

立法會
Legislative Council

Ref : CB2/PL/FE

LC Paper No. CB(2) 2304/05-06
(These minutes have been seen by
the Administration)

Panel on Food Safety and Environmental Hygiene

Minutes of Meeting
held on Tuesday, 9 May 2006 at 2:00 pm
in Conference Room B 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
Dr Hon Joseph LEE Kok-long
Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki

Members attending : Hon CHAN Yuen-han, JP
Hon WONG Kwok-hing, MH

Public officers attending : Item IV
Mrs Carrie YAU
Permanent Secretary for Health, Welfare and Food
(Food and Environmental Hygiene)

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

Mr Donald TONG
Deputy Director (Administration and Development)
Food and Environmental Hygiene Department

Ms Rhonda LO
Assistant Director (Operations)3
Food and Environmental Hygiene Department

Mrs Christine FUNG
Chief Executive Officer (Planning)
Food and Environmental Hygiene Department

Mr LEE Yuk-shing
Chief Project Manager 301
Architectural Services Department

Item V

Mrs Carrie YAU
Permanent Secretary for Health, Welfare and Food
(Food and Environmental Hygiene)

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

Dr Thomas SIT
Assistant Director (Inspection and Quarantine)
Agriculture, Fisheries and Conservation Department

Item VI

Mrs Carrie YAU
Permanent Secretary for Health, Welfare and Food
(Food and Environmental Hygiene)

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

Dr Y Y HO
Consultant (Community Medicine) (Risk Assessment and
Communication)
Food and Environmental Hygiene Department

Item VII

Mrs Carrie YAU
Permanent Secretary for Health, Welfare and Food (Food and
Environmental Hygiene)

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

Dr Y Y HO
Consultant (Community Medicine) (Risk Assessment and
Communication)
Food and Environmental Hygiene Department

Mr K K LIU
Assistant Director (Agriculture and Administration)
Agriculture, Fisheries and Conservation Department

Dr P M SO
Senior Conservation Officer (Biodiversity)
Agriculture, Fisheries and Conservation Department

Mr Eric CHAN
Assistant Director (Conservation)
Environmental Protection 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 Confirmation of minutes of meeting
[LC Paper Nos. CB(2) 1849 & 1928/05-06]

The minutes of the special meeting held on 31 October 2005 and the regular meeting held on 14 March 2006 were confirmed.

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II Date of next meeting and items for discussion

[LC Paper Nos. CB(2) 1905/05-06(01) and (02)]

2. Members agreed to discuss the following items proposed by the Administration at the next regular meeting on 13 June 2006 –

- (a) Control of unauthorised extension of food business; and
- (b) Dietary exposure – risk assessment on DDT in food.

(Post-meeting note : Two additional discussion items on “Proposed guidelines for voluntary labelling of genetically modified food” and “Changes to the food business licensing procedures” were added to the agenda of the meeting on 13 June 2006.)

3. The Chairman further said that the Administration had requested the Panel to hold a special meeting to discuss the following items -

- (a) Importation of chilled pork from the Mainland; and
- (b) Loan schemes for fishermen.

Members agreed to discuss these items at a special meeting to be held on 26 May 2006 at 10:45 am.

III Information paper(s) issued since last meeting

[LC Paper No. CB(2) 1770/05-06(01)]

[LC Paper No. CB(2) 1786/05-06(01)]

[LC Paper No. CB(2) 1895/05-06(01)]

4. Members noted the following papers provided by the Administration –

- (a) Supplementary information on the calculation of ex-gratia payment to pig farmers under the proposed voluntary surrender scheme [LC Paper No. CB(2) 1770/05-06(01)];
- (b) Information paper on food poisoning incidents in 2005 by types of cases and a comparison with those in 2004 [LC Paper No. CB(2) 1786/05-06(01)]; and
- (c) Administration’s response to written questions raised by Mr Tommy CHEUNG on Sheung Shui Poultry Slaughtering Plant [LC Paper No. CB(2) 1895/05-06(01)].

IV General improvement works to five markets

[LC Paper No. CB(2) 1905/05-06(03)]

5. Permanent Secretary for Health, Welfare and Food (Food and Environmental Hygiene) (PS(FEH)) said that the general improvement works to five public markets were to improve, among other things, the building and fire safety requirements.

6. Mr WONG Yung-kan expressed concern about the disruption to the stall lessees and the impact on business environment during the construction period. Deputy Director of Food and Environmental Hygiene (DD/FEHD) responded that the Administration had consulted the Market Management Consultation Committee (MMCC) of respective markets on the scope of works. Construction works would be carried out in phases with minimum disruption to the stall lessees and the public. Although it would take longer time for completing the construction works, the markets would remain open throughout the construction period. DD/FEHD said that stallholders affected by the works would be relocated to temporary stalls within the market, and they would be required to suspend business only when necessary. Rental waiver/reduction would be granted to the affected tenants.

7. Mr WONG Yung-kan said that he supported the proposed projects. However, he urged the Administration to fully consult the respective MMCCs on the scope of the projects to minimise disruption to the stalls.

8. The Chairman asked whether the Administration would take the opportunity to re-design the configuration of poultry stalls in these five markets to segregate live poultry from customers, such as adopting the new design of “chicken boutique”. Mr Tommy CHEUNG also raised a similar concern. Mr CHEUNG asked about the existing number of poultry stalls in Yeung Uk Road Market, and whether the Administration would consider introducing the new design of “chicken boutique” to this Market as there were previous outbreaks of avian influenza in the Market.

9. Acting Deputy Secretary for Health, Welfare and Food (Food and Environmental Hygiene) (DS(FEH)(Ag)) responded that as the Administration would develop a poultry slaughtering plant in Sheung Shui which was expected to come into operation in 2009, the Administration had no plan to introduce the design of “chicken boutiques” in existing markets, as such design was only an interim measure. He pointed out that apart from the cost considerations, re-configuration of poultry stalls might require reducing the number of poultry stalls in the market, as the new design of poultry stalls required much more space.

10. Regarding Mr Tommy CHEUNG’s proposal to introduce the design of “chicken boutique” in Yueng Uk Road Market to segregate live poultry from

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customers, Assistant Director/FEHD said that the number of poultry stalls in Yeung Uk Road Market was reduced from 24 to 16 after the introduction of the voluntary surrender scheme for poultry retailers. If the new design for poultry stalls was to be introduced, only 50% of existing poultry stalls could continue business, because the new design of poultry stalls required much more space.

11. The Chairman said that some Panel members had visited Tai Kok Tsui Market recently and found that further improvements, such as the location and size of the signage, were necessary. He hoped the Administration would learn from experience and improve these designs to avoid incurring additional expenditure for subsequent modifications. With reference to the experience of Ngau Chi Wan Market, the Chairman said that he had received complaints from the stall lessees there that the fire safety works had blocked some stalls from customers. The Chairman urged the Administration to fully consult the affected stall lessees before commencement of the project, to avoid unnecessary complaints during and after the project.

12. Miss CHAN Yuen-han said that because of the unsatisfactory design of existing markets, the ventilation in most public markets was so poor that the temperature within the markets was much higher than that outside. She pointed out that the former Secretary for Health, Welfare and Food (SHWF) also admitted that the environment of some old markets was unsatisfactory, and it was necessary to improve ventilation of these markets. She urged the Administration to honour former SHWF's commitment and introduce improvements to these markets to enhance their attractiveness to customers. Miss CHAN asked about the Administration's present policy on the retro-fitting of air-conditioning to markets.

13. DS(FEH)(Ag) explained that Government would proceed with the retro-fitting of air-conditioning projects if a support rate of 85% or more was obtained from the stall lessees concerned, as the stall lessees would have to bear the electricity costs. As there was only less than 20% support rate for the air-conditioning projects in these five markets, the Administration had proposed to carry out general improvement works including improvement to the ventilation systems. DD/FEHD said that the suggestion of providing additional exits would be considered having regard to the layout constraints and impact on the operation of existing stalls. PS(FEH) added that the Administration was committed to improve the conditions of old markets, and Yeung Uk Road Market was one of the projects accorded priority by the former SHWF.

14. Mr TAM Yiu-chung said that he supported the proposed projects in principle. However, he pointed out that some stall lessees had expressed concern that they might be relocated to temporary stalls within the market during the construction period, and that relocating their equipment, such as refrigerators, would involve a cost up to \$10,000. Mr TAM asked whether the Administration would, apart from granting rental waiver/reduction to the affected tenants, consider providing other assistance to these tenants.

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15. DD/FEHD said that the major construction works in these projects would confine to public areas in the markets, and there would be minimum disruption to stall lessees. Chief Project Manager/Architectural Services Department (CPM/ArchSD) supplemented that in case minor construction works were to be carried out within the stall areas, ArchSD would carry out such works after business hours as far as practicable and would liaise with the affected stall lessees on the timing for such works.

16. Mr Tommy CHEUNG said that Members belonging to the Liberal Party had no objection to the proposed projects. Mr CHEUNG asked whether the Administration would consider providing compensation in addition to rental waiver/reduction to the stall lessees concerned, as their business would be affected during the works period.

17. DS(FEH)(Ag) said that rental reduction would be granted to affected tenants depending on the impact of the market improvement works on their business. If the affected tenants were required to suspend business for a certain period during the construction period, rental waiver up to one to two months would be granted to the affected tenants. DS(FEH)(Ag) further said that upon completion of the improvement works, the stall lessees would also benefit from a better business environment.

18. Mr Tommy CHEUNG expressed dissatisfaction with the arrangement. He said that he did not see how improvements to the fire safety requirements would help improve the business environment in public markets. Mr CHEUNG considered that there should be more assistance to the affected stall lessees if they had to suspend operation, because they still had to meet other operation costs such as employees' salaries. If the Administration did not provide assistance other than rental waiver/reduction, the construction works should be carried out during non-business hours.

19. Mr Vincent FANG said that many on-street traders were reluctant to move to public markets because the business environment in the market was less attractive. Noting that the proposed improvement works to five markets would cost about \$70.8 million, Mr FANG asked whether the Administration had assessed the cost-effectiveness of previous improvement works to public markets, for example, whether the patronage or occupancy rate of the markets had increased after completion of the improvement works. Mr FANG further asked about the existing occupancy rates of the five markets in question and the anticipated increase in the occupancy rates after the improvement works. Mr FANG considered that if the general improvement works could not enhance the commercial viability of public markets, the Administration should take forward the retro-fitting of air-conditioning projects instead.

20. The Chairman suggested that the Administration should establish a mechanism to assess the cost-effectiveness of the market improvement projects, for example,

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conducting opinion surveys on customers and operators, and comparing the stall occupancy rate before and after completion of the improvement projects.

21. DD/FEHD explained that patronage of public markets and the business of individual stalls depended on many factors, e.g. the shopping environment, competition from superstores and traders in the vicinity, variety and quality of the commodities offered for sale, and the location of the market. DD/FEHD said that the Director of Audit's report in 2003 had revealed that there was no evidence that providing air-conditioning systems could significantly improve the viability of public markets. As regards the five markets under discussion, it was Government's responsibility to upgrade the conditions of these markets as they fell short of the current standards in respect of fire services installation and provision of barrier-free access.

22. DD/FEHD further said that it was difficult for the Administration to set targets for occupancy rates and business volume for these markets. He advised that the overall occupancy rate of public markets had increased from 74.8% in March 2005 to 77% in March 2006. In response to Dr KWOK Ka-ki, PS(FEH) said that the latest stall occupancy rates of the five public markets concerned were –

<u>Market</u>	<u>Stall occupancy rate</u>
Sheung Wan Market	88%
Tsuen Wan Market	85%
Yeung Uk Road Market	89%
North Kwai Chung Market	90%
Wing Fong Street Market	75%

23. PS(FEH) added that although it might not be possible to quantify the improvements made to the public markets, the improvement works had definitely improved the shopping environment from the customers' perspective. PS(FEH) also agreed to consider collecting objective data to assess the cost-effectiveness of the improvement works to public markets.

24. Dr KWOK Ka-ki supported the proposed projects as they would provide customers with better shopping environment in the five markets. However, he was disappointed that the Administration did not propose to install air-conditioning systems in these five markets to enhance their competitiveness. On the scope of works, Dr KWOK asked whether the Administration had also gauged the views of customers.

25. DD/FEHD said that apart from obtaining views from MMCCs, customers' surveys were conducted in recent years to collect feedback on the facilities and management of public markets. The proposed improvement works were based on

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feedback from stall operators and customers, e.g. improvements to the ventilation and drainage systems and the general lighting. PS(FEH) added that although air-conditioning systems were not provided in existing markets, the Administration would continue to carry out other improvement measures to improve the ventilation in public markets. CPM/ArchSD supplemented that if retro-fitting of air-conditioning systems were to be included, the total capital cost of these projects would amount to more than \$300 million.

26. The Chairman concluded that the Panel supported the Administration submitting the proposals to the Public Works Subcommittee for consideration.

V Revision of fee for animal/bird exhibition licence
[LC Paper No. CB(2) 1926/05-06(01)]

27. The Chairman informed members that the Administration proposed to introduce the subsidiary legislation in June 2006 to set two levels of fee for the animal/bird exhibition licence. The Chairman asked the Administration to explain the basis for setting the fee levels at \$2,720 (for keeping not more than 20 animals and birds) and at \$9,700 (for keeping more than 20 animals and birds).

28. PS(FEH) said that the proposed fee levels were calculated on a full-cost recovery basis. As no revision had been made to the fee for animal/bird exhibition licence in the past decade, the opportunity was taken to review the fee level. The proposed fee levels were calculated based on the current price level and the resource requirement for enforcing the relevant licensing conditions.

29. Dr KWOK Ka-ki noted that after the coming into force of the legislation to ban backyard poultry keeping, owners of local racing pigeons were obliged to apply for animal/bird exhibition licences if they wished to continue pigeon racing activities. He pointed out that when examining the subsidiary legislation on banning of backyard poultry keeping, the Subcommittee had raised concern about the high fee charged for the licence, and the Administration agreed to consider introducing a separate licence for racing pigeons. Against this background, Dr KWOK considered the proposed licence fee of \$9,700 for keeping more than 20 pigeons was on the high side. He said that unlike the large-scale animal/bird exhibitions held by large corporations such as the Ocean Park, local pigeon racing activities were participated by amateurs. He asked about the number of local pigeon racing groups which would be affected by the fee proposal.

30. Assistant Director of Agriculture, Fisheries and Conservation (Inspection and Quarantine) (AD(I&Q)/AFCD) said that the requirement for a licence for keeping more than 20 poultry was not new. Even before the banning of backyard poultry keeping, it was the legislative requirement that keeping more than 20 racing pigeons

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would require a licence or authorisation. As regards the fee for keeping more than 20 animals and birds, AD(I&Q)/AFCD advised that the proposed fee of \$9,700 (as against the current fee of \$10,720) was reasonable, because AFCD would have to conduct inspections to the premises concerned. AD(I&Q)/AFCD advised that of the 240 applications for animal/bird exhibition licences, 80% of the applicants kept less than 20 birds.

31. Mr WONG Yung-kan expressed concern about the risk of H5N1 infection of these birds and the spreading of the virus to local chickens, and this would have impact on local chicken farms. Mr WONG asked about the monitoring mechanism to ensure that the licensees had taken actions to prevent their birds from being infected with H5N1 virus.

32. AD(I&Q)/AFCD explained that holders of animal/bird exhibition licence were subject to a set of licensing requirements, e.g. waterfowl (including swans) were prohibited from keeping together with land-based poultry; birds should be kept under solid roof and surrounded with bird proof facilities; and chickens should be vaccinated against avian influenza regularly, etc. AD(I&Q)/AFCD said that if H5N1 virus was detected in birds kept under the animal/bird exhibition licence, the birds concerned would be destroyed. Depending on the extent of infection, other preventive measures would be taken as appropriate.

33. Miss CHAN Yuen-han considered the proposed fee for keeping more than 20 birds was on the high side. She asked whether the pigeon racing groups had been consulted.

34. AD(I&Q)/AFCD said that the Administration had discussed the proposed licence fees with the pigeon racing groups, and they considered that the proposal was acceptable if it could cater for the needs of the majority of pigeon owners.

35. PS(FEH) advised that the regulation on animal/bird exhibition licence mainly applied to large-scale animal/bird exhibitions by large enterprises. The licence fees were calculated based on the full-cost recovery principle. It would not be appropriate to use public resources to subsidise commercial activities by lowering the licence fee for keeping more than 20 birds. PS(FEH) stressed that under the existing legislation, any person keeping more than 20 animals/birds was already required to obtain a licence and the licence fee was \$10,720 currently. PS(FEH) said that the proposed licence fee of \$2,720 for keeping less than 20 birds was affordable to racing pigeon owners, as raising racing pigeons was also a commercial activity.

36. Mr Vincent FANG noted that about 200 pigeon owners who kept less than 20 racing pigeons would be required to obtain a licence at an annual fee of \$2,720, while they did not need to apply for a licence previously. Mr FANG asked about the

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reasons for charging a licence fee, and whether the revenue collected from licence fees would be used for the enforcement of licensing conditions.

37. AD(I&Q)/AFCD explained that the regulation of racing pigeons was a result of the coming into effect of the legislation to ban backyard poultry keeping. Under the proposed regulatory framework, AFCD staff would inspect the premises for keeping the racing pigeons to ensure compliance with the licensing requirements.

38. PS(FEH) added that the calculation of the proposed licence fees was based on the minimum manpower resources required for inspections and enforcement of the licensing conditions. The Administration would have to consider the impact on other licences, if a licence fee for keeping racing pigeons could be waived on the grounds that pigeons posed relatively lower risks.

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39. At the request of Mr Vincent FANG, the Administration agreed to provide a breakdown of the costs relating to the regulation of animal/bird exhibition licences. The Chairman said that to facilitate members' consideration of the proposed licence fees, the Administration should provide the supplementary information before gazettal of the subsidiary legislation.

(Post-meeting note : The supplementary information provided by the Administration was issued to members vide LC Paper No. CB(2)2008/05-06 on 16 May 2006.)

VI Ochratoxin A in food

[LC Paper No. CB(2) 1905/05-06(04)]

40. With the aid of powerpoint, Consultant/FEHD briefed members on the scope, methodology and findings of FEHD's study which assessed the levels of ochratoxin A in food and the level of exposure in secondary school students. Consultant/FEHD explained that ochratoxin A was found mainly in cereal and cereal products, and dietary intake represented the main source of ochratoxin A in human. Consultant/FEHD said that as the study revealed a low dietary exposure to ochratoxin A, it was unlikely that food commodities available in the retail market in Hong Kong would pose adverse health risk to consumers with respect to ochratoxin A toxicity. However, consumers should take note of the conditions of the products before purchase and not to consume foods with the presence of visible moulds, or foods that were dampened with unexpected moistures.

(Post-meeting note : The powerpoint presentation materials tabled at the meeting were issued to members vide LC Paper No. CB(2)1982/05-06(01) on 11 May 2006.)

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41. Noting that the present risk of dietary exposure to ochratoxin A was low, Dr KWOK Ka-ki asked when FEHD would conduct a review on the levels of ochratoxin A in food. Dr KWOK also asked about the accessibility of food study findings to the general public, especially school students, as such information was not included in textbooks. He suggested that FEHD should enhance communication with the Education and Manpower Bureau (EMB) with a view to including food study findings in the health education for primary and secondary school students.

42. Consultant/FEHD said that FEHD conducted four to five food studies each year, and the reports were uploaded onto FEHD's website, with copies deposited in major libraries, FEHD Communication Resource Unit, and the Health Education Exhibition and Resource Centre. FEHD had discussed with EMB how to disseminate food study findings to primary and secondary school students. As the current priority was nutrition information, FEHD would further discuss with EMB to include other health topics later. Consultant/FEHD further said that FEHD had commissioned the Chinese University of Hong Kong (CUHK) to conduct a population-based food consumption survey. The data collected would be used for establishing a database on food consumption patterns of Hong Kong people. The data would also be used to update the present study on ochratoxin A in food. If there was a change in the risk level of ochratoxin A in food, FEHD would conduct another study on the levels of dietary exposure to ochratoxin A of Hong Kong people.

43. Dr Joseph LEE commented that as FEHD's study only focussed on secondary school students, the findings did not provide useful reference on levels of dietary exposure to ochratoxin A among Hong Kong people. Dr LEE said that FEHD should publicise the origin of the food samples, because crops and other food from certain places might be contaminated. Dr LEE also pointed out that secondary school students had a lower intake of beer and coffee, and the findings could not reflect the risk level for the population.

44. Consultant/FEHD responded that while a risk-based approach was adopted for the food surveillance programme, food studies were conducted with reference to the food consumption pattern. Food samples were taken from the major food commodities available in the retail market. Consultant/FEHD said that FEHD acknowledged that food studies had limitations, and would update the study findings when the CUHK's study findings were available. Consultant/FEHD pointed out that the present study on ochratoxin A could reflect the risk level in connection with food intake, as food samples were drawn from the most popular foods.

45. Dr Joseph LEE stressed that the Administration should make reference to the places of origin of food samples taken for conducting food studies in future.

46. Mr WONG Yung-kan said that the Administration should clearly inform the public of the results of food studies and the implications of findings, in order not to cause unnecessary panic. Mr WONG suggested that FEHD could cover a number of

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harmful substances in one study, so as to provide a more comprehensive picture on the risk level of dietary exposure to different harmful substances.

47. Consultant/FEHD said that food samples could be tested for a group of harmful substances or toxin of a family or similar properties. He added that the Administration was planning to conduct total diet studies targetting at a series of chemical substances in the future when the results of the population-based food consumption survey were made available.

48. In response to Mr Vincent FANG, Consultant/FEHD said that although there were at present no documented cases of acute toxicity of ochratoxin A reported in humans, ochratoxin A had been shown to be toxic to several species of animals and carcinogenic in mice and rats causing tumours of the kidney and liver. The World Health Organisation (WHO) had called for data from member states, particularly those from developing countries including Asian countries, to facilitate comprehensive assessment of public health risk. Consultant/FEHD added that FEHD had previously conducted risk assessment studies on heavy metals (such as mercury and lead) and dioxin levels in food. FEHD would also release its findings of the level of DDT in food shortly.

49. Referring to the recent bun scrambling competition in Cheung Chau, the Chairman asked whether it was safe to eat the buns as some of them became mouldy because of the humid weather.

50. Consultant/FEHD said that any food with mould should not be consumed, as ochratoxin A could be present in food even when the visible mould was peeled off.

51. PS(FEH) appealed to the public not to consume any foodstuff with mould, as the humid weather in Hong Kong provided favourable environment for the proliferation of fungi in food.

VII Monitoring of the sale of genetically modified food in Hong Kong

[LC Paper Nos. CB(2) 1804/05-06(01),1905/05-06(05) to (08) and 1919/05-06(01)]

52. The Chairman said that the Legislative Council (LegCo) Secretariat had prepared a background brief on the regulation and labelling of genetically modified (GM) food. A further submission from Greenpeace was also tabled at the meeting.

53. Referring to paragraph 2 of the Administration's paper, PS(FEH) said that according to WHO, GM food currently on sale in the international market would have passed risk assessments, and there was no evidence that GM food had adverse effects on human health.

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Labelling of GM food

54. The Chairman said that it was reported in newspapers that the Administration had reached agreement with major supermarket chains to implement a labelling system for GM food on a voluntary basis. He requested the Administration to brief the Panel on the progress in introducing a labelling system for GM food.

55. PS(FEH) said that her remarks on the introduction of a labelling system for GM food were made in response to media enquiries. She further said that the Administration had made reference to overseas experience and consulted the trade on the implementation of a labelling system for GM food in Hong Kong. As the first step, the Administration would introduce the labelling system on a voluntary basis. The Administration would review the effectiveness of the voluntary labelling system and the community's response before deciding whether the labelling system should be made mandatory.

56. Consultant/FEHD said that the Administration had held several discussions with the trade on drawing up a guideline for voluntary labelling. The purpose was to help the trade to ensure that the claims made for the GM elements of their products were true and accurate. According to the proposed guidelines, the trade would be required to list out the ingredients of a food product which contained GM materials on a voluntary basis. The Administration would further discuss with the trade the proposed guidelines which would be ready in the coming months.

57. The Chairman pointed out that LegCo had passed a motion urging Government to introduce a mandatory labelling system for GM food on 5 January 2000. Moreover, the majority of views collected during the Administration's public consultation exercise was in support of mandatory labelling. However, the Administration still proposed to introduce a voluntary labelling system despite the strong call from the community for a mandatory system. The Chairman expressed strong dissatisfaction about the slow progress made by the Administration in introducing a mandatory labelling system of GM food.

58. Mr WONG Kwok-hing shared the concern about the lack of progress in introducing a mandatory labelling system for GM food. He considered that the Administration did not respect LegCo by not consulting the Panel on the proposed guidelines for the voluntary labelling of GM food.

59. PS(FEH) responded that the international community had yet to reach consensus on the labelling of GM food, and the public was mainly concerned about the safety and the nutritional value of food. If a mandatory labelling system for GM food was to be introduced, the Administration would need to work out details on the labelling system based on international standards. PS(FEH) said that the proposed

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guidelines for the voluntary labelling were still being drafted, and the Panel's views would be sought once the proposed guidelines were ready.

60. Mr WONG Yung-kan commented that despite discussions on the introduction of a labelling system for GM food since 2000, there was little progress in that direction. As there were public concerns that some GM food might contain allergenic substances, the Democratic Alliance for the Betterment and Progress of Hong Kong had been urging for the introduction of labelling system for GM food. Mr WONG pointed out that some food exporters, including the Mainland, had already implemented a labelling system for food products with GM contents. He urged the Administration to take a more proactive approach in implementing a labelling system for GM food in Hong Kong.

61. PS(FEH) said that the Administration's proposal to draw up guidelines for voluntary labelling of GM food was the first step towards establishing a labelling regime for GM food. If the voluntary labelling system was not effective, the Administration would not rule out the possibility of taking further steps for labelling of GM food.

62. Mr Alan LEONG said that LegCo and the community were clearly in support of introducing a mandatory labelling system for GM food as soon as possible. However, the Administration still advised that any labelling system would have implications on food supply and cost for the food trade. Mr LEONG pointed out that the European Union (EU), Australia and New Zealand required labelling of all GM food if any ingredients therein contained more than 1% GM material, while Japan and Korea required labelling of certain food products which contained the most common GM agricultural products. Mr LEONG considered that introducing a labelling system for GM food would only have minimal implications on food supply and cost for the trade, since many countries had already put in place a GM labelling system. Mr LEONG asked the Administration what were the criteria for assessing whether a mandatory labelling system for GM food should be introduced.

63. PS(FEH) said that many countries which had adopted mandatory labelling of GM food were major producers and exporters of food. However, Hong Kong did not have much food production industry, and the introduction of a mandatory labelling in Hong Kong would increase cost for the trade, especially the small and medium enterprises, which would transfer the costs to consumers. PS(FEH) further said that the public was mostly concerned about the safety and nutritional value of GM food, and a labelling system would help consumers make their food choices. The Administration considered it more appropriate to adopt a pragmatic approach by implementing a voluntary labelling system first. The Administration would review the effectiveness of the voluntary labelling system after 12 months and decide whether further steps such as mandatory labelling should be taken.

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64. Dr Joseph LEE noted that China had signed and ratified the Cartagena Protocol on Biosafety (the Protocol) since 2005. He considered that the Administration was too slow in taking actions to require labelling of GM food on sale in Hong Kong. Dr LEE said that the Administration should provide a timetable for introducing a labelling system for GM food, including GM plants, in Hong Kong.

65. Assistant Director (Conservation)/Environmental Protection Department (AD/EPD) explained that the primary objective of the Protocol was to protect individual signatories to the Protocol from potentially adverse impacts arising from the trans-border movement of imported living modified organisms (LMOs) on their biological diversity, through the regulation of import and export of LMOs. The Protocol did not specifically regulate GM food safety issues. In response to the Chairman, AD/EPD said that EPD was responsible for the implementation of the Protocol in Hong Kong, to regulate LMOs from being released into the environment to protect our biological diversity. The provisions of the Protocol were not directly related to food safety.

66. PS(FEH) said that the Administration had to strike the balance between safeguarding consumers' right to know and the cost-benefits of introducing a mandatory labelling system for GM food. She stressed that the Administration would keep a close watch on the guidelines issued by WHO in this respect.

67. Mr Vincent FANG said that the food trade did not object to the introduction of a labelling system for GM food, but was concerned about the additional costs involved. Given that over 90% of food on sale in Hong Kong was imported food and the international community had not reached consensus on a uniform standard for the labelling of GM food, new labels might have to be affixed onto the products to comply with Hong Kong's requirements. Mr FANG further said that the trade would have difficulties in complying with a different set of labelling system each year, as the labelling requirements for allergic substances would soon be implemented, while those on nutrition information and the GM elements were being contemplated. The trade would prefer the Administration to introduce all such labelling requirements in one-go in order to save re-labelling costs. Mr FANG urged the Administration to explain its plan on the food labelling requirements to the trade.

68. PS(FEH) said that labelling of allergenic substance and nutrition information would be given higher priority than that of GM content. The Administration would review the voluntary system of GM food labelling after 12 months.

69. Miss CHAN Yuen-han said that she could not understand why the Administration still refused to implement a mandatory labelling of GM food despite the strong call from the community. She commented that the Administration had lagged much behind other countries in this respect. She said that it should be for consumers to make their own food choices and they had the right to know whether the

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food they bought had any GM ingredients. She urged the Administration to introduce the mandatory labelling of GM food as early as possible.

70. PS(FEH) explained that GM food did not necessarily mean that the food was unsafe or toxic. The introduction of GM food was to solve the problem of food shortage in some countries. Certain GM ingredients were added to increase the nutritional value of food or its resistance to pest. PS(FEH) further said that it was more important for consumers to be provided with balanced and comprehensive information on GM food. As the international community had not agreed on a uniform standard for GM food labelling, the Administration would first introduce a voluntary labelling system for GM food, to enable consumers to make informed food choices. She stressed that the Administration had not ruled out the possibility of making the labelling requirement mandatory after reviewing the effectiveness of the voluntary labelling system.

71. Mr Tommy CHEUNG said that he did not insist on a mandatory labelling system for GM food as it might lead to a reduction of food choices for consumers. Mr CHEUNG further said that while the re-labelling cost might not be very significant, it would be more convenient for Hong Kong to follow the practice of the Mainland. Mr CHEUNG added that the trade had expressed concern that it was difficult for them to know whether the food contained any GM ingredients. He asked whether local private laboratories were capable of conducting tests on presence of GM contents in food.

72. Consultant/FEHD said that the Mainland required labelling of certain food products and crops. Consultant/FEHD further said that some private laboratories in Hong Kong were capable of conducting tests on the presence of GM contents in food. He acknowledged that it would be difficult to detect traces of GM materials in processed food. He advised that under the proposed voluntary labelling of GM food, labelling of certain GM ingredients above a certain threshold would be required. However, it would not be necessary to indicate the percentage of the GM on the food label.

73. Dr KWOK Ka-ki expressed disappointment that the Administration had not responded to the strong call from the community for a mandatory labelling of GM food. He urged the Administration to expedite the introduction of a mandatory labelling system for food, as Hong Kong had lagged much behind other countries in ensuring food safety.

74. Dr KWOK noted that according to the regulatory impact assessment (RIA) conducted in 2002, there would be some increase in cost ranging from \$16 million to \$ 91 million to the food trade if a mandatory labelling system was implemented, and there would be no increase in cost to the food trade if a voluntary labelling system was adopted. He asked how such costs were calculated, and what was the consideration

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for not implementing a mandatory labelling system for GM food in Hong Kong. Dr KWOK pointed out that a labelling system would also help promote the food products in Hong Kong.

75. PS(FEH) stressed that it was Government's policy to provide more information for consumers to make informed food choices. However, the Administration had to be very careful in putting forward several labelling systems for food at the same time to avoid giving too much information which the consumers might not find useful.

76. Consultant/FEHD said that in the RIA conducted in 2002, the range of estimated increase in cost to the food trade was based on a higher or lower threshold for a mandatory labelling system for GM food. Consultant/FEHD further said that member states of the Codex Alimentarius Commission (Codex) had not reached consensus on the standard and content for the labelling requirements for GM food.

77. Citing the smoking ban policy as an example, Dr KWOK Ka-ki said that lack of international consensus was not a reason for not implementing a mandatory labelling of GM food. He pointed out that it depended more on the determination of the Government.

78. The Chairman said that it would be irresponsible for the Government not to implement a mandatory labelling system for GM food despite the strong call from the community. He pointed out that it was not possible for all member states of Codex to agree on a uniform standard for labelling of GM food, because some major food producers (such as the United States and Canada) would be reluctant to adopt a mandatory labelling system in order to safeguard their own interests. He said that EU, Japan and Korea had already adopted a mandatory labelling system for food products which contained GM elements. The Chairman further said that given the unsuccessful experience of implementing the code of practice requiring fish traders to keep sales records on a voluntary basis, he envisaged that a voluntary labelling for GM food would also be ineffective. He urged that a mandatory system for GM food be implemented instead.

Admin 79. At the request of Mr Tommy CHEUNG, PS(FEH) agreed to provide supplementary information on the labelling systems of GM food in other countries.

(Post-meeting note : The supplementary information provided by the Administration was issued to members vide LC Paper No. CB(2)2008/05-06 on 16 May 2006.)

Monitoring of GM food on sale in Hong Kong

80. Referring to the recent reports of AFCD distributing GM papaya seedlings to local organic farms and the discovery of GM ingredients in some baby cereal products, Mr WONG Yung-kan said that it seemed that the Administration had relied

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on green groups to monitor the sale of GM food in Hong Kong. Mr WONG asked whether there was any monitoring mechanism on GM food in Hong Kong.

81. PS(FEH) said that the Administration adopted a risk-based approach in its food surveillance programme, and made reference to international practices in taking food samples for testing. Regarding the GM papaya incident, PS(FEH) explained that according to AFCD's investigation, the papaya seedlings supplied by the research institute could be contaminated by the pollen of other papayas when breeding in the Mainland, including GM papayas.

82. Assistant Director (Agriculture and Administration)/AFCD (AD(A&A)/AFCD) supplemented that AFCD officers had visited the research institute supplying the GM papaya seedlings in question and its papaya production site. The institute reaffirmed that it had not conducted any GM engineering work on papaya. However, AFCD officers discovered the presence of papaya seedlings of unknown sources near the institute's papaya production site, indicating that the seed saving process could be contaminated by the pollen of other papayas, including GM papayas. AD(A&A)/AFCD added that AFCD had stopped importing seeds from the institute immediately.

83. The Chairman asked whether the papaya seedlings were attached with certificates claiming that they were GM free. He also asked whether GM food was included in the regular food surveillance programme.

84. AD(A&A)/AFCD said that while the research institute had not conducted any GM engineering work on papaya, its environmental control and tests on GM elements were not stringent enough. Consultant/FEHD said that according to WHO, GM food posed no risk on human health, therefore a food product would not be tested for presence of GM content under the regular surveillance programme. Nevertheless, FEHD would take samples from GM food under complaint for testing, and such tests were conducted by the Government Laboratory.

85. Mr Alan LEONG expressed concern that the GM papaya trees and seedlings could not be eradicated and some GM papayas still grew in local farms. He asked about the actions taken by AFCD in this respect.

86. AD(A&A)/AFCD explained that AFCD had distributed the papaya seedlings concerned to 18 organic farmers for field trial, and eight organic farmers had made bulk purchase of the papaya seeds from the agricultural research institute with the assistance of a local crop farming organisation. AFCD had notified all the 26 farmers concerned and required them to destroy all such papaya trees. As the papaya fruits were not yet ripe, no seed saving process could have started. AFCD had inspected the farms concerned and satisfied that all the papaya trees concerned were totally eradicated.

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87. In concluding the discussion, the Chairman said that the majority of Panel members expressed support for introducing a mandatory labelling system for GM to better safeguard public health and protect consumers' interest. He strongly urged the Administration to consider members' views. The Chairman further said that the Administration should provide members with the proposed guidelines for voluntary labelling of GM food.

88. Mr WONG Kwok-hing concurred with the Chairman. Mr WONG said that the Administration should discuss with the Panel the proposed guidelines for voluntary labelling of GM food before implementation.

89. The Chairman said that the Panel would discuss the proposed guidelines for voluntary labelling of GM food at its next regular meeting on 13 June 2006. Members agreed.

VIII Any other business

90. Mr WONG Yung-kan suggested that the Panel should undertake a duty visit to EU countries to study their labelling systems for GM food and nutritional value of food. The Chairman added that the visit could also cover the categorisation system of food premises in EU countries. Members raised no objection to the proposed duty visit.

91. There being no other business, the meeting ended at 4:45 pm

Council Business Division 2
Legislative Council Secretariat
12 June 2006