

Panel on Food Safety and Environmental Hygiene

List of outstanding items for discussion
(Position as at 28 June 2004)

Subject	Proposed timing for discussion
1. Regulation of genetically modified food and nutrition labelling	
<p>The Panel discussed the above proposals on 20 March 2003. At that meeting, the Panel passed a motion urging the Government to draw reference from the experience of the European Union countries and expeditiously introduce legislation to set up a mandatory genetically modified (GM) food labelling system. The Panel further invited deputations to give views on the Administration's proposals on 29 April 2003. The Panel has requested the Administration to brief members on the outcome of its public consultation on the above proposals.</p> <p>The Administration briefed the Panel on the consultation document on the labelling scheme on nutrition information on 25 November 2003. A special Panel meeting was held on 2 February 2004 to gauge the views of the trade, the medical associations and the Consumer Council.</p> <p>The Administration will revert to the Panel, before introducing the legislative proposal into LegCo in the 2004-05 session.</p>	
2. Implementation of Team Clean Phase II measures	
<p>At the meeting on 26 September 2003, the Panel further discussed the final report of Team Clean on measures to improve environmental hygiene. The Panel decided that the following areas would be followed up at future meetings -</p>	

(a) Public markets
(Paragraphs 4.1-4.17 of the final report)

The Administration originally proposed to discuss with the Panel in March 2004 the outcome of consultation with Market Management Consultative Committees on the proposed Demerit Points System for FEHD markets.

(b) Licensed food premises
(Paragraphs 4.18-4.37 of the final report)

- Open Categorisation Scheme
- Outcome of trade consultation on revamp of Demerit Points System, announcement of recalcitrant licensees and hygiene-related misconduct of employees

(c) Avian influenza
(Paragraphs 4.38-4.62 of the final report)

The Panel has held special meetings in January to April 2004 to discuss measures to prevent occurrence of avian influenza in Hong Kong in view of the widespread outbreaks in the region, and the criteria and timetable for resuming importation of live poultry.

The Administration has been requested to inform the Panel the way forward after the pilot scheme to resume importation of live chickens from the Mainland from 30 April 2004.

At the meeting on 25 May 2004, the Administration presented a proposed scheme on voluntary surrender of live poultry retail licences with the aim of reducing the number of live poultry retail outlets to facilitate reconfiguration of the markets. The Administration undertook to conduct further consultation with the trade before submitting the proposed scheme to the Finance Committee for approval.

A special meeting was held on 4 June 2004 to gauge the views of the trade and professionals on the consultation paper on "Prevention of Avian Influenza : consultation on long term direction to minimise the risk of human infection".

The Panel requested the Administration to revert to the Panel on the outcome of the consultation exercise and discussion held with the trades.

(d) Civet cats and other wild animals

(Paragraphs 4.77-4.80 of the final report)

(e) Miscellaneous issues cover problems such as water seepage, excessive rubbish and smelly village toilets

(Paragraphs 4.81-4.104 of the final report)

- Streamlining of procedures for dealing with nuisances

3. Risk assessment study on Polycyclic Aromatic Hydrocarbons in barbecue meat July 2004

The item is proposed by the Administration.

4. Monitoring of the metal and bacteria levels in live fish and chilled fish imported into Hong Kong July 2004

The item is proposed by Hon WONG Yung-kan. The Panel has acceded to the Administration's request to defer discussion of this item to the July meeting.

5. Control of drugs and chemicals for food animals and fish July 2004

The Subcommittee on Public Health (Animals and Birds) (Chemical Residues) Regulation & Harmful Substances in Food (Amendment) Regulation 2001 has recommended that the following subjects be followed up by the Panel -

- (a) Extension of control under the Public Health (Animals and Birds) (Chemical Residues) Regulation to cover fish;
- (b) Legislative amendment to separate control of drugs for humans and animals in order that drugs for food animals could be regulated under one ordinance (Cap. 139) and one department (the Agriculture, Fisheries and Conservation Department); and
- (c) Establishment of a designated zone for food animal farming.

(a) is included in the overall review of the Public Health (Animals and Birds) Ordinance (Cap. 139). The Administration has explained its position on (b) and (c) in the information paper issued vide LC Paper No. CB(2) 1083/01-02(01) on 20 February 2002.

The Administration has proposed to brief the Panel on (a) in July 2004.

6. Review on the licensing systems for food premises

At the meeting on 13 January 2003, the Administration informed members that it was conducting a review on the licensing systems and procedures for food premises. In response to concerns raised by Hon Tommy CHEUNG and Hon CHAN Yuen-han, the Administration undertook to cover the following issues in the review -

- (a) requirements and conditions of the Light Refreshment Restaurant Licence; and
- (b) requirements for the issue of licence for siu mei and lou mei shops.

The Administration has proposed to brief the Panel on the licensing requirements for food factories in July 2004.

July 2004

7. Alignment of fees and charges under the purview of the Food and Environmental Hygiene Department (FEHD)

[The Administration proposes to discuss the item in early/mid-2004]

The subject was last discussed at the meeting on 30 November 2001. The Administration advised that as a majority of the fee items reviewed were below cost, many of them would have to be increased under an alignment proposal to be worked out by the Administration. In view of the economic downturn, the Administration decided to continue to freeze FEHD fees and charges at the existing levels up to the end of this financial year.

On 24 February 2003, the Administration informed the Panel that it was a complex exercise to align the 94 fee items inherited by FEHD from the former Provisional Municipal Councils. Given the need to reflect the latest costing figures (i.e. at 2003/04 price level) in this exercise, the Administration would need more time to work out an alignment proposal. The original consultation timing (i.e. March 2003) had to be postponed.

The Administration subsequently advised the Panel that according to Section 9 of the Provision of Municipal Services (Re-organisation) Ordinance (Cap. 552), FEHD fees/charges would remain unchanged until the Secretary for Health, Welfare and Food made a regulation to amend them.

At the LegCo Members' meeting with Kwun Tong District Council (KTDC) on 4 July 2002, KTDC members expressed concern over the differences in Places of Public Entertainment (PPE) licence fees in the urban and New Territories areas and the validity period of PPE licences. The Panel is requested to follow up on this matter.

8. Alignment of market rental adjustment mechanisms

The subject was last discussed at the meeting on 5 October 2001. Members considered that it was not an opportune time to discuss the proposed alignment of market rental adjustment mechanism or to increase

market stall rental under the current economic situation. The Panel requested the Administration to consider reducing the market stall rental to help stall tenants tide over difficult times and to take steps to enhance the business environment of the existing markets.

The Administration announced on 12 December 2003 that the rental freeze for all public markets would be extended to the end of 2004.

9. Public markets and cooked food centres

At the Panel meeting with the Secretary for Health, Welfare and Food on 15 July 2002, members suggested that the Administration should conduct an overall review of the design and operation of wet public markets in order to improve their environment and hygiene conditions.

Members of the Kowloon City District Council had expressed concern, during their meeting with LegCo Members in early 2002, about the long-term development of public markets and the possibility of supermarkets monopolising the market.

The former Subcommittee to follow up the outstanding capital works projects of the former municipal councils also recommended that -

- (a) the policy and design of public markets should be reviewed to see whether they can still meet market demands and community expectations;
- (b) the viability of certain public markets and cooked food centres should be critically reviewed to see if any of them should be closed; and
- (c) this Panel should continue to follow up the outstanding projects and receive periodic progress reports by the Administration.

At the special meeting on 3 March 2004, the Panel discussed and expressed support for the Administration's proposals for the retro-fitting of air-conditioning and improvement works for the 19 markets and cooked food centres.

The Panel will follow up on the Administration's overall review of the design and operation of public markets.

10. Mainland fisherman deckhands and Fishermen Claims Appeal Board

This item was referred to the Panel by the Complaints Division which had dealt with a complaint from the Hong Kong Fishery Alliance on the Mainland fisherman deckhand scheme and ex-gratia allowance for fishermen. Members handling the case had requested the Panel to follow up the following issues -

- (a) the policy of linking the number of Mainland fisherman deckhands employed with the volume of fish catch; and
- (b) the suggestion of appointing only non-official members to the Fishermen Claims Appeal Board to enhance its independence.

11. Health risks posed by wild doves and crows

At the meeting on 25 November 2003, Mr WONG Yung-kan proposed to discuss the health risks posed by wild doves and crows as these birds fouled the public areas, and being carrier of diseases, they might pose risks in the community.

12. Liquor licensing policy and legislation

At the meeting held between LegCo Members and Yau Tsim Mong District Council (YTMDC) members on 13 February 2003, YTMDC members and Members attending the meeting considered that the Administration should conduct a comprehensive review of the existing liquor licensing policy and legislation. YTMDC members suggested that the Administration should restrict the number and the business hours of bars operating in the vicinity of residential areas.

During the meeting, Hon Tommy CHEUNG expressed the view that certain licensing requirements had posed difficulties to the operation of the trade.

Members attending the meeting agreed to refer the subject to this Panel for discussion.

13. Sale of liquor to people aged below 18

This item was proposed for discussion by the Panel Chairman, who was concerned about the lack of control of retail outlets selling liquor to people aged below 18. The Administration suggested that the subject could be discussed at a joint meeting with the Panel on Home Affairs.

14. Measures to discourage food shops from using Expanded Polystyrene (EPS, commonly known as plastic foam) food and beverage containers

At the meeting between LegCo Members and Sha Tin District Council (STDC) members on 13 June 2002, STDC members suggested that for environmental reasons, the Administration should introduce measures to discourage food shops from using EPS food and beverage containers. They pointed out that in 2000, some 110 tonnes EPS waste had been disposed of at landfills each day. They considered that the Administration should actively explore alternatives to EPS food containers and expedite their testing. Hon Andrew CHENG, the Convenor of the meeting, directed that the subject be referred to this Panel and the Panel on Environmental Affairs for joint-Panel discussion.

15. Overall review of the Public Health and Municipal Services Ordinance (Cap. 132) and the Public Health (Animals and Birds) Ordinance (Cap. 139)

The Subcommittee on Public Health (Animals and Birds) (Amendment) Regulation 2001, Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2001 and Food Business (Amendment) Regulation 2001 has recommended that the Administration should conduct

an overall review on the levels of penalties in Cap. 132 and Cap. 139 to ensure that the penalties were appropriate having regard to those imposed on similar offences in other legislation. The proposal was referred to the Panel for follow-up discussion.

At the Panel meeting held on 18 December 2003, the Society of Prevention of Cruelty to Animals presented its views 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 Administration undertook to consider the Society's views when reviewing Cap. 132 and Cap. 139.

To be followed up by the Panel when the Administration has completed the review.

Council Business Division 2
Legislative Council Secretariat
28 June 2004