

立法會
Legislative Council

LC Paper No. CB(2) 1567/00-01
(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, 26 March 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 David CHU Yu-lin
Hon CHAN Yuen-han
Hon SIN Chung-kai
Hon WONG Yung-kan
Dr Hon YEUNG Sum
Hon YEUNG Yiu-chung
Hon SZETO Wah
Hon LAW Chi-kwong, JP
Hon TAM Yiu-chung, GBS, JP
Hon Michael MAK Kwok-fung
Dr Hon LO Wing-lok

Members Absent : Hon Albert HO Chun-yan
Hon James TO Kun-sun
Hon Jasper TSANG Yok-sing, JP
Hon LAU Kong-wah
Hon Abraham SHEK Lai-him, JP
Hon WONG Sing-chi
Hon IP Kwok-him, JP

Public Officers Attending : Items II to IV
Mr Paul TANG
Deputy Secretary for the Environment and Food

Item V

Mr Paul TANG
Deputy Secretary for the Environment and Food

Miss Sarah WU
Deputy Director (Environmental Hygiene)
Food and Environmental Hygiene Department

Dr Gloria TAM
Assistant Director (Food Surveillance and Control)
Food and Environmental Hygiene Department

Mr LAU Sin-pang
Deputy Director of Agriculture, Fisheries and Conservation (Acting)

Dr Leslie SIMS
Assistant Director (Agriculture, Quarantine & Inspection)
Agriculture, Fisheries and Conservation Department

Item VI

Mr Paul TANG
Deputy Secretary for the Environment and Food

Miss Eva TO
Principal Assistant Secretary for the Environment and Food (A) 3

Miss Sarah WU
Deputy Director (Environmental Hygiene)
Food and Environmental Hygiene Department

Mr W H CHEUK
Assistant Director (Headquarters)
Food and Environmental Hygiene Department

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

Staff in Attendance : Ms Joanne MAK
Senior Assistant Secretary (2)2

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I. Confirmation of minutes of last meeting

(LC Paper No. CB(2)1147/00-01)

The minutes of the special meeting held on 8 January 2001 were confirmed.

II. Date of next meeting and items for discussion

(LC Paper No. CB(2)1148/00-01(01) and (02))

Regular meeting on 23 April 2001

2. Members agreed to discuss the following items at the next regular meeting scheduled for 23 April 2001 at 8:30 am -

- (a) Policy on Itinerant Hawker Licence;
- (b) Control of local/imported food and live food animals; and
- (c) Strengthening control on pesticides.

3. In response to the Chairman's enquiry, Deputy Secretary for the Environment and Food (DS(EF)) said that the Administration needed more time to compile information on the subject of "Rental policy for public market stalls". The Chairman requested the Administration to provide the information for discussion at the May meeting. DS(EF) noted the request.

Special meeting on 26 April 2001

4. Members agreed to hold a special meeting on 26 April 2001 at 10:45 am to further discuss the Government consultation paper on the inspection and categorization of food establishments and to meet with deputations.

III. Information paper(s) issued since last meeting

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

IV. Food surveillance programme

(LC Paper No. CB(2) 1148/00-01(03))

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6. Mr WONG Yung-kan pointed out that many meat stalls were selling meat claimed to be fresh but was actually chilled meat. He said that some stall operators did not store the chilled meat in a freezer as was required by law and just displayed the chilled meat after thawing as if it was fresh meat. In these cases, customers were unable to distinguish whether the meat was originally fresh or chilled meat and it would pose serious threat to public health especially when such meat was to be served as fresh raw meat in some restaurants (such as Japanese-style restaurants). Mr WONG urged the Administration to take action against such practices to protect public health. He also asked whether the meat/poultry sold at supermarkets should be required to label whether it was fresh or chilled.

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7. Assistant Director (Food Surveillance and Control) (AD(FSC)) of the Food and Environmental Hygiene Department (FEHD) said that the department had discussed with Mr WONG Yung-kan and the industry on the concern and was exploring measures to better regulate the storage and display of chilled meat for sale at retail outlets. In response to the Chairman, AD(FSC) said that the Administration would report to the Panel in one to two months proposals to tackle these problems. She added that the sale of sushi and sushimi was governed by provisions of the Food Business Regulation under Cap.132 and non-compliance with the requirements could lead to suspension or revocation of licence.

8. Mr TAM Yiu-chung asked about the measures taken to control the import of chickens, particularly frozen chickens from the Mainland, as there were often problems in tracing their origins. He expressed concern that these frozen chickens might not be stored at a temperature low enough to ensure their hygiene. Referring to a press report which revealed that dioxin had been found in one sample of chicken and one sample of egg, Mr TAM queried whether improvement was needed for the food surveillance system.

9. AD(FSC) explained that live chickens imported from the Mainland were all required to be accompanied by health certificates as required by the Public Health (Animals and Birds) Regulation under Cap. 139. These live chickens were subject to inspection and sampling at Man Kam To. She said that following the resumption of supply of live chickens from the Mainland in 1998, the Mainland had adopted a trading policy not to supply chilled chickens to Hong Kong.

10. As to the import of frozen chickens from the Mainland, AD(FSC) said that they were inspected at both sides of Man Kam To to ensure that they were properly stored at a temperature below -18°C. Follow-up action would be taken on those found not complying with the storage requirement. She said that in the past two years, cases of non-compliance had hardly been found. She said that based on inspections conducted to retail outlets and industry feedback, frozen chickens sold at large chain stores were all prepackaged and labelled "previously frozen" to indicate that the chickens were sold chilled. She added that these chickens were also sold at lower prices as compared with fresh chickens.

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11. AD(FSC) informed members that since June 1999, testing of the presence of dioxin in food had been included in the food surveillance system. So far, some 150 samples of food products had been analysed, out of which two had initially been found to be slightly above the alert threshold. However, further assessment of the results in question did not give conclusive evidence that they had really exceeded the acceptable level. As these samples were not pre-packaged food, it was difficult to trace back the origin or to take legal action against parties concerned due to technical problems in collecting evidence. Nevertheless, the Administration had strengthened sampling of the food products coming from the same sources and allocated more resources for more sampling tests to be conducted on chickens and eggs. Since then, no more samples of chicken or egg were found containing dioxin above the acceptable level.

12. Mr WONG Yung-kan said that the Administration had previously agreed to consider stamping a special identification mark ("車輪印") on fresh pig carcasses in slaughterhouses to ensure that fresh meat and pig offal on sale were from approved sources. He asked when the Administration would implement this measure. He considered that the Administration should not just rely on the "Government Inspected" stamp which was used after slaughtering, as some suspected pig carcasses had been found to bear counterfeit "Government Inspected" stamps. Mr WONG also urged the Administration to step up sampling of imported chilled meat, especially that from Thailand. He said that chilled meat from Thailand had been found to contain beta-agonists residues a few times, which meant that the concentration of beta-agonists in the meat was quite high.

13. AD(FSC) said that the Administration would also consider the issue of stamping additional mark(s) on pig carcasses when exploring measures to better regulate the storage and display of fresh/chilled meat for sale at retail outlets. As to the import of chilled meat, AD(FSC) said that it was required under the Imported Game, Meat and Poultry Regulations under Cap. 132 that the exporting country had to apply for a permit from the Director of Food and Environmental Hygiene to export chilled meat to Hong Kong. For those exporting countries which had not exported chilled meat to Hong Kong before, the Administration would conduct 100% inspection and sampling of their meat. As for chilled meat imported from Thailand in the past three years, AD(FSC) said that results of testing were satisfactory, except for two consignments which had been found to contain a small amount of beta-agonists. She explained that the Administration had taken immediate follow-up actions, including suspending the import of chilled meat from Thailand until the Thai Government had provided a full investigation report and solutions to prevent recurrence of the problem.

14. Mr WONG Yung-kan pointed out that the local food trade and some countries such as South Korea did not import chilled meat from Thailand because of the existence of a relatively high content of beta-agonists in such meat. He asked whether the Administration would also ban the import of chilled meat from Thailand and trace the retail outlets of such meat for follow-up action.

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15. AD(FSC) said that each country had its own considerations in deciding not to import any particular food. She said that Hong Kong already had stringent food safety requirements as stipulated in the relevant legislation. Any food products which could meet the statutory requirements could be imported so that customers could have more choices. AD(FSC) added that importers of chilled meat had to provide FEHD with information on the retail network of the imported meat so that the latter could keep track of the distribution of the imported meat. In this connection, Mr WONG Yung-kan requested the Administration to provide the list of retail network of chilled meat from Thailand in Hong Kong. AD(FSC) said that she would have to seek legal advice as to whether it was appropriate to release commercial information provided by importers to the Panel.

16. Mr YEUNG Yiu-chung asked whether there were differences among live, chilled and frozen chickens in terms of their quality and hygiene conditions. AD(FSC) replied that they were different in texture as they had different degrees of cellular damage after the chilled and frozen chickens had undergone cold storage. She said that the meat hygiene of frozen chickens should be the best among the three because the former were stored at a temperature below -18°C which could prevent the growth of almost all kinds of pathogens.

17. Referring to the Customs operations against smuggling of chilled meat and poultry to Hong Kong, the Chairman asked whether such illegal activities were caused by non-compliance of farms in the Mainland, or demands generated by the lower price of illegally imported meat/poultry. AD(FSC) replied that there were market demands for chilled meat and poultry which was cheaper than fresh meat/poultry. She said that as the Mainland had suspended export of chilled chickens to Hong Kong since 1998, some traders had resorted to illegal means to import chilled poultry to Hong Kong.

18. The Chairman considered that in raiding against illegal meat roasting factories, FEHD should collect samples of meat from these illegal premises for chemical testing before disposing of the meat. He said that FEHD should also trace the retail outlets of these roasted meat to check whether these had posed health hazards to the public. AD(FSC) said that it was the Administration's established policy that all illegal food business activities must be curbed and the utensils/food seized therein be disposed of, irrespective of their hygiene standards. She said that laboratory tests had confirmed that some roast pork collected from illegal meat roasting factories contained a high content of beta-agonists. Such meat was therefore confiscated and destroyed.

19. In response to the Chairman's further question, AD(SFC) said that since reports of food poisoning due to beta-agonists was known from 1998, there had not been any reported incident associated with eating siu mei. In addition, results of laboratory tests conducted on roast meat samples collected from licensed siu mei shops were satisfactory.

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20. Mr Michael MAK commented that the Administration had not provided details of the food surveillance programme on the labelling of prepackaged food. He asked whether there was information on the number of cases involving the sale of prepackaged food after the "use by" date marked on the food label.

21. AD(FSC) said that the Food and Drugs (Composition and Labelling) Regulations under Cap. 132 required that prepackaged food should be marked or labelled with six categories of information, including information on the durability of the food. She explained that the "use by" date was used for food which was easily perishable, and where consumption of such food after the "use by" date posed considerable risk to health. Referring to paragraph 8 of the Administration's paper, AD(FSC) said that FEHD had inspected about 55 000 food labels in 2000. Prosecutions had been taken against retailers who had sold prepackaged food after the "use by" date marked on the food label. At the request of Mr Michael MAK, AD(FSC) agreed to provide more details on the results of analyses carried out to assess the truthfulness of food labels.

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V. Measures to control foot-and-mouth disease (FMD)
(LC Paper No. CB(2) 1148/00-01(04))

22. At the Chairman's invitation, Assistant Director (Agriculture, Quarantine & Inspection) (AD(AQI)) of the Agriculture, Fisheries and Conservation Department (AFCD) gave a PowerPoint presentation on the Administration's paper.

(Post-meeting note: The presentation materials were circulated to members vide LC Paper No. CB(2) 1177/00-01 (01).)

23. Dr LO Wing-lok declared that he was a member of the Advisory Committee on Food and Environmental Hygiene. He asked about the percentage of pigs in local pig farms that had been vaccinated against FMD, and whether there were measures to further promote vaccination of pigs. AD(AQI) replied that all farms had vaccinated their pigs against FMD but some might not have adopted the proper vaccination techniques. He said that each year before the FMD season, AFCD recommended to the local farmers the best vaccination methods for the protection of pigs. The department also inspected the farms to monitor the progress of vaccination programmes. AD(AQI) said that according to the investigation of all of the outbreaks in the last 12 months, the farms which had the outbreak had not followed the recommended vaccination programme.

24. Mr WONG Yung-kan asked whether the Administration would consider prohibiting the import of frozen meat dairy products and other food products from those infected countries. He was worried that these food products would re-infect livestock in Hong Kong and FMD might then be spread to the Mainland through smuggling of frozen meat and other food products from Hong Kong to the Mainland.

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Mr WONG Yung-kan also expressed concern that the strains of FMD virus of the infected countries would spread to Hong Kong through export of frozen meat/dairy products and develop into a new strain of virus by mutation, which might affect public health.

25. AD(AQI) said that the major risk of FMD was live animals. He considered that the risk from meat and dairy products was extremely small. AD(AQI) pointed out that it was recognized worldwide that FMD was not a public health concern irrespective of which strain of FMD virus a country was dealing with. Those countries which had banned the import of animal products from the infected countries were usually countries with large export trade in livestock products and they were not prepared to take any risk. He said that Hong Kong was different because it did not have any export trade in livestock products. He reiterated that the risk for livestock products to re-infect the local livestock was extremely low. AD(AQI) further said that the Administration had actually taken effective measures under existing law to control FMD. At present, the Administration did not have power under the Public Health (Animals and Birds) Ordinance (Cap. 139) to extend the current import control from livestock to animal and feed products. It was now considering amending the law so that where necessary, the Administration could have legal power to control import of such products to Hong Kong for the purpose of better protection of animal health.

26. DS(EF) further explained that any import control on food must be based on public health considerations. The Administration did not think that there should be a ban on the import of frozen meat or dairy products from those infected countries because FMD was not a public health hazard. He said that there was no scientific evidence so far that these frozen meat and dairy products had adverse impact on local animal health. He stressed that any decision on import ban had to be justified on scientific basis, with regard to the impact on trade.

27. Referring to the origin of FMD in Europe some 40 years ago, Mr WONG Yung-kan expressed concern that FMD might spread to the Mainland through cross-border trade of livestock and meat. AD(AQI) responded that the risk should be extremely low because local farms in Hong Kong did not have direct trade with the Mainland.

28. In response to Dr LO Wing-lok, DS(EF) further explained the legal power under Cap.139 for prohibiting the import of live food animals to Hong Kong. He said that the Administration was considering the need to amend Cap.139 to extend the import control from livestock to animal products and animal feed. As to banning the import of frozen meat, he said that Cap. 132 provided that the Administration could ban the import of meat from any country on the grounds of protection of public health. However, the Administration could not impose such a ban in the present case because it had nothing to do with protection of public health. He said that in the present case, even if such a ban was to be introduced, it would be for the protection of animal health.

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29. Mr WONG Yung-kan asked about the legislative timetable for amending Cap. 139. AD(AQI) replied that the Administration was considering the need for amending Cap.139 and there was no definite timetable yet. DS(EF) added that even if the Administration had the legal power, it would be exercised only after careful assessment of the overall risks of the situation, and based on adequate evidence that there was a genuine need for banning the import of meat from any particular country.

30. Mr WONG Yung-kan stressed that the livestock industry had demanded that the import of frozen meat and animal products from infected countries should be banned to prevent entry of different strains of FMD virus to Hong Kong. Mr SIN Chung-kai disagreed with Mr WONG's suggestion. He said that he would not support banning the import of any food products unless there was strong evidence that the food posed a public health hazard, as import bans would restrict the choice of consumers.

31. Dr YEUNG Sum asked what measures the Administration would take to tackle the problem of under-reporting of FMD by farmers. AD(AQI) explained that the Administration had established a serum bank containing blood samples collected from animals at slaughter. This provided information on the prevalence of FMD. The Administration also educated local farms on the need to report FMD so that the Administration could track down the disease and trace any changes in the virus. He said that the Administration also intended to increase intelligence sources and to conduct more surveys with farmers to see what information they needed to prevent FMD.

32. Mr Michael MAK said that while the Administration had stressed that FMD was not a public health hazard, he believed that improper disposal of the pig carcasses could lead to spread of disease by rats, flies or cockroaches. The Chairman added that it had been reported on the television that some pig carcasses were dumped at roadside. He asked whether there had been an increase in the number of carcasses improperly disposed of at roadside/hillside and whether this posed a public health hazard.

33. Deputy Director (Environmental Hygiene) (DD(EH)) said that as there were more pig farms in Yuen Long, North District and Tuen Mun, designated collection stations were established there to collect pig carcasses. Disinfecting facilities were provided at the stations to ensure environmental hygiene and a contractor was employed by FEHD to collect pig carcasses at these stations. DD(EH) said that in March 2001, some 200 pig carcasses were collected from the 78 designated collection stations each day. She said that the FEHD contractor would be notified to collect carcasses immediately whenever there were reports or complaints on carcasses dumped at roadside/hillside. In March 2001, five or six carcasses were found on street on some of the days and the highest number was recorded on 5 March 2001 which amounted to 30. She stressed that farmers caught dumping pig carcasses at places other than the designated collection stations

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would be subject to a maximum fine of \$20,000 and called on all pig farmers to cooperate by properly disposing of pig carcasses at the designated collection stations.

34. AD(AQI) added that the number of dead pigs on farms had remained reasonably constant throughout the years. He said that if a disease occurred resulting in an increased number of pigs dying on farms, the farmers concerned should report to AFCD so that investigations could be carried out. He said that if there was an increase in the number of carcasses collected, AFCD would work closely with FEHD to investigate where the pigs came from and conduct full investigation on those farms. He pointed out that pig dying on pig farms could be due to non-infectious causes.

35. To deter against illegal disposal of pig carcasses, Mr SIN Chung-kai urged the Administration to consider a mandatory identification system for pigs in local farms to facilitate tracking down of any infectious disease.

36. DS(EF) said that the Administration had carefully considered the proposed identification system but had doubts on its practicability because farmers could just cut off the part of a pig carcass where the mark was stamped before dumping the carcass. Mr SIN Chung-kai was of the view that it was difficult for the Administration to take prosecution against farmers illegally dumping carcasses if there were no identification marks on them. The Chairman shared Mr SIN's concern and suggested that the Administration should give further consideration to developing an effective identification system for pigs with modern technology.

Adm

37. Mr WONG Yung-kan said that the Administration should improve communication with the pig farms on proper disposal of pig carcasses. AD(AQI) said that AFCD officers regularly visited pig farms and advised pig farmers on proper disposal of carcasses.

38. The Chairman asked whether FMD had occurred on the Mainland and what measures were in place to prevent entry of their strains of FMD virus into Hong Kong. AD(AQI) replied that every live pig imported from the Mainland was accompanied by a health certificate to confirm that it was free from signs of FMD.

39. Noting that a full course of vaccination for a pig only cost \$15 to \$20, the Chairman asked whether the Administration had considered making it a mandatory requirement for all pig farmers to vaccinate their pigs. AD(AQI) explained that while the Administration would continue to encourage farmers to vaccinate their pigs against FMD, it was basically a commercial decision for farmers to decide whether or not to vaccinate. He further said that actually 100% of pig farms carried out vaccination for their pigs. However, some of them did not follow the proper vaccination method. For example, some farmers did not give a full course of vaccination in order to save money and some vaccinated their pigs too early. He said that AFCD would continue to conduct education and training programmes to provide information on the proper way of vaccination to pig farmers.

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40. Dr LO Wing-lok asked whether there were sufficient AFCD staff for conducting the education and training programmes for pig farmers. AD(AQI) replied that there was a team of about 14 AFCD staff for conducting visits to 330 pig farms. The team was supported by the Disease Control Section of AFCD's Veterinary Laboratory. He believed that sufficient resources had been provided for the control of FMD in local farms.

Adm

41. Mr Tommy CHEUNG said that one way of monitoring the extent of vaccination in local farms was to obtain information on the number of FMD vaccines sold in Hong Kong. AD(AQI) agreed to liaise with the major vaccine suppliers in Hong Kong to see whether such information was available.

42. Mr SIN Chung-kai noted that at least 90% of our imported livestock came from the Mainland. He asked if it was possible to open the market and allow livestock from other countries to be imported to Hong Kong to enhance market competition. AD(AQI) responded that any exporter could apply to export livestock to Hong Kong provided that the livestock was accompanied with the necessary health certificates. He said that only those livestock from infected countries such as Thailand was prohibited from importing to Hong Kong.

VI. Outside seating accommodation (OSA) of food premises
(LC Paper No. CB(2) 1148/00-01(05))

43. Introducing the Administration's paper, DD(EH) said that the paper only set out the preliminary findings of a review on the arrangements for approving OSA for licensed food premises. She said that the Administration would provide details of the proposed arrangements for consultation with the industry.

44. Referring to Annex A of the paper, Mr Michael MAK said that the proposed key requirements for assessing applications for OSA were mainly concerned with building and fire safety and there was no mention on health requirements. He considered that the Administration should take into account the environment of the restaurant concerned, such as possible contamination of food caused by dust, exhaust fume and other contaminants. He pointed out that some restaurants at Lei King Wan providing OSA for outdoor dining had dust problem because they were too close to the road.

45. DD(EH) explained that Annex A only set out the broad principles. She said that environmental hygiene was an important consideration for approving OSA. She agreed that a restaurant would be unsuitable for operating OSA if the outside dining area faced with problems of dust and traffic. DD(EH) said that suitable sites for operating OSA should be those with beautiful scenery and light traffic in the vicinity, and where the proposed OSA was consistent with the land use of the sites. She added

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that FEHD would follow up the problems with the restaurants at Lei King Wan as cited by Mr MAK.

46. Referring to paragraph 3 of the paper, Mr WONG Yung-kan asked what action would be taken to deal with the 150 restaurants currently providing outdoor dining. He further asked whether the Administration had already identified suitable sites for operating OSA and provided such information to the catering industry.

47. DD(EH) said that it was the Administration's intention to help these restaurants meet the licensing requirements for OSA as far as possible. For those restaurants which had operated OSA for a long time and where no major problems were found in their operation, the Administration might consider granting them legitimate right to use the land for OSA purpose, subject to their payment of Government rent. Some restaurants operating OSA might be required to upgrade the facilities and hygienic standard of their kitchens in order to meet the prescribed standards. As regards restaurants which were considered unsuitable for operating OSA but continued to provide it illegally, enforcement action would be taken against them. DD(EH) said that the Administration would further discuss with the industry to work out a reasonable regulatory framework for existing restaurants operating OSA. She added that the Administration recognized that there was scope for allowing OSA to operate on a temporary basis on special or festive occasions.

48. On the longer-term planning, DD(EH) said that outdoor dining should be part of the overall land use planning for new towns and redevelopment projects in old districts. She added that the Administration had made reference to overseas experience and was initially of the view that the following places would be suitable for operating OSA -

- (a) parks;
- (b) waterfront promenade;
- (c) places with a cultural atmosphere such as areas adjacent to museums or cultural centres; and
- (d) newly developed areas such as the West Kowloon Reclamation and Southeast Kowloon.

49. Dr LO Wing-lok asked how many of the 150 premises were estimated to be unable to meet the licensing requirements for OSA. DD(EH) said that it really depended on whether the sites concerned were suitable for OSA. She said that FEHD would have to assess the 150 premises on a case-by-case basis in consultation with departments concerned such as the Home Affairs Department. For some of these premises, such as those situated on outlying islands and on the designated pedestrian zone at Stanley, they were in operation for some time and were well accepted by the

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community. As they were situated relatively far away from residential blocks and provided an attraction to tourists, they would have a better chance for getting approval for OSA. However, she pointed out that some food premises operating OSA in Shatin were too close to residential buildings and posed a nuisance to the residents nearby.

50. Mr Tommy CHEUNG welcomed the direction of the proposed recommendations as both the catering and tourist industries favoured the provision of more OSA for outside dining. He asked which department would be responsible for processing applications for OSA from clubhouses. DD(EH) replied that the Home Affairs Department was the authority responsible for the registration of clubhouses which could determine how their premises should be used, subject to the licensing requirements of clubhouses. In reply to Mr Tommy CHEUNG, DD(EH) said that calculation of licensing fee for OSA would be based on the area, including any permitted area, of the food premises concerned.

51. Referring to Annex B of the paper on licensing requirements for OSA, Mr Tommy CHEUNG asked whether the requirement that "additional food preparation space and scullery area equivalent to 1/10 of the OSA must be provided inside the licensed restaurant premises" could be relaxed if no additional space was available in the existing premises. He also sought clarification on the meaning of "adequate sanitary and ablution facilities".

52. DD(EH) said that for food premises in the urban area, additional food preparation space and scullery area equivalent to 1/3 of the OSA was required to be provided. For food premises in the New Territories, such additional area was required to be 1/10 of the OSA. In the present case, the Administration had adopted the latter which was a more lenient requirement. Depending on the nature of business and the space available in each case, such requirements could be relaxed if adequate kitchen facilities could be provided without compromising the hygienic and food safety standards. She added that the 10% requirement relating to additional food preparation space and scullery area would also be applied to new cases.

53. On the meaning of "adequate sanitary and ablution facilities", DD(EH) said that the Administration would take into account the overall environment and whether similar facilities were provided near the food premises. The Administration would exercise flexibility in dealing with each case.

54. Referring to Annex A of the paper, Mr SIN Chung-kai suggested that "Community acceptance" should be added to the list of key criteria for considering applications for OSA. He said that this was necessary because food premises operating OSA would probably supply liquor. To avoid any future disputes, the neighbouring residents should first be consulted before approval was granted to a food premise to operate OSA. DD(EH) said that the Administration had in fact incorporated a similar requirement and would further consult the industry and District Councils. She agreed to consider suitably amending Annex A by including Mr SIN's

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suggestion.

55. Dr LO Wing-lok expressed support for the direction of the recommendations as set out in the paper, which in his view had provided concrete guidelines for food premise operators to apply for OSA. He asked about the timeframe for consultation with the industry and implementation of the recommendations. DD(EH) said that the Administration's recommendations and a preliminary work plan would be provided to the industry after this meeting. Analysis of the industry views would take about one to two months. She said that consultation with District Councils would take place in mid 2001. She hoped that concrete proposals could be drawn up in mid-2001, aiming at implementation in the latter half of this year. She added that any legislative amendments that might be involved would be examined at a later stage.

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56. Miss CHAN Yuen-han supported the recommendations set out in the paper. She asked whether the Administration would further consult this Panel on the implementation details, such as the places found suitable for OSA. DD(EH) replied that the Administration would provide further information to the Panel after the consultation exercise.

57. Miss CHAN Yuen-han considered that there should be better planning and design for the development of OSA, which should achieve a good hygienic standard and should not be made just another kind of "Tai Pai Dong". She suggested the Administration to make reference to overseas experience including the famous food streets in Beijing and in Taipei, and also the OSA operating in Nam Wan in Macau. She said that the Administration should explore ways to give greater appeal of OSA in food premises to make them attractive to tourists and local consumers. DD(EH) responded that the objective of the proposed OSA requirements was to ensure quality and good environmental hygiene standard of OSA. It was the Administration's objective to have better planning and design for the provision of OSA, and to ensure that restaurants operating OSA in public places had obtained the permission for using the land for outdoor dining.

58. In summing up the discussion, the Chairman said that the Panel generally supported the proposed regulation of OSA. He suggested that the Administration should have better land use planning in this respect in future. For example, OSA could be developed along the Tsim Sha Tsui waterfront promenade and outside the Convention Centre, and along designated pedestrian zones in Wanchai. The Administration noted the suggestions.

59. The meeting ended at 10:30 am.

Legislative Council Secretariat

17 May 2001