

立法會
Legislative Council

LC Paper No. CB(2) 425/01-02
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the Administration)

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LegCo Panel on Food Safety and Environmental Hygiene

Minutes of Meeting
held on Friday, 5 October 2001 at 10:45 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 David CHU Yu-lin, JP
Hon James TO Kun-sun
Hon CHAN Yuen-han, JP
Hon WONG Yung-kan
Hon YEUNG Yiu-chung, BBS
Hon LAU Kong-wah
Hon SZETO Wah
Hon TAM Yiu-chung, GBS, JP
Hon Michael MAK Kwok-fung
Dr Hon LO Wing-lok
Hon WONG Sing-chi
Hon IP Kwok-him, JP

Member Attending : Hon LEUNG Yiu-chung

Members Absent : Hon Albert HO Chun-yan
Hon SIN Chung-kai
Hon Jasper TSANG Yok-sing, JP
Dr Hon YEUNG Sum
Hon LAW Chi-kwong, JP
Hon Abraham SHEK Lai-him, JP

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

Mr W H CHEUK

Deputy Director (Environmental Hygiene)

Food and Environmental Hygiene Department

Ms Winnie SO

Assistant Director (Headquarters)

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

Dr Y Y HO

Consultant (Community Medicine) (Risk Assessment
Communication)

Food and Environmental Hygiene Department

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

Staff in Attendance : Miss Yvonne YU
Senior Assistant Secretary (2)7

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I. Confirmation of minutes of meeting
(LC Paper Nos. CB(2)2346/00-01, CB(2) 2320/00-01 and CB(2) 2314/00-01)

The minutes of the meetings held on 23 April 2001, 21 May 2001 and 28 May 2001 were confirmed.

II. Date of next meeting and items for discussion

(LC Paper Nos. CB(2) 2347/00-01(01) and (02))

2. The Chairman advised that as the Panel would hold its first meeting in the 2001-2002 session on 11 October 2001 to elect the Chairman and Deputy Chairman, it would be more appropriate for the new Panel to determine the dates of its future meetings and items for discussion. Members agreed.

III. Information paper(s) issued since last meeting

3. Members noted that no information paper had been received from the Administration since the last meeting.

IV. Alignment of market rental adjustment mechanism

(LC Paper Nos. CB(2)1642/00-01(03), CB(2)2337/00-01(01), CB(2)2393/00-01(01) and (02) and CB(2)2347/00-01(03))

4. At the invitation of the Chairman, Assistant Director (Headquarters) of Food and Environmental Hygiene Department (AD(HQ)) briefed members on the salient points in the Administration's paper (LC Paper No. CB(2)2347/00-01(03)). She said that since the Panel meeting on 28 May 2001, the Administration had consulted the District Councils, trade associations and market stall tenants (through the Market Management Consultative Committees) on the proposed alignment mechanism. While the Administration believed that the proposed mechanism was fair and simple to administer, it recognised that the general sentiment was not supportive of introducing the new alignment mechanism and the possible consequential rental adjustment, especially at this time of economic downturn.

5. Deputy Secretary for Environment and Food (A) ((DS(EF)A) added that the Administration would welcome views from Members before deciding on the way forward.

6. Mr TAM Yiu-chung considered that it was not an opportune time to discuss the proposed alignment of market rental adjustment mechanism under the current economic situation. He said that the market stall tenants were worried that the proposed alignment would lead to rental increase, and the mechanism for assessing the Open Market Rental (OMR) was controversial. The stall tenants were concerned that the OMR might not reflect the changes in environment such as population changes, and that it was difficult to appeal successfully against the OMR assessed by the Rating and Valuation Department (R&VD).

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7. Mr TAM Yiu-chung said that the Federation of Hong Kong Kowloon New Territories Hawker Associations (the Associations) had requested the Administration to consider the following having regard to their difficulties -

- (a) rental reduction of 20-30% ;
- (b) partial recovery of the recurrent electricity expenses for air-conditioning from stall tenants; and
- (c) deposit payment of one-month rental instead of two-month rental.

Mr TAM urged the Administration to seriously consider the stall tenants' request to ease their burden at the time of economic downturn.

8. Deputy Director (Environmental Hygiene) of the Food and Environmental Hygiene Department (DD(EH)) gave the following response:

- (a) even in the private sector practice, the rental agreed between the two parties remained valid throughout the tenancy agreement period and it was not desirable to keep changing the rental during the tenancy period;
- (b) the Administration would consider the arrangements for the recovery of the electricity charges for air-conditioning from stall tenants; and
- (c) it was not unreasonable to require deposit payment of two months' rental, which was the practice in the private rental market, and the Administration had also proposed to dispense with the advance payment of three months' rental and to collect the rental monthly instead of quarterly to relieve tenants' burden.

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9. Mr IP Kwok-him said that the stall tenants were concerned about the basis of calculation of the OMR. As many of them were previously on-street hawkers resited by the Government to public markets for the betterment of environment, it would not be reasonable to charge these tenants rentals which was based on the OMR, particularly under the present economic climate. He also asked the Administration to clarify how the stall rentals could be aligned, as the location, design and facilities of stalls varied. In this connection, he requested the Administration to provide more information to explain the concept of the proposed alignment mechanism and the basis of calculating the OMR.

10. AD(HQ) explained that the OMR was only a reference for rental assessment and it was based on various factors, such as the goods sold at the stalls, the size and location of the stall, the latest bid price for a similar stall in the same market, the design and unique features of the stall (such as proximity to escalators), customers flow, etc. She said that the OMR assessed by the Rating and Valuation Department

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(R&VD) did not represent the prevailing market rental for a similar sized private shop in the same locality. She further explained that the proposed alignment mechanism only aimed at aligning the different rental adjustment mechanisms of the two former Provisional Municipal Councils, but not to provide a standard rental for all stalls in the same market. In reply to Mr IP Kwok-him, she said that all the tenants who obtained their market stalls through open auction were paying the OMR, while over 60% of the tenants who obtained market stalls through restricted auction were paying a rental below the OMR.

11. The Chairman noted that many tenants in the public markets had obtained their stalls through restricted auction and were currently paying a rental below OMR, such as \$1,000 a year. He asked whether these tenants would not be required to pay the OMR on compassionate grounds.

12. AD(HQ) pointed out that the Administration proposed to impose a ceiling of 20% as the maximum possible annual increase rate. This would avoid any sharp increase in rent and reduce the impact on the tenants. DD(EH) supplemented that it was explained in the Administration's paper issued for the Panel meeting on 28 May 2001 that if the existing rental was lower than the OMR, the rent would only be increased by phases so that it would reach a target percentage of the OMR by the last year of each tenancy. He said that some of the stall tenants who were resited to the public markets were only paying a monthly rental of \$100 to \$200. This amount was similar to their original hawker licence fee and would take at least 20 years to catch up with the OMR. He also clarified that the OMR only reflected the bidding price at the open auctions but not the rental of stalls in private markets.

13. Mr LEUNG Yiu-chung considered that there should be a fair mechanism to assess the OMR, as it was difficult for stall tenants to appeal, without the help of professionals, against a rental determined by R&VD which was based on various factors. He pointed out that the rental of some public market stalls obtained through open auction was even higher than that in the private market. He also asked about the reason for adopting the OMR as the target rental to be reached. In this connection, he asked whether the Governments policy was to treat the operation of market stalls as a commercial activity or a means to promote small businesses. If the latter was the policy, the Government should assist the stall tenants to improve their competitiveness.

14. DD(EH) said that the existing appeal mechanism was fair and the stall tenants could put forth their arguments if they considered the assessed rental unreasonable. It was not necessary for the tenants to employ surveyors to lodge an appeal. He advised that there were successful appeals in the past.

15. On the proposed alignment mechanism, DD(EH) explained that previously the Provisional Urban Council (PUC) and the Provisional Regional Council (ProRC) adopted different rental adjustment mechanisms for public markets in the urban areas

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and in the New Territories. He said that it was only logical to align the two different systems now that these public markets were managed by one single department after the dissolution of PUC and ProRC. He further said that the Government was currently heavily subsidising the operation of public markets, and the subsidy was in the region of some one hundred million dollars a year. He added that while the Government did not aim to make profits in the operation of public markets, the Government hoped that it could gradually reduce the amount of subsidy without affecting the tenants too much. As for the rental for stalls obtained through public auctions, he said that as these stalls were basically commercial establishments in Government premises, the rental should not deviate too much from that in the private sector.

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16. DD(EH) agreed to provide Mr LEUNG Yiu-chung with statistics on cases of successful appeals against the rental assessed by R&VD.

17. Mr LEUNG Yiu-chung asked how the Administration would assist the tenants of public market stalls so that they could stay in business under the present difficult economic situation.

18. DD(EH) said that the Government was considering improvement measures to enhance the management and hygiene conditions of public markets. Consultancy study was being conducted and one of its aims was to promote the viability of public markets. He added that there were at present 14 000 market stalls; the range of actual monthly rental ranged from a few hundred dollars to several thousand dollars, and the average monthly rental was a few thousand dollars. He believed that such rental was generally affordable by the tenants.

19. The Chairman advised the Administration to implement the proposal to collect rental on a monthly basis instead of a quarterly basis as soon as possible, as a means to ease the difficulties of the stall tenants.

20. On the assessment of OMR, Mr Tommy CHEUNG considered that the high rental paid by a few stalls obtained by open auction could have pushed up the average rental and the OMR of the same market. In this connection, he requested the Administration to provide information on the differences between the rentals for market stalls leased out through open auction and restricted auction.

21. Mr Tommy CHEUNG further said that he did not see any advantage of implementing the proposed alignment of market rental adjustment mechanism, except that it might facilitate the management of public markets. He said that the Administration should also consider the impact if more stall tenants were pushed out of business and had to rely on Comprehensive Social Security Assistance.

22. DD(EH) said that the difference between the rental for stalls obtained through open auction and restricted auction was about 25%. He would see what detailed information could be provided to Mr CHEUNG in this respect. On the proposed

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alignment of the rental adjustment mechanism, he said that there was a practical need to align and simplify the two different formulae adopted by the two former municipal councils for market stall rental adjustment. The Administration would welcome Members' views on the various proposals such as the 20% ceiling for annual rental increase and the target percentage of the OMR.

23. In reply to Mr Tommy CHEUNG's further question, DD(EH) said that it was not possible to evaluate the effectiveness of each proposed improvement measure in enhancing the viability of public markets, or its impact on future rental adjustment.

24. Mr WONG Yung-kan agreed with other Members that it was not an opportune time to consider market rental adjustment. He said that the DCs had expressed strong feelings against rental adjustment. He asked whether the Administration would consider reducing the stall rental after 31 December 2001 to help the tenants to tide over difficult times. He was of the opinion that the Government had not made efforts to upgrade the facilities, such as providing air-conditioning, in order to improve the competitiveness of public markets. This had rendered the public market stalls difficult to compete with private supermarkets. He asked whether the Government policy was to assist the tenants to continue their business under the present economic situation.

25. DD(EH) responded that the Administration would consider whether the stall rental would continue to be "frozen" or adjusted after 31 December 2001. He said that any proposal to reduce stall rental would require consideration by central government as this would have implications on general revenue. In this connection, he cited the example of fresh meat stalls for which the OMR was around \$3,800 to \$3,900. He stressed that the rental for fresh meat shops in private premises was much higher, and this demonstrated that Government was subsidising the public market stalls.

26. DS(EF)A said that she was given the impression that the main concern of Members and stall tenants was the basis of calculating the OMR, as the OMR would be used as reference for any future rental adjustment. She explained that the OMR was based on objective standards and it could be revised upwards or downwards depending on changes in the economic condition, patronage, etc. She undertook to provide the criteria adopted by R&VD in assessing the OMR of market stalls for Members' reference. DS(EF)A further said that the Government would want to adopt a consistent mechanism for assessing the rentals of stalls in public markets in future. She assured Members that the Administration would further gauge public views and discuss details of the mechanism with parties concerned. She said that the Administration did not have any specific time-table at the moment on the implementation of the proposed alignment of rental adjustment mechanism.

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27. Mr WONG Yung-kan emphasised that he would not support any rental increase for public market stalls under the present economic situation, as this would bring about more social instability. He considered that the Administration should assist the tenants by improving their business environment, such as upgrading the hygiene conditions

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and improving the ventilation of public markets, before considering any rental increase. He reiterated that the Administration should seriously consider rental reduction instead.

28. Miss CHAN Yuen-han agreed with Mr WONG Yun-kan that the Administration should now consider reducing the stall rental in view of the current economic downturn. She said that most stalls in public markets were of a small scale and operated on a family basis, and could not compare with those large enterprises. She did not consider it appropriate to apply commercial principles in assessing the rental of public market stalls.

29. Dr LO Wing-lok asked about the impact of the proposed alignment of market rental adjustment mechanism on the current stall rental, and whether the proposal was to increase revenue.

30. DD(EH) said that based on a survey in June 2001 on a few thousand stalls, the proposed mechanism, if adopted, would lead to a rental increase of about \$23 million a year. However, given the lapse of time, it would be necessary to re-assess the OMR. He envisaged that the OMR and the subsequent rental increase would be less than the estimated figure in June. He pointed out that even if the proposed adjustment mechanism was not adopted, there would still be rental adjustment under the existing mechanisms if the OMR was higher than the current rent.

31. Mr James TO said that the Chief Executive (CE) would announce his 2001 Policy Address on 10 October 2001. Although CE had asked the public not to have too much expectation, it was generally understood that he would announce certain initiatives to boost the economy. As the proposed alignment mechanism would have adverse impact on the business of public markets, Mr TO was concerned whether CE, the Chief Secretary for Administration (CS) or the Financial Secretary (FS) was made aware of the proposal. He asked whether there was any standing arrangement for policy bureaux and government departments to report or reflect views to CE, CS or FS to avoid any possible contradiction of policies.

32. DS(EF)A advised that government policies were coordinated at the central level. She said that the Environment and Food Bureau (FEB) maintained close liaison with the Finance Bureau (FB), and that there was a standing mechanism to report to CS on policy matters and to FS if public funds were involved.

33. With regard to DS(EF)A's response, Mr James TO asked to put on record that if the proposed alignment mechanism was to be implemented right after the current freeze, it should be assumed that it was a collective decision of CE, CS and FS and was not just the decision of any single bureau or department.

34. In reply to the Chairman and Mr Tommy CHEUNG, DD(EH) advised that the vacancy rate of public market stalls was around 17% and was rather stable. On the

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calculation of OMR, DD(EH) said that only the actual rental of leased stalls would be taken into consideration. As regards the trend for the bidding price of market stalls, he undertook to provide the information after the meeting.

35. Miss CHAN Yuen-han urged the Administration to treat public market rental adjustment as a policy issue rather than a technical issue involving only calculation of the rental. She requested the Administration to further discuss with the Panel after re-consideration.

36. In concluding the discussion, the Chairman said that members generally agreed that -

- (a) it was not the opportune time to increase market stall rental in view of the present economic downturn and the weak business after the 11 September incident;
- (b) the Administration should consider reducing the market stall rental to help stall tenants tide over difficult times; and
- (c) the Administration should take active steps to enhance the business environment of the existing markets in improving their competitiveness, such as providing air-conditioning for market stalls.

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37. The Chairman requested the Administration to take note of members' views and revert to the Panel after consideration. Mr SZETO Wah added that the Administration should also explain how the implementation of the proposed public market rental policy would tie in with the initiatives or measures to be announced in CE's 2001 Policy Address to assist people to tide over difficult times.

V. Anti-mosquito and Anti-rodent Campaigns (LC Paper No. CB(2) 2347/00-01(04))

Rodent Problem

38. Mr Michael MAK noted from paragraph 11 of the Administration's paper that a total of 376 warnings were issued against rodent problem in licensed food premises. He asked about the circumstances which necessitated the issue of such warnings and the penalties for these cases.

39. Consultant (Community Medicine)(Risk Assessment Communication) of the Food and Environmental Hygiene Department (Consultant (CMRAC)) said that when signs of rodent infestation were detected in licensed food premises during inspections by the District Health Inspectors, they would normally issue warnings to the food premises concerned. If no improvement was made after the warning, the

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Administration would initiate prosecution action against the food premises, and the maximum fine upon conviction would be \$5,000. He advised that as the licensed food premises would normally make improvements after receiving the warnings, no prosecution would need to be initiated. He added that the public could lodge complaints on rodent problems through FEHD's hotline (2868 0000).

40. Mr IP Kwok-him requested the Administration to elaborate on the effectiveness of the Anti-rodent Campaign and to provide indicators of improvements made after the Campaign, such as the number of rodents caught at the cage traps or baiting stations.

41. Consultant (CMRAC) said that the Anti-rodent Campaign, which was divided into three phases, was held in June 2000 to July 2001 focusing on the rodent problems found in market buildings and on the construction sites. Bait was put in the market buildings to assess the prevalence of rodents. At the start of the Campaign in June 2000, the extent of problem was assessed to be 26.6%, and the figure decreased to 8.1% by the end of the Campaign in July 2001. This showed that there was great improvement in the rodent problem during the period. In addition, according to a questionnaire survey conducted during the Campaign, the knowledge and awareness of stall keepers on rodent prevention and control had improved.

42. Consultant (CMRAC) explained that the number of rodents caught could be used as an indicator to monitor improvements made, provided that other factors were also taken into account. He added that during the three phases of the Campaign, some 6 891, 5 125, 5 709 rodents were caught respectively, representing a total of 17 725 rodents caught during the period.

43. In response to Mr IP Kwok-him's further question, Consultant (CMRAC) advised that rodent infestation included nuisance to human beings, damages to farm products or food as well as rodent-borne diseases. He said that Annex A of the Administration's paper provided the number of cases of rodent-borne diseases reported in Hong Kong from 1997-2001.

44. Citing his experience in participation in an anti-rodent campaign in Kowloon City, Mr Tommy CHEUNG said that the problem could be alleviated with more coordination and cooperation of government departments. He pointed out that the rear lanes of the food premises were often the breeding places for rodents because there was insufficient space in the food premises for depositing of refuse and there was a time gap in refuse collection. He suggested that FEHD could place large refuse bins at these rear lanes for food premises to place their refuse before the refuse collection times. Moreover, such refuse could also be classified into those which could be recycled or reused. He said that the suggestion was however not accepted by the relevant departments on grounds that the large refuse bins could cause obstruction. Mr CHEUNG said that rodent problem would affect the food businesses and he hoped the various government departments could make collaborated efforts to assist the trade in the Anti-rodent Campaign. The Administration noted the comments.

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Mosquito problem

45. Mr IP Kwok-him asked about the blackspots where *Aedes albopictus* was particularly prevalent. Consultant (CMRAC) advised that *Aedes albopictus* was a vector of dengue fever and was prevalent in Hong Kong. Their breeding sites could be grouped into two categories generally -

- (a) artificial receptacles. e.g. containers, discarded tyres, lunch boxes, cans and clogged surface channels ; and
- (b) naturally occurring habitats, e.g. tree holes, bamboo stumps and leaf axils.

The result of the Dengue Vector Survey conducted in 2000 showed that the average ovitrap index at the 34 selected locations in Kowloon, Hong Kong and the New Territories regions was 24.1%, indicating that about one fourth of the areas examined at these selected locations were infested with *Aedes albopictus*. He said that there was no significant difference in prevalence between the urban areas and rural areas as it mainly depended on the existence of stagnant water.

46. Dr LO Wing-lok pointed out that as dengue fever was an acute mosquito-borne disease, and there were known cases in Macau. While there was no local case of dengue fever, Dr LO asked whether there was any threat of transmission of dengue fever to Hong Kong and what specific preventive measures would be taken by the Administration.

47. Consultant (CMRAC) said that dengue fever could be transmitted with the presence of patients with dengue fever and its vector, *Aedes albopictus*. Cases of dengue fever would be reported to the Department of Health through the reporting system. FEHD would also strengthen the monitoring and control of *Aedes albopictus*. On the possibility of transmission by cargoes and goods, FEHD had stepped up surveillance and anti-mosquito efforts at the Hong Kong Macau Ferry Terminal and other control points to prevent the breeding of *Aedes albopictus*. The Administration would closely monitor the situation.

48. The Chairman said that there were frequent complaints of mosquito problem in some public housing estates as this had caused much nuisance to the residents. Moreover, some of the slopes and hilltops had also become breeding ground of mosquitoes due to illegal planting that brought about stagnant water. He said that the Administration should pay special attention to these breeding sites in addition to construction sites.

49. Consultant (CMRAC) advised that a Pest Control Co-ordinating Committee, which comprised representatives of various departments including the Department of

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Health, Home Affairs Department and Housing Department, worked together with FEHD in taking preventive and control measures to tackle problems relating to mosquitoes and rodents. Nevertheless, it was also important to enlist community support and participation in pest prevention and control. As regards the problem of illegal planting, Consultant (CMRAC) said that the Lands Department would step up its efforts to tackle the problem. He further said that public housing estates had been identified as one of the target areas for strengthened mosquito prevention and control.

50. In response to the Chairman's question on the channel for complaint about mosquito problem, Consultant (CMRAC) said that complaints could be made to the relevant estate offices of the Housing Department or FEHD. Upon receipt of the complaints, FEHD would conduct investigation to see how the problem could be dealt with. For public housing estates where the management had been contracted out to private property management companies, the Housing Department would require the property management companies concerned to take appropriate actions.

51. Miss CHAN Yuen-han remarked that although Hong Kong was an advanced city, the hygiene conditions in some places were rather unacceptable. She said that she had received a lot of complaints from people living next to the hillside and waterfront that they were particularly affected by the mosquito problem. She asked the Administration to consider providing more manpower to deal with the problem.

52. DS(EF)(A) responded that the EFB would discuss with FEHD to see whether more manpower could be deployed for pest control particularly at blackspots. She said that the mosquito problem at hillside could be referred to the Pest Control Co-ordinating Committee for consideration of appropriate actions. Consultant (CMRAC) added that hillside had also been identified as one of the areas for target control. As the hillside was rather difficult to clean up, public co-operation was required to avoid dumping garbage at the hillside.

53. Dr LO Wing-lok cited his experience in dealing with a complaint of mosquito problem. He said that his Owners' Corporation had received a written warning from FEHD for causing nuisance to the environment because there was stagnant water in a flowerpot. However, even after the water had been removed from the flowerpot, the mosquito problem still persisted. Dr LO said that this reflected that mosquito problem could not be dealt with by a piece-meal remedial approach. He considered that the Administration should enhance publicity and encourage community participation in preventing and controlling mosquito problems.

VI. Any other business

54. There being no other business, the meeting ended at 12:30 pm.

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Legislative Council Secretariat

20 November 2001