

立法會
Legislative Council

Ref : CB2/PL/FE

LC Paper No. CB(2) 553/03-04
(These minutes have been seen
by the Administration)

Panel on Food Safety and Environmental Hygiene

Minutes of Meeting
held on Tuesday, 28 October 2003 at 10:45 am
in the Chamber of the Legislative Council Building

- Members present** : Hon Fred LI Wah-ming, JP (Chairman)
Hon Tommy CHEUNG Yu-yan, JP (Deputy Chairman)
Hon WONG Yung-kan
Hon YEUNG Yiu-chung, BBS
Hon Andrew CHENG Kar-foo
- Member attending** : Hon Albert CHAN Wai-yip
- Members absent** : Hon Michael MAK Kwok-fung
Hon LEUNG Fu-wah, MH, JP
Dr Hon LO Wing-lok, JP
- Public officers attending** : Item IV

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

Miss Vivian KO
Principal Assistant Secretary (Food & Environmental Hygiene) 1
Health, Welfare and Food Bureau

Ms Rhonda LO
Assistant Director (Operations)3
Food and Environmental Hygiene Department

Mr Arthur CHU
Principal Environmental Protection Officer
(Urban West and Islands)
Environmental Protection Department

Mr W H SHE
Senior Environmental Protection Officer (Urban West)
Environmental Protection 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 W H CHEUK
Deputy Director of Food and Environmental Hygiene
(Environmental Hygiene)

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

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

Action

I Confirmation of minutes of meeting
[LC Paper No. CB(2) 106/03-04]

The minutes of the meeting on 9 October 2003 were confirmed.

II Date of next meeting and items for discussion
[LC Paper Nos. CB(2) 154/03-04(01) & (02)]

2. Members agreed to discuss the following items, as proposed by the Administration, at the next regular meeting scheduled for 25 November 2003 at 10:45 am -

Action

- (a) Labelling scheme on nutrition information; and
- (b) Conversion of aqua privies into flushing toilets.

3. The Chairman informed members that the Society for Prevention of Cruelty to Animals (SPCA) had requested to present its views to the Panel on the need to tighten up control of import, sale and breeding of animals, with a view to preventing cruelty and killing of animals. The Chairman said that to assist members in the consideration of the subject matter raised by SPCA, the Research and Library Services Division of the Legislative Council (LegCo) Secretariat had been requested to prepare an information note on the existing regulatory framework in Hong Kong and overseas. The Chairman suggested and members agreed to include the item in the agenda of a future meeting.

III Information paper(s) issued since last meeting

4. Members noted that no information paper had been received since the last meeting.

IV Nuisance caused by the Tsuen Wan Slaughterhouse [LC Paper Nos. CB(2) 154/03-04(03) & (04)]

5. The Chairman said that the issue was referred to the Panel for follow-up by Members attending the meeting with Tsuen Wan District Council (TWDC) on 23 May 2002. A submission just received from a member of TWDC was also tabled for members' information.

(Post-meeting note : The submission from Mr CHOW Ping-tim, TWDC member, was circulated to members vide LC Paper No. CB(2) 196/03-04(01) on 29 October 2003.)

6. Deputy Secretary for Food and Environmental Hygiene (DS(FEH)) briefed members on the measures taken to control environmental nuisances caused by the operation of Tsuen Wan Slaughterhouse (TWSH) as set out in the Administration's paper. DS(FEH) said that the Food and Environmental Hygiene Department (FEHD) had commissioned a consultancy to review the demand for fresh meat and the eating habits of the population and to forecast the slaughtering throughput of livestock in the territory for the coming years up to 2010. Based on the result of the forecasting exercise, FEHD would carry out a detailed study to ascertain the feasibility of centralizing the slaughtering operation of livestock at the Sheung Shui Slaughterhouse (SSSH). DS(FEH) added that the Administration would revert to the Panel on the findings of the consultancy scheduled for completion in the first quarter of 2004.

Consultancy study conducted by TWDC

7. The Chairman noted that TWDC had commissioned a consultancy study on impacts, environmental improvement and disposition for TWSH and the final report was published in 2002. The Chairman asked about the Administration's response to the findings and recommendations of the consultancy report.

8. Assistant Director (Operations)3/FEHD (AD/FEHD) said that the Administration noted that the consultancy study had studied both the long-term and short-term solutions to solve the environmental problems caused by TWSH. AD/FEHD pointed out that the TWSH management had in fact taken a series of control measures, which were also recommended by the consultancy study, to reduce the odour and noise emissions from slaughtering operation. However, the TWSH management had reservations about undertaking the other recommended measures in view of the cost implications and the fact that the odour and noise generated from TWSH were currently within statutory limits.

9. As regards the consultancy's recommendation of relocating TWSH as the long-term solution to the problem, AD/FEHD said that the feasibility of centralizing slaughtering operation of livestock at SSSH had also been raised in the Director of Audit's Report No. 36 "Provision of Slaughtering Facilities for Supplying Fresh Meat" published in March 2001. In this regard, FEHD had conducted a forecasting exercise on the slaughtering throughput of livestock in the territory for the coming years up to 2010. The exercise would take into account the demand for fresh meat and the eating habits of the population. Based on the outcome of the forecasting exercise, FEHD would decide on the need for a detailed study to ascertain the feasibility of centralizing the slaughtering operation of livestock at SSSH.

Measures to reduce nuisances caused by TWSH

10. Mr YEUNG Yiu-chung said that although the TWSH management had put in place a series of mitigation measures, the residents nearby still expressed concerns about the environmental nuisances caused by TWSH. He asked whether the management had given consideration to installing shielding and screening structures to alleviate the noise and odour generated from the operation of TWSH.

11. Principal Environmental Protection Officer (Urban West and Islands)/Environmental Protection Department (PEPO/EPD) said that due to the design of TWSH, it was not possible to install odour control equipment in TWSH as in the case of SSSH. The odour was generated mainly from the transportation of pigs to TWSH and the unloading of pigs, and installation of shielding and screening structures could not solve the odour problem. PEPO/EPD further said that to reduce odour emission, a series of control measures had been implemented, e.g. hosing down livestock within 15 minutes from unloading at TWSH, cleansing all lairages at least

Action

eight times daily, use of bleaching powder during cleansing operations at the slaughterhouse, and diverting the transportation route of livestock delivery lorries away from the Riviera Gardens.

12. PEPO/EPD added that the operation of TWSH was under close monitoring, e.g. EPD conducted at least six surprise inspections and eight environmental assessments monthly to monitor the levels of odour and noise generated from TWSH. The monitoring programme and improvement measures had so far proven to be effective in containing the nuisances generated from TWSH operation.

13. In response to Mr YEUNG Yiu-chung, AD/FEHD said that TWSH management had taken additional improvement measures such as closing all windows of TWSH facing the Riviera Gardens during slaughtering hours, and installation of windows at selected openings of lairages facing the Riviera Gardens, in order to reduce the odour generated.

14. Mr WONG Yung-kan said that the nuisance caused by TWSH was a long standing problem given rise by the absence of a comprehensive town planning policy. He considered that as the development of Riviera Gardens was approved after the establishment of TWSH, the Government should have approved the development of Riviera Gardens at a distance farther away from TWSH. Mr WONG further said that SSSH did not have the capacity to absorb the slaughtering operation being undertaken by TWSH. Instead of pursuing the proposal of centralizing the slaughtering operation at SSSH, the Administration could consider adopting other mitigation measures e.g. planting scented trees in the vicinity of TWSH.

15. DS(FEH) said that the Administration would consider all possible improvement measures to reduce the odour and noise generated from the operation of TWSH. He reiterated that with the co-operation of the TWSH management, a number of effective improvement measures had already been undertaken. DS(FEH) stressed that the levels of odour and noise generated from TWSH operation were within statutory limits following the implementation of a number of management measures. It was therefore necessary to consider carefully whether it was necessary and cost-effective to implement additional mitigation measures. He said that about \$70 million would be required to convert TWSH into fully enclosed operation.

Relocation of TWSH and centralizing of slaughtering livestock at SSSH

16. Mr WONG Yung-kan asked whether the Administration had considered the suggestion of relocating TWSH and the financial implications of taking forward the suggestion.

Action

17. DS(FEH) said that the Administration had not undertaken an assessment on the suggestion given that the improvement measures taken by TWSH management had been satisfactory. DS(FEH) pointed out that as TSWH was owned and operated by a private company, the Administration would have to compensate the operator for relocating TWSH.

18. The Chairman advised that the suggestion of relocating TWSH to Kwai Chung had been considered previously, and was shelved because an estimated amount of \$210 million would be needed for taking forward the proposal. Consequently, EPD had stepped up monitoring programmes to ensure that the operation of TWSH was in compliance with the statutory requirements.

19. Mr Tommy CHEUNG added that the proposed relocation of TWSH had been fully deliberated by the two former municipal councils which held the view that there was a need to retain a second slaughterhouse in order to safeguard against unforeseen situations and to ensure stable supply of fresh meat.

20. Referring to a TWDC member's submission tabled at the meeting, Mr Tommy CHEUNG asked about the licensing conditions of TWSH and SSSH and whether the design of TWSH could meet present day standards. Mr CHEUNG also asked about the Administration's views on paragraph 2 of the submission concerning possible cross contamination between slaughtering operation and the cargo loading and unloading activities nearby.

21. DS(FEH) and AD/FEHD responded that TWSH was opened in 1983 and its design was not as up-to-date as SSSH which came into operation only in 1999. While the licensing conditions for the two slaughterhouses were not the same because of their different designs and facilities, the same set of hygiene and environmental protection requirements were applied to TWSH and SSSH. As regards the concern raised in paragraph 2 of the submission, DS(FEH) agreed to provide a written response after the meeting.

Admin

22. Mr Tommy CHEUNG noted that the Administration had commissioned a consultancy to review the demand for fresh meat and eating habits of the population and to forecast the slaughtering throughput of livestock in the territory for the coming years up to 2010. Mr CHEUNG enquired about the scope of the consultancy study.

23. AD/FEHD responded that in his Report No. 36 "Provision of Slaughtering Facilities for Supplying Fresh Meat" issued in March 2001, the Director of Audit had looked into the operation of TWSH when discussing the issue of centralizing slaughtering operation of livestock at SSSH. In its response, the Administration had undertaken to carry out a new forecasting exercise on the slaughtering throughput of livestock in the territory for the coming years in early 2002. The Public Accounts Committee of the LegCo recommended that the Director of Food and Environmental

Action

Hygiene should, based on the outcome of the forecasting exercise, carry out a detailed study to ascertain the feasibility of centralising the slaughtering operation of livestock at SSSH. AD/FEHD said that against this background, FEHD had commissioned a consultancy in October 2002 to carry out a forecasting exercise on the slaughtering throughput of livestock in the territory for the coming years up to 2010. To collect more accurate information on the eating habits of the population, the consultancy had issued questionnaires to four target groups, viz. household consumers, food premises, fresh provision shops and meat stalls as well as meat importers. The forecasting exercise was expected to be completed in early 2004.

24. Mr Tommy CHEUNG asked whether the Administration would close down TWSH, in the event that centralization of the slaughtering operation of livestock at SSSH was considered feasible. He also asked about the estimated compensation for the TWSH operator in such case.

25. DS(FEH) reiterated that the Administration would study the feasibility of centralizing the slaughtering operation of livestock at SSSH on the basis of the result of the forecasting exercise. He said that the Administration did not have plans to conduct any study on the feasibility of centralizing the slaughtering operation of livestock at SSSH at the present stage.

26. The Chairman raised the following questions -

- (a) the proportion of slaughtering throughout of livestock in TWSH to the total slaughtering throughout of livestock in the territory, and whether it was Government's policy to retain more than one slaughterhouse in the territory irrespective of the demand for fresh meat and the eating habits of the population;
- (b) whether it was true that a breach of the statutory noise limit was assessed on the basis that the noise lasted for a continuous period of more than 15 minutes; and
- (c) the reasons for extending the land lease for TWSH for a period of 50 years up to 2047, and whether compensation would have to be made to the operator if TWSH was to be relocated or closed down before expiry of the land lease.

27. On the slaughtering throughout, AD/FEHD said that in the past nine months, on average 5 934 pigs were slaughtered daily in SSSH and TWSH, representing a slight increase of 0.5%, as compared to 5 900 pigs in the same period in 2002. However, the slaughtering throughput of livestock in TWSH had dropped from 30% to 25% in recent years. AD/FEHD further said that the slaughtering capacity of SSSH was 5 000 pigs per day, which was inadequate to cope with the present daily requirement for fresh meat.

Action

28. Regarding the enforcement of the Noise Control Ordinance, PEPO/EPD said that noise emission was monitored by measuring the average noise level within a specified period. The noise generated from TWSH's operation was in the region of 54 to 57 decibels, which was below the statutory limit of 60 decibels. EPD could, on the basis of subjective evaluation, take enforcement actions if any noise emissions were considered causing nuisance. He further said that during EPD inspections, while noise generated from TWSH was sometimes heard in Riviera Gardens, it was not considered to be causing nuisance.

Admin

29. As regards the Chairman's enquiry in paragraph 26(c), DS(FEH) agreed to provide the requested information after the meeting.

30. Mr Albert CHAN said that the nuisances caused by the operation of TWSH had been a long standing problem. Mr CHAN added that to his knowledge, the TWSH management did not object to relocating or closing down TWSH so that the site could be used for other purposes. However, the current terms of land lease only permitted the site to be used exclusively for slaughterhouse operation. If the TWSH operator decided not to continue with the slaughterhouse business before expiry of the lease, it had to surrender the land to Government. As the TWSH management had already made substantial investment for undertaking additional improvement measures to reduce the generation of odour and noise, its management was unwilling to give up the slaughtering business if it was not allowed to carry out other activities on the existing site.

31. Mr Albert CHAN commented that the Administration had made a wrong town planning decision when approving the development of Riviera Gardens, as TWSH was already in operation at that time. He said that the Administration should rectify the mistake as early as possible. Mr CHAN pointed out that the existing site of TWSH was in fact an ideal location for development of logistics industry, instead of slaughtering operation. To optimise the land use of the site and resolve the problem of nuisances caused by TWSH, he strongly urged that the Health, Welfare and Food Bureau should give policy support for the relocation of TWSH. Mr CHAN considered that if there was a case to retain two slaughterhouses in the territory, the Administration should identify alternative site for the operation of a second slaughterhouse, and this should also be covered by the consultancy study.

32. DS(FEH) explained that based on the current demand for fresh meat, the slaughtering capacity of SSSH was inadequate to cope with the overall demand in the territory. To relocate TWSH would mean that the Administration had to identify alternative site for the operation of a second slaughterhouse. DS(FEH) said that the result of the forecasting exercise on the slaughtering throughput of livestock in the territory for the coming years would be available next year, and the Administration would then carry out a detailed study to ascertain whether the slaughtering operation of livestock could be centralized at SSSH. DS(FEH) stressed that the improvement

Action

measures implemented by the TWSH management had proven effective to reduce the noise and odour generated from slaughtering operation, as there was a significant reduction in the number of complaints against TWSH recently. Given the resource implications for relocating TWSH, the Administration would need to carefully consider the matter after studying the consultancy results and the feasibility of centralizing the slaughtering operation of livestock at SSSH.

33. The Chairman said that the problem of nuisances caused by TWSH had been the concern of Members and nearby residents for many years. He suggested that the Government should consider re-provisioning TWSH in a less densely populated area, while the forecasting exercise was being carried out.

34. DS(FEH) reiterated that a detailed study to ascertain the feasibility of centralizing the slaughtering operation of livestock at SSSH would be carried out after the completion of the forecasting exercise.

35. Mr Albert CHAN proposed that a motion should be moved at the meeting to urge the Administration to relocate TWSH as early as possible. The wording of Mr CHAN's proposed motion was -

"基於荃灣屠房對居民構成的滋擾，本委員會要求政府盡快搬遷荃灣屠房。"

[English translation

"In view of the nuisance caused by Tsuen Wan Slaughterhouse (TWSH) to nearby residents, this Panel urges the Government to relocate TWSH as early as possible."]

36. Mr WONG Yung-kan said that it would be prudent to ascertain the intention of TWSH management and the implications before urging the Administration to relocate TWSH.

37. Mr Tommy CHEUNG said that he did not agree to Mr Albert CHAN's proposal. While he fully understood the nuisances caused by TWSH to the nearby residents, he considered that the relocation of TWSH should not be initiated by Government because TWSH was operated by a private company. He said that the Administration should closely monitor the operation of TWSH and its odour and noise levels.

38. The Chairman said that as Mr Albert CHAN was not a member of the Panel and his proposal was not supported by Panel members, Mr CHAN's proposed motion would not be moved at the meeting.

Action

Admin 39. At the request of the Chairman, DS(FEH) agreed to report the result of the forecasting exercise to the Panel as soon as possible.

V Public consultation on proposed new penalties for repeat cleanliness offenders

[LC Paper No. CB(2) 154/03-04(05)]

40. Principal Assistant Secretary for Food and Environmental Hygiene (PAS(FEH)) briefed members on the launch of a public consultation exercise on 23 October 2003 on proposed new penalties for repeat cleanliness offenders as set out in the Administration's paper. PAS(FEH) said that the consultation exercise would last for one month. The Administration would report the outcome of the consultation exercise to the Panel in early 2004. He further said that if the proposal was supported by the community, the Administration would proceed with the drafting of the legislative amendments with a view to introducing the legislative proposal to LegCo in the next legislative session.

41. Mr Andrew CHENG asked about the breakdown of repeat cleanliness offenders by the four specified cleanliness offences. Mr CHENG noted that the Administration would have to employ additional cleaning staff to remove the bills or posters displayed without authorisation. He considered that persons who repeatedly committed the offence of unauthorised display of bills or posters should be required to remove such bills or posters.

42. Deputy Director of Food and Environmental Hygiene (Environmental Hygiene)/FEHD (DD(EH)/FEHD) responded that after the increase in the fixed penalty from \$600 to \$1,500, about 50% and 40% of the repeat offenders belonged to the categories of unauthorised display of bills or posters and littering respectively. DD(EH)/FEHD said that the proposal of imposition of community service orders could serve both rehabilitative and reparative purposes. He explained that under the Community Service Orders Ordinance, the Court could make a community service order against an offender aged 14 or over who was convicted of an offence punishable with imprisonment. The offender could be required to perform community service for a maximum of 240 hours under the supervision of a probation officer.

43. Mr Andrew CHENG said that he had no objection to the proposed imposition of community service orders against repeat cleanliness offenders. However, the Administration should consider whether such penalties could achieve the deterrent effect and could offset the costs for enforcement and cleaning up. He suggested that the Administration should consider imposing heavier penalty for unauthorised display of bills or posters given that a lot of manpower resources were required to remove such posters.

Action

44. Mr WONG Yung-kan expressed similar concerns. Mr WONG supported that the Administration should recover the administrative cost for removing the bills or posters from the beneficiaries whose particulars were given in such bills or posters. He pointed out that while LegCo Members and District Council members had to apply for permission to display posters or banners at public places, there was a prevalent problem of unauthorised display of bills or posters of a commercial nature.

45. DD(EH)/FEHD said that his department was aware of the problem of unauthorised display of bills and posters at public places, and had stepped up enforcement actions in this respect. DD(EH)/FEHD explained that no extra staff cost was incurred for removing bills and posters at displayed at public places, because the work was performed by existing cleaning staff. DD(EH)/FEHD stressed that the Administration welcomed any views on the proposed new penalties for repeat cleanliness offenders during the consultation period.

46. Noting that there were a total of about 26 100 offenders since the introduction of the fixed penalty system in June 2002, Mr Andrew CHENG sought more information on the number of offenders by types of cleanliness offence, age and sex. DD(EH)/FEHD said that the majority of cleanliness offenders committed littering offence. Their age distribution was as follows -

<u>Age</u>	<u>Proportion to total offenders</u>
Below 20	11.5%
21 - 40	34.4%
41 - 60	34.9%
Above 60	19.2%

The Chairman requested for a more detailed breakdown by age and type of offences. DD(EH)/FEHD agreed to provide the information after the meeting.

Admin

47. Mr WONG Yung-kan said that Members belonging to the Democratic Alliance for the Betterment of Hong Kong supported in principle the proposed imposition of community service orders on repeat cleanliness offenders. Mr WONG noted from the Administration's paper that there were 56 repeat offenders who had committed cleanliness offences thrice or more. Mr WONG asked about the age distribution of these repeat offenders. DD(EH)/FEHD responded that of the 56 repeat offenders caught after the fixed penalty was increased to \$1,500 in June 2003, about 55% were aged between 21 to 60, and about 28% aged between 16 to 20.

48. Mr WONG Yung-kan said that the Administration should step up its educational programmes if there was a large proportion of repeat cleanliness offenders among the youngsters.

Action

49. Mr Tommy CHEUNG said that strengthening civic education on environmental hygiene would be more effective than imposing stringent penalty. He pointed out that as part of the cleanliness campaign launched by the Eastern District Council, rubbish bags were distributed to households and shops in the district to encourage the community to properly handle their garbage. Mr CHEUNG said that the response had been positive so far. Mr CHEUNG expressed concern that the Administration might propose even more stringent penalty for cleanliness offences, should community service orders subsequently prove to be ineffective in deterring unhygienic practices. He asked whether the Administration had set any benchmark concerning the number of repeat cleanliness offenders, below which the Administration would consider the penalties effective.

50. DS(FEH) responded that the introduction of fixed penalty for cleanliness offences aimed to maintain Hong Kong as a clean and hygienic city. The Administration had always attached great importance to the educational and promotional publicity to enhance public awareness of the importance to improve environmental hygiene in Hong Kong. DS(FEH) pointed out that the "zero tolerance" enforcement approach, coupled with the increase in fixed penalty from \$600 to \$1,500, had proven effective in deterring unhygienic practices. While the penalty level of \$1,500 was high enough for first-time offenders, this remained insufficient for repeat offenders. The proposed imposition of community service orders was to enhance the deterrent effect against habitual offenders. DS(FEH) further said that the Administration would review the effectiveness of community service orders in the light of the enforcement experience, if the community supported the proposal. The public would be fully consulted before the Administration proposed any new penalties.

51. The Chairman said that he was inclined to support the proposed imposition of community service orders. He believed that many repeat offenders were habitual offenders, and the fine system might have little effect on them. The Chairman further said that to achieve the purpose of imposing community service orders, the nature of community service imposed on a repeat offender should be related to improving the environmental hygiene in Hong Kong.

52. The Chairman asked the Administration to provide more information on the repeat offenders caught since the increase in the fixed penalty to \$1,500, by sex, age, type of offence and the fixed penalty amount of the previous offences.

53. DD(EH)/FEHD said that of the 382 repeat offenders, 82% were male and 18% were female. Most of them committed their second offences after the increase in the level of fixed penalty. He would provide the requested information in writing after the meeting.

Action

Admin

54. In concluding the discussion, the Chairman said that members generally had no objection to the proposal of imposing community service orders on repeat offenders. The Chairman requested the Administration to brief the Panel on the outcome of the consultation exercise. The Administration agreed.

VI Any other business

55. The Chairman said that to avoid clashes with Council meetings, the duty visit to Japan would be conducted from 15 to 21 January 2004.

56. The meeting ended at 12:35 pm.

Council Business Division 2
Legislative Council Secretariat
5 December 2003