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(These minutes have been seen by
the Administration)

Panel on Food Safety and Environmental Hygiene

**Minutes of Special Meeting
held on Friday, 6 October 2006, at 10:45 am
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, GBS, JP
Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Vincent FANG Kang, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki

Member attending : Hon WONG Kwok-hing, MH

Member absent : Dr Hon Joseph LEE Kok-long, JP

Public officers attending : Item I

Mr W H CHEUK
Deputy Secretary (Food & Environmental Hygiene)
Health, Welfare and Food Bureau

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

Mr Eddy CHAN
Director of Food & Environmental Hygiene
Food and Environmental Hygiene Department

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

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

Mr YUEN Ming-chi
Pest Control Officer-in-charge
Food and Environmental Hygiene Department

Item II

Mr W H CHEUK
Deputy Secretary (Food & Environmental Hygiene)
Health, Welfare and Food Bureau

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

Mr Eddy CHAN
Director of Food & Environmental Hygiene
Food and Environmental Hygiene Department

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

Mr YEUNG Shun-kui
Assistant Director (Operations)2
Food and Environmental Hygiene Department

Clerk in Attendance : Miss Flora TAI
Chief Council Secretary (2)2

Staff in Attendance : Miss Betty MA
Senior Council Secretary (2)1

Ms Alice LEUNG
Senior Council Secretary (2)1 (Designate)

Ms Anna CHEUNG
Legislative Assistant (2)2

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I. Suspected tampering of ovitraps and mosquito control work
[LC Paper No. CB(2)3153/05-06(01)]

An overview of mosquito control work

Deputy Secretary for Health, Welfare and Food (Food and Environmental Hygiene) (DS(FEH)) said that while the Administration understood the public concern about the recent ovitrap tampering case, it would not be appropriate to discuss details of the case at the present stage as it had been referred to the Police for investigation. He, however, would give an account of the ovitrap surveillance programme and year-round mosquito preventive and control measures against dengue vector.

2. DS(FEH) said that an Anti-Mosquito Steering Committee had been set up since 2002 to set strategies and directions for mosquito control in Hong Kong. The Administration would take into account numerous factors in drawing up anti-mosquito plans. These indicators included the ovitrap index, information made available by health authorities of nearby cities or countries and the World Health Organization (WHO), the number of imported and local mosquito-borne disease cases, the number of mosquito complaints received and feedback from District Councils and local personalities. DS(FEH) stressed that ovitrap index was only one of the tools to monitor the breeding of dengue vectors and reflect the effectiveness of the dengue vector preventive work carried out by the Food and Environmental Hygiene Department (FEHD) and other government departments concerned. Moreover, anti-mosquito operations were on-going exercise carried out throughout the year irrespective of the level of ovitrap indices. At present, there were some 400 FEHD staff and about 1 600 contractors' workers dedicated to the provision of mosquito and other pest prevention and control services. The number of dengue fever cases had dropped from 49 (including one local case) in 2003 to 24 as of September 2006, and the number of mosquito-related complaints had also dropped from about 9 500 in 2003 to about 7 200 in the first eight months of 2006. DS(FEH) assured members that the Administration would not tolerate any tampering of the ovitrap devices and FEHD had taken immediate improvement measures to prevent such malpractice in the future.

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3. Mr Tommy CHEUNG considered that the Administration should not understate the importance of ovitrap index as Area Ovitrap Index (AOI) should provide useful information for deployment of additional staff for enhanced mosquito control work and enhancing the awareness of the community in the prevention of mosquito breeding in specific locations. It would be a waste of resources if ovitrap indices were not relied upon. Mr CHEUNG and Dr KWOK Ka-ki were of the view that the Administration should consider seriously ways to restore public confidence in the reliability of AOIs following the recent ovitrap tampering case.

4. Director of Food and Environmental Hygiene (DFEH) said that the results of AOIs would enable various departments to take appropriate mosquito control actions in areas under their purview. For example, the Education and Manpower Bureau and the Housing Department would make reference to AOIs in deciding on the mosquito work needed to be done in schools and housing estates respectively. The community and District Councils in particular would also have an interest to know any changes in AOIs. DFEH further said that, after the receipt of the complaint about suspected tampering of some ovitrap devices, FEHD had reviewed the records of AOIs in past few years and found no reason to suggest that previous figures were problematic. The Administration believed that the recent complaint was an isolated case.

5. DS(FEH) stressed that, while ovitrap index was one of the tools to monitor the mosquito breeding situation, the Administration had attached importance to ovitrap index in deciding on staff deployment and the amount of work to be carried out. As no substantial deviation was detected in the past records of AOIs, he hoped that the public would continue to have confidence on the reliability of ovitrap index.

6. Mr TAM Yiu-chung said that, during his recent visit to Ma Wan at the end of September 2006, he learned from the residents that the mosquito problem in Ma Wan had shown some improvements in the past years. He, however, found that FEHD staff did not know the exact locations of ovitrap devices. Mr TAM asked whether the locations of ovitrap devices could be made public as this would enhance public awareness of mosquito problem at designated locations.

7. DFEH said that the locations of ovitrap devices were not confidential information as most of the ovitrap devices were placed at public places. Prior consent of owners would be obtained if the ovitraps were to be placed at private premises. Moreover, relevant District Councils and departments would be informed of the locations of the ovitrap devices together with the ovitrap indices so that control actions could be carried out at district level as appropriate. DFEH further said that FEHD would review its guidelines to district staff to ensure that they were aware of the locations of the ovitraps and to remind staff and contractors not to tamper with ovitraps.

8. In response to Mr TAM Yiu-chung's enquiry about the timing for collecting ovitrap devices for follow-up, Consultant/FEHD explained that ovitrap devices were

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used to monitor prevalence of dengue fever vectors, which would be placed at the designated locations throughout the year. Public education had been launched reminding the public not to tamper with such devices. Pest Control Officer-in-charge/FEHD (PCO/FEHD) added that AOI was compiled on a monthly basis. Ovitrap devices at the designated locations would be collected after placing there for one week. AOI would be made available around one-week's time for the staff concerned to take mosquito control work as appropriate.

9. Mr Vincent FANG said that the recent ovitrap tampering case had undermined public confidence in FEHD's mosquito control work. To prevent tampering with ovitrap devices, the Administration should make public the locations of ovitrap devices and enhance public education. Referring to Annex III to the Administration's paper, Mr FANG said that AOIs in some locations had fallen abruptly in 2005 and 2006 as compared with the corresponding period in 2004. He asked whether the Administration had looked into the reasons for the abrupt fall in AOIs.

10. DFEH responded that FEHD had analysed the control actions and ancillary efforts taken by FEHD in the five locations where AOIs were about and over 10% from May to July 2006 and had fallen to zero in subsequent months, namely, Lai Chi Kok, Yuen Kong, Yuen Long Town, Ma Wan and Tsing Yi. It was concluded that the concerted efforts made by FEHD and other government departments had contributed to the improved situation. DFEH pointed out that FEHD had increased the number of contractor's workers to carry out anti-mosquito operation from about 900 workers in 2003 to 1 600 in 2006. The increase in staff deployment could also explain the fall in AOIs.

11. The Chairman asked about the actions taken in locations where there were abrupt fall in AOIs, especially those with zero readings recorded. DFEH referred to Annex VI to the Administration's paper and elaborated on the control actions and ancillary efforts taken by FEHD in the five locations where abrupt fall in AOIs were identified. He stressed that an AOI with zero reading would not necessarily result in less work for FEHD staff. DFEH further explained that, at the beginning of the rainy season every year, district pest control staff of FEHD would formulate appropriate anti-mosquito strategies and map out operational plans for the year in consultation with District Councils. DFEH stressed that these mosquito control actions at district level would continue throughout the year irrespective of the levels of AOI.

12. Mr WONG Yung-kun asked whether the Administration had studied why the levels of AOI in the rainy season had not risen. Mr WONG further asked whether consideration would be given to placing ovitrap devices at different sites in each month to better monitor mosquito breeding situation.

13. DFEH explained that heavy rainfall would not necessarily lead to a higher AOI index as it could sometimes wash away eggs and larvae, thus resulting in a lower level of AOI. PCO/FEHD informed members that an average of 55 ovitrap devices were

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placed in each selected sites which covered an area of around 0.55 km² in size. As the normal average flight range of Aedes mosquitoes was usually less than 100 m, the ovitrap devices were placed at distance about 100 m from each other so that the same mosquito might not oviposit in two ovitrap devices. A total of 38 localities were selected for the surveillance. This was in line with the recommendations of WHO for dengue vector surveillance. The locations of ovitrap devices were deliberately fixed throughout the calendar year to enable the authority to monitor the trend and to make meaningful comparison on a monthly basis. PCO/FEHD added that ovitrap was a surveillance tool for the detection of the presence of Aedes mosquitoes, but not other species of mosquitoes.

Monitoring over mosquito control work

14. Mr WONG Kwok-hing expressed disappointment that the Administration had been evasive about whether loopholes in the monitoring mechanism had led to the recent ovitrap tampering case. Mr WONG considered that, to avoid conflict of roles in administration and monitoring of anti-mosquito work, it would be more appropriate for another department to monitor independently the FEHD's performance in this aspect. Mr WONG said that, according to media reports, pest control contractors had disclosed that some ovitrap devices were suspected to have been tampered with three years ago. The Administration should explain plainly as to whether FEHD was aware of such complaint, and if so, what actions had been taken so far.

15. DS(FEH) responded that, in addition to ovitrap index, the effectiveness of mosquito control measures would be measured by the number of reported local dengue fever cases and number of mosquito-related complaints received. DS(FEH) further said that FEHD had not received any complaints about suspected tampering with ovitraps in past years. The recent ovitrap tempering incident was the first complaint received by FEHD and its management had acted upon the complaint within a week.

16. DFEH supplemented that FEHD had taken a number of improvement measures to prevent the tampering of ovitrap. Apart from considering ways and means to improve the security and the design of the ovitrap devices, FEHD had reminded district pest control staff that they should review and take a closer look at localities where there was abrupt fall of the level of AOI to see whether the sudden fall commensurate with control actions taken. DFEH stressed that, if there was evidence that ovitrap devices at specific locations were tampered-with, the ovitrap devices concerned would be replaced to ensure the accuracy of AOIs.

17. Referring to the categorization system of ovitrap index in Annex II to the Administration's paper, Dr KWOK Ka-ki noted that, if the ovitrap index was in the region of 5% to 20%, FEHD staff were required to conduct weekly inspection around the positive traps until no more breeding was detected or the result of the next survey period showed a negative finding. He queried whether such requirement would

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induce the staff concerned to tamper with the ovitrap index so as to avoid extra work.

18. DS(FEH) responded that the categorization of ovitrap indices into four action levels would facilitate effective deployment of resources for anti-mosquito work, since the scale of mosquito control actions would commensurate with the respective action levels. DS(FEH) stressed that the Administration had reviewed the ovitrap indices for the past few years. Although initial findings revealed that about 10% of ovitraps were suspected to have been tampered with, there was no ground to cast doubt on the general effectiveness of the mosquito control work.

19. Dr KWOK Ka-ki was of the view that 10% of ovitrap devices were suspected to have been tampered with was a serious problem. The Administration should critically look into the complaint with a view to identifying the problems and inadequacies in the existing mechanism for improvements.

20. The Chairman considered that the Administration had not yet addressed members' concerns about the effectiveness of the monitoring mechanism over anti-mosquito work. Noting that AOI in Tsing Yi had dropped from 36.5% in May 2006 to 0% in June and July 2006, the Chairman said that the Administration should have questioned why there was an abrupt fall in the index and whether the readings were reliable. The Administration should also study the motive for tampering with ovitrap devices. The Chairman further said that, according to the pest control trade, ovitraps were suspected to have been tampered with two years ago. The pest control contractor was willing to come forward complaining the malpractice probably because of a recent change in tendering procedures.

21. DFEH said that mosquito control work was carried out by contractors and monitored by FEHD staff. Even when the levels of AOI had dropped, FEHD district staff would still need to review the factors attributed to the drop, e.g. whether it was due to taking appropriate mosquito control actions, and where there were suspicious circumstances, they would need to carry out additional anti-mosquito work. Assistant Director (Operations)/FEHD supplemented that FEHD had monitored closely the performance of pest control contractor in taking anti-mosquito action. From May 2005 to 31 March 2006, FEHD had issued 284 notices to the contractor in connection with substandard performance which involved a fine of about \$2,300 for each notice. During the period, FEHD had also issued 104 warning letters and over 1 000 verbal warnings to the contractor.

22. Responding to the Chairman, DFEH confirmed that, apart from referring the complaint to the Police for investigation, FEHD would conduct an internal review on its own. At the Chairman's request, DFEH agreed to provide the review findings after conclusion of the Police's investigation.

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Overall staff performance of FEHD

23. Mr Andrew CHENG said that the recent ovitrap tampering case had reflected the problem of sloppiness and lack of professionalism among some of the FEHD staff. He considered that the improvement measures stated in paragraph 28 of the Administration's paper had failed to address the crux of the problem. Mr CHENG was of the view that the FEHD management should enhance its monitoring mechanism over the staff performance with a view to improving their working attitude and professionalism.

24. DFEH said that a team dedicated for quality assurance had been set up in FEHD to ensure compliance with relevant guidelines in carrying out inspections and taking enforcement actions by FEHD staff. FEHD management had instructed the quality assurance team to look into the suspected ovitrap tampering case and disciplinary actions would be taken against the staff concerned if necessary.

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25. Mr WONG Yung-kan said that the recent ovitrap tampering case had aroused much concern about the performance of FEHD staff, especially those responsible for mosquito control actions. FEHD should explain to the public its monitoring mechanism over staff performance. At Mr Andrew CHENG's request, DFEH agreed to provide information on the FEHD's internal monitoring mechanism over staff performance, including the number of occasions on which the quality assurance team in FEHD had recommended improvement measures in relation to non-compliance with guidelines by frontline staff.

II. Monitoring the quality of seawater for keeping seafood

[LC Paper No. CB(2)3153/05-06(02)]

26. In response to members' concern over the media reports that some seafood shops in Mongkok had used flushing water for keeping live seafood, Deputy Director/FEHD (DD/FEHD) informed the Panel that FEHD received a complaint from a District Councillor and from the District Office (Yau Tsim Mong) (DO(YTM)) on 31 July and 1 August 2006 respectively that a number of seafood shops in Mongkok had been drawing flushing water from their buildings illegally. Following the complaints, FEHD officers conducted two rounds of special inspections to the 14 premises selling live seafood in August 2006, but the use of flushing water for keeping live seafood on the premises was not detected. Site visits were again made to the 14 premises in September 2006 by FEHD officers, but no irregularities were detected. FEHD officers then took two rounds of 28 water samples from the premises concerned. One of the samples was later found to have exceeded the E coli action level of 180 per 100 ml.

27. DD/FEHD further said that DO(YTM) had also referred the complaints in

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parallel to the Water Supplies Department (WSD) on 1 August 2006. As a result of follow-up investigation, WSD issued in September 2006 three summonses under its legislation against three premises for taking water through an inside service for the purpose other than flushing. All the three premises were occupied by fish traders, two of them were selling chilled fish only, and the remaining one had live seafood on sale. To her understanding, WSD had not detected any use of flushing water for keeping live seafood for human consumption during its investigation.

28. DD/FEHD added that FEHD and WSD had agreed that WSD in future would refer any such cases upon detection to FEHD as soon as possible for further investigation and follow up as appropriate. FEHD staff would also report to WSD any irregularities detected concerning the illegal use of flushing water during their site inspections. In the meantime, FEHD would continue to monitor the situation of the premises concerned. Blitz operations would be mounted as necessary to deter any malpractice.

29. The Chairman asked whether FEHD was empowered under its legislation to take enforcement action against premises for using flushing water for keeping live seafood.

30. DD/FEHD responded that, while there was no legislation to prohibit using flushing water for keeping live seafood, it was stipulated in the licensing requirements/conditions for licensed food premises and tenancy conditions for public market stalls, that such use was not allowed. DD/FEHD added that food premises and market stalls would have their licenses cancelled or tenancies terminated if they received three warnings in relation to using flushing water for keeping seafood within a period of six months.

31. Dr KWOK Ka-ki asked when FEHD conducted inspections of the premises which were suspected to use flushing water for keeping live seafood upon receipt of the complaint on 31 July 2006 and whether FEHD staff had any suspicion about the use of flushing water in the premises concerned during inspection. Dr KWOK further asked whether FEHD had stepped up inspection against using flushing water for keeping live seafood in food premises after the complaint case was widely reported.

32. DD/FEHD responded that, according to FEHD's records, there were not many complaints relating to suspected use of flushing water for keeping live seafood, and FEHD had not issued any warning letters in this respect since 2003. DD/FEHD said that FEHD received the recent complaint on 31 July 2006 and inspected the premises concerned twice on 3 and 25 August 2006 respectively. In the light of the nature of the complaint, FEHD staff had paid special attention to the water pipes inside the premises, but no regularities were found during the two inspections. Nevertheless, FEHD had reminded the operators not to use flushing water for keeping live seafood.

33. DFEH added that all licensed food premises were subject to the inspection of

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FEHD for compliance with the licensing conditions and requirements, which included prohibiting the use of flushing water for keeping live seafood. DFEH, however, pointed out that it was difficult to gather sufficient evidence to substantiate that flushing water was used for keeping live seafood under the existing licensing conditions and requirements. In this connection, the Administration was considering whether the licensing conditions and requirements should be amended to the effect that, if illegal connection of flushing water pipes were detected in the premises, it would be deemed as breach of licensing/tenancy conditions and whether immediate cancellation of licence/termination of tenancy should be effected if flushing water was detected for keeping live seafood.

34. Mr WONG Yung-kan said that the quality of fish tank water for keeping live seafood had been discussed in length by the Panel. Although some measures had been formulated to improve the quality of seawater for keeping live seafood, there was still room for improvement in this regard. Mr WONG said that FEHD staff had failed to notice any irregularities during their inspection to the premises in the recent complaint case, even though the flushing water had been drawn for illegal use to such an extent that the supply of flushing water in the building was suspended for some time. He was dissatisfied that FEHD staff were only informed of the case by WSD for follow up. Mr WONG considered that the recent complaint case had also revealed that communication between FEHD and WSD should be further enhanced and FEHD staff should be more vigilant to detect any irregularities during their routine inspection.

35. Mr WONG Yung-kan and Mr Vincent FANG expressed support for the proposal to increase the penalty for seafood operators if they breached the licensing conditions and requirements by using flushing water to keep seafood. They considered that, to ensure the quality of fish tank water for keeping seafood, the Administration should step up inspection of food premises and market stalls and enhance publicity to encourage the trade to participate in the voluntary Quality Seawater Assurance Scheme for seawater suppliers and traders by keeping the price of seawater from accredited supplier at a reasonable level. Mr FANG further suggested that the Administration should consider requiring the trade to keep records on the source of fish tank seawater.

36. DFEH reiterated that there was presently no legislation to regulate the use of flushing water for keeping live seafood, though such act was in breach of FEHD's licensing conditions and requirements. DFEH added that, in addition to routine inspections, FEHD would mount blitz operations as necessary to deter such malpractice. DD/FEHD supplemented that FEHD and WSD would work closely on suspected cases of using flushing water to keep seafood. WSD would alert FEHD for any follow-up as soon as possible upon detection of any irregularities concerning the illegal use of flushing water during their site inspections and vice versa.

37. DS(FEH) also informed members that, since the launch of the Quality Seawater

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Assurance Scheme, more than 100 premises were accredited under the Scheme. The accreditation cost ranged from several hundreds to several thousands for traders (including operators of fresh provision shops, restaurants and market stalls selling live seafood), and was over \$10,000 for seawater suppliers. DS(FEH) further said that the Administration would step up publicity to encourage the traders to join the Scheme.

38. Referring to the summonses issued by WSD against three premises for taking water through an inside service for the purpose other than that for flushing, the Chairman asked whether WSD staff were able to identify the use of water during inspection.

39. DD/FEHD said that, according to her understanding, WSD staff did not detect the use of flushing water for keeping live seafood during inspection. WSD had issued summonses under its legislation against the premises concerned for taking water through an inside service for the purpose other than that for which the water was supplied, namely flushing.

40. The Chairman said that, to enhance the public confidence in the quality of seawater for keeping seafood, the Administration would consider requiring the seafood operators to display a notice on their business premises showing the source of seawater after the legislation on prohibition of abstraction of seawater from areas adjacent to the coast had come into force.

41. Dr KWOK Ka-ki said that, under FEHD's regular surveillance programme, fish tank water samples were collected from all licensed food premises and market stalls for testing once every eight weeks. He asked whether the collection of water samples was scheduled; if so, he questioned the effectiveness of such testing as the operators could make necessary preparation to ensure good quality water samples were collected for testing. Dr KWOK envisaged that it would be difficult to ensure the quality of seawater at retail outlets even after the legislation on prohibition of abstraction of seawater from areas adjacent to the coast had come into force. Hence, apart from monitoring the water source, the Administration should stipulate in the licensing conditions and requirements for food premises and market stalls that good quality seawater should be used for keeping live seafood.

42. DD/FEHD said that water samples would be collected from all licensed food premises and market stalls under FEHD's risk-based surveillance and sampling programme. DD/FEHD further said that, to enhance the deterrence on the seafood traders, the Administration was considering amending the licensing conditions and requirements to require all seafood operators to keep information about the source of seawater being used to keep live seafood in their premises for inspection by FEHD staff as necessary.

43. Mr WONG Yung-kan held the view that it was difficult, if not impossible, for the operators to ensure the source of seawater for keeping seafood as they did not

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abstract seawater by themselves. He hoped that the Administration would enhance communication with the seafood operators, reminding them not to use flushing water for keeping seafood.

44. DFEH said that the Administration had maintained close communication with the trade, and the trade would be consulted on the proposed amendments to the licensing conditions and requirements.

45. The meeting ended at 12:25 pm.

Council Business Division 2
Legislative Council Secretariat
29 December 2006