

Panel on Food Safety and Environmental Hygiene

List of outstanding items for discussion
(Position as at 11 April 2005)

Subject	Proposed timing for discussion
1. Seawater used for keeping live seafood	April 2005
<p>The Panel has expressed concerns about the quality of seawater for keeping live seafood. The Administration has advised that it will consider amending the legislation to prohibit abstracting seawater from specified areas.</p>	
<p>Members of Southern District Council expressed concern, during a meeting with LegCo Members in April 2004, about the spillover of sea water from the marine produce transportation vehicles. They recommended that the Administration should formulate legislation to monitor the problem.</p>	
<p>The Administration briefed the Panel on the proposed accreditation scheme for seawater suppliers on 9 November 2004. The Administration will brief the Panel on the details on the proposed prohibition on abstraction of seawater from specified areas on 15 April 2005.</p>	
2. Nutrition information labelling	April 2005
<p>Further to the Panel's discussions in 2003, the Administration briefed the Panel on the consultation document on the labelling scheme on nutrition information on 25 November 2003. A special Panel meeting was held on 2 February 2004 to gauge the views of the trade, the medical associations and the Consumer Council.</p>	
<p>The Administration will brief the Panel on the labelling scheme on nutrition information on 15 April 2005.</p>	

3. Study on dietary exposure to lead of secondary school students

May 2005

The Administration will brief the Panel on the study findings on 10 May 2005.

4. Licensed food premises

2nd Quarter 2005

(a) Team Clean's recommendations

At its meeting on 26 September 2003, the Panel agreed to follow up Team Clean's recommended measures to improve the environmental hygiene of licensed food premises (paragraphs 4.18-4.37 of Team Clean's final report) -

- (i) Open Categorisation Scheme;
- (ii) Revamp of Demerit Points System, announcement of recalcitrant licensees and hygiene-related misconduct of employees; and
- (iii) Licensing requirements for food factories.

(b) Streamlining of licensing framework

The Administration has undertaken to cover the following in its review of the licensing systems and procedures for food premises -

- (i) the Light Refreshment Restaurant Licence; and
- (ii) the licence for siu mei and lou mei shops.

The Administration has also proposed to brief the Panel on the licensing requirements for private kitchens in the 2004-05 session.

At its meeting on 14 December 2004, the Panel agreed that a subcommittee should be formed under the Panel to study the streamlining of food business licensing. The Subcommittee held meetings on 1 February, 2 March, 5 March and 4 April 2005 to discuss with the Administration and the food business industry.

(c) Suspension of issue of licence to food premises operating without licence

At its meeting on 14 December 2004, the Panel was advised that the Administration would consider suspending the issue of a provisional/full licence for a certain period to food premises which were found to have operated without licences upon conviction. Members were briefed on the proposed measures on 8 March 2005. Some members considered the Administration's proposal inadequate to deter the operation of food business without licences, and they suggested empowering the Director of Food and Environmental Hygiene to make a closure order to unlicensed food premises under section 128B of Cap. 132. Some other members, however, opposed the proposed control measures. The Administration was requested to consider members' views and revert to the Panel later.

5. Public markets and cooked food centres

(a) Policy on markets and cooked food centres

Mid-2005

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

The Public Accounts Committee discussed the Director of Audit's report No. 41 on public markets managed by the Food and Environmental Hygiene Department (FEHD) in 2004. The Administration responded that the Health, Welfare and Food Bureau was discussing with the Planning Department the need to review the current planning standards for the provision of market facilities as set down in the Hong Kong Planning Standards and Guidelines. In addition, FEHD was conducting a study to identify markets with serious and insurmountable viability problems that might merit closure/consolidation.

(b) Demerit Points System

The Administration proposed to discuss with the Panel the outcome of consultation with Market Management Consultative Committees on the proposed Demerit Points System for markets managed by FEHD (paragraphs 4.1-4.17 of Team Clean's final report).

2nd Quarter 2005

6. Sustainable development of the agricultural and fisheries industries

2nd Quarter 2005

Hon WONG Yung-kan has proposed to discuss ways Government can assist in promoting sustainable development of the agricultural and fisheries industries.

7. Control of drugs and chemicals for fish

September 2005

The Subcommittee on Public Health (Animals and Birds) (Chemical Residues) Regulation and Harmful Substances in Food (Amendment) Regulation 2001 recommended the Panel to follow up, among other things, that the control under the Public Health (Animals and Birds) (Chemical Residues) Regulation should be extended to cover fish.

The Administration advised that the issue was included in the overall review of the Public Health (Animals and Birds) Ordinance (Cap. 139) and proposed to brief the Panel in the 2004-05 session.

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

End 2005

The Subcommittee on Public Health (Animals and Birds) (Amendment) Regulation 2001, Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2001 and Food Business (Amendment) Regulation 2001 recommended that the Administration should conduct an overall review on the levels of penalties in Cap. 132 and Cap. 139, to ensure that the penalties were appropriate having regard to those imposed on similar offences in

other legislation. The proposal was referred to the Panel for follow-up discussion.

The Administration has also undertaken to consider the views of the Society of Prevention of Cruelty to Animals regarding the need to tighten up control of import, sale and breeding of animals.

The Panel may wish to follow up the above subject matters when the Administration has completed the review.

9. Control of avian influenza

(Paragraphs 4.38-4.62 of Team Clean's final report)

The Administration released a public consultation paper on "Prevention of Avian Influenza : consultation on long term direction to minimise the risk of human infection" on 2 April 2004. The Panel gauged the views of experts and the trades on the proposals in the consultation paper on 4 June 2004.

The Administration briefed the Panel on 11 January 2005 and 14 March 2005 on its overall plan to reduce the risk of avian influenza outbreaks in Hong Kong. The Panel held a special meeting on 7 April 2005 to gauge the views of the relevant trades and concerned organisations on the Administration's proposal. The Administration was requested to consider the deputations' views.

10. Control of importation, landing and sale of live fish

In the last term, the Panel urged the Administration to regulate the importation, landing and sale of live fish in Hong Kong. The Administration advised that it would consider how live fish should be brought under regulatory control.

The Panel has also expressed concern about the increasing number of reported incidents of ciguatera fish poisoning. The Administration advised the Panel on 26 October 2004 that it would consult the fish traders and develop a voluntary Code of Practice requiring fish traders to provide information on each lot of fish catch.

The Administration further advised the Panel on 14 December 2004 that the Code of Practice would be implemented on 15 December 2004.

The Administration has agreed to report to the Panel in six months' time its review of the effectiveness of the Code of Practice.

11. Proposed new penalties for repeat cleanliness offenders

The Administration advised in March 2004 that it intended to introduce a legislative proposal in the 2004-05 session to impose a community service order and heavier penalty for repeat cleanliness offenders. The Panel was briefed on the proposed new penalties for repeat cleanliness offenders on 9 November 2004.

The Administration will consult the Panel again on the detailed proposal before introducing the legislation into LegCo.

12. Water seepage, excessive rubbish and smelly village toilets

The Panel agreed at its meeting on 26 September 2003 to follow up the streamlining of procedures for dealing with nuisances relating to water seepage, excessive rubbish, smelly village toilet, etc. (paragraphs 4.81-4.104 of Team Clean's final report).

The Administration has advised that the Housing, Planning and Lands Bureau intends to put forward a paper on the pilot scheme for handling water seeping complaints to the Panel on Planning, Lands and Works for discussion.

13. Hygiene condition of rear lanes and private streets

At the meeting on 26 October 2004, Hon WONG Kwok-hing proposed that the Panel should follow up the hygiene condition of rear lanes and private streets which was a long-standing problem. As the Home Affairs

Department (HAD) plays the role of central coordination in dealing the problem, members agreed that representatives of HAD should be invited to attend the Panel meeting when the issue is discussed.

14. Regulation of genetically modified food

The Panel discussed the Administration's proposal on 20 March 2003 and invited deputations to give views on 29 April 2003. At the meeting on 20 March 2003, the Panel passed a motion urging the Government to draw reference from the experience of the European Union countries and expeditiously introduce legislation to set up a mandatory genetically modified food labelling system.

The Administration has agreed to revert to the Panel, before introducing the legislative proposal into LegCo.

15. Alignment of fees and charges under the purview of the Food and Environmental Hygiene Department (FEHD) and public market rental adjustment mechanisms

Following the dissolution of the former Provisional Municipal Councils in 2000, the Administration planned to align the fees and charges of the former Provisional Urban Council and Provisional Regional Council.

On 24 February 2003, the Administration informed the Panel that it would need more time to work out an alignment proposal for the various FEHD fees and charges as well as the public market rental adjustment mechanisms.

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

16. Liquor licensing policy and legislation

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

The Subcommittee to Study the Streamlining of Food Business Licensing will discuss the liquor licensing procedure at the meeting on 17 May 2005.

17. Nuisance caused by the Tsuen Wan Slaughterhouse

The item is proposed by Hon WONG Kwok-hing on 22 January 2005.

At the meeting held between LegCo Members and Tsuen Wan District Council (TWDC) on 6 January 2005, TWDC members expressed concern about nuisance caused by the Tsuen Wan Slaughterhouse. They noted that the Administration would release the findings of the feasibility study on the removal of the Slaughterhouse in the second-half of 2005. Hon WONG Kwok-hing suggests that the Panel should follow up the matter when the Administration has completed the feasibility study and that TWDC and the relevant organisations should be invited to attend the Panel meeting when the matter is discussed.