

**立法會**  
***Legislative Council***

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LC Paper No. CB(2) 242/03-04  
(These minutes have been seen by  
the Administration)

**Panel on Food Safety and Environmental Hygiene**

**Minutes of meeting  
held on Friday, 26 September 2003 at 2:30 pm  
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 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

**Member attending** : Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP

**Members absent** : Hon CHAN Yuen-han, JP  
Hon James TO Kun-sun  
Hon WONG Sing-chi

**Public Officers attending** : Item III  
  
Miss Janet WONG  
Deputy Director of Home Affairs (1)  
  
Mr W H CHEUK  
Deputy Director of Food and Environmental Hygiene  
(Environmental Hygiene)  
  
Mr Eddy CHAN  
Deputy Secretary (Food and Environmental Hygiene)  
Health, Welfare and Food Bureau

Mr CHEUNG Hau-wai  
Acting Director of Buildings

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

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

Mrs Ava NG  
Deputy Director of Planning / Territorial

Item IV

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

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

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

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

Item V

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

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

Mr M K CHEUNG  
Assistant Director of Agriculture, Fisheries and Conservation  
(Fisheries)

Dr S F LEUNG  
Senior Fisheries Officer (Fisheries Management)  
Agriculture, Fisheries and Conservation Department

**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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Action

**I Date of next meeting and items for discussion**  
[LC Paper Nos. CB(2) 3074/02-03(01) and (02)]

The Chairman informed members that the election of Chairman and Deputy Chairman of the Panel for the 2003-04 session would be held on 9 October 2003.

**II Information paper(s) issued since last meeting**  
[LC Paper No. CB(2) 2870/02-03(01)]  
[LC Paper No. IN 32/02-03]

2. Members noted that the Administration had provided supplementary information relating to the control of avian influenza as requested at the Panel meeting on 27 May 2003.

3. The Chairman invited members to note that the Research and Library Services Division of the Legislative Council (LegCo) Secretariat had prepared an information note on " 'Singapore's OK' Campaign" for members' reference.

**III Further discussion on the final report of Team Clean on measures to improve environmental hygiene**

4. The Chairman said that Team Clean had been dissolved on 31 August 2003. In future, the progress of implementation of Phase II measures would be followed up by the respective Panels. He advised that this Panel would follow up the implementation of measures relating to food business, environmental hygiene, and banning of live poultry.

5. At the invitation of the Chairman, Deputy Director of Home Affairs (DD(HA)) briefed members on the implementation of the recommendations in Team Clean's final report. She said that after the disengagement of Team Clean, the relevant bureaux and departments had taken charge of the implementation of those recommendations

Action

under their purview. The Home Affairs Department (HAD) would play the role of a central co-ordinator in spearheading inter-departmental efforts at district level. DD(HA) highlighted the major progress made in respect of Phase I measures, as follows -

- (a) pilot projects were launched to tackle perennial environmental problems of rear lanes and private streets, e.g. to fix choked and broken drains in the light wells at the eight "Wan" Streets in Kowloon City. Phase I of the improvement measures had been completed, and works were on-going;
- (b) HAD had made much effort to help property owners to form Owners' Corporations or residents' associations and to appoint building managers to properly maintain their properties on a voluntary basis. The Housing, Planning and Lands Bureau would further study the proposal of mandatory building management; and
- (c) the Food and Environmental Hygiene Department (FEHD) had taken stringent enforcement action against all breaches of cleanliness, in particular food preparation in rear lanes.

DD(HA) added that at the district level, HAD, FEHD and Buildings Department (BD) had jointly organised four forums to listen to views from members of the District Councils, Area Committees and District Clean Hong Kong Committees, etc.

*Avian influenza*

6. Mr WONG Yung-kan said that the poultry trade was advised by some FEHD staff that the problem of cleanliness of public markets could largely be resolved if the retailing of live poultry was banned. Mr WONG was of the view that since avian influenza was curable, the Administration should not regard a ban on the live poultry trade as the only solution to the avian influenza problem. He asked whether the Administration would still consider other option(s) from the trade, apart from the four options listed in Team Clean's final report.

7. Deputy Secretary (Food and Environmental Hygiene) (DS(FEH)) said that the Administration hoped to issue, in December 2003, a public consultation document, listing out various options, and their pros and cons, to address the avian influenza problem. DS(FEH) stressed that the four options in the final report were not exhaustive. The Government would continue to examine possible options, including the one recently put forward by the live poultry trade.

8. Mr WONG Yung-kan urged that the Administration should bear in mind people's traditional eating habits before taking a decision on the matter.

Action

9. Mrs Selina CHOW said that since the vaccination programme had proven effective to prevent chickens from being infected by avian influenza virus, a universal vaccination programme for all live chickens in Hong Kong and the Mainland could be the solution to the problem.

10. DS(FEH) responded that while vaccination was effective to minimize the risk of an outbreak of the virus, there were reservations about the effectiveness of a universal vaccination programme as the long term solution to prevent avian influenza. DS(FEH) pointed out that there was a possibility that the avian influenza virus might mutate further to create a dire public health threat to Hong Kong. The Administration had to be prudent not to give the public a false impression that vaccinated chickens were free from the risk of infection, as this would create a false sense of security which would in turn result in the public being less vigilant in handling chickens.

Admin 11. Mr Tommy CHEUNG commented that while a complete ban on the live poultry trade could reduce the risk of humans being infected with avian influenza from live poultry, there was no way to totally eliminate the risk. He said that so far the Administration had not provided concrete data on the extent to which the risk of avian influenza outbreak could be reduced by banning live poultry trade. In this connection, he requested the Administration to provide more information in the consultation document.

12. Mrs Selina CHOW said that "Ka-Mei chicken", a new chicken breed developed locally with Government subsidies, had become a Hong Kong label. She considered that the Government should play a more active role to promote the sale of "Ka-Mei chicken" rather than adopting measures to ban the live poultry trade. She asked whether the supply of "Ka-Mei chicken" could be increased as some retailers had the impression that supply of "Ka-Mei chicken" was restricted.

Admin 13. DS(FEH) responded that the supply should be determined by the market force. Nevertheless, he agreed to convey Mrs CHOW's views to the Agriculture, Fisheries and Conservation Department (AFCD) for a response.

(Post-meeting note : Mrs CHOW's views have been conveyed to AFCD for reply.)

*Dog keeping in public housing estates (PHEs)*

14. Mr WONG Yung-kan said that the Housing Authority (HA) had recently allowed tenants in PHEs to keep small dogs, but such relaxation had not been extended to residents in Home Ownership Scheme (HOS) flats. He considered such arrangement unfair to HOS owners.

Action

15. Deputy Director of Housing (Estate Management) (DD(H)) explained that HA decided on 25 September 2003 that small household pets, including small dogs, would be allowed to be kept in PHEs provided that they did not cause any nuisance. This would be a temporary permission, and it was estimated that only about 2.8% of the public housing tenants kept dogs. DD(H) stressed that the conditions in the tenancy agreement regarding prohibition of dog keeping and the demerit points scheme remained unchanged. He said that the temporary permission of HA was consistent with the tenancy agreement which stipulated that pet keeping would be allowed with the permission of the owner. Regarding dog keeping in HOS flats, DD(H) advised that it would be subject to the terms of the Deed of Mutual Covenants and the decision of the relevant Owners' Corporations.

16. The Chairman asked whether the temporary permission of HA covered the Tenants Purchase Scheme (TPS) units. DD(H) responded that all the residents in TPS units had to abide by the conditions in their DMCs which did not allow dog keeping.

17. Referring to HA's decision of allowing PHE tenants to keep existing dogs under 20 kg in weight, Mrs Selina CHOW expressed concern that this would lead to a mass abandonment of dogs above 20 kg in weight by PHE tenants. She was of the view that, given the small number of cases involved, HA should also tolerate the keeping of existing dogs above 20 kg in weight until their natural death.

18. DD(H) responded that large dogs were defined in legislation as dogs above 20 kg in weight. DD(H) said that according to a survey by the Housing Department (HD) on dog keeping, about 70% of PHE tenants considered that dog keeping should not be allowed in PHEs, as it would have adverse impact on environmental hygiene. DD(H) reiterated that the living environment in PHEs was in fact not suitable for rearing large dogs. He stressed that HA's decision was only a temporary permission and the tenants should strictly observe the no-nuisance rule.

*Public toilets*

19. Mr Andrew CHENG referred to paragraphs 4.98 to 4.102 of the final report which stated that of the 500 aqua privies in the rural areas, FEHD planned to convert about 100 high-use aqua privies into flushing toilets to improve their hygiene conditions. Mr CHENG expressed concern that the remaining 400 aqua privies would eventually be closed because of low usage. Mr CHENG said that members of the Tai Po District Council had expressed strong views about the need to retain existing aqua privies in rural areas.

20. Deputy Director of Food and Environmental Hygiene (Environmental Hygiene) (DD(EH)) clarified that FEHD had no general intention of abolishing those aqua privies that were not included in the conversion programme. He said that as the costs for converting 100 aqua privies into flushing toilets would amount to \$100 million, only those high-use aqua privies were included in the conversion programme.

Action

21. Mr Andrew CHENG pointed out that according to FEHD's paper to Tai Po District Council, FEHD planned to abolish two low-use aqua privies. He hoped that DD(EH) would look into the matter and revert to Tai Po District Council after the re-election of District Councils. He reiterated that the Administration should not abolish aqua privies simply because of low usage.

22. Mr Andrew CHENG said that the community generally considered that the hygiene condition of some public toilets was still not satisfactory. He wondered why public toilets were not included in Team Clean's work plan. The Chairman concurred with Mr CHENG. He added that there was still much room for improvement in respect of the hygiene conditions of public toilets, particularly those in restaurants.

23. DD(H) responded that HD had launched an "Estate Commercial Premises Cleanliness Incentive Scheme" since June 2003 to encourage HD estate managers, as well as shop owners and employees in HD shopping arcades/markets, to maintain a clean environment and to keep the toilets in hygienic conditions. To mobilise the public housing community to participate in the Scheme, HD had organized a number of monthly activities, including the Excellence Award for Toilet Cleaners and the Best Hygiene Award for Food Premises.

24. As regards the cleanliness of public toilets under the management of FEHD, DD(EH) said that while there was room for improvement, the overall standard of cleanliness of public toilets was generally satisfactory. He further said that FEHD attached great importance to the maintenance and cleanliness of public toilets. As part of FEHD's established policy to improve the standard of public toilet facilities, there was an annual refurbishment programme to upgrade about 50 public toilets a year. In addition, tissue paper and toilet attendants were already provided in most of the public toilets. He would welcome members' suggestions on the public toilets requiring refurbishment.

25. Mr Andrew CHENG said that the hygiene conditions of some public toilets were not satisfactory despite substantial resources had been put in for their maintenance. He urged the Administration to promote a new "toilet culture" and provide more attendants to further improve the hygiene conditions of public toilets. Mr Michael MAK expressed similar views. He added that the toilet design could be improved so that the floor would not be wet and slippery.

26. DD(EH) responded that the wet and slippery floor surface of public toilets were sometimes caused by improper practices of some users. He said that hand-dryers had been installed in public toilets and ventilation systems had also been improved. Nevertheless, he would remind cleansing staff to keep the floor dry as far as practicable.

Action

27. Mrs Selina CHOW said that the hygiene conditions of toilets in Hong Kong did not live up to the standard of an international city, and there was still much room for improvement. Mrs CHOW further said that with the increasing popularity of green tourism, the cleanliness of country parks especially during holidays was another area that should be improved. She requested the Administration to provide information on the measures taken to maintain the hygiene and cleanliness of the country park areas and the toilets there.

28. Dr LO Wing-lok also requested the Administration to provide more information on the details of the proposed outsourcing of the management of selected barbecue sites. The Chairman considered that while the management and cleansing service could be contracted out, the public should continue to be allowed to use the facilities free-of-charge.

Admin

29. DD(EH) said that AFCD was responsible for the management of country parks. DD(HA) agreed to convey members' views and suggestions to AFCD for a response.

*(Post-meeting note : Members' views have been conveyed to AFCD for reply.)*

*Penalty for public cleanliness offences*

30. Mr LEUNG Fu-wah said that the Administration had provided information on the number of fixed penalty notices issued between 26 June and 5 August 2003, and he would like to have the up-to-date figure. He also asked about the difficulties encountered by frontline staff in carrying out enforcement work in this respect.

31. DD(EH) responded that a total of 4 651 fixed penalty notices had been issued between 26 June and mid September 2003, of which about 20 cases involved repeat offenders. Payment for more than 70% of these fixed penalty notices had already been settled by the end of August 2003, and there were less incidents involving confrontation during enforcement recently. DD(EH) said that the declining trend in issuing fixed penalty notices reflected that the fixed penalty system had created sufficient deterrent effect.

32. In response to the Chairman, DD(EH) said that the Community Service Orders Ordinance would have to be amended before community service orders could be awarded to repeat offenders.

*Sustainability of cleanliness measures*

33. Mr Michael MAK said that the proposed measures to bring about environmental hygiene improvements in Hong Kong would not have lasting effects unless sustainable efforts were made. Noting that the Administration had adopted a "zero tolerance" approach, Mr MAK considered that the sustainability of such measures would largely depend on whether the enforcement departments would take prompt enforcement actions. He further said that it would be a waste of resources to



Action

implement these measures if the community did not share the value of the importance of environmental cleanliness and hygiene practices.

34. Referring to the information note prepared by the Research and Library Services Division of the LegCo Secretariat on " 'Singapore's OK' Campaign", Mr Michael MAK said that the Administration should make reference to overseas experience (such as Singapore and Japan) in maintaining the momentum in the community and within government for environmental hygiene improvements.

35. DD(HA) said that the Administration would make reference to overseas experience, whenever appropriate. She further said that to her knowledge, FEHD and BD officers would research into Singapore's approach in dealing with water/drainage seeping problems in buildings.

36. DD(HA) agreed that it was a difficult task to sustain the momentum generated from the Phase I measures. She said that of the 85 hygiene blackspots identified after the promulgation of Phase I of Team Clean measures in May 2003, HAD had cleaned up 60% of these blackspots, with the assistance of the relevant District Officers and District Councils. For the remaining blackspots, there were different on-site problems. HAD would continue to clean up the remaining blackspots while implementing Phase II measures. DD(HA) further said that no additional resources had been allocated to HAD for implementation of these measures which were carried out mainly by redeployment of existing resources. Given that resources were limited, it would be difficult, if not impossible, for the Government to sustain the environmental hygiene improvements in Hong Kong without community support. In this connection, she cited the case of significant reduction in the volume of rubbish left by visitors in public parks and open spaces after the Mid-Autumn Festival, which was the result of enhanced publicity and concerted efforts of the community and government departments. DD(HA) added that the Administration was looking into ways to boost community involvement and enhance the current work on civic education.

*Licensed food premises*

37. Mr Tommy CHEUNG commented that the final report emphasized on imposing penalties and tightening regulatory control over licensed food premises. However, no incentive was proposed in the report to encourage the catering industry to make improvements. He said that the catering industry had expressed strong views on the proposed measures. He pointed out that during an earlier meeting between the Chief Secretary for Administration (CS) and representatives of the catering industry, CS had said that the current Demerit Points System (DPS) was not effective as cancellation of licences could seldom be effected. He did not agree with such conclusion as he considered that this was simply a result of good hygiene practices adopted by food business operators.

Action

38. Mr Tommy CHEUNG also made the following comments -

- (a) the proposal of disallowing the transfer of a licence where the food premises concerned had outstanding demerit points was not conducive to the business environment;
- (b) the proposal of publicising recalcitrant licensed food premises would not be effective as the food premises concerned could operate under a different name; and
- (c) the catering industry was worried that the proposal of cancellation of provisional licence for non-compliance of requirements relating to sanitary hardware was the first step taken by the Government to abolish the provisional licence system. The industry had also expressed concern about the long time taken for full licences to be issued.

39. Mr Tommy CHEUNG said that many of the proposed measures had in fact been discussed many times by the former Urban Council, and the catering industry had all along expressed objection to these measures. He considered that the Administration should not put forward these proposed measures once again especially when the catering industry was facing a difficult time. He urged that the Administration to offer more incentive schemes to encourage the industry to make improvements instead. One example was the proposed loan scheme to help restaurant and food shop owners to improve the hygiene conditions of kitchens and toilets.

40. DD(EH) said that the measures were proposed to address problems identified in the current licensing and regulatory regime. For example, under the current DPS, after a transfer of food premises licences, the demerit points accrued by the food premises concerned ceased to have effect. The introduction of new DPS sought to strengthen the sanction regime. The licensees and the catering industry would be fully consulted on the details. Regarding incentive schemes, DD(EH) said that the Administration planned to launch a \$300 million loan scheme to help licensed food businesses refurbish their kitchens and toilets and install other facilities such as food storage cabinets or dish-washing machines.

41. The Chairman said that the Panel would follow up the measures relating to avian flu, food businesses and environmental hygiene at future meetings.

**IV Outcome of consultation on the proposed changes to the enforcement regime for FEHD licensing requirements/conditions and tenancy conditions**

[LC Paper No. CB(2) 3074/02-03(03)]

42. DS(FEH) informed members that the Administration's paper sought to report the outcome of the briefings for food business licensees and market tenants on the proposed new enforcement regime for FEHD's licensing requirements and conditions as well as market tenancy conditions.

43. Referring to paragraph 8 of the Administration's paper, the Chairman asked about the nature of breaches for which verbal warnings would be given. DD(EH) responded that, in the case of food businesses, verbal warnings would be given for breaches such as deviations from the approved layout plan, and failure to provide the annual maintenance certificate of ventilation systems. As for market stall holders, verbal warnings would apply to breaches such as unauthorised extension of business area and failure to wear protective gears when working in poultry stalls.

44. The Chairman and Mr Tommy CHEUNG asked how the Administration would ensure consistency in the enforcement of licensing requirements and tenancy conditions. DD(EH) replied that the new enforcement regime would apply to food businesses, market stalls and fresh provision shops alike, to ensure equity of treatment of licensees and market tenants who operated the same kind of business.

45. Mr Tommy CHEUNG said sometimes it was not possible to rectify a breach within four days, e.g. if it concerned failure to keep past purchase invoice. DD(EH) responded that if the licensee had lost or did not keep purchase invoice, this could lead to a written warning. He said that the licensee concerned should take immediate action to keep purchase invoice after receiving a verbal warning. Failure to do so would lead to a second verbal warning.

46. Mr WONG Yung-kan pointed out that to his knowledge, some chilled chickens put on sale in supermarkets did not bear the red stamps which was the identification mark for chilled chickens. He had lodged a complaint to FEHD and was informed that the red ink on the chickens concerned had faded. He urged the Administration to take strict enforcement action against traders who posed frozen meat or chicken for sale as fresh/chilled meat or chicken.

47. DD(EH) responded that FEHD had so far spotted one case of selling chilled chicken as fresh chicken. DS(FEH) added that there was no change in the requirement of putting red stamps near to the wing area of the chilled chickens. He assured members that FEHD would continue to carry out periodic inspection and take enforcement action against non-compliance with the requirement.

**V Regulatory framework for fishing activities in Hong Kong waters**  
[LC Paper Nos. CB(2) 3074/02-03(04) & (05)]

48. DS(FEH) said that the Administration proposed to introduce a regulatory framework for fishing activities in Hong Kong waters, in order to promote sustainable development of the fishing industry and to conserve local fisheries resources. DS(FEH) briefed members on the proposal and its background, as detailed in paragraphs 2 to 13 in the Administration's paper. DS(FEH) further said that the Administration would later consult the industry and commence drafting of the legislative amendments.

49. Mrs Selina CHOW said that she had no strong views on the proposal. Mrs CHOW further said that she learnt from some operators of wholesale fish markets that there was a growing trend for local fishermen to sell their fish catch directly in the Mainland waters, instead of trading through the wholesale fish markets. She considered that this phenomenon had seriously affected the business of the wholesale fish markets, and defeated the purpose of their establishment.

50. DS(FEH) responded that activities in the Mainland waters were beyond the jurisdiction of the laws of Hong Kong. He said that the problem was not serious at the moment, and AFCD and the Fish Marketing Organisation (FMO) were working on ways to improve the services of FMO and its attractiveness to local fishermen.

51. Assistant Director of Agriculture, Fisheries and Conservation (Fisheries) (ADF) supplemented that FMO had reduced the fees for some services. He said that it was a legal requirement that the landing and wholesaling of fresh marine fish should be conducted at the wholesale fish markets operated by the FMO. He pointed out, however, that the fish catch of Hong Kong fishermen was not necessarily brought back to Hong Kong and supplied for local consumption. DS(FEH) added that fish catch for local consumption should be landed at designated FMO markets. It was not difficult to detect illegal fish landing and wholesaling activities at non-designated places, and the Director of Agriculture, Fisheries and Conservation was empowered to take enforcement action against such practices.

52. Mrs Selina CHOW said that to her knowledge, fish catch transaction in the Mainland waters was rather active. She urged the Administration to ascertain the magnitude of the problem and take necessary actions to improve the situation. She suggested, for example, that measures could be taken to make it difficult for traders to transport such fish catch bought in the Mainland waters back to Hong Kong. ADF said that the Fish Marketing Advisory Board, which comprised representatives of fishermen, fish traders and professionals, would look into the matter.

Action

53. The Chairman sought information on the following -

- (a) which government department was responsible for the enforcement of the proposed control regime;
- (b) whether there were any Mainland fishing vessels operating in Hong Kong waters; and if so, whether they were covered by the proposed licensing system;
- (c) whether the proposed licensing system aimed to control the growth of local fishing fleet; and
- (d) the proportion of marine fish yielded from Hong Kong waters to the total fish supplied by the wholesale markets for local consumption.

54. ADF said that the proposed regulatory regime would be enforced by AFCD. Marine Police would, during their daily patrol, assist in the enforcement by ensuring only licensed fishing vessels were operating in Hong Kong waters.

55. DS(FEH) said that under the proposed licensing regime, fishing licences would be issued to local fishing vessels used for and equipped to be used for fishing in local waters. Such requirement was in compliance with the international practice. DS(FEH) further said that the proposed licensing system would not only serve to limit the access to the local fisheries resources to local fishermen, but also to enable the Government to collect important data vital to the effective management of local fisheries. Therefore, growth of the local fishing fleet would be controlled whenever necessary for sustaining the fisheries resources. DS(FEH) added that about 90% of fish catch of local fishermen came from waters outside Hong Kong.

56. Mr WONG Yung-kan said that there were more than 200 Mainland fishing vessels entering into Hong Kong waters daily, and these Mainlanders were in breach of the Immigration Ordinance. However, they were not prosecuted but only escorted back to the Mainland waters. He was of the view that these Mainland fishermen had taken away many valuable marine resources in Hong Kong waters, and the Administration should take enforcement action to deter them from fishing in Hong Kong waters and further depleting the marine resources.

57. DS(FEH) said that there was presently no fisheries-related legislation restricting vessels from fishing in Hong Kong waters. However, Mainland fishing vessels would require permission for entering into Hong Kong waters. At present, enforcement actions against illegal entry and activities of Mainland vessels in Hong Kong waters were taken by the Marine Department and Marine Police.

Action

Admin

58. Mr WONG Yung-kan strongly urged that AFCD should discuss with the Security Bureau ways to step up enforcement action against unauthorised Mainland vessels fishing in Hong Kong waters. The Chairman requested DS(FEH) to relay Mr WONG's concern to the Security Bureau.

*(Post-meeting note : Mr WONG's concern has been relayed to the Security Bureau.)*

59. Dr LO Wing-lok said that the Administration was facing a dilemma in formulating a fishing policy. While it had to promote sustainable development of fishing industry and to conserve fisheries resources in Hong Kong waters on the one hand, it also had to look after the livelihood of local fishermen on the other hand. Dr LO asked whether the Administration had set a threshold for fisheries resources in Hong Kong waters, so that no new licence would be issued when the fisheries resources fell below the threshold.

60. DS(FEH) responded that while it was generally known that there was a depletion in fisheries resources in Hong Kong waters, the Administration did not have comprehensive information about the existing resources in the absence of a regulatory regime. DS(FEH) said that the implementation of the proposed regulatory framework would enable the Government to collect important data for drawing up a comprehensive fisheries management programme, with an aim to conserve fisheries resources and promote recovery of the fish stocks to a sustainable level. DS(FEH) further said that hopefully, after the implementation of the fishing licence system, more data on local fisheries resources would be made available to help assess if further measures such as restricting the growth in fishing vessels and implementation of a "closed season" for fishing would be required.

61. Dr LO Wing-lok said that he could not accept that there was no data on the fisheries resources in Hong Kong waters. He considered that imposing a "closed season" was an important decision and the Administration should provide justifications for introducing such measures.

62. ADF said that the Administration had completed a consultancy study in 1998 to assess issues relating to the decline in fisheries resources and fish catch within Hong Kong waters. The study report revealed that as a result of over-fishing, the size of fish was getting smaller and there was a sharp decline in the high-valued species. To further alleviate the pressure of fishing activities on the fisheries resources in Hong Kong waters, the Administration's proposal aimed to promote sustainable development of the local fishing industry and to conserve local fisheries resources. Against this background, a progressive approach was adopted to set up a mechanism for effective management of the local fisheries resources. He added that more updated scientific data on the fisheries resources would be available after the proposed control regime came into operation.

Action

63. Regarding the proposal of implementing a "closed season" for fishing, ADF pointed out that it was a common fisheries management measure adopted by many countries. He further pointed out that the "closed season" policy in the South China Sea since 1999 was useful to conserve and protect fisheries resources in the area. Local fishermen had been able to cope with the "closed season" arrangement.

64. Dr LO Wing-lok said that while he agreed that a "closed season" policy would help conserve fisheries resources, the Administration should provide more concrete data when introducing the relevant legislation into LegCo.

65. Mr WONG Yung-kan commented that the consultancy study had been completed six years ago and implementation of its recommendations had been long overdue. Mr WONG said that local fishermen had urged for early introduction of a fishing licence system, and the Administration would fully consult the fishing industry before drawing up the licence conditions. He also asked about the legislative timetable. He added that the timing and duration of the proposed annual "closed season" for fishing should tie in with the Mainland arrangement.

66. DS(FEH) explained that the Administration had to resolve certain legal issues with the Department of Justice before it could draw up the details of the proposed regulatory framework. The Administration planned to introduce the legislative proposal into LegCo in the 2004-05 session. He assured members that the Administration would consult the industry before finalising details of the fishing licence system and the "closed season" arrangement.

67. In response to Mr WONG's enquiry about the licensing criteria, DS(FEH) said that the proposed licensing system would be vessel-based. The Administration would rely on the vessel classification system under the Merchant Shipping (Local Vessels) Ordinance (Cap.548) to distinguish local fishing vessels from other kinds of vessels. A fishing vessel would be licensed subject to its meeting certain criteria. Restrictions on vessel engine power and gear might also be imposed as necessary.

68. The Chairman said that Members belonging to the Democratic Party and Panel members generally supported the proposed regulatory framework. He requested the Administration to expedite introduction of the legislative proposal into LegCo.

69. There being no other business, the meeting ended at 4:38 pm.