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(These minutes have been seen by
the Administration)

Panel on Food Safety and Environmental Hygiene

Minutes of meeting
held on Tuesday, 25 February 2003 at 10:45 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 Andrew CHENG Kar-foo
Hon LEUNG Fu-wah, MH, JP
Dr Hon LO Wing-lok
Hon WONG Sing-chi

Members absent : Hon CHAN Yuen-han, JP
Hon Michael MAK Kwok-fung

Public Officers Attending : Items II to V

Mr Eddy CHAN
Deputy Secretary (Food and Environmental Hygiene)
Health, Welfare and Food Bureau

Mr Edward LAW
Principal Assistant Secretary (Food and Environmental Hygiene)
Health, Welfare and Food Bureau

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

Mr CHU Yuet-wing
Acting Assistant Director (Operations) 1
Food and Environmental Hygiene Department

Item VI

Mr Eddy CHAN
Deputy Secretary (Food and Environmental Hygiene)
Health, Welfare and Food Bureau

Mr Edward LAW
Principal Assistant Secretary (Food and Environmental Hygiene) 2
Health, Welfare and Food Bureau

Dr Y Y HO
Consultant (Community Medicine)
(Risk Assessment and Communication)
Food and Environmental Hygiene Department

Attendance by : Representatives of the catering industry
invitation

Hong Kong Federation of Restaurants and Related Trades

Mr Simon WONG Ka-wo
Chairman

Mr CHAN Wing-on
Vice-Chairman

The Association for Hong Kong Catering Services Management

Mr YEUNG Wai-sing
Chairman

Mr POON Kwan-fai
President

Association of Restaurant Managers Limited

Mr CHING Kee
Chairman

Mr Louis CHAN Chik-hon
Vice-Chairman

Maxim Caterers Limited

Mr James WU
Chairman

Hong Kong Japanese Restaurant Association

Mr Frankie WU
President

The SoHo Association Limited

Mr Nimal Jayawardena
Chairman

Lan Kwai Fong Holding

Mr Kavin CHAN
Operations Manager

Hsin Kuang Restaurant (Holding) Limited

Mr Thomas WOO Chu
Governing Director

Chiu Chow Overseas Food Trade Merchants Association

Mr CHEUNG Sing-hung
Chairman

Tso Heung Holding Limited

Mr CHUNG Wai-ping
Chief Executive Officer

Operators of "private kitchens"

Mr HA Yiu-man

Mr LAU Kin-wai

Mr PANG Tai-wa

Mr Vincent KU

Mr Andrew CHA

Miss Bonnie SO Shuk-ying

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 meetings

[LC Paper Nos. CB(2)1258/02-03 and CB(2)1260/02-03]

The minutes of the special meeting on 13 January 2003 and the regular meeting on 28 January 2003 were confirmed.

II. Date of next meeting and items for discussion

[LC Paper Nos. CB(2)1261/02-03(01) and (02)]

2. Members agreed to discuss the following items at the next regular meeting scheduled for 20 March 2003 at 10:45 am -

- (a) Labelling of genetically modified (GM) food; and
- (b) Nutrition labelling and labelling of food additives.

3. The Chairman said that as agreed at the last meeting, the Research and Library Services Division would also provide a research report on GM food labelling in overseas jurisdictions. The report would be issued to members before the next regular meeting.

III. Information paper(s) issued since last meeting

4. Members noted that the Administration had not provided any information paper since the last meeting.

IV. Meeting with representatives of the catering industry and operators of "private kitchens" on the proposed regulatory control of "private kitchens"

5. The Chairman said that at the suggestion of Mr Tommy CHEUNG, representatives of the catering industry and operators of "private kitchens" were invited to give views on the proposed regulatory control of "private kitchens". He added that the Panel would discuss the Administration's revised proposal in April 2003.

6. At the Chairman's invitation, representatives of the deputations presented their views which were summarised in paragraphs 7 - 26.

Hong Kong Federation of Restaurants and Related Trades
[LC Paper No. CB(2)1269/02-03(01)]

7. Mr CHAN Wing-on presented the views of the Hong Kong Federation of Restaurants and Related Trades as detailed in the submission. Mr CHAN said that it would be unfair for the Administration to exempt "private kitchens" from food business licensing. He stressed that the operation of "private kitchens" should be regulated to ensure compliance with the necessary safety standards and requirements.

Maxim Caterers Limited
[LC Paper No. CB(2)1289/02-03(02)]

8. Mr James WU presented his views as detailed in his submission. Mr WU said that he did not oppose the existence of "private kitchens". However, its operation should be subject to the existing regulatory control imposed on other food establishments. He stressed that it was most important for the Administration to ensure compliance of these premises with the necessary hygiene standards and requirements for environmental protection, in order to protect the safety of patrons of "private kitchens". He added that the Administration had the responsibility to provide a level playing field for food businesses.

Association for Hong Kong Catering Services Management
[LC Paper No. CB(2)1269/02-03(02)]

9. Mr POON Kwan-fai presented the views of the Association for Hong Kong Catering Services Management as detailed in the submission. Mr POON said that the Association did not ask that "private kitchens" be put out of business, but only demanded a level playing field for food businesses. Mr POON pointed out that since most of the existing "private kitchens" operated in residential buildings, they had posed not only nuisances but also fire risks to the residents in these buildings. Mr POON said that it would also be difficult for the Administration to enforce the proposed regulatory requirements, such as the operating hours, the seating capacity and hygiene standards of "private kitchens", if they were not required to be licensed.

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10. Mr POON further said that the Administration should review the licensing regime for food businesses with a view to facilitating the operation of the medium and small size food establishments. He considered that the Administration should streamline the licensing requirements/procedures and encourage "private kitchens" to operate under licence. He added that food premises should not be allowed to operate in residential buildings.

Association of Restaurant Managers Limited
[LC Paper No. CB(2)1269/02-03(03)]

11. Mr CHING Kee presented the views of the Association of Restaurant Managers Limited as detailed in the submission. He said that licensed restaurants had made much contribution to the economy of Hong Kong. He considered it unfair if "private kitchens" operating in a residential or the domestic portion of a composite commercial/residential building were exempt from food business licensing, whereas those operating in commercial buildings or in the commercial portion of composite buildings had to apply for a restaurant licence. He said that the Administration had adopted double standards in this respect.

Hong Kong Japanese Restaurant Association

12. Mr Frankie WU expressed concern about whether any "private kitchens" would be selling sashimi and whether these "private kitchens" complied with the required hygiene standards and requirements for handling such food. He said that a separate refrigerator had to be provided for storage of sashimi and no other raw meat should be kept in the same refrigerator. He said that it would damage Hong Kong's reputation if any serious food incidents were found with "private kitchens".

SoHo Association Limited
[LC Paper No. CB(2)1284/02-03(01)]

13. Mr Nimal Jayawardena presented the views of the SoHo Association Limited as detailed in the submission. Mr Jayawardena said that the SoHo Association also demanded for a level playing field for food businesses and to put "private kitchens" under regulatory control. He disagreed that "private kitchens" would enhance Hong Kong's status as a gourmet centre or promote the tourism trade. He believed that most "private kitchens" would fail the "QTS" assessment conducted by the Hong Kong Tourism Board if they were required to take this assessment.

14. Mr Jayawardena pointed out that SoHo was also based in residential area and some of their restaurants also had a small seating capacity of about 18 persons. He questioned whether it was fair to require the Soho restaurants to operate under a full restaurant or food factory licence, while "private kitchens" could be exempt from food business licensing.

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Lan Kwai Fong Holding

15. Mr Kavin CHAN pointed out that the proposed regulatory framework for "private kitchens" had not even included food hygiene requirements. He shared the concern expressed by some other deputations that it would damage Hong Kong's reputation as a "food paradise" and the tourism trade if tourists consumed unclean food in a "private kitchen" operating without a licence. Mr CHAN added that there was a lot of publicity on "private kitchens" and people could now easily patronise these premises. He urged the Administration to impose proper regulatory control on "private kitchens" to ensure the safety of patrons.

Hsin Kuang Restaurant (Holding) Limited

16. Mr WOO Chu said that the Administration seemed to be offering many privileges to "private kitchens" under its proposal of regulatory control of these premises, on the ground that they could promote tourism. He said that the restaurant trade had also made much effort to enrich local cuisines and elevate the professional standards of the trade by importing Chinese chefs from different provinces in the Mainland. He believed that the efforts made by the restaurant trade would also enhance Hong Kong's reputation as a gourmet centre and the tourism trade. In this connection, he hoped that Government could relax the current restrictions on importation of experts and encourage people to consume in Hong Kong.

Chiu Chow Overseas Food Trade Merchants Association

17. Mr CHEUNG Sing-hung said that the operation of "private kitchens" would give rise to sewage and pollution problems if they did not have to meet requirements relating to grease traps, ventilation system, etc. which were currently imposed on general restaurants. He considered that "private kitchens" should also be required to pay sewage charges as it would be unfair if only the licensed food establishments were required to pay such costs.

18. Mr CHEUNG further said that the operation of "private kitchens" would create many environmental nuisances such as fume, smell and noise to their neighbours. He questioned how the Food and Environmental Hygiene Department (FEHD) could effectively enforce the proposed regulatory requirements relating to the operating hours and seating capacity. He also expressed concern about the manpower implications for FEHD to regulate "private kitchens" such as fees and carrying out inspections on them if they were not required to pay licence fees and did not register with FEHD.

Tso Heung Holding Limited

19. Mr CHUNG Wai-ping said that the Administration should ensure a level playing field and apply to the "private kitchens" the same licensing standards and requirements as those imposed on general restaurants.

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Lan Kwai Fong Association

20. The Chairman said that the representative from the Lan Kwai Fong Association was unable to attend the meeting but had provided a submission which was tabled at the meeting.

(Post-meeting note : The submission was subsequently issued to members vide LC Paper No. CB(2)1289/02-03(01) dated 28 February 2003.)

Operators of "private kitchens"

[LC Paper No. CB(2)1269/02-03(04) and CB(2)1289/02-03(03)]

21. Mr HA Yiu-man said that as an operator of "private kitchen", he attached great importance to food hygiene and he himself had attended training courses on food hygiene and safety at tertiary institutions. He considered that "private kitchens" and conventional restaurants were not necessarily in competition and they could co-exist as the market could still grow in size. He was of the view that there would be a level playing field and fair competition if operators of "private kitchens" were allowed to enter the catering trade.

22. Mr LAU Kin-wai said that operators of "private kitchens" were also members of the food business trade. He considered it reasonable for "private kitchens" to be subject to regulatory control, and supported the Administration's proposal submitted to the Panel in November 2002 [LC Paper No. CB(2) 390/02-03(04)]. He was of the view that the crux of the problem lay with the food business licensing framework as many existing requirements were over-rigid and did not allow flexibility. For example, restaurants with 300 seats and those with 30 seats were subject to the same licensing requirements. The existing licensing system was therefore not conducive to the operation of small-scale food premises. Mr LAU considered that the Administration should review the licensing regime for food businesses and streamline the licensing requirements as many were outdated and over-rigid. He said that the licensing regime should provide more flexibility to facilitate the operation of different types of food premises, so that "private kitchens" and conventional restaurants could co-exist. He suggested that, for example, the business hours for "private kitchens" should be extended to four hours, instead of three hours, and the seating capacity allowed should be 20 persons at any one time.

23. Mr PANG Tai-wa concurred with Mr LAU Kin-wai that private kitchens could be put under regulatory control. He added that "private kitchens" had helped promoting tourism. He informed members that his "private kitchen" had recently received bookings from visitors from the Mainland, Taiwan, Japan and Korea. He had also been interviewed by an overseas reporter who was curious about "private kitchens". He said that whether a private kitchen could survive eventually would depend on the market and not its location. On the proposed regulatory system, he suggested that the Administration could impose certain restrictions on "private kitchens", such as limiting their business hours, seating capacity and disallowing them to advertise in the media.

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24. Mr Vincent KU also concurred with Mr LAU Kin-wai. He said that he would accept the introduction of a licensing regime for "private kitchens" if this could enhance patrons' confidence in "private kitchens". However, he considered that detailed requirements could be refined having regard to the practical constraints of "private kitchens".

25. Mr Andrew CHA said that operators of "private kitchens" attached great importance to food hygiene because if any unclean food was sold at "private kitchens", it would be widely reported in the media. He added that operators of "private kitchens" also observed strict hygiene standards since the success of an eatery depended on the appeal and quality of the food it served. He stressed that "private kitchens" were not asking for privileges, but room for survival.

26. Miss Bonnie SO said that "private kitchens" had enhanced the tourism trade, as "private kitchens" were reported in overseas media as a special attraction of Hong Kong. She added that "private kitchens" were famous for their creative menus which was attractive to tourists. She hoped that if a licensing regime was introduced to private kitchens, the requirements would not be too restrictive so that there was room for their survival.

Discussion

27. Mr James TO said that his initial view was that the restrictions to be imposed on "private kitchens" should be proportionate to the scale of their operation, as the stringent requirements imposed on large restaurants might not be applicable to "private kitchens". He said that the Administration should introduce different levels of regulatory control for food establishments of different scale of business. He added that this was also the approach adopted for regulatory control of karaoke establishments. Referring to the Administration's proposed regulatory control requirements for private kitchens, Mr TO invited views from the deputations on what requirements they considered were too harsh or out of scale with the size of operation of private kitchens.

28. Mr WONG Ka-wo pointed out that the restaurant trade did not oppose the existence of "private kitchens" which had long existed in Hong Kong. He said that restaurants and small refreshment shops were already subject to different licensing requirements. However, the trade was dissatisfied that the Administration tended to be lenient with "private kitchens" but harsh on conventional restaurants. For example, there were many unreasonable restrictions imposed under the Light Refreshment Restaurant Licence. The application procedures for General Restaurant Licence were also very cumbersome and applicants had to meet many requirements relating to fire safety, hygiene, environmental protection, etc. He said that the Administration should streamline the licensing system for food businesses so that it could accommodate both "private kitchens" and general restaurants.

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29. Mr CHAN Chik-hon said that many food shops, such as coffee shops, actually had a small seating capacity (about 30 persons) but they still had to apply for Light Refreshment Restaurant Licence and bear the full costs for complying with the licensing requirements. He considered it unfair for the Administration to exempt "private kitchens" from food business licensing on the ground of their limited seating capacity. He added that "private kitchens" were also part of the catering industry and the Administration should provide a level playing field for all food business operators.

30. Referring to the submission made by the Lan Kwai Fong Association, Mr James TO said that the Administration should review the existing licensing regime and gauge views from the trade as to whether any existing licensing requirements, such as those relating to fire safety, were too harsh. The Administration should improve those unreasonable requirements and not to impose them on small scale food businesses including "private kitchens".

31. Mr LEUNG Fu-wah pointed out that although some coffee shops had a small seating capacity, they had fewer restrictions than "private kitchens" in terms of operating hours and freedom to advertise. Referring to the Administration's proposal on regulatory control of "private kitchens" [LC Paper No. CB(2) 390/02-03(04)], Mr LEUNG requested representatives of the restaurant trade to point out which of the proposed requirements were too lenient.

32. Mr WONG Ka-wo responded that it was unacceptable that "private kitchens" did not have to meet requirements on the installation of grease traps. Mr Frankie WU said that the Administration's proposal was a compromise as "private kitchens" would not be able to fully comply with the normal licensing requirements. Mr WU considered the Administration's proposal divisive.

33. Mr Andrew CHA explained that given the small scale of operation of "private kitchens", they did not cause serious problems of fume or other environmental nuisances. He said that as far as he knew, no "private kitchens" had caused sewage problems in their operation.

34. Mr LEUNG Fu-wah asked whether it was acceptable for the Administration to adopt a gradual approach and introduce full licensing control to "private kitchens" after they had operated for a longer time and had grown in size. Mr WONG Ka-wo responded that this was acceptable provided that the Administration could ensure a level playing field for the trade.

35. Mr LAU Kin-wai said that he agreed with Mr James TO that the Administration should first conduct a review of the existing licensing regime for food businesses and streamline the licensing requirements. Speaking from his own experience, Mr LAU said that when he first operated a "private kitchen" which had a seating capacity of about 20, he had invested only \$200,000. However, when he later applied for a food business licence for his "private kitchen" (with 30 seats), he had to invest more than \$700,000. He said that the existing licensing system imposed too many harsh

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requirements and conditions on food premises and this had hindered the development of the catering trade.

36. Mr WONG Yung-kan commented that the Administration must ensure public safety and provision of adequate means of fire escape in devising a regulatory control scheme for "private kitchens". He also sought the deputations' views on how "private kitchens" and the restaurant trade could co-exist.

37. Mr PANG Tai-wa responded that his "private kitchen" fully met the requirements on grease traps, ventilation systems, freezers, storage facilities, etc. He considered that there should not be any problem for "private kitchens" and conventional restaurants to co-exist.

38. Mr CHEUNG Sing-hung said that he did not oppose the existence of "private kitchens". However, the restaurant trade's concern was that it would be unfair for the Administration to exempt "private kitchens" from food business licensing whereas conventional food establishments were subject to many stringent licensing requirements and conditions. He considered that whether "private kitchens" and restaurants could co-exist depended on how the Administration would propose to regulate these different types of food businesses.

39. Mr YEUNG Wai-sing considered that "private kitchens", should be able to meet the requirements and conditions for a club licence which was issued by the Home Affairs Department (HAD). He suggested that FEHD should make reference to that licensing scheme in devising proposals on regulatory control of "private kitchens".

40. Mr Tommy CHEUNG said that members of the restaurant trade had reflected to him that they were not so much concerned about the competition posed by "private kitchens" as there were already over 10 000 licensed food premises in Hong Kong. However, the restaurant trade was concerned that the Administration's proposal was divisive and unfair. He said that, for example, it was illogical to exempt "private kitchens" operating in a residential or the domestic portion of a composite commercial/residential building from food business licensing, whereas those operating in commercial buildings or in the commercial portion of composite buildings had to apply for a restaurant licence. He also questioned how the Administration could effectively regulate the "private kitchens" if they were not required to be licensed. He further suggested that if the Administration's proposal of exempting "private kitchens" from food business licensing was adopted, all eateries which had a seating capacity of less than 18 and operated for less than 3 hours should also be exempt from licensing.

41. On the review of food business licensing, Mr Tommy CHEUNG said that he had repeatedly requested the Administration to review the restrictions for the Light Refreshment Restaurant Licence, but little improvements had been made so far.

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42. Referring to FEHD's recent application for a Closure Order under the newly amended Public Health and Municipal Services (Amendment) Ordinance 2002 to close an unlicensed food premise, Mr Tommy CHEUNG said that FEHD should take the same enforcement action against those "private kitchens" which were operating without licence.

43. Dr LO Wing-lok also expressed reservations on the Administration's proposed regulatory control of "private kitchens". He said that many "private kitchens" were widely advertised and there was no reason not to treat them as ordinary eateries. He considered it was only fair to subject them to the same hygiene and safety requirements as imposed on conventional food premises. Dr LO added that he was particularly concerned about "private kitchens" located in residential buildings as their operation definitely posed nuisance and fire risk to the residents concerned. He considered that allowing private kitchens to operate in residential buildings was unfair to the residents concerned as the latter's interests were not protected.

44. Mr Andrew CHA said that for "private kitchens" operating in residential buildings, he agreed that their operation should be subject to the consent of the Owners' Incorporations (OIs) of the buildings concerned. He said that if the OI received many complaints from the residents about nuisances caused by a "private kitchen" in the building, the OI certainly would not consent to the continued operation of that "private kitchens".

45. In response to the Chairman, Deputy Secretary (Food and Environmental Hygiene) (DS(FEH)) said that the Administration was still in the course of collecting views on the proposed regulatory control of "private kitchens". The Administration would carefully analyse the views collected and consult the Panel in April/May 2003 on the proposed way forward.

46. Deputy Director (Environmental Hygiene) (DD(EH)) said that due to time constraint, he could not give detailed response to all the issues raised by the deputations. He pointed out that some of the answers to their questions could be found in the Administration's paper for the Panel meeting held on 20 November 2002 and the relevant minutes of meeting. However, he would like to make the following points to clarify some misunderstanding of the Administration's proposal -

- (a) The Administration had not proposed that "private kitchens" would totally exempt from licensing requirements. Under the Administration's proposal, "private kitchens" would be required to register with FEHD and pay a registration fee. They would be required to comply with regulatory requirements on fire safety, land/planning restrictions, building requirement, etc. The Administration would not make any compromise in respect of safety requirements for "private kitchens". Under the proposal, "private kitchens" which failed to comply with the requirements would be liable to prosecution.

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- (b) FEHD attached great importance to fair and reasonable enforcement on food businesses. A closure order was recently applied under the newly amended legislative provisions to close an unlicensed food premise because the operator concerned had not made any application for a licence and the premises were in very poor hygiene conditions.
- (c) The Administration agreed that the existing licensing regime for food businesses would need improvement and it was conducting a major review on the licensing systems and procedures for food businesses, including those for the Light Refreshment Restaurant Licence. During the review, the Administration would discuss with the trade and seek their views on these matters.

DD(EH) added that the Administration would carefully consider the views expressed by deputations and members at this meeting.

47. Referring to the recent closure order issued on unlicensed food premises, Mr Tommy CHEUNG clarified that he only wanted to point out that the Administration had adopted double-standards in enforcing the newly amended legislative provisions to close unlicensed food premises.

48. In concluding the discussion, the Chairman said that the major concern expressed by representatives of the restaurant trade was parity of treatment and they had no intention to push "private kitchens" out of business. These representatives, however, did not consider it acceptable for the Administration to devise a tailor-made regulatory control scheme for "private kitchens" with a view to facilitating their operation.

49. The Chairman said that the deputations had also made a strong request that the Administration should conduct a comprehensive review of the entire licensing regime for food businesses, and to streamline the licensing procedures and requirements (especially for the Light Refreshment Restaurant Licence) in order to enhance the business environment of the trade. The Chairman urged the Administration to take into account the views of the deputations in revising its proposal.

Adm

50. The Chairman added that the deputations were welcome to provide further views or supplementary information in writing to the Panel before the end of March 2003. He thanked the representatives for attending the meeting.

V. Enforcement of new licensing requirements and conditions for the sale of chilled meat imposed on fresh provision shops and market stalls
[LC Paper No. CB(2) 1261/02-03(03)]

51. DS(FEH) said that the Administration's paper had set out the background for the proposed new enforcement procedures for the licensing requirements and conditions of

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food premises and the tenancy conditions of FEHD market stalls. He briefed members on the proposed changes as detailed in paragraph 8(a) to (c) in the paper, and sought members' views on the new procedures. DD(EH) said that the Administration aimed at implementing the new procedures in the second half of 2003.

52. In response to the Chairman, DD(EH) explained that under the current proposal, a verbal warning administered to a licensee/market tenant for a breach of a licensing/tenancy requirement/condition would be valid for six months. Within the six-month period, if a breach of the same requirement/condition was detected again, a warning letter would be issued. However, if the licensee or tenant was found in breach of another requirement/condition, a fresh verbal warning would be issued, to be followed by a warning letter if the licensee/tenant committed the same offence again. The accumulation of three written warnings within six months, issued for breach of the same or different requirement(s) or condition(s), would lead to cancellation of licence on termination of tenancy agreement.

53. Mr WONG Yung-kan expressed support for the Administration's proposal in paragraph 8(c) of the paper to empower the Director of Food and Environmental Hygiene (DFEH) to cancel a licence or terminate a market tenancy agreement immediately on detection of a breach of conditions governing the sale of frozen/chilled meat or chicken. He said that the proposal would address the trade's concern about retail outlets selling frozen/chilled meat or chicken as fresh meat or chicken. He further said that while he had no strong views on the proposals in paragraph 8(a) and (b) of the paper, he suggested that the Administration should explain clearly the new arrangements and the proposed timing of implementation to licensees and market tenants.

54. Mr Tommy CHEUNG also expressed support for the proposed arrangement in paragraph 8(c) of the paper. However, he was concerned whether there would be any practical difficulties arising from the implementation of the new enforcement procedures set out in paragraph 8(a) and (b) of the paper. He expressed reservations that these proposals would give too much power to DFEH. He suggested that perhaps the Panel could first gauge the views of representatives of the licensees and market tenants on the proposals.

55. Mr WONG Sing-chi also expressed support for the proposed arrangement in paragraph 8(c) of the paper. He also shared Mr Tommy CHEUNG's concern about the new procedures proposed in paragraph 8(a) and (b) of the paper. He said that the new procedures must not result in the cancellation of licence or termination of tenancy for minor or inadvertent breaches.

56. DS(FEH) said that licensees/market tenants could seek a review of a decision to cancel their licence or terminate their tenancy, by making a written representation to DFEH. Licensees/market tenants who felt aggrieved by DFEH's decision could further appeal to the Licensing Appeals Board and/or the Municipal Services Appeals Board, as the case might be. In the event that the appeal was rejected by the appeal

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board, the licensing authority still had to allow three months for the licensee/market tenant concerned to clear his stock. There were also other redress channels, for example, the licensees/market tenants could lodge complaints to Legislative Council Members, District Council members or the Ombudsman.

57. To assist Members' consideration of the Administration's proposal, Mr Tommy CHEUNG requested the Administration to provide the following information -

- (a) for how long the existing enforcement regime had been implemented; and
- (b) the anticipated number of cases that FEHD would succeed to cancel the licence or terminate tenancy agreement of a recalcitrant licensee/market tenant after implementing the new procedures.

58. DD(EH) responded that the existing enforcement regime had been implemented for many years before the reorganisation of municipal services. He said that it might not be possible to ascertain how long the existing regime had been in force as some very old records were no longer available.

59. Mr Tommy CHEUNG said that since the existing enforcement procedures had been implemented for a long time, he did not see any urgency to change them and implement the new procedures as set out in paragraph 8(a) and (b) of the paper.

60. To provide some rough indication on the likely number of cancellation of licences or termination of tenancy after implementation of the new procedure, DD(EH) said that in 2002, FEHD had issued 335 warning letters for breach of licensing requirements/conditions and 207 written warnings for breach of tenancy conditions. However, only eight licences had been suspended and no licences/tenancy agreement had been cancelled or terminated during the period.

61. The Chairman concluded that members raised no objection to the new arrangement set out in paragraph 8(c), but some members had expressed concern as to whether there would be problems arising from the implementation of the proposed arrangements in paragraph 8(a) and (b) of the paper. The Chairman pointed out that the new procedures would affect not only fresh provision shops and FEHD market tenants, but also those operating in markets managed by the Housing Department (HD). As the Administration was going to brief licensees and market tenants of the new arrangements, the Chairman suggested that the Administration should first report to the Panel the outcome of the briefing before implementing the new procedures in paragraph 8(a) and (b). The Panel would then decide whether it was necessary to invite views from representatives of the trade. The Administration agreed.

VI. 2003 Anti-mosquito campaign
[LC Paper No. CB(2) 1261/02-03(04)]

62. Consultant (Community Medicine) (C(CM)) of FEHD briefed members on the salient points of the Administration's paper about the 2003 Anti-mosquito Campaign and the enhanced vector surveillance programme. C(CM) said that maps showing the distribution of 38 selected locations where ovitraps would be placed were tabled at the meeting. He added that the 38 selected locations mainly covered areas with high human concentration such as housing estates, hospitals, schools and other strategic areas such as waterfront cargo working areas.

63. Mr WONG Sing-chi welcomed Government's proposed measures in combatting mosquito problems. However, he expressed concern about the mosquito problems on private agricultural land. He pointed out that composting and wild grass on some private agricultural land had given rise to serious mosquito problems. He said that although FEHD staff had tried to control the problems by spraying disinfectant, they could not clear the disposed grass on the agricultural land since the land was privately owned.

64. C(CM) responded that sustained and concerted efforts from all sectors of the community were necessary for effective mosquito prevention and control. He said that there was legislation to require owners of private land and property to prevent mosquito breeding on their land. C(CM) agreed to liaise with the Agriculture, Fisheries and Conservation Department on educating farmers about the necessary measures for mosquito prevention and elimination.

65. Mr WONG Yung-kan said that to prevent dengue fever, he agreed that the Administration should start its anti-mosquito measures in collaboration with OIs and HD in residential areas as early as March. He also suggested that the Administration should strengthen anti-mosquito measures on vacant government land, especially where the place was grass-grown and a lot of refuse had been dumped. He shared Mr WONG Sing-chi's concern that mosquito problems on some private agricultural land were serious and had affected the residents nearby. He urged the Administration to step up efforts to address these problems.

66. Principal Assistant Secretary (Food and Environmental Hygiene) 2 (PAS(FEH)2) responded that the Anti-Mosquito Steering Committee had endorsed a comprehensive package of anti-mosquito measures at a recent meeting, and the Annex to the Administration's paper had set out the progress of work and operational plan of different departments. He pointed out that mosquito control operations in housing estates and private buildings were closely monitored by a working group under HAD and the respective Clean Hong Kong District Committees in the 18 districts. They would actively identify black spots in their districts and coordinate with departments concerned to conduct cleansing operations. As regards vacant government land, the Lands Department would conduct grass-cutting and site clearance at about 600 identified black spots in the coming wet season. In addition, FEHD would promote a

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weekly inspection programme on mosquito breeding places ("滅蚊週記") to schools and housing estates.

67. PAS(FEH)2 further said that community involvement was also an important part of the Administration's anti-mosquito strategy. The Information Services Department had stepped up territory-wide publicity in order to promote public awareness of the importance of mosquito prevention and to encourage public participation in the anti-mosquito work. HAD would also strengthen cooperation with district organisations in disseminating anti-mosquito messages and mobilising resources to tackle mosquito problems.

Adm

68. The Chairman advised that the Anti-Mosquito Steering Committee should look into the mosquito problems on private agricultural land. PAS(FEH)2 agreed to follow up.

(Post-meeting note : According to the Administration, PAS(FEH)2 had conveyed to AFCD members' concerns about the mosquito problems on private agricultural land. AFCD undertook to send letters to farmer organisations advising them to take anti-mosquito measures. AFCD would also assist in promulgating FEHD's advice on mosquito prevention and control through day-to-day contacts with farmers.)

69. There being no other business, the meeting ended at 12:45 pm.

Council Business Division 2
Legislative Council Secretariat
19 March 2003