

立法會
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Panel on Food Safety and Environmental Hygiene

Minutes of Special meeting
held on Friday, 13 October 2006 at 11:45 am
in the Chamber of the Legislative Council Building

Members present : Hon Tommy CHEUNG Yu-yan, JP (Chairman)
Hon Fred LI Wah-ming, JP (Deputy Chairman)
Hon WONG Yung-kan, JP
Hon TAM Yiu-chung, GBS, JP
Hon Vincent FANG Kang, JP
Hon WONG Kwok-hing, MH
Dr Hon Joseph LEE Kok-long, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki

Members attending : Hon Emily LAU Wai-hing, JP
Hon LEE Wing-tat

Member absent : Hon Andrew CHENG Kar-foo

Public Officers attending : Dr York CHOW Yat-ngok
Secretary for Health, Welfare and Food

Mrs Carrie YAU TSANG Ka-lai
Permanent Secretary for Health, Welfare and Food
(Food and Environmental Hygiene)

Mr Eddy CHAN
Director of Food and Environmental Hygiene

Dr MAK Sin-ping
Controller, Centre for Food Safety
Food and Environmental Hygiene Department

Mrs Stella HUNG
Director of Agriculture, Fisheries and Conservation

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)

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I. Briefing by the Secretary for Health, Welfare and Food on the Chief Executive's Policy Address 2006-2007
[LC Paper No. CB(2)30/06-07(01)]

The Secretary for Health, Welfare and Food (SHWF) said that the Health, Welfare and Food Bureau (HWFB) attached great importance to food safety and dissemination of information on food safety to the public. In achieving their goal on food safety, they would study ways to collaborate with the Mainland authorities concerned on the application of modern information technology in effective tracing of Mainland food supplied to Hong Kong to facilitate source management, as a new initiative in 2007. He said that they were working with the Mainland authorities to explore the feasibility of applying Radio Frequency Identification (RFID) technique in tracking Mainland food and food animals supplied to Hong Kong. A pilot project would soon be conducted to test the use of RFID tags on live pigs. SHWF added that the Administration would revert to the Panel when the Bureau was ready to do so.

2. With regard to the progress on the implementation of 2005-2006 policy initiatives, SHWF informed members that the Administration would continue its work in the following areas, as detailed in the Administration's paper, -

- (a) enhancing food safety with the support of the Centre for Food Safety (CFS);
- (b) formulating measures to streamline food business licensing;

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- (c) regulating restricted restaurants to safeguard public health;
- (d) launching an accreditation scheme for seawater suppliers and drawing up legislative proposals to prohibit the abstraction of seawater from specified areas along the coast for keeping live seafood, to enhance the quality of fish tank water for food safety;
- (e) developing a multi-pronged strategy to minimise the risk of avian influenza outbreaks, including the development of a poultry slaughtering and processing plant;
- (f) drawing up proposals to promote sustainable development of the fishing industry and to conserve fisheries resources in Hong Kong waters;
- (g) improving overall food safety and control on agricultural and fisheries operations that have an impact on public health or the environment;
- (h) reviewing the regulatory framework for animals and birds for the purpose of enhancing health and food safety;
- (i) improving food labelling scheme; and
- (j) reviewing the policies related to the provision of cemeteries, columbaria and crematoria facilities and striving to provide more facilities to meet future demand.

Hawker control policy

3. Mr WONG Kwok-hing said that he welcomed the mission of building a caring and just society as stated explicitly in the 2007 policy agenda of the Bureau. He, however, commented that the Administration had failed to honour its commitment in respect of the hawker control policy. Mr WONG pointed out that the community had much concern in the past year about the hawker control policy, particularly in view of the occurrence of incidents in which a hawker was hit by a car and another hawker was drowned while fleeing from hawker raiding operations in Sham Shui Po and Tin Shui Wai respectively. He criticised that the Food and Environmental Hygiene Department (FEHD) was unsympathetic in refusing to visit and to console the person who was seriously injured. Mr WONG said that, after the incident in Sham Shui Po, he had urged the Administration to review the incidents and its existing policy on the regulation of street hawking activities, in particular the hawker management and licensing policy, so as to prevent the recurrence of such tragic incidents in future. He expressed dissatisfaction that, despite of his repeated requests, the Administration did not take any action to review its hawker control policy.

4. SHWF responded that, under the existing hawker control policy, the

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Administration would not allow any illegal street hawking activities, particularly those unlicensed street hawking activities involving the sale of prohibited or cooked food that would pose risks to public hygiene and food safety. He stressed that the Administration would not allow street hawking activities to take place anywhere as unlicensed itinerant hawkers might like, in particular places which would pose safety risks to the public such as major thoroughfares and areas of high pedestrian flow. SHWF said that there were clear guidelines on the taking of enforcement actions by FEHD officers against illegal hawking activities, with a view to keeping nuisances to the public to the minimum whilst ensuring the safety of hawkers and members of the public. He pointed out that, as a caring society, Hong Kong was adopting a lenient policy and the penalties for hawking offences were not heavy. He further said that the Administration had already relaxed its hawker control policy and FEHD had adopted flexibility in taking enforcement actions against street hawker activities.

5. On the designation of "hawker permitted areas" in different districts, SHWF said that he welcomed the views of the District Councils and would consider their recommendations on the feasibility of designating "hawker permitted areas" in specific locations. He hoped that Mr WONG Kwok-hing would offer constructive inputs in this respect.

6. Regarding a review on the existing hawker control policy, SHWF said that, to facilitate the Administration's consideration of the issue, he hoped that members would provide their views on the existing policy, for example, on whether there were certain aspects of the policy that were considered unsatisfactory or whether the principle of the policy was considered not acceptable.

7. In response to the Chairman, the Director of Food and Environmental Hygiene (DFEH) said that, after the unfortunate incidents, FEHD had already conducted an internal review on the hawker raiding operations taken and had updated the department's guidelines on hawker raiding operations during the course of the review. FEHD had also taken on board a number of improvement measures to render anti-hawking operations more effective, including enhanced in-house training for hawker control team staff on handling crises/incidents, verbal warnings prior to prosecution actions and consultation with the District Councils on determining the locations of the hawking blackspots in their respective districts etc. DFEH further said that different District Councils would have different needs with respect to the control of street hawking activities and consultation with District Councils was necessary in ensuring that deployment of staff and allocation of resources in respect of hawker raiding operations could be made to meet their respective needs.

Centre for Food Safety

8. Mr TAM Yiu-chung said that there was not much information provided in the Administration's paper with respect to the work of CFS. He further said that the Centre had been established for several months but there was not much publicity on

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the work of CFS to the public. He asked when CFS would operate in full swing and requested the Administration to provide a periodic report on the work of CFS to the Panel.

9. SHWF said that, CFS was established to enhance food safety for the protection of public health, CFS would enhance food safety by standards that would compare favourably with international standards in every aspect. To strengthen the consultative framework on food safety, CFS had set up an Expert Committee on Food Safety in mid September. As regards food safety standards, SHWF further said that the Expert Committee on Food Safety would make reference to the standards adopted by overseas food authorities in reviewing the food safety standards in Hong Kong. However, different countries would set different safety standards taking into account their economic development or other circumstances, and it would not be appropriate for Hong Kong to simply adopt the food standards of other countries. On the publicity front, he added that CFS had stepped up its publicity efforts by disseminating information on food safety to the public regularly, e.g. through the publication of Food Safety Bulletins which was also made available in CFS's website.

10. Director of Food and Environmental Hygiene (DFEH) supplemented that CFS had already commenced its operation since its establishment several months ago. Though CFS was still in its early stage of operation, they had already implemented various initiatives in respect of their work on food safety. For example, CFS had set up an Expert Committee on Food Safety in mid September 2006 to review the food safety standards in Hong Kong. It had also strengthened communications with the Mainland with a view to maintaining standards on registered farms and food factories for the supply of certain foods to Hong Kong. To enhance communication with the trade and consumers, CFS had established a regular Trade Consultation Forum and a Consumer Liaison Group to provide an interactive platform for the Administration to brief trade and the consuming public on the latest development on measures related to food safety and seek their views and comment.

11. As regards transmission of information on food safety and risk communication, Controller of the Centre for Food Safety (Controller/CFS) added that CFS had stepped up its efforts in disseminating information to the public and the food trade in a more timely manner through different channels such as publication of bulletins, organisation of press conferences and uploading food safety alerts and relevant information onto the website of the Centre.

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12. Responding to Mr TAM Yiu-chung's request, SHWF said that periodic reports on the work of CFS would be provided to the Panel.

13. Dr KWOK Ka-ki said that when the Panel discussed the proposal for setting up CFS, one of the salient points raised was that CFS should compose of professionals with relevant training/experience in food safety including nutritionists, food chemists and food scientists etc. Noting that additional staff would be recruited by CFS,

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Dr KWOK asked if there were any professionals with relevant training and experience in food safety amongst the newly recruited staff. He further asked about the number of professionals newly recruited and their fields of disciplines as well as number of years of relevant experience.

14. Controller/CFS said that CFS had adopted a multi-disciplinary approach in its staff establishment and comprised professionals of various disciplines including veterinarians, public health staff, food chemists, science laboratory technicians and nutritionists etc. She further said that they had just completed the selection process for the recruitment of an expert in food toxicology.

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15. In response to Dr KWOK's enquiry, Controller/CFS said that they would provide the information on the number of professional staff in CFS, their fields of disciplines and years of relevant experience. SHWF added that the Administration would include such information in the periodic report on the work of CFS to the Panel.

Food Safety Incidents

16. Deputy Chairman expressed concern about the recent food poisoning incidents in relation to consumption of raw oysters. He considered that these incidents had reflected that there was a loophole in the existing regulatory framework and that there was an absence of legal backing for the Administration to make public the name of the source of food products, mandate an order that the food products be suspended from sale, or recall food products that were suspected to be associated with food poisoning incidents, pending the confirmation of laboratory test results. Deputy Chairman said that he fully supported the action taken by FEHD to make public the name of the supplier of raw oysters suspected as the source of food poisoning. He, however, pointed out that, unlike the Consumers Council, there was not any protection clause for the Administration in making public the names of the suppliers of food products which were suspected to be unfit for human consumption in case that there were litigations against the actions taken by the Administration. Deputy Chairman further said that Public Health and Municipal Services Ordinance (Cap. 132) at present was the only legislation that empowered the Administration to seize and destroy the food products if they were unfit for human consumption. There was no legislation that empowered the Administration to order a recall of the problematic food products. He expressed disappointment that the Administration did not include the proposal for the introduction of a food recall mechanism in Hong Kong in the legislative programme 2006-2007. He asked if the Administration would conduct a review on the food poisoning incidents and consider introducing legislative proposals to address the problem.

17. SHWF responded that there was legislation empowering the Administration to control food products that were unfit for human consumption. In the past, similar actions had been taken to make public the brand names of food products that were

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suspected to be unfit for consumption. The decision to make public the name of the supplier of raw oysters suspected was made on the basis of epidemiological analysis and on the fact that the raw oysters of the four food premises involved were all supplied by the same supplier. He said that CFS accorded high priority to the control of aquatic products but they needed more time to study the issue.

18. Responding to Deputy Chairman's question, DFEH said that the Director of Food and Environmental Hygiene was empowered under the law to order the closure of food premises if public health was at risk. In considering the appropriate course of action to be taken, including the disclosure of the supplier's information, protection of public health and public interest would be of primary importance. He said that it would be entirely appropriate for FEHD to make public the information on food poisoning incidents if public interest so required. He explained that the Administration had the responsibility of making public the information about the supplier on grounds of public interests to enable the trade and the public to be more vigilant. Moreover, when public health was at risk, such action was necessary and effective in containing an outbreak of food poisoning incidents.

19. Controller/CFS added that, when food poisoning incidents involving food premises were detected, CFS would follow up every reported food poisoning incident that was notified by the Centre for Health Protection (CFS). CFS's prime concern was to ensure public health and protect the interest of the public. As such, they would not take on a decision recklessly in respect of food safety incidents. The actions taken were made on the basis of the information received and during the course of investigation of the incidents. Controller/CFS said that it was just only a few days ago that they found out that all the patients had consumed raw oysters at these four premises and all raw oysters were supplied by the same supplier. She said that, from the perspective of protecting public health, it was considered that the actions taken so far were appropriate. They would consider reviewing the legislation on food safety in future if that would further enhance food safety.

20. Mr LI Wing-tat said that it was alarming as one of the food premises involved was a food premise in a top-class hotel. He was worried that, if the situation continued to persist, Hong Kong would not be able to uphold its reputation as a gourmet paradise and might become a city notorious for the consumption of unsafe food. He asked if there was any regulation or penalties on the food premises which purchased the suspected poisoning food from the suppliers.

21. SHWF said that there were various factors contributing to food poisoning incidents and contamination at source was only one of them. Food could be contaminated if it was not properly handled during processing, handling or storage. Food poisoning incidents had occurred in restaurants and hotels in the past. In the course of investigation, FEHD would look into all the possible causes, and in this particular case, it was found that the raw oysters supplied to all the four premises came from the same supplier. He said that the purpose of making public the

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information on food safety incidents was to keep the public to stay alert to the health risk.

22. DFEH supplemented that, in his experience, there were many factors contributed to food poisoning incidents, including software or hardware of the food premises (e.g. management of the food premises or mixing of raw food and cooked food etc). To ensure food safety in the licensed food premises, the licensees of the licensed food premises were required under the licensing requirements and conditions to appoint a Hygiene Manager and/or a Hygiene Supervisor who had attended a recognized food hygiene course to supervise the handling of food.

23. Mr WONG Yung-kan considered that there was a lack of standards on the control of importation of oysters and shellfish. He asked on whether there were any sampling tests on the imports of oysters and shellfish. Mr WONG considered that sampling tests in this respect was rather important and the Administration should not simply rely on the health certificates attached to imported food products. To ensure food safety, an enhanced source management should be put in place to facilitate the work of CFS.

24. SHWF explained that given that over 95% of food was imported into Hong Kong from various source countries including the Mainland, it was very difficult to put in place control measures on the food producers. He cited raw oysters as an example where Hong Kong imported raw oysters from more than ten countries. He agreed that higher priority should be accorded to the control of aquatic products as aquatic products had a higher risk as compared to other food products such as fruits. SHWF added that he had made a visit to New Zealand to study the control of aquatic products and Controller/CFS was studying this issue in the past few months.

25. Mr Vincent FANG considered that food safety could only be ensured through better food origin management and food surveillance system. He pointed out that many of the food safety incidents occurred in recent years were associated with food products imported through "illegal" channels such as fish with the presence of malachite green and vegetables contained with poisoning chemicals or pesticides residues. Mr FANG said that, in the absence of an enhanced source management, CFS would not be able to perform its role in ensuring food safety in Hong Kong. Noting that the Administration had enhanced its communication with the Mainland authorities in respect of food safety matters, he asked how would the Administration step up its control on the "smuggling" or "illegal" activities of importing food products, particularly fresh fruits and vegetables and fish.

26. SHWF explained that, save for some products such as fresh meat, there was no control on the importation of food products under the current legislation and people were free to bring in food products to Hong Kong. As Hong Kong was a gourmet paradise, the Administration had to be prudent in considering any proposal for regulating the importation of food products and consultation with the trade and the

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parties concerned was necessary to strike a balance between trade interests and public food safety. SHWF said that FEHD was working closely with the Customs and Excise Department to take enforcement actions to combat those "smuggling" or "illegal" activities of importing certain categories of food products without health certificates issued by the relevant authorities in the Mainland. CFS would work out the priority of food products based on risk assessment in respect of the regulation of food products. Regulation for aquatic products would be given priority as they were high-risk food.

Quality Seawater Assurance Scheme

27. Dr KWOK Ka-ki said that there were cases where fish stall traders were suspected to use flushing water as fish tank water for keeping seafood. If there were fish stall traders who purposely used some other sources of water as fish tank water such as flushing water, he expressed doubt on the effectiveness of the introduction of the voluntary Quality Seawater Assurance Scheme and the introduction of the legislation to prohibit the abstraction of seawater in certain specified areas along the coast in deterring the recurrence of such incidents. He considered that, unless there was legislation to regulate the quality of fish tank water, it would be difficult to ensure the quality of fish tank water. Noting that the Quality Seawater Assurance Scheme was a voluntary scheme for implementation for an initial period of three years to 2009, Dr KWOK asked whether the Administration would consider making the Scheme a mandatory requirement and condition for application/renewal of licences.

28. SHWF said that, as at end September 2006, a total of about 120 premises were accredited under the Scheme. Considering that the quality and safety of seafood would be ensured through the participation of the Scheme and the cost of participation was very minimal, the Quality Seawater Assurance Scheme was considered effective. If the Scheme proved to be ineffective after implementation for a certain period of time, the Administration would consider the need for introducing legislation.

29. With regard to the suspected cases where fish stall traders used flushing water as fish tank water, SHWF responded that it was clearly stated under the Waterworks Ordinance that flushing water could not be used for purposes other than flushing. FEHD would keep close communication with Water Supplies Department and notify them to take joint enforcement action when suspected cases were detected.

Live poultry industry

30. Mr WONG Yung-kan said that as many live pig farmers had surrendered their licences, many people who were involved in the related trades were affected such as "pig laan" merchants and people involved in transportation of live pigs. He further said that when the Democratic Alliance for Betterment and Progress of Hong Kong visited Beijing recently, they had presented a proposal for the setting up of a "special agriculture area" in the Mainland to the Mainland authorities and the Mainland

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authorities had taken it seriously. In his view, the proposal would help the poultry farmers, poultry retailers, currently unemployed poultry workers and others related to the trade to switch to another trade and produce quality food for sale in Hong Kong that would benefit Hong Kong people. However, he was disappointed that the Administration was not enthusiastic about the proposal.

31. SHWF said that the current voluntary surrender scheme for live poultry farmers, wholesalers and retailers was fair and reasonable to those who were directly involved in the trade. As regards the proposal for setting up a "special agriculture area" to help live poultry farmers and others related to the poultry trade to switch to another trade, SHWF said that the Administration had relayed the wish of the trade to the Mainland authorities concerned. However, the Government would not interfere with any commercial decisions to be made by the trade. Whether to invest in the Mainland would be a decision for the trade to make taking into consideration the setting up requirements and laws of the places concerned.

32. Mr Vincent FANG said that the difficulties of live chickens farmers, retailers and workers were caused by the Administration's policy to suspend importation of live chickens from the Mainland when the public's health was at risk. Noting that there were loan funds to help fishermen to switch to sustainable fisheries or related operations and tide over the annual closed season in South China Sea and prepare for the resumption of fishing activities after the closed season, Mr FANG asked if the Administration would consider offering compensation to the affected live poultry farmers, traders and workers or providing a loan fund to them to switch to other trades to alleviate their hardship. He suggested the Administration to consider granting rent waiver to the affected tenants of public market stalls and licensed market stalls as a measure to relieve their financial difficulties.

33. SHWF explained that the suspension of importation of live chickens from the Mainland was made in the light of the warning of the World Health Organisation (WHO) in respect of the risk of avian influenza. He said that the introduction of a voluntary surrender scheme for live poultry farmers, wholesalers and retailers was made in response to a call by WHO for regional governments to review the modes of operations of the poultry industry. Under the scheme, ex-gratia payment or financial assistance was offered to those who surrendered their licences/market tenancies and ceased live poultry trading on a permanent basis. To date, the scheme had brought the current maximum licensing capacity of local poultry farms to well below two million and reduced the risk of avian influenza outbreaks amongst the local poultry. The Administration would consider if there would be any compensation to the trade should there be an outbreak of avian influenza in Hong Kong in future.

34. SHWF said that the Administration had taken measures last year to help the poultry trade to decide on whether to cease live poultry trading. For those who chose to continue in the trade, they were well aware of the risks involved. In regard to Mr Vincent FANG's suggestion, SHWF explained that the Administration would not

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provide compensation to the trade. However, the Administration would need to study carefully the suggestion of providing loans to help alleviate the financial hardship of the affected poultry farmers, traders and workers to tide over the suspension of imports of live chickens.

Poultry slaughtering and processing plant

35. Regarding the proposal for setting up a poultry slaughtering and processing plant, Dr KWOK Ka-ki asked about the technology to be used in chilling chickens and whether the Administration had any preference for air-chilled technology or water-chilled technology, which would have different implications on the environmental hygiene and the flavour of chilled chickens.

36. SHWF said that as technology was ever evolving, the Administration would not intend to specify the technology to be used for chilling chickens at present. However, from the point of view of consumers, air-chilled technology might be more preferable as it could better preserve the natural flavour of chickens. The sale of air-chilled chickens would be more competitive than water-chilled chickens in the market. On the issues related to environmental hygiene, SHWF said that the plant would have to observe certain compliance requirements as stipulated in the Environmental Impact Assessment (EIA) Ordinance.

37. The Chairman said that he would support the proposal for setting up a poultry slaughtering and processing plant only if it could supply "warm meat" to licensed food premises. In this regard, he asked if the Administration would conduct a study on the time required for transporting "warm meat" from the plant to the food premises.

38. SHWF said that, as advised by some experts, the food safety of warm chickens could still be preserved within two hours after they had been slaughtered. Given that the transport networks in Hong Kong were so well-developed, it would take less than two hours to get from Man Kam To Road to urban areas. He added that the freshly slaughtered chickens being stored at a low temperature would help preserve the natural flavour of chickens.

Sustainable fisheries development

39. As regards the Fisheries Development Loan Fund, Mr WONG Yung-kan commented that it was not easy for fishermen to secure loans from the Fund and asked if the Administration would consider making the procedures for loan applications more flexible and simpler with a view to helping fishermen to switch to sustainable fisheries. Regarding the committee to be set up by the Administration to study the long-term policy for fisheries development, he asked if the Administration would consider taking forward the proposals that were fully supported by members of the committee.

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40. SHWF said that there were two feasible ways forward for the consideration of the trade - aquaculture and offshore fishing. The fishermen engaged in non-trawling activities could consider switching to aquaculture as the experience of fishermen in the Mainland showed that fishermen would face a comparatively lower risk and had a more stable income in pursuing aquaculture business. As regards offshore fishing, fishermen were welcomed to discuss with the Agriculture, Fisheries and Conservation Department (AFCD) the proposals that they considered feasible. AFCD would render support as appropriate.

41. Responding to the Chairman's enquiry, Director of Agriculture, Fisheries and Conservation (DAFC) said that about \$70 million of the Fisheries Development Loan Fund had been loaned out before the approval of an additional loan capital of \$190 million in June this year. At present, they were processing applications and considering ways to attract more fishermen to apply for the Loan. In the meantime, AFCD had organised various workshops to help fishermen understand more about the various modes of operations available and facilitate them to change to another trade.

42. Mr WONG Yung-kan further asked if AFCD would consider leading delegations representing agriculture and fisheries trade to visit the relevant Mainland authorities as many of the Government Departments had similar arrangements. DAFC said that the Department maintained a close communication with the trade and had recently participated in a delegation led by Mr WONG to study the development of fisheries industry in Malaysia.

Regulation of restricted restaurants

43. The Chairman considered that it was unnecessary for the Administration to take forward the legislative proposal to regulate restricted dining places, as many restricted restaurants (previously referred to as private kitchens) had ceased operation. He said that as compared to 300 to 400 in the past, the number of restricted restaurants presently in business was only around 30 to 40. For those which continued business, most of them had already obtained certificates for compliance as club-houses.

44. SHWF said that the Administration would consider the number of restricted restaurants in business before taking the legislative proposal to the Panel for discussion.

45. There being no other business, the meeting ended at 12:55 pm.