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Panel on Food Safety and Environmental Hygiene

**Minutes of special meeting
held on Friday, 15 August 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)
Hon WONG Yung-kan
Hon LEUNG Fu-wah, MH, JP
Dr Hon LO Wing-lok, JP
Hon WONG Sing-chi

Member attending : Hon Cyd HO Sau-lan

Members absent : Dr Hon David CHU Yu-lin, JP
Hon James TO Kun-sun
Hon CHAN Yuen-han, JP
Hon Andrew CHENG Kar-foo
Hon Michael MAK Kwok-fung

Public officers attending : Mr W H CHEUK
Acting Head (Team Clean)

Dr YEOH Eng-kiang
Secretary for Health, Welfare and Food

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

Mr Gregory LEUNG
Director of Food and Environmental Hygiene

Mr Marco M H WU
Director of Buildings

Mr LAU Kai-hung
Deputy Director (Estate Management)
Housing Department

Miss Monica CHEN
Acting Deputy Director of Home Affairs (1)

Ms Olivia NIP
Principal Assistant Secretary (Planning and Lands)
Housing, Planning and Lands Bureau

Mrs Ava NG
Deputy Director of Planning / Territorial

Clerk in attendance : Mrs Constance LI
Chief Assistant Secretary (2)5

Staff in attendance : Miss Betty MA
Senior Assistant Secretary (2)1

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I Team Clean's further report on measures to improve environmental hygiene in Hong Kong

The Chairman said that this item had originally been scheduled for discussion at the next regular meeting to be held on 25 August 2003. As Team Clean had published its final report on 9 August 2003, the Panel considered that it should not wait until 25 August 2003 and had decided to convene this special meeting to discuss the report.

2. As regards the other two agenda items scheduled for discussion on 25 August 2003, the Chairman suggested that these be discussed at the regular meeting to be re-scheduled to 26 September 2003. Members agreed that the regular meeting scheduled for 25 August 2003 be cancelled.

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3. At the invitation of the Chairman, Acting Head (Team Clean) (H/TC) briefed members on the final report of Team Clean. He said that the final report summarised the progress made in Phase I, and set out the way forward and timetable for Phase II measures which were divided into the categories of personal, home and community hygiene. H/TC informed members that the overall cleanliness had improved in the past two months, and the details of measures taken were given in chapter one of the final report. H/TC added that Team Clean had adopted the following approaches for its work -

- (a) taking stringent enforcement under the "zero tolerance" approach;
- (b) plugging any loopholes in existing legislation and administrative measures against cleanliness-related offences;
- (c) breaking new policy grounds in dealing with long-standing environmental problems;
- (d) putting in place necessary support measures to build a new cleansing culture; and
- (e) developing a system to sustain the efforts and results.

Discussion

4. The Chairman informed members that the Secretary for Health, Welfare and Food (SHWF) would have to leave by 11:45 am due to other urgent commitments. He suggested that members should raise questions to SHWF first.

Avian influenza

5. Referring to the four options proposed to prevent avian influenza outbreaks in Hong Kong, Mr LEUNG Fu-wah expressed grave concern about their impact on the livelihood of workers in the poultry trade. He said that the relevant labour union was most dissatisfied that the Administration had not consulted the trade before announcing the options. He suggested that the Administration should set up a consultation committee, which should include representatives from the poultry trade, labour unions and government as well as academics, to work out an option acceptable to all parties concerned. Mr LEUNG further said that the poultry trade considered that the H5N2 vaccine being used for vaccination of chickens was able to prevent chickens from being infected with avian influenza. He added that the poultry trade considered that only the option of segregating poultry from customers at retail level was acceptable.

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6. SHWF said that it was important to safeguard public health. The Administration would conduct a comprehensive public consultation and would hold discussions with the poultry trade before issuing a consultation document. SHWF further said that the Administration would consider seriously views put forward by the trade and the feasibility of all options, before putting forward options for consideration by the public. SHWF advised that practical problems would have to be addressed, for example, the physical constraints of existing markets in pursuing the option of segregating poultry from customers at retail level. SHWF stressed that the Administration would need to balance public health considerations against the community's preference for freshly slaughtered chickens and the effects on the poultry trade.

7. As regards the vaccination programme, SHWF said that the H5N2 vaccine used was suitable for vaccination of chickens as a protective measure only for H5N1 avian influenza. Apart from the H5 viruses, there were still other strains of avian influenza viruses which could infect human beings. Moreover, the characteristics of influenza viruses were that they could reassort and mutate rapidly, and there was therefore concern about the selection and the way in which the pressure of influenza virus could evolve and develop after vaccination. SHWF said that although the vaccination programme being implemented was an effective measure to control an outbreak situation, vaccination should not be regarded as the panacea for the avian influenza problem.

8. Mr LEUNG Fu-wah requested that the Administration should provide detailed information on the impact of each of the four proposed options, in terms of the number of job loss and people affected. He also requested SHWF to undertake that a comprehensive public consultation exercise would be conducted before any decision was reached on the matter. He reiterated that a formalised consultation committee including representatives from the poultry trade, labour unions, etc. should be formed to provide a proper channel for exchange of views.

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9. SHWF undertook that the Administration would conduct a comprehensive public consultation before taking a decision on the matter. He said that the Administration would fully consult the poultry trade and would carefully consider the economic impact of the four proposed options. Deputy Secretary (Food and Environmental Hygiene) (DS(FEH)) added that the Administration would hold discussions with the trade on the four proposed options before issuing the consultation document. The outcome of studies on the feasibility of each of the four options as well as the views of the trade would be set out in the consultation document. In response to the Chairman, DS(FEH) said that the Administration had initially estimated that imposing a ban on the retailing and rearing of live poultry would affect the livelihood of about 5 000 or more workers in the poultry trade. However, this was only a rough estimation and further studies would be necessary to confirm the figure.

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10. The Chairman requested that the Administration should brief the Panel on the consultation document first before releasing it to the public. He pointed out that Team Clean had failed to do so when it issued its interim and final reports. SHWF responded that the Administration would take note of the request and would brief the Panel as early as possible.

11. Mr WONG Yung-kan said that the poultry trade had discussed the proposed options but had not reached any consensus. He suggested that to take this matter forward, the Administration should set up a consultation committee, modeled on that set up in 1985, to discuss with the livestock trade on the regulatory framework for livestock waste. He further said that the committee should include representatives from the poultry trade, the Panel, the Administration and academics. He considered that, instead of banning the poultry trade, the Administration should take a proactive approach to prevent avian influenza outbreak by providing more support and assistance to help the trade improve biosecurity.

12. SHWF explained further the consultation exercise to be launched. He said that the final report had only set out four broad options. The Administration would further discuss the details with the trade, such as the feasibility of the options, extent of risks, problems of implementation, the economic impact and timeframe for implementation. SHWF reiterated that the above details would be set out in the consultation document. The Administration would fully consult the public, and that the views and comments collected during the public consultation exercise would be carefully considered.

13. Dr LO Wing-lok considered that the suggestion of banning live poultry trade was premised on the assumption that by reducing the chances of people coming into contact with live poultry at retail outlets, there would be less risk of people being infected with avian influenza from live poultry. Dr LO said that he had requested the Administration to give concrete evidence or data to substantiate such assumption, for example, the extent to which the risk could be reduced by banning live poultry trade. In this connection, he requested the Administration to provide the following information and data in the coming few months -

- (a) *effects on public health* : how far the protection rendered to the public against avian influenza would be further enhanced by banning live poultry trade at retail level;
- (b) *economic costs* : a comparison between the costs devoted to the surveillance and control of the disease and the total economic return generated by the live poultry trade; and
- (c) *social costs* : an assessment on the social costs incurred by imposing such a ban, e.g. the number of people losing their jobs and the chance of their getting new employment.

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Dr LO said that the Administration should make available the above information in the consultation document. SHWF responded that some information such as the possible mutation of the viruses was unknown and hence the potential risks could not be fully assessed. Moreover, it was difficult to evaluate the cost of human lives against social/economic costs. Nevertheless, he agreed to provide the requisite information as far as possible to facilitate public discussion.

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14. Mr Tommy CHEUNG said that in assessing the overall impact of the proposed measure of banning live poultry trade, the Administration should also take into account the economic impact on the catering industry, which would also suffer if no freshly slaughtered chickens were served in local restaurants. He said that as many people had a preference for freshly slaughtered chickens, the Administration should not take a position in its consultative documents. Mr CHEUNG further said that representatives of the poultry trade had indicated that they did not like the four proposed options in the final report, but considered that Option D was barely acceptable. Mr CHEUNG considered that the threat posed by avian influenza was not really so serious, now that a vaccination programme had been put in place, improvements had been made to the biosecurity in farms, the disease was curable and there had not been an outbreak for 18 months already. He said that the Administration should bear these in mind in formulating policies to tackle avian influenza.

15. SHWF reiterated that the final report had only set out the possible directions and the Administration would have to further discuss with the poultry trade regarding the feasibility and implementation of the options. He said that the Administration was open-minded and would consult the trade and the public first. DS(FEH) supplemented that the Administration would propose options together with more details for public consultation. It would also take the opportunity to explore whether new measures should be introduced to strengthen the biosecurity of poultry farms and to review the existing licensing conditions for poultry farms, stalls and shops.

Public markets

16. Mr Tommy CHEUNG remarked that previous outbreaks of avian flu mostly occurred in markets managed by Food and Environmental Hygiene Department (FEHD). He asked why glass or acrylic panels were not installed in FEHD markets to separate the holder area for live poultry from customers, as proposed under Option D in the report. He urged that the poultry stalls in FEHD markets should be spaced out to reduce the recurrence of avian influenza outbreaks. Ms Cyd HO asked whether the Administration had any plan for reconfiguration or refurbishment of existing stalls to resolve the problem of congestion in FEHD markets.

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17. DFEH agreed that there were too many poultry stalls in some FEHD markets. He pointed out that many markets were built many years ago to resite on-street hawkers. Due to their old design and space constraints, there were limitations in carrying out improvement work for these markets and facilities. Nevertheless, FEHD was already drawing up a plan to redistribute the stalls in an existing market to improve its overcrowded conditions. DFEH said that he would brief the Panel on the proposal.

18. On improving the cleanliness of public markets, DFEH said that FEHD had engaged contractors to carry out intensive cleansing and disinfection of both the common areas of the markets and individual stall areas. This free service would be available for six months until the end of 2003. The Administration aimed to encourage market tenants to conduct intensive cleansing for their stalls on their own accord in the future. Besides, FEHD would no longer issue new licences or enter into new market tenancy agreements for new poultry shops or stalls until the Administration had decided on the way forward for the live poultry trade.

19. Referring to the Demerit Points System (DPS) being developed for market tenants, Ms Cyd HO said that the System had to be fair since it could lead to termination of tenancy agreements and affect the livelihood of the tenants. DFEH responded that FEHD was still in the course of developing the DPS. FEHD was considering to propose that, for example, the accumulation of, say, 15 demerit points within a period of 12 months would result in termination of tenancy. Each offence would be given a number of demerit points reflecting the seriousness of the offence. DFEH said that FEHD would discuss the new DPS arrangement with market tenants before implementation.

20. The Chairman commented that any new arrangement proposed for FEHD or the Housing Authority (HA) market tenants should be the same for the sake of equity. Deputy Director (Estate Management) (DD(EM)) responded that the systems of issuing warnings against breaches of tenancy conditions administered by FEHD and HA were quite similar.

21. Mr Tommy CHEUNG asked whether the Administration would provide incentives to stallholders to better manage their stalls. He pointed out the major problems found with existing wet markets were poor ventilation and blockage of drains by poultry feathers. He also asked whether FEHD and HD would seek improvements in these respects at public costs so as to enhance the environment of wet markets and enable them to better compete with the superstores.

22. DD(EM) said that HA had invested heavily in upgrading the conditions of HA markets (e.g. drainage system) to enable them to better compete with superstores. Moreover, all new markets built after 1997 were provided with central air-conditioning (A/C) system. For existing markets, installation of central A/C was subject to technical feasibility and stallholders' agreement to pay A/C charges. As

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regards FEHD markets, DFEH said that resources had been earmarked to carry out necessary improvement works including enhancements to the drainage systems and fire safety measures in existing markets.

Penalties for cleanliness offences and blackspot monitoring scheme

23. Dr LO Wing-lok asked about the nature of community service that repeat offenders of cleanliness offences would be required to perform. DFEH explained that under the proposal, a first-time offender of any of the four scheduled public cleanliness offences would only be issued a fixed penalty notice. However, if the offender committed a second offence within a period of 24 months, the enforcement department would issue a summons instead and apply to the Court for a penalty higher than the fixed penalty of \$1,500 and also the award of a community service order. It would be for the Court to award a community service order and to decide the kind of community service having regard to the background of the offender. Dr LO said that it would be more appropriate to require such offenders to perform cleanliness-related services. He requested DFEH to suggest suitable services to the probation officers and the Court. DFEH agreed to consider.

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24. Ms Cyd HO considered that the penalties for cleanliness offences, as set out in chapter 2 of the report, were too severe and disproportionate to the gravity of the offences. She queried that the proposed measure of installing closed-circuit television (CCTVs) at hygiene blackspots would infringe privacy rights. She questioned whether littering would actually lead to the spread of infectious disease, as the problem appeared to be more related to problems such as building design and refuse collection problems. She criticised that the Administration had been slow in seeking improvements in these respects, and had resorted to imposing heavy penalties on offenders. She stated that she had not voted in favour of SHWF's motion on increasing the fixed penalty for the four scheduled public cleanliness offences to \$1,500. She commented that the stringent penalties for cleanliness offences had caused resentment in the community.

25. H/TC responded that as longer-term measures were mentioned in Team Clean's first report, Team Clean was obliged to explain in the final report its thinking on these measures and the comments received on them. He said that the proposal of additional penalties for repeat offenders was put forward by the media and members of the community. He informed members that based on large-scale opinion surveys conducted by Team Clean, there was overwhelming support for increasing deterrence against public cleanliness offences. There was also wide community support for measures such as installing CCTVs at hygiene blackspots and imposing community service orders on repeat offenders. The latter measure had also been suggested by some members of this Panel at previous meetings.

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26. H/TC further explained that under the Community Service Orders Ordinance (Cap.378), the Court could make a community service order against an offender aged 14 or above who was convicted of an offence punishable with imprisonment. However, only littering was now punishable with imprisonment under Cap.132. The Administration would therefore seek to amend Cap.378 to provide for the Court to order community service for the other three scheduled public cleanliness offences under the fixed penalty system (i.e. spitting, fouling of street by dog faeces and unauthorised bill-posting).

27. As regards the publication of names of offenders, H/TC said that under section 23A of the Public Health and Municipal Services Ordinance (Cap.132), the Authority could publish in any newspaper the names of offenders, the nature of cleanliness offences and the fines or other penalties imposed. H/TC said that although Team Clean did not intend to pursue this measure for the time being, further consideration would be given to the exercise of this existing power on repeat offenders. He added that perhaps only the offenders' name and the districts they resided in, but not other personal particulars would be published. Ms Cyd HO remarked that this could cause embarrassment since many persons had the same name.

28. Mr Tommy CHEUNG expressed reservations about the proposed measure of installing CCTVs at hygiene blackspots as he considered such measure would seriously infringe people's rights of privacy. He also expressed concern about the handling of CCTV tapes. He queried whether this measure was fully supported by District Councils (DCs) and urged the Administration to thoroughly consult the relevant DCs first before implementation.

29. H/TC stressed that the Administration had no intention to infringe people's rights of privacy. He said that many people littered in rear lanes and the problem could not be resolved even with increased patrol. He explained that CCTVs would be installed at hygiene blackspots only with local community support. The measure was intended to assist enforcement and to act as a deterrent. Guidelines and other measures would be put in place to ensure protection of personal privacy and to prevent misuse or abuse of CCTV tapes.

30. Mr LEUNG Fu-wah said that he was supportive of increasing the fixed penalty to \$1,500. He requested the Administration to provide a breakdown, by districts, of the number of fixed penalty notices issued and of cases involving confrontations between offenders and enforcement officers since 26 June 2003.

31. DFEH responded that a total of 3 010 fixed penalty notices had been issued between 26 June 2003 and 5 August 2003, of which seven cases involved repeat offenders. However, DFEH said that the management of FEHD had regularly discussed with the frontline staff on difficulties encountered in their enforcement work. Training was also provided to enforcement officers including experience sharing sessions and classes on techniques to handle difficult situations involving

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resistance and violence. The Police had also provided a series of "train the trainers" courses to all the enforcement departments and had undertaken to provide full support to their enforcement work. In response to the Chairman, DFEH said that, as given in paragraph 1.10 of the final report, the Police had provided assistance to the enforcement staff in 363 cases. At the Chairman's request, DFEH agreed to provide a breakdown by district of the numbers of fixed penalty notices issued since 26 June 2003 and of cases in which the Police had provided assistance.

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32. Ms Cyd HO requested the Administration to also provide the number of cases, occurring in the first two months after the implementation of the Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap.570) since June 2002, in which the Police had been required to provide assistance. She wished to make a comparison between the number of such cases and those occurred in the past two months after increasing the fixed penalty level from \$600 to \$1,500. H/TC responded that he was not sure that the Administration had the information sought for June 2002 but agreed to look into it.

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33. Dr LO Wing-lok said that littering could lead to serious consequences and spread infectious diseases. While he agreed that the Administration should enhance civic education and public participation in improving and sustaining cleanliness of Hong Kong, he supported introducing stringent penalties, as a short-term measure, to enhance deterrence against cleanliness offences. He stressed that it was the joint responsibility of both the Government and the community in keeping Hong Kong clean. Referring to paragraphs 5.47 to 5.49 of Team Clean's report, Dr LO asked whether the District Hygiene Squads were vested with statutory powers in performing their duties.

34. Acting Deputy Director of Home Affairs (1) (DD(HA)(Atg)) responded that the District Hygiene Squads were formed to encourage wider community participation in upkeeping neighbourhood hygiene. The squads were volunteers recruited from district and community groups such as DCs, District Clean Hong Kong Committees (DCHKCs), non-governmental organisations, and sometimes from students. They were involved in the inspection of the hygiene conditions of the districts, identification of problematic sites for follow-up actions and monitoring of progress of remedial actions.

Licensed food premises

35. Mr Tommy CHEUNG criticised that the report emphasized on imposing penalties on licensees of food premises instead of offering incentive schemes to encourage them to make improvements. He recalled that, at a meeting earlier held between the Chief Secretary for Administration (CS) and representatives of the catering industry, CS had said that the Administration would not introduce additional measures against food premises. However, he found that the report had come up with many additional measures, and most of which were quite stringent, against food premises. He said that many of the proposed measures were unreasonable, for example, requiring a setback of 1.2 metres be imposed on the sale of cooked food at

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the shop front of a food factory, making licensees liable for offences committed by their employees, and other proposals in relation to unauthorised building works.

36. Mr Tommy CHEUNG further said that the catering industry was satisfied with the existing Demerit Points System (DPS) and strongly opposed the proposed changes to the DPS. The catering industry also objected to the proposed publicity about recalcitrant licensed food premises. Mr CHEUNG said that the publicity would cause serious damage to the reputation of food premises. He said that the proposed measures were not conducive to the business environment and he urged the Administration to fully consult the trade on the proposed measures. He asked whether the Administration would withhold the implementation of the two enhanced measures in paragraphs 4.35 and 4.36 of the final report, until the Administration had completed its consultation with the catering industry on all other proposed new measures.

37. DFEH responded that the Administration had consulted the Panel on the two new measures set out in paragraphs 4.35 and 4.36 (i.e. proposed changes to the enforcement regime for licensing requirements/conditions of licensed food premises and tenancy conditions of FEHD market stalls) at the Panel meeting on 25 February 2003. DFEH said that as requested by the Panel, the Administration had briefed licensees and market tenants of the proposed arrangements and would report on the response of the trade at the Panel's next regular meeting scheduled for 26 September 2003.

38. As regards other proposals set out in the final report, such as changing the provisional licensing system and publicising recalcitrant licensed food premises, DFEH said that the Administration would fully consult the trade before implementing them. DFEH further explained that the purpose of revamping the DPS was mainly to review the demerit points assigned to each offence by taking into account the seriousness of the nature of an offence (e.g. whether it carried any public health and environmental hygiene implications).

39. Mr Tommy CHEUNG commented that while he supported that a smaller number of demerit points (e.g. 1 or 3 demerit points) should be given to offences of a less serious nature, he opposed increasing the number of demerit points for some offences. He also suggested that FEHD should consider imposing a fine on licensees, instead of giving demerit points, for minor offences.

Enforcement problems

40. Mr WONG Sing-chi commented that Clean Hong Kong Campaigns had not achieved much success in the past decades. He considered that many of the long-standing environmental problems in Hong Kong were attributed to the lax enforcement of the relevant legal provisions by enforcement departments. As a result, offences such as illegal extensions of shops, keeping of pets by public housing tenants, and unsatisfactory hygiene conditions at public markets had been allowed to

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exist for a long time. Mr WONG considered it unfair that Team Clean seemed to put the onus on the public and tried to tackle the long-standing environmental problems simply by imposing harsher penalties instead of stepping up enforcement against environmental offences.

41. Mr WONG Sing-chi further said that some existing environmental problems were caused by poverty. For example, owners or tenants of many old buildings could not afford the management and maintenance costs for their buildings and this would pose problems in implementing mandatory building management. Mr WONG considered that the Administration should launch more effective civic education programmes, rather than holding pop-song concerts, to promote awareness of the importance of environmental cleanliness and hygiene practices. He said that the implementation of many of the proposed measures required detailed planning and discussion with all parties concerned. He added that the environmental hygiene problems also reflected that Hong Kong people lacked a sense of belonging because the Chief Executive was not selected by universal suffrage and people had no confidence in the work of the Government.

42. H/TC responded that Team Clean's report aimed at setting out the problems and exploring the most effective ways to address public concerns. He said that Team Clean admitted in its final report that a number of the environmental problems were attributed to the lack of coordination and unclear delineation of responsibilities among departments in enforcement work. H/TC stressed that Team Clean did not evade these problems and had made suggestions to address them. These measures included strengthening coordination among departments and working out the demarcation and sharing of responsibilities, streamlining administrative procedures and implementing empowered district administration.

43. DD(EM) said that the cooperation of tenants as well as the sustained efforts of HD staff were equally important in improving cleanliness in public housing estates. He informed members that the following measures had been taken to improve hygiene conditions in public housing estates -

- (a) an "Intensive Clean-up Day" would be launched at quarterly intervals;
- (b) a "Public Housing Estate Cleanliness Incentive Scheme" had been launched in June to encourage residents to maintain a high level of cleanliness;
- (c) some 200 hygiene blackspots in estates had been cleaned up;
- (d) the Drainage Ambassador Scheme had been implemented in some 300 public housing blocks. Phase II of the Scheme would commence in September 2003 to carry out inspections of domestic flats in 113 estates not covered under Phase I;

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- (e) odour-removal devices had been installed at refuse collection points and refuse bags distribution to each household in estates;
- (f) over 100 tonnes of refuse had been removed from premises in public housing estates found to have kept excessive refuse; and
- (g) an "Estate Commercial Cleanliness Incentive Scheme" had been launched to encourage shop owners and employees to maintain clean toilets and a clean environment at their premises.

Vacant land in the New Territories (NT)

44. Mr WONG Sing-chi said that he had raised concern at a previous meeting regarding hygiene problems in rural areas in NT, especially at private land and vacant development sites. However, Team Clean's final report had not addressed this problem.

45. H/TC explained that the report had not singled out the hygiene problems in rural areas in NT for discussion, because the new approaches suggested in the report for tackling hygiene problems also applied to rural areas. He added that where necessary, the Administration would apply the "act first, recover costs later" approach to ensure that speedy actions were taken to remove any environmental nuisances found. H/TC further explained that under the empowered district administration framework, District Officers (DOs) maintained a district database of hygiene blackspots and environmental hygiene related complaints for monitoring purposes. The DOs held regular meetings with the departments concerned to monitor the situation and delineate, where necessary, responsibilities among departments to ensure inter-departmental cooperation and quick remedial actions. DD(HA)(Atg) agreed to convey the concern of Mr WONG Sing-chi regarding hygiene problems in rural areas in NT to the DOs concerned for follow-up action.

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46. DFEH briefed members on the enforcement problems encountered by FEHD staff in carrying out enforcement work against environmental nuisances involving private land or premises involving multiple owners. He pointed out that there were difficulties in establishing the ownership of the land/premises concerned and in contacting the owners, as there were prescribed legal provisions requiring the service of notices to the individuals responsible. If there was no response to such notices, the authorities would apply to the Court for an order requiring the individuals to abate the nuisance within a specified period of time. DFEH said that to speed up the process, the Administration intended to introduce legislative amendments to streamline the procedures to enable prompt rectification work to be carried out.

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Keeping of pets in public housing estates

47. Mr WONG Yung-kan asked whether HD had decided how it would proceed with its proposed ban on keeping of pets in public housing estates. DD(EM) responded that the existing tenancy agreements already prohibited the keeping of pets. As regards the implementation of the demerit points scheme under which keeping of pets would be one of the offences attracting demerit points, HD had announced on 18 July 2003 that there would be a two-month grace period. DD(EM) pointed out that over 95% of public housing tenants did not keep pets and the majority of them opposed the keeping of pets in public housing estates. DD(EM) said that HD would take into account the views for and against the proposed ban. The Rental Housing Committee would further discuss the matter at the end of September 2003.

Refuse collection points

48. The Chairman said that the cleanliness of refuse collection points managed by HD and FEHD still had much room for improvement. He said that many of the refuse collection points in public housing estates were of open-air design and odour-removal devices could not be installed at these refuse collection points. The Chairman requested FEHD to look into the nuisances posed by these refuse collection points and also those which opened until very late at night. DFEH and DD(EM) agreed to follow up.

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Littering and spitting committed by drivers while driving on the road

49. The Chairman requested Team Clean to follow up whether the traffic police had stepped up enforcement against spitting by drivers through the window. Mr Tommy CHEUNG added that the problem of throwing of cigarette butts by drivers while driving on the road was also serious. H/TC agreed to convey their concern to the relevant departments.

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Mandatory building management

50. Referring to the proposal of mandatory building management, the Chairman advised that the Administration should address the concern about so-called "management companies" touting for business but not actually providing services. He suggested that the Home Affairs Department or the Buildings Department should pay special attention to such problems.

51. Director of Buildings said that there were some 8 000 buildings which did not have owners' corporations and did not engage the service of property service companies. Most of these buildings were old tenement buildings located in old urban districts. To address the problem, the Housing, Planning and Lands Bureau would issue a consultation document before the end of 2003 to consult the public on a package of proposals, including Government imposed building management, within a holistic framework. Principal Assistant Secretary (Planning and Lands) added that

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the consultation document would give the actual number of buildings affected and address, among other things, the Chairman's concern about professional conduct of the industry and quality of service to be provided.

Way forward

52. In response to the Chairman, H/TC said that HAD would play the role of central coordinator in spearheading inter-departmental efforts in district hygiene improvements, and the Secretary for Home Affairs would present quarterly progress reports on the progress of Phase II measures to the Policy Committee led by CS. The relevant bureaux and departments would, following the disengagement of Team Clean, take charge of the implementation of Team Clean measures under their purview. Ultimate responsibility for the delivery of Phase II measures would lie with the relevant Principal Officials. For the next six months and as a transitional arrangement, CS' Office would continue to monitor the overall implementation of Team Clean measures.

53. The Chairman said that the Panel would further discuss the final report at the next regular meeting to be held on 26 September 2003.

54. The meeting ended at 12:45 pm.

Council Business Division 2
Legislative Council Secretariat
24 October 2003