

立法會
Legislative Council

Ref : CB2/PL/FE

LC Paper No. CB(2) 3007/02-03
(These minutes have been seen by
the Administration)

Panel on Food Safety and Environmental Hygiene

Minutes of meeting
held on Tuesday, 27 May 2003 at 10:45 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 James TO Kun-sun
Hon WONG Yung-kan
Hon Andrew CHENG Kar-foo
Hon Michael MAK Kwok-fung
Hon LEUNG Fu-wah, MH, JP
Dr Hon LO Wing-lok, JP

Members absent : Hon CHAN Yuen-han, JP
Hon WONG Sing-chi

Public officers attending : Items I to IV

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

Ms Priscilla TO
Acting Principal Assistant Secretary (Food and Environmental
Hygiene) 1
Health, Welfare and Food Bureau

Dr Gloria TAM
Acting Deputy Director (Food & Public Health)
Food and Environmental Hygiene Department

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

Item V

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

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

Mrs Ingrid YEUNG
Deputy Director (Environmental Hygiene)
Food and Environmental Hygiene Department

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

Dr K M YEUNG
Senior Country Parks Officer
Agriculture, Fisheries and Conservation Department

Dr M M LAU
Principal Environmental Protection Officer (Territory East)
Environmental Protection Department

Mr K H LAU
Deputy Director of Housing (Estate Management)

Mr I C LAI
Assistant Director (Estate Management) 1
Housing Department

Mrs Loran MAO
Assistant Director (Leisure Services) 1
Leisure and Cultural Services Department

Mr Francis LIU
Assistant Director (Planning and Services)
Marine Department

Mr Adam LAI
General Manager (Services)
Marine Department

Mr S T LAU
Chief Superintendent (Support)
Hong Kong Police Force

Mr P R Morgan
Senior Superintendent (Support)
Hong Kong Police Force

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 No. CB(2)2169/02-03]

The minutes of the meeting on 29 April 2003 were confirmed.

II. Date of next meeting and items for discussion
[LC Paper Nos. CB(2)2170/02-03(01) and (02)]

2. Members agreed to discuss the following items, as proposed by the Administration, at the next regular meeting scheduled for 24 June 2003 at 10:45 am -

- (a) Findings of and Government responses to recent surveys on prevention of dengue fever; and
- (b) Study on Acrylamide in food.

(Post-meeting note: The Chairman subsequently directed that a new item on "Control on import and sale of game" be added to the agenda of the regular meeting on 24 June 2003.)

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III. Information paper(s) issued since last meeting

[LC Paper No. IN 25/02-03]

3. Members noted the supplementary information on the penalty on violation of genetically modified food labelling in the United States and Australia provided by the Research and Library Services Division.

IV The Administration's way forward regarding the recommendations of the Report of the Investigation for the 2002 Avian Influenza Incident

[LC Paper No. CB(2) 2170/02-03(03)]

4. The Chairman invited members to note that a press release issued by the Hong Kong Poultry Wholesalers Association was tabled at the meeting for members' reference.

5. At the invitation of the Chairman, Deputy Director of Agriculture, Fisheries and Conservation (DD(AFC)) gave a Powerpoint presentation on the one-year vaccination trial programme and field vaccination during the last outbreak in local farms for the control of H5N1 avian influenza, as well as the way forward for the vaccination programme. DD(AFC) said that the H5N2 vaccine being used was suitable for vaccination of chickens as a protective measure against avian influenza. He added that in enhancing the preventive capability, the Administration would continue to upgrade biosecurity standards in farms and to further improve the hygiene conditions in markets to guard against breeding of the virus there. Moreover, a comprehensive monitoring and surveillance programme would be maintained to detect and characterise any new H5 virus incursions.

(Post-meeting note: The submission from the Hong Kong Poultry Wholesalers Association and the presentation materials were issued to members vide LC Paper Nos. CB(2) 2273/02-03(01) and (02) respectively.)

6. The Chairman asked about the progress made by the Administration in its discussions with the Mainland about vaccinating live Mainland chickens supplied to Hong Kong. Deputy Secretary (Food and Environmental Hygiene) (DS(FEH)) responded that the Administration had already started discussions with the Mainland authorities, and they were willing to vaccinate live Mainland chickens supplied to Hong Kong for prevention of H5N1 avian influenza. He said that the Administration was liaising with the Mainland authorities on the import control measures to be put in place. When both sides reached an agreement on those measures, the Mainland authorities would implement a vaccination programme for their live chickens supplied to Hong Kong.

7. Mr Tommy CHEUNG said that in June 2002, he had already asked the Agriculture, Fisheries and Conservation Department (AFCD) whether it could vaccinate all chickens in local farms and live chickens from the Mainland as soon as possible. He queried why it had taken one year to complete the vaccination trial

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programme and whether it was possible to shorten the trial period of any similar vaccination programme in future.

8. DD(AFC) explained that the characteristics of influenza viruses were that they could mutate rapidly and easily jump across species. It was necessary for the Administration to be very careful in handling the trial programme by gathering more data to evaluate the effectiveness of the vaccine used and assess whether there were any side-effects. He added that other countries and World Health Organization were watching closely the measures taken by Hong Kong in handling avian influenza and preventing future outbreaks.

9. In response to Mr James TO, DS(FEH) said that vaccination should not be regarded as the panacea for the avian influenza problem. As the results of the trial programme had shown, the success rate of vaccinated chickens which had developed satisfactory antibody level was 80%, and 20% of the chickens had failed in the test. The findings had revealed that there was still excretion of infectious H5N1 virus in vaccinated chickens, although it was already 1 000 times less than that excreted by unvaccinated chickens.

10. DS(FEH) said that the Administration was of the view that the H5N2 vaccine used was suitable for vaccination of chickens as an additional protective measure for avian influenza in Hong Kong. All chickens in local farms were being vaccinated with the vaccine as a control measure. However, in view of the possibility of influenza virus evolution in vaccinated chickens, the decision on universal vaccination would be reviewed in two years' time.

11. Mr Tommy CHEUNG asked whether it was also possible to develop a vaccination programme for geese and ducks for prevention of avian influenza so that supply of live geese and ducks could resume. DD(AFC) explained that geese, ducks and other water birds were natural hosts of influenza viruses. They might carry a wide range of influenza viruses without showing signs of disease. It was therefore very difficult to assess the effectiveness of a vaccine used on geese and ducks or any unintended effects that might arise. He said that the Administration had to obtain more information from vaccine producers on the present level of technology in vaccine development, before exploring whether such a programme could be extended to geese and ducks.

12. Mr WONG Yung-kan and Dr David CHU expressed appreciation of the efforts made by AFCD in implementing the vaccination programme for all local farms. Mr WONG Yung-kan asked whether the Administration had any plan to promote the sustainable development of agriculture and fisheries in Hong Kong, especially if the review on the vaccination programme to be conducted two years later revealed that the use of vaccine could control the avian influenza problem. He said that there was room for promoting local brands of good quality chickens, such as the "Kamei" chickens. He also asked whether the Administration would allow live goose/duck farming in Hong Kong.

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13. DS(FEH) said that there had been a lot of discussions previously on the risks associated with the sale of live geese and ducks and hence these waterfowls had to be centrally slaughtered. He said that the Administration's existing policy on the sustainable development of agriculture and fisheries in Hong Kong would continue. He added that the Administration would have to strike a balance between the need to safeguard public health, in the light of the risk posed by avian influenza, and the community's preference for freshly slaughtered chickens and the interests of the trades.

Adm

14. Mr Michael MAK was concerned whether the AFCD staff responsible for conducting the "vaccinated versus controls laboratory challenge study" were provided with adequate protective gear. He said that during the recent H7N7 avian influenza outbreak in Netherlands, a veterinarian was found infected with the H7N7 influenza virus and had died subsequently. Mr MAK suggested that the Administration should find out from the authorities concerned the cause of death of the Holland veterinarian and whether it was related to the process of conducting laboratory challenge studies.

15. DD(AFC) responded that the AFCD staff responsible for conducting the laboratory challenge studies had been provided with high-level protective gear, and a series of precautionary measures had been put in place to guard against infection. He added that the laboratory challenge studies had already completed and no more studies were necessary.

Adm

16. Mr WONG Yung-kan also requested the Administration to provide information on the measures taken by the Netherlands Government after the H7N7 avian influenza outbreak to prevent recurrence of the disease. He asked whether the Netherlands Government had introduced a policy prohibiting the infected chicken farms from rearing chickens again and planned to impose a ban on live poultry. The Chairman requested the Administration to obtain the information and provide a paper to the Panel.

17. Mr WONG Yung-kan said that local farmers had made considerable efforts to upgrade the biosecurity standards of their farms to reduce the risk of incursions of virus onto farms. He expressed strong dissatisfaction with the remarks recently made by Professor YUEN Kwok-yung, Chairman of the Advisory Council on Food Safety and Environmental Hygiene (the Advisory Council), that there should be no live poultry industry in Hong Kong. Mr WONG said that Professor YUEN had shown no regard to the livelihood of members of the live poultry trade. He also criticised the Administration for its readiness to listen to the views of microbiologists who had no knowledge of the live poultry trade while ignoring AFCD's expert advice. He asked the Administration to clarify its position on this matter.

18. DS(FEH) clarified that the Advisory Council had not made a recommendation on banning live poultry in Hong Kong as reported by the media. He explained that the Advisory Council had held a meeting to discuss the Administration's paper on vaccination. Professor YUEN Kwok-yung had, in response to a question raised at

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the press briefing after the Advisory Council's meeting, suggested that it might be necessary for the community to review their eating habits and consider how best to address the problem of avian influenza.

19. Mr WONG Yung-kan accepted that the public could have discussion on the matter. However, he queried the basis on which Professor YUEN Kwok-yung had come to a suggestion that the live poultry industry in Hong Kong should be banned and people's eating habits should be changed. He said that it was unacceptable for Professor YUEN to have made such a suggestion. He considered that the Advisory Council should listen more to the views of the live poultry trade and the catering industry, and representatives of these trades should be included in the Advisory Council. He added that the preference of Hong Kong people for freshly slaughtered chickens should be respected.

Adm

20. DS(FEH) reiterated that the Advisory Council had not made any recommendation of imposing a ban on live poultry in Hong Kong and Professor YUEN had only suggested at the press briefing that the community should discuss whether there was a need to change their eating habits. In response to the Chairman, DS(FEH) said that there were representatives from the food trade on the Advisory Council. He agreed to provide information on the membership and the work of the Advisory Council for members' information.

21. Dr David CHU criticised the Advisory Council's suggestion that Hong Kong people should change their eating habits as a shallow idea. He agreed with Mr WONG Yung-kan that people's preference for freshly slaughtered chickens should be respected and the interests of the trade should be taken into account.

22. DS(FEH) stressed that the Advisory Council had never suggested that people should change their eating habits. He said that the Administration was of the view that, given the endemic nature of the virus, the risk of recurrence of avian influenza outbreaks would remain as long as there was poultry farming and trading of live poultry at the wholesale and retail levels. The Administration considered that the extent to which the live poultry trade should be regulated would be a subject of public discussion.

23. Dr LO Wing-lok declared that he was a member of the Advisory Council. He said that he was speaking at this meeting in the capacity of a Legislative Council Member and not on behalf of the Advisory Council. He said that, in theory, it would reduce the risk of human infected with avian influenza if there was no live poultry around. However, he doubted whether there was sufficient justification to impose a ban on live poultry in Hong Kong. He said that the Administration should provide the costs and benefits in the analysis, e.g. whether it was cost effective to put in considerable resources in the surveillance and control of avian flu and in making compensation to the trades when there was an outbreak of avian flu.

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24. Dr LO Wing-lok further said that since 1997, there were about 22 cases of human being infected by the H5 and H9 viruses. However, there had not been any further local cases after 1997 that human was infected with H5N1. He considered that the risk of humans to be infected should be low after the implementation of enhanced surveillance and control measures. He added that the atypical pneumonia outbreak was not related to poultry farming. He therefore considered it dangerous for public policy to be based purely on academic studies.

25. Mr Tommy CHEUNG shared Dr LO Wing-lok 's views. He said that he opposed to a ban on live poultry in Hong Kong if it was only based on theoretical risks. He considered that the various control measures implemented in past years had already adversely affected the live poultry retail trade. Mr CHEUNG criticised the Administration for being slow in improving the ventilation systems of existing wet markets and in spacing out the poultry stalls in markets, as these measures were important in reducing the chance of avian influenza outbreaks.

26. Mr Tommy CHEUNG further said that Hong Kong would lose its competitive edge as a "culinary paradise" if fresh chickens were no longer served in local restaurants. He said that he had expressed his concern to the Chief Executive about the impact on the live poultry and catering industry if a ban on live poultry was to be imposed. He urged the Administration to carefully consider the pros and cons of its proposed way forward and provide full justifications on such proposals for public consultation.

27. Mr Andrew CHENG said that the Administration should take the lead in the public discussion on the matter, and a comprehensive public consultation should be conducted on how live poultry trade should be regulated. He said that the Administration had to strike a balance between safeguarding public health and reducing the impact on the livelihood of the live poultry trade. He was of the view that the Administration could not evade the problem and should explain to the public the risks associated with live poultry farming and trading at wholesale and retail levels. He considered that the public was obliged to give views on the matter, and the Administration should start the public consultation as soon as possible.

Adm

28. DS(FEH) said that he would consider Mr CHENG's suggestion. He assured members that the Administration would fully consult the public and the relevant trades before implementing new policies.

29. Mr James TO said that it was necessary to understand whether Professor YUEN Kwok-yung's views were based on theoretical risks or empirical evidence. He suggested that the Administration should provide a paper providing relevant data and information, for example, the findings of Professor YUNG's studies, to show the risks and the costs that the community would have to bear in continuing with the present practices.

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30. The Chairman advised that the Administration should provide detailed information on the pros and cons on banning live poultry in Hong Kong. The Chairman asked the Administration to consult the Panel and the stakeholders before implementing any new measures which would affect the live poultry trade.

V Review of the enforcement of the fixed penalty system for minor public cleanliness offences

[LC Paper No. CB(2) 2170/02-03(04)]

31. DS(FEH) introduced the Administration's paper which provided information on the number of fixed penalty notices issued by the seven enforcement departments and the public education and publicity efforts made in the past year. DS(FEH) informed members that in view of the recent outbreak of atypical pneumonia, the Food and Environmental Hygiene Department (FEHD) had strengthened enforcement actions against spitting in public places as it could spread contaminated droplets. Since 28 March 2003, the enforcement departments had issued summonses against spitting offenders in lieu of fixed penalty notices to increase the deterrent effect against the offence. As at 15 May 2003, some 226 summonses had been issued, around 10% of the cases had been heard and the fines for the majority of the convicted were \$1,000 or more.

32. The Chairman noted that the majority of summonses (220 out of 226) were issued by FEHD. He asked whether the other six enforcement departments were also required to issue summonses against spitting offences. DS(FEH) responded that the Health, Welfare and Food Bureau (HWFB) had encouraged the other six enforcement departments to issue summonses against spitting offenders over this period of time. However, the departments had discretion whether to issue a summons or a fixed penalty notice having regard to circumstances of each case.

33. In response to Mr Michael MAK, DS(FEH) said that since 28 March 2003, FEHD enforcement officers had only issued summonses to prosecute spitting offenders, except for tourists who would stay in Hong Kong for a short period of time and would have difficulties to attend court hearings. He noted that the Housing Department (HD) had also issued summonses instead of fixed penalty notices to prosecute spitting offenders since April 2003.

34. Deputy Director of Housing (Estate Management) (DD(H)(EM)) supplemented that during the period 16 to 26 May 2003, HD staff had issued a total of 146 fixed penalty notices and summonses. As regards spitting offences, 95 fixed penalty notices had been issued since June 2002 and 18 summonses issued since April 2003.

35. Referring to Annex B to the paper, Mr Andrew CHENG said that given that half of Hong Kong's population lived in public housing estates (PHEs), it was apparently inadequate for HD to deploy only seven two-member inspection teams to enforce the Fixed Penalty (Public Cleanliness Offences) Ordinance (the Ordinance) in

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all PHEs. He further said that as more and more PHEs were contracted out to property services companies for management, and staff of property services companies were not empowered to enforce the Ordinance, there were difficulties in taking enforcement actions against public cleanliness offences in PHEs. He suggested that HD should provide more manpower for the inspection teams and empower staff of the property services companies to enforce the Ordinance in PHEs under their management.

36. DD(H)(EM) responded that public education played a very important role in improving cleanliness in PHEs. He said that according to HD's questionnaire survey conducted in March 2003 among members of Estate Management Advisory Committee, 71% out of 893 respondents considered that PHEs had shown improvements in cleanliness after the Ordinance had come into operation. He said that under the existing contracts, the property services companies were required to ensure effective hawker control and satisfactory cleanliness in PHEs under their management. Whenever necessary, HD would deploy staff to support staff of property services companies to combat illegal hawking and improve estate cleanliness. However, in such cases, the performance scores of the relevant property services contractors would be deducted.

37. DD(H)(EM) further said that in addition to the seven two-member inspection teams, 1 800 officers of HD were empowered to issue fixed penalty notices under the Ordinance. DD(H)(EM) said that HD would ensure that appropriate manpower was deployed to enforce the fixed penalty system, and additional staff had actually been deployed to strengthen enforcement actions against littering and spitting offenders in PHEs over the past 10 days.

38. Mr Andrew CHENG pointed out that the 1 800 officers of HD authorised to enforce the Ordinance were Housing Managers, Assistant Housing Managers and Housing Officers, and they were not responsible for the management of PHEs which had been contracted out to property services companies. He considered that the Administration should explore delegating statutory powers to staff of property services companies since they were responsible for the day-to-day management of these PHEs.

39. DD(H)(EM) responded that the suggestion of delegating statutory powers to staff of property services companies had been discussed at a recent meeting of the Panel on Housing. He said that the legal advice obtained by HD was that entrustment of statutory powers to private-sector property services companies was legally untenable. He reiterated that a sizable number of HD staff had already been authorised to enforce the Ordinance, and HD aimed at enhancing estate cleanliness not just by prosecution but also by publicity and education.

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40. The Chairman also expressed concern about the problem of ineffective enforcement of the Ordinance in PHEs, especially those where the management had been contracted out. He was of the view that without empowering staff of the property management companies to enforce the Ordinance, it would be difficult for the seven two-member inspection teams to enforce the Ordinance in all PHEs. The Chairman said that HD had been lax in enforcing the Ordinance in the past, as only some 300 fixed penalty notices were issued in the past year, while 146 fixed penalty notices and summonses had been issued in the past 10 days.

41. DD(H)(EM) reiterated that the responsibility for maintaining cleanliness andhawker control in PHEs rested with property services companies. Those companies which failed to ensure cleanliness and effective hawker control in the PHEs under their charge would be regarded to have breached the contract. Moreover, public officers of HD were empowered to enforce the Ordinance in public areas and in all PHEs, including those estates where the management had been contracted out. He pointed out that some of the 500 fixed penalty notices issued by HD were given out in those PHEs managed by private property services companies.

42. Mr WONG Yung-kan said that the hygiene conditions in many PHEs were still far from satisfactory and the problem of spitting remained rampant in PHEs. He shared the concern raised by Mr Andrew CHENG and urged the Administration to tackle the enforcement problems in those PHEs where the management had been contracted out.

43. The Chairman asked whether there were similar problems with leisure/cultural venues, the management of which had been contracted out by the Leisure and Cultural Services Department (LCSD) to private companies. Assistant Director (Leisure Services) 1 (AD(LS)1) responded that LCSD had contracted out the management of several sports complexes to private companies. She said that staff of the private management companies did not have power to enforce the Ordinance at the venues, and authorised officers of LCSD would take enforcement actions when they patrolled the places.

44. Mr WONG Yung-kan considered that the lack of enforcement power of private management company staff had posed problems in the enforcement of the fixed penalty system. He urged the Administration to take action to plug the loophole. The Chairman shared Mr WONG's concern, adding that the problem would become more serious as more and more PHEs and government venues would be contracted out to private property companies for management. He considered that Team Clean should look into the enforcement problem. At the Chairman's request, DS(FEH) agreed to relay the Panel's concerns to Team Clean.

Adm

*(Post-meeting note : The Administration had subsequently provided supplementary information in the **Appendix.**)*

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45. In response to Mr Michael MAK, Head of Clean Hong Kong Office said that around 26 000 and 28 000 summonses were issued in 2000 and 2001 respectively (i.e. a daily average of about 60 to 70 summonses) against common public cleanliness offences. From 10 June 2002 to 15 May 2003, enforcement departments had issued over 15 000 fixed penalty notices (i.e. a daily average of 40 to 50 notices).

46. Mr Michael MAK asked about the difficulties and resistance encountered by enforcement officers in issuing fixed penalty notices. Deputy Director (Environmental Hygiene) (DD(EH)) responded that for the vast majority (97%) of fixed penalty notices issued by FEHD, Police assistance was not necessary. She said that those cases requiring Police assistance only involved minor disputes. In the past 11 months, only 10 cases involving minor assaults on FEHD staff had been recorded. She said that the implementation of the Ordinance was generally smooth and public awareness about environmental cleanliness had been improved.

47. Senior Country Parks Officer (SCPO) said that the main difficulty encountered by enforcement staff of AFCD was that the offenders often argued for a long time with enforcement officers on site. He said that in about 11% of the cases, Police had been called mainly to help obtain proof of identity from offenders. He added that so far there had not been any cases involving assaults on AFCD staff.

48. Mr Michael MAK expressed grave concern that the amount of fines imposed by the court on some of the convicted was as low as \$200. He said that this was unacceptable as the amount was even less than the fixed penalty of \$600. DD(EH) responded that for the majority of cases heard, the fines imposed were more than \$1,000. However, in some of the cases, the fines imposed were on the low side. She said that the Administration was studying the cases and initially found that these cases had been heard by the same court. Mr MAK expressed strong dissatisfaction about the low level of fines imposed by that particular court, as this would defeat the efforts made by all parties concerned in tackling the spitting problem. The Chairman advised that the Administration should understand from the Judiciary why such a low level of fines had been imposed in some of the cases. DD(EH) agreed to follow up.

Adm

49. Mr Tommy CHEUNG said that he was more in favour of issuing fixed penalty notices than issuing summonses to spitting offenders. He said that the fixed penalty system had the merits of reducing the number of minor offences handled by the Court and saving the time of enforcement staff in giving evidence at courts. Referring to Annex A to the paper, Mr Tommy CHEUNG queried why the Police and LCSD had issued only 55 and 88 respectively out of a total of 15 665 fixed penalty notices issued by the seven departments from June 2002 to May 2003. He considered that these departments should step up enforcement of the Ordinance especially in littering black spots, such as the Victoria Park where many lunchboxes were thrown away by visitors.

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50. Chief Superintendent (Support) (CS(S)) responded that during the deliberation of the former Bills Committee on Fixed Penalty (Public Cleanliness Offences) Bill, the Police had explained that its work was to concentrate on core areas of responsibility, i.e. to maintain law and order and to curb criminal activities. The Police would mainly play the role of supporting other enforcement departments in enforcing the fixed penalty system. CS(S) pointed out that it was inconvenient for police officers on foot patrol to carry the large-sized fixed penalty notices, in addition to the other police essential items. However, it had been arranged that police officers on mobile and sea patrol were required to carry the fixed penalty notices during patrol.

51. CS(S) stressed that the Police fully supported other enforcement departments in their enforcement of the fixed penalty system and joint operations would be conducted as and when required. CS(S) added that in accordance with the advice of HWFB, the Police had, since 28 March 2003, instructed its enforcement staff to issue summonses in lieu of fixed penalty notices to spitting offenders, to enhance deterrent effect against the offence.

52. AD(LS)1 said that with the implementation of the Enhanced Productivity Programme, many leisure/cultural venues under LCSD had been contracted out to private companies for management or cleansing. To tackle the littering problems in some of the leisure venues, LCSD had formed a special task force to patrol during weekends and public holidays those littering black spots and issue fixed penalty notices to offenders. Recently, the task force had been deployed to take up anti-mosquito work to prevent dengue fever outbreaks, and also cleansing duties after the SARS outbreak.

53. As regards the littering problems in the Victoria Park, AD(LS)1 said that there were actually designated areas for disposal of lunchboxes by foreign domestic helpers. The number of fixed penalty notices issued in the Victoria Park had accounted for most of the fixed penalty notices issued by LCSD.

54. Mr Tommy CHEUNG asked whether authorised officers of FEHD and the Police were empowered to issue fixed penalty notices in those PHEs and leisure/cultural venues the management of which had been contracted out. DS(FEH) responded that authorised officers of FEHD and the Police were empowered to issue fixed penalty notices in any public place (except for country parks), and also in PHEs and leisure/cultural venues of which the management had been contracted out. However, as the manpower of FEHD was limited and for the sake of efficient enforcement, a consensus had been reached among the seven enforcement departments that they should enforce the Ordinance in areas and venues under their charge.

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55. Mr Tommy CHEUNG considered that HD and LCSD did not have adequate manpower to enforce the fixed penalty system in PHEs and leisure/cultural venues which had been contracted out for management. He suggested that the Administration should explore if it was possible to ask the Police to step up enforcement of the Ordinance when they patrolled the areas. He suggested that notices of a smaller size should be designed to facilitate the Police officers to carry them while on duty. He said that it was very unsatisfactory that the other enforcement departments had not taken serious enforcement actions.

56. Dr LO Wing-lok commented that the cleanliness of country parks was generally satisfactory except for a few black spots, such as the Golden Hill Country Park. He said that it required a lot of manpower to prosecute litterbugs and collect rubbish at popular barbecue sites. He suggested that AFCD should explore contracting out the management of popular barbecue sites to private companies to save costs. The Chairman added that similar arrangements should also be made for LCSD barbecue sites.

57. SCPO said that many people had flocked to country parks in April and May after the SARS outbreak and the amount of refuse collected there in the two months had increased by 80% for hot spots. AFCD had deployed additional staff to collect rubbish and clean up the toilets in country parks. To tackle the problem, AFCD had also promoted other leisure activities such as hiking, and more stringent enforcement actions had been taken against littering offences. SCPO said that AFCD would consider the suggestion of contracting out the management of popular barbecue sites if it proved to be cost-effective.

58. Dr LO Wing-lok said that there should be more public education on taking refuse home for disposal, and AFCD should enhance publicity to remind visitors to keep the country parks clean. SCPO said that it would rely on long-term public education to teach people about taking refuse home for disposal. He added that AFCD had recently erected a lot of signs in the country parks advising visitors not to leave any rubbish behind.

59. The Chairman requested the Police to step up enforcement against drivers who littered or spitted while driving as he found that such problems were quite serious. CS(S) agreed to look into the problem.

60. The Chairman asked if it was true that a dog owner who let his/her dog foul a street would not be prosecuted as long as the dog was not on a leash. DD(EH) replied that prosecution would be taken if the enforcement officer was able to identify the owner of the dog fouling the street. She said that whether or not the dog was on a leash was not the main consideration.

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61. The Chairman reiterated that the Panel was deeply concerned about the enforcement problem in PHEs and government venues which had been contracted out for management. He requested the Administration to look into the problem and plug the loophole in enforcement. He said that the Panel was also concerned about the small amount of fines imposed by the court on some spitting offenders as this would defeat the purpose of taking the offenders to court. He added that the Panel supported the Administration's decision to strengthen enforcement actions against spitting in public places.

62. The meeting ended at 1 pm.

Council Business Division 2
Legislative Council Secretariat
19 August 2003

Appendix

Administration's response to paragraph 44 of the minutes of the Panel meeting on 27 May 2003

The Administration responded that according to the Interpretation and General Clauses Ordinance, only public officers (those directly employed by Government) could enforce laws in Hong Kong. To ensure public acceptance, consistency in enforcement and prevention of corruption, the Administration had no plan to delegate to the contractors the power of enforcing the fixed penalty legislation. Enforcement difficulties faced by some enforcement departments could be addressed by more effective deployment of public officers, reprioritisation of departmental commitments, re-engineering of work processes and enhanced inter-agency co-operation.