

# 立法會

## *Legislative Council*

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### **Report of the Panel on Food Safety and Environmental Hygiene for submission to the Legislative Council**

#### **Purpose**

This report gives an account of the work of the Panel on Food Safety and Environmental Hygiene from July 2003 to June 2004. It will be tabled at the meeting of the Legislative Council on 7 July 2004 in accordance with Rule 77(14) of the Rules of Procedure of the Legislative Council.

#### **The Panel**

2. The Panel was formed by a resolution passed by the Council on 20 December 2000, as amended on 9 October 2002, for the purpose of monitoring and examining Government policies and issues of public concern relating to food safety, environmental hygiene and agriculture and fisheries. The terms of reference of the Panel are in **Appendix I**.

3. Hon Fred LI Wah-ming and Hon Tommy CHEUNG Yu-yan were elected Chairman and Deputy Chairman of the Panel respectively. The membership list of the Panel is in **Appendix II**.

#### **Major work**

##### Avian influenza

4. The Panel had expressed grave concern about the extensive outbreaks of avian influenza in the region affecting a total of 10 countries and places since December 2003. These countries included South Korea, Japan, Vietnam, Thailand, Taiwan, Cambodia, Mainland China, Laos, Indonesia and Pakistan. As at 24 March 2004, a total of 34 cases of human infection were confirmed in Thailand and Vietnam, of whom 23 died. There were also reports of an outbreak of H7 avian influenza in a poultry farm in the State of Delaware of the United States.

5. The Panel held a series of meetings from January to June 2004 to discuss the preventive and contingency measures to guard against an outbreak of avian influenza in Hong Kong. Following reports of a series of outbreaks in different countries and places in January 2004, the Panel passed a motion on 30 January 2004 urging the Administration to stop the processing of all applications for the import of poultry, poultry carcasses and poultry eggs from countries and places with avian influenza cases. The Panel also urged the Administration to announce a crisis-handling mechanism and discuss with the trade the handling of live chickens in Hong Kong. The Administration announced the suspension of import of live poultry and poultry meat, including that from the Mainland, in the same evening. As Hong Kong did not have avian influenza cases, local chicken farms could still supply live chickens to markets.

6. The Administration informed the Panel that it had stepped up the monitoring and surveillance measures, including surveillance of wild birds and birds in recreational parks, and increased inspections of farms and wholesale/retail markets selling poultry. More swap tests on chickens had been conducted, and a formal liaison mechanism had been established with the Mainland for exchange of information on animal disease. To guard against human infection, the Administration had made Avian Influenza (H5) a statutory notifiable disease since 30 January 2004.

7. As the outbreaks eased off in late February 2004, the Panel urged the Administration to consider resuming importation of poultry meat and live poultry. The Panel also urged the Administration to resume importation of live poultry and day-old chickens from the Mainland, as there had not been any new cases of avian influenza in the Mainland since 12 February 2004, and the stock level at local farms would deplete shortly.

8. The Administration advised that the processing of applications for import of chilled and frozen poultry (except the viscera) resumed in March 2004. As regards live poultry, it was expected that importation of live poultry from the Mainland could resume in three months, i.e. on 12 May 2004, having regard to the recommendation of the World Organization for Animal Health. In response to members' requests, the Administration agreed to explore the possibility of resuming the importation of live chicken on an earlier date, if certain Mainland farms with no history of avian influenza could meet the enhanced hygiene requirements of Hong Kong. The Administration informed the Panel on 15 April 2004 that importation of live chickens from the Mainland could resume on a pilot basis from 20 April 2004, subject to a daily import quantity of 6 000. The daily import quantity of live chicken was increased by phases to 30 000 in May 2004.

9. As the supply of live chickens could not meet the demand of the catering trade and retail markets, the Panel urged the Administration to resume the importation of live chicken and other poultry at the normal level as soon as possible. The Administration explained that it was necessary to adopt a cautious approach to ascertain that all the imported chickens met Hong Kong's hygiene standards, and that there were sufficient safeguards in our markets to prevent occurrence of avian influenza. Regarding the importation of day-old chickens and chilled geese and ducks, the Administration clarified that it had no objection to resuming their importation, and it would be for the Mainland authorities to approve the exportation of these poultry to Hong Kong.

10. As the poultry trade was adversely affected by the outbreaks of avian influenza in the region and the suspension of poultry imports, the Administration consulted the Panel on the proposed package of ex-gratia payments and assistance to operators in the poultry trade. Some Panel members expressed dissatisfaction that the package did not cover traders in the Bird Garden and employees of the poultry operators. The Administration explained that traders in the Bird Garden were less affected as they could sell birds' feed and other commodities. To ensure that the operators would discharge their obligations to their employees, a portion of the ex-gratia payments would be withheld and released to the operators only if there was no labour dispute, or after the dispute was resolved.

11. On the enhanced measures to prevent avian influenza, Panel members supported the segregation measures at retail level to reduce contact of poultry by customers. Members also supported the proposal of reducing the number of poultry stalls in retail markets to enable reconfiguration of poultry stalls to provide for separate storage and culling areas of live poultry. Nevertheless, Panel members had expressed reservations about the benefits of introducing an additional market rest day for retail markets. They also questioned the effectiveness of requiring customers to wear gloves before touching live poultry.

12. The Administration consulted the Panel at its meeting on 25 May 2003 on the proposed scheme to encourage live poultry retailers to surrender their licences or tenancies on a voluntary basis, in return for an ex-gratia payment of up to 39 months' of average rental. The scheme aimed to reduce the number of live poultry retail outlets, particularly those small stalls in markets under the management of Food and Environmental Hygiene Department (FEHD), as they would not be able to meet the new public health requirements due to physical constraints of the premises. While supporting the policy direction, Panel members expressed reservations about the basis for calculating the ex-gratia payment. They urged the Administration to improve the scheme to increase its attractiveness to the target group, and provide more assistance to the affected employees as they would lose their jobs after the operators had surrendered the licences/tenancies.

13. On 2 April 2004, the Administration briefed the Panel on the consultation paper on the long-term strategies to prevent avian influenza. In June 2004, the Panel invited the Consumer Council, the academia/experts and trade representatives to give views on the proposed strategies. The Consumer Council and microbiologists were in support of the two options proposed in the consultation paper. However, the majority of trade representatives opposed the "cold chain" (or central slaughtering) option, on the grounds that it would wipe out the live poultry industry and that it could not totally eliminate the risk of avian influenza. The poultry industry and some veterinary scientists held the view that the current biosecurity and hygiene measures, together with the vaccination of chickens, should be adequate to contain the risk of avian influenza. They considered that these measures had proven to be effective, since Hong Kong did not have any avian influenza cases during the recent outbreaks in the region.

14. Some Panel members opined that the central slaughtering option was not feasible as the proposed slaughterhouse in Hong Kong would not be able to compete with plants currently operating across the border. Some members considered that the "freshly slaughtered chicken" (or regional slaughtering) option could be further explored, as it would provide flexibility for the poultry trade to adapt to a new mode of operation, and it did not seek to change the eating habit of the people of Hong Kong. However, members had expressed concern about the operation details and the impact on the industry and consumers. The Administration had advised that if the option was preferred by the community, the Administration would work out the details in consultation with experts and the industry. The Administration agreed to revert to the Panel in the 2004-05 session.

#### Control measures on chilled meat and poultry

15. To address the concerns raised by local fresh meat retailers' associations and media reports, the Panel urged the Administration to step up measures to combat illegal importation and sale of chilled meat and poultry. The Administration advised that enhanced enforcement action had been taken by FEHD and Customs and Excise Department to combat smuggling of meat at the border. FEHD had also discussed with the Mainland health authorities to strengthen the inspection of plants which processed chilled poultry for supply to Hong Kong. The security arrangements for legitimate poultry consignments had also been improved to prevent unscrupulous traders from mixing illegal chilled poultry with the legitimate consignments.

16. The Panel also urged FEHD to increase inspection of retail outlets to check whether the chilled chicken for sale had the red stamp and the security hologram, which were identification marks for chickens from approved sources. To increase the deterrence effect of enforcement actions, the Panel supported the Administration's proposal that if an operator of a fresh provision shop or market stall was convicted of selling meat obtained from unapproved sources, the licence or tenancy concerned would be cancelled or terminated immediately.

### Nutrition information labelling

17. The Administration briefed the Panel on the public consultation paper published in November 2003 on the proposed labelling scheme on nutrition information. The Administration proposed to introduce a mandatory nutrition labelling scheme by two phases. In Phase I, suppliers of prepackaged food who voluntarily chose to carry nutrient-related claims on food labels would be required to follow the nutrition labelling requirements set out in the legislation. In Phase II, the statutory labelling requirements would be extended to all prepackaged food regardless of whether they carried nutrient-related claims. Phase I would last for two years, while Phase II would be implemented three years after full implementation of Phase I.

18. The Administration informed the Panel that, under the proposal, the nutrition labels must include contents of energy plus nine core nutrients including protein, available carbohydrate (i.e. carbohydrate excluding dietary fibre), total fat, saturated fat, cholesterol, sugars, sodium, dietary fibre and calcium. There would be specific format requirements, and the contents of energy or nutrients must be expressed in absolute amount in kilocalories/metric units per 100g (per 100ml) of food, or per package if the package contained only a single portion of food.

19. Panel members had expressed diverse views on the proposal. Some members supported mandatory nutrition information labelling, and they considered it too long to fully implement the mandatory requirements after five years. Nevertheless, a member held the view that Hong Kong was a small market for food products, and it should not move ahead of other developed countries in imposing stringent food labelling requirements. He was concerned that overseas food suppliers might give up the Hong Kong market if they had difficulties in complying with Hong Kong's labelling requirements, and this would reduce the varieties of food for sale in Hong Kong.

20. The Panel held a special meeting on 2 February 2004 to gauge the views of the medical sector, consumers' groups and the food industry on the Administration's proposal. The medical bodies and consumers' groups were in support of the mandatory labelling scheme, and requested to shorten the implementation timetable to two or three years. They also made suggestions on the coverage of the proposal and the detailed requirements. On the other hand, the food industry expressed concerns that the proposal would have significant impact on the food trade, as many places such as the Mainland had not yet implemented similar labelling requirements, and their food suppliers might not be able to comply with Hong Kong's requirements. The industry representatives considered that the Administration should conduct a Regulatory Impact Assessment of the proposal before taking a decision.

21. As the proposed nutrition information labelling requirements were new to Hong Kong, some Panel members and deputations pointed out that there should be public education to enhance consumers' understanding of nutrition information.

22. The Administration would revert to the Panel before finalising the nutrition information labelling requirements. Regarding the concern about the high cost for laboratory testing of nutrient contents, the Administration advised that a nutrition information data bank was being established to facilitate the trade to produce food labels.

### Food safety

23. The Panel expressed much concern about the media reports that some food products manufactured in the Mainland were found to contain harmful substances and were unsafe for human consumption. As Hong Kong imported a large volume of food products from the Mainland, the Panel urged the Administration to review the current mechanism in monitoring these food products, and step up its efforts to ensure the safety of these foods. Panel members also urged the Administration to address the problem of parallel imports of food products from the Mainland, and discuss with the Mainland authorities to ensure that no harmful food products were imported into Hong Kong.

24. The Administration informed the Panel that since the enactment of the Public Health (Animals and Birds) (Chemical Residues) Regulation in 2001, the number of samples tested and found to contain the seven prohibited chemicals or the 37 chemicals with excessive amounts remained low. In 2003, out of the 67 792 samples collected from food animals for testing of prohibited chemicals, only 24 (0.035%) were found to be unsatisfactory. As regards surveillance of meat, poultry and poultry products, fish and milk, etc., only eight out of 4 085 samples collected for testing of prohibited chemicals were found to be unsatisfactory, and prosecution was taken in these cases. In response to the Panel's request, FEHD has set up a 24-hour hot line service to answer enquiries on food safety matters.

25. The Panel discussed in June 2004 the monitoring of food provided to school students by food contractors, following a food poisoning incident affecting a number of school students after consumption of sushi supplied by a food contractor. As the sushi was supplied by a subcontractor who did not have FEHD's permission to supply lunch boxes to schools, members expressed concern about the current monitoring system. The Panel urged the Administration to review the existing licensing and monitoring system for contractors and sub-contractors supplying lunch boxes to schools. Members also suggested that schools should be advised to avoid ordering high-risk food and to ensure that lunch boxes are stored under appropriate temperature.

### Food business

26. The Administration briefed the Panel on the revised regulatory framework for "private kitchens" in December 2003. The Administration proposed to place "private kitchens" under the licensing regime as with other food business operations, and they would be required to meet certain licensing conditions. Under the revised proposal, a "private kitchen" would only be allowed to operate in a commercial building or composite commercial/residential building, its seating capacity would be limited to 24 persons and the business hours should not exceed three and a half hours a day. The operation of food factories would not be allowed on these premises unless the necessary licences had been obtained. The Panel generally supported the revised proposal, and requested the Administration to provide some flexibility in the business hours.

27. Pursuant to Team Clean's recommendation, the Administration proposed that a provisional food business licence would be cancelled if the operator did not comply with any of the provisional licensing conditions. This was to plug the existing loophole that the provisional licensee could continue to operate without complying with the licence conditions. To avoid causing undue hardship to licensees who inadvertently breached the provisional licensing requirements, FEHD would issue a final warning to the licensee that he should rectify a breach of licensing condition. If the licensee failed to comply with the warning, or breached the same requirement after the final warning, the provisional licence would be cancelled. The Panel supported the proposal.

28. The Panel also discussed Team Clean's recommendation to tackle the problem of unauthorized building works in licensed food premises. The Panel noted that for new applications of food business licence, any unauthorized building works would have to be removed before a licence would be issued. While the unauthorized building works in existing licensed food premises would be tolerated for the time being, these unauthorized structures would have to be removed before a transfer of licence would be approved.

29. The Administration informed the Panel that it was reviewing the licensing framework for food businesses and improvements would be introduced by phases. The Panel requested the Administration to brief members on the proposals as soon as possible.

### Environmental hygiene

30. The Panel had actively followed up the long term measures put forward in Team Clean's final report published in August 2003. The Panel noted that, after the disengagement of Team Clean, the relevant bureaux and departments had taken charge of the implementation of those recommendations under their purview. The Home Affairs Department would play the role of coordinator in spearheading inter-departmental efforts at district level to maintain the momentum of cleanliness measures.

31. Panel members had expressed concern about the hygiene problems in vacant land in the New Territories, pet keeping in public housing estates, design of refuse collection points, lack of management of old tenement buildings, and the littering problem caused by increased vehicular traffic across the border. Members had requested the departments concerned to follow up on these issues.

32. On the proposal to impose community service orders on repeat cleanliness offenders, the Panel noted that the majority of respondents to a survey conducted by the Administration was in support of the proposal. Nevertheless, some members were of the view that as the fixed penalty for minor cleanliness offences had just been increased from \$600 to \$ 1,500 in 2003, it would be too harsh to impose additional punishment for cleanliness offences within such a short time. Some other members suggested that, in drafting the legislative proposal, the Administration should avoid making cleanliness offence a criminal offence merely to enable the imposition of a community service order by the court.

33. The Panel welcomed the incentive scheme to provide financial assistance to restaurants and food shops to refurbish their kitchens and toilets, and to install food storage cabinets and dish-washing machines. A member urged the Administration not to over-emphasize on penalties and regulatory measures in improving the hygiene conditions of licensed food premises.

34. The Panel received progress reports from the Administration on the anti-rodent and anti-mosquito campaigns in January and March 2004 respectively. The Administration reported that the anti-rodent campaigns had proven effective, as there was a decreasing trend of rodent infestation rates in the territory over the past few years.

35. As regards the anti-mosquito campaign, the Panel noted in March 2004 that the monthly ovitrap indices for dengue fever surveillance in the 38 selected areas were much lower than that in previous years. However, there was no room for complacency as the indices in certain areas exceeded 40%. Panel members had urged the relevant departments to discuss with the District Councils to step up anti-mosquito efforts in black-spots and areas with high ovitrap indices, especially during the high-risk season in summer. Panel members had also urged the Administration to strengthen public education and enforcement actions against mosquito breeding.

36. In view of the surge of ovitrap indices in a number of areas and reports of dengue fever and Japanese encephalitis cases in May/June 2004, the Panel discussed the effectiveness of anti-mosquito measures in June 2004. Panel members considered that the Administration should adopt a more proactive and preventive approach to tackle the mosquito problem. Members also urged the Administration to make more flexible staff deployment and step up anti-mosquito efforts in problematic areas such as vacant land, construction sites, village houses, private streets and back lanes. The Panel supported the

Administration's proposal to amend the legislation to enable the relevant departments to take immediate actions to remove public health hazards in private and common areas. A member suggested that the Administration's surveillance programme should be extended to cover other types of mosquitoes, fleas and mites which could also cause diseases in humans.

37. The Panel supported the Administration's proposal to carry out retrofitting of air-conditioning works and/or general improvement works to 19 existing public markets or cooked food centres, in order to improve their hygiene conditions and business environment. The Panel noted that the former municipal councils had given approval in principle for taking forward these projects, and these had also been discussed in length and agreed to by the former LegCo subcommittee formed to follow up these outstanding projects.

38. On the improvement to toilets, the Panel supported the Administration's proposal to convert about 100 aqua privies in the New Territories and outlying islands to flushing toilets with hand-washing facilities.

#### Regulation of the wholesaling of live fish and fish tank water

39. The Panel raised serious concerns when vibrio cholerae was again discovered in the fish tank water and in the live fish wholesale market at the Aberdeen promenade. The Panel urged the Administration to adopt more effective measures to monitor the quality of water used for keeping live fish, and to include the wholesaling of live fish in the regulatory framework.

40. To ensure the quality of seawater throughout the supply chain, members suggested that the Administration should prohibit drawing of water from contaminated locations such as the typhoon shelter, and introduce a licensing system for seawater suppliers requiring them to meet specific hygiene conditions including the installation of filtration and disinfection systems. The Panel also requested the Administration to increase the sampling tests of fish tank water particularly during summer months. In response, the Administration proposed to introduce legislative amendments to prohibit abstraction of seawater from areas adjacent to the coast. On the monitoring of seawater quality, the Administration considered it more effective to focus its efforts at wholesale and retail levels as they were subject to regular inspection by FEHD staff. FEHD would also collect more water samples from food premises and fish stalls for testing of E Coli and vibrio cholerae.

41. As wholesaling of live fish was not covered by the existing regulatory framework, the Administration introduced a permit system in November 2003 for fish wholesalers operating at the Aberdeen promenade and in other areas. The Panel noted that the fish wholesale activities at the Aberdeen promenade was brought under the management of the Fish Marketing Organization, while those in other areas would be put under regulatory control of FEHD and the Agriculture, Fisheries and Conservation Department. The permit holders were required to comply with the same requirements as fish retailers, such as the installation and maintenance of filtration and disinfection facilities. The

Panel urged the Administration to review the existing legislative framework to ensure that the importation, landing and sale of live fish was brought under effective regulatory control.

42. As there were incidents of ciguatera poisoning related to consumption of areolated coral grouper, the Panel urged the Administration to strengthen existing control measures. The suggested measures included requiring tests of ciguatera toxin in coral fish sourced from new fishing grounds prior to importation into Hong Kong, and increasing the number of tests made on imported fish.

#### Regulation of fishing activities

43. The Panel generally supported the Administration's proposal of introducing a licensing scheme for fishing vessels, and a closed season for fishing and fisheries protection areas within Hong Kong, in order to conserve fisheries resources. Some members had requested the Administration to provide more information on the proposed closed season, and consult the fishing industry on the proposed licensing conditions. The Administration planned to introduce the legislative proposal in the 2004-05 session after working out the details of the licensing scheme.

#### Other issues

44. The Administration consulted the Panel on a number of other financial proposals, including the relief measures to poultry traders affected by the outbreaks of avian influenza in the region, the injection of funds to the Kadoorie Agricultural Aid Loan Fund to provide low-interest loans to mariculturists affected by the cold spell, and the reprovisioning of four cremators in Diamond Hill Crematorium.

45. From July 2003 to June 2004, the Panel held a total of 23 meetings. The Panel paid a visit to Cheung Sha Wan Temporary Wholesale Market in April 2004, to observe the inspection and quarantine procedures following the resumption of importation of live chickens from the Mainland. The Panel also conducted overseas duty visits to Australia and Japan in July 2003 and January 2004 respectively, to observe the food regulatory systems in these countries.

Council Business Division 2  
Legislative Council Secretariat  
2 July 2004

**Legislative Council  
Panel on Food Safety and Environmental Hygiene**

**Terms of Reference**

1. To monitor and examine Government policies and issues of public concern relating to food safety, environmental hygiene and agriculture and fisheries.
2. To provide a forum for the exchange and dissemination of views on the above policy matters.
3. To receive briefings and to formulate views on any major legislative or financial proposals in respect of the above policy areas prior to their formal introduction to the Council or Finance Committee.
4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.
5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.

**Legislative Council  
Panel on Food Safety and Environmental Hygiene**

**Membership list for 2003-2004 session**

<b>Chairman</b>	Hon Fred LI Wah-ming, JP
<b>Deputy Chairman</b>	Hon Tommy CHEUNG Yu-yan, JP
<b>Members</b>	Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP <i>(up to 28 October 2003)</i> Hon WONG Yung-kan Hon YEUNG Yiu-chung, BBS Hon Andrew CHENG Kar-foo Hon Michael MAK Kwok-fung Hon LEUNG Fu-wah, MH, JP Dr Hon LO Wing-lok, JP  (Total : 8 members)
<b>Clerk</b>	Mrs Constance LI
<b>Legal Adviser</b>	Mr Stephen LAM
<b>Date</b>	28 October 2003