

**Panel on Food Safety and Environmental Hygiene**

**List of outstanding items for discussion**

(Position as at 8 March 2006)

	<b>Subject</b>	<b>Proposed timing for discussion</b>
<b>1.</b>	<b>Reorganisation plan for the food safety regulatory framework</b>	March / April 2006

At its meeting on 17 October 2005, the Panel was briefed on the Administration's plan to re-organise the Food and Environmental Hygiene Department and the Agriculture, Fisheries and Conservation Department to enhance food safety and veterinary public health control in Hong Kong.

The Panel on Food Safety and Environmental Hygiene and Panel on Environmental Affairs has subsequently held four joint meetings on 29 November 2005, 15 December 2005, 6 January 2006 and 17 January 2006 to discuss the revised reorganisation proposal and receive views from the relevant trades, experts, academics and staff of the affected departments. At the meeting on 17 January 2006, members raised no objection to the establishment of the proposed Centre for Food Safety. Nevertheless, the Panel would follow up the issues on the qualifications for the post of Controller, Centre for Food Safety, and whether the regulatory and facilitation functions of agriculture and fisheries activities should be performed by two separate departments.

The Research and Library Services Division will provide further information on the regulatory framework in overseas countries/places.

**2. Licensed food premises**

(a) Team Clean's recommendations

At its meeting on 26 September 2003, the Panel agreed to follow up Team Clean's recommended measures to improve the environmental hygiene of licensed food premises (paragraphs 4.18-4.37 of Team Clean's final report) -

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| (i)   | Open Categorisation Scheme;  | Mid 2006                      |
| (ii)  | Revamp of Demerit Points System, announcement of recalcitrant licensees and hygiene-related misconduct of employees; and | March 2006                    |
| (iii) | Licensing requirements for food factories.   |                               |
| (b)   | <u>Suspension of issue of licence to food premises operating without licence</u>   | 1 <sup>st</sup> quarter, 2006 |

At its meeting on 14 December 2004, the Panel was advised that the Administration would consider suspending the issue of a provisional/full licence for a certain period to food premises which were found to have operated without licences upon conviction. When briefed on the proposed measures on 8 March 2005, members expressed various concerns. The Administration was requested to consider members' views and revert to the Panel later.

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| (c) | <u>Streamlining of licensing framework</u> | 1 <sup>st</sup> / 2 <sup>nd</sup> quarter, 2006 |
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The Administration has undertaken to cover the following in its review of the licensing systems and procedures for food premises -

- (i) the Light Refreshment Restaurant Licence; and
- (ii) the licence for siu mei and lou mei shops.

On 14 December 2004, a subcommittee was formed under the Panel to study the streamlining of food business licensing. A report has been provided to the Panel in January 2006.

The Panel may wish to follow up with the Administration the progress made in implementing the streamlining measures for food business licensing.

(d) Enforcement of licensing conditions

2<sup>nd</sup> quarter, 2006

At the meeting between LegCo Members and Wan Chai District Council (WCDC) on 5 May 2005, WCDC members expressed concern about certain “food factories” selling take-away foods and the lack of enforcement actions by FEHD against these operators. Members attending the meeting agreed that the matter should be referred to the Panel for follow-up.

**3. Fisheries Protection (Amendment) Bill**

Mid 2006

The Administration originally planned to introduce the Bill in the 2004-05 legislative session. The Administration briefed the Panel on 8 March 2005 on the legislative proposal. The Panel held a special meeting on 26 April 2005 to gauge the views of the fishing industry on the proposal. The Administration was requested to further discuss with the industry before introducing the Bill into LegCo.

**4. Control of importation, landing and sale of live fish**

December 2006

In the last term, the Panel urged the Administration to regulate the importation, landing and sale of live fish in Hong Kong. The Administration advised that it would consider how live fish should be brought under regulatory control.

The Panel also expressed concern about the increasing number of reported incidents of ciguatera fish poisoning and the presence of malachite green in eels and live fish.

The Administration reported to the Panel its review of the effectiveness of a voluntary Code of Practice at the meeting on 12 July 2005. As the number of reports on shipment of live fish after the introduction of the voluntary code was not satisfactory, the Administration advised that it would consult the fish traders and introduce a mandatory system.

The Panel also discussed the proposed regulatory framework for live fish at the special meetings in August and September 2005, and the regular meeting on 13 December 2005 following the discovery of malachite green in eels and live fish. The Administration originally planned to introduce the Fisheries Products Safety Bill in the 2005-06 session to provide for the strengthening of control on fresh marine fish and fresh water fish imported or reared locally to enhance the protection of public health.

The Administration also proposes that the control of drugs and chemicals for fish be subsumed under this item. The issue was referred by the Subcommittee on Public Health (Animals and Birds) (Chemical Residues) Regulation to the Panel for follow-up.

**5. Labelling scheme on nutrition information**

July 2006

The Panel discussed the proposed labelling system on nutrition information on 10 May and 14 June 2005. The Administration planned to introduce an Amendment Regulation in 2006-07 to give effect to the proposed nutrition information system. The Administration was requested to revert to the Panel before submitting the legislative proposal into LegCo, if further amendments were proposed to the nutrition labelling system.

**6. Sustainable development of agricultural and fisheries industries**

Hon WONG Yung-kan has proposed to discuss ways Government can assist in promoting sustainable development of the agricultural and fisheries industries.

**7. Regulation of genetically modified food**

The Panel discussed the Administration's proposal on 20 March 2003 and invited deputations to give views on 29 April 2003. At the meeting on 20 March 2003, the Panel passed a motion urging the Government to draw reference from the experience of the European Union countries and expeditiously introduce legislation to set up

a mandatory genetically modified food labelling system.

The Administration has agreed to revert to the Panel, before introducing the legislative proposal into LegCo.

**8. Overall review of the Public Health and Municipal Services Ordinance (Cap. 132) and the Public Health (Animals and Birds) Ordinance (Cap. 139)**

The Subcommittee on Public Health (Animals and Birds) (Amendment) Regulation 2001, Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2001 and Food Business (Amendment) Regulation 2001 recommended that the Administration should conduct an overall review on the levels of penalties in Cap. 132 and Cap. 139, to ensure that the penalties were appropriate having regard to those imposed on similar offences in other legislation. The proposal was referred to the Panel for follow-up discussion.

The Administration has also undertaken to consider the views of the Society of Prevention of Cruelty to Animals regarding the need to tighten up control of import, sale and breeding of animals.

The Panel may wish to follow up the above subject matters when the Administration has completed the review.

**9. Public markets and cooked food centres**

(a) Policy on markets and cooked food centres

July 2006

At the meeting on 15 July 2002, Panel members suggested that the Administration should conduct an overall review of the design and operation of wet public markets in order to improve their environment and hygiene conditions.

The Public Accounts Committee discussed the Director of Audit's report No. 41 on public markets managed by the Food and Environmental Hygiene Department (FEHD) in 2004. The Administration responded that the Health, Welfare

and Food Bureau was discussing with the Planning Department the need to review the current planning standards for the provision of market facilities as set down in the Hong Kong Planning Standards and Guidelines. In addition, FEHD was conducting a study to identify markets with serious and insurmountable viability problems that might merit closure/consolidation.

At the meeting between LegCo Members and WCDC on 5 May 2005, WCDC members considered that FEHD should review the design and operation of public markets with a view to improving their competitiveness. Some WCDC members suggested that FEHD should review the consideration factors for issuing fresh provision shop licences. Members attending the meeting agreed that the matter should be referred to the Panel for follow-up.

(b) Demerit Points System

March 2006

The Administration proposed to discuss with the Panel the outcome of consultation with Market Management Consultative Committees on the proposed Demerit Points System for markets managed by FEHD (paragraphs 4.1-4.17 of Team Clean's final report).

**10. Alignment of fees and charges under the purview of the Food and Environmental Hygiene Department (FEHD) and public market rental adjustment mechanisms**

July 2006

Following the dissolution of the former Provisional Municipal Councils in 2000, the Administration planned to align the fees and charges of the former Provisional Urban Council and Provisional Regional Council.

On 24 February 2003, the Administration informed the Panel that it would need more time to work out an alignment proposal for the various FEHD fees and charges as well as the public market rental adjustment mechanisms.

The Administration subsequently advised the Panel that according to Section 9 of the Provision of Municipal Services (Re-organisation) Ordinance (Cap. 552), FEHD fees/charges would remain unchanged until the Secretary for Health, Welfare and Food made a regulation to amend them.

**11. Liquor licensing policy and legislation**

October 2006

At the meeting held between LegCo Members and Yau Tsim Mong District Council (YTMDC) members on 13 February 2003, it was considered that the Administration should conduct a comprehensive review of the existing liquor licensing policy and legislation. YTMDC members suggested that the Administration should restrict the number and the business hours of bars operating in the vicinity of residential areas.

The Subcommittee to Study the Streamlining of Food Business Licensing discussed the liquor licensing procedure at the meeting on 17 May 2005.

**12. Nuisance caused by the Tsuen Wan Slaughterhouse**

June 2006

The item is proposed by Hon WONG Kwok-hing on 22 January 2005.

At the meeting held between LegCo Members and Tsuen Wan District Council (TWDC) on 6 January 2005, TWDC members expressed concern about nuisance caused by the Tsuen Wan Slaughterhouse. They noted that the Administration would release the findings of the feasibility study on the removal of the Slaughterhouse in the second-half of 2005. Hon WONG Kwok-hing suggests that the Panel should follow up the matter when the Administration has completed the feasibility study and that TWDC and the relevant organisations should be invited to attend the Panel meeting when the matter is discussed.

**13. “One licence for one shop” proposal for selling chilled meat**

At the meeting on 15 April 2005, the Panel noted the advice from the legal adviser to the Panel on the “one licence for one shop” proposal. The Administration agreed to seek further legal advice on the matter and consider the Panel’s proposal from the policy perspective. The Administration would revert to the Panel in due course.

At the case conference of the Complaints Division held on 26 May 2005, Duty Roster Members met with representatives of live/fresh/chilled meat trades on the “one licence for one shop” proposal. Members attending the case conference agreed that the proposal should be referred to the Panel for follow-up.

The Administration consulted the Panel on 14 February 2006 whether chilled pork from the Mainland should be allowed to be imported pending legislative amendments to effect “one licence for one shop” proposal. While some members raised no objection to importing chilled pork from the Mainland as chilled pork was currently being imported from other places, the Panel considered that the Administration should introduce the legislative amendments on the “one licence for one shop” proposal as soon as possible, and advise the Panel of the legislative timetable.

**14. On-street promotion activities**

June 2006

At the meeting between LegCo Members and WCDC on 5 May 2005, WCDC members expressed concern about obstruction and environmental hygiene problems caused by on-street promotion activities. They suggested enhancing the enforcement against obstruction caused such activities. LegCo Members attending the meeting agreed that the matter should be referred to the Panel for follow-up.

The subject was also discussed by the Sai Kung District Council (SKDC) at its meeting on 18 August 2005. To enhance enforcement, SKDC suggested that amendments

should be made to the relevant legislation. The suggestion was put forward to the Panel for consideration and follow-up.

**15. Dietary exposure to DDT of secondary school students**

June 2006

This item is proposed by the Administration.

Council Business Division 2  
Legislative Council Secretariat  
8 March 2006