

**立法會**  
**Legislative Council**

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LC Paper No. CB(2) 2563/04-05  
(These minutes have been seen by  
the Administration)

**Panel on Food Safety and Environmental Hygiene**

**Minutes of Meeting**  
**held on Tuesday, 14 June 2005 at 2 pm**  
**in Conference Room A 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 TAM Yiu-chung, GBS, JP  
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

**Members Attending** : Hon LEE Cheuk-yan  
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP  
Hon CHAN Yuen-han, JP  
Hon Emily LAU Wai-hing, JP  
Hon Albert CHAN Wai-yip

**Public Officers Attending** : Item III

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

Mr Vincent LIU  
Principal Assistant Secretary (Food & Environmental Hygiene) 2  
Health, Welfare and Food Bureau

Mr Gregory LEUNG  
Director of Food and Environmental Hygiene

Ms Annette LEE  
Deputy Director (Environmental Hygiene)  
Food and Environmental Hygiene Department

Mr LO Fu-wai  
Assistant Director (Operations)1  
Food and Environmental Hygiene Department

Item IV

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

Miss Vivian KO  
Principal Assistant Secretary (Food & Environmental Hygiene) 1  
Health, Welfare and Food Bureau

Mr Wallace LAU  
Assistant Secretary (Food & Environmental Hygiene) 1  
Health, Welfare and Food Bureau

Mr Gregory LEUNG  
Director of Food and Environmental Hygiene

Mr LAU Sin-pang  
Deputy Director of Agriculture, Fisheries and Conservation

Dr Howard WONG  
Senior Veterinary Officer (Farm)  
Agriculture, Fisheries and Conservation Department

Mr C C CHAN  
Senior Market Development Officer  
Agriculture, Fisheries and Conservation Department

Item V

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

Miss Vivian KO  
Principal Assistant Secretary (Food & Environmental Hygiene) 1  
Health, Welfare and Food Bureau

Mr Gregory LEUNG  
Director of Food and Environmental Hygiene

Dr HO Yuk-yin, Philip  
Consultant (Community Medicine)  
(Risk Assessment and Communication)  
Food and Environmental Hygiene Department

**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 Date of next meeting and items for discussion**  
[LC Paper Nos. CB(2) 1860/04-05(01) and (02)]

Members agreed to discuss the progress report on the Code of Practice on the import and sale of live marine fish for human consumption, as proposed by the Administration, at the next regular meeting on 12 July 2005 at 2:30 pm.

**II. Information paper(s) issued since last meeting**  
[LC Paper Nos. CB(2) 1852/04-05(01), CB(2) 1874/04-05(01) to (03)]

2. Members noted that the Administration had provided the following information papers since the last meeting –

- (a) anti-mosquito measures in rear lanes and private streets;
- (b) findings of FEHD's investigation into the presence of *Vibrio Cholerae* in a fish stall inside a supermarket in Pok Fu Lam upon completion of the investigation;

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- (c) enforcement problems arising from the definition of “potential mosquito breeding ground” in the legislative proposal; and breeding places identified by District Anti-Mosquito Task Force which were government land and the measures taken to eliminate the breeding places; and
- (d) latest statistics on the number of retraining courses for unemployed live poultry retail workers whose employers had surrendered their licences/tenancies and the number of attendees.

**III Policy on fixed-pitch (cooked food or light refreshment) hawker licences**

[LC Paper No. CB(2) 1860/04-05(03)]

[LC Paper No. CB(2) 1937/04-05(01)]

3. The Chairman said that he had proposed this item for discussion, as there were requests for a review of the existing policy on on-street cooked food stalls (CFSs), following the demise of the licensee of Man Yuen noodle stall in Central in early May 2005, and the failure of the stall operator to apply for succession/transfer of the licence. The Chairman further said that he had requested the Hong Kong Tourist Board (HKTB) to provide information on whether “dai pai dong” was included in HKTB’s promotional channels and publications. HKTB’s response had been received and issued to members, and the extract from pamphlets distributed to visitors to Hong Kong on “dai pai dong” was tabled at the meeting. The Chairman added that a joint submission from six members of Central and Western District Council (CWDC) was also tabled at the meeting.

*(Post-meeting note : The above papers tabled at the meeting were issued to members vide LC Paper No. CB(2) 1966/04-05(01) dated 16 June 2005.)*

4. At the invitation of the Chairman, Principal Assistant Secretary for Health, Welfare and Food (Food & Environmental Hygiene)2 (PAS(FEH)2) said that it was Government’s policy to seek a gradual reduction of CFSs. Presently, there were 29 licensed CFSs remaining on the street. PAS(FEH)2 further said that in the past year, the Administration received 38 complaints against nuisances caused by on-street CFSs and issued 222 summonses. PAS(FEH)2 added that many on-street CFSs had been resited over the years into off-street public cooked food bazaars or public markets, and they continued business successfully.

5. The Chairman noted from the letter from members of CWDC that most of 222 summonses issued last year were not related to environmental problems. The Chairman asked the Administration to provide the reasons for issuing summonses, the location of CFCs receiving these summonses, and the number of complaints and summonses in respect of Man Yuen noodle stall.

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6. PAS(FEH)2 replied that fixed-pitch CFSs were found in Central and Sham Shui Po only. Last year, 20 and 202 summonses had been issued to CFSs in Central and Sham Shui Po respectively. Summonses were issued mainly because the CFSs concerned caused obstruction to pedestrians and vehicles. Only a small number of summonses were issued against selling unhygienic food because of the difficulties in gathering sufficient evidence unless there were food poisoning cases. PAS(FEH)2 added that the Administration had received four complaints against and issued one summons to Man Yuen noodle stall last year.

7. Mr WONG Kwok-hing said that the Administration should adopt some flexibility in implementing its policy on on-street CFS licences as only 29 such stalls remained in operation, and many of them had been in operation for some decades. Mr WONG pointed out that the policy of allowing only the spouse of a late licensee to succeed a CFS licence was formulated as early as 1973. It was now opportune time to review the policy. In his view, these stalls had historical value and formed part of the Hong Kong heritage, and they were conducive to the promotion of local economy and tourism. Mr WONG considered that the Administration should allow these stall operators to continue business after the demise of the licensee, provided that the operator wished to continue the business and there were no complaints that the CFS had caused environmental nuisances. Mr WONG urged the Administration to exercise discretionary power to allow the existing operator of Man Yuen noodle stall to succeed the on-street CFS licence and continue operation at the existing location.

8. DS(FEH) explained that to safeguard public health and improve environmental hygiene, it was the Administration's policy to gradually reduce the number of CFS licences. In this connection, an on-street CFS licence could only be succeeded by the spouse of a late licensee. As regards the case of Man Yuen noodle stall, DS(FEH) said that the late licensee did not have a surviving spouse, and the operator of the stall was not eligible for succession to the licence. However, the operator could continue business in an off-street site, and the Food and Environmental Hygiene Department (FEHD) had provided him with a list of vacant stalls in public cooked food centres nearby. If approval was granted exceptionally for the existing operator of Man Yuen noodle stall to continue business at the existing pitch, it would be unfair to those who had been resited previously into off-street public cooked food bazaars or public markets. This would also set a precedent case for other CFS operators, who would make similar requests in future. He stressed that the Administration had to implement the policy on CFSs in a fair and consistent manner.

9. DS(FEH) further said that off-street public cooked food bazaars or cooked food centres could also preserve the traditional style of CFSs. He added that the Administration had received requests from the Sham Shui Po District Council to clear all on-street CFSs in the district as soon as possible, as the stalls had caused much nuisance to the residents nearby.

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10. Mr WONG Kwok-hing expressed concern that if Man Yuen noodle stall was to be resited to public cooked food centres far away from its present location, it would lose many of its customers. Mr WONG asked about the location of the available vacant stalls, and the procedures for the operator of Man Yuen to apply for a vacant stall. Assistant Director/FEHD replied that there were vacant stalls in cooked food centres in Central and Western District as well as in the Southern District, and the operator of Man Yuen could submit bids for any vacant stall in an open auction exercise.

11. Dr Joseph LEE said that to his understanding, the rationale behind the policy on on-street CFSs was to improve environmental and food hygiene. He did not see any justifications for revising the policy only for preserving one particular stall. If the purpose was to preserve the tasty food of Man Yuen, the Administration had already provided assistance to enable continued operation of the stall concerned. However, if it was considered necessary to preserve the “dai pai dong” style, the matter should be pursued by HKTB from the perspective of tourist promotion. Dr LEE asked whether there had been precedent cases where an on-street CFS licence was granted exceptionally to the operator, instead of the spouse of a licensee.

12. Director of Food and Environmental Hygiene (DFEH) said that he had never exercised discretion to grant approval for succession or transfer of an on-street CFS licence to a person other than the spouse of the licensee. He explained that although DFEH could exercise his discretionary power under the legislation, he should only exercise his discretion in accordance with the policy.

13. Mr Tommy CHEUNG did not agree with PAS(FEH)2 that it was difficult to take enforcement action against on-street CFSs for selling unhygienic food. He considered that no such actions were taken because these food stalls had met the food hygiene standards; otherwise, FEHD would have taken enforcement actions already. Mr CHEUNG commented that the Administration was unfair in its policy on food business. While the CFSs were operating under licence and subject to regulation under the law and the Demerit Point System, the operation of “private kitchen” did not require a licence and was not subject to monitoring. Mr CHEUNG urged that given the historical value of Man Yuen noodle stall, it was worthwhile for DFEH to give special consideration to grant approval for the operator to succeed the licence. Mr CHEUNG said that as only 29 on-street CFSs remained in operation and some had become the land mark of certain places in Hong Kong, the Administration should review its policy to allow CFSs to continue to operate in a hygienic environment.

14. DS(FEH) said that as he had explained earlier, on-street CFS operators could continue its present mode of business under the same name in off-street sites, such as hawker bazaars and cooked food centres. He pointed out that CFSs faced many physical constraints such as problems in water and electricity supply, and this had given rise to many environmental and food safety problems.

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15. DFEH supplemented that the Administration had to strike a balance between preserving traditional Hong Kong cuisine and improving environmental hygiene. He stressed that at present, there were 13 hawker bazaars which could accommodate CFSs. DFEH further said that FEHD could devote more resources, where appropriate, to promote these cooked food bazaars as tourist attractions.

16. Mr Andrew CHENG said that subject to the standard of environmental hygiene not being compromised, he hoped the Administration would review the existing policy on on-street CFSs so that the 29 remaining CFSs could continue to operate. Mr CHENG considered that the overall environmental hygiene conditions had improved as compared to the 1970s.

17. Miss CHAN Yuen-han said that the Administration should preserve the traditional cuisine and encourage diversified development of the local catering culture in order to boost the local economy and labour market. Miss CHAN further said that “dai pai dong” should be allowed to continue operation provided that they met the environmental and food safety standards. Miss CHAN added that the operation of on-street food bazaars in Singapore had proven successful in attracting tourists. Miss CHAN urged the Administration to explore viable options to enable the continued operation of “dai pai dong”.

18. DFEH stressed that the Administration did not object to the mode of operation of “dai pai dong”. He said that cooked food bazaars located at the ground level which served traditional cuisine resembled “dai pai dong”, and these cooked food bazaars caused less nuisance and environmental problems to the residents nearby.

19. Mr WONG Yung-kan said that if the 29 CFSs were to be preserved, the Administration would have to improve their environment and attractiveness. Mr WONG further said that in 2002, the Panel had expressed support for the Administration to extend the ex-gratia payment scheme to encourage the voluntary surrender of CFS licences. He was concerned that a change to the present policy would lead to appeals from those who had surrendered their licences previously.

20. DS(FEH) said that the Administration had no objection to retaining “dai pai dong” style of operation, provided that it met the environmental hygiene and food safety standards. He pointed out that there were a number of famous food stalls operating in cooked food centres serving dishes of “dai pai dong” style. DS(FEH) further pointed out that the Administration must implement its policy on on-street CFS licences in a fair and consistent manner. A revision to the existing arrangement would have policy implications, e.g. those who had surrendered their licences or relocated to off-street cooked food bazaars or public markets would lodge complaints about the inconsistent policy. DS(FEH) further said that as far as the noodle stall was concerned, there were no justifications to support a departure from the existing policy.

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Nevertheless, the Administration accepted that CFSs could be preserved given their historical value, and would consider ways to provide appropriate accommodation for CFSs to continue operation.

21. Dr KWOK Ka-ki agreed that there was a need to phase out CFSs in the past for environmental hygiene reasons. However, given the historic value of “dai pai dong” and that there were only 29 licensed CFSs remaining on the street, the Administration should review its policy on on-street CFSs to allow succession of licences, provided that they could meet the environmental hygiene standards. Dr KWOK said that food stalls in cooked food bazaars could not provide similar eatery environment as that of on-street “dai pai dongs”, and their continued existence would be conducive to the promotion of tourism. The licence could be renewed annually, but no new CFSs licences should be issued. As for the case of Man Yuen, Dr KWOK suggested that as a transitional arrangement and pending the review of the existing policy, the Administration should allow the operator to continue business at the same site.

22. DS(FEH) said that the Administration had provided assistance to the operator of Man Yuen noodle stall. He further said that he would convey to the Secretary for Health, Welfare and Food (SHWF) members’ request for a review of the policy on on-street CFS licences.

23. Mrs Selina CHOW said that while she appreciated that it was necessary for the Administration to uphold the equity principle in implementing the policy on CFS, she considered that the case of Man Yuen noodle stall would merit special consideration because its location was adjacent to SoHo which was a tourist attraction, and the street also had historical value. Mrs CHOW asked whether DFEH would be prepared to reconsider the case if the Tourism Commission gave strong support for the continued operation of the noodle stall at its existing site.

24. PAS(FEH)2 said that the Administration had discussed with the Tourism Commission which also attached great importance to the environmental hygiene and food standards of food premises when promoting Hong Kong as a gourmet paradise. As cuisine of “dai pai dong” style could be served at cooked food bazaars and other places, there was no need to revise the existing policy on CFS licences.

25. In concluding the discussion, the Chairman said that while agreeing that environmental hygiene and food safety were important, most members hoped that the Administration would review its policy on on-street CFSs licences, and allow Man Yuen noodle stall and other remaining CFSs to continue operation provided that they met the hygiene standards. The Chairman added that members requested the Administration to re-consider the policy from the perspective of promotion of tourism and local economy.

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#### **IV Voluntary surrender of licences/tenancies scheme for the live poultry industry**

[LC Paper Nos. CB(2) 1675/04-05(01), CB(2) 1860/04-05(04) & (05), CB(2) 1042/04-05(01) and HWF CR3/3821/05]

26. The Chairman said that the Administration intended to seek funding approval from the Finance Committee (FC) at its meeting on 8 July 2005 for providing ex-gratia payment (EGP) to live poultry farmers, wholesalers and transporters who chose to surrender their licences/tenancies and cease operation in the live poultry industry.

27. The Chairman informed members that a written submission from Kowloon Poultry Transporter and Poulterer Association was tabled at the meeting.

*(Post-meeting note : The written submission from Kowloon Poultry Transporter and Poulterer Association was issued to members vide LC Paper No. CB(2) 1966/04-05(02) dated 16 June 2005.)*

#### Improved package of financial assistance to live poultry trades

28. Mr WONG Yung-kan said that after the special meeting of the Panel on 7 April 2005, the Administration had met with the live poultry trades and proposed a revised package increasing the amounts of EGPs for the voluntary surrender schemes. However, the Administration also planned to reduce the chicken population to a level of about 1.8 million. Mr WONG considered that the Administration had not addressed the concerns raised by the live poultry industry which wanted to continue operation and did not want to surrender their licences or tenancies.

29. Mr WONG Yung-kan pointed out that the recent incidents of avian influenza were found in wild birds in Chinghai of the Mainland, and no cases were found in chicken farms. However, the Government of HKSAR did not do anything to prevent the spread of avian influenza virus by wild birds.

30. Mr WONG Yung-kan said that as the Administration had not addressed the concerns of the live poultry trades, he would move the motion which was tabled at the meeting. The Chairman advised that Mr WONG's motion would be dealt with after discussion.

31. DS(FEH) said that as SHWF had explained before, the sustainable development of livestock farming in Hong Kong was not particularly promising nor realistic, given the many constraints such as high population density, environmental nuisances caused by livestock waste and other public health threats. It was also necessary to reduce the chicken population in Hong Kong, in order to reduce the risk of avian influenza outbreaks through close human contact with a large number of live chicken.

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32. Mr Tommy CHEUNG said that avian influenza could not be totally eradicated and there was no need to reduce the chicken population in local farms. He suggested that consideration could be given to relocating chicken farms to remote areas. Mr CHEUNG added that he could not support the Administration's financial proposal as the live poultry trades had not been fully consulted.

33. Mr LEE Cheuk-yan said that the basis for calculating EGP unreasonable as the lowest depreciation factor (i.e. 0.75) had been adopted by the Administration for calculating EGP for live poultry farms, and no compensation had been provided for paraphernalia and capital investment. Mr LEE requested the Administration to further improve the compensation package for live poultry farmers.

34. DS(FEH) said that the proposed EGP calculation followed the current formulae for public development clearance. To provide a better incentive for farmers to surrender their Livestock Keeping Licence, the Administration proposed to include in the formula an EGP component accounting for the farmers' capital investment on biosecurity facilities demanded by the Government for the purpose of preventing the introduction of avian influenza viruses to farms.

35. Dr KWOK Ka-ki said that he would support the Administration's proposal provided that the licences or tenancies were to be surrendered on a voluntary basis for the purpose of phasing out local livestock farming. However, if some live poultry farmers and wholesalers wished to continue operation and did not want to surrender their licences, the Administration should assist them to enhance the biosecurity standards to prevent avian influenza outbreaks. Compulsory termination was the last resort he would like to see.

36. DS(FEH) responded that there were considerable constraints for the sustainable development of livestock farming given the dense population of Hong Kong, the risk of avian influenza outbreaks and other public health threats. DS(FEH) said that the Administration had no plan to issue new Livestock Keeping Licences, but it would not compel the live poultry industry to cease operation. The Administration would continue to provide assistance to farmers to improve biosecurity of their farms.

37. Mr Vincent FANG said that the Administration's proposal was unacceptable. Mr FANG pointed out that the live poultry trades had clearly indicated that they wished to continue operation, and would not apply for EGP under the voluntary surrender scheme. The live poultry industry was gravely concerned about their livelihood if they were compelled to cease operation. Mr FANG asked whether the Administration had any timetable for taking forward the compulsory termination policy.

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38. DS(FEH) stressed that the compulsory termination of live poultry trades would be introduced only if there were avian influenza outbreaks in two local chicken farms which entailed the culling of all live poultry in the territory. The surrender of live poultry licences or tenancies scheme would be entirely on a voluntary basis.

39. Dr Joseph LEE said that the revised package was better than the original one proposed in March 2005. However, as the Administration had made clear that there would be no prospect for live poultry farming in Hong Kong, the Administration should not wait until there were outbreaks of avian influenza at local farms to introduce the compulsory termination policy. Instead, the Administration should let poultry farmers know the timetable for banning the sale of live chickens at retail outlets. Otherwise, it would be difficult for poultry farmers to make a decision whether to apply for EGP and surrender their licences. As regards the proposed EGP for voluntary surrender of licence/tenancy, Dr LEE asked whether the live poultry industry had agreed to the calculation; otherwise, they might not choose to join the scheme.

40. DS(FEH) said that there was presently no justification for the Administration to introduce a compulsory termination policy. However, to reduce the risk of an outbreak of avian influenza in Hong Kong through close contact between humans and large number of live poultry, the Administration considered that there was a need to introduce a comprehensive plan of action.

41. Mr Andrew CHENG said that the live poultry industry was worried because the Administration had not taken a firm decision on the long-term direction of the live poultry industry in Hong Kong. Mr CHENG said that in the light of the recent warning issued by the World Health Organisation about the possibility of an influenza pandemic, the Administration would take a policy decision on whether regional or central slaughtering would proceed and discuss with the live poultry industry.

42. DS(FEH) said that the Administration had engaged a consultant to study the financial feasibility for private sector participation in the operation of a regional slaughterhouse. DS(FEH) further said that it was Government's policy to maintain the maximum licensing capacity in local chicken farms at half of the existing population, in order to reduce the risk of an outbreak.

43. Mr Albert CHAN said that he was given the impression that the Administration was determined to "wipe out" the live poultry industry. Mr CHAN agreed with Mr WONG Yung-kan that the Administration should formulate a sustainable policy on agriculture to protect the interests of the live poultry industry. Mr CHAN further said that since the implementation of the voluntary surrender scheme for the live poultry retailers last July, the business volume in those markets without live poultry stalls had

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dropped, and the traditional markets was hardly hit. Mr CHAN stressed that it was important to facilitate the survival of the live poultry industry by exploring viable options. He also asked about the progress of installing separate slaughtering rooms in public markets to segregate humans with the live poultry.

44. DS(FEH) reiterated that the proposed surrender scheme of licence/tenancy was a voluntary scheme. As regards the provision of separate slaughtering rooms in public markets, the Administration had considered the proposed design, but was of the view that it could not effectively reduce the risk of avian influenza outbreaks.

Assistance to live poultry workers and transporters

45. Mr WONG Kwok-hing said that although the Administration proposed to extend the period for applying EGP under the voluntary scheme to surrender live poultry retail licences/tenancies, the Administration had not addressed the problem that only a small number of ex-live poultry retail workers could attend the tailor-made retraining courses under the scheme. Mr WONG further said that under the current financial proposal, the Administration had adopted a more flexible arrangement for providing an one-off grant of \$18,000 to each local live poultry farm, wholesale and transport worker who became unemployed as a result of his/her employer ceasing operation under the voluntary surrender scheme. However, the Administration did not assist these workers to seek employment. Mr WONG added that he would support Mr WONG yung-kan's motion.

46. Miss CHAN Yuen-han shared a similar view with Mr WONG Kwok-hing. Miss CHAN considered that the Administration should provide assistance to unemployed workers, irrespective of whether their previous employers had surrendered their licence/tenancies, Miss CHAN said that she would support Mr WONG Yung-kan's motion.

47. DFEH said that as approved by FC in last July, ex-live poultry retail workers were eligible for EGP and the tailor-made retraining courses if their former employers had surrendered their licences/tenancies. The Administration now proposed to provide, in place of the former arrangement, an one-off grant of \$18,000 to those live poultry retail workers who became unemployed because of the voluntary surrender scheme.

48. Mr LEE Cheuk-yan considered the provision of an one-off grant of \$18,000 to live poultry workers affected by the surrender scheme an improvement. Mr LEE further said that if it was Government's policy to implement regional slaughtering of live chickens, he hoped that the Administration could undertake that priority would be given to employing the previous live poultry retail workers to work in the slaughterhouses.

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49. Dr KWOK Ka-ki said that most members had expressed grave concern that the live poultry workers would face financial hardship if the operators were compelled to cease operation. He urged the Administration to provide assistance to help the unemployed workers obtain employment.

50. DS(FEH) reiterated that live poultry workers would be eligible for an one-off grant of \$18,000 if their employers had obtained approval for surrendering their licence or tenancy. The Administration would also consider Mr LEE Cheuk-yan's suggestion of giving priority for employing ex-poultry workers in the proposed regional slaughterhouse.

51. Dr Joseph LEE said that to facilitate the planning of assistance for employees currently working in live poultry farms and wholesale markets, the Administration should collect information on the number, age and skills of the affected workers before implementation of the scheme.

52. DD/AFCD said that the Administration estimated that, assuming a full take-up rate of the operators, about 1 200 workers would be affected under the new scheme, with half of them aged 51 or above.

53. Mr WONG Kwok-hing strongly urged the Administration to amend its paper to FC, to the affect that affected live poultry workers would be allowed to enroll in retraining courses and receive one-off grants, even if their employers had not surrendered their licences or tenancies.

Assistance to live poultry transporters

54. Mr WONG Kwok-hing said that at the special meeting of the Panel on 7 April 2005, some deputations had pointed out that the provision of a loan up to \$50,000 was insufficient for live poultry transporters to upgrade their vehicles for the transport of chilled/frozen poultry.

55. DS(FEH) said that according to the trade, the average cost for upgrading/converting poultry transporting vehicles for conveying chilled/frozen products was not more than \$100,000. The Administration therefore proposed to provide a loan up to \$50,000 to assist the transporters in making the upgrading arrangements.

56. Miss CHAN Yuen-han said that a loan up to \$50,000 to live poultry transporters was insufficient to meet the conversion or replacement cost of the vehicles, and the EGP also could not help transporters tide over their financial difficulties. Miss CHAN considered that the live poultry transporters should be provided with the same amount of EGP as that for wholesalers, as both of them had to make substantial investment in their business.

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57. Deputy Director of Agriculture, Fisheries and Conservation (DD/AFCD) responded that the mode of operation of live poultry wholesalers and transporters were different. DD/AFCD said that the calculation of EGP for wholesalers was based on 37 months' average rental of live poultry stalls at the Wholesale Markets. However, if live poultry transporting vehicles had rented monthly parking spaces in the Wholesale Markets, the monthly rental was much lower than that of live poultry stalls.

Voluntary surrender of live poultry retail licences or tenancies

58. Mr Tommy CHEUNG said that he had previously pointed out that the Administration should not aim at buying back all the retail licences for live poultry. He considered that the Administration should allow a longer period for retailers to indicate when they would terminate their tenancies or surrendered their licences. Mr CHEUNG further said that extending the application period for EGP the surrender scheme by merely three or six months was not acceptable.

59. DS(FEH) responded that the Administration would propose to seek FC's approval to extend the application period for the voluntary surrender scheme for retailers by one year.

60. Mr Tommy CHEUNG held the view that the application deadline for the voluntary surrender scheme for live poultry retailers should be extended until the expiry of their tenancies.

61. Responding to the Chairman, DS(FEH) advised that the Administration would seek FC's approval for extending the application deadline for the voluntary surrender scheme for live poultry retailers for another year, even if members did not support the proposed package of financial assistance to live poultry farmers, wholesalers, transporters and workers.

62. Mr WONG Yung-kan proposed that the following motion be moved at the meeting –

“在政府未有作出確實承諾，制訂可持續發展農業政策，確保活家禽行業繼續能經營下去的前題下，本委員會反對政府現階段提出有關‘活家禽農戶、批發商和運輸商退還牌照/租約計劃’的新建議。”

[English translation

“Premised on the Government's failure to make any firm commitments to formulate a sustainable policy on agriculture to ensure the continuous operation of the live poultry industry, this Panel opposes the new

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proposal on “Surrender scheme of licences/tenancies by live poultry farmers, wholesalers and transporters” put forward by the Government at this stage.”]

The motion was seconded by Mr WONG Kwok-hing.

63. The Chairman said that he personally did not support the motion but he would not vote on it.

64. The Chairman put Mr WONG Yung-kan’s motion to vote. Four members voted for the motion, and three members voted against it. The Chairman declared that the motion was passed.

**V Follow-up discussion on the proposed labelling scheme on nutrition information**

[LC Paper Nos. CB(2) 1860/04-05(06) & (07), LC Paper No. CB(2) 1794/04-05(01) and CB(2) 1230/04-05(05)]

65. The Chairman said that the motion on “Labelling Scheme on Nutrition Information for pre-packaged food” moved by Dr Joseph LEE as amended by Mr WONG Yung-kan was carried at the LegCo meeting on 8 June 2005. The Chairman asked the Administration for the details and implementation timetable of the nutrition information labelling scheme.

66. DS(FEH) said that the Administration would give due consideration to the views expressed by Members at the motion debate. The Administration intended to introduce an Amendment Regulation which would be subsidiary legislation subject to negative vetting by LegCo, probably in mid 2006, to give effect to the proposed nutrition information system.

67. Mr Vincent FANG said that the proposed legislation on nutrition information labelling in the Mainland only included the labelling of energy plus seven core nutrients. As the Mainland was a much larger market than Hong Kong, it would be easier for the trade to adjust to a set of labelling requirements which were largely similar to those to be adopted by the Mainland. Such labelling requirements could equally safeguard public health.

68. Consultant/FEHD said that the proposed labelling requirements in the Mainland did not cover saturated fat and dietary fibre as compared with the Administration’s proposal. On the details of the regulation, e.g. tolerance limits, the Administration would make reference to the proposals made by the Mainland. The Administration would also work with the Mainland counterparts to develop a set of Nutrient Reference Values that would be suitable both for the Mainland and Hong Kong.

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69. Dr KWOK Ka-ki said that as Mr Vincent FANG's proposal had not been discussed at the motion debate, it was inappropriate to re-open discussion on the matter. Nevertheless, Dr KWOK agreed that it would be easier for the food industry to support the labelling scheme if it was in the same direction as that in the Mainland. He considered that the Administration should obtain information from the Mainland on the implementation timetable of its nutrition labelling scheme.

70. DS(FEH) responded that the Administration maintained close contact with the Ministry of Health on the development on the proposed labelling scheme. To his understanding, the Mainland had completed consultation on the proposed labelling scheme and the Ministry of Health would map out its way forward after studying the views collected. DS(FEH) said that the Administration would continue discussion with the Ministry of Health on the matter.

71. Dr Joseph LEE said that the introduction of labelling requirements was to facilitate consumers to make informed food choices best to their health. To save the cost of manufacturers/importers for re-packaging and re-labelling the food products concerned, he considered it acceptable that food products from countries which had put in place nutrition labelling requirements would not have to be re-labelled. Dr LEE added that the Administration should enhance public education to ensure that the public could benefit from the labelling scheme on nutrition information.

72. Ms Emily LAU said that although LegCo had passed the motion on nutrition labelling scheme, she envisaged that the Administration would face difficulties in implementing the nutrition labelling requirements if it failed to gain support from the food industry. Ms LAU further said that the Economic and Employment Committee (EEC) chaired by the Financial Secretary had discussed the proposed nutrition labelling scheme at its last meeting, and supported the implementation of the scheme in two phases. Some members of EEC, however, expressed concern about the timing for implementing Phase II requirements in the light of the strong views from the industry. Ms LAU urged the Administration to fully consult the industry with a view to reaching a mutually acceptable arrangement, before introducing the legislative proposal to LegCo.

73. DS(FEH) said that under the current proposal, the labelling scheme on nutrition information would come into full implementation by 2010. The proposed timetable should have provided the industry with sufficient time to cope with the changes brought about by the scheme. DS(FEH) further said that Hong Kong was already lagging behind other countries in the implementation of labelling schemes on nutrition information. Moreover, there was strong demand from the community for a labelling scheme on nutrition information. There were also comments that the implementation by two phases was too slow.

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74. Mr Tommy CHEUNG commented that the Administration was selective in making reference to overseas experience in justifying its proposal. Mr CHEUNG said that Members belonging to the Liberal Party were of the view that Hong Kong's labelling requirements should follow the proposed requirements in the Mainland, given that Mainland was our major food trading partner. Pending the implementation of a labelling system in the Mainland, Mr CHEUNG suggested that Hong Kong could adopt the Codex requirements (i.e. energy plus four core nutrients) which would also enable customers to make informed food choices to protect their health.

75. The Chairman was of the view that the Administration should expedite the implementation of a mandatory labelling system on nutrition information. The Chairman said that if further amendments were proposed to the nutrition labelling scheme, the Administration should revert to the Panel before submitting the legislative proposal into LegCo.

**VI Any other business**

76. There being no other business, the meeting ended at 4:25 pm.

Council Business Division 2  
Legislative Council Secretariat  
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