

Panel on Food Safety and Environmental Hygiene

List of outstanding items for discussion
(position as at 27 October 2003)

Subject	Proposed timing for discussion
1. Loan scheme for licensed food premises	To be confirmed
The item is proposed by the Administration.	
2. Proposed regulatory framework for private kitchens	<i>[The Administration proposes to discuss the item in early/mid-2004]</i>
At the Panel meeting on 20 November 2002, members discussed the Administration's proposed regulatory framework for private kitchens. Panel members had divergent views about the proposed framework and the Administration agreed to revise its proposal having regard to members' views. The Administration agreed to submit a revised proposal in June 2003. The Panel met with representatives of the catering industry and operators of "private kitchens" at its meeting on 25 February 2003.	
The Administration advised on 21 May 2003 that it required more time to work out a revised proposal and would only be able to revert to the Panel on the subject after the summer recess.	
3. Alignment of market rental adjustment mechanisms	<i>[The Administration proposes to discuss the item in early/mid-2004]</i>
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 18 October 2001 that in view of the economic situation, the rental freeze for all public markets would be extended to the end of 2002.

The Administration further informed the Panel on 18 November 2002 that taking into account the prevailing economic climate and the hardship faced by some stallholders, it decided to extend the rental freeze for another 12 months up to 31 December 2003.

4. Review on the licensing systems for food premises

3rd quarter 2003

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 -

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

- (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 review is scheduled for completion in mid-2003.

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

3rd quarter 2003

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.

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

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 has recently advised 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.

6. Regulation of genetically modified food and nutrition labelling

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.

The Administration has proposed to discuss the labelling scheme on nutrition information in November 2003.

November 2003

7. Policy on 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.

8. Further discussion on the discovery of *Vibrio Cholerae* in retail fish stalls and the quality of fish tank water

December 2003

At the special meeting on 16 September 2003, the Administration informed the Panel that it had set up an expert group to study problems related to the quality of sea water. The Panel decided that it would follow up the findings of the study as well as proposals that the Administration would put forward to ensure the quality of fish tank water.

9. Implementation of Team Clean Phase II measures

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 -

- Penalties for cleanliness offences (Paragraphs 2.1-2.13 of the final report);
- Public markets (Paragraphs 4.1-4.17 of the final report);
- Licensed food premises (Paragraphs 4.18-4.37 of the final report);

- Avian influenza (Paragraphs 4.38-4.62 of the final report);
- Dengue fever and other mosquito-transmitted diseases (Paragraphs 4.63-4.76 of the final report);
- Civet cats and other wild animals (Paragraphs 4.77-4.80 of the final report); and
- Miscellaneous issues covering such problems as water seepage, excessive rubbish and smelly village toilets (Paragraphs 4.81-4.104 of the final report).

10. 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.

11. 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.

12. 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.

13. Control of drugs and chemicals for food animals and fish

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.

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

14. Overall review on the levels of penalties under 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.

The Administration is conducting an overall review of Cap. 132 and Cap. 139.

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