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the Administration)

Panel on Food Safety and Environmental Hygiene

Minutes of Meeting
held on Thursday, 20 January 2005 at 9:40 am
in the Chamber of the Legislative Council Building

Members Present : Hon Fred LI Wah-ming, JP (Chairman)
Hon WONG Yung-kan, JP (Deputy Chairman)
Hon Bernard CHAN, JP
Hon Andrew CHENG Kar-foo
Hon Tommy CHEUNG Yu-yan, JP
Hon Vincent FANG Kang, JP
Hon WONG Kwok-hing, MH
Dr Hon Joseph LEE Kok-long
Dr Hon KWOK Ka-ki

Member Attending : Hon CHAN Yuen-han, JP

Member Absent : Hon TAM Yiu-chung, GBS, JP

Public Officers Attending : Dr York CHOW
Secretary for Health, Welfare and Food

Mrs Carrie YAU
Permanent Secretary for Health, Welfare and Food

Mr Vincent LIU
Acting Deputy Secretary (Food & Environmental Hygiene)
Health, Welfare and Food Bureau

Mr Gregory LEUNG
Director of Food and Environmental Hygiene

Mr Thomas CHAN
Director of Agriculture, Fisheries and Conservation

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

Staff in Attendance : Miss Betty MA
Senior Council Secretary (2)1

Ms Anna CHEUNG
Legislative Assistant (2)5

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I Briefing by the Secretary for Health, Welfare and Food on the Policy Address 2005

The 2005 Policy Address and Policy Agenda
[LC Paper No. CB(2) 670/04-05(01)]
[LC Paper No. CB(2) 698/04-05(01)]

Secretary for Health, Welfare and Food (SHWF) briefed Members on the Administration's paper on the policy initiatives in 2005 relating to food safety, environmental hygiene and agriculture and fisheries. He said that there would be five new initiatives in these areas in 2005 –

- (a) To explore the feasibility of developing a medium sized slaughtering plant for chickens to reduce the risk of human infection of avian influenza;
- (b) To explore the need to introduce a mandatory food recall framework in Hong Kong;
- (c) To regulate restricted dining places (previously referred to as “private kitchen”) to safeguard public health;
- (d) To launch an accreditation scheme for seawater suppliers and introduce legislation to prohibit the abstraction of seawater from specified areas along the coast for keeping live seafood with a view to enhancing the quality of fish tank water for protection of public health; and

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- (e) To introduce legislation to promote sustainable development of the fishing industry and to conserve fisheries resources in Hong Kong waters.

On agriculture policy, SHWF said that the Administration would continue to promote the accredited farm scheme and organic farming.

Arrangements for removal of dead body

2. Mr WONG Kwok-hing said that since September 2004, dead bodies found in public places would not be conveyed to public hospitals. Instead, the Food and Environmental Hygiene Department (FEHD) would be responsible for the removal of these dead bodies found in public places. Mr WONG further said that he had received the complaints that FEHD staff took unduly long time to remove the dead bodies in the following cases –

- (a) a dead body from height was found lying at Ka Wai Chuen in Kowloon City for two hours on 30 September 2004;
- (b) a dead body from height was found lying at Perfect Mount Garden in Shaukeiwan for over five hours on 2 December 2004; and
- (c) a dead body from height was found lying at Kwai Shing East Estate in Kwai Chung for nearly three and a half hours on 7 January 2005.

Mr WONG asked about the reasons for the long time taken by FEHD staff to remove the dead bodies in these cases, as this had caused much disturbance to the public.

3. Director of Food and Environmental Hygiene (DFEH) said that he would follow up the individual cases mentioned by Mr WONG Kwok-hing. He said that under the existing arrangements, the Police would have to carry out preliminary investigation when a dead body was found in public place. When the Police had completed its action, it would notify FEHD to remove the dead bodies. FEHD staff could normally arrive at the scene within half an hour after notification by the Police.

4. SHWF added that to avoid causing disturbance to the public, the Police would cover the dead bodies while carrying out investigations at the scene.

5. Mr WONG Kwok-hing said that to his understanding, dead bodies would be removed immediately from the scene in the past. However, in these three cases, the dead bodies were removed only several hours after the Police had completed the investigation. He urged the Administration to provide a report on these three cases, and undertake to shorten the time for removing dead bodies in future.

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6. The Chairman requested the Administration to provide information on the

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arrangements for removal of dead bodies. The Administration agreed.

(Post-meeting note : The item on “Removal of dead body” was subsequently included in the agenda for the meeting on 1 February 2005.)

Voluntary surrender of live poultry retail licences or tenancies

7. Referring to paragraph 24 of the Administration’s paper, Mr WONG Kwok-hing said that under the voluntary surrender of live poultry retail licences or tenancies scheme, unemployed live poultry retail workers could apply for the payment of ex-gratia payments and retraining only if their employers had surrendered their licences or tenancies. Mr WONG further said that the Panel had passed a motion on 26 October 2004 urging the Administration to revise the eligibility criteria for the ex-gratia payments and retraining, as there were over 2 000 unemployed live poultry retail workers whose employers had not surrendered their licences/tenancies. Mr WONG criticised the Administration for not providing a written response to the carried motion. He also asked about the updated number of affected live poultry retail workers attending retraining courses and the Administration’s plan to fully utilise the approved allocation.

8. DFEH said that the Finance Committee had approved the funding on the condition that the employers of these workers must have surrendered their live poultry retail licences/tenancies. Therefore, those unemployed live poultry retail workers whose employers had not surrendered their licences/tenancies were not eligible for the one-off grants.

9. Miss CHAN Yuen-han also expressed concern about the unavailability of the one-off grants and retraining for live poultry retail workers who became unemployed as a result of the suspension/reduction of live poultry imports last year. As their employers had not surrendered the licences/tenancies, these workers were not eligible for the one-off grants and retraining under the voluntary surrender of licence scheme. Miss CHAN expressed disappointment that the Administration adopted a rigid approach by refusing to revise the eligibility criteria for the one-off grants.

10. The Chairman asked whether the Administration would consider relaxing the eligibility criteria for unemployed live poultry retail workers to apply for the one-off grants and special retraining courses.

11. SHWF said that the Administration had given careful consideration to the motion passed by the Panel. SHWF pointed out that most workers in live poultry retail trade did not have a formal employer-employee relationship with the retailers, and it was often difficult to prove whether an applicant for the one-off grants had actually been employed in live poultry retail trade. To ensure the proper use of public funds, it was necessary to obtain proof of the applicants’ eligibility for the grants.

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12. Miss CHAN Yuen-han said that the crux of the problem was that the unemployed live poultry retail workers could not apply for the one-off grants if their employers had not yet surrendered their licences/tenancies. Miss CHAN further said that the relevant trade unions could assist in providing the relevant documentary proof on the employment of the applicants, if so required. SHWF responded that he would carefully consider members' suggestions.

13. Mr Vincent FANG asked whether the voluntary scheme for surrender of licence would be extended to the live poultry wholesalers. He said that there were some 80 live poultry wholesalers at present but nearly half of them had ceased operation. The live poultry wholesalers also faced difficulties after the reduction in the importation of live chickens. SHWF responded that to his understanding, the business of the live poultry wholesalers was rather good and they had requested for importation of more chickens.

Long-term policy on live poultry

14. Dr KWOK Ka-ki expressed dissatisfaction that the Administration had still not taken a policy decision on the long-term direction to minimise the risk of human inflection of avian influenza after completion of the public consultation exercise, given that there were recent cases of avian influenza in Vietnam. He said that in the absence of a clear direction, the live poultry trade would have no idea of the prospect of their business. Dr KWOK pointed out that the previous outbreaks of avian influenza had caused significant economic loss to the whole society. He urged the Administration to provide a concrete timetable for implementing the policy of segregation of humans from live chickens.

15. SHWF said that there was increased risk of avian influenza when there were outbreaks in the region. Nevertheless, the preventive and control measures adopted by Hong Kong had proven effective so far, and there were no avian influenza cases in Hong Kong despite outbreaks in the region last year.

16. SHWF added that as short-term measures to guard against possible outbreaks of avian influenza, all live chickens for sale in the local markets had been vaccinated against H5 avian influenza since January 2004. There were also other measures in place, for example, the market rest days and import control requirements. SHWF further said that the number of imported chickens and supply of local chickens was maintained at a level of about 60 000 daily, and the Administration would take immediate action to cull all live chickens if there was an outbreak of avian influenza in Hong Kong.

17. SHWF affirmed that segregation of humans from live chickens would be the long-term policy, and no live chickens would be allowed to be sold in retail markets eventually. However, the Administration would be very careful in taking forward any proposal in this regard given the impact on the live poultry trade and workers. SHWF

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said that if central / regional slaughtering was to be adopted, it would take at least two to three years for the preparatory work, such as providing assistance to the affected trades to change their mode of operation or switch to other trades.

18. Responding to Dr KWOK Ka-ki's enquiry, SHWF said that the Administration had commissioned a feasibility study of central slaughtering, and that one to two possible sites were under consideration. SHWF further said that the Administration had also conducted visits to those countries practising central slaughtering. The Administration would revert to the Panel before taking a decision on the matter.

19. Mr Tommy CHEUNG expressed objection to the proposal to implement central slaughtering or regional slaughtering in Hong Kong. Mr CHEUNG also opposed the feasibility study on developing a medium sized slaughtering plant for chickens on a pilot scheme. Mr CHEUNG said that the disadvantages of regional slaughtering had been discussed at the last Panel meeting on 11 January 2005. He urged that the Administration should consult the relevant trades, including the chicken farmers, wholesalers, retailers and transportation, on the operational arrangements for regional slaughtering before the Administration took a policy decision on the matter. Mr CHEUNG further said that the improvement measures adopted in retail markets to keep consumers at a distance from live poultry had proven effective. Mr CHEUNG added that the live poultry trade had been cooperative with the Administration in carrying out the improvement measures to reduce the risk of avian influenza. He considered that the outbreaks of avian influenza in local markets were largely due to the existence of too many live poultry stalls in public markets, and the congestion condition would improve after some poultry retailers had surrendered their licences/tenancies under the voluntary surrender scheme.

20. SHWF said that the Government had the responsibility to safeguard public health by minimizing the risk of infectious disease outbreaks. While the short-term improvement measures taken so far had proven effective in preventing the outbreak of avian influenza, SHWF stressed that the H5N1 virus was mutating and the risk of human contacts with live poultry could only be effectively reduced through central or regional slaughtering in the long-term. SHWF further said that the Administration was aware of the strong opposition from the relevant trades to the proposal of central or regional slaughtering. The Administration therefore had not yet taken forward the proposal immediately but implemented the interim and medium-term measures in the meantime. SHWF assured members that the Administration would fully consult the relevant trades on the long-term direction. SHWF said that the Administration was presently exploring the feasibility of the development of a medium size slaughtering plant in Hong Kong, and would consult the trades in due course.

21. Mr WONG Yung-kan said that it was not worthwhile to pursue central slaughtering. As the slaughterhouses in Shenzhen were close to Hong Kong, retailers

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would prefer importing chilled chickens from the Mainland because of the cheaper price. Mr WONG further said that the outbreak of avian influenza could be prevented through other measures and the live poultry trade was willing to cooperate with the Government to implement further control measures to maintain the trade's survival. Mr WONG added that the Administration should educate the live poultry trade on how to prevent infectious diseases and outbreaks of avian influenza, instead of working out proposals to "kill" the live poultry trade.

22. Mr WONG added that as the Administration's long-term policy on live poultry would have significant negative impact on the trade, there should be representatives of the agriculture and fisheries sector on the Advisory Committee on Agriculture and Fisheries. He also urged the Administration to enhance communication with the trade to better understand their concerns and problems in order to formulate a sustainable agriculture and fisheries policy.

23. SHWF said that he always attached great importance to communication with the trade, and there were also representatives of the agriculture and fisheries sectors on the various advisory bodies. He pointed out that the Administration would continue to explore various ways to facilitate sustainable development of agriculture and fisheries, such as promoting high quality agricultural produce and seafood and organic crop production. SHWF stressed that the Administration would make reference to scientific findings, advice from the World Health Organisation, international and local experts before taking a policy decision on live poultry.

24. Mr Andrew CHENG said that should avian influenza recur again, it would seriously hamper the economic development of Hong Kong. While acknowledging that central or regional slaughtering would have negative impact on the live poultry trade, Mr CHENG considered that the Administration should not sacrifice the interests of the vast majority in order to protect the interests of a minority group. Mr CHENG added that the World Health Organization had also given warning on the evolution of H5N1 virus. He urged the Administration to make clear its policy direction as early as possible.

25. SHWF stressed that the Administration attached great importance to safeguarding public health, and was actively considering the proposal of central or regional slaughtering. A policy decision would be made as soon as possible.

26. Mr Vincent FANG said that central slaughtering of live geese and ducks had proven to be unsuccessful. He urged the Administration to make clear its long-term policy direction so that operators in live poultry trade could decide whether to continue with their operation. Mr FANG further said that freshly slaughtered chickens in Hong Kong would be kept at about 15°C, while chilled chickens from the Mainland would be kept at about 4°C. If there was no significant difference in the quality of freshly slaughtered chickens and chilled chickens, consumers would buy the

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chilled chickens from the Mainland as they were cheaper. If that was the case, there was no need for taking further the proposal of central or regional slaughtering.

27. SHWF clarified that the Administration had no intention of banning the consumption of live chickens, but the long-term policy was that live chickens would not be allowed to be sold at retail markets. The Administration would fully consult the trade before taking a decision on this direction. He believed that it would be for individual consumers to decide whether to buy freshly slaughtered or chilled chickens.

Improvements to public markets

28. Miss CHAN Yuen-han said that the Administration had undertaken to redesign the existing market stall layouts as an interim measure to separate live poultry from customers. Miss CHAN further said that the former SHWF had pledged to carry out improvement works to public markets, but little progress had been made so far. Miss CHAN urged the Administration to honour its commitment and expedite the improvement works.

29. DFEH said that the Administration had plans to carry out improvement works to certain public markets. As the improvement works would affect the operation of the existing stallholders, the Administration had to consult the affected stallholders and seek their agreement before starting the improvement projects.

Food labelling scheme

30. Responding to Dr KWOK Ka-ki's enquiry about the timetable for implementing the proposed nutrition information labelling scheme, SHWF said that the Administration planned to introduce a labelling scheme on nutrition information for prepackaged food next year. As most foods in Hong Kong were imported from other places, the Administration would need to further liaise with the relevant trades, such as importers and distributors, on the labelling requirements.

31. The Chairman said that the Consumer Council had recently released its findings that animal materials were found in some vegetarian food products. He asked whether the Administration would follow up these reports and expedite the introduction of a labelling scheme on genetically modified (GM) food.

32. SHWF clarified that the animal materials found in some vegetable food products were not GM materials. As there were no international standards on the labelling requirements for GM food, the Administration was studying overseas experience in this respect.

Regulation of "private kitchens"

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33. Miss CHAN Yuen-han said that while the Administration was still considering a regulatory framework for “private kitchens”, FEHD staff had stepped up enforcement actions against the operation of these establishments. As a result, a number of these establishments had ceased operation, and had created more unemployment.

34. DFEH responded that these establishments would need a licence for operation, and FEHD had the responsibility to take enforcement actions upon receipt of complaints from other users of the buildings concerned.

Licensing of food business

35. Mr Tommy CHEUNG expressed disappointment that SHWF had no plan to study streamlining of food business licensing. He said that the existing licensing system was outdated and posed a lot of difficulties to the food business industry.

36. SHWF said that under the present licensing procedures, an applicant could get a provisional licence for restaurant as short as 21 working days. However, the actual time required for issue of a provisional or full licence depended on the responsiveness of the applicant in complying with the licensing requirements.

37. DFEH said that since the introduction of provisional licence, the time taken for processing licence applications had been shortened. DFEH pointed out that the Chief Executive had stated in the 2005 Policy Address that the Administration would conduct reviews on streamlining the regulatory regimes and simplifying licensing procedures. DFEH further said that as a subcommittee had been set up under this Panel to study the streamlining of food business licensing, the Administration would work closely with the Subcommittee.

38. The Chairman said that the Subcommittee would hold its first meeting on 1 February 2005.

Mandatory food recall framework

39. Mr Andrew CHENG expressed concern about the safety of food products imported from the Mainland as there were reports from time to time that problematic food from the Mainland were sold at local markets. He asked whether the food products from the Mainland would be subject to the proposed mandatory food recall framework.

40. SHWF said that under the existing legislation, the Government did not have power to recall food products mandatorily which might contain harmful substances.

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When a particular food item from the Mainland was suspected to contain harmful substances, the Administration would inform the Mainland authorities. SHWF further said that food products imported through authorised channels from the Mainland were safe. However, as some food products came to Hong Kong through illegal means, the Administration had adopted multi-pronged approaches to tackle the problem, such as collecting food samples from retail markets for testing and taking enforcement actions upon complaints.

41. DFEH said that since October 2004, FEHD had taken 500 more food samples for testing each month, which covered different types of food on sale. Starting from 2005, FEHD would make monthly report on the test results of the food samples collected.

42. There being no other business, the meeting ended at 10:40 am.

Council Business Division 2
Legislative Council Secretariat
28 February 2005