

**立法會**  
**Legislative Council**

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LC Paper No. CB(2) 2949/03-04  
(These minutes have been seen by  
the Administration)

**Panel on Food Safety and Environmental Hygiene**

**Minutes of meeting**  
**held on Tuesday, 25 May 2004 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 Andrew CHENG Kar-foo  
Hon Michael MAK Kwok-fung  
Hon LEUNG Fu-wah, MH, JP  
Dr Hon LO Wing-lok, JP

**Member attending** : Hon CHAN Yuen-han, JP

**Member absent** : Hon YEUNG Yiu-chung, BBS

**Public officers attending** : Items IV & VII

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

Mr Eric HUI  
Acting Principal Assistant Secretary  
(Food & Environmental Hygiene)<sup>1</sup>  
Health, Welfare and Food Bureau

Mr Gregory LEUNG  
Director of Food and Environmental Hygiene

Mr Donald TONG  
Deputy Director (Administration and Development)  
Food and Environmental Hygiene Department

Items V & VI

Mr Eric HUI  
Acting Principal Assistant Secretary  
(Food & Environmental Hygiene)1  
Health, Welfare and Food Bureau

Dr Y Y HO  
Acting Deputy Director (Food & Public Health)  
Food and Environmental Hygiene Department

Dr Thomas CHUNG  
Assistant Director (Food Surveillance and Control)  
Food and Environmental Hygiene Department

Dr Richard RUBIRA  
Acting Assistant Director (Inspection & Quarantine)  
Agriculture, Fisheries and Conservation Department

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

**Staff in attendance** : Ms Joanne MAK  
Senior Council Secretary (2)2

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**I Confirmation of minutes of meetings**  
[LC Paper No. CB(2) 2225/03-04 and CB(2) 2283/03-04]

The minutes of the special meetings held on 12 February and 10 March 2004 were confirmed.

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**II Date of next meeting and items for discussion**

[LC Paper Nos. CB(2) 2492/03-04(01) and (02)]

2. Members agreed to discuss the following items, as proposed by the Administration, at the next regular meeting scheduled for 29 June 2004 at 10:45 am -

- (a) forecasting exercise on the slaughtering throughput of livestock; and
- (b) risk assessment study on Polycyclic Aromatic Hydrocarbons in barbecue meat.

*(Post-meeting note: at the request of the Administration, item (b) has been deferred to the July meeting, and two new discussion items on "Monitoring of the supply of food by school catering contractors" and "Follow-up report on dietary exposure to mercury among secondary school students" have been added to the agenda.)*

**III Information paper(s) issued since last meeting**

[LC Paper No. CB(2) 2201/03-04(01)]

3. Members noted the letter dated 29 April 2004 from the Secretary for Health, Welfare and Food on the review outcome of Phase II pilot arrangement for importation of live chickens.

**IV Voluntary surrender of live poultry retail licences or tenancies**

[LC Paper No. CB(2) 2492/03-04(05)]

4. At the Chairman's invitation, the Administration gave a Powerpoint presentation on the proposed voluntary scheme to encourage live poultry retailers to surrender their fresh provision shop licences (with endorsement to sell live poultry), or live poultry stall tenancies in wet markets of the Food and Environmental Hygiene Department (FEHD). Deputy Secretary for Health, Welfare and Food (Food & Environmental Hygiene) (DS(FEH)) explained that the purpose of the proposed scheme was to reduce the number of live poultry retail outlets in order to enable the Administration to reconfigure the existing live poultry stalls at FEHD markets. DS(FEH) said that as a medium-term measure, the Administration considered it necessary to improve the design and layout of live poultry stalls by enlarging the size of individual stalls in retail markets, in order to implement the policy objective of separating customers from live poultry. DS(FEH) pointed out that in November 2003, H5 avian flu virus was found in live poultry stalls at FEHD markets, and H9 virus was also detected at live poultry stalls almost every month. In addition, it was revealed in two recent local academic researches that the levels of bacterial count and particulated matters inside markets had aroused concern, and there was deterioration in air quality in markets due to live poultry.

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5. DS(FEH) briefed members on the details of the proposed voluntary surrender scheme, which included -

- (a) an ex-gratia payment (EGP) to live poultry retailers who chose to cease live poultry trading permanently on a voluntary basis; and
- (b) loans on an unsecured basis to live poultry retailers who chose to continue operation.

6. DS(FEH) explained that -

- (a) the proposed formula of the EGP was based on 27 months' average rental of live poultry stalls at FEHD markets plus an additional 12 months' average rental;
- (b) EGP would be classified into five ranges according to the floor areas of stalls/premises;
- (c) stalls/premises falling within the same range of floor areas would receive the same amount of EGP regardless of their actual size; and
- (d) higher EGP rates were proposed for smaller stalls to give additional incentive for these operators to surrender their licences/tenancies.

7. DS(FEH) added that the proposed scheme would be open for application for one year. The funding proposal also included the provision of retraining and financial assistance to affected live poultry workers. Details of the proposals were set out in paragraphs 5 to 7 of the Administration's paper and pages 4 to 7 of the presentational materials.

*(Post-meeting note : the presentation materials were issued to members vide LC Paper No. CB(2) 2533/03-04(01) dated 27 May 2004.)*

8. DS(FEH) informed members that the total amount of funding required for the proposed surrender scheme was estimated to be about \$239 million, based on the assumption that all the 814 live poultry retailers would opt for EGP. DS(FEH) added that subject to members' views, the Administration intended to seek funding approval from the Finance Committee (FC) in June 2004.

Objectives of the voluntary surrender scheme

9. Mr Tommy CHEUNG asked about the reasons for the Administration to implement the scheme before a decision was taken on the long-term strategy, i.e. whether it would proceed with central or regional slaughtering of poultry. DS(FEH) responded that it would take five or six years for the construction of a central slaughterhouse, even if a decision was taken to pursue this option. DS(FEH) pointed

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out that Hong Kong would face the threat of recurrence of avian influenza every winter, and it was necessary to take medium-term measures to reduce the risk. DS(FEH) explained that by reducing the number of live poultry stalls in markets, the remaining poultry stalls would have more space for reconfiguration in order to meet the new requirements as soon as possible.

10. Dr LO Wing-lok expressed support for the policy of reducing the number of live poultry retail outlets, regardless of whether or not the Administration would implement central slaughtering in the future. Dr LO also expressed support for granting EGP, but not "compensation" to live poultry retailers, to facilitate the implementation of the policy of reducing the number of live poultry retail outlets in order to safeguard public health.

11. Mr Tommy CHEUNG said that he would not agree to the policy of not issuing new live poultry retail licences, as there would be demand for such outlets in newly developed districts or areas. Mr CHEUNG further said that the proposed surrender scheme should not target at all poultry stalls, but only part of them. He said that he would support introducing such scheme to those market stalls where improvement measures could not be carried out due to structural constraints, or where there were already many poultry stalls in the same market. Mr CHEUNG further said that Yeung Uk Road Market and Tai Sing Street Market were typical examples of markets crowded with many live poultry stalls, and in the past, avian influenza infections had repeatedly occurred in the two markets.

12. DSFEH explained that it was wrong in principle for the Administration to pay out public money to buy back licences on the one hand and issue new licences on the other. Therefore, the Administration's policy for the time being was not to issue new licences for the live poultry trade.

13. Mr CHEUNG asked about the basis for calculating the financial commitment of \$166.51 million for the proposed EGP package. DS(FEH) responded that it was necessary to provide for the scenario should all the 814 live poultry retailers opt for EGP. DS(FEH) said that the 100% take-up rate was only an assumption, and in reality there would not be such a high take-up rate.

14. Mr Tommy CHEUNG suggested that the Administration should set a target on the number of licences/tenancies to be reduced through this scheme, and process the applications on a first-come-first-served basis. He considered that the proposed scheme should be applicable only to markets with more than two live poultry stalls, and the Administration should buy out the licence/tenancy of just one (or some) of the poultry stalls there.

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15. The Chairman shared Mr Tommy CHEUNG's view that the estimate of \$239 million was on the high side, as there would not be a 100% take-up rate. The Chairman requested the Administration to conduct an assessment on the number of retail outlets which would not be able to carry out reconfiguration due to structural constraints. He also asked the Administration to indicate the way forward for these outlets if the operators concerned did not surrender their licences/tenancies. The Chairman agreed to Mr CHEUNG's suggestion that the Administration should set a ceiling on the number of stalls/premises in a market that the Administration would recover their tenancies/licences, to ensure that there would still be live poultry stalls in each market. The Administration noted these comments.

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Compensation/assistance to employees of operators

16. Mr LEUNG Fu-wah noted that 20% of the EGP would be held back until the employers had fulfilled the obligations to their employees under the Employment Ordinance. Mr LEUNG asked about the duration for holding back the amount, and the conditions for releasing it to the employers.

17. Deputy Director (Administration and Development) (DD(AD)) of FEHD said that the proposed arrangements would be somewhat similar to those applied to live poultry operators when granting the EGP in April 2004. The retained portion of EGP would be paid to the employers if they satisfied either of the following conditions -

- (a) no labour claim had been lodged with the Labour Department (LD) by their employees within 30 days after the relevant EGP application had been approved by FEHD; or
- (b) no labour claim lodged with LD by their employees under (a) above remained unresolved one month after lodging the claim.

DD(AD) said that the arrangement had proven to be effective in the April exercise, and the ten odd cases of labour disputes were all resolved within one month. Similar arrangements would be applied this time to ensure that the employees concerned would be able to get the benefits they were entitled to.

18. Mr LEUNG Fu-wah pointed out that there would be problems by withholding only 20% of the EGP for one month this time. Firstly, the workers concerned might not be able to find the operator after he had surrendered his licence and ceased business. Secondly, the amount withheld might not be able to cover the long service payments to the workers concerned, for example, if the worker had more than ten years' service. Thirdly, many live poultry stalls hired casual workers during weekends and festive seasons, and these temporary or part-time workers were not within the definition of "continuous employment" (i.e. 18 hours per week) in the Employment Ordinance, and therefore unable to get any compensation under the Ordinance.

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19. Mr LEUNG suggested that for the temporary or part-time workers, the Administration should allow some flexibility and treat those who had worked for not less than 72 hours in a month as eligible ex-employees under this scheme.

20. Miss CHAN Yuen-han said that when the last EGP proposal was considered by FC in April 2004, Mr LEUNG Fu-wah had suggested that severance payments should be made a separate item and paid by the Administration direct to the eligible employees. Miss CHAN pointed out that in some cases, live poultry licensees had actually leased their stalls to the operators, who could only get a portion of the EGP given by the Government, and the amount might not be adequate to pay for the severance payment of employees.

21. DS(FEH) explained that it was not appropriate for the Administration to make such arrangement, since it was the employers' responsibility to fulfil their obligations towards their employees under the Employment Ordinance (EO). Nevertheless, the Administration would further discuss with the trade to collect their views on the practical problems concerning payment of compensation to employees.

22. Director of Food and Environmental Hygiene (DFEH) supplemented that the Employment Ordinance provided the basis for resolving problems concerning employers' obligations to their employees. Nevertheless, the Administration understood that the live poultry trade had many different arrangements in hiring workers. Therefore, the Administration would first discuss with the trade to collect information on their mode of operation, and would provide flexibility in the eligibility criteria for the retraining and financial assistance schemes for live poultry workers.

23. Mr LEUNG Fu-wah remarked that the Employment Ordinance only set down the minimum standard in safeguarding employees' rights. Mr LEUNG pointed out that there were disputes in the payment of compensation to poultry employees on previous occasions. He stressed that flexibility should be provided in the present proposal, because it was the new measures introduced by the Administration that had caused difficulties to the trade.

24. As regards the proof of employees' status, Mr LEUNG Fu-wah asked whether the Administration would accept endorsement by trade unions as effective proof of work, and taking oaths as a substitute for documentary proof. DS(FEH) responded that the Administration would consider the suggestion and would find out the forms of evidence of employment commonly used by the trade. Mr Tommy CHEUNG pointed out that it was common that live poultry stalls were operated by couples, and wages for workers were calculated on a piece-rate basis. He said that it might not be possible to provide records of salary payment in these situations. DS(FEH) responded that the Administration would look at the different situations. He explained that the primary concern was to prevent abuses of the scheme, to ensure that taxpayers' money was spent on approved purposes only.

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Impact on the trade and poultry workers

25. Mr WONG Yung-kan expressed serious concern about the impact of the Administration's proposal on the livelihood of members of the trade, especially if the poultry workers could not find other employment even after retraining. Mr WONG envisaged that not many live poultry retailers would surrender their licences under the scheme because the amount of EGA was not attractive. Mr WONG criticised the Administration for being slow in improving the hygiene conditions of markets, and that its current restriction on importation of live chickens had dealt a great blow to the trade. He also enquired about the new standards to be imposed on the poultry retailers if they wanted to continue operation.

26. DS(FEH) responded that the Administration was also concerned about the livelihood of live poultry workers, and had included the following in the current package -

- (a) providing up to six weeks of retraining courses through the Employees Re-training Board to the affected workers; and
- (b) offering a one-off grant of \$10,000 for each ex-employee who remained unemployed after the six-week retraining period.

DS(FEH) said that for those live poultry retailers who decided to surrender their licences or tenancies, some of them might wish to take up vacant stalls in FEHD markets to sell other kinds of commodities. In this connection, the Administration might further consider what special arrangements could be made for them. DS(FEH) further said that the Administration did not want to wipe out the industry. For those who chose to continue operation and would make investment in upgrading their stalls and implementing the segregation arrangements, the Administration would provide loans on an unsecured basis to assist them to meet the new public health requirements.

27. DS(FEH) stressed that this was a voluntary surrender scheme aimed to encourage those operators who would not be able to upgrade their stalls and implement the new health and hygiene requirements, due to structural constraints of their retail premises, to surrender their licences/tenancies. This would provide more space for the market and the remaining stalls to improve their hygiene conditions. He hoped that those operators who wished to continue operation should seriously consider the prospect of their business and the health risks that existed. DS(FEH) said that the Administration would definitely consider whether additional health and hygiene requirements for live poultry retail outlets would be necessary for the purpose of safeguarding public health, in the light of the prevailing circumstances.

28. On the importation of live chickens, DS(FEH) explained that it was necessary for the Administration to adopt a cautious approach in dealing with the importation, in order to protect public health and minimise the health risk posed by avian influenza.



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29. Mr WONG Yung-kan requested information about the two recent local academic researches revealing that the levels of bacterial count and particulated matters inside markets had aroused concern. Mr WONG expressed doubt that live poultry would lead to a deterioration in air quality in markets, as many poultry stalls had suspended operation recently or operated for a short time only each day. DS(FEH) responded that the researches were conducted by the University of Science and Technology and the Polytechnic University of Hong Kong, and they had held a press briefing about a month ago to release the research findings.

Calculation of the ex-gratia payments

30. Referring to the basis of calculating the EGP, Mr Tommy CHEUNG said that the actual rental, instead of average rental, should be used. He pointed out that the rental rates for stalls at FEHD markets in the New Territories were higher than those in the urban area. He considered that the average rental model would not be fair to those operators who had been paying a higher rental than their counterparts in FEHD markets. Mr CHEUNG considered that the EGP should be based on the actual rental of live poultry stalls or fresh provision shops, subject to a ceiling on the amount for each of the five categories classified according to their floor areas.

31. DS(FEH) responded that the proposed formula for the EGP package was based on 27 months' average rental of live poultry stalls at FEHD markets. He pointed out the rental rates for stalls and shops in other markets not managed by FEHD were much higher than those in FEHD markets. Given the wide range of rental rates for stalls and shops in different markets, the Administration could only come up with principles and criteria which were considered fair in overall terms for calculating the EGP.

32. Mr Tommy CHEUNG said that the policy of limiting the importation of live chickens to 30 000 each day was actually forcing the trade to accept the proposed EGP package. He said that the whole trade had been seriously affected by this policy. DS(FEH) responded that the Administration had agreed with the Mainland authorities to maintain the present level of importation of live chickens into Hong Kong. DS(FEH) informed members that the importation of other types of land based poultry, such as pigeons, bamboo silk chickens and guineafowls, would be gradually resumed. The volume of importation and date of resumption should be announced by the end of that month. In response to Mr Tommy CHEUNG, DS(FEH) said that other types of land based poultry would be imported on top of the 30 000 live chickens.

33. In response to Dr LO Wing-lok's enquiry, DS(FEH) said that the Administration had drawn reference from the EGP for the compulsory resumption of the Central Market, where eligible stallholders had been given an EGP equivalent to 27 months' rental. In that package, the Central Market stallholders were allowed to continue to operate the same business at other FEHD markets. However, as the live poultry retailers who opted for the EGP under the surrender scheme would have to cease live poultry trading permanently, the Administration proposed to enhance the EGP by including an additional 12 months' rental.

Action

34. Dr LO Wing-lok commented that there were both pros and cons with the two options proposed for calculation of EGP. Dr LO suggested that the best way was to calculate the EGP based on the actual size of the stall/premise concerned. DS(FEH) responded that administratively speaking, it would be very difficult to measure the actual size of stalls/premises, especially some were of irregular size. He said that such an approach would give rise to many unnecessary disputes. In addition, the smaller sized stalls would only receive a very small amount and would not provide sufficient incentive to encourage them to surrender their licenses/tenancies.

35. Dr LO pointed out that under the current proposal, stalls/premises were classified into five ranges according to their floor areas, and it was still necessary for the Administration to measure the floor areas of these stalls or premises. Moreover, there should be a layout plan in the tenancy agreement, and this could be used as the basis for the measurement. Dr LO said that since there were only 814 live poultry retailers, there should not be a great problem in conducting the measurement.

36. Miss CHAN Yuen-han expressed strong dissatisfaction that there was no prior consultation with the trade before the Administration put forward the current proposal. Miss CHAN said that the trade considered the EGP amount inadequate, as the retailers would have to cease live poultry trading permanently after accepting the EGP. She was of the view that most operators would want to continue their business. She suggested that the Administration should make other arrangements, such as giving the live poultry retailers priority in bidding for other types of stalls in existing or new public markets, to enable them to make a living.

37. Miss CHAN Yuen-han further said that the assistance provided to affected workers was very limited as compared to those for workers in the ivory trade who had been offered up to six months' retraining. Miss CHAN said that the proposed surrender package would affect more than 1 000 workers of the trade. She asked how the Administration could ensure their re-employment given the current high unemployment rate. She expressed regret that the Administration had not paid regard to the strong views expressed by Members belonging to the Federation of Trade Unions concerning employees' severance payments at the FC meeting in April 2004.

38. DS(FEH) responded that the Administration was also concerned about the livelihood of the live poultry retailers and the affected workers, and had therefore proposed special arrangements in the package. DS(FEH) added that the trade had in fact reflected their views to FEHD on the EGP package, including the option of paying an EGP equivalent to 50 months' rental. DS(FEH) said that the Administration had been communicating with the trade and received some of their views/proposals before releasing the current proposal. He said that the Administration would further consult members of the trade on the proposals. At the request of Miss CHAN Yuen-han, DS(FEH) undertook to conduct thorough consultation with the trade before submitting the proposal to FC for approval.

Action

39. The Chairman said that the problem with the proposal was that the average rental of live poultry stalls at FEHD markets was used as the basis for calculation of EGP. He pointed out that the rental of retail outlets in public housing estate markets and in private premises was much higher than those in FEHD markets. He supported Dr LO's proposal that it would be fair to calculate the EGP based on the actual size of the stalls/premises concerned, as their actual size should have been stated in the tenancy agreement. Alternatively, he suggested that average rentals could be worked out separately for the three categories of stalls/premises in FEHD markets, in public housing estate markets and in private premises.

Admin

40. The Chairman said that while some members supported the policy behind the proposed scheme, members had expressed reservations about the Administration's paper. He requested the Administration to address all the issues/concerns raised by members at this meeting before submitting the proposal to FC.

41. Mr Tommy CHEUNG said that he would not support the funding proposal if no improvements were made to it.

42. DS(FEH) explained that the Administration had taken into account the fact that the 451 live poultry stalls in FEHD markets constituted the majority of the 814 live poultry retail outlets, and that most problems laid with poultry stalls in FEHD markets. DS(FEH) stressed that this was a voluntary surrender scheme, and the objective was to reduce the number of live poultry retail outlets, especially the very small ones as they would not be able to comply with the new requirements because of physical constraints. DS(FEH) said that if the average rental (e.g. \$100,000) of outlets in private premises was adopted in calculating the EGP for premises in this category, the amount would be as much as \$3.7 million and this should be quite attractive to the licensee. However, it was not the Administration's intention to buy out licences of the large-sized retail outlets in private premises, because they should have less difficulty in implementing the improvement measures.

43. As regards the suggestion of calculating the EGP amount based on the actual size of stalls/premises, DS(FEH) explained that it would create the problem that the small-size stalls would lose out, and they would not be able to receive a more generous offer of EGP under the current proposal of EGP based on the maximum size. He cited the example that, under the current proposal, the EGP for a small outlet of the size of 7m<sup>2</sup> would be based on the maximum size of 15 m<sup>2</sup>, plus an additional 25%.

Admin

44. The Chairman commented that if the Administration's proposal did not target at the large-sized retail outlets, they should be excluded from the proposed scheme. The Chairman requested the Administration to refine the proposed arrangements, taking into account the views and comments raised by members at this meeting.

**V Harmful substances in food**

[LC Paper No. CB(2) CB(2) 2423/03-04(01) and 2492/03-04(03)]

45. Assistant Director (Food Surveillance and Control) (AD(FSC)) of FEHD said that since the enactment of the Public Health (Animals and Birds) (Chemical Residues) Regulation (Cap. 139 sub. leg.), the number of samples found to contain the seven prohibited chemicals or the 37 chemicals with excessive amounts had remained low. AD(FSC) said that the Administration would continue to monitor the level of prohibited and restricted chemicals in food animals and related food products.

46. Mr WONG Yung-kan said that he found that the Administration had permitted the importation of frozen ducks recently from Hunan and Shangdong but not from Guangdong. Mr WONG asked whether this was related to problems of chemical residues found in the poultry, or related to avian influenza control measures.

47. AD(FSC) responded that the Administration had earlier suspended the importation of frozen/chilled poultry because of the outbreak of avian influenza in the Mainland. The resumption of import arrangements were agreed with the Mainland authorities on the basis that enhanced control measures and hygiene measures had been put in place by the Mainland farms supplying poultry to Hong Kong. AD(FSC) said that individual provinces which could satisfy the requirements had been allowed to resume export of frozen/chilled poultry to Hong Kong. He added that the cases referred to by Mr WONG Yung-kan were not related to problems of chemical residues found in poultry.

48. Mr WONG Yung-kan further asked whether samples of imported chilled fish were collected for the testing of chemicals. Mr WONG suggested that, given the recent concern about the quality of certain food imported from the Mainland, the Administration should step up the testing for chemical residues in imported food animals and food, in order to safeguard public health.

49. AD(FSC) responded that testing for chemical residues in food animals and food had already been included in the food surveillance programme, which also covered chilled fish. AD(FSC) undertook to provide information on the volume of chilled fish tested in the past year and the test results.

Admin

50. Referring to paragraph 8 of the Administration's paper, Mr LEUNG Fu-wah asked about the outcome of the prosecution instituted in nine cases, and the penalties imposed in these cases. AD(FSC) undertook to provide the information in writing.

Admin

## **VI Monitoring of chemical levels in mung bean vermicelli and other food products**

[LC Paper No. CB(2) 2423/03-04(01) and CB(2) 2492/03-04(04)]

51. The Chairman said that he had raised the item for discussion at this meeting. He pointed out that food products other than vermicelli were also found to have problems recently. He showed to members and representatives of the Administration two cans of Mainland-made luncheon meat that he had bought from retail outlets in Hong Kong. He pointed out that no information except "from Hebei" was shown on the label of one of the cans. As regards the other one, its label only showed the name of a trading company, but no other information (e.g. place of origin, name and address of manufacturer) was given.

52. The Chairman said that the two cans of luncheon meat apparently had breached Hong Kong's labelling requirements and yet they could easily be bought in retail outlets. The Chairman requested the Administration to look into the cases. AD(FSC) agreed to follow up.

Admin

53. The Chairman enquired about the volume of prepackaged food imported from the Mainland, and whether sampling tests were conducted for canned products from the Mainland. The Chairman said that many prepackaged food products manufactured in the Mainland were sold in Hong Kong without authorised distributors. Moreover, some Mainland food products intended for domestic sale in the Mainland might have been brought into Hong Kong, such as by parallel imports, for sale. He asked whether any mechanism was in place to monitor the quality and safety of such prepackaged food products. He also asked what follow up actions the Administration would take after receiving information from the media or other sources about substandard food manufactured in the Mainland, as such food might be hazardous to public health.

54. Acting Deputy Director (Food & Public Health) (DD(FPH)(Atg)) responded that all food items for sale, irrespective of the channels they were brought into Hong Kong, were subject to the food surveillance programme, and the food safety and labelling standards of Hong Kong. The food safety control framework in Hong Kong included risk management (including food surveillance), risk assessment and risk communication. DD(FPH)(Atg) explained that food products made in the Mainland required the approval of the State General Administration of Quality Supervision and Inspection and Quarantine of the Mainland before such products could be exported to Hong Kong. However, some Mainland food products might be brought into Hong Kong through other channels, and there was a greater possibility for such food products to breach the food safety standards and food labelling requirements of Hong Kong. AD(FSC) added that according to Hong Kong's labelling requirements, the name and address of the manufacturer or the place of origin as well as the address of the local distributor should be shown on the label. In the latter case, the name and address of the manufacturer had to be provided to FEHD for record. AD(FSC)

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pointed out that some 50 000 samples of prepackaged food were collected each year to check whether they complied with the statutory labelling requirements.

55. DD(FPH)(Atg) said that when there were media reports on substandard food which might be hazardous to public health manufactured in the Mainland, the Administration would contact the Mainland authorities, through the established notification mechanism, to find out whether the alleged substandard food was for export to Hong Kong. FEHD staff would also conduct inspections to retail outlets to confirm whether such food was sold in Hong Kong. The public would be informed, through the media, of the outcome of investigations. DD(FPH)(Atg) added that the Administration would take legal actions against parties concerned, if any food products sold in Hong Kong were found in breach of the relevant legislation.

56. Mr WONG Yung-kan said that the Administration should address the problem of parallel imports, including conducting studies on the quality and safety of Mainland food products brought into Hong Kong by parallel imports, and ordering a recall if any problematic food products were found. Mr WONG believed that the canned luncheon meat referred to by the Chairman were examples of such food products. He also asked about the enforcement actions taken in the past to tackle fake food products and the penalties imposed.

57. DD(FPH)(Atg) stressed that the primary objective of Hong Kong's food surveillance system was to ensure the safety of food sold in Hong Kong, and that the food labelling requirements were complied with. DD(FPH)(Atg) said that in response to recent concerns about the safety of prepackaged food products manufactured in the Mainland and sold in Hong Kong, FEHD had collected samples of such food for analyses. The purpose of the investigation was to examine the levels of chemicals (e.g. preservatives and colour matters) in these food products to see whether they exceeded the prescribed standards, and whether these products were properly labelled. At the Chairman's request, DD(FPH)(Atg) agreed to provide the Panel with the findings of the investigation, which should be available in two to three weeks' time.

Admin

58. In response to Mr WONG Yung-kan's further enquiry, AD(FSC) said that the Administration had to establish whether the food products were brought into Hong Kong through illegal means, e.g. smuggling. He explained that some food products did not have local distributors, and it would not be an offence to import such food products without going through a local agent. He stressed that all imported food must comply with Hong Kong's food safety and food labelling requirements. DD(FPH)(Atg) added that for high-risk food like meat and milk, there were stringent preliminary assessment and inspection procedures to regulate their import into Hong Kong.

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59. The Chairman said that the recent incident of mung bean vermicelli and the canned luncheon meat that he had shown at this meeting revealed that problems existed with food products classified as low-risk food. The Chairman said that recently there had been greater demand for less expensive food products, such as Mainland canned food which were originally intended for domestic sale. The Chairman urged the Administration to review the current mechanism in monitoring these food products, and step up efforts to ensure the safety of the public in consuming these products.

60. DD(FPH)(Atg) pointed out that it would require collaborated efforts of the Administration, the trade and the public in ensuring food safety in Hong Kong. The importers and distributors should also ensure that the food they imported from the Mainland and other places complied with the safety and labelling requirements of Hong Kong.

Admin

61. The Chairman requested the Administration to provide the Panel with its investigation report mentioned in paragraph 57 above. He also urged the Administration to respond promptly to any problems in connection with food safety and provide the full details to the public to alleviate their concern.

## **VII Any other business**

### Investigation report on food poisoning incident

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62. The Chairman requested the Administration to provide a paper on a recent food poisoning incident affecting many students of a primary school in Tseung Kwan O after consuming sushi provided by the school caterer. The Chairman requested that the Administration to give an account of the incident together with the investigation findings, and whether there were monitoring measures on the supply of food by school caterers. DS(FEH) agreed to provide the paper.

63. There being no other business, the meeting ended at 12:50 pm.