

立法會
Legislative Council

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LC Paper No. CB(2) 2919/05-06
(These minutes have been seen by
the Administration)

Panel on Food Safety and Environmental Hygiene

Minutes of Meeting
held on Tuesday, 13 June 2006 at 2:30 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 Tommy CHEUNG Yu-yan, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki

Member attending : Hon WONG Kwok-hing, MH

Members absent : Hon TAM Yiu-chung, GBS, JP
Hon Vincent FANG Kang, JP
Dr Hon Joseph LEE Kok-long

Public officers attending : Item IV

Mr Eddy CHAN
Permanent Secretary for Health, Welfare and Food (Food and
Environmental Hygiene) (Ag) / Deputy Secretary (Food and
Environmental Hygiene)

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

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

Mr FAN Yung-kai
Senior Superintendent (Licensing)
Food and Environmental Hygiene Department

Item V

Mr Eddy CHAN
Permanent Secretary for Health, Welfare and Food (Food and
Environmental Hygiene) (Ag) / Deputy Secretary (Food and
Environmental Hygiene)

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

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

Mr FAN Yung-kai
Senior Superintendent (Licensing)
Food and Environmental Hygiene Department

Mr Simon YU
Assistant Director (Estate Management)
Lands Department

Mr K M MO
Assistant Director (New Buildings)1
Buildings Department

Mr Patrick TSUI
Chief Building Surveyor (Rail and Licensing)
Buildings Department

Item VI

Mr Eddy CHAN
Permanent Secretary for Health, Welfare and Food (Food and
Environmental Hygiene) (Ag) / Deputy Secretary (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

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 meetings
[LC Paper Nos. CB(2) 2114 & 2304/05-06]

The minutes of the regular meetings held on 11 April and 9 May 2006 were confirmed.

II Date of next meeting and items for discussion
[LC Paper Nos. CB(2) 2305/05-06(01) and (02)]

2. The Chairman said that as the Centre for Food Safety was set up in May 2006, he would like to invite the Controller of the Centre for Food Safety to brief the Panel on the Centre's work at the next regular meeting on 11 July 2006. Members agreed.

3. Members also agreed to discuss the following items proposed by the Administration at the next regular meeting –

- (a) Study on dietary exposure to DDT of secondary school students; and
- (b) Criteria for closing/re-opening Mai Po Nature Reserve if HPAI-infected wild bird(s) was detected within this area and in its close proximity.

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III Information paper(s) issued since last meeting

[LC Paper No. CB(2) 2008/05-06(01)]

[LC Paper No. CB(2) 2307/05-06(01)]

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

(a) information paper on work relating to regulation of animal/bird exhibition licences by the Agriculture, Fisheries and Conservation Department; and labelling systems of genetically modified food in other countries [LC Paper No. CB(2) 2008/05-06]; and

(b) information paper on the operation of the Fisheries Development Loan Fund and the Fish Marketing Organisation Loan Fund, details of the estimated five-year loan demand and cash flow for the two Loan Funds [LC Paper No. CB(2) 2307/05-06(01)].

IV Control of unauthorised extension of food business

[LC Paper No. CB(2) 2305/05-06(03)]

5. Permanent Secretary for Health, Welfare and Food (Food and Environmental Hygiene) (Ag) (PS(FEH)(Ag)) briefed members on the Administration's proposal to control unauthorised extension of food business. PS(FEH)(Ag) said that in view of the limitation of the existing legislation, the Food and Environmental Hygiene Department (FEHD) encountered difficulties in taking enforcement actions against unauthorised extension of food business. The Administration therefore proposed to amend the Food Business Regulation (Cap 132 sub leg) (FBR) to make it an offence for any person engaged in any food business to carry on a food business or to set out or leave any article beyond the confines of the licensed premises. PS(FEH)(Ag) further said that with the proposed amendment, FEHD would be able to institute prosecution action against any person in connection with the food business when food business was found to have been carried on outside the licensed premises, or when dining tables and chairs were found outside the licensed premises, subject to sufficient evidence being gathered.

6. Mr Andrew CHENG expressed concern that under the proposal, a licensee might ask his employee to bear all responsibility for the unauthorised extension of food business. As such, the licensee could still evade responsibility by claiming that he had no knowledge of the unauthorised food business activities that took place outside the licensed premises. Mr CHENG asked whether the legislative proposal targeted at the licensees of food business; if so, whether the Administration had considered such concern in formulating the proposal.

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7. Deputy Director (Environmental Hygiene)/ FEHD (DD(EH)/FEHD) explained that under section 34C of FBR, enforcement action could only be taken against the licensee of food business. Given the limited scope of application of section 34C of FBR, the Administration proposed to amend the legislation to make it an offence for any person (not only the licensee) engaged in any food business to carry on a food business, or set out or leave any article beyond the confines of the licensed premises. DD(EH)/FEHD further explained that with the proposed amendment, FEHD could proceed with investigation even though the licensee claimed that he was not present at the premises and had no knowledge of the unauthorised food business activities. The purpose was to gather sufficient evidence to take enforcement action against the licensee.

8. Mr Andrew CHENG was of the view that the Administration should aim at holding the licensee responsible for unauthorised food business activities, but the present proposal would encourage the licensee to place the responsibility on their employees.

9. DD(EH)/FEHD responded that the Administration was aware of such concerns and had preliminary discussions with the Department of Justice with a view to strengthening evidence collection to ensure successful prosecution against the licensee. She explained that the proposed amendment would enable FEHD to proceed with its investigation even though the licensee was absent at the time the unauthorised food business was carried out.

10. PS(FEH)(Ag) said that the Administration would take into account Mr Andrew CHENG's concern in drafting the legislative amendment. He reiterated that the legislative intent was to plug the existing loophole that no prosecution could be instituted if the licensee claimed that he was absent from the scene when the unauthorised extension of food business activities took place.

11. Mr Tommy CHEUNG commented that the level of penalty under the legislative proposal was too harsh as most food premises with unauthorised extension of food business were small food establishments. Many of these premises operated beyond the licensed premises because of the high rental, while some others operated outside the licensed premises because of the long processing time taken for approving applications for outside seating accommodation (OSA). He considered that the existing legislation could already deal with the problem of unauthorised extension, and he would not support the Administration's proposal. Referring to the 2 123 complaints received by FEHD in 2005, Mr CHEUNG asked about the number of cases where prosecution could be instituted and the average fine imposed in the convicted cases.

12. DD(EH)/FEHD said that there had been an increase in the number of

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complaints relating to unauthorised extension of food business. 2 123 and 1 029 complaints were received respectively in 2005 and in the first four months of 2006. In 2005 and up to April 2006, 920 enforcement actions were taken during the blitz operations against the licensees for unauthorised extension of food business, of which some 200 cases were prosecuted under section 34C of FBR. Some 500 cases were prosecuted under section 4A of the Summary Offence Ordinance (Cap 228) with an average fine below \$500 imposed. However, FEHD could not apply to the court for forfeiture of the property which came into FEHD's possession under section 4A of Cap 228. This had limited the deterrent effect of FEHD's enforcement actions.

13. The Chairman enquired about the reasons for not being able to take enforcement actions against the remainder of the complaints received in 2005. DD(EH)/FEHD agreed to provide information after the meeting.

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14. Dr KWOK Ka-ki said that while he supported the policy intention of the legislative proposal, he considered that the Administration should expedite the processing of applications for OSA, in anticipation that there would be greater demand for OSA following the enactment of the legislation to ban smoking inside food premises. Dr KWOK asked about the number of applications for OSA and the success rate, the average processing time and whether there was any appeal mechanism for OSA applications. He considered that FEHD should set out clearly the conditions for granting approval of OSA. Dr KWOK also requested the Administration to provide information on the number of repeat offenders for breaching section 34C of FBR, and the anticipated increase in success rate for taking enforcement actions after introducing the legislative amendment.

15. Mr WONG Yung-kan said that while he did not object to the legislative proposal, the Administration should take into account the impact on the food business trade. Mr WONG asked whether the Administration would consider allowing OSA on suitable premises to enhance business environment.

16. DD(EH)/FEHD responded that FEHD had since 2002 received some 400 applications for OSA. FEHD had so far approved 141 of them and rejected 44 applications in the light of comments made by departments concerned which included land use, building safety, planning and transport considerations. 160 applications were withdrawn and 70 applications were under processing. DD(EH)/FEHD further said that FEHD provided one-stop service for OSA applications, and applicants could seek advice from FEHD on the requirements. Processing an application for OSA would take a few months. Approval of such applications depended on whether the operators complied with the requirements, including those related to land use, building safety, fire safety, planning and transport.

17. DD(EH)/FEHD said that the Administration welcomed proposals to streamline the procedures for processing OSA applications. She stressed that streamlining the

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application procedures did not mean relaxing the requirements in respect of hygiene, building and fire safety.

18. Mr Tommy CHEUNG pointed out that the maximum penalty for breach of section 34C of FBR was a fine of \$10,000 and imprisonment for three months, while that for breach of section 4A of Cap 228 was a fine of \$5,000 and imprisonment for three months. Mr CHEUNG further pointed out that the court normally imposed fines but not imprisonment terms for breaches of section 34C of FBR and section 4A of Cap 228. He considered that the penalties could already provide sufficient deterrence, given that the fines would increase the operation cost of food business. To examine the deterrence effect of the existing legislation, he requested the Administration to provide information on the number of repeat offenders. He also requested the Administration to provide the reasons for not taking enforcement actions against unauthorised extension of food business in some complaint cases.

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DD(EH)/FEHD agreed to provide the information after the meeting.

19. The Chairman said that he had received many complaints concerning the environmental hygiene problem and noise nuisance caused by unauthorised extension of food business to nearby residents. He would support the legislative proposal to enable enforcement actions to be taken against such activities. However, he shared a similar concern with Mr Andrew CHENG that some employers would still evade responsibilities by asking their employees to assume the legal responsibility for the unauthorised extension of food business. He therefore urged the Administration to address this concern in drafting the legislation.

20. The Chairman further said that to address the concern raised by Mr Tommy CHEUNG about the level of penalty, the Administration should provide information on the reasons for not taking actions in some complaint cases relating to unauthorised extension of food business, and whether it was because of limitations in the existing legislation. The Chairman also asked whether the court had ever imposed imprisonment terms for breaches of section 34C of FBR.

21. DD(EH)/FEHD said that to her knowledge, the court seldom imposed imprisonment terms for breaches of section 34C of FBR and section 4A of Cap 228. She pointed out that under the Demerit Points System, 10 demerit points would be deducted for non-compliance with section 34C of FBR. However, the Demerit Points System did not apply to non-compliance with section 4A of Cap 228.

22. Responding to the Chairman, PS(FEH)(Ag) said that the amendment would be made by way of subsidiary legislation. The Administration would consult the trade and revert to the Panel before proceeding with the drafting of the legislation.

23. Mr Tommy CHEUNG said that OSA was not directly related to the issue of unauthorised extension of food business, but he also shared the concerns about the lack of appeal mechanism for OSA applications. As regards the legislative proposal,

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Mr CHEUNG asked whether the Panel should hold a special meeting to gauge views from the trade on the legislative proposal.

24. Dr KWOK Ka-ki said that it was Government's responsibility to consult the affected trades before putting forward a proposal to the Legislative Council (LegCo). He believed that a subcommittee would be formed to scrutinise the legislative proposal when it was introduced into LegCo. The subcommittee could decide whether deputations would be invited to give views on the legislative proposal. The Chairman and Mr WONG Yung-kan agreed with Dr KWOK that it would be more appropriate to gauge the trade's views when details of the legislative proposal were available.

V Changes to the food business licensing procedures

[LC Paper No. CB(2) 2305/05-06(04)]

[LC Paper No. CB(2) 2076/05-06(01)]

25. The Chairman said that the item was proposed by Mr Tommy CHEUNG and two submissions had been received from Hong Kong Catering Industry Association [LC Paper No. CB(2)2369/05-06(01)] and a member of the public [LC Paper No. CB(2)2347/05-06(01)].

26. PS(FEH)(Ag) said that FEHD had since mid-April 2006 implemented new licensing procedures to ensure that licensed food premises were free of unauthorised building works (UBWs) and in compliance with Government lease conditions and statutory plan restrictions. The new procedures applied to applications for new licence or transfer of licence only, and did not affect existing licences and renewal of licence.

27. Mr Tommy CHEUNG said that since 18 April 2006, FEHD had introduced a set of new licensing procedures for new food business licence and transfer of licence relating to the existence of UBWs at the premises and compliance with Government lease conditions. Regarding the compliance with Government land lease, Mr CHEUNG said that prior to 18 April 2006, if the proposed food business was not in compliance with the designated trade under the Government land lease, the applicants for food business licences could apply for a waiver. The applicants would be allowed to operate food business at the premises concerned after paying an administrative fee. However, after 18 April 2006, instead of applying for a waiver and paying the administrative fee, the applicants were required to pay a land premium for the variation in land use, which would also increase the valuation of the premises concerned. He added that many Government lease conditions were laid down decades ago, and many premises were in breach of such conditions if strict compliance was to be imposed. These problematic premises mainly existed on the Hong Kong Island as many premises there were subject to the old land lease conditions.

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28. As regards UBWs, Mr CHEUNG pointed out that many applicants for new food business licences did not know whether all the structures attached to or extending from the premises were authorised or unauthorised. In many cases, the applicants could do nothing with regard to the UBWs attached to the premises, such as the water tank, which was a communal facility located outside the premises. Mr CHEUNG said that the new procedure significantly affected the operators of food business. He questioned the rationale for introducing such changes to the licensing procedures.

29. PS(FEH)(Ag) explained that Team Clean had made recommendations in its report to tackle the problem of UBWs in buildings. It was proposed in 2003 that FEHD should refuse to issue a food business licence if it came to FEHD's knowledge that there were UBWs attached to or extending from the premises under application. Moreover, in an investigation report of The Ombudsman in 2002 in relation to a complaint concerning a restaurant licence application, it was recommended that FEHD should advise and require food business licence applicants to check whether their proposed food business would contravene any Government lease conditions or outline zoning plan restrictions on the premises concerned. The Ombudsman also recommended FEHD to require applicants to declare that they had conducted such checks and indicate the results clearly. PS(FEH)(Ag) said that in the light of the recommendations of Team Clean and The Ombudsman, FEHD had consulted the food business trade and implemented the new licensing procedures in April 2006.

30. DD(EH)/FEHD supplemented that the Administration had consulted the Panel on the proposal to tackle the problem of UBWs in 2003 in the context of Team Clean's Report. Since then, FEHD had worked closely with the departments concerned and involved the relevant professional bodies in formulating the guidelines and the procedures. The trade had also been consulted and their concerns, such as extra cost to the trade, complication of the licensing process and risk to the transferee, had been taken into account. DD(EH)/FEHD said that to minimise the impact on the trade, the new procedures only applied to new licence and transfer of licence only, and did not affect some 20 000 existing licences and their renewal. There were less than 2 000 applications for transfer of licence in 2005.

31. DD(EH)/FEHD said that the requirement to comply with Government lease conditions and statutory plan restrictions was not new. Since 2002, the application form for new licences had clearly stated that it was the applicant's responsibility to ensure that the premises concerned were in compliance with the relevant food business legislation and other relevant statutory requirements, including the conditions in the Government lease and the statutory plan. The applicant was required to sign against the statements in the application form to indicate his understanding and acceptance of such terms. To streamline the licensing procedures, FEHD had since mid-April 2006 introduced a self-declaration form for the applicant to confirm compliance with Government lease conditions.

32. Mr Tommy CHEUNG said that the land lease conditions were very

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complicated and difficult to understand. Mr CHEUNG commented that the Administration had consulted the professional bodies, but not the food business trades, on the new licensing procedures. The impact on the trade was far greater than that pointed out by the Administration because existing licensees would need to apply for transfer of licences for moving to another premises to continue business or when there was a change in partners. Mr CHEUNG requested the Administration to provide a flowchart showing the new licensing procedures for issuance of a food business licence, and the number of working days required for each step.

33. Assistant Director/Buildings Department (AD/BD) responded that FEHD and BD had issued guidelines on food business licence application. Applicants were also reminded that they should choose premises which were suitable for operating food business premises, e.g. free of UBWs. AD/BD added that the food business trades and professionals could seek advice from BD on the new licensing procedures if necessary. Referring to Mr Tommy CHEUNG's concern about UBWs at communal areas, AD/BD said that under the new licensing procedures, the licensees were only responsible for removing UBWs attached to or extended from the premises concerned, and BD had issued guidelines on this.

34. DD(EH)/FEHD supplemented that a licence would be issued if an applicant could obtain certification from a recognized professional that the premises under application were free from UBWs. BD would not conduct special inspection to food premises to verify the professional certification prior to issue of a licence by FEHD, and any UBWs found during regular inspection by FEHD would be referred to BD for follow-up. Therefore, the new licensing procedures had not delayed the processing of application for food business licences.

35. DD(EH)/FEHD added that the workflow of FEHD and concerned departments and the performance pledges for processing new licence application remained unchanged. The acceptance of professional certification that the premises were free from UBWs was to meet the trade's request in order to streamline the licensing process. DD(EH)/FEHD reiterated that the food business trade and professional bodies were consulted over a long period on the new licensing procedures.

36. Mr Tommy CHEUNG said that the food business trade held strong views on the changes to the food business licensing procedures. He suggested that deputations should be invited to give views to the Panel on the new licensing procedures.

37. Mr WONG Yung-kan said that while he had no objection to Mr Tommy CHEUNG's proposal, he recalled that the Panel was consulted on Team Clean's recommendations and members expressed general support for the proposal. The Chairman advised that the Panel was consulted on the proposal to tackle the problem of UBWs, but not The Ombudsman's recommendations relating to Government lease conditions and statutory plan restrictions. Members raised no objection to holding a special meeting to meet with deputations and further discuss with the Administration

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the changes to food business licensing procedures.

(Post-meeting note : A special meeting has been scheduled for 7 July 2006 at 10:45 am to meet with deputations and the Administration.)

VI Proposed guidelines for voluntary labelling of genetically modified food
[LC Paper No. CB(2) 2305/05-06(05)]

38. The Chairman said that a submission from Hong Kong Retail Management Association (HKRMA) [LC Paper No. CB(2)2369/05-06(02)] had been received and issued to members.

39. With the aid of powerpoint, Consultant/FEHD briefed members on the proposed guidelines for voluntary labelling of genetically modified (GM) food. Consultant/FEHD said that although the guidelines were advisory in nature, members of the trade were reminded that they should comply with the Public Health and Municipal Services Ordinance (Cap 132) which provided the legislative framework for food safety control in Hong Kong. Consultant/FEHD further said that the threshold level applied in the guidelines for labelling purpose was 5%. Additional declaration on the food label was recommended when significant modifications to the food had taken place. However, negative labelling was not recommended for food without GM counterparts, as it would be misleading to consumers.

(Post-meeting note : The powerpoint presentation materials were issued to members vide LC Paper No. CB(2) 2402/05-06(01).)

40. Dr KWOK Ka-ki expressed doubt that the food trades would adopt the guidelines on labelling of GM food as it was voluntary in nature. Given that LegCo and the community had expressed support for introducing a mandatory labelling system for GM food, he queried the Administration for not introducing a mandatory labelling system right away. Dr KWOK asked under what circumstances would the Administration decide to introduce a mandatory labelling system for GM food, and how the Administration was going to encourage the food trades to label the GM contents of their food products, as a means to enhance food safety. Dr KWOK further asked about the measures in place to prevent the trade from applying negative labelling.

41. PS(FEH)(Ag) responded that GM food currently available on the international market had passed risk assessments, and there was no evidence that GM food would present risks for human health. The international community and the Codex Alimentarius Commission (Codex) had not yet reached consensus on the method of GM food labelling, and this would pose enforcement difficulties for introducing a mandatory labelling system for GM food in Hong Kong. Moreover, the introduction of a mandatory labelling system in Hong Kong would increase the cost for the trade.

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The Administration therefore considered it more appropriate to implement a voluntary labelling system first. PS(FEH)(Ag) said that the draft guidelines on voluntary labelling of GM food were worked out together with HKRMA. With the support of HKRMA, he hoped that the majority of the trade would implement the voluntary labelling of GM food. PS(FEH)(Ag) stressed that all food labels for pre-packaged food were subject to the food labelling legislation in Hong Kong.

42. Responding to the Chairman, Consultant/FEHD said that under section 61 of Cap 132, it was an offence if any person falsely described their food products.

43. Mr WONG Kwok-hing said that it was regrettable that the Administration did not introduce a mandatory labelling of GM food, despite LegCo had passed a motion urging the Government to do so. Mr WONG further said that the food trade did not object to the introduction of a labelling system for GM food, but they were concerned about changing the labelling requirements too frequently as this would increase costs. He considered that the absence of a set of internationally agreed standards was not an excuse for not implementing a mandatory labelling system in Hong Kong.

44. PS(FEH)(Ag) reiterated that the international community had yet to reach consensus on the labelling of GM food, and the introduction of a mandatory labelling in Hong Kong would increase cost and affect the business environment for the trade. The Administration considered it more appropriate to implement a voluntary labelling system first. The Administration would encourage the trade to implement the voluntary labelling system.

45. Mr WONG Kwok-hing commented that it would be irresponsible for the Government to introduce a mandatory labelling system only when there was scientific evidence that GM food posed risk to health. Although GM food was not necessarily unsafe or toxic, providing information of the GM contents on food labels would allow consumers to make informed food choices. To facilitate implementation of a labelling system, the Administration could set a lower threshold for the GM content in food ingredients.

46. Mr WONG Yung-kan commented that despite the strong call from the community for a mandatory labelling system for GM food and the Panel had discussed the matter since 2000, the Government had made little progress in this respect. While he did not object to taking a progressive approach in implementing a labelling system for GM food in Hong Kong, the Administration should provide a timetable for implementing the mandatory labelling system. Mr WONG further said that Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong strongly urged for a mandatory labelling system for GM food as soon as possible to enable consumers to make informed food choices, and to facilitate enforcement of the labelling requirements.

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47. PS(FEH)(Ag) said that the Administration did not have a timetable for implementing a mandatory labelling system for GM food, given that there were no international standards on GM food labelling. He reiterated that GM food currently available on the international market had passed risk assessments and was not likely to present risks for human health.

48. Mr Tommy CHEUNG said that Members belonging to the Liberal Party did not object to introducing the voluntary labelling of GM food. However, the Administration should be careful in deciding to introduce a mandatory labelling system for GM food. He was concerned that food choices would be reduced if a mandatory labelling of GM food was introduced in Hong Kong, given that most of the food sold at local market was imported. He considered that the Administration should strike a balance between providing more information for consumers to make informed food choices and the cost on the trade if a mandatory labelling system was introduced. Mr CHEUNG held the view that the introduction of a mandatory labelling system for GM food should be further considered by the working group which devised the guidelines for labelling of GM food.

49. Mr Alan LEONG asked whether the Administration had estimated the compliance rate of the trade following the introduction of the guidelines on a voluntary labelling system. He also asked whether the Administration would review the need for introducing a mandatory labelling of GM food, if the response of the trade to the voluntary labelling system was unsatisfactory.

50. Consultant/FEHD responded that the working group was established at the request of some members of the trade to formulate the guidelines for voluntary labelling of GM food. The representatives of the trade sitting on the working group, including major supermarket chains, were supportive of the proposed labelling system.

51. PS(FEH)(Ag) said that the Administration would keep a close watch on the international development in respect of GM food labelling. He stressed that whether a mandatory system would be introduced would depend on the risks of GM food posed to public health. Consultant/FEHD added that different countries had adopted different practices on GM food labelling. For countries which had implemented a mandatory labelling system for GM food, some required that only designated food products which contained GM materials should be labelled, while others required labelling of any food or food ingredients with GM materials above a threshold. Consultant/FEHD advised that the Administration would make reference to overseas and local situation in deciding whether a mandatory labelling system for GM food should be introduced. He pointed out that as Hong Kong allowed imports of any kind of food, it was technically difficult to detect traces of GM materials in all types of imported food.

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52. Mr Alan LEONG said that obviously the Administration did not have a timetable for introducing a mandatory labelling system for GM food. It seemed that the community had to wait for an indefinite period until the international community had consensus on the method of GM labelling system, which would be extremely difficult to achieve.

53. PS(FEH)(Ag) said that 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, in the light of the response of the trade.

54. Mr Alan LEONG said that the Administration should revert to the Panel after reviewing the trade's response in implementing the voluntary labelling system for GM food.

55. The Chairman said that LegCo had passed a motion as early as 2000 urging the Government to introduce a mandatory labelling system for GM food, and the vast majority of the public also expressed support for a mandatory labelling system. However, the Administration only proposed, after several years' deliberations, to introduce a voluntary labelling system because there was no international consensus on the method of labelling of GM food. The Chairman further said that it was not possible for all Member States of Codex to have consensus in this respect, 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. The Chairman pointed out that despite the lack of international consensus, Hong Kong still banned the use of certain pesticides in agriculture crops. Moreover, the Mainland already required the labelling of certain food products containing GM materials. He strongly urged that a mandatory system for GM food should be implemented in Hong Kong.

56. PS(FEH)(Ag) stressed that the primary consideration of introducing a mandatory labelling system for GM food would be the risk posed to human health.

57. Mr WONG Kwok-hing expressed concern that if the guidelines for labelling of GM food were implemented on voluntary basis, the food trade would adopt negative labelling without providing proof. Mr WONG asked whether additional resources would be allocated for monitoring the accuracy of declaration on food labels.

58. PS(FEH)(Ag) said that the information provided on food labels should be in compliance with the relevant food labelling requirements in existing legislation. False declaration was liable to prosecution. Consultant/FEHD supplemented that the Administration did not recommend negative labelling for food without GM

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counterparts. Representatives of food trade sitting on the working group had also indicated that they did not support negative labelling. In case any food trader wished to adopt negative labelling, he would need to provide proof that no GM materials were used throughout the food chain. Consultant/FEHD said that FEHD would take food samples for testing.

59. Mr WONG Yung-kan expressed doubt about the effectiveness of the voluntary labelling of GM food as no penalty was imposed for non-compliance with the guidelines. Consultant/FEHD reiterated that any person who falsely described any food sold by him was liable to the penalty under section 61 of Cap 132.

60. In concluding the discussion, the Chairman requested the Administration to review the effectiveness of the voluntary labelling system for GM food after a period of implementation and revert to the Panel.

VII Any other business

Duty visit to Singapore and Kuala Lumpur

61. The Chairman informed members that arrangements were being made for the Panel to also visit a poultry processing plant in Kuala Lumpur after the proposed duty visit to Singapore in July 2006.

62. The meeting ended at 4:30 pm.