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LC Paper No. CB(2) 2863/01-02

(These minutes have been seen by the
Administration)

LegCo Panel on Food Safety and Environmental Hygiene

Minutes of meeting
held on Monday, 15 July 2002 at 8:30 am
in the Chamber 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 WONG Yung-kan
Hon Jasper TSANG Yok-sing, GBS, 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 CHAN Yuen-han, JP

Member Absent : Hon CHEUNG Man-kwong

Public Officers : Item I
Attending
Dr YEOH Eng-kiong
Secretary for Health, Welfare and Food

Mrs Carrie YAU
Permanent Secretary for Health, Welfare and Food

Items I to III

Mrs Stella HUNG
Deputy Secretary (Food and Environmental Hygiene)
Health, Welfare and Food Bureau

Miss Diane WONG
Principal Assistant Secretary (Food and Environmental Hygiene) 2
Health, Welfare and Food Bureau

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

Mr Kevin CHOI
Head of Clean Hong Kong Office
Food and Environmental Hygiene Department

Item IV

Mrs Stella HUNG
Deputy Secretary (Food and Environmental Hygiene)
Health, Welfare and Food Bureau

Miss Diane WONG
Principal Assistant Secretary (Food and Environmental Hygiene) 2
Health, Welfare and Food Bureau

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

Mr HUNG Chi-pai
Assistant Director (Operations) 1
Food and Environmental Hygiene Department

Item V

Mrs Stella HUNG
Deputy Secretary (Food and Environmental Hygiene)
Health, Welfare and Food Bureau

Mrs Ingrid YEUNG
Principal Assistant Secretary (Food and Environmental Hygiene) 1
Health, Welfare and Food Bureau

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

Dr S P MAK
Deputy Director (Food and Public Health)
Food and Environmental Hygiene Department

Mr Thomas CHAN
Director of Agriculture, Fisheries and Conservation

Mr K K LIU
Deputy Director of Agriculture, Fisheries and Conservation

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. Meeting with the new Secretary for Health, Welfare and Food
(LC Paper No. CB(2)2532/01-02(03))

The Chairman welcomed the new Secretary for Health, Welfare and Food (SHWF), the new Permanent Secretary for Health, Welfare and Food and other Government representatives to the meeting.

2. SHWF said that he would like to listen to members' views and comments concerning the portfolios for food safety, environmental hygiene and agriculture and fisheries. He said that the Administration would take into account members' views and comments in drawing up the work plan of the Health, Welfare and Food Bureau and its work priorities for the following year.

3. Mr WONG Yung-kan said that the consultancy study on developing an off-shore fishing industry for Hong Kong had dragged on for two years. He said that the study was important to the fishing industry and urged the Administration to complete it as soon as possible. SHWF replied that the Administration aimed to provide the findings of the study for discussion by the Panel around September/October 2002. Mr WONG requested the Administration to provide the findings as early as possible so that he could first solicit the views of the fishing industry before the Panel meeting. Deputy Secretary (Food and Environmental Hygiene) (DS(FEH)) responded that the consultant had yet to provide the finalised version of the report, and she would consider Mr WONG's request when the report was received.

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4. Dr LO Wing-lok said that public education on food safety and hygiene was important to the prevention of food incidents. He suggested that the Administration should put more emphasis on this area of work and enhance the role of the Food and Environmental Hygiene Department (FEHD) by strengthening the professional training of FEHD staff responsible for food safety work. Dr LO further said that Government should formulate a long-term policy on agriculture for the sustainability and development of the industry, instead of viewing the problem only from the angle of providing compensation for losses/decline of the industry.

5. Mr LEUNG Fu-wah asked SHWF what major difficulties he had in heading such a large bureau overseeing the portfolios for health, welfare and food, given the rising expectation of Members and the community. SHWF said that the bureau was responsible for a wide range of policy areas and therefore it was essential to set priorities for work. He noted that a lot of work had been done in the food portfolio in the past two years and he would see what further improvements would be necessary in this area.

6. Mr Tommy CHEUNG pointed out that the Administration had not yet implemented the proposals on outdoor seating accommodation and streamlining of licensing system for food business, while these issues had been discussed for some time. He suggested that the Administration should explore streamlining the procedures for the application of provisional General Restaurant Licence. The Chairman expressed support for shortening the processing time for food business licence. Mr CHEUNG further said that too many inspections had been conducted on licensed food businesses. He considered that the inspection system for food premises should be improved, and the health inspectors should spend more time in educating food operators on food safety and hygiene during inspections.

7. Mr Tommy CHEUNG considered that the Administration should conduct an overall review of the design and operation of wet markets under the management of FEHD and Housing Department. He expressed concern about the poor ventilation and overcrowded conditions of some public markets. He urged that the environment and hygiene condition of markets should be improved in order to enhance their competitiveness and reduce the risk of recurrence of avian influenza.

8. The Chairman said that SHWF should adopt a new approach in dealing with problems relating to public markets. He said that in the ex-PMC days, public markets were built mainly for re-siting the on-street hawkers. In order that a market could accommodate as many stalls as possible, the stalls were very small and the ventilation was poor. As the public markets were losing their competitive edge, the Chairman suggested that the Administration should critically review and improve the design and operation of public markets so that they could compete with the superstores.

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9. The Chairman also urged the Administration to introduce a labelling system for genetically modified (GM) food to safeguard consumers' right to know. He said that many places in the world had already adopted a labelling system for GM food, and Hong Kong was lagging far behind. He pointed out that it was the mainstream of public opinions and also the prevailing trend of the international community that GM food should be so labelled. He urged the Administration to provide the outcome of the economic assessment on the proposed options of GM food labelling approach as soon as possible to facilitate further discussion by the Panel.

10. Referring to a recent incident whereby a food shop in Kwun Tong was ordered to be closed by the Director of Health, the Chairman asked why the shop was still allowed to operate after a few food incidents. He noted that by the time when the food shop was closed, some 80 people had already suffered from food poisoning after consuming food bought from the shop. He suggested that SHWF should see whether improvements should be made to the cooperation and communication between FEHD and the Department of Health.

11. Mr LEUNG Fu-wah said that he had raised at previous Panel meetings that a separate class of licence should be provided for operators of ice-cream vans/bikes, as they should not be treated as itinerant hawkers. The Chairman expressed support for the suggestion.

12. Mr Tommy CHEUNG said that the fresh meat industry was concerned about the regulatory control of chilled meat and ways to facilitate consumers to distinguish between fresh meat and chilled meat. Mr WONG Yung-kan urged the Administration to consider the suggestion made by the live chicken trade that all imported chilled chickens should have the heads and claws removed. He said that this would facilitate customers to distinguish chilled meat from fresh meat and also enable more effective regulatory control over the sale of meat. Mr Tommy CHEUNG said that the catering industry had divided views on the suggestion of removing the heads and claws of imported chilled chickens. He urged that a longer period should be provided for consultation with the industry on the matter. SHWF responded that the Administration would discuss with the Panel the import arrangements of chilled chickens in September/October 2002.

13. Mr Andrew CHENG commented that as SHWF now looked after both the Health and Food portfolios, he should take immediate actions to introduce legislation to ban smoking in all restaurants. He said that the Panel on Health Services had expressed strong dissatisfaction about the slow progress made in this respect. Mr Tommy CHEUNG considered that legislation on banning smoking in food premises should only be introduced when the industry could afford to do so. He suggested that the matter should more appropriately be pursued by the Panel on Health Services.

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14. SHWF said that the Administration would consider all the views and suggestions put forward by members. He considered that food safety control was a tripartite responsibility among Government, the trade and consumers. He said that Government would have to balance the interests of the industry and the public in formulating an effective regulatory framework for food matters. He said that the Administration would look at ways to further streamline food business licensing and improve the facilities and operation of public markets.

II. Date of next meeting and items for discussion

(LC Paper Nos. CB(2)2532/01-02(01) and (02))

15. Members agreed to hold the next meeting on 16 September 2002 at 10:45 am to discuss the following items -

- (a) Consultancy study on developing an off-shore fishing industry for Hong Kong; and
- (b) Importation of chilled chickens from the Mainland.

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16. On item (b), Mr WONG Yung-kan asked about the timing for the importation of chilled chickens from the Mainland. He urged that there should be prior consultation with the industry before implementation. DS(FEH) explained that as a lot of preparatory work had to be done before chilled chickens would be exported from the Mainland to Hong Kong, she estimated that chilled chickens could not be imported until October 2002 at the earliest. The Chairman said that in the event that a decision was taken to start importation of chilled chickens from the Mainland before the next Panel meeting, the Administration should provide the Panel with a detailed information paper on the arrangements. He also urged the Administration to consult the trade on the new arrangements beforehand. DS(FEH) agreed.

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17. In response to the Chairman, DS(FEH) said that the consultancy study on the proposed options of GM food labelling approach was underway, and the subject matter was not yet ready for discussion at the next meeting. As regards the study conducted by the Competition Policy Advisory Group (COMPAG) on problems relating to the supply of fresh pork, DS(FEH) said that COMPAG had already held a meeting to look into the local pork market. She added that the relevant bureaux and departments were conducting an in-depth study of competition in the pork supply market and would provide a further report to COMPAG. The Panel would be informed of the progress in due course. The Chairman said that the COMPAG should provide a report on its investigation to the Panel as soon as it was ready, so that the subject matter could be included for discussion at the next Panel meeting. DS(FEH) noted the request.

III. Report on the enforcement of the Fixed Penalty System for minor public cleanliness offences

(LC Paper Nos. CB(2)2532/01-02(04) and (05))

18. Deputy Director (Environmental Hygiene) (DD(EH)) informed members that as at 8 July 2002, 1,393 fixed penalty notices had been issued for minor public cleanliness offences. He said that 96% of such notices were issued by FEHD. The Chairman asked why the number of fixed penalty notices issued had substantially increased from 916 (as at 30 June 2002) to 1 393 in just about one week. DD(EH) responded that on average about 40 to 50 fixed penalty notices were issued each day. He said that the increase between June 30 and July 8 was only slightly more than usual.

19. Mr LEUNG Fu-wah asked about the number of cases involving assaults on officers of other enforcement departments. DD(EH) replied that so far there were three assault cases, and the FEHD officers were the victims in all these cases.

20. Mr LEUNG Fu-wah asked whether the Administration would consider assigning enforcement officers to go on patrol duty in pairs. DD(EH) said that fixed penalty notices were mainly issued by hawker control staff and they normally worked in team. He added that it was not difficult for the enforcement staff to find colleagues in the vicinity when they needed assistance. As for other supervisory grades staff who also issued fixed penalty notices, DD(EH) said that it would not be cost-effective to have them paired up as enforcing the fixed penalty system was only a part of their duty. He added that as there were only a few assault cases in connection with the issue of fixed penalty notices, it was not necessary to change the existing mode of operation.

21. Mr Michael MAK disagreed with paragraph 12 of the Administration's paper that the enforcement of the new law had brought about substantial improvement to the cleanliness of Hong Kong. He suggested that the Administration should put more emphasis on public education. DD(EH) said that although there were still some blackspots which required further improvements, the cleanliness of many places had much improved after enforcement of the new law, and this was also reported by the media. He said that the Administration would continue its efforts in public education and enforcement to sustain a clean and tidy Hong Kong.

22. Referring to paragraph 9 of the Administration's paper, Mr Michael MAK asked whether there were any target groups for enforcement, and how enforcement action was taken. He suggested that the Administration should educate the offenders, for example, by requiring them to pick up the rubbish they had thrown onto the street, in addition to issuing fixed penalty notices to them.

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23. DD(EH) said that according to recent statistics, the offenders straddled various age groups, and publicity efforts therefore should target at all people instead of a particular age group. However, as dropping of cigarette butts constituted the majority of littering cases, the enforcement staff would pay more attention to people smoking in the street. He explained that the enforcement officers would only issue a fixed penalty notice after an offender was seen to have committed the offence. As regards the suggestion of requiring the offenders to pick up the rubbish they had thrown onto the street, DD(EH) said that the law did not authorise the enforcement officers to do so, and this would give rise to disputes in enforcement.

24. Mr MAK suggested that the Administration should provide more litter bins in the street and increase the frequency of clearing them. DD(EH) disagreed that there were inadequate litter bins, as FEHD alone had provided about 17 000 litter bins in Hong Kong. He said that the litter bins in busy streets with high pedestrian circulation were cleared more often than those in other places. FEHD would welcome information on any littering blackspots and would take follow-up action. Mr MAK pointed out that some MTR exits in Causeway Bay and bus stops were common littering blackspots and advised that the Administration should step up enforcement at these places.

25. Mr Michael MAK asked about the estimated revenue brought about by the issuing of fixed penalty notices. DD(EH) said that about 1 400 fixed penalty notices had been issued so far, and the estimated revenue would amount to \$840,000. He pointed out that actually the number of fixed penalty notices issued had decreased, when compared with the number of summonses issued to littering offenders during the same period in the past year. He said that there had been increased public awareness about keeping Hong Kong clean.

26. Mr Andrew CHENG agreed that the publicity on the fixed penalty system was successful. Referring to paragraphs 5 to 7 of the Administration's paper, Mr CHENG asked what arrangements had been made to enhance support for the enforcement officers. DD(EH) reiterated that there had only been a few minor assault cases since the introduction of the fixed penalty system. He said that FEHD had extended the three-day preliminary self-defence (Aikido) training course to all enforcement staff. Moreover, FEHD staff had been provided with telecommunication equipment and personal alarm buzzers since mid July 2002, to enable them to enlist the assistance of colleagues and the Police where necessary.

27. Mr Tommy CHEUNG expressed concern that 96% of fixed penalty notices were issued by FEHD. He asked why other enforcement departments (such as the Leisure and Cultural Services Department (LCSD), Housing Department (HD) and the Police) had issued so few fixed penalty notices against offences such as littering in parks/public housing estates and unauthorised display of bills and posters. He was concerned whether the staff of these departments were fully aware of their responsibilities and the procedures to enforce the law.

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28. DD(EH) responded that FEHD was the major enforcement department for minor public cleanliness offences. He agreed to convey Mr CHEUNG's concern to the six departments about the low percentage of fixed penalty notices issued by them. As regards unauthorised display of bills and posters, DD(EH) said that there had been a significant decrease in the number of such activities in blackspots such as Mongkok. He assured members that the Administration would sustain its efforts in taking enforcement actions against these activities.

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29. The Chairman shared Mr Tommy CHEUNG's concern about the small number of fixed penalty notices issued by other enforcement departments. The Chairman pointed out that while the management of some public housing estates had been contracted out to private management companies, these companies were not empowered under the law to issue fixed penalty notices for littering offences in public housing estates. The Chairman requested the Administration to provide supplementary information on -

- (a) actions taken by LCSD, HD and the Police in the enforcement of the Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap.570);
- (b) a breakdown on the number of fixed penalty notices issued by respective departments; and
- (c) any enforcement difficulties encountered by these departments.

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DD(EH) agreed to coordinate with the departments and provide the information for the Panel.

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30. Mr Tommy CHEUNG suggested that the Administration should step up publicity on the telephone hotline service for the public to report littering blackspots. DD(EH) noted the suggestion.

31. Dr LO Wing-lok asked whether there were any improvements to the cleanliness of country parks after the introduction of the fixed penalty system. DD(EH) said that the Agriculture, Fisheries and Conservation Department had issued 39 fixed penalty notices (i.e. about 2.8% of fixed penalty notices issued), and was second only to FEHD in terms of the number of fixed penalty notice issued.

32. Dr LO Wing-lok noted that in 23 out of the 951 cases where fixed penalty notices had been issued, Police assistance was required. He asked whether this represented an exceptionally high percentage. DD(EH) said that some offenders might find it hard to accept the fixed penalty system during the initial stage of its implementation. He added that some of these offenders had withdrawn their complaints and there had not been an increase in the number of cases requiring Police assistance recently.

33. Dr LO further asked whether the self-defence training course provided to the enforcement staff was of any use. He considered that it would be more important to

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teach the staff to avoid confrontation with the offenders. DD(EH) explained that the primary purpose of the training course was to enhance the awareness of staff members about self-defence in order to protect themselves in disputes, but not to encourage them to fight with offenders. He said that the enforcement staff in general found the course useful. DD(EH) also agreed with Dr LO that large-scale publicity programme should be organised from time to time especially at blackspots to sustain the public awareness of the fixed penalty system.

34. Mr WONG Yung-kan considered that the fixed penalty system had succeeded in arousing general awareness among the public to keep Hong Kong clean. Referring to the five complaints received by FEHD from the offenders, Mr WONG asked about the reasons for withdrawal of the complaints. He also asked whether the Administration would strengthen the public education programmes in schools and public housing estates.

35. DD(EH) said that all the offenders in the five complaint cases denied that they had committed the littering/spitting offences and they complained about the behaviour of the enforcement officers. FEHD had conducted investigations immediately upon receipt of the complaints. The investigation findings had been provided to the complainants who subsequently withdrew or decided not to pursue their complaints.

36. DD(EH) further said that the Administration was reviewing its publicity strategies and exploring ways to step up publicity. He informed members that special arrangements had been made during the fireworks display on July 1 to enhance publicity on Clean Hong Kong and the fixed penalty system. He said that as compared with similar events in the past, there was some improvement in the cleanliness of the site after the fireworks display. However, newspapers and other rubbish were still found on the ground after the event. The Administration was considering ways to improve the situation, and would strengthen education at schools so that children could exert positive influence on their parents in improving the cleanliness of Hong Kong.

37. The Chairman advised that the Administration should make reference to the experience of the fireworks display on July 1 and make better arrangements for the forthcoming large events held for the celebration of the Mid-Autumn Festival. For example, more litter bins, instead of plastic bags, should be provided for rubbish disposal for large-scale events.

38. Mr Jasper TSANG asked whether the Administration anticipated that the effective enforcement of the fixed penalty system would eventually lead to redeployment of staff, as less street-cleansing staff might be required in the future. DD(EH) said that the enforcement of the fixed penalty system was now carried out by FEHD staff who also had other duties. When significant improvements were observed in the cleanliness of streets, the Administration would review whether less supervisory staff would be required for monitoring the performance of the street-cleansing contractors.

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IV. Regulatory control of unlicensed food establishments ("private kitchens")
(LC Paper No. CB(2) 2532/01-02(06))

39. Mr Tommy CHEUNG said that as the majority of private kitchens was unlicensed, it entailed a certain degree of risk to customers who patronised these premises which might not meet the necessary hygiene, building and fire safety requirements. He requested the Administration to explain its policy on private kitchens and why only two prosecutions had been taken against operators of private kitchens so far.

40. DD(EH) said that the Administration did not encourage the operation of these unlicensed food premises, as most of them were unlicensable because of the tenancy conditions and physical constraints of the premises concerned. He said that FEHD adopted the same enforcement approach in dealing with all unlicensed food premises including unlicensed private kitchens. As regards the low prosecution statistics in this respect, DD(EH) explained that as these private kitchens were not entirely open to the public, it was often difficult to gather evidence. FEHD had to rely on information provided by the public in locating these premises and conducting investigation. He said that unlicensed food premises on the ground floor were easier to be detected by health inspectors during routine inspections. He added that since the establishment of FEHD in 2000, seven complaints in respect of operation of private kitchens had been received and investigations conducted. In two of these cases, the operators concerned had been successfully prosecuted.

41. DD(EH) further said that while private kitchens were welcome by some customers, the Administration did not encourage food premises operating without a licence. FEHD had been discussing with relevant departments a regulatory framework for private kitchens. The Administration hoped that a proposal on how to regulate private kitchens would be worked out within two to three months for discussion by the Panel. In response to the Chairman, DS(FEH) said that the relevant recommendations should be ready for discussion in October 2002.

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42. Mr Tommy CHEUNG commented that the Administration should look at all relevant safety requirements for private kitchens, and not only the number of tables in such premises, when drawing up a regulatory regime for private kitchens.

43. Miss CHAN Yuen-han said that as only a few tables were provided in private kitchens, their operation was much similar to holding a banquet at home. She said that private kitchens were also found in Taiwan and other places. She considered that the stringent licensing requirements for restaurants should not apply to private kitchens as their operation was of a much smaller scale. She was of the view that the Administration should assist the private kitchens to exist, provided that they complied with the general hygiene and food safety requirements.

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44. DD(EH) responded that the Administration did not intend to apply the existing licensing requirements for general restaurants to private kitchens, and a more flexible framework would be proposed for private kitchens. However, he stressed that private kitchens should still comply with fire safety and food hygiene requirements. Miss CHAN Yuen-han agreed that food safety should be the primary consideration. She hoped that the Administration should adopt a flexible approach in the licensing of private kitchens, so that there would be a greater variety of catering services for consumers to choose.

45. Mr Andrew CHENG commented that the premises should be called "私營菜館" but not "私房菜" in Chinese. He said that these premises were either licensed or unlicensed. For the unlicensed ones, they should be called "無牌私營菜館". DD(EH) said that the name "私房菜館" was put in quotation marks to show that it was not the proper name. He explained that these premises were not entirely open to the public, and new patrons had to be introduced by existing customers or acquaintances of the operator. The Chairman pointed out that many of these premises were not operated on the ground floor and they should more appropriately be referred to as "樓上無牌食肆" in Chinese. Mr Michael MAK expressed support that the Administration should review the Chinese name of private kitchens.

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46. Mr Andrew CHENG sought clarification as to whether private kitchens also provided delivery catering service ("包伙食") which was of demand in the Central District. DD(EH) said that he did not know of any private kitchens providing delivery catering service as they usually served dinner on the premises.

47. Mr David CHU took the view that it was not necessary to impose regulatory control on private kitchens. He said that their operation was of such a small scale that it was just like ordinary families inviting friends to dine at their homes. He said that the only difference was that private kitchens charged for the food and services. He said that if the food hygiene of a private kitchen was not up to standard, its patrons would stop patronising it sooner or later. He considered that private kitchens should be allowed to operate for the benefit of the tourist industry.

48. DD(EH) explained that it was required by law that a person had to obtain a licence to operate restaurant business in order to safeguard public health and to ensure the safety of patrons eating in the premises concerned. However, he agreed with Mr CHU that the Administration should exercise flexibility in introducing regulatory control for private kitchens given their small size of operation.

49. Mr WONG Yung-kan asked whether the Administration had found out why private kitchens were welcome by some customers and why they could survive in the market. DD(EH) said that the Administration had not conducted in-depth study in this area, but he believed that customers were attracted to private kitchens mainly for their special cuisines or dishes served. Moreover, the operating costs of private kitchens were lower than ground floor food premises because of the rental difference.

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50. Miss CHOY So-yuk considered that the control to be imposed on private kitchens should be reasonable and that food hygiene and the safety of patrons should not be compromised. However, she requested that the Administration to review whether the existing licensing requirements for small food premises were too stringent and whether the relevant licensing fees could be reduced.

51. Mr Michael MAK asked whether the Administration would explore ways to help customers identify that a food premise was actually an unlicensed private kitchen. Since private kitchens were seldom advertised in the media, he asked how the Administration could detect them and take actions to deal with them.

52. DD(EH) said that the Administration had detected several private kitchens based on complaints lodged by their ex-staff or ex-business partners. It had also detected one private kitchen which had widely advertised in the media, and another one which was involved in a food poisoning incident. He said that customers could easily know that the food premises were private kitchens given their unique mode of operation.

53. Dr LO Wing-lok suggested that the Administration might make reference to the regulatory framework for banquet catering service ("到會") when designing the regulatory control for private kitchens, as the former also involved food preparation in residential buildings. He also suggested that the Administration might consider extending the Health Manager Scheme to private kitchens to ensure their food hygiene standard. DD(EH) advised that banquet catering service was operated under a Food Factory Licence, and the food preparation process was subject to control under the relevant licensing conditions. However, the process of re-heating or cooking in the residential premises after the delivery of food was not subject to regulatory control. It was therefore not appropriate to apply the regulatory control scheme for banquet catering service to private kitchens as their modes of operation were different.

54. The Chairman advised that the Administration should revert to the Panel around October 2002 on the proposed licensing regime for private kitchens. The Administration noted the request.

V. Follow-up discussion on the Report of the Investigation Team for the 2002 Avian Influenza Incident
(LC Paper No. CB(2) 2532/01-02(07))

55. Members noted that the following organisations had made submissions to the Panel -

- (a) Hong Kong Poultry Wholesalers and Retailers Association (LC Paper No. CB(2) 2513/01-02 (01)); and
- (b) Hong Kong Poultry Wholesalers Association (LC Paper No. CB(2) 2577/01-02 (01)).

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56. Members also noted that the Administration had provided supplementary information (LC Paper No. CB(2) 2532/01-02(07)) on the subject in response to members' request.

57. Mr Tommy CHEUNG requested the Administration to explain the basis for calculating the net profit loss for live chicken retailers and transporters, as set out in paragraph 5 of the Administration's paper. DD(EH) agreed to provide the information in writing.

(*Post-meeting note* : The Administration had subsequently provided the information which was circulated to members vide LC Paper No. CB(2) 2632/01-02(03) dated 22 July 2002.)

58. Mr WONG Yung-kan asked whether the Administration had decided that local chickens farms would be required to implement the biosecurity measures proposed in the Report of the Investigation Team, and whether any assistance would be provided for chicken farmers. He also urged the Administration to assess the impact of the importation of chilled chickens from the Mainland on the local live chicken industry. The Chairman asked about the public views received so far on the recommendations of the Report, and whether the Administration had any implementation timetable for the recommendations.

59. DS(FEH) replied that the Administration had received some feedback from the poultry trade, but the general public and experts had not provided much response to the Report. She said that the Administration had written to some organisations inviting them to give views. She also took the opportunity to call on the trade and the public to provide their views and comments on the recommendations of the Report. She added that the Administration aimed to complete the consultation exercise by the end of August and would devise proposals on the way forward.

60. DS(FEH) further said that the Administration would take the following factors into account in considering measures to deal with avian influenza incident -

- (a) the need to maintain a good standard of veterinary health and protect human lives;
- (b) the impact of any proposed measures on the poultry trade especially under of the current economic situation; and
- (c) the loss caused to the community by the recurrence of avian influenza incidents.

She said that the Administration would try to work out a proposal balancing these factors. She stressed that members of the trade were welcome to discuss with the Administration their problems in making improvements to their farms.

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61. Mr WONG Yung-kan said that he was consulting the poultry trade and would make a submission to the Administration by the end of August. He considered that the Administration should step up the monitoring and control of imported chilled meat, and explore ways to enable customers to differentiate between chilled chickens and fresh chickens in order to safeguard public health. DS(FEH) said that the Administration was considering the suggestion. However, she pointed out that as Hong Kong practised free trade, Hong Kong was obliged to comply with the requirements and conditions set by the World Trade Organisation. She emphasised that it was important to safeguard public health and the interest of the public.

62. Mr WONG Yung-kan requested the Administration to provide further information on the food safety requirements imposed on imported chilled meat and poultry in overseas countries. DS(FEH) agreed to provide the information as far as possible. She pointed out that Government's responsibility was to ensure that all imported food met Hong Kong's import control and sanitary requirements.

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63. Mr Tommy CHEUNG said that he would soon discuss with live chicken retailers to collect their views on the Report. He said that Hon Mrs Selina CHOW, who represented the sectors of wholesalers and retailers, had conveyed to him that chicken wholesalers were opposed to having two sets of rest day per month. The chicken wholesalers were of the view that the recommendation would seriously affect their business. Moreover, live chicken retailers also disagreed with the Administration's estimation that their net profit loss would only be \$500 (for each FEHD market stall) or \$1,000 (for each fresh provision shop) if an additional rest day was introduced to the retail markets. Mr CHEUNG requested the Administration to provide detailed information to substantiate the need for introducing an additional rest day to the retail markets. He pointed out that the retail sector had been very cooperative in reducing the risk of recurrence of avian influenza. For example, in February 2002, an additional rest day was introduced in the retail markets on their own initiative.

64. DS(FEH) said that the Administration would later provide detailed explanation on how the net profit loss had been estimated. She expressed appreciation of the cooperation rendered by the poultry trade during the last outbreak of avian influenza. However, she pointed out that the objective of the Investigation Team's recommendations was to minimize the risk of recurrence of avian influenza.

65. Mr Tommy CHEUNG said that the trade's concern was that even with the introduction of an additional rest day to the retail markets, there was still the risk of recurrence of avian influenza. He added that the Administration had failed to explain how far the risk would be reduced by the introduction of an additional rest day. The trade was concerned that further rest days would be introduced should there be another outbreak of avian influenza again in the future.

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66. Dr LO Wing-lok also expressed reservation about the proposed additional rest day as the Administration had not provided sufficient justifications for the proposal. He said that it was highly unlikely that there would be a recurrence of the same intensity of H5N1 virus circulation in the retail markets as that in the 1997 outbreak. He further said that evidence had shown that after the rest day on the 25th of each month, avian influenza viruses in the market quickly returned to the intensity level found before the rest day within a short period of time. Therefore, he and some other microbiologists did not support the proposed introduction of an additional rest day which would not be of much use.

67. On the measures to enable customers to differentiate chilled chickens from fresh chickens, Dr LO Wing-lok suggested that the Administration should issue separate licences for the sale of fresh chickens and for the sale of chilled chickens. He said that if this was not allowed under existing legislation, he hoped that the Administration would introduce legislative amendments after consulting the trade and the public. Mr WONG Yung-kan added that this suggestion had the support of the poultry trade.

68. DS(FEH) said that the Administration was exploring ways to facilitate customers to differentiate chilled chickens from fresh chickens, and different options were under consideration.

69. Mr WONG Yung-kan said that given that there were some 100 000 live chickens imported from the Mainland each day, the Administration should strengthen communication with the Mainland authorities on how to prevent the recurrence of avian influenza. DS(FEH) said that the Administration had been in close contact with the Mainland authorities to explore all possible ways for preventing the recurrence.

70. Mr WONG Yung-kan asked about the progress made in the use of vaccine in the Pak Sha area. Deputy Director of Agriculture, Fisheries and Conservation (DDAFC) said that the experimental use of the vaccine had progressed smoothly and chickens injected with the vaccine had not shown signs of avian influenza viruses. He said that the use of this vaccine would be reviewed after the one-year trial period, in order to establish its role in the control of avian influenza viruses. Mr WONG further asked whether the vaccine would also be applied in other areas and not just in Pak Sha. DDAFC replied that there were no plans to do so at the present stage as the viruses had not been discovered in other areas.

71. Noting that the vaccine being applied was developed overseas, Mr Tommy CHEUNG asked whether Hong Kong should develop its own vaccine, by enlisting the assistance of Mainland expertise, for the control of H5N1 (which had only been identified in Hong Kong) and other flu viruses commonly found in Hong Kong. DDAFC replied that the highly pathogenic avian influenza viruses reported in Hong Kong mainly belonged to H5 or H7 sub-types, and the vaccine being applied had proved to be effective (in South America) in controlling these types of viruses. He said that as the vaccine being applied in Hong Kong was effective and not expensive, it was considered suitable for use in Hong Kong. He added that the Administration

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was also interested in developing a more effective vaccine by enlisting the assistance of local or Mainland expertise. The Administration would first review the effectiveness of the one-year trial vaccine scheme in Pak Sha before extending it to other farms.

72. The Chairman said that Members belonging to the Democratic Party were also opposed to the introduction of an additional rest day to the retail markets for reasons as already raised by members. He said that it would be in the customers' interest for separate licences to be issued for the sale of chilled chickens/frozen chickens and for the sale of fresh chickens. He considered that this should not pose great difficulties to operators since it was already the existing requirement that freezers had to be installed at premises where chilled meat was sold.

73. The Chairman considered that those local chicken farms occupying Government land should also be put under regulatory control. He suggested that FEHD should explore with the Lands Department (LD) the feasibility of leasing these farms to the operators and requiring them to make improvements in order to comply with the leasing and licensing requirements. DS(FEH) said that she had started discussions with the LD, HD, Buildings Department on ways to tackle the problems. Adm The Administration would report the progress to the Panel in due course.

74. The Chairman reminded the Administration to consult the Panel first before introducing any new measures after the consultation period. The Administration noted the request.

VI. Any other business

Proposal to undertake an overseas duty visit

(LC Papers Nos. CB(2)2532/01-02(08) and IN32 & 33/01-02)

75. The Chairman said that he had discussed with some Panel members the proposal of the Panel undertaking a duty visit to Japan and Australia to study their import and export control of food products, regulation of food business and legislation on GM food labelling. The Chairman proposed that the visit could be conducted during the Easter break, presumably from 12 to 19 April 2003. He said that the Secretariat had provided a background information paper on the proposed visit for members' reference.

76. Mr WONG Yung-kan suggested that the visit be extended by one more day and South Korea be included in the itinerary. The Chairman suggested that the Research and Library Services Division (RLSD) should be requested to provide some information on the food regulatory systems in South Korea to assist the Panel's further consideration of the matter.

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77. Members supported the proposed visit and agreed that the Secretariat should proceed with the preparatory work.

78. There being no other business, the meeting ended at 11:15 am.

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Legislative Council Secretariat
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