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立法會

Legislative Council

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Report of the Panel on Food Safety and Environmental Hygiene for submission to the Legislative Council

Purpose

This report gives an account of the work of the Panel on Food Safety and Environmental Hygiene from July 2002 to June 2003. It will be tabled at the meeting of the Legislative Council on 2 July 2003 in accordance with Rule 77(14) of the Rules of Procedure of the Legislative Council.

The Panel

2. The Panel was formed by a resolution passed by the Council on 20 December 2000, as amended on 9 October 2002, for the purpose of monitoring and examining Government policies and issues of public concern relating to food safety, environmental hygiene and agriculture and fisheries. The terms of reference of the Panel are in **Appendix I**.

3. Hon Fred LI Wah-ming and Hon Tommy CHEUNG Yu-yan were elected Chairman and Deputy Chairman of the Panel respectively. The membership list of the Panel is in **Appendix II**.

Major work

Avian influenza

4. The Panel had been closely monitoring the surveillance system and the enhanced hygiene measures to reduce recurrence of avian influenza following the three outbreaks in Hong Kong in December 1997, May 2001 and February 2002. As an Investigation Team was appointed by the Administration to investigate the causes of the last outbreak in February 2002, the Panel had held further discussions with the Administration on the investigation findings and recommendations to control avian influenza.

5. The Administration informed the Panel that the strategy recommended by the Investigation Team to reduce the risk of recurrence of avian influenza outbreaks mainly included improving the biosecurity standard of farms, introducing an additional rest day per month at retail outlets to reduce the virus load, and reviewing the vaccination programme. The Panel noted that the Agriculture, Fisheries and Conservation Department (AFCD) would assist all farms in implementing the biosecurity plans which were expected to be completed by mid 2003. Members were generally of the view that if any of these farms were unwilling or incapable of meeting the licensing conditions or hygiene standards, strict enforcement should be taken against them.

6. As regards the introduction of an additional rest day for retail markets, the Panel had doubts that it would bring real benefits. In view of the trade's opposition to the proposal, the Panel requested the Administration to further discuss with the trade and provide more scientific data to justify the need for an additional rest day.

7. Noting that there were unusual chicken deaths in some chicken farms and retail outlets in December 2002 and January 2003, the Panel urged the Food and Environmental Hygiene Department (FEHD) to conduct more frequent inspections to live poultry stalls in public markets, to ensure that there was no over-stocking of live poultry and all hygiene requirements were strictly complied with. Some Panel members also suggested segregating live poultry stalls from other stalls in public markets, and taking stringent enforcement against breaches of hygiene requirements.

8. As the trial vaccination programme implemented in April 2002 in Pak Sha area in Hong Kong had helped prevent mortality and disease associated with local strains of H5 N1 virus in vaccinated chickens, the Panel urged the Administration to extend the vaccination programme to all local farms. The Panel also requested the Administration to discuss with the Mainland authorities the feasibility for all live chickens for supply to Hong Kong to be vaccinated. The Panel was pleased to learn that the Administration decided in May 2003 that there would be universal vaccination of chickens in all local farms, and discussion with the Mainland about vaccinating live Mainland chickens supplied to Hong Kong had started.

9. The Administration had warned about the possibility of influenza virus evolution in vaccinated chickens, and the possibility of such viruses re-assorting and crossing species to affect humans. The vaccination programme would therefore be reviewed in two years and other strategies would be deployed as appropriate to deal with changing circumstances.

10. On the suggestion that the community should discuss the extent to which the live poultry trade should be regulated, most members were of the view that there should be wide public consultation before the Administration

took a decision on the matter. The Panel reminded the Administration to carefully balance the need to safeguard public health and the interests of the live poultry industry.

Supply of chilled chicken

11. The Panel held three meetings in late 2002 to discuss with the Administration and the trade the inspection and quarantine requirements and arrangements for chilled chickens to be imported from the Mainland. The Administration had informed the Panel that chilled chickens for export to Hong Kong must come from farms and processing plants registered with the Mainland's inspection and quarantine authority. Moreover, only those processing plants with the prior approval of FEHD could export chilled chickens to Hong Kong. FEHD conducted inspections of these farms and plants to ensure that they complied with Hong Kong's requirements. To facilitate identification and tracing of the chilled chickens imported from the Mainland, a label of security hologram printed with the letters of "CIQ" would be stuck onto each chilled chicken to show that the chicken had been approved for export to Hong Kong. In the case of food incidents involving chilled chickens from the Mainland, FEHD would trace the processing plant responsible for producing such chickens and follow up with the Mainland authority.

12. As regards the trade's concern about the possibility of illegal imports, the Administration had advised that FEHD and the Customs and Excise Department would step up enforcement and impose stricter penalties against illegal importation and sale of chilled chickens. On the suggestion of removing the heads and claws of chilled chickens to facilitate differentiation of chilled chickens from fresh chickens, the Administration advised that it could not impose such a mandatory requirement because heads and claws did not constitute a particularly high risk in term of food safety and public hygiene. However, to promote the branding of chilled chickens, the Mainland had agreed to put an edible and colourfast red stamp near the chicken wing area. The Administration believed that the stamp, together with the label of security hologram, would address the concerns about identification of chilled chickens and the smuggling problem.

13. Regarding the concern about the impact on the local chicken rearing industry, the Administration advised that AFCD would continue to enhance the capability of local chicken farms to prevent and control disease and upgrade their productivity. A working group had also been set up to establish and promote local brands of good quality chickens (e.g. "Kamei" chicken).

Labelling of nutrition food and genetically modified food

14. The Panel discussed the Administration's proposal on food labelling in March 2003. Members generally supported the proposal of introducing a mandatory labelling system on nutrition information of food, and requested the Administration to consider advancing the implementation timetable. The Panel also suggested that the Administration should launch public education programmes on nutrition information, such as the level of intake of core nutrients.

15. The Panel expressed much concern that the Administration had not proposed to introduce a mandatory labelling system for genetically modified (GM) food on the ground that there was no international consensus on the labelling of GM food. Members pointed out that according to the Administration's previous consultations and recent opinion surveys conducted by concerned groups, the community was largely in support of a mandatory labelling system for GM food so that consumers could make informed choices on the food they consumed.

16. The Panel had invited deputations, including the trade and concerned groups, to give views on the Administration's proposals on food labelling. While the Hong Kong Food Council and the Hong Kong Retail Management Association expressed general agreement with the Administration's proposals, most deputations, including the Consumer Council, were in support of introducing a mandatory labelling system for GM food. These deputations were of the view that the estimated economic cost of \$91 million to the food trade was not significant when shared out among different food commodities. Most deputations did not consider that the pre-market safety assessment proposed by the Administration could ensure the safety of GM food as it was not possible for such tests to assess the long term effect of GM food on human health. These deputations also pointed out that the food trade would not label their GM food products under a voluntary labelling system, and Hong Kong would become the dumping ground of GM food.

17. The Panel passed a motion at its meeting in March 2003 urging the Administration to set up a mandatory labelling system with reference to the experience of the European Union countries, in order to safeguard public health and consumers' right to know and choose. The Panel requested the Administration to brief the Panel in the next legislative session on the outcome of its public consultation on the food labelling proposals.

Licensing and regulation of food business

18. The Panel generally agreed that "private kitchens", which offered special cuisines and had become a tourist attraction, should be brought under

appropriate regulatory control to safeguard public health. However, members had divergent views over the regulatory framework proposed by the Administration, such as whether these establishments should be allowed to operate in residential buildings and the duration of operating hours.

19. Some members were of the view that the stringent licensing requirements for restaurants should not apply to "private kitchens" because of their small-scale operation and constraints in complying with the building and fire safety requirements. While the catering industry did not oppose the existence of "private kitchens", it stressed that there should be a level-playing field for all food establishments, and "private kitchens" should not be given preferential treatment. The Panel requested the Administration to revise its proposed regulatory framework for "private kitchens" and revert to the Panel later.

20. The Administration briefed the Panel in April 2003 on the progress made in processing applications for outside seating accommodation (OSA) from licensed restaurants. Members noted that some 40 applications had been approved and another 65 had been issued with the Letter of Requirements pending compliance by the applicants. Some Panel members considered that the Administration should make better efforts to expedite the processing of these applications. A member suggested that the Administration should allow OSA to be operated on a trial basis to allay worries of residents in the vicinity.

21. The Panel noted that the Administration was conducting a review on further streamlining the food licensing systems. Members suggested that the review should include Light Refreshment Licence and licences for selling roasted meat. The Panel requested the Administration to provide a report of the review to the Panel.

Environmental hygiene

22. The Administration briefed the Panel in May 2003 on the implementation of the Fixed Penalty (Public Cleanliness Offences) Ordinance after it had come into operation for one year. The Panel expressed concern that the six enforcement departments, other than FEHD, had not taken strict enforcement against public cleanliness offences within their jurisdictions. Members were particularly concerned about the hygiene problems in blackspots and in those public housing estates for which the management had been contracted out to property services companies. Members considered that the relevant departments should step up enforcement efforts, and urged that the frontline enforcement staff should be better equipped to deal with resistance and confrontation from offenders.

23. In the wake of the outbreak of the Severe Acute Respiratory Syndrome (SARS) in March and April 2003, the Chief Executive announced the setting up of Team Clean to develop and take forward proposals to improve the state of environmental hygiene in Hong Kong. The Panel welcomed the territory-wide cleansing and disinfection exercises to clean up the blackspots such as rear lanes. Special meetings were held by the Panel with Team Clean and relevant government departments to discuss the strategy and measures as detailed in the Interim Report on Measures to Improve Environmental Hygiene in Hong Kong.

24. Members generally agreed that stringent measures and stricter enforcement should be taken against breaches of food and hygiene laws. As fouling of street by dog faeces and spitting would spread infectious diseases, the Panel suggested that more stringent actions, including an increase in fixed penalty, should be considered to provide greater deterrence against these offences. The Panel also stressed the importance of making sustainable efforts to keep the environment clean, and the need to involve the community and District Councils in such work.

25. The Panel considered it necessary to change the culture through enhanced public education on civic responsibility and hygiene practices. On the specific problem areas, the Panel reminded Team Clean to tackle the long-standing problems in public housing estates, old tenement buildings, rear lanes, as well as the littering problem brought about by the increase in traffic across the border. The Panel also urged Team Clean to review the legislation and existing systems, such as the design of buildings, drainage systems, refuse collection methods and facilities for shops and food business to dispose of their refuse. The Panel will further discuss with Team Clean and the departments in August 2003 the longer term measures to be taken.

26. The Administration briefed the Panel in October 2002 the refurbishment programme for all 300 public toilets under the management of FEHD as well as the features of the new generation toilets. The Panel welcomed the improvements to be made to the hygiene conditions and facilities of public toilets.

27. The Administration also briefed the Panel on the progress of work of the anti-mosquito campaign and the anti-rodent campaign.

(to expand after the meeting on 24 June 2003)

Consultancy study on the feasibility of developing an off-shore fishing industry

28. At the request of the Panel, the Administration provided the report on the consultancy study on the feasibility of developing an offshore fishing

industry in Hong Kong for discussion with members and deputations in September 2002. Some members and deputations from the fishing industry criticised that the study had dragged on for a few years and some of its recommendations had become outdated. The deputations expressed concern that as more offshore fishing grounds would be subject to a fishing quota system, Hong Kong had lagged much behind its neighbouring places in developing its offshore fishing industry.

29. Some Panel members and deputations urged the Administration to provide loans to local fishermen for this purpose, as substantial investment was required for the purchase or conversion of fishing vessels for offshore fishing. The Administration held the view that offshore fishing should be pursued as a commercial activity rather than the traditional family-based operation, and fishermen would have to consider their own circumstances before deciding whether to invest in offshore fishing. The Administration would provide the necessary technical assistance and training as well as information on gaining access rights to the relevant fishing grounds. The Administration advised that low-interest loans were available under the Fisheries Development Loan Fund or the Fish Marketing Organisation Loan Fund for building/purchasing fishing vessels or upgrading existing vessels.

Fees and charges

30. In reorganising the provision of municipal services in late 1999, the Administration undertook to review within two years the various fees and charges of the two former municipal councils with a view to aligning them eventually.

31. The Administration informed the Panel in February 2003 that the alignment exercise was very complicated and more time was required to complete the exercise. The Administration advised that according to section 9 of the Provision of Municipal Services (Reorganisation) Ordinance, FEHD fees and charges of FEHD would remain unchanged until the Secretary for Health, Welfare and Food made a regulation to amend them.

Other issues

32. The Panel was consulted by the Administration on the financial proposal for the payment of ex-gratia allowance to pig and poultry farmers affected by land resumption clearance. The Panel was also briefed on the study on dietary exposure of secondary school students to dioxin and heavy metals, and the study on Acrylamide in food.

33. From July 2002 to June 2003, the Panel held a total of 20 meetings, including two joint meetings held with the Panel on Health Services. The Panel visited the fresh food centres of two supermarkets chains to observe the processing and storage of fresh food. In December 2002, the Panel observed the inspection process by FEHD staff, as well as the packaging and storage of the first batch of chilled chickens supplied to Hong Kong from the Mainland. An overseas duty visit was also planned for July 2003 to study the food regulatory systems in Australia.

Council Business Division 2
Legislative Council Secretariat
23 June 2003

**Legislative Council
Panel on Food Safety and Environmental Hygiene**

Terms of Reference

1. To monitor and examine Government policies and issues of public concern relating to food safety, environmental hygiene and agriculture and fisheries.
2. To provide a forum for the exchange and dissemination of views on the above policy matters.
3. To receive briefings and to formulate views on any major legislative or financial proposals in respect of the above policy areas prior to their formal introduction to the Council or Finance Committee.
4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.
5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.

**Legislative Council
Panel on Food Safety and Environmental Hygiene**

Membership list

Chairman Hon Fred LI Wah-ming, JP

Deputy Chairman Hon Tommy CHEUNG Yu-yan, JP

Members Dr Hon David CHU Yu-lin, JP
Hon James TO Kun-sun
Hon CHAN Yuen-han, 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
Hon WONG Sing-chi

(Total : 11 members)

Clerk Mrs Constance LI

Legal Adviser Mr Stephen LAM

Date 10 October 2002