which would otherwise be used to shorten the processing time. Moreover, some applicants complained that they were required to submit the revised floor plans even for minor alteration works, and this had delayed the licensing process.

5. To streamline the licensing process, DD(EH) said that KPMG Consulting Asia Limited (the Consultant) was engaged in September 2000 to examine ways to simplify and improve the licensing system. In May 2001, the Consultant provided a report recommending improvements in three main areas:

- (a) The eight different types of licences would be combined into two generic groups; "manufacturing" and "manufacturing/retailing" so that food premises with multiple lines could operate under one licence.

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- (b) The existing licensing conditions and process would be streamlined and updated. To reduce the number of unsuccessful or withdrawn cases, an application fee amounting to 50% of the full cost for issuing a licence would be charged on receipt of an application, and the training for the licensing staff would be strengthened. Details of the Consultant's recommendations were given in paragraph 5(b) & (c) of the Administration's paper. These included requirements for an accurate finalized plan only on completion of the construction works, improving the co-ordination among government departments and using computer systems to facilitate applicants to keep track of the application process.
- (c) To ensure effective enforcement and inspection, the demerit points system would be revised and a risk-based inspection system would be implemented.

6. DD(EH) advised that the Administration was determined to streamline the licensing system for non-restaurant food premises and would make reference to the improved restaurant licensing system. He said that the Administration intended to consult the trade regarding the proposal in the third quarter of the year. Subject to the outcome of the consultation, the Administration planned to take forward the recommendations in two phases. The measures for streamlining the application procedures would be implemented at the end of 2001/02 by administrative means, as these would not require changes in legislation. For those improvements requiring legislative amendments, the Administration intended to pursue them in the 2002 session; their implementation would be contingent upon the passage of the required legislation.

7. Mr LAU Kong-wah enquired about the licensing system for convenience stores and herbal tea shops where snacks were sold. DD(EH) explained that a "permit" instead of a "licence" was issued for the selling of food which only required very simple processing. With the introduction of the two broad types of licences as recommended by the Consultant, milk factory, cold store, and large-scale food factory would be grouped under "manufacturing", while siu mei/lo mei, fresh provision, frozen confections factory, bakery and small-scale food factory would be grouped under "manufacturing/retailing".

8. In response to Mr LAU's enquiry on the reduction in processing time after implementation of the proposal, DD(EH) advised that the consultant had estimated that the proposal could reduce the processing time (six to seven months at present) by two-thirds, because the charging of 50% of the full cost as the application fee would reduce the not-so-serious applications and the streamlined procedures would also reduce workload.

9. Noting that the number of abandoned and unsuccessful applications was 554 out of 1349 applications in 2000, Mr LAU Kong-wah asked whether these cases would be able to secure a licence under the improved system. DD(EH) clarified that the 1349 applications were fresh applications lodged within the year 2000, while

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many of the 554 unsuccessful applications were brought forward from 1999. He said that the majority of the 554 applications involved food factories selling snacks, which ceased operation shortly after obtaining the temporary licence because of poor business. Some premises were just too small or simply could not meet the basic licensing requirements. He considered that the proposed requirement for paying an application fee would help reduce those applications which would unlikely meet the licensing conditions.

10. Mr IP Kwok-him welcomed the general direction for streamlining the licensing procedures. He also sought clarification on the following -

- (a) whether the application fee amounting to 50% of the licence fee would be refunded to the applicant if the application was unsuccessful;
- (b) the objective of the strengthened staff training and the resource implications; and
- (c) the contents of the improvements to be made under paragraph 5(b)(iii) in the Administration's paper.

11. DD(EH) made the following response -

- (a) the application fee was to recover the administrative costs for processing a licence application and would not be refunded to the applicant even if the application was unsuccessful;
- (b) staff training was necessary for the implementation of the new system and to ensure effective coordination among the relevant government departments under the new procedures. No additional resources would be required for staff training; and
- (c) the Administration was considering using express delivery service and setting up an Application Vetting Panel (AVP) to save time and resources. Consideration was being given to devising a new payment system for collection of application fees and licence renewal fees.

12. Mr Tommy CHEUNG said that he had come across many cases where the applicants for food factory licence did not understand the licensing requirements, such as the requirements for space and toilet facilities. He welcomed the proposal of setting up the AVP to save time for all parties and to reduce the number of unsuccessful applications. However, he had reservations about the high application fee. He considered it more reasonable if the application fee would be counted as part of the licence fee for a successful application. He also suggested that the Administration should consider issuing one single licence to a fresh provision shop for the sale of all types of meat and poultry.

13. DD(EH) advised that the Administration had no intention to charge extra fees, and a successful applicant would only have to pay the rest of the 50% of application

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fee for a licence. He also clarified that under the present system, a maximum of four licences would be required for a fresh provision shop selling six different types of food. The Administration was actively considering the proposal of issuing one single licence to a fresh provision shop under the new proposal.

14. Mr SZETO Wah expressed concern that the proposal might only facilitate the operation of large-scale supermarkets, and this would lead to dominance of the market and push up the retail prices. He asked whether the proposal had taken care of the interests of the small and medium size enterprises. He reminded the Administration of the importance of balancing the interests of both small stores and large supermarkets in the long run. DD(EH) clarified that the Administration only aimed at streamlining the licensing procedures for non-restaurant food premises for the convenience of applicants. There was no intention to encourage the growth of a particular business sector and he believed that both the large supermarkets and the small food businesses would benefit from the proposal.

15. In concluding the discussion, the Chairman said that the Panel generally supported the direction of the proposals.

V. Chilled chickens

(LC Paper No. CB(2) 1846/00-01(04))

16. The Chairman said that he had added this item to the agenda, as there had been reports about rampant smuggling of "freshly chilled chickens" and misleading labels being attached to the "freshly chilled chickens" for sale in markets.

17. At the Chairman's invitation, Assistant Director (Food Surveillance and Control) of Food and Environmental Hygiene Department (AD(FSC)) took members through the Administration's paper. She explained that "freshly chilled chickens" was a layman's term as there was no such term either in law or in food science. She said that there were two ways of chilling chickens: "chilling " and "freezing". Under the "chilling" method, chickens slaughtered should be immediately stored at a low temperature of between 0°C and 4°C until they were sold. As for the "freezing" method, chickens slaughtered should be frozen at a temperature around -18°C and defrosted to a temperature of between 0°C and 4°C before they were put on sale. Both ways were recognized by international professional bodies monitoring the production of frozen products. AD(FSC) emphasized that the public need not worry too much about the safety of chilled or frozen chickens, if the chickens were thoroughly cooked.

18. AD(FSC) advised that all imported meat and poultry had to be accompanied by official certificates under the Imported Game, Meat and Poultry Regulations. The numbers of applications for import licence for chilled and frozen chickens in 2000 and the first quarter of 2001 were given in Annex A to the Administration's paper. She further said that to combat smuggling activities, FEHD worked closely with the Customs and Excise Department (C&ED). The number of prosecutions brought about by FEHD and the penalties imposed under the Regulations were given in Annex B to the paper.

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19. As regards the proposal of requiring all chilled and frozen food to be prepackaged and labelled under the Food and Drugs (Composition and Labelling) Regulations, AD(FSC) said that the Administration did not consider such requirements necessary as far as food safety was concerned. Moreover, mandatory prepackaging and labelling requirements would add costs to the trade and increase the retail prices. However, if any pre-packaged frozen food was defrosted before sale, it should be clearly shown on their labels that they were defrosted according to the requirements of the Food and Drugs (Composition and Labelling) Regulations.

20. Mr WONG Yung-kan said that the general public did not know how to distinguish chilled chickens from frozen chickens, as customers usually regarded those chickens sold without head and feet as frozen chickens. He also pointed out that the practice of supermarkets allowing customers to pick and choose defrosted chickens was unhygienic and could give rise bacteria growth. He considered that the Administration should do more than just advising that the food would be safe if it was well cooked. He also expressed doubt about the source of the large number of chilled chickens for sale in the market, as both the Mainland authority and the Administration claimed that only frozen chickens but not chilled chickens had been imported from the Mainland.

21. AD(FSC) explained that the main concern about chilled chickens was bacteria growth rather than chemical pollution, and that proper cooking could definitely help kill the bacteria in chilled chickens. At present, the "use by" dates for chilled and frozen chickens for sale in supermarkets could adequately address this concern. She said that frozen chickens could be stored for 18 to 24 months under 18°C, while chilled chickens could only be kept for three to five days. AD(FSC) said that it was for the management of individual supermarkets to determine whether customers should be allowed to pick and choose the food for sale. She also advised that unless there was scientific evidence showing that chilled or frozen chickens sold in a particular form would threaten food safety, the Administration would not impose mandatory requirements as to how the products should be sold, e.g. with or without head and feet. Regarding the import of chilled chickens, AD(FSC) clarified that after the resumption of supply of live chickens from the Mainland in February 1998, no more chilled chickens had been imported from the Mainland. The chilled chickens currently available in the market were either directly imported from countries other than Mainland China, or frozen chickens imported from the Mainland but defrosted to 0°C to 4°C in Hong Kong.

22. In response to Mr WONG Yung-kan's further enquiry about bacteria growth in the defrosting process, AD(FSC) advised that chickens were not bacteria-free and freezing was a recognized method of preserving fresh chickens. She said that if the "use by" date was strictly adhered to, it would not pose a threat to food safety.

23. Mr Tommy CHEUNG asked whether influenza H5N1 virus in chilled or frozen chickens could be killed by cooking. He also asked whether the Administration would consider requiring the carcasses and the entrails of imported ducks and geese to be separated, and the chilled and frozen chickens to be labelled. In response,

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AD(FSC) advised that according to the findings of the World Health Organization in 1998, influenza H5N1 virus would become non-infectious at -18°C or below. For ducks and geese, the carcasses and entrails would be required to be separated mainly because the entrails of these poultry were believed to be high-risk carrier of H5N1 virus. The requirement was not yet extended to chickens. She stressed that all the pre-packaged chilled or frozen chickens imported into Hong Kong had to be labelled in accordance with the Food and Drugs (Composition and Labelling) Regulations.

24. Mr Tommy CHEUNG further asked whether the imported chilled or frozen chickens were required to be pre-packaged. AD(FSC) clarified that from February 1998 onwards, for chilled ducks and geese imported from the Mainland, the carcasses and entrails had to be separately packaged and labelled.

25. Dr LO Wing-lok asked whether there was any difference in nutritional value and the level of food safety between chilled chickens and defrosted chickens, and whether the supermarkets or stores actually stored frozen chickens at a temperature below 18°C. AD(FSC) said that according to the latest report of the Department of Agriculture of the United States, there was not much difference in the nutritional value and level of safety between the two types of chickens if the proper defrosting and storage procedures were followed. She added that a storage temperature of -18°C was one of the licensing conditions for selling frozen food. FEHD would take enforcement actions if there were breaches of the licensing conditions.

26. Mr SIN Chung-kai pointed out that unlike western countries, most Hong Kong families did not have large freezers and that chilled frozen chickens bought home would usually be consumed within a couple of days. However, he expressed concern that the public might not know that chilled or defrosted chickens had to be consumed within three to five days. AD(FSC) agreed with Mr SIN and said that according to the recommendations of the World Health Organisation, frozen food should be consumed as soon as possible after it was defrosted. She advised that housewives should pay special attention to the temperature of the fridge to ensure that temperature of the freezer was below -18°C, while that for other compartments 0°C - 4°C.

27. The Chairman asked whether FEHD could detect whether the defrosted chickens put on sale had been re-frozen. He also pointed out that pre-packaged chickens sometimes sold in non-packaged form without the label, and the consumers would then have no knowledge of the "use by" date.

28. AD(FSC) believed that it was not a common practice for retailers to re-freeze the defrosted chickens because it would affect food quality. She agreed that consumers had the right to know about the frozen products. If the pre-packaged chickens were not sold with the package and the label, the stores should put up signs stating whether the chickens were chilled or defrosted. Consumers who had doubts about the food could always seek clarification from the person-in-charge of the store or refer the case to FEHD for follow up actions.

29. The Chairman suggested that the Administration should introduce measures to ensure that the necessary information for de-packaged products were provided for

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consumers' reference. Deputy Director (Food and Public Health) of Food and Environmental Hygiene Department undertook to consider issuing guidelines to stores and supermarkets selling defrosted food in this respect.

VI. Any other business

30. The meeting ended at 9:25a.m.

Legislative Council Secretariat

9 November 2001