

立法會
Legislative Council

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LC Paper No. CB(2) 1989/03-04
(These minutes have been seen
by the Administration)

Panel on Food Safety and Environmental Hygiene

Minutes of special meeting
held on Monday, 2 February 2004 at 4 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)
Hon WONG Yung-kan
Hon YEUNG Yiu-chung, BBS
Hon Andrew CHENG Kar-foo
Hon Michael MAK Kwok-fung
Dr Hon LO Wing-lok, JP

Members attending : Hon Cyd HO Sau-lan
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP

Member absent : Hon LEUNG Fu-wah, MH, JP

Public officers attending : Item I

Mrs Carrie YAU
Permanent Secretary for Health, Welfare and Food

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

Dr S P MAK
Deputy Director (Food and Public Health)
Food and Environmental Hygiene Department

Dr Y Y HO
Consultant (Community Medicine) (Risk Assessment and
Communication)
Food and Environmental Hygiene Department

Item II

Mrs Carrie YAU
Permanent Secretary for Health, Welfare and Food

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

Mr Gregory LEUNG
Director of Food and Environmental Hygiene

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

Dr S P MAK
Deputy Director (Food and Public Health)
Food and Environmental Hygiene Department

Mr C L KO
Head of Control Points Command
Customs and Excise Department

Mr C W LAI
Assistant Director (Inspection and Quarantine)
Agriculture, Fisheries and Conservation Department

**Attendance by : Item I
invitation**

Consumer Council

Ms Connie LAU
Deputy Chief Executive

Mr Harry CHAN
Research and Survey Officer

Hong Kong Retail Management Association

Mr Peter Johnston
Quality Assurance Manager
A.S. Watson & Co. Ltd. — PARKnSHOP

Mr Jeff Shaw
Government Regulations Sub-Committee
Hong Kong Retail Management Association

Mr Douglas Brown
Marketing Director
The Dairy Farm Co. Ltd. — Wellcome

Mr Charlie Wood
Legal Counsel
The Dairy Farm Co. Ltd.

Miss Anita Bagaman
Executive Director
Hong Kong Retail Management Association

Hong Kong Suppliers Association Co. Ltd.

Mr Albert TANG
Director and General Manager

Mr Frankie LI
Sales Director

Mr Billy HUI
Director and Manager

Ms Frenda WONG
Sales and Marketing Manager

The Hong Kong Food Council Limited

Mr LEE Kwong-lam
Vice President

The Chinese Manufacturers' Association of Hong Kong

Mr Peter HUNG
Vice-President

Hong Kong and Kowloon Vermicelli and Noodle Manufacturing
Industry Merchants' General Association

Mr NGAI Wing-fung
Chairman

Mr FUNG Chung-kai
Deputy Chairman

The Hong Kong Medical Association

Dr James CHIU Shing-ping
Council Member

Hong Kong Food Science & Technology Association Ltd.

Mr CHEUNG Chi-keung, Peter
Chairman

Mr Brian LEUNG
Vice Chairman

Hong Kong Dietitians Association Limited

Ms Priscilla LAU Li-yi
Training and Development Officer

Miss Helena CHOI Yuk-sim
Registered Dietitian

Hong Kong Nutrition Association Limited

Mrs Veronica HO
Executive Committee Member

Hong Kong Academy of Medicine

Dr CHAN Chok-wan
Elected Council Member

Hong Kong Doctors Union

Dr WONG Bun-lap
Council Member

Care For Your Heart

Ms Sandra CHOW Mun-yuk
Chairperson

Hong Kong Federation of Restaurants and Related Trades

Mr WONG Ka-wo, Simon
Chairman

Ms CHEUK Fung-ting, Phyllis
Member of Board Director

Federal Restaurants Group

Mr TSUI Kwong-lam
Business Manager

Mr PANG Pak-woo
Business Manager

Clerk in attendance : Mr Paul WOO
Senior Council Secretary (2)3

Staff in attendance : Ms Amy WONG
Senior Council Secretary (2)1

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I Meeting with deputations to discuss the Administration's proposal on the labelling scheme on nutrition information

[LC Paper No. CB(2) 1164/03-04(01)]

The Chairman welcomed the deputations to the meeting.

2. The Chairman said that written submissions received by the Panel on the labelling scheme on nutrition information had been issued to Panel members before the meeting. He invited the deputations to brief the Panel on their submissions. He reminded representatives of the deputations that their address to the Panel would not be covered by the protection and immunity provided under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382).

Views of deputations

3. The major views expressed by the deputations were summarized in paragraphs 4 to 28 below.

Consumer Council (CC)

[LC Paper No. CB(2) 1127/03-04(01)]

4. Ms Connie LAU said that CC was in support of the following proposals -

- (a) Implementation, by phases, of the labelling scheme for all prepackaged food products;
- (b) Establishing a set of local Nutrient Reference Values (NRVs) and setting tolerance limits of nutrient verification;
- (c) Stating the content of energy and nutrients on the nutrition labels in absolute amount in kilocalories/metric unit per 100 g/per 100 ml of food, and adopting Codex Alimentarius Commission (Codex) principles in the use of nutrient content claim and nutrient comparative claims; and
- (d) Any nutrient function claims made should be science based, and misleading and false claims should be deleted from the package.

5. Ms LAU said that CC recommended that infant/follow-up formulae, foods for infants and young children, and foods for special dietary uses should be included in the scope of the labelling scheme, while food of low health risk and low nutrition value could be considered for exemption. CC also urged the Administration to continue communicating with the trade with a view to reaching a consensus on the list of core nutrients to be labelled. The list could be reviewed after implementation as and when necessary.

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6. Ms LAU added that CC would be happy to cooperate with the Administration in educating consumers on nutrition information labelling. She said that the labelling scheme would increase the confidence of the consumers (including tourists) and make Hong Kong products more competitive. She urged that close collaboration should be established between the trade and the Government in implementing the scheme.

Hong Kong Retail Management Association (HKRMA)
[LC Paper No. CB(2) 1164/03-04(02)]

7. Mr Jeff Shaw said that HKRMA supported in principle a labelling guideline which would help consumers make informed decisions about the food they purchased. HKRMA, however, objected mandatory nutrition labelling on all prepackaged food items. HKRMA was of the view that as 90% of the food of Hong Kong were imported from different parts of the world, strict nutrition labelling laws would result in restricted choice of products with overseas manufacturers giving up the small market of Hong Kong, and higher food prices due to the compliance costs of re-labelling.

8. Mr Jeff Shaw said that HKRMA recommended the following measures -

- (a) The Government should conduct a Regulation Impact Assessment (RIA) and re-issue a consultation paper;
- (b) In phase I of the labelling scheme, imported food should only be required to comply with the legal requirements on nutrient-related claim in the country of manufacture. Prepackaged food without nutrient-related claims might provide nutrition labelling on a voluntary basis as long as the label contained details of energy, protein, carbohydrates and fat; and
- (c) In phase II of the labelling scheme, imported food that was not in the key staple categories should only need to comply with the legal requirements on nutrient-related claims in the country of manufacture. Prepackaged food without nutrient-related claims might provide nutrition labelling on a voluntary basis as long as the label contained details of energy, protein, carbohydrates and fat. Phase II should be implemented three years after Phase I.

Hong Kong Suppliers Association Co. Ltd. (HKSA)
[LC Paper No. CB(2) 1089/03-04(01)]

9. Mr Albert TANG said that HKSA was in full support of the implementation of a nutrition labelling scheme to help the public identify nutritious diet. Nevertheless, to avoid a well-intentioned scheme ending up with a negative impact, the Administration

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should work in close collaboration with the trade to make the scheme as practical and effective as possible.

10. Mr TANG said that HKSA was concerned that the proposed labelling scheme would limit consumers' choice in Hong Kong because the large international suppliers might rather withdraw from the local market than to make adaptations to fulfil the new legal requirements. He said that even Hong Kong's largest food supplier, the Mainland China, did not operate a mandatory nutrition labelling scheme.

11. Mr TANG opined that the implementation of the mandatory labelling scheme should not be rushed. He pointed out that places elsewhere took years of research and study and had not yet arrived at a mandatory system. He said that at present, only USA, Australia and New Zealand had mandatory nutrition labelling in place. Canada would not enforce the Mandatory Nutrition Labelling Law until 2005, whereas Malaysia and Taiwan imposed mandatory nutrition labelling on specified foods only.

12. Mr Albert TANG said that HKSA had made the following proposals -

- (a) The Administration should invite representatives from the suppliers and retailers of prepackaged food to join the Panel on Labelling Scheme of Nutrition Information;
- (b) Mandatory nutrition labelling requirement should only apply to specified food products which were basic to the diet;
- (c) Hong Kong should accept the nutrition claims standard of the source countries which had nutrition labelling laws in place;
- (d) The Administration should conduct a RIA and coordinate with the Mainland China, which was Hong Kong's main food source, to arrive at a unified standard on nutrition labelling;
- (e) The Administration should detail the approval, monitoring, controlling and policing processes of the labelling scheme as well as the funding requirement in the final proposal; and
- (f) The Administration should educate the public on nutrition values so that they could make the best use of the nutrition labelling system.

The Hong Kong Food Council Limited (HKFCL)
[LC Paper No. CB(2) 1175/03-04(01)]

13. Mr LEE Kwong-lam advised that HKFCL objected to the proposed nutrition labelling system. He said that Hong Kong, being a small city, should not draft nutrition labelling laws without considering the practices of other countries. Hong

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Kong should refer to the internationally recognised standards such as CODEX when deciding on the core nutrients for nutrition labelling. Moreover, Hong Kong should not implement mandatory nutrition labelling until USA, the European Union and the Mainland China had implemented mandatory nutrition labelling.

The Chinese Manufacturers' Association of Hong Kong (CMA)
[LC Paper No. CB(2) 1164/03-04(03)]

14. Mr Peter HUNG said that CMA was of the view that the proposed nutrition labelling scheme was "disruptive and divisive, costly, ineffective and restrictive". He shared the views of HKFCL that for all imported food, the source countries' standards should be adopted and that Codex recommendations should be adopted on a voluntary basis. Hong Kong should introduce mandatory nutrition labelling only when USA, Europe and China had made nutrition labelling mandatory. He suggested that Hong Kong should follow the current practice in Europe, i.e. nutrition labelling should be voluntary unless where a nutrition claim was made. Also, when other specified macronutrients as well as certain vitamins and minerals were present in significant amounts, they should be declared.

Hong Kong and Kowloon Vermicelli and Noodle Manufacturing Industry Merchants' General Association
[LC Paper No. CB(2) 1217/03-04(02)]

15. Mr NGAI Wing-fung considered it immature for Hong Kong to implement mandatory nutrition labelling as many of its trading partners in Europe and America did not have the same requirement in place. Mr NGAI further pointed out that it was extremely difficult to ensure that all ingredients, such as the seasonings used in the food manufacturing process, could be labelled to comply with the requirements. He urged the Administration to map out a well-thought plan before implementing the scheme.

The Hong Kong Medical Association (HKMA)
[LC Paper No. CB(2) 1098/03-04(02)]

16. Dr James CHIU said that HKMA supported the proposed nutrition labelling scheme as it would facilitate patients with chronic diseases, the elderly, pregnant women and children to adjust their nutrient consumption to maintain good health.

17. Dr James CHIU made the following proposals -

- (a) Including potassium in the list of core nutrients to facilitate the detection of cardiac arrest; and
- (b) Shortening the proposed five years for full implementation of mandatory nutritional labelling requirements by phases to three years.

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Hong Kong Food Science & Technology Association Limited (HKFSTA)
[LC Paper No. CB(2) 1098/03-04(01)]

18. Mr Peter CHEUNG said that HKFSTA supported the introduction of a mandatory labelling scheme and made the following proposals -

- (a) Imported food products carrying labels with sufficient nutrition information in their country of origin but not completely matching Hong Kong's labelling requirements should be exempted;
- (b) The Daily Values used in USA could be adopted in establishing the local NRVs for nutrition labelling purpose;
- (c) The overall impact on the food manufacturing industry and food trading business should be carefully assessed; and
- (d) Education of consumers on healthy diet and understanding of the nutrition labels should be promoted.

19. Mr Peter CHEUNG added that the benefits to the consumers and the implications of increased costs to the food industry should be suitably balanced in considering the introduction of legislation on nutrition labelling.

Hong Kong Dietitians Association Limited (HKDA)
[LC Paper No. CB(2) 1127/03-04(02)]

20. Ms Priscilla LAU said that HKDA fully supported the proposed nutrition labelling scheme because nutrition information labelling would facilitate informed consumer choices and promote healthy dietary habits. Nutrition labelling would also help minimise the medical hazard of diet-related health conditions such as diabetes, high blood cholesterol, kidney disease, and would lead to reduced medical costs.

21. Ms LAU further advised that HKDA proposed that the following additional measures should be adopted -

- (a) Providing a standardised format on nutrition label in bilingual terms, and standardising nutrients terminology; and
- (b) Establishing a common serving size for different food categories for food manufacturers to follow, and expressing nutrition claims in terms of per serving size instead of per 100 g.

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Hong Kong Nutrition Association Limited (HKNA)
[LC Paper No. CB(2) 1127/03-04(03)]

22. Mrs Veronica HO said that HKNA supported the introduction of nutrition labelling as it would facilitate consumers and patients with chronic diseases in deciding on the choice of food which was best to their health. Mrs HO highlighted the following major recommendations of HKNA -

- (a) All food products carrying nutrient-related claims should provide nutrition labelling during Phase I;
- (b) Phase II of the labelling system should be implemented immediately after Phase I;
- (c) The Government should seek the views from nutritional professionals of nutrition societies and the universities when developing the local NRVs. The dietary reference intake from China could be used as a reference; and
- (d) A monitoring system should be put in place to ensure the accuracy of the nutritional information. The Government should make it mandatory for food manufacturers to report on the method of food analysis and the source of conducting the analysis.

Hong Kong Academy of Medicine (HKAM)
[LC Paper No. CB(2) 1164/03-04(04)]

23. Dr CHAN Chok-wan said that HKAM supported the proposal of the nutrition labelling scheme as it would benefit public health and reduce spending on medical care. HKAM would be prepared to play an active role in establishing a set of local NRVs and tolerance limits of nutrient verification.

24. Dr CHAN opined that the Administration should explain the reason for not including infant/follow-up formulae, foods for infant and young children and other foods for special dietary uses in the proposed labelling scheme, and how the Administration would enforce and monitor an accurate representation of nutrient content. HKAM had suggested that food iodine content should be included in the list of core nutrients to be labelled. Full implementation of the labelling scheme should also be speeded up.

Hong Kong Doctors Union (HKDU)
[LC Paper No. CB(2) 1164/03-04(05)]

25. Dr WONG Bun-lap advised that HKDU supported the proposal on nutrition labelling. HKDU had also made the following recommendations :

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- (a) The nutrition labelling requirements should also cover health foods;
- (b) Full implementation of mandatory labelling should be shortened from five years to three years; and
- (c) Potassium content should be added into the list of core nutrients.

Care For Your Heart (CH)

[LC Paper No. CB(2) 1127/03-04(04)]

26. Ms Sandra CHOW said that CH was in support of the introduction of a mandatory nutrition labelling scheme as it would facilitate the promotion of healthy food choices. CH considered that the Administration should educate the public on the understanding and use of nutrition labels, standardize the content and format of the nutrition labels, and establish an effective mechanism to monitor the labelling system. CH also took the view that Phase II of the scheme should be implemented one year after Phase I.

Hong Kong Federation of Restaurants and Related Trades (HKFRRT)

[LC Paper No. CB(2) 1164/03-04(06)]

27. Mr Simon WONG said that HKFRRT did not oppose the labelling scheme but it was of the view the mandatory requirements were too difficult to comply with. In the absence of international standards on nutritional labelling, overseas food suppliers and producers might not be willing or able to repackage or carry out sample tests for their products to comply with the requirements in Hong Kong. HKFRRT was also concerned that the high costs of repackaging and laboratory testing for the food products would add to the financial burden of the trades. In short, HKFRRT preferred a voluntary nutrition labelling scheme instead of a mandatory scheme for food products based on individual market needs.

Federal Restaurants Group (FRG)

28. Mr PANG Pak-woo said that FRG was studying the feasibility of complying with the proposed nutrition labelling requirements. In principle, it supported the labelling scheme.

Issues discussed at the meeting

29. A paper provided by Mrs Selina CHOW which set out the views of the wholesale and retail constituency on the nutrition labelling scheme was tabled at the meeting [LC Paper No. CB(2)1217/03-04(01)].

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Timeframe of implementation

30. Mrs Selina CHOW said that while there was a common view that the proposed nutrition labelling scheme would help promote public health, different sectors had different views on the timeframe for the implementation of the scheme. She pointed out that the three-year period for full implementation of the scheme suggested by the medical sector was considered by the food product and related trades as unachievable, in view of the practical difficulties in fully complying with the proposed legal requirements.

31. Dr James CHIU of HKMA answered that HKMA supported the implementation of the nutritional labelling scheme by phase. The three-year period was a tentative target to work on. Dr WONG Bun-lap of HKDU agreed that a three-year target period sounded reasonable. He opined that the scheme could be implemented as soon as possible for the benefit of the patients.

32. Dr CHAN Chok-wan of HKAM said that a three-year target period for implementation was common in the medical sector, i.e. the first year for pre-implementation preparation, the second year for trial and the third year for full launching. Dr CHAN recalled the experience of implementing medical labels in 1995. The trades had faced difficulties at that time but eventually overcome the hurdles.

33. Mr Albert TANG of HKSA responded that medical label and nutrition label were different in nature. He said that pharmaceutical companies had practically little problems in providing information on drug formulae. However, food product suppliers would have great difficulties in providing information on the nutrition ingredients of the food items.

34. Mr Simon WONG of HKFRRT said that full implementation after three years was impractical. He said that it was difficult for Hong Kong to set its own nutritional labelling standards when there were no internationally agreed standards on nutrition labelling.

35. Mr Peter HUNG of CMA said that he doubted the need for Hong Kong, which was a small place, to introduce a mandatory nutrition labelling scheme, whereas the European Union (EU) with a population of 380 million had operated a voluntary scheme for as long as 14 years.

36. Mrs Selina CHOW enquired whether the Mainland China, which was one of the major food suppliers of Hong Kong, could provide nutrition labels for their food products. Mrs Veronica HO of HKNA replied that the Mainland China exported food products to other places like USA and Europe and the food analysis information was available upon request.

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Nutrient claim

37. Mrs Selina CHOW asked about the standards used by CC in determining "low fat" products. Ms Connie LAU of CC responded that at present there were no legislative standards on nutrition claims but Codex had developed some nutrition claim standards. Dr CHAN Chok-wan of HKAM said that every medical specialist knew the standards for fat. They would be happy to give advice if necessary, upon the launching of the nutrition labelling scheme. In response to Mrs Selina CHOW, Dr CHAN undertook to discuss the matter with practitioners in the medical sector.

38. Dr WONG Bun-lap of HKDU pointed out that it was important to set standards for nutrient comparative claims such as in relation to low and high fat. This would be of great use to the cardiac patients. Ms Priscilla LAU of HKDA supported his view.

Laboratory testing and nutrition information data bank

39. Regarding the concern about the high cost of laboratory testing for nutrient content values, Mrs Veronica HO of HKNA suggested that the Administration could make reference to the practice in Japan, Taiwan and Mainland China of establishing nutrition information data bank. Ms Priscilla LAU of HKDA added that many food suppliers in USA were making use of the nutrition information data bank for producing nutrition labels and they used laboratory testing only as a supplementary means. This would greatly reduce the costs.

40. Mr Tommy CHEUNG asked whether the Administration had maintained a data bank of the kind and if affirmative, the kind of the information available. Consultant (Community Medicine) (Risk Assessment and Communication) (C(CM)) replied that the Administration was studying the experiences of other countries and was in the process of establishing a nutrition information bank. It would include information on different kinds of food groups and common food products.

41. Ms Frenda WONG of HKSA said that for monitoring purpose, laboratory testing for nutrition labelling could not be done just once but should be done on a continuous basis. The costs would therefore be raised. Ms WONG said that she was not in opposition of nutrition labeling but wondered whether it was really of pressing need as CC was already monitoring the food products in the market. She opined that if the labelling scheme was to be introduced, clear guidelines should be promulgated on how the requirements could be complied with.

Nutrients and health

42. In response to Mr Michael MAK, Dr CHAN Chok-wan of HKAM said that prevention was better than cure in avoiding health problems. Nutrition information labelling would be of great assistance to consumers in making good diet choices.

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43. Dr James CHIU of HKMA referred to paragraph 6.14 of the consultation paper which listed the 10 leading causes of deaths in 2002. He pointed out that 30% of the deaths were diet-related. Dr WONG Bun-lap of HKDU said that there was a study conducted in Japan in the 1980s which indicated that heart disease and stroke rates of the Japanese who emigrated to Hawaii and later to USA had increased, due to changes in diet. The study showed that genetic factors apart, food choices played an important part in heart disease and stroke. Dr WONG added that while the rates of heart disease and stroke declined in USA, they were on the rise in South East Asia including Hong Kong. Exercise and healthy diet would help to reduce the chance of having stroke, cancer and heart disease.

Consumer education

44. Mr Michael MAK enquired about the efforts made by non-governmental organizations and the Administration in educating the public on nutrition labelling.

45. Ms Sandra CHOW of CH said that the Administration had made much effort in educating the public on the importance of a healthy diet. She reiterated that only when there were standards set on the listing of the content of nutrients could the consumer compare different foods and make the best food choices for himself.

46. Ms Priscilla LAU of HKDA added that with the introduction of the nutrition labelling scheme, there could be clearer nutrition information made available to the consumers. It would also assist dieticians in advising patients on the choices of foods best suited to their needs.

Nutrition labeling in EU

47. Mr YEUNG Yiu-chung asked the Administration to clarify whether the nutrition labelling scheme in EU was voluntary and whether its standard was lagging behind that of Hong Kong.

48. Deputy Secretary (Food & Environmental Hygiene) (DS(FEH)) explained that under the existing system in EU, labels were required for food with nutrient claims. C(CM) added that in EU, if a nutrient-related claim was made in respect of a food item, declaration on eight nutrients would be required. In the absence of nutrient claims, nutrition labelling was not mandatory.

49. Mr Peter HUNG of CMA said that EU required science proof for food that made a nutrient claim. He said that CMA supported this practice.

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Health claim

50. Mr Albert TANG of HKSA asked whether a food item could carry a claim to the effect that it helped to reduce the chance of contracting certain disease, when the Undesirable Medical Advertisements (Amendment) Bill 2004 was enacted.

51. The Chairman said that the issue raised should fall within the terms of reference of the Panel on Health Services instead of the Panel on Food Safety and Environmental Hygiene.

Regulation impact assessment (RIA)

52. Mr Douglas Brown of HKRMA asked when the Administration would conduct a RIA on the labelling scheme. He pointed out that it was estimated that should mandatory nutrition labelling be implemented, at least \$250 million a year would have to be spent on re-labelling of food products in Hong Kong. DS(FEH) responded that a RIA would be conducted after the Administration had collected the public's views and finalized the scheme.

53. Dr LO Wing-lok remarked that apart from medical and health considerations, the Administration should also take into account the economic benefits which a healthy society would enjoy in considering the desirability of introducing the labelling scheme.

54. Mr Peter Johnston of HKRMA reiterated that food retailers and manufacturers shared the view that food consumers should be assisted in making their choices of good healthy foods. Nevertheless, it was also important to ensure that the new labelling scheme introduced would be practicable, sustainable and not cause undue hardship to any sectors in the community.

55. Permanent Secretary for Health, Welfare and Food ((PS(HWF)) said that the Administration would take account of the views received from all sectors before finalizing the details of the labelling scheme. The Administration would revert to the Panel in due course. She further informed members that the relevant legislative proposals would likely be introduced into the Legislative Council in the next legislative session. She ensured members that there would be ample time for further consultation and discussions on the labelling scheme before the proposed legislation was introduced.

Admin

II. Control of importation and sale of chilled meat and chickens

[LC Paper Nos. CB(2)1164/03-04(07) and 631/03-04(01)]

Smuggling and sale of illegally imported meat

56. Mr WONG Yung-kan referred to Appendix II of the Administration's paper (LC Paper No. CB(2) 1164/03-04(07)) and pointed out that the total quantity of illegally imported meat seized by the Customs and Excise Department (C&ED) had increased significantly in 2003 as compared to 2002. He said that it had been reported that meat from unapproved sources was smuggled into Hong Kong via Sha Tau Kok and through the green public light buses. He asked what control measures had been taken by the Government to combat meat smuggling. The Chairman asked whether the Administration could confirm that illegal importation of meat had been detected on public light buses.

57. Head of Control Points Command of C&ED (H(CPC)) said that joint massive raids had been taken by C&ED and FEHD, including checks on suspicious vehicles, to detect smuggled meat. Any illegally imported meat seized would be handed to FEHD for further action. Director of Food and Environmental Hygiene (DFEH) said that when meat from unapproved sources was found on public light buses, it would still be extremely difficult to prove who actually smuggled or owned the stock. He said that the Administration would step up communication with the associations of public light bus operators and seek their assistance in reporting any suspected smuggling activities.

58. The Chairman enquired about the reasons for the drastic increase in the seizure of illegal imported meat in 2003. H(CPC) replied that there were more smuggling activities detected in 2003 when compared with the previous years. The increase in the volume of illegally imported meat seized could also be attributed to strengthened enforcement actions carried out by C&ED and FEHD.

59. Mr Michael MAK asked whether the Administration had done any analysis on health problems caused by consumption of illegally imported meat, and examined ways to ensure that consumers would know whether the meat they purchased were safe for consumption. The Chairman enquired whether the Administration had conducted tests on confiscated illegal meat.

60. Assistant Director (Operations) of Food and Environmental Hygiene Department (AD(O)) replied that confiscated meat would be destroyed. There were regular checks on the quality of the meat for sale on the market. She pointed out that there was, however, difficulty in trying to completely eradicate the problem of sale of meat from unapproved sources at the retail level because the meat for sale was already cut in pieces. She added that the Administration had encouraged meat traders and retailers to take appropriate measures to increase consumer confidence. Some market stall owners had adopted the practice of displaying the "Q-mark" to indicate that their meat came from approved slaughterhouses. Slaughterhouse operators also conducted

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random inspections on retail outlets to ensure that no unapproved meat was sold by stall displaying the "Q-mark".

Cancellation of fresh provision shop licence/market stall tenancy agreement

61. Referring to paragraphs 3 and 5 in the Administration's paper, Dr LO Wing-lok asked why only one fresh provision shop (FPS) licence had been cancelled since June 2003 displaying chilled meat for sale as fresh meat, as compared with 19 notices of cancellation of licence/termination of tenancy agreement issued to FPSs and market stalls during the same period. He also enquired whether the Administration had encountered great difficulties in prosecuting market stall tenants and FPS licensees for selling smuggled meat.

62. DFEH explained that the 19 licensees/tenants referred to in the Administration's paper had lodged appeals against the issuing of notices of cancellation of licence and tenancy agreement. Whether the licences or tenancy agreements would be cancelled would depend on the outcome of the appeals. Regarding the sale of smuggled meat, seven market stall tenants and six FPS licensees were prosecuted in the past three years. Three licences had been cancelled but the Administration had lost in the prosecution of two other cases. The rest of the cases were now at different stages of the legal proceedings.

Admin 63. At the request of the Panel, DFEH undertook to provide in writing details of the two cases in which prosecution had failed.

64. In response to Mr WONG Yung-kan, DFEH explained that the licensing conditions for FPSs relating to storage and display of chilled meat for sale applied also to supermarket stores. If the chilled meat was displayed or sold as fresh meat, the supermarket concerned was liable to have its licence cancelled. He added that a FPS licence was issued with reference to the particular premises in which the store operated. A new licence application to operate the store at another location would be considered on an individual case basis.

65. DFEH further advised that FEHD was considering imposing heavier penalty on licensees/tenants who had violated the law by selling meat from unapproved sources. FEHD would cancel the licence or terminate the tenancy on conviction immediately despite the offender had lodged an appeal to the Licensing Appeals Board or the Municipal Services Appeals Board. Mr Tommy CHEUNG expressed opposition to the proposal. He considered that a preferred approach would be to speed up the process for the hearing of the appeal, which at present could last from six to nine months.

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66. Echoing Mr Tommy CHEUNG's view, Mr WONG Yung-kan said that the proposal was likely to meet with strong opposition from operators in the trade. He opined that it would cause unreasonable hardship to FPS licensees/market stall tenants if they were not allowed to do business during the period when an appeal was in progress. Mr WONG requested the Administration to provide statistics of successful appeals lodged by FPS licensees/market stall tenants for the Panel's information.

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67. The Chairman and Dr LO Wing-lok opined that it was acceptable for the licence/tenancy to be cancelled upon conviction of the offence.

68. DFEH clarified that an appeal to Licensing Appeals Board or the Municipal Services Appeals Board, even if successful, would not have the effect of overturning the original verdict made by the court. Nonetheless, a licence or tenancy agreement would be renewed on compassionate ground upon a successful appeal.

Private slaughters

69. Mr WONG Yung-kan referred to Annex I to the Administration's paper and asked why the maximum penalty for private slaughters had been reduced. AD(O) explained that the massive raiding actions by FEHD against illegal slaughtering in the past three years had yielded desirable results. Now there were only some isolated illegal slaughtering cases operated on non-permanent mode. Five out of the six prosecutions against illegal slaughtering last year were in connection with such activities detected on lorries. With the reduction in the scale of illegal activity, the level of penalty imposed was correspondingly lower. Mr WONG Yung-kan cautioned that the Administration should watch out for unscrupulous syndicates segregating their illegal slaughtering activities into smaller scale operations to avoid heavy penalty.

Transport of chilled poultry

70. The Chairman expressed concern over recent press coverage on chilled chickens transported on vehicles without the required storage facilities for chilled poultry. AD(O) responded that the Administration was aware of the reported incident and had conducted investigation and taken action on the offender.

The way forward

71. Members agreed that that the issue should be discussed further after the Administration had provided the requested information for the consideration of the Panel.

III. Any other business

Update on measures against outbreak of avian influenza in Hong Kong

72. At the invitation of the Chairman, PS(HWF) briefed members on the latest development on the control measures undertaken by the Administration against avian influenza. The measures were summarized as follows -

- (a) Agriculture, Fisheries and Conservation Department (AFCD) would temporarily suspend the application of import of pet birds;
- (b) AFCD would require workers to wear gloves when handling the droppings of the birds as part of the permit requirements;
- (c) A mass inter-department publicity campaign would be conducted on 3 February 2004;
- (d) Market Rest Day would be advanced to 5 February for thorough cleaning and disinfection of the market;
- (e) Chickens from local live poultry farms would be put on sale in the market on 6 February 2004; and
- (f) Meeting with the trade would be held regarding lifting of the ban on import of live poultry.

Resumption of import of frozen and chilled poultry

73. In response to Mr WONG Yung-kan, DFEH said that when the import of frozen and chilled poultry from Mainland into Hong Kong could resume would depend on the development of avian influenza in neighbouring areas. He expected that a decision might not be taken in the very near future under the present situation.

Sale of local live chickens

74. Dr LO Wing-lok expressed support for sale of local live chickens on the market. He enquired what control measures would be taken by the Administration to ensure that adequate hygiene standards would be maintained in the local farms and during the transportation of the live poultry stock.

Action

75. DS(FEH) explained that supply of local chickens to the market would be carefully monitored taking into account the actual demand situation so as to avoid large quantity of chickens stocking up in the market. He anticipated that the number of local live chickens for sale each day would be in the region of 30 000 to 40 000. The number could be adjusted where necessary. The Administration would discuss with retailers in the trade to ensure that there would be a reasonable and orderly supply to the local market.

76. PS(HWF) informed members that tightened biosecurity measures had been introduced in the local farms and the monitoring system was constantly being reviewed. She further advised that the Administration was reviewing the practice of using sentinel chickens as a means to detect avian influenza, and might consider dispensing with such arrangement to avoid public fear caused by the death of any sentinel chickens.

77. Dr LO Wing-lok reminded the Administration of the importance of avoiding large quantities of live chickens stocking up in the market to minimise the chance of an outbreak of avian influenza.

Day old chickens

78. Assistant Director of Agriculture, Fisheries and Conservation Department (AD(AFC)) said that local day-old chickens were under strict surveillance. With the suspension of the import of day-old chickens from the Mainland China, it was anticipated that there might not be any local live chickens supplied to the local market after about 100 days.

Admin

79. The Chairman asked the Administration to keep watch of the situation and inform the Panel as soon as there was any new development.

Wearing of gloves by workers

80. In reply to the Chairman and Mr Tommy CHEUNG, AD(AFC) said that the requirement for poultry workers to wear gloves would be put into effect on 3 February 2004. AD(O) supplemented that protective gear included gloves, aprons and boots. Workers were required to wear gloves when they were physically in contact with live poultry and when culling live chickens. Workers were not required to wear gloves while washing the culled chickens.

81. Mr Tommy CHEUNG stressed that enforcement officers should have full knowledge of the legislative requirements and relevant prosecution guidelines to ensure that no wrongful prosecution would be taken out.

Action

82. Dr LO Wing-lok said that gloves were used to protect workers from being scratched by live chickens, and gloves served no useful purpose for the avoidance of avian influenza. He pointed out that the most risky situation was the workers having contact with the droppings of the live poultry while performing culling. Citing his own personal experience, Dr LO said that medical staff tended not to care too much about washing their hands after taking off their gloves and that would be a very dangerous act. Dr LO opined that it was more important to educate and remind workers to wash their hands frequently than to require them to wear gloves.

83. The Chairman said that FEHD should get a full understanding of the practice and operation of the poultry industry and formulate clear guidelines for the protection of workers after detailed consultation.

84. There being no other business, the meeting ended at 7 pm.

Council Business Division 2
Legislative Council Secretariat
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