

**For discussion
on 14 February 2006**

LegCo Panel on Food Safety and Environmental Hygiene

Timetable for Introducing Legislative Proposals

PURPOSE

This paper briefs Members on the legislative proposals relating to food safety and environmental hygiene that the Administration plans to introduce within the current and next legislative sessions.

LEGISLATIVE PROPOSALS

Item to be Introduced within the Current Legislative Session

New Licensing Regime for “Restricted Restaurants”

2. The Administration intends to amend the Food Business Regulation (Cap. 132X) to place “restricted restaurants” under licensing control. Cap. 132X will be amended to allow for more relaxed licensing conditions such as a smaller food room and fewer sanitary fitments and ablution facilities than conventional restaurants. At the same time, restrictions on the operation of these restaurants will be imposed. The proposed regulatory control will provide room for “restricted restaurants” to operate, without compromising food safety and hygiene standards and building and fire safety requirements. The drafting of the amendments is in progress.

Items to be Introduced in the Next Legislative Session

Banning Backyard Poultry Keeping

3. Backyard poultry keeping will be banned from 13 February 2006 as a result of two amendment legislations made by the Chief

Executive in Council. Nonetheless, there are inconsistencies in respect of the enforcement and sanctions against illegal poultry keeping between the Public Health (Animals and Birds) Ordinance (Cap. 139) and the Waste Disposal Ordinance (Cap. 354). We aim to amend Cap. 139 and, where necessary, other relevant Ordinances/Regulation and introduce a Bill within 2006 to achieve consistency. In the light of the threat posed by avian influenza, we may also need to introduce public health related legislation at short notice.

Regulation and Monitoring of Fish Imported from Overseas Countries and Places

4. With the objective of enhancing the regulation of importation of fishery products, including live fish, thereby ensuring that they are fit for human consumption, we are reviewing overseas regulatory frameworks and practices for aquatic products with a view to formulating our local regulatory regime. The following components may be included in the proposed regulatory regime -

- (a) all traders in the fishery products business, including producers, transporters, sellers, etc. will need to be registered;
- (b) imports have to land at designated landing points;
- (c) documentation will be required: for imports, sale and purchase of fishery products; health certificate requirements for cultured products; and
- (d) power for the relevant authorities to inspect, test and recall fishery products on public health grounds.

Control of Fishing Activities and Conservation of Fisheries Resources in Hong Kong Waters

5. In March 2005, we briefed Members on the proposed amendments to the Fisheries Protection Ordinance (Cap. 171). The proposals aim to establish a regulatory framework for the control of fishing activities and conservation of fisheries resources in Hong Kong waters. Proposed measures include the introduction of a fishing licence

system, designation of fisheries protection areas and establishment of a legislative framework for implementation of an annual territory-wide closed season when necessary. Since the LegCo and stakeholders had divided views on the proposals and the fishing community requested the Government to provide more assistance to help them tide over the proposed closed season and switch to other sustainable operations, the Agriculture, Fisheries and Conservation Department has established a working group comprising representatives from the fishing community, academics and green groups to discuss the details of the proposals. We are formulating a package to address the concerns of various parties.

Enhancing the Control Regime of Pesticides

6. The Environmental Protection Department is taking the lead in implementing the Stockholm Convention on Persistent Organic Pollutants. We will introduce amendments to the Pesticides Ordinance (Cap. 133) to provide explicit power to the Government to implement the obligations under the Stockholm Convention. We will also take the opportunity to introduce amendments to enhance the control regime of pesticides. The legislative proposals include reforming the registration format of pesticides, establishing an accreditation scheme for pest control service providers and pesticides applicators, requiring farmers to attend pesticides safety course and providing appropriate powers to the pesticides inspectors to take enforcement actions. The proposals would help protect public health and enhance food safety.

Stiffening the Penalties for Repeat Cleanliness Offenders

7. Following our consultation with the Panel in December 2005 on our proposal, we will introduce the following legislative amendments to stiffen the penalties for repeat cleanliness offenders -

- (a) imposing community service order and higher fine at the discretion of the Court on those who commit littering, spitting and/or dog-fouling three times in 24 months; and
- (b) issuing fixed penalty notices of \$3,000 and \$5,000 respectively for offenders who commit second and third time offences in unauthorized posting of bills and posters within a period of 24 months.

Regulation of Poultry Slaughtering Plant

8. To minimise the risk of human infection of avian influenza, we have been actively exploring the idea of developing a poultry slaughtering plant in Hong Kong. Our aim is to achieve complete segregation of humans from live poultry. We intend to amend the Poultry (Slaughtering for Export) Regulations (Cap. 139E) and, where necessary, other relevant Ordinances/Regulation to put in place a licensing regime for the operation of the future slaughtering plant. Areas to be covered in the legislative proposal include the design and hygiene of the plant, slaughtering equipment as well as slaughtering and inspection processes.

Introduction of a Mandatory Labelling Scheme on Nutrition Information

9. We plan to amend the Food and Drugs (Composition and Labelling) Regulations (Cap. 132W) for introduction of a mandatory labelling scheme on nutrition information. This can facilitate consumers to make healthy food choices and regulate misleading or deceptive nutrient-related claims. Under the proposal, food labels have to display nutrient content of the food in a standardized manner, and nutrient-related claims will be regulated. The scheme will be implemented by two phases. In phase I, which will be implemented two years after the enactment of the legislation, prepackaged food with claims will be required to label energy plus five core nutrients. Phase II will be implemented two years after the implementation of phase I. In Phase II, all prepackaged food, except those exempted, will be required to label energy plus nine core nutrients.

Prohibition of Abstraction of Seawater from Specified Areas

10. At present, the Food Business Regulation (Cap. 132X) only governs the quality but not the source of the water in fish tanks. As a result, an operator would be considered to have breached the law only if the test result of the water sample taken from the fish tank is found to be below the legal standard.

11. Members were consulted in April 2005 on our proposal to amend the Food Business Regulation (Cap. 132X) to prohibit abstraction

of seawater from specified areas along the coast with consistently unsatisfactory water quality. The proposal aims at better control of the source of water used for keeping live fish and shell fish intended for human consumption.

Control of Ice-making Plants

12. With a view to enhancing public health, we intend to amend the Food Business Regulation (Cap. 132X) to place factories that manufacture ice for human consumption under licensing control. Members were briefed on the proposal in April 2004. The drafting of the amendments is in progress.

ADVICE SOUGHT

13. Members are invited to note the legislative proposals relating to food safety and environmental hygiene that the Administration intends to introduce within the current and next legislative sessions.

Health, Welfare and Food Bureau
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