

立法會
Legislative Council

LC Paper No. CB(2) 2030/01-02
(These minutes have been seen by
the Administration)

Ref : CB2/PL/FE

LegCo Panel on Food Safety and Environmental Hygiene

**Minutes of meeting
held on Monday, 22 April 2002 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)
Dr Hon David CHU Yu-lin, JP
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 Absent : Hon James TO Kun-sun

Public Officers Attending : Item IV

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

Mr WONG Siu-wing
Senior Superintendent (Licensing)
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

Mr W H CHEUK
Deputy Director (Environmental Hygiene)
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

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 : Ms Joanne MAK
Senior Assistant Secretary (2)2

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I. Confirmation of minutes of meeting

(LC Paper Nos. CB(2)1433/01-02, CB(2)1612/01-02 and CB(2)1614/01-02)

The minutes of the meetings on 28 January, 25 February and 18 March 2002 were confirmed.

II. Date of next meeting and items for discussion

(LC Paper Nos. CB(2)1615/01-02(01) and (02))

2. Members agreed to discuss the following items at the next regular meeting scheduled for Monday, 27 May 2002 -

- (a) Obstruction and nuisances caused by illegal shop extensions; and
- (b) Report of the investigation team on the recent avian flu incident.

On item (b), the Chairman said that since the investigation team was expected to submit its report to the Secretary for the Environment and Food (SEF) by the end of April 2002, the Administration should be able to brief the Panel on the findings of the investigation at the next meeting. Deputy Secretary for the Environment and Food (A) (DS(EF)(A)) agreed to the inclusion of (b) in the agenda for the next meeting.

3. The Chairman requested members to inform him or the Clerk if they had any suggestions of discussion items for future meetings.

Consultancy study on the feasibility of developing an offshore fishing industry in Hong Kong

4. Referring to the "List of issues to be considered by the Panel", Mr WONG Yung-kan asked about the present position of the consultancy study on the feasibility of developing an offshore fishing industry in Hong Kong. He said that since the consultant's visit to Thailand together with some fishermen in July 2001, the consultant had not further contacted the fisheries industry on the matter.

5. DS(EF)(A) responded that the Administration had received a draft report of the consultancy study. The Administration had subsequently requested the consultant to provide further information on the likely investments (such as joint venture with other companies) and the training required for fishermen to undertake offshore fishing. She expected that the report would be ready by the summer at the earliest. The Chairman requested the Administration to revert to the Panel in the summer. DS(EF)(A) agreed.

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

6. Members noted the following information papers provided by the Administration since the last meeting -

- (a) Report on the recent avian influenza incident [LC Paper No. CB(2) 1456/01-02(01)];
- (b) Supplementary progress report on the recent avian influenza incident [LC Paper No. CB(2) 1538/01-02(01)];
- (c) Information note provided by the Administration on "Response to concerns raised by Wan Chai District Council Members about the regulatory control of food factories with retail operation" [LC Paper No. CB(2) 1629/01-02(01)]; and
- (d) Progress report on the major recommendations of the Working Group on Itinerant Hawker Licence under the former Provisional Urban Council [LC Paper No. CB(2) 1630/01-02(01)].

IV. Licensing of non-restaurant food businesses

(LC Papers No. CB(2) 1615/01-02(03) and (04))

7. The Chairman informed members that the Secretariat had prepared a background paper (LC Paper No. CB(2) 1615/01-02(04)) on the subject for members' reference.

8. Senior Superintendent (Licensing) (SS(L)) of the Food and Environmental Hygiene Department (FEHD) said that at the Panel meeting on 18 June 2001, the Administration had provided a paper on the consultant's recommendation to streamline the licence application process for non-restaurant food premises and the proposed way forward. SS(L) said that after the meeting, an interdepartmental committee had been set up to take forward the consultant's recommendations and monitor the implementation progress. He added that the food trade had been consulted in early February 2002 and, having considered the views of the trade, the Administration had implemented a series of improvement measures to streamline the licensing regime for non-restaurant food businesses. Details of the improvement measures introduced were set out in paragraph 4 of the Administration's paper.

9. SS(L) informed members that the implementation of the following recommendations made by the consultant would require legislative amendments -

- (a) introduction of a new type of "manufacturing/retailing" licence;

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- (b) removing less risky food items from the list of restricted food in the Food Business Regulation (Cap.132 subsidiary legislation); and
- (c) introduction of two-year licences.

Discussion

Shortening the processing cycle

10. Referring to paragraph 4(b)(ii) of the Administration's paper, Mr WONG Yung-kan noted that FEHD would launch a pilot scheme in May 2002 to test out a shorter processing cycle of 30 working days, as opposed to the present 44-day cycle, for the issue of letters of requirements to applicants. Mr WONG asked if it was possible for FEHD to further shorten the processing cycle to less than 30 working days.

11. Mr Tommy CHEUNG expressed support for the streamlined licensing process. He hoped that the Administration would continue to improve the procedures.

12. SS(L) responded that FEHD had already shortened the time for making enquiries on the application from seven to three working days. He said that if the pilot scheme proved to be a success, FEHD would explore whether it was possible to further reduce the processing time.

Proposal of a new "manufacturing/retailing" licence

13. Mr WONG Yung-kan requested the Administration to provide more details on the proposal of a new "manufacturing/retailing" licence. SS(L) replied that at present, some food premises (such as supermarkets) which operated bakery, fresh provision shop, food factory and siu mei/lo mei shop within the same premises were required to obtain several licences or permits. The consultant's recommendation was that a new "manufacturing/retailing" licence should be introduced, so that food premises with multiple product lines could operate under one single licence.

14. SS(L) further said that upon consultation, the food trade had generally considered it desirable to maintain the existing categories of non-restaurant food business licences, as many food businesses required the issue of only one of the different categories of licences. As the trade also welcomed the suggestion of introducing a new "manufacturing/retailing" licence, the Administration was going to propose legislative amendments to provide for this new type of licence.

15. In response to Mr Tommy CHEUNG, Deputy Director (Environmental Hygiene) (DD(EH)) explained that some premises operating multiple product lines might prefer to hold several licences or permits, so that suspension caused by irregularities detected in individual product line(s) would not be imposed on other arms of the operation.

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Proposal of a "risk-based" inspection system

16. Mr CHEUNG Man-kwong said that operators of food premises had the responsibility to maintain good hygiene in their operation. Referring to the proposed "risk-based" inspection system for non-restaurant food premises, Mr CHEUNG asked which type of these food premises would be regarded as selling high-risk food and subject to more frequent inspections.

17. SS(L) responded that at the meeting on 28 January 2002, the Panel had discussed the proposed open classification system for food premises and adoption of a "risk-based" approach for inspections. He said that high-risk food included sushi, sashimi and food eaten in raw state such as live oyster. He said that FEHD had set up a working group comprising medical officers and other staff to look at which kinds of food should be regarded as high-risk food.

18. Mr CHEUNG Man-kwong said that he supported streamlining the licence application process for small food premises which only involved simple process of preparation of food. He stressed, however, that the Administration should strike a balance and ensure that the food hygiene and safety standard would not be compromised. He suggested that FEHD should conduct more frequent inspections on those premises which sold high-risk food. The Administration noted the suggestion.

Snake shops

19. Mr LEUNG Fu-wah said that he had received complaints from owners of snake shops that they were prosecuted for not possessing a food business licence for the preparation and sale of snake soup at the shops. Mr LEUNG asked whether the Administration could introduce a simple procedure for these snake shops to apply for a special licence to sell snake soup, since such food was not of a high-risk type and people could not easily prepare snake soup at home.

20. SS(L) responded that as food preparation was involved, these snake shops should apply for a restaurant licence if the soup was to be consumed at the premises, or a food factory licence if the soup was to be taken away. He explained that the regulation of the sale of snake soup should not be relaxed since it was sold for human consumption.

21. The Chairman pointed out that the licence for keeping snakes was granted by the Agriculture, Fisheries and Conservation Department. He asked whether these snake shops would meet the conditions for obtaining a restaurant licence as live snakes were kept in the shops.

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22. SS(L) replied that it depended on the layout of the premises, and where necessary, the shops might need to allocate a separate area for operation as a restaurant. The Chairman further asked whether there were any snake shops which had been granted a restaurant licence. SS(L) replied in the affirmative.

23. Mr LEUNG Fu-wah considered that the snake shops were different from other restaurants in that they only sold one type of food, i.e. snake soup, and it was of low-risk. Therefore, some shop owners considered that it did not worth the trouble of applying for a restaurant licence.

24. DD(EH) explained that under the Public Health and Municipal Services Ordinance (Cap. 132), a food business licence was required for food preparation or manufacture. He did not consider it necessary to introduce a new type of licence exclusively for food premises engaged in the preparation of low-risk food. DD(EH) further said that the relevant licence fee was only a few thousand dollars a year, and a provisional licence could be granted only in about two and a half months. After being granted a provisional licence, the food premise concerned still had another six months to comply with the licensing requirements for the grant of a full licence.

Definition of "food factory"

25. In response to Mr WONG Yung-kan's enquiry, SS(L) explained that "food factory" referred to any food business which involved the manufacture or preparation of food for sale for consumption off the premises. He said that food factories did not necessarily refer only to large-scale factories and these include small food shops, such as those where fish balls or "tea-leaf" eggs were cooked for consumption off the premises.

26. Mr WONG Sing-chi asked why convenience stores which also prepared food for consumption were not required to apply for a food factory licence.

27. DD(EH) replied that a convenience store normally providing micro-wave ovens for re-heating did not involve itself in food manufacture. Instead, the prepackaged food which was purchased from an approved source was re-heated and the food was sealed all the way. DD(EH) added that the chance of food contamination during the food preparation process at a convenience store was low, because no defrosting or marinating of food was involved in the process. DD(EH) further said that, on the other hand, if a convenience store supplied food which was manufactured by the store itself, it might fall within the category of food factory. He explained that if the food handler involved in the manufacturing process had any health problem, food incidents might happen which could affect many people.

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Enforcement

28. Mr WONG Sing-chi expressed support for the streamlining of the licensing procedures. He said that the Administration should provide clear criteria for assessing compliance with licensing requirements and conditions. He gave the example that there were often disputes between enforcement officers and operators of lo mei/siu mei shops over whether the ovens installed in these shops, which were supposedly for re-heating, had actually been used for pork-roasting. He suggested that to facilitate enforcement, FEHD might need to consider specifying the temperature of the oven for re-heating.

Adm 29. SS(L) responded that prosecution would be instituted only if there was sufficient evidence. He would review the existing criteria to see if they would need improvement.

30. Dr LO Wing-lok pointed out that many food shops selling snacks and cooked food in busy areas (such as Percival Street and Russell Street) placed their food items on the pavement in front of the shops and the patrons ate the food right at the shop-front. He said that this had caused environmental nuisance and posed a risk to pedestrians as they were forced to walk on the road with busy traffic. He wondered why this could happen as the layout plans of the shops should require the approval of the licensing authority.

31. SS(L) responded that these food shops had made illegal extensions after obtaining the licence. He said that FEHD officers would take enforcement action against these shops. For example, some food shops in Wan Chai would have their licences suspended in May 2002 because of illegal shop extensions into the street area. For repeated offenders, they might be subject to revocation of licence.

32. Mr Michael MAK asked whether the Administration had taken enforcement action against patrons of food premises who had caused the environmental hygiene problems. SS(L) responded that at present, offences relating to public cleanliness were prosecuted by way of summons as provided for under the relevant Ordinances. When the fixed penalty system for minor public cleanliness offences came into effect in May 2002, any person committing offences (such as spitting, littering etc.) covered under the Fixed Penalty (Public Cleanliness Offences) Ordinance was liable to a fixed penalty of \$600. DD(EH) informed members that during the period March-September 2001, prosecutions had been taken in 58 cases of littering offences in the vicinities of food factories selling snacks in Wan Chai. He added that under the Public Cleansing and Prevention of Nuisances Regulation (Cap.132 subsidiary legislation), shop owners were obliged to maintain cleanliness of the area within six metres of their premises. They would be liable to penalty for failure to comply with this requirement. He added that the Administration would step up enforcement in this respect.

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Removal of less risky food items from the list of restricted food

33. Mr Michael MAK said that the Administration should have provided information in its paper to explain the different types of food business licences. Referring to paragraph 5(ii) of the Administration's paper, Mr MAK about the "less risky food items" which would be removed from the list of restricted food in the Food Business Regulation (the Regulation). The Chairman also pointed out that when the subject was last discussed on 18 June 2001, no Panel member had made such a suggestion and this was also not mentioned by the Administration. He noted that it was the consultant's recommendation.

34. SS(L) responded that a working group comprising medical officers had been formed to review the list of less-risky food items, and it was of the initial view that "Leung Fan" and "Man Tau Lo" might be removed from the list of restricted food. Mr Michael MAK expressed reservations that "Leung Fan" was regarded as low-risk food. Mr Tommy CHEUNG asked whether the Administration would consult the Panel on any proposed amendments to the list.

35. DD(EH) responded that FEHD had been discussing with the food trade to follow up the consultant's recommendations. He said that the Panel would be consulted once the working group had come to a view as to which food items were to be removed from the list of restricted food.

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Revamping the present licensing system

36. Mr Tommy CHEUNG said that the trade was of the view that fresh provision shops should be allowed to sell chilled meat in addition to fresh or frozen meat. The trade also suggested that a market stall should be allowed to sell different types of meat, including fish, within the same stall under one single licence. SS(L) advised that fresh provision shops were already allowed to sell chilled meat, subject to their meeting the licensing condition of providing suitable refrigerators for storage and display of such meat at their premises. As regards the licence fees, DD(EH) said that a review on FEHD fees and charges was being conducted and the Administration would revert to the Panel in due course.

37. Mr David CHU commented that it was necessary to simplify the licensing requirements for food business, as the present requirements and conditions for food premises were too stringent. He considered that FEHD should only be concerned with the food safety and cleanliness of food premises. He said that instead of tightening up the licensing requirements and conditions of food premises, FEHD could conduct more random tests on the food sold by a food shop to ensure its hygiene standard. If the bacteria level found in the food samples exceeded the stipulated level, FEHD should take action against the shop concerned. He believed that "monitoring by result" would be more effective in ensuring food safety.

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38. The Chairman concluded that the Panel generally supported the approach of streamlined licensing procedures to facilitate the food business. SS(L) said that the Administration aimed at introducing the legislative amendment to the Legislative Council in the first quarter of 2003.

V. Itinerant hawker licence (IHL)

(LC Papers Nos. CB(2)1615/01-02(05) and (07) and CB(2) 1700/01-02 (01))

39. The Chairman informed members that two submissions had been received from Ng Enterprises Limited and Dairy Products Beverage and Food Industries Employees Union.

40. Assistant Director (Operations) 2 (AD(Ops)2) briefed members on the Administration's paper on the proposed alignment policy for IHLs in the urban area and in the New Territories (NT). He said that when the subject was last discussed at the Panel meeting on 23 April 2001, members had expressed the following views -

- (a) there should be a consistent policy for IHLs in the urban area and in the NT;
- (b) it was not necessary to set a timetable for phasing out all IHL holders; and
- (c) the amount of ex-gratia payment (EGP) for surrendering IHL should be increased.

41. AD(Ops)2 said that the Administration had subsequently met with representatives of the hawker trade in May 2001 to solicit their views on the IHL policy. Having considered the various factors as detailed in paragraph 6 of the Administration's paper, the following alignment proposal was drawn up -

- (a) there would be no compulsory deletion of IHLs;
- (b) the options currently available to urban IHL holders for surrendering their licences would be extended to IHL holders in the NT;
- (c) a time limit of five years would be imposed on the options offered;
- (d) any IHL holders wishing to carry on business after the five-year time limit would continue to be issued with IHL licences. They would, however, have forfeited their opportunities to take up the options as set out at the Annex to the Administration's paper; and
- (e) the Administration was not going to increase the amount of EGP for surrendering IHL.

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Discussion

The Administration's proposal

42. Dr YEUNG Sum expressed support for the Administration's proposal of not imposing a deadline on the phasing out of IHLs in view of the current economic situation and high unemployment rate. He also supported the adoption of a consistent policy for IHLs in the urban area and in the NT. However, Dr YEUNG considered that the amount of EGP should be increased to attract those IHLs who were at an advanced age to surrender their licences. Referring to paragraph 6(d) of the Administration's paper, Dr YEUNG said that he was not convinced of the argument that the amount of EGP needed not be raised simply because each year an average of about 6% of urban IHL holders had opted for EGP in lieu of their licences for the past three years. He pointed out that 6% was a rather small figure and that the amount of EGP had been set many years ago.

43. DD(EH) responded that on average, 26% of the IHL holders in the urban area and 40% of those in NT were still below 60 years of age. The Administration was of view that these IHL holders would likely prefer to retain their licences as it was not easy for them to find other jobs under the current economic situation. He said that if the amount of EGP was to be large enough to attract these IHL holders to surrender their licences, it would have to be substantially increased.

44. DD(EH) further said that in the case of the relocation of the Central Market stallholders, the EGP had eventually been increased to 24 months' rental. If the same arrangement was to be applied to IHLs, the amount of EGP would have to be increased from \$30,000 to about \$52,000, and the overall financial implications would be in the region of \$50 million. DD(EH) added that the proposal to extend the EGP to IHL holders in the NT would cost around \$15 million and this was a substantial new commitment made by the Government.

45. Dr YEUNG asked why the Administration proposed to impose a time limit of five years on the options offered to IHL holders. DD(EH) pointed out that the time limit was set having regard to the age distribution of the IHL holders. At present, more than 100 of the 523 IHL holders in NT were above 70 years of age. The Administration considered that if no time limit was set, or if the time limit was too long, IHL holders would have no incentive to surrender their licences and they would just carry on hawking until the end of the option period or such time when they retired.

46. Dr LO Wing-lok expressed support for phasing out IHLs by natural attrition and extending the options currently available to urban IHL holders for surrendering their licences to IHL holders in the NT. In view of the overcrowded conditions in Hong Kong, Dr LO agreed that there should not be an increase in IHLs as this would adversely affect the city environment. He had no objection to the EGP arrangement

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which was only to encourage IHL holders to surrender their licences, and the amount should not be taken as an equivalent to a retirement gratuity.

47. Mr Tommy CHEUNG also supported extending the options currently available to urban IHL holders for surrendering their licences to IHL holders in the NT. As regards the amount of EGP, he understood that it was set many years ago and the amount appeared rather small. However, he noted that the cost of living index had declined over the years, and IHL holders in the NT who surrendered their licences were presently not granted any EGP. Therefore, he believed that the proposed extension of the grant of EGP to IHL holders in the NT should be quite attractive.

IHL (Frozen Confections)

48. Mr LEUNG Fu-wah considered that the Administration's policy to phase out IHLs contradicted the new initiative to promote "local community economies" as announced by the Financial Secretary (FS) in his 2002-03 Budget Speech. He further said that the Hong Kong Federation of Trade Unions (FTU) did not agree that the IHL (Frozen Confections) should be included under the category of IHL. FTU was of view that IHL (Frozen Confections) holders should not be re-sited to vacant market stalls. As ice-cream vans/bikes had high mobility, they could provide ice-cream retail service to tourists in various tourist areas. He criticised the current policy for failing to keep pace with the development of the society and the policy of promoting tourism.

49. DS(EF)(A) responded that the Administration had not introduced changes to the long-standing policy on IHLs and that the IHL policy did not contradict the new initiative of promoting "local community economies". She said that no new IHLs had been issued by the previous municipal councils, and the public also did not want to see an increase in IHLs for short-term economic reasons, as this would create many environmental problems to Hong Kong and affect its image as a modern city.

50. DS(EF)(A) further said that the Administration was actively taking forward the new initiative to promote local community economy. A Task Force chaired by FS had been formed for the purpose. There had been feedback from the community that small traders should carry on their business in designated areas, subject to there being no objection from residents in the vicinity and the business of nearby shops not being affected. The Administration's tentative plan was therefore to provide suitable places for small traders to conduct retail trade, and the Secretary for Home Affairs was discussing with the 18 District Councils (DCs) on the suitable locations. She said that when the Home Affairs Department (HAD) put forward concrete proposals on the arrangements, the Environment and Food Bureau and FEHD would consider the need for assistance in the cleansing of such areas. DS(EF)(A) stressed that there was no conflict between the IHL policy and promoting local community economy.

51. Regarding Mr LEUNG's suggestion on IHL (Frozen Confections), DD(EH) clarified that the proposal only offered options to IHLs, including IHL (Frozen

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Confections) holders, if they surrendered their licences, but they were not required to compulsorily surrender their licences within a time limit. He pointed out that the small traders targeted by the promotion of local community economy were not necessarily hawkers. He added that there were actually diverse sources of retail sale of ice-cream, and there were also food kiosks in tourist areas. DS(EF)(A) added that the service of ice-cream bikes was not necessarily related to the promotion of tourism.

52. Mr LEUNG Fu-wah disagreed with the Administration's reply. He said that it would not be viable to operate kiosks in tourist areas where tourists only stayed for a short while. On the other hand, ice-cream bikes could provide service in a much wider area because of its high mobility. He urged the Administration to resume issuing IHL (Frozen Confections) to facilitate new operators to enter the trade, since there were only about 60 IHL (Frozen Confections) holders and many of them were getting old. He added that the operation of the ice-cream vans/bikes did not create environmental hygiene problems. Mr WONG Yung-kan also supported issuing separate licence for mobile bikes selling ice-cream and to allow transfer of such licences.

53. DD(EH) responded that it had been the established policy that no new IHLs would be issued because of the environmental hygiene problems and nuisances posed by hawking activities. He disagreed that the Administration should now depart from the policy and issue new IHL (Frozen Confections) simply because there was demand of ice-cream by tourists. DS(EF)(A) reiterated that the Administration was steadfast in the policy of not issuing new IHLs. However, the Administration could explore other possible options, not in the form of issuing new IHLs, to follow up Mr LEUNG Fu-wah's suggestion regarding IHL (Frozen Confections).

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Mobile vans providing catering services

54. Mr Tommy CHEUNG said that there were mobile vans selling sandwiches/hotdogs and beverages in overseas countries (such as Los Angeles in the United States), and he seldom heard about any hygiene problems associated with the food sold by these vans. He considered that so long as the operation of these vans complied with the licensing requirements, there should be no problem with the quality or safety of the food sold. He suggested that the Administration could make reference to overseas experience in considering whether mobile vans providing catering services could be allowed in remote areas, such as the airport and some construction sites, on a short-term basis.

55. DD(EH) responded that mobile vans providing catering services were not permitted under existing legislation. He said that Mr CHEUNG's suggestion would need careful consideration as legislative amendments would be required.

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Additional options for IHL holders

56. Referring to the options offered to IHL holders to select a fixed-pitch or market stall for continued operation as set out in the Annex to the Administration's paper, Mr Andrew CHENG considered that they were not attractive. He said that many existing market stalls had poor business and the amount of EGP was too small. He pointed out that hawkers were also found in many modern cities in the world. He was of the view that with better management, hawkers could be allowed to exist to provide job opportunities and to add cultural characteristics to a place. Noting that HAB was formulating proposals on the provision of designated zones for small traders to conduct business, Mr CHENG asked if it was possible to provide an additional option of allowing IHL holders to trade in designated areas in popular tourist spots, e.g. beaches and large parks.

57. DS(EF)(A) clarified that she did not mean that hawkers or small traders were incompatible with the development of a modern city. However, the paper under discussion was on itinerant hawkers who were licensed to hawk in a mobile nature. She said that itinerant hawkers had posed many environmental problems and a lot of resources were required to manage them. She said that there were many ways to facilitate the conduct of business by small traders other than by means of IHL. She reiterated that HAD was working out proposals in collaboration with DCs to identify suitable places for small traders to operate.

58. Mr Andrew CHENG, said that he was a member of Tai Po DC and he was not aware that the DC had any strong resentment against itinerant hawkers. He urged the Administration to consider his suggestion of providing the option to IHL holders that they could trade at the designated areas to be assigned by HAB. DD(EH) noted Mr CHENG's suggestion. Responding to Mr CHENG's observation that IHL holders were not attracted to opting for trading in a fixed pitch on a market stall, DD(EH) added that actually about 27% of the IHLs holders who surrendered their licences had opted for selecting either a vacant fixed pitch or a stall in a public market with concessionary rental adjustments. Under the arrangement, they had priority over other applicants to select vacant stalls at new public markets, and they only needed to pay \$1,540 a year as rental of a public market stall.

59. Mr Michael MAK asked why the former Urban Council (UC) did not implement the IHL Compulsory Deletion Policy. AD(Ops)2 replied that the by-law passed by the former UC did not provide for an effective date of the compulsory deletion policy, and some UC members in 1995 had called for a review of the policy. The Chairman added that the implementation of the UC policy was held up because of a court case, and the subsequent appeals of the case had dragged on for some years.

60. In response to Mr Michael MAK's enquiry, AD(Ops)2 provided a breakdown of the 1 067 IHL holders who had not surrendered their licences, as follows -

- (a) ten ice-cream van operators were in the urban area and six in NT;

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- (b) 52 ice-cream bike operators were in the urban area and 13 in NT; and
- (c) 482 other IHLs (selling dry goods or other goods) were in the urban area and 504 in NT.

Phasing out all IHLs by natural attrition

61. Mr Michael MAK considered the present policy intent of the Administration as reflected in the current alignment proposal was unclear, as he could not see whether or not the Administration was determined to phase out all IHLs. DD(EH) responded that the policy was to phase out all IHLs by natural attrition. He pointed out that the Administration had been careful in devising the policy, as it would affect the livelihood of some 1 000 IHL holders.

62. Mr Tommy CHEUNG considered that the Administration should learn from the experience of the former UC and provide more attractive options to encourage IHL holders to surrender their licences, if the Administration was really determined to phase out all IHLs. On the other hand, if the Administration was not keen to phase out all IHLs, Mr CHEUNG suggested that a longer time limit, say, ten years, could be set for the surrender of IHL.

63. DD(EH) responded that the Administration was of the view that there was no urgency to phase out all IHLs having regard to the factors set out in paragraph 6 of the Administration's paper. However, if a time limit of ten years was to be adopted, the Administration envisaged that in the first few years of the option period, the IHL holders would have no incentive to surrender their licences except for those who were about to retire. He said that a time limit of five years was considered appropriate after balancing various factors of consideration.

64. Mr Tommy CHEUNG said that nine years had lapsed since the announcement of the IHL Compulsory Deletion Policy by the former UC in 1993. He was concerned that the Administration's credibility might be undermined if the options were not attractive enough and the five-year time limit had to be extended at a later stage.

65. DS(EF)(A) said that the Administration would not extend the time limit upon its expiry. If the current options failed to attract the IHL holders to surrender their licences within the five years, it was unlikely that such holders would surrender their licences after the option period. She added that the Administration had already earmarked funds for the payment of EGP to the IHL holders who surrendered their licences. For prudent and responsible financial management, a time limit had to be set for the options to be available to IHL holders, in order not to freeze the reserved fund for an indefinite period of time.

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66. In concluding the discussion, the Chairman said that the Panel supported extending the options currently available to urban IHL holders for surrendering their licences to IHL holders in the NT. However, members had diverse views on the proposal of imposing a five-year time limit on the option and on the amount of EGP. He also requested the Administration to take note of the suggestions of Mr Andrew CHENG and Mr LEUNG Fu-wah.

VI. Anti-mosquito campaign 2002

(LC Paper No. CB(2)1615/01-02(06))

67. Referring to paragraph 5 of the Administration's paper, Dr YEUNG Sum said that the Administration should make greater efforts to tackle the mosquito problem and achieve a greater decline rate in the annual average ovitrap index in 2002. As there was recent dengue fever outbreak in Macau, he asked about the details of Hong Kong's mosquito prevention work to control dengue fever. He also requested the Administration to explain its anti-mosquito efforts targetted at construction sites and grass-grown slopes which were often the breeding sites of mosquitoes.

68. Consultant (Community Medicine) (C(CM)) of FEHD said that FEHD had, since its establishment in 2002, stepped up the mosquito prevention and control work. There had been a significant decline in the annual average ovitrap index from 24.1% in 2000 to 12.4% in 2001. However, as effective mosquito control required sustained effort and also community support, the Administration would solicit assistance from DCs and Area Committees in organising mosquito control activities at the district level. The Administration had also adjusted its mosquito control strategy, targetting at problem areas, such as construction sites and slopes.

69. Mr LEUNG Fu-wah asked whether FEHD would provide more manpower or engage contractors to step up inspections and actions during the Anti-mosquito Campaign 2002. C(CM) replied that there was a slight increase in manpower in mosquito prevention and disinfestation work as well as for co-ordination with districts this year. He added that in this year's campaign, inter-departmental collaboration and community participation in preventing and controlling mosquito problems would be emphasised.

70. In reply to Mr LEUNG Fu-wah, C(CM) said that oviposition traps were set in 38 areas for monitoring the breeding of Aedes albopictus. The percentage of oviposition traps found positive with breeding these mosquitoes gave the ovitrap index. He said that the value of the ovitrap index indicated the extensiveness of the breeding of the vectors and therefore the lower the value the better.

71. Mr WONG Yung-kan asked about the distribution of the oviposition traps. C(CM) replied that the oviposition traps were placed throughout the territory, particularly at crowded areas and areas near clinics or hospitals.

72. Mr Michael MAK expressed concern about the potential threat that might be posed by the recent dengue fever outbreak in Macau. He also asked if the ovitrap index was a reliable indicator of the extensiveness of the breeding of Aedes albopictus, and what advice the Administration would give to people going to visit Macau to prevent dengue fever. C(CM) replied that as Macau was our neighbouring place, Hong Kong was receptive to the spread of the disease. As reflected in the annual average ovitrap index, the breeding rate of Aedes albopictus in Hong Kong was quite high and Hong Kong's weather was also favourable to the breeding of the vectors. In addition, dengue fever was an endemic disease in Southeast Asia. Therefore, it was difficult, if not impossible, to completely eliminate any imported cases of dengue fever.

73. C(CM) further said that in 2001, there were 17 such reported cases and the number was not particularly large. He pointed out that the most important thing was to put in place effective surveillance and control mechanisms, so that any imported cases of dengue fever could be discovered quickly and appropriate follow-up actions taken promptly to prevent the spread of the disease.

74. Mr Michael MAK asked about the number of prosecutions taken against accumulation of stagnant water in construction sites, industrial areas and alleys. C(CM) replied that a total of 355 warning letters, statutory notices and summonses had been issued in relation to breeding places of mosquitoes.

75. Mr CHEUNG Man-kwong said that he had received complaints from parents about their children being bitten by mosquitoes at schools, particularly those situated near to slopes or in villages. He asked whether schools were included as target areas for anti-mosquito efforts. He said that he could provide a list of the schools which required regular disinfection for the control of mosquitoes.

76. C(CM) responded that one of the target areas of this year's campaign was to promote mosquito control work at schools. He said that schools which had mosquito problem could request FEHD's assistance in disinfection.

77. Mr WONG Yung-kan expressed appreciation of the FEHD's efforts in mosquito prevention and control. He pointed out that public housing units along hillside also had serious mosquito problem. He urged the relevant government departments to step up mosquito control work in these areas. C(CM) responded that collaborated efforts had been made with Housing Department and Lands Department in tackling mosquito problem in these areas.

78. The Chairman said that he had also received many complaints of mosquito problem from tenants of public housing estates. He asked what follow-up actions were taken by FEHD on receipt of such complaints. C(CM) replied that on receipt of such complaints, pest control staff would conduct investigations to see if there were mosquito breeding sites in the vicinity of the public housing estate concerned, and to

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eliminate any breeding sites identified. Disinfestation work would also be carried out in the estate. C(CM) added that mosquito prevention was better than disinfestation because excessive use of pesticides could be harmful to health.

VII. Any other business

79. There being no other business, the meeting ended at 10:35 am.

Council Business Division 2
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