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LC Paper No. CB(2)1498/06-07

(These minutes have been seen by
the Administration)

Panel on Food Safety and Environmental Hygiene

Minutes of meeting
held on Tuesday, 13 March 2007, at 2:30 pm
in Conference Room A 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 Andrew CHENG Kar-foo
Hon WONG Kwok-hing, MH
Dr Hon Joseph LEE Kok-long, JP
Dr Hon KWOK Ka-ki

Members absent : Hon TAM Yiu-chung, GBS, JP
Hon Vincent FANG Kang, JP
Hon Alan LEONG Kah-kit, SC

Public officers attending : Item IV

Mr CHEUK Wing-hing
Deputy Secretary for Health, Welfare and Food
(Food and Environmental Hygiene)

Miss Vivian KO Wai-kwan
Principal Assistant Secretary for Health, Welfare and Food
(Food and Environmental Hygiene)²

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

Item V

Mr CHEUK Wing-hing
Deputy Secretary for Health, Welfare and Food
(Food and Environmental Hygiene)

Miss Vivian KO Wai-kwan
Principal Assistant Secretary for Health, Welfare and Food
(Food and Environmental Hygiene)²

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

Dr Shirley CHUK Sheung-ying
Senior Veterinary Officer (Veterinary Public Health)
Food and Environmental Hygiene Department

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

Staff in attendance : Ms Alice LEUNG
Senior Council Secretary (2)¹

Ms Anna CHEUNG
Legislative Assistant (2)²

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I. Confirmation of minutes
[LC Paper No. CB(2)1256/06-07]

The minutes of the meeting held on 13 February 2007 were confirmed.

II. Information paper(s) issued since last meeting

2. Members noted that no information paper had been issued since the last meeting.

III. Date of next meeting and items for discussion

[Appendices I and II to LC Paper No. CB(2)1258/06-07]

3. Members agreed to discuss the following two items proposed by the Administration at the next regular meeting scheduled for 10 April 2007 -

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- (a) Results of the public consultation exercise on proposed amendments to the Preservatives in Food Regulations; and
- (b) Strategy for food surveillance in 2007.

4. Mr WONG Kwok-hing said that, in view that there would be a motion debate on "Legislating against the use of artificial trans fats in food production" at the Council meeting on 14 March 2007, he considered that the Administration should brief the Panel on the subject. The Chairman suggested to request the Administration to include the issue of "the use of artificial trans fat in food production" in the discussion paper to be provided for the agenda item referred to in paragraph 3(b). Members agreed.

5. In response to the Deputy Chairman's enquiry on the proposed timetable for discussion of the items on the list of outstanding items, Deputy Secretary for Health, Welfare and Food (Food and Environmental Hygiene) (DS(FEH)) said that the Administration would consult the Panel on "Public markets and cooked food centres" (i.e. item 9 on the list) in 2007. Regarding the subject of "liquor licensing policy and legislation" (i.e. item 11 on the list), DS(FEH) advised members that the Business Facilitation Division of the Economic Analysis and Business Facilitation Unit under the Financial Secretary's Office was conducting a review on liquor licensing policy. In view of this, the subject matter would not be ready for discussion according to the originally proposed timeframe. The Administration would consult the Panel once it had completed the review and worked out concrete details on the way forward and it was expected that the subject would be ready for discussion in the latter part of 2007.

IV. Scattering of cremated human ashes at sea

Presentation by the Administration

6. Assistant Director (Operations)2 of Food and Environmental Hygiene Department (AD(Operations)2/FEHD) briefly presented the Administration's proposal for scattering cremated human ashes at sea, as detailed in the Administration's paper [LC Paper No. CB(2)1258/06-07(01)]. AD(Operations)2/FEHD advised that, under section 118(1) of the Public Health and Municipal Services Ordinance (Cap. 132) ("the Ordinance"), it was an offence for any person to, without the written permission of the Director of Food and Environmental Hygiene, scatter ashes of any human remains after cremation, other than in a cemetery. He said that scattering of cremated human ashes at sea had been practised in some parts of the world for some time. Apart from scattering in the Gardens of Remembrance (GOR), scattering of cremated human ashes at sea could be another way to address the persistent shortage of niches for cremated ashes. To facilitate the applicants for scattering of human ashes at sea, the Administration would streamline the application process and simplify the internal

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administrative procedures for approving such applications. A standard application form would be prepared by the Food and Environmental Hygiene Department (FEHD). AD(Operations)2/FEHD further said that the Administration proposed to designate four areas within Hong Kong waters for the purpose of scattering ashes, the details of which were set out in the Annex to the Administration's paper. The approval for application would be granted by FEHD within five working days if the proposed location for the scattering of human ashes was within one of the four designated areas and the conditions as set by the relevant departments were met.

7. AD(Operations)2/FEHD advised that, to prevent nuisance and/or pollution, the Administration proposed to impose certain conditions on the ceremony for the scattering of cremated ashes at sea, which were set out in the Administration's paper.

Promoting the wider use of the scattering of cremated human ashes at sea

8. Mr WONG Kwok-hing said that he welcomed the Administration's proposal to promote the scattering of human ashes at sea. However, he commented that the Administration's paper did not provide any information on the ways to encourage the public to dispose of cremated ashes of the deceased at sea instead of burials and niches. He was of the view that the Administration should not simply regard it as a measure to alleviate the shortage of burial grounds and niches and that a proactive approach should be taken to widely promoting it as an environmental way of ash disposal.

9. Deputy Secretary for Health, Welfare and Food (Food and Environmental Hygiene) (DS(FEH)) said that the Administration was positive about promoting the scattering of human ashes at sea. As briefly presented by AD(Operations)2/FEHD, the Administration had drawn up proposals to facilitate the application and arrangement for the scattering of ashes at sea including streamlining the application for and processing of applications and designating four particular areas for the purpose of scattering ashes. DS(FEH) added that the nearest proposed area from a public pier was about 5 nautical miles and the farthest one about 7.5 nautical miles. The proposed designated areas were quite convenient for the public as it only took about 20 to 30 minutes from nearby piers to reach the areas.

10. DS(FEH) further said that suitable publicity would be made through various channels including posting of notices and distribution of pamphlets at the FEHD cremation booking offices and cemeteries and crematoria offices. The Administration would also consider other ways to step up its publicity efforts to promote the acceptance and wider use of the scattering of human ashes at sea.

11. Mr WONG Kwok-hing expressed disappointment with the Administration's response. He said that the Administration did not provide any concrete ways to promote the scattering of human ashes at sea. He opined that the Administration should consider putting up Announcements of Public Interest on TV as one of the

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ways to publicise and promote the scattering of cremated human ashes at sea.

12. The Chairman asked if the Administration would consider providing any incentives to the bereaved families to attract them to return unwanted or vacated niches and to dispose of cremated ashes at sea. He said that, given that there would be savings from the costs of constructing the columbarium facilities, recurrent management and maintenance, the Administration should consider providing refund to the bereaved families as an incentive to attract them to return vacated niches. Mr WONG Kwok-hing shared a similar view with the Chairman.

13. Dr KWOK Ka-ki said that, while he shared similar views with other members on providing incentives to attract the bereaved families to return vacated niches, he considered that promotion and education played a key role in encouraging the public to scatter human ashes at sea as an alternative way of ash disposal. He further said that the Administration should consider streamlining the current procedures and/or working out new administrative arrangements to facilitate the bereaved families who might wish to exhume the remains of the deceased from graves, cremate them and dispose of cremated ashes at sea.

14. On members' suggestion of providing incentive, DS(FEH) said that, as he had explained in previous meetings, refund to the bereaved families might not be the best and appropriate measure to encourage them to return empty or vacated niches for re-allocation. Given that the purchase price for niches was a one-off payment at around \$3,000 to \$4,000, a refund of even a high percentage of the purchase price of niches would not be very attractive. Moreover, the Administration should be prudent in considering any proposal which involved spending of public money. DS(FEH) further said that, in promoting and encouraging the wider use of the scattering of cremated ashes at sea, education and dissemination of relevant information would be more important than the provision of monetary incentive.

15. Mr WONG Kwok-hing asked if the Administration would consider the scattering of ashes at sea as a way of disposing the cremated ashes of unclaimed dead bodies. He said that the Administration could consider soliciting support from the celebrities, prominent personages and councillors to help promote scattering of cremated ashes at sea. The Deputy Chairman held a different view on Mr WONG's suggestion and considered that, unlike the organ donation campaign, promoting the scattering of cremated human ashes at sea by soliciting support from local celebrities might not be appropriate.

16. DS(FEH) responded that the Administration appreciated members' suggestions on promoting the scattering of human ashes at sea and would take into account members' views in considering ways to promote this relatively new way of ash disposal.

17. As regards the disposal of unclaimed dead bodies, AD(Operations)2/FEHD explained that, under the current arrangement, the cremated ashes of unclaimed dead

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bodies would be kept for about six months. If the cremated ashes were not claimed after six months, the Government would inter the ashes in the Communal Grave at Sandy Ridge Cemetery.

Application for scattering cremated human ashes at sea

18. The Deputy Chairman enquired if the applicants were required to pay any fees. DS(FEH) confirmed that no application fee was required for the application for the scattering of human ashes at sea.

19. Mr WONG Kwok-hing said that, to encourage the public to dispose the ashes of the deceased at sea, the Administration should make the application form more user-friendly with various options of disposal of cremated ashes, e.g. niches, GOR and the scattering of ashes at sea, etc. on the same application form for cremation service. He asked if the application for cremation service and the scattering of cremated ashes could be made at the same time and whether the processing time for the application could be shortened.

20. DS(FEH) said that there would be two separate forms for the application of cremation service and the scattering of cremated human ashes at sea. However, applicants could submit the two forms concurrently at the FEHD cremation booking offices. AD(Operations)2/FEHD explained that five working days were the longest processing time and approval might be granted earlier if the applicant had provided all necessary information and the application met all the approving conditions.

21. Dr KWOK Ka-ki said that there was a shortage of burial grounds for the dead bodies of pets and of the disposal of the cremated ashes of pets. He wondered if the current proposal for scattering ashes at sea would be applicable to cremated animal ashes.

22. DS(FEH) responded that the scope of application of the relevant provision of the Ordinance was confined to the disposal of cremated human ashes and the Administration had no plan to extend the current plan to cremated animal ashes at this stage.

23. Mr WONG Yung-kan asked if the applicant was required to re-submit the application form in case of inclement weather on the date approved for holding ash scattering ceremony.

24. DS(FEH) said that re-submission of application would not be required in such circumstances. However, the applicant should notify FEHD of the change of date as early as possible. AD(Operations)2/FEHD added that, upon receipt of the notification from applicants, FEHD would inform other departments concerned.

25. Mr WONG Yung-kan enquired if the owner of a licensed fishing vessel could use his fishing vessel for his family member's ash scattering ceremony, which would

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be attended by other family members on the vessel.

26. DS(FEH) said that, to his understanding, Marine Department would not raise objection in such cases. However, given that fishing vessels meant vessels employed in sea fishing by way of trade and that the operating licence of a fishing vessel did not permit the carriage of passengers, fishing vessels should not be used for providing ash scattering services commercially.

Proposed locations for scattering cremated ashes

27. Dr KWOK Ka-ki said that, while he welcomed the Administration's proposal, he was concerned about the distance between the proposed areas and land. Referring to designated area no. 2 and no. 4 as shown in the Annex to the Administration's paper, he said that there were many pleasure vessels in these areas, especially at weekends and public holidays and that the scattering of human ashes in the vicinity of these areas might cause inconvenience to sea travellers. He wondered if there would be a registration system in place to control the vessels providing ash scattering services.

28. DS(FEH) said that the Marine Department had been consulted on the Administration's proposal and considered that the current conditions or restrictions on different classes of local licensed vessels would be sufficient in respect of the control over the vessels for ash scattering services. He added that there was a maximum capacity of passengers and crew set under the conditions of the operating licence of licensed vessel and there would be a penalty for breaching the conditions and restrictions attached to the licence. On the distance between the proposed designated areas and land, DS(FEH) reiterated that the nearest designated area from a public pier was about 5 nautical miles and the farthest one about 7.5 nautical miles.

29. Mr WONG Yung-kan said that, apart from the four designated areas, the Administration should consider granting approval for applicants to dispose cremated human ashes into waters which were far away from populated areas and mariculture zones and marine parks.

30. DS(FEH) explained that the proposal to designate four particular areas for scattering cremated ashes was to facilitate the public's application for scattering ashes at sea. If the proposed location for scattering human ashes was within one of the four designated areas and the approving conditions imposed were met, an approval for the application would be granted by FEHD within five working days. DS(FEH) said that the applications for the scattering of human ashes at other areas of waters would be processed on a case-by-case basis in accordance with section 118(1) of the Ordinance. Upon receipt of the application, FEHD would consult the relevant departments to decide whether it could be approved.

Proposed approving conditions to be imposed

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31. Mr WONG Kwok-hing expressed reservations about the prohibition of dumping of flowers into sea to prevent pollution. He considered that the restriction on dumping of flowers was too stringent and should be relaxed. He wondered if the Administration had made reference to the Mainland's practices in this respect in considering the conditions to be imposed on the ash scattering ceremony at sea. He said that he noted from newspapers reports and TV news that petals were often tossed with the cremated ashes of the deceased in the Mainland.

32. The Chairman shared a similar view with Mr WONG. He considered that the imposition of such a ban would not be conducive to the promotion of the scattering of human ashes at sea.

33. DS(FEH) explained that the prohibition of dumping of flowers into sea was proposed as they might contain wire, clips, plastic wrappings and other items that could not degrade and cause pollution.

34. The Deputy Chairman said that the Administration should adopt a more lenient policy on setting the conditions to be imposed on the scattering of human ashes at sea. In view that it was quite common for the bereaved families to throw flowers into sea as a final tribute to the deceased and that flowers could degrade, dumping of flowers should not be prohibited. He considered that objects which were part of funeral rituals and would not pollute the environment should not be prohibited. The Administration should work out detailed and clear guidelines on the approving conditions for the scattering of ashes at sea. The guidelines should advise the bereaved families of the objects that could not be dumped into sea such as plastic wrappings, wire, metal and plastic ornaments attached to the flowers, etc. He hoped that the Administration would amend the proposed approving conditions to be imposed and implement the proposed application procedures as soon as possible.

35. DS(FEH) responded that the present proposals were put forward to gauge members' views. The Administration was open-minded on the approving conditions to be imposed on the ceremony for the scattering of human ashes at sea. The Administration would consider members' views and would study the feasibility of allowing petals to be scattered into sea. DS(FEH) stressed that the Administration would impose appropriate approving conditions with a view to minimising nuisance to marine traffic, noise or water pollution and psychological impact that might be caused by the scattering of human ashes at sea. He added that the target date for announcing the procedures was by end April 2007.

36. The Deputy Chairman said that, given that the four proposed areas were quite remote, it was rather impossible to enforce the approving conditions imposed. He considered that public education and self-discipline would be more important than enforcement by the government departments concerned. He further said that the imposition of stringent approving conditions would defeat the objective of the proposal to encourage the scattering of cremated human ashes at sea as an alternative

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to burials and niches.

37. DS(FEH) responded that the Administration would give thought to members' views and suggestions in its consideration of the conditions to be imposed on the scattering of ashes at sea. He added that a more relaxed approach would be adopted as appropriate.

38. Mr WONG Yung-kan said that he was supportive of the Administration's proposal. He advised members that the Administration had consulted the fishing trade and the fishing trade did not raise objection to the proposal. However, he shared similar views with other members that the ban on dumping of flowers was unreasonable and should be lifted. He pointed out that flowers were common offering in the funeral rituals of Buddhism and Christianity. Given that the currents in the four proposed areas were strong and fast flowing, he was of the view that the Administration should consider allowing the scattering of ashes of burned offerings and joss paper at sea.

39. DS(FEH) reiterated that the Administration would consider members' suggestion of allowing the dumping of petals. On the suggestion of relaxing the restriction on dumping of offerings and joss paper, DS(FEH) said that the principal concern was nuisance and pollution to the environment arising from the voluminous amount of ashes of offerings, joss paper and incense in the sea, particularly when several bereaved families holding ash scattering ceremonies at the same designated area. The Administration would take into account its possible environmental, visual as well as psychological impacts in deciding on the relaxation of the ban on dumping of ashes of offerings and joss paper.

40. On the Administration's responses, Mr WONG Yung-kan said that burning of offerings and joss paper was part of the Buddhist funeral rituals and the imposition of a ban on scattering of the ashes of these objects also departed from the Chinese tradition of memorial service to the deceased. He commented that the Administration should make reference to various religious funerals and rituals for memorial service for the deceased when considering the conditions to be imposed on the application for the scattering of human ashes at sea.

41. The Deputy Chairman said that, in deciding the approving conditions, due consideration should be given to ensuring that no inconvenience would be caused to the bereaved families and that the objects prohibited for dumping should be based on the principle of protecting the environment. Objects which could degrade should be allowed if that were offerings commonly used in religious funeral rituals.

42. Dr KWOK Ka-ki said that he agreed that an appropriate amount of flowers should be allowed in the ash scattering ceremony. However, he held a different view on relaxing the ban on dumping of offerings, and joss paper into the sea. He considered that a certain extent of control in this regard was necessary to prevent

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pollution to the environment. He was worried that the growing popularity of ash scattering at sea would cause serious environmental problems.

43. DS(FEH) responded that the relevant departments concerned would take enforcement actions against littering, environmental nuisance and pollution. He stressed that the Administration would take into consideration members' views and the possible effects on the environment in deciding on the conditions to be imposed on the scattering of human ashes at sea.

44. In concluding the discussion, the Chairman said that members did not raise objection to the Administration's proposals to promote the wider use of the scattering of cremated human ashes at sea. However, members were of the view that the proposed ban on dumping of flowers should be relaxed and lifted. On the prohibition of dumping of offerings, joss paper and incense at sea, members expressed different concerns and views. The Chairman urged the Administration to make reference to common religious funeral rituals and take note of members' views. The Administration was requested to inform the Panel of the details of the approving conditions to be imposed before announcing the procedures for processing applications for the scattering of human ashes at sea in April 2007.

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V. Outcome of the invitation for expression of interest exercise for the poultry slaughtering and processing plant

Presentation by the Administration

45. Principal Assistant Secretary for Health, Welfare and Food (Food and Environmental Hygiene)2 (PAS(FEH)2) briefed members on the outcome of the invitation for Expression of Interest (EoI) exercise for the poultry slaughtering and processing plant (the Plant), as detailed in the Administration's paper [LC Paper No. CB(2)1258/06-07(02)]. She said that the objective of EoI exercise was to obtain up-to-date information and feedback from the private sector and the views of prospective operators on the operational and commercial arrangements for the Plant to be delivered under a "Build, Own, Operate and Transfer" (BOOT) arrangement. PAS(FEH)2 stressed that EoI exercise was neither the beginning of a competitive bidding process nor a pre-qualification exercise for the subsequent competitive bidding for the project.

46. PAS(FEH)2 informed members that six submissions were received from local and overseas prospective operators in response to the Administration's invitation for EoI. The highlights of the submissions on the operation and business of the Plant, source of poultry and slaughtering services to local farms and food safety and hygiene arrangements were summarised in the Administration's paper. PAS(FEH)2 said that the Administration intended to invite open tenders from the private sector to develop the Plant in the end of 2007 after the introduction of the legislation on the Plant and

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the completion of the Environmental Impact Assessment. The Administration would engage a consultant to provide consultancy service in drawing up a full suite of tendering documentation. She pointed out that, when the Plant came into operation, all imported and local live poultry would be delivered directly to the Plant and the sale of live poultry in retail outlets would be prohibited.

47. Members noted that a background brief entitled "Development of the poultry slaughtering and processing plant" prepared by the Legislative Council Secretariat had been issued to members [LC Paper No. CB(2)1258/06-07(03)].

Supply of freshly slaughtered chickens

48. The Deputy Chairman said that the Administration had advised the Panel in previous meetings that, having regard to the well-developed transport networks in Hong Kong, it was feasible for the Plant to supply freshly slaughtered chickens to licensed food premises. He asked if it was suggested in the submissions for EoI that freshly slaughtered chickens (or "warm" chickens) would be supplied by the Plant. He further asked if a decision on the type of the technology to be used in chilling chickens has been made; and if not, whether the Administration had any preference for air-chilled technology or water-chilled technology.

49. DS(FEH) responded that the Administration was open-minded about the supply of freshly slaughtered chickens by the Plant and that the decision on whether to supply freshly slaughtered chickens would be left to the future operator of the Plant to make. As regards the technology to be used in chilling chickens, DS(FEH) said that the Administration did not have any particular stance on the type of technology to be used by the Plant. The decision on the type of technology to be used would be for the future operator of the plant to make.

50. The Deputy Chairman expressed disappointment with the Administration's response and considered that the Administration should prescribe the type of technology to be used in chilling chickens in the invitation for EoI. He pointed out that air-chilled technology might be more preferable as it could better preserve the natural flavour of chickens. He said that, in his view, the Administration should have a position on or at least a preference for the type of technology to be used in chilling chickens. He opined that the decision on the type of technology to be used for chilling chickens should not be left to the future plant operator to make.

51. The Chairman said that he was dissatisfied with the Administration's response on the provision of freshly slaughtered chickens. He pointed out that the Secretary for Health, Welfare and Food had given the undertaking to the food trade that freshly slaughtered chickens would be supplied to licensed food premises by the Plant on previous occasions. He envisaged that there would be strong objection from the food trade if the Administration failed to honour its undertaking. The Chairman further said that, if there was no supply of freshly slaughtered chickens, Hong Kong would

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not be able to maintain its reputation as a "gourmet paradise". He held a strong view that the Administration should specify clearly the daily capacity of the Plant for chilled chickens and freshly slaughtered chickens in the tendering documentation. He asked if it was clearly stated in the six submissions received that freshly slaughtered chickens would be supplied by the Plant.

52. DS(FEH) explained that there were only suggestions on the various types of poultry products to be supplied by the Plant. He reiterated that the prospective operators did not give any clear indication on whether freshly slaughtered chickens would be supplied by the Plant. In view of the Chairman's concern and views on the supply of freshly slaughtered chickens, the Administration would consider the need and appropriateness to prescribe such requirement in the tendering documentation.

Development of the Plant

53. The Deputy Chairman enquired about the criteria used in awarding the tender for developing the Plant. He said that the Administration should not simply rely on the consultant's advice in making the decision. He considered that the Administration should have its position on the mode of operation of the Plant e.g. the technology to be used in chilling chickens, the supply of freshly slaughtered chickens and the business of the Plant, etc.

54. DS(FEH) said that the Administration's plan was to engage a consultant to provide consultancy service in drawing up a full suite of tendering documentation by making reference to local situation, overseas experience, international standards and information solicited through EoI exercise. The consultant would also provide advice on the criteria to be used in screening, selecting and awarding successful bidder. However, he stressed that the consultant only played an advisory role in the tendering exercise and that the decision on awarding the tender would be for the Administration to make.

55. Mr WONG Kwok-hing said that, as advised by the Administration, the objective of developing the Plant was to reduce the risk of avian influenza. However, in view of the recent reports on the detection of H5N1 in the dead bodies of wild birds, he questioned how the development of the Plant could eliminate the risk of avian influenza.

56. DS(FEH) advised that the number of dead bodies of wild birds that were tested positive for H5N1 was comparable to that of last year and there was no indication that there was an upsurge in the number of cases. He said that as poultry retail workers had close contact with live poultry in markets even with the new design of poultry stalls, the risk of human infection of avian influenza still existed. To achieve the long-term vision of zero human infection and transmission of the virus in Hong Kong, the most effective approach to minimise the risk of avian influenza was to segregate humans and live poultry by developing the Plant.

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57. Mr WONG Yung-kan commented that it was quite impossible to achieve the objective of "zero tolerance" to avian influenza in Hong Kong as advocated by the Administration and certain academics. Noting from the Administration's paper that there was a suggestion of diversification of the source of live poultry, Mr WONG said that, if live chickens were sourced from other provinces in the Mainland other than from Guangdong, it would pose even a greater risk on public health.

58. DS(FEH) clarified that the highlights of the six EoI submissions as provided in the Administration's paper were only a summary of views of the prospective operators as given in their submissions. He stressed that the suggestions given in the submissions were purely suggestions by the prospective operators and did not represent the views of the Administration. On the suggestion of expanding the source of live poultry to other provinces in the Mainland, he pointed out that there were presently administrative arrangements on regulating the import of live chickens. Under the current arrangements with the Mainland, live chickens must be supplied by registered farms in Guangdong province and accompanied with the health certificates. The Administration had no intention to change the current arrangements.

59. Referring to paragraph 10 of the Administration's paper, Mr WONG Yung-kan said that he noted that the Plant might consider expanding into the processing of cooked poultry and semi-finished products. He questioned why it was necessary for the Government to make a land grant if the Plant was to be turned into a food processing Plant rather than a slaughterhouse.

60. Dr Joseph LEE shared a similar view with Mr WONG. He said that he was astonished to find that the Plant might operate the business of higher-value added products and services e.g. the processing of cooked poultry and semi-finished products. He expressed concern about the monopolistic situation of the future operator of the plant if the plant would provide slaughtering, dressing, chilling as well as food processing business.

61. The Deputy Chairman said that he shared with members' views that the Administration should make it clear in the conditions in the invitation for EoI that the Plant's first priority was to act as a central slaughterhouse for live poultry.

62. The Chairman commented that, as reflected from the suggestions given in the six EoI submissions, the Administration failed to spell out clearly the extent of what could or could not be done by the Plant. He opined that the Administration's worry about possible poor responses from the private sector to its invitation for EoI might be the prime consideration in setting out the conditions and requirements in the guidelines on the submission for EoI.

63. In response to members' views, DS(FEH) clarified that the Administration had set out certain conditions and requirements in the guidelines for invitations for EoI.

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As regards the concern on the monopoly of the Plant, DS(FEH) said that the Administration would state clearly in the invitation for tender that the operator of the plant was required to reserve sufficient capacity to meet the demand of local farms and that the same slaughtering charges should be applied. He stressed that the suggestions given by the prospective operators in their submissions did not represent the views of the Administration.

64. Dr Joseph LEE said that, to facilitate a fruitful and valuable discussion by the Panel on the subject matter, the Administration should include its views on the suggestions received in the EoI submissions in the Administration's paper.

Compensation to the affected trades

65. Referring to paragraph 5 of the progress report from the Administration on the motion debate on "Relief measures and compensation policies for live poultry trades" as set out in Appendix IV to the background brief, Mr WONG Kwok-hing expressed strong dissatisfaction with the Administration's responses. He criticised that the Administration retracted its previous statement concerning the availability of supporting documents to ascertain the employment of the live poultry workers in particular those piece-rated casual workers. Mr WONG pointed out that the former Director of the Food and Environmental Hygiene Department, Mr Gregory LEUNG, had advised the Panel at a previous Panel meeting that the Government had the immunisation records of live poultry workers. He wondered why the Administration could not make reference to the records on free vaccination to poultry workers as documentary evidence to prove their employment in the trade.

66. The Chairman said that he remained of the view that the Administration should consult the affected trade including live poultry wholesalers, retailers, workers and transporters on the proposals for ex-gratia payment (EGP)/financial assistance prior to the enactment of the relevant legislation and invitation for the tender. He expressed disappointment that the Administration's paper failed to provide neither any timetable nor proposals for the compensation to the affected trade.

67. DS(FEH) responded that the Administration would take into account members' views and would discuss the appropriate arrangements with the trade. The EGP proposal would be similar to that of the voluntary surrender scheme for returning the licences/tenancies. He said that, in view that the Administration's plan was to consult the Panel on the legislative proposal during June to July 2007, there was practical difficulty for the Administration to work out the details of the EGP proposals and to consult with the affected trades and the Panel before July 2007.

68. The Chairman said that, when the Administration consulted the Panel on the proposals for the EGP to the live poultry wholesalers, retailers, workers and transporters under the voluntary surrender scheme for returning the licences/tenancies, the Panel held the view that the EGP was insufficient and unattractive and was not

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supportive of the proposal.

69. Dr Joseph LEE shared the view of the Chairman that the details of the compensation proposals for the affected trades should be disclosed before the enactment of the relevant legislation. Noting from the Administration's paper that the Plant would employ about 150 to 200 staff, he wondered if it would accord priority to those unemployed live poultry workers in its staff recruitment exercise.

70. Mr WONG Yung-kan said that the issue was not to pay compensation to the affected members of the live poultry industry but to enable the industry to survive and the members of the industry to continue to work. He considered that the Administration should allow room for the survival of the live poultry industry. He commented that the sixty-four new rules came into force in June covering hygiene, farm management, disease monitoring, waste handling and the conditions in which pigs were transported, set by the Agriculture, Fisheries and Conservation Department, had made it very difficult for pig farmers to continue their operation.

71. In response to members' views, DS(FEH) reiterated that the Administration appreciated members' concern about the live poultry trade. The Administration would consider members' views and would consult the affected trade and the Panel on the EGP proposals as appropriate.

72. In concluding the discussion, the Chairman said that members expressed disappointment with the Administration's paper for its failure to provide any information on the timetable on consultation with the affected trade and details on the compensation proposals to the affected trade. He said that he personally would not support the legislative proposal if the affected trade had not been fully consulted on the compensation proposals. The Chairman urged the Administration to consult the affected trade before introducing the legislative proposal to the Legislative Council.

VI. Any other business

73. There being no other business, the meeting ended at 4:30 pm.