

立法會
Legislative Council

LC Paper No. CB(2) 1327/01-02
(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 Tuesday, 18 December 2001 at 2:30 pm
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)
Dr Hon David CHU Yu-lin, JP
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon WONG Yung-kan
Hon Jasper TSANG Yok-sing, JP
Dr Hon YEUNG Sum
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo
Hon Michael MAK Kwok-fung
Hon LEUNG Fu-wah, MH, JP
Dr Hon LO Wing-lok
Hon WONG Sing-chi

Member attending : Hon Cyd HO Sau-lan

Public Officers Attending : Item IV
Mrs Lily YAM
Secretary for the Environment and Food

Mrs Stella HUNG
Deputy Secretary for the Environment and Food (A)

Mrs Ingrid YEUNG
Principal Assistant Secretary for the Environment and Food (A) 1

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

Mrs Lessie WEI
Director of Agriculture, Fisheries and Conservation

Mrs Rita LAU
Director of Food and Environmental Hygiene

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

Mr W H HO
Deputy Director (Leisure Services)
Leisure and Cultural Services Department

Mr Paul CHEUNG
Assistant Director (Leisure Services) 3
Leisure and Cultural Services 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 Marion LAI
Deputy Director (Administration & Development)
Food and Environmental Hygiene Department

Mr LO Fu-wai
Assistant Director (Grade Management and Development)
Food and Environmental Hygiene Department

Mr K K LEE
Assistant Director (Operations) 2
Food and Environmental Hygiene Department

Item VI

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 Ingrid YEUNG

Principal Assistant Secretary for the Environment and Food (A) 1

Dr Y Y HO

Consultant (Community Medicine)(Risk Assessment and
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 No. CB(2)706/01-02)

The minutes of the meeting held on 29 October 2001 were confirmed.

II. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)713/01-02(01) and (02))

2. The Chairman proposed that, for the next regular meeting scheduled for 28 January 2002, the Administration should report on the preparatory work for the implementation of the Fixed Penalty (Public Cleanliness Offences) Ordinance. He also suggested that the Administration should brief members on the proposed subsidiary legislation relating to the fixed penalty for cleanliness offences. Members agreed.

3. Mr WONG Yung-kan suggested that the Panel should discuss the Consultancy Study on Feasibility of Developing and Offshore Industries for Hong Kong as the study would be completed in January 2002. Members agreed.

(Post meeting note: At the request of the Administration, the Chairman agreed that discussion of the above items be postponed to a future meeting. The Chairman also agreed that the following items be included in the agenda for the meeting scheduled for 28 January 2002-

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- (a) The Inspection and Open Categorisation of Food Establishments - Outcome of Consultation and the Proposed Way Forward; and
- (b) Proposal to replace the cremators at Fu Shan Crematorium.)

III. Information paper(s) issued since the last meeting

(LC Paper No. CB(2)542/01-02(01) - (03))

4. Members noted that the Administration had provided supplementary information in response to members' concerns raised at the meetings on 5 and 29 October 2001 and the special meeting on 5 November 2001.

IV. Briefing by the Secretary for the Environment and Food on the work of the Environment and Food Bureau in 2002

(2001 Policy Address - Policy Objective booklet for the Environment and Food Bureau entitled "Clean Environment, Safe food" issued on 10 October 2001.)

5. At the invitation of the Chairman, SEF briefed members on the major work of the Environment and Food Bureau (EFB), Food and Environmental Hygiene Department (FEHD) and Agriculture, Fisheries and Conservation Department (AFCD) in 2002.

Greening

6. SEF said that she would like to set out the efforts made by Government in promoting greening in Hong Kong. She advised that Government had formulated a greening policy to enhance the quality of the living environment. This would be implemented through active planting programmes, landscape works to enhance key waterfront sites, better conservation of trees and plants, and identification of greening opportunities during the planning and development stage of public and infrastructural works. SEF added that as greening involved three Bureaux and twelve government departments, an inter-departmental Co-ordinating Committee chaired by her was set up in June 2001 to formulate an overall plan for the greening programme and to co-ordinate implementation among different bureaux and departments. She said that the Co-ordinating Committee had faced some difficulties because very limited land was available for greening, and there were environmental constraints in the selection of plants and trees. Referring to the photographs on greening works tabled at the meeting, SEF said that the Co-ordinating Committee had identified a number of suitable locations for greening, such as the Convention and Exhibition Centre in Wan Chai, Tai Kok Tsui bus terminus, and the reclamation area in Central and the Edinburgh Place.

7. SEF said that the Co-ordinating Committee had also agreed that, for clear delineation of responsibilities, the department which was the "owner" of the land, or

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which was responsible for the planting, should also be responsible for the subsequent maintenance. For better protection of valuable and old trees in Hong Kong, a register of such trees was being compiled by LCSD.

Environmental hygiene

8. SEF said that FEHD would take up the responsibility for the cleanliness of grey areas which did not at present fall within the jurisdiction of any specific government department. FEHD would also step up efforts to improve the cleanliness of blackspots, and to take enforcement actions against unauthorised posting of bills and posters. This would bring about 2 600 short-term jobs. SEF further said that EFB and FEHD welcomed feedback from Members and District Councils on the efforts made by FEHD to improve the environmental hygiene of Hong Kong.

9. SEF said that the Fixed Penalty (Public Cleanliness Offences) Ordinance was enacted in July 2001 and the Administration was now preparing the subsidiary legislation. In connection with the fixed penalty scheme, publicity campaign would be launched in early 2002 to enhance public awareness of the Ordinance before it came into operation.

10. Referring to the recent press reports that some FEHD staff failed to carry out their duties properly in accordance with the work schedules and departmental instructions, SEF stressed that such misconduct would not be tolerated. She said that FEHD would follow up any such cases, and take disciplinary actions as appropriate if any staff members were found to have neglected their duties or not complied with departmental instructions. FEHD would also strengthen monitoring of the performance of frontline staff, with a view to further improving the quality of service.

Improving the business environment for food establishments

11. SEF said that she fully understood the difficulties faced by food businesses under the present economic climate. She further said that the Administration was examining ways to improve the business environment for food establishments, while safeguarding public health. In response to the trade's request, FEHD had introduced improvement measures since July 2000 to streamline the licensing process for food establishments. At present, a Provisional Licence could be issued within 21 working days, and a Full Licence within 35 days, subject to the applicant complying with the licensing requirements and providing all necessary certificates.

12. SEF further said that an inter-departmental working group had been set up in November 2001 under FEHD to study whether it was necessary to issue so many different types of licences for non-restaurant food premises. The working group would also examine ways to streamline the application procedures and shorten the processing time.

Enhancing the hygiene standard of food establishments

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13. SEF said that FEHD had issued a consultation paper on "The inspection and categorisation of food establishments" in January 2001. The consultation period ended on 30 April 2001 and the Administration was now analysing the views received from the trade and the public. The Administration would report the consultation findings to the Panel in due course. SEF added that it was important to enhance the hygiene awareness of all employees of food establishments, irrespective of what system would be put in place. In this connection, FEHD had, since early December 2001, provided short-term training courses on food hygiene free of charge to employees of the trade. FEHD aimed to train up about 28,000 qualified hygiene supervisors by the end of 2003.

14. SEF further said that the Public Health and Municipal Services (Amendment) Bill, which was introduced into LegCo in February 2001, aimed to tighten control over unlicensed or unhygienic food establishments. She said that the Administration had agreed to most of the Bills Committee's suggestions in order to minimise the impact on the trade. The Administration intended to resume the Second Reading debate on the Bill in January 2002 and she hoped Members would support the Bill.

Upgrading of veterinary public health standard

15. SEF said that since its establishment in January 2000, EFB had put in much effort to upgrade veterinary public health standard. The Administration had introduced the Public Health (Animals and Birds) (Chemical Residues) Regulation and the Harmful Substances in Food (Amendment) Regulation 2001 which were passed by the Legislative Council in October 2001.

16. SEF further said that following the outbreak of avian flu in May 2001, the Administration had further enhanced the hygiene measures and the monitoring and surveillance programme to reduce the chance of recurrence of avian flu. More resources would be provided to AFCD and FEHD in 2002 for this purpose. In addition, the laboratory testing capacity of AFCD and Government Laboratory would be enhanced. To strengthen the monitoring and control of diseases in food animals and birds and the use of chemicals in livestock, AFCD and FEHD would also increase the inspection of local farms and farms exporting food animals to Hong Kong respectively.

Discussion

Greening

17. Mr WONG Yung-kan asked whether the Administration would consider enhancing greening on hills and slopes in addition to streets. He added that there were at present only limited types of plants and trees in Hong Kong. He suggested that a greater variety of trees and plants, for example, species from South China, should be included in the planting programme to create a visually pleasing landscape for tourist spots and prominent places. He said that the stone wall beneath the Supreme Court could also be beautified. Mr WONG Yung-kan further suggested that

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the Administration should conduct studies on the species of trees in Hong Kong, and also make reference to studies made by the Guangdong authorities.

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18. Dr David CHU agreed with Mr WONG that the Administration should increase the variety of trees planted in Hong Kong. He suggested that as some people were interested in planting, the Administration might consider inviting these people to take care of the trees and plants near their residence.

19. SEF noted the suggestions of Mr WONG Yung-kan and Mr David CHU. SEF said that slopes were one of the targets of the inter-departmental Co-ordinating Committee on greening. She advised that the Civil Engineering Department was responsible for the greening of stabilised slopes, while AFCD was responsible for the greening of slopes within the boundaries of country parks. SEF added that more trees would be planted along the highways in the New Territories, and greening would also be provided on abandoned quarries.

20. SEF said that AFCD was actively exploring the planting of a greater variety of trees and shrubs which were suitable for planting in Hong Kong, and there had been exchanges between AFCD and the Pearl River Delta area in this connection. SEF further said that the business sector, private organisations and the public were also encouraged to join the efforts to provide more greenery to improve the quality of our living environment.

21. Mr LEUNG Fu-wah said that he noticed that some of the trees were chopped down because of the construction works of Ma On Shan Extension. He asked whether the Administration had a policy requiring government departments and private companies concerned to re-plant the trees on completion of the construction works which they were responsible for. He also expressed concern as to whether there was any problem in the coordination of greening works and the preservation of old trees, since a number of bureaux and departments were involved.

22. Mr LEUNG Fu-wah suggested that the departments concerned should visit cities like Shenzhen, Zhuhai, Guangzhou and Shanghai which were rather successful in greening. He also suggested that an inter-departmental competition could be launched to promote greening and to beautify our living environment.

23. SEF responded that there were internal guidelines for government departments on preservation and re-planting of trees if some trees had to be chopped down to make way for development projects. On protection of old trees, SEF reiterated that LCSD had started to compile a register on valuable and old trees to facilitate their protection and maintenance. SEF advised that the Co-ordinating Committee had provided the necessary coordination in greening work and received positive support from the bureaux and departments concerned. SEF said that Mr LEUNG's suggestion of having an inter-departmental competition would be referred to the Co-ordinating Committee for consideration. She further said that government departments had in fact made much effort in protecting old trees in development projects. She pointed out that sometimes the project design was even modified in order to preserve some old trees.

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24. On exchange of experience with the Mainland, SEF said that she had visited Shanghai in June 2001 to observe its greening work, and recently the Shanghai conservation authorities also visited Hong Kong. There were also plans for EFB and LCSD to visit cities in the Pearl River Delta to observe their greening work.

25. In reply to Mr LEUNG Fu-wah, Deputy Director of Leisure and Cultural Services Department (DD(LS)) said that LCSD had rich experience in planting and greening as it was responsible for the management of over 1,000 parks of different sizes, as well as over 600,000 trees in the urban area and plants on the roadside. On preservation of trees, DD(LS) advised that LCSD's permission was required if a tree had to be chopped down because of a construction project. LCSD would try its best to preserve the old and valuable tree, and if the tree must be removed, LCSD would explore the possibility of relocating the tree to another place.

26. Dr LO Wing-lok expressed support for identifying greening opportunities during the planning and development stage. However, he expressed concern that a lot of trees were destroyed during hill fires in past years. In this connection, he asked whether there was a trend of increase of hill fires, and what measures had been taken to prevent hill fires.

27. Director of Agriculture, Fisheries and Conservation (DAFC) responded that the number of hill fires depended on the weather and rainfall in the year, and most hill fires occurred during Ching Ming Festival and Chung Yeung Festival. DAFC said that over 100 hill fires occurred in the rural area during the last Chung Yeung Festival, but relatively less hill fires occurred in the country parks where there were fire breaks. She further said that every year, an anti-hill fire campaign was organised by the Security Bureau, Fire Services Department, AFCD and the Area Committees of Home Affairs Department. During Ching Ming Festival and Chung Yeung Festival, there were also helicopter surveillance and field patrols to remind people to prevent hill fires, and prosecution action was taken against those who breached the law. DAFC added that compared to 1998, there had been more hill fires in 2001, and AFCD would step up the publicity to prevent hill fires. She added that AFCD would re-plant the trees after hill fires.

28. Miss CHOY So-yuk commented that the Administration had not made adequate efforts to protect those valuable, old trees, because LCSD was only responsible for those trees within 5 metres along both sides of the roads while AFCD was responsible for trees within the confines of country parks. She considered that the present registration scheme of LCSD should include those trees which were not within the geographical jurisdictions of LCSD and AFCD. She also urged the Administration to formulate a policy for the preservation of important trees in Hong Kong. Miss CHOY further suggested that as the city flower of Hong Kong was bauhinia, the Administration might consider setting up a "Bauhinia Road" during urban redevelopment. Miss CHOY also urged the Administration to study the feasibility of planting a greater variety of trees in Hong Kong.

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29. Miss CHOY So-yuk expressed worries that the planting of new trees could not compensate for the loss of trees in hill fires. As hill fires were mostly caused by people who wanted to clear the weeds surrounding their ancestors' graves, she suggested that the Administration should consider deploying temporary staff to clear the weeds in graveyards during Ching Ming Festival and Chung Yeung Festival as a means to prevent hill fire. Miss CHOY also suggested that greening work be carried out for existing slopes in addition to the recently stabilised ones.

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30. Responding to Miss CHOY, SEF said that there were internal guidelines for the protection and preservation of trees. She added that Home Affairs Department had organised Bauhinia Festival, and the Administration was looking into the feasibility of introducing a greater variety of trees for the greening programme and considering whether each of the 18 districts would have their own species of trees or plants.

31. As regards prevention of hill fire, SEF said that the suggestion of providing temporary staff to clear weeds and grass in graveyards would involve a lot of manpower. She stressed that the Administration would step up the publicity and education to prevent hill fires. DAFC said that in 2000, AFCD planted 700 000 tree seedlings, while the trees destroyed in hill fires were about 10 000. As regards the greening of slopes, SEF explained that where practicable and subject to the availability of resources, existing slopes would be included in the greening programme.

32. DD(LS) supplemented that LCSD planned to plant 60,000 trees and most of them would be flowering trees to create a visually pleasing landscape for tourists and people living in Hong Kong. For example, peach flowers would be planted in Tsing Yi Park and Hong Kong Park.

33. Mr Tommy CHEUNG said that to promote tourism, it was important to give the best first impression to tourists. He suggested that more greenery should be provided near the airport and Hung Hom Railway Station.

34. SEF agreed that greening of the airport area was important. She said that the Airport Authority had made reference to the Singapore Airport and started a lot of greening works in the airport area of Hong Kong in 2000. She pointed out, however, that it was necessary to assess whether any more greening in the vicinity of the airport would attract more birds which might affect flight safety. As regards greening of highways, SEF said that the Administration had planted some 5 000 trees and 100 000 bushes along the North Lantau Highway. The Administration would also enhance greening along railroads, but there were constraints in providing greening at Hung Hom Railway Station because of the construction works being carried out at the Station.

Environmental hygiene

35. Dr LO Wing-lok said that he received a complaint that no action had been taken by FEHD to remove a pile of construction waste (over 5 feet high) at the pavement for over one week. In this connection, he enquired whether the existing street cleanliness inspection system was effective. DFEH responded that nobody was allowed to dump

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refuse in public places without the permission of the authority concerned, and it was the responsibility of the owner and the contractor concerned to remove the construction waste. DFEH requested Dr LO to provide details of the case to facilitate FEHD to review whether the system would need improvement. Dr LO agreed.

36. Mr Tommy CHEUNG said that there was a long-standing refuse problem in Tsimshatsui East and the problem was particularly serious after midnight. There were piles of refuse which generated bad odour and caused nuisance to the commercial premises and hotels in the vicinity. He requested FEHD to consider ways to address the problem.

37. Dr David CHU said that despite the provision of a lot of refuse collection points (RCPs) in Hong Kong, there was still the problem of refuse dumping in many public housing estates. He pointed out that in some advanced countries, residential blocks had built-in refuse collection chutes which enabled more hygienic handling of refuse and prevented the bad odour from spreading to open air. He asked whether the Administration would consider requiring new buildings to provide such refuse collection facilities in order to improve the overall environmental hygiene in Hong Kong.

38. SEF noted the views of Mr Tommy CHEUNG and Dr David CHU. Responding to Dr CHU, SEF said that the Housing Department (HD) was responsible for the refuse collection in public housing estates. As far as she knew, some new public housing blocks were already provided with refuse collection chutes. As regards the provision of RCPs, SEF said that it was based on the population in each district, and the location of RCPs was determined having regard to a number of factors such as convenience to residents in the vicinity. FEHD would discuss with the District Councils concerned if new RCPs were to be constructed. To reduce the odour of RCPs, cooling systems were installed in new RCPs such as the one in Lower Albert Road.

39. The Chairman pointed out that the appearance and hygiene standard of many of the existing RCPs would require improvement and upgrading. However, as it was difficult to find sites for the construction of permanent RCPs, he suggested that FEHD should convert the existing temporary RCPs to permanent RCPs. DFEH responded that it was very difficult to find suitable sites to construct RCPs because of opposition from residents in the vicinity. In this connection, the Administration would have to consult the relevant DCs before taking a decision on the RCPs.

Job opportunities

40. Mr WONG Yung-kan asked about the type of short-term jobs that would be created as a result of FEHD's new initiatives in 2002. SEF said that the majority of employment opportunities (about 2 600 temporary vacancies) were related to the enhancement of environmental hygiene, while greening works would result in the creation of some 200 jobs. She said that these jobs would be created by April 2002 through contracting-out of the services.

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41. Mr WONG Yung-kan said that some employees of FEHD contractors had complained to him that they received a wage as low as \$100 per day. To protect the benefits of workers and minimise the impact on the wage level for similar jobs in the market, he asked whether the Administration would monitor the wages paid by sub-contractors to their employees. SEF responded that the Administration had issued very clear guidelines to contractors on the employment conditions of their workers. The contractors were also required to specify in their tender submissions the number of workers to be employed, the wages and the working hours. The Department would conduct both regular and surprise inspections to monitor compliance with the terms and conditions in the service contracts. During such inspections, employment records such as wage receipts would be checked. SEF also asked Mr WONG to provide details of the complaints to FEHD for investigation.

Food business licensing

42. Mr Tommy CHEUNG urged the Administration to expedite the food business licensing process and streamline the system as soon as possible. He also said that the trade generally opposed to the proposed inspection and open categorisation of food establishments, as this would have adverse impact on the trade.

43. SEF responded that FEHD had commenced the consultancy review to streamline the licensing of non-restaurant food establishments in November 2001, and consultation on the inspection and categorisation of food establishments had been completed. The Administration would revert to the Panel in due course. She assured members that the Administration would consider the views of the trade before making a decision.

Other issues

44. The Chairman requested the Administration to consider the following suggestions -

- (a) to centralise greening work in one bureau and one department for better efficiency in the long term;
- (b) to centralise the laboratory facilities for the food surveillance system under the FEHD; and
- (c) to transfer certain types of services not related to food safety and environmental hygiene, such as the licensing of private swimming pools, to other relevant departments.

45. SEF said that the Administration would consider (a) as a long-term objective. However, in the meantime, the inter-departmental Co-ordinating Committee was effectively promoting the greening efforts within Government. On (b), SEF said that apart from the Government Laboratory, both FEHD and AFCD had their own

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laboratories to conduct tests. As regards (c), she said that LCSD would be asked to consider taking up the licensing of private swimming pools.

V. Review of hawker control operations

(LC Paper Nos. CB(2)713/01-02(03) and (04))

46. The Chairman informed members that the LegCo Secretariat had prepared a background paper summarising the discussions in LegCo on the subject of control of hawking activities for members' reference.

47. Referring to paragraph 7 of the Administration's paper, Mr Andrew CHENG said that some staff of the Hawker Control Teams (HCTs) had reflected to him that their job nature was rather dangerous and they often faced tremendous pressure in discharging their duties. He further said that there was recently a case that a Hawker Control Officer (HCO) was injured by boiled water when he was arresting an unlicensed hawker. While the officer concerned could seek legal assistance to claim compensation for injuries sustained in the course of official duties, the legal advice he had obtained did not agree that there was negligence on the part of the department in this case. Mr CHENG asked whether the Administration would provide HCT staff with training and facilities to assist them to protect themselves in discharging their duties.

48. Deputy Director (Administration & Development) of Food and Environmental Hygiene Department (DD(A&D)) said that the Report of the Comprehensive Review of Hawker Control Operations (the Report) recommended enhancing training for each rank, and this included compulsory core training and short-term refresher training for members of HCTs. The core programme would include training on legal proceedings and enforcement such as how to handle confrontations. She added that there was already a legal assistance scheme to assist HCT members in legal proceedings in connection with their official duties.

49. Assistant Director (Grade Management and Development) of Food and Environmental Hygiene Department added that the training courses were designed to familiarise all levels of HCOs with the relevant legislation and skills to handle conflicts, which would in turn boost their confidence in discharging their duties. In addition, the HCOs would undergo physical fitness training, while the senior ranks would also receive training on crowd management, leadership skills and other techniques to help them lead a HCT.

50. Mr Andrew CHENG asked whether FEHD had adopted any concrete measures, such as guidelines on when to enlist Police assistance, to ensure that frontline HCT staff could discharge their duties safely. He said that a number of HCOs had expressed worries they might face violent resistance and sustain injuries when making arrests of unlicensed hawkers.

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51. DD(A&D) said that if a HCT assessed that there would be risk in any planned operation or raids, it could arrange for Police coverage beforehand. A HCT could also seek Police assistance if necessary when there was risk in the course of discharging their duties. Assistant Director (Operations) 2 of Food and Environmental Hygiene Department (AD(Ops)2) added that the Report also saw the need for HCTs to have closer communication with the Police. At the headquarters level, there was a standing communication mechanism between FEHD and the Police, and at the district level, the Superintendents and Senior Superintendents held periodic meetings with the Police District Commanders. The Report also recommended that more intensive intelligence gathering be conducted before the operations to enhance the confidence of HCOs in carrying out their duties.

52. Mr LEUNG Fu-wah agreed that the HCTs had a difficult job to do, particularly during economic downturn when more unemployed people turned to make a living by hawking. He pointed out that arrest of unlicensed hawkers often brought confrontation which might also endanger public safety. Referring to paragraph 6 of the Administration's paper, Mr LEUNG asked about the break times for HCT staff to recuperate after a period of field operations. He also enquired about the new structure and the human resource deployment for the improved enforcement strategy.

53. DD(A&D) responded that the Administration proposed to regularise the break times for HCT staff because HCT staff mainly worked outdoor and their duties involved very heavy physical work. To ensure that the break times would serve the purpose, HCT staff were not allowed to recuperate in the first two hours of field operations or one hour before the end of the field operations. She said that the proposed new arrangement would enhance the efficiency of HCTs. AD(O)2 added that the proposed new structure for raiding teams would be tried out in three selected districts, and each district would be provided with three teams (one functional team each for the day and night shift and one team as relief). The raiding teams would liaise closely with the patrol squads. While the patrol squads would disperse licensed and unlicensed hawkers who caused substantial obstruction, the raiding teams would be informed to take enforcement actions where unlicensed hawkers concentrated in some particular spots.

54. Mr Michael MAK enquired about the "flexible" enforcement against illegal hawking as recently announced by DFEH. He hoped that the HCTs would be more tolerant where the illegal hawking did not cause substantial obstruction, as some hawkers only turned to hawking because they were unemployed. In this connection, the Chairman expressed concern as to whether there were guidelines to assist frontline staff to determine what situations should warrant "flexible" enforcement.

55. Deputy Director (Environmental Hygiene) of Food and Environmental Hygiene Department (DD(EH)) said that there was a clear baseline for HCOs to exercise flexibility in enforcement. For instance, hawkers were not allowed to sell prohibited, restricted or cooked food, and they were also not allowed to hawk in crowded areas such as near the entrance and exit of MTR stations and railway stations, or in close proximity to public markets. He said that clear guidelines had been issued to frontline

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staff setting out all the places where hawking would not be tolerated. DD(EH) stressed that enforcement action would be taken where there were breaches of law. Normally, the frontline staff would issue a verbal warning first, and if the warning was ignored, enforcement action would be taken against the hawker or shop owner concerned. He said that the "flexible" enforcement had been implemented smoothly since early December 2001 to enable those who were in need to make a living by hawking in less crowded areas, without compromising public health and safety.

56. The Chairman asked whether the "flexible" enforcement strategy also applied to illegal shop extension where it caused serious obstruction to pedestrians. DD(EH) responded that according to the guidelines, HCTs should continue to take normal enforcement actions against illegal shop extensions which cause substantial obstructions. In response to the Chairman, DD(EH) said that the "flexible" enforcement against illegal hawking would continue until further notice.

57. Mr Tommy CHEUNG asked whether there was relaxation in the enforcement against loading and unloading of goods at public markets outside the yellow line area for a short while. AD(Ops)2 said that more space had already been provided within the boundary of the yellow lines at public markets. He stressed that there was no change in the enforcement strategy on obstructions caused by shops and public market stalls. He said that normally the shop owner or stall tenant causing obstruction would be given a warning in the first place.

58. Mr MAK Kwok-fung said that there were dangers in HCTs making arrest of illegal hawkers. He asked about the number of cases in which HCT staff sustained injuries when discharging their duties. He also asked whether the inherent risks and difficult job nature of hawker control duties had been reflected in the pay of the HCO grade. DD(A&D) responded that the HCO grade had existed for a long time, and the job nature and other relevant factors had been taken into account when determining the pay scale of HCOs. As regards the number of cases in which hawker control staff sustained injuries while discharging their duties, she undertook to provide the information after the meeting.

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59. Referring to paragraph 9 of the Administration's paper, Mr Tommy CHEUNG asked whether the Administration would review the recommendations in Category C to make them more acceptable to the staff concerned. For instance, some flexibility could be built into the performance ratings system to make it more acceptable to the HCT staff.

60. DD(A&D) explained that the recommendations in Category C would not be pursued for the time being with regard to views expressed by the staff. She said that the Administration would keep the duties of HCOs under review. As regards staff performance appraisal, DD(A&D) pointed out that there was a tendency of over-rating, and this had made it difficult for the management to make decisions on promotions and postings, because the performance reports did not accurately reflect the capabilities and performance of the staff concerned. On the other hand, the staff considered the proposal of pre-setting a certain percentage of performance ratings too

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rigid. For better management of human resources, FEHD would set up assessment panels to review the performance reports of all HCOs and make adjustments where necessary.

61. The Chairman asked about the progress of the Administration's earlier proposal that some 600 HCT posts would be deleted, as this was not mentioned in the Administration's paper under discussion. DD(A&D) said that the proposal to delete 600 posts was based on the assumption that all the recommendations in the Report would be implemented. Since a number of such recommendations were only at the trial stage, it was too early to consider the deletion of posts. She said that if the recommendations on the squad structure and modus operandi were fully implemented in future, there might be a need to delete certain posts. She advised that there was no definite timetable for full implementation of all the recommendations yet.

VI. Labelling system for genetically modified food
(LC Paper No. CB(2)713/01-02(05))

62. Members agreed to defer this item to the next meeting, as there was insufficient time for discussion at the meeting.

VII. Any other business

63. There being no further business, the meeting closed at 4:30 pm.

Council Business Division 2
Legislative Council Secretariat
13 March 2002