

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 in the 2004-05 session. It will be tabled at the meeting of the Legislative Council (LegCo) on 6 July 2005 in accordance with Rule 77(14) of the Rules of Procedure of LegCo.

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 WONG Yung-kan 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. In view of the extensive outbreaks of avian influenza affecting more than 10 Asian countries in 2004, the Panel closely monitored the developments in the region, and the effectiveness of the control measures in place to prevent an outbreak in Hong Kong.

5. In March 2005, the Administration put forward a comprehensive plan of action to deal with the global problem of avian influenza for discussion by the Panel. The Administration advised that, in the light of the regional developments and the warnings issued by the World Health Organization on the

increasing pathogenicity of the virus in chicken and the possibility of a pandemic outbreak, a comprehensive action plan was necessary.

6. To reduce the risk of an epidemic outbreak in Hong Kong through close contact between humans and large numbers of live poultry, the Administration considered that the total live poultry population in Hong Kong should be reduced. For existing farm licences, a ceiling would be imposed on the maximum number of live poultry that could be kept in a farm, in order that depopulation could be completed within one week if there was an outbreak in Hong Kong. The daily supply of live chickens from the Mainland and from local farms would be maintained at a level of not more than 60 000. The Administration also planned to stop issuing new poultry farm licences and fresh provision shop licences with endorsement to sell live poultry on public health grounds.

7. In response to the Panel's earlier view that the Administration should take a policy decision on live poultry industry after the public consultation conducted on the long-term strategies to prevent avian influenza in 2004, the Administration proposed in March 2005 that regional slaughtering would be implemented. The Administration was actively exploring the feasibility of converting the Western Wholesale Food Market into a small to medium sized slaughterhouse on a pilot basis.

8. The Administration also proposed to introduce a voluntary surrender scheme for poultry farmers and live poultry wholesalers, alongside with the one introduced for live poultry retailers in July 2004. To allow flexibility for live poultry retailers to surrender their licences or tenancies, the Administration decided to extend the surrender scheme for retailers to July 2006. A compulsory termination scheme would also be introduced for all existing live poultry farmers, wholesalers and retailers, if there was a local avian influenza outbreak entailing the culling of all live poultry in the territory.

9. While expressing support that the Administration should adopt better risk management measures to prevent an avian influenza epidemic in Hong Kong, the Panel urged the Administration to fully assess the adverse impact on the trade and provide assistance to those affected by the proposals. The Panel held a special meeting in April 2005 to gauge the views of the affected trades on the proposals. Most representatives of the live poultry industry objected to the proposals and expressed grave concern about their livelihood if they were compelled to cease operation. They considered the proposed ex-gratia payment under the surrender of licence scheme unattractive and insufficient for making severance payments to the workers. The trade representatives were of the view that since the current control measures had proven to be effective in preventing an outbreak in Hong Kong, it was not necessary for Hong Kong to adopt the proposed measures which were too drastic.

10. In view of the trades' strong reservations about the proposals, the Panel requested the Administration to conduct detailed consultation with the affected trades, and also explore other options to prevent an avian influenza epidemic outbreak. The Panel urged the Administration to be more flexible in providing financial assistance and tailor-made re-training programmes to employees in the live poultry trade who would become unemployed after implementation of the proposals. Some members pointed out that many employees in the live poultry trades were piece-rated casual workers, and they had difficulties in providing documentary proof on their employment with the poultry operators who chose to cease operation. Under the current arrangements, these workers were not eligible for the retraining programmes and financial assistance under the voluntary surrender scheme. These members urged the Administration to discuss with the trade unions to solve this problem.

11. The Administration subsequently consulted the live poultry trades and reverted to the Panel on 14 June 2005 providing details of an improved compensation package for the live poultry farmers, wholesalers and transporters. While most members considered that the revised package was more attractive than the one proposed in March 2005, some members pointed out that the live poultry trades had indicated they wished to continue operation instead of surrendering their licences. The Panel passed a motion at the meeting urging the Administration to formulate a sustainable policy on agriculture to ensure the continuous operation of the live poultry industry; otherwise the Panel would not support the revised proposal.

Nutrition information labelling

12. Following public consultation and discussion with the Panel, the Administration put forward a revised proposal on nutrition labelling in April 2005, which took into account the local health situation, views collected during public consultation and findings of the Regulatory Impact Assessment (RIA). Under the revised proposal, the nutrition labelling scheme would be implemented in two phases, with less stringent requirements for Phase I (i.e. labelling of energy plus five core nutrients) which would apply on a voluntary basis to those pre-packaged food carrying nutrient claims. The mandatory requirements of labelling energy and nine core nutrients would be implemented for all pre-packaged food in Phase II. There would be a grace period of two years each for implementation of Phase I and Phase II.

13. The Panel noted that the majority views received during public consultation were in support of the nutrition labelling scheme as it would help consumers to make food choices best to their health. The RIA also showed that there would be net economic benefits to Hong Kong in implementing the proposed nutrition labelling scheme. Such benefits included savings in health care, avoided productivity losses and reduction in premature deaths.

14. The Panel gauged the views of the food trade and concerned organisations on the revised proposal in May 2005. The medical sector, dieticians and consumer representatives strongly requested for early implementation of the more stringent requirements of labelling energy and nine core nutrients. As many pre-packaged food in Hong Kong already had labels with nutrition information, the majority of Panel members urged for implementing the mandatory requirements in Phase II in one-step, subject to a grace period of two to three years. Some members also supported the suggestion of medical and dietician associations that infants' food and food for special dietary purpose should be included in the scheme, and contents of potassium and food iodine should also be labelled.

15. The Administration had explained that during public consultation, the food industry had expressed difficulties in complying with the requirement of labelling energy plus nine core nutrients. Under the revised proposal, it was estimated that about 24% of pre-packaged food, which was mainly produced by large-sized enterprises, needed to label energy plus five core nutrients under Phase I. The revised proposal would reduce the initial cost of testing and allow more lead time for the industry to adapt to the more stringent requirements in Phase II.

16. Most representatives from the food trade considered the requirement of labelling energy plus nine core nutrients in Phase II too stringent, given that other countries, such as Australia and Japan, only required the labelling of five to seven core nutrients. Some representatives suggested adopting the Codex Alimentarius Commission guidelines (i.e. labelling energy plus protein, available carbohydrate and fat), or accepting the source countries' food labels if such countries had put in place nutrition labelling requirements. The food industry also expressed concern about the testing and re-labelling costs, and the estimated economic losses that about 191 small and medium sized enterprises might have to close down after implementation of Phase II.

17. The Administration advised that the laboratories in Hong Kong could cope with the demand following implementation of the labelling scheme. Moreover, test results from accredited laboratories overseas would be accepted. It was estimated that the food tests would cost about a few thousand dollars and the charge could be lowered if there was greater demand.

18. At the Panel meeting on 14 June 2005, most members reiterated the requests made in a motion passed by LegCo on 8 June 2005 that the Administration should expedite the introduction of legislation on a mandatory nutrition information labelling scheme requiring the labelling of energy plus nine core nutrients in one-step. Some other members suggested that, 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. The Panel requested the Administration to consult the trade on the proposed requirements and revert to the Panel as soon as possible.

Regulation of food business

19. Following a series of food poisoning incidents related to certain food premises operating without a licence, the Panel discussed with the Administration in December 2004 the regulatory control of these food premises. The Panel expressed grave concern that some of these food premises started operation even before obtaining a provisional licence, and they were still allowed to continue operation after the food poisoning incidents came to light. To safeguard public health, some members considered that the Administration should take immediate action, such as imposing a closure order, on those unlicensed premises with food poisoning incidents.

20. In March 2005, the Administration proposed certain measures to strengthen control against food premises operating without licences. Under the proposal, the Administration would, upon detection of unlicensed premises, take immediate enforcement actions, including applying for a closure order from the court. The licensing authority would also stop processing the application for licence in respect of the premises concerned. Some members suggested empowering the Director of Food and Environmental Hygiene to issue closure orders against unlicensed premises, without having to apply to the court for such orders. However, a member expressed reservations about the proposed measures which he considered to be unfair to the food industry. He pointed out that some operators had not been able to obtain the licence before they commenced operation. He suggested that the Administration should streamline its licensing procedures.

21. A subcommittee was formed under the Panel to study the streamlining of food business licensing. The Subcommittee held six meetings to discuss with the Administration and representatives of the food trade suggestions to streamline the regulatory framework and shorten the time for issuing a food business licence. The Subcommittee and the trade generally supported the proposals of issuing a composite licence for retail business which sold a variety of ready-to-eat foods, and encouraging further use of private professional practitioners in the certification of compliance with licensing requirements. The Subcommittee also discussed other suggestions, such as the provision of a one-stop licensing unit and simplification/modernisation of licensing requirements for different types of food business.

22. The Subcommittee will further discuss with the Administration and the food business trade ways to take forward these suggestions.

Control measures on chilled meat and poultry

23. In the first quarter of 2005, the Panel discussed with the Administration the monitoring system for chilled pork to be imported from the Mainland. Members queried the need for importing chilled pork from the Mainland, given that consumption of chilled pork only represented a small proportion of the total meat consumption in Hong Kong. Members were concerned about the arrangements for ensuring the hygiene conditions of the imported chilled pork, and to prevent retailers from posing chilled pork for sale as fresh pork. Some members proposed that the Administration should consider issuing separate licences for selling fresh meat and chilled meat, to facilitate the enforcement of the licensing conditions for selling chilled meat.

24. The Administration explained that as Hong Kong practised free trade, there was no prohibition on the import of chilled pork subject to the import requirements being met. A health certificate issued by the country of origin certifying that the chilled pork was hygienic and fit for human consumption was required. As no chilled pork had been imported from the Mainland before, the Administration was discussing with the Mainland authorities a mechanism for importation of chilled pork, and would visit the authorized processing plants in the Mainland to obtain more information on their production and management systems. If satisfied with the hygiene measures of these processing plants, the Administration would start processing applications for import of chilled pork from the Mainland. Similar to the arrangements for other imported food, chilled meat would be subject to regular surveillance and random testing in Hong Kong.

25. As regards the “One shop, one licence” proposal, the Administration was of the view that it could not prevent retailers from posing chilled meat for sale as fresh meat. After further discussion with Panel members and representatives of the fresh meat trade, the Administration proposed a new set of licensing conditions for the sale of chilled meat. For example, chilled pork should be displayed for sale under the appropriate temperature in a chiller, and a notice with words “Imported Chilled Meat for Sale” should be displayed at a conspicuous location in the meat portion of the shop. Breaches of these conditions could lead to immediate cancellation of the licence.

Regulation of live fish and fish tank water

26. As the number of reported incidents of ciguatera fish poisoning increased significantly in the latter half of 2004, the Panel discussed with the Administration further measures to regulate coral fish and to prevent ciguatera poisoning cases. The Panel noted that many of these ciguatera poisoning cases were caused by some ciguatoxic fish coming from new fishing grounds. Some members urged the Administration to prohibit the importation of certain coral fish from high-risk areas, and step up the surveillance and sample check

of coral fish.

27. The Administration informed the Panel that, pending a review on the legislation to regulate live fish, a voluntary Code of Practice was being developed requiring fish traders to report to the Food and Environmental Hygiene Department information on the source and distribution of coral fish collected/imported. The Administration would also explore the feasibility of establishing designated landing points and requiring import permits for coral fish.

28. While members generally supported the Code of Practice, they urged the Administration to take enforcement actions against supply of problematic coral fish. The Panel Chairman also expressed concern that although a voluntary reporting system for coral fish had been established as early as 1998, there were still problems of ciguatera poisoning. The Chairman requested the Administration to expedite the promulgation of the Code of Practice and review its effectiveness in about six months' time.

29. In response to the Panel's suggestions to ensure the quality of seawater for keeping live seafood, the Administration proposed a voluntary accreditation scheme for seawater suppliers, and a legislative proposal to prohibit abstraction of seawater at specified areas. The proposed accreditation scheme would cover all types of seawater suppliers including those operating a seawater treatment plant, seafood wholesalers or traders, and water delivery vehicles or boats. The accrediting body would take water samples for testing, and accredited suppliers would lose the status of accreditation when they accumulated a specified number of de-merit points for unsatisfactory water sampling results.

30. Some Panel members considered that a voluntary accreditation system could not ensure the quality of water used for keeping live seafood. A member expressed concern that the seafood retailers would still suffer loss if the water was contaminated at source because all the fish in the fish tank would have to be destroyed. A few members suggested centralized supply of seawater either from a seawater processing plant or from authorized agents who would abstract seawater at designated areas. Members also urged the Administration to increase sampling checks of seawater at various points of the supply chain.

31. While supporting in principle the legislative proposal to prohibit abstraction of seawater in certain areas of Hong Kong where the quality of seawater was not acceptable, some members expressed reservations about the enforceability of the proposal as abstraction of seawater would be prohibited in an extensive area. They requested the Administration to consider designating areas for abstraction of seawater instead, and monitor the quality of seawater at various locations regularly.

Regulation of fishing activities

32. In March 2005, the Panel discussed the Administration's legislative proposal on introducing a licensing scheme for fishing vessels, designating fisheries protection areas within Hong Kong and implementing a closed season for fishing in order to conserve fisheries resources. According to the Administration, while the green groups and academics expressed support for the proposals, and the inshore small craft fishermen welcomed the proposal to designate fisheries protection areas, the majority of the fishing community opposed the "closed season" proposal as this would affect their livelihood.

33. The Panel held a special meeting on 26 April 2005 to gauge the views of the fishing industry and concerned organisations. The green groups and academics were in support of the prohibition of bottom trawling in Hong Kong, and also the proposed licensing system and designation of fisheries protection areas, in order to restore fisheries resources in Hong Kong to a sustainable level. They pointed out that over-fishing was the major cause for decimation of fishery, and immediate action was called for to foster fishery recovery. They also pointed out that the proposed "closed season" for Hong Kong should be adjusted having regard to the spawning period and biology of the different species of fishes to be conserved. As the legislative proposal would affect the fisheries industry, they agreed that the Administration should provide necessary assistance to those affected.

34. Many fisheries organisations which gave views to the Panel generally supported a user-friendly licensing system and the designation of fisheries protection areas, subject to more detailed consultation on the operational details. Some other organisations held the view that depletion of fishery was caused by reclamation and dredging works, and they queried the benefits of the proposals. Almost all these organisations opposed the "closed season" proposal on the ground that the fishermen's livelihood would be adversely affected, and they strongly urged the Administration to provide compensation and assistance to the fishermen. Some fishermen representatives considered it not practicable for them to change to leisure fishing during the two-month closed season. They also requested the Administration to liaise with the Mainland authorities on the operation of the closed season in Mainland waters, so that fishermen could engage in fishing in certain areas throughout the year.

35. Some Panel members requested the Administration to provide further information on the benefits of designating fisheries protection areas, the effectiveness of the licensing system in preventing entry of Mainland fishing vessels into Hong Kong waters, and the assistance to the fishing community to alleviate their difficulties during the "closed season".

Red fire ants

36. The Panel noted that potted plants aimed for delivery to Hong Kong for the Lunar New Year were stranded in Guangdong in mid-January 2005. The Panel expressed concern that the Mainland had been slow in notifying Hong Kong of the discovery of red fire ants in some parts of Guangdong and the stepping up of inspection and quarantine measures of potted plants for supply to Hong Kong, although there were media reports in the Mainland as early as 17 January 2005 about these developments. The Panel discussed with the Administration the effectiveness of the existing communication mechanism with the Mainland, and the control measures in place to prevent the spread of red fire ants.

37. The Administration informed the Panel that it had discussed with the Mainland authorities and both sides had agreed to further improve and strengthen the existing communication system. As regards the source of red fire ants, the Administration advised that they were brought in by plants recently imported into Hong Kong, and some new vegetation areas or grassland were found to have red fire ant mounds. The relevant departments had stepped up inspection of areas under their jurisdiction to eradicate any suspected red fire ant mounds found. An advisory group was also set up to study the ecological impact of red fire ants and pesticides to be used. As regards import control, both the Mainland and Hong Kong authorities had strengthened the inspection and quarantine measures of potted plants and nursery stock for supply to Hong Kong.

Environmental hygiene

38. The Panel discussed the proposed legislative amendment to the Public Health and Municipal Services Ordinance to empower the Food and Environmental Hygiene Department to take action against mosquito breeding in private premises. The Administration explained that the amendments were targeted at those private premises where accumulation of water or potential breeding grounds at such premises posed immediate health hazard, for example, occurrence of Japanese encephalitis and dengue fever. These would include potential mosquito grounds at building sites, buildings under construction, abandoned huts, dilapidated building structures, litter or waste and used tyres.

39. While the Panel generally supported the legislative proposal, some members expressed concern that there should be clear definitions on “potential breeding ground” and “immediate health hazard” in the proposed legislation to facilitate enforcement. Panel members also urged the Administration to strengthen its anti-mosquito efforts before the onset of rainy season.

40. In November 2004, the Panel discussed the Administration's proposal to impose heavier penalty for repeat cleanliness offenders. As the fixed penalty for minor cleanliness offences had been increased from \$600 to \$1,500 for only one year, some Panel members expressed reservations about imposing a higher penalty and a community service order to all second-time offenders of cleanliness offences. Panel members also expressed divergent views on whether repeat offenders of unauthorized posting of bills should be subject to a community service order. The Administration agreed to consider the Panel's views before introducing the legislative proposal into LegCo.

Other issues

41. The Panel discussed the policy on fixed-pitch cooked food stalls (dai pai dong) at the meeting on 14 June 2005. Given that only 29 such stalls remained after the implementation of natural attrition policy, the Panel requested the Administration to review its policy, in order to preserve those stalls which had historical value, as their continued existence would be conducive to the promotion of tourism.

42. The Administration also briefed the Panel on other issues, including the findings of food studies, arrangements for removal of bodies found dead in public places, administration of urn grave cemeteries, and the financial proposal for providing assistance to live poultry traders under the voluntary surrender of licence scheme.

43. From October 2004 to June 2005, the Panel held a total of 14 meetings, including a joint meeting held with the Panel on Health Services. The Subcommittee to Study the Streamlining of Food Business Licensing held a total of six meetings during the said period.

Council Business Division 2
Legislative Council Secretariat
28 June 2005

**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 2004-2005 session

Chairman	Hon Fred LI Wah-ming, JP
Deputy Chairman	Hon WONG Yung-kan, JP
Members	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

(Total : 10 members)

Clerk	Mrs Constance LI
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Legal adviser	Mr Stephen LAM
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Date	12 October 2004
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