

立法會
Legislative Council

Ref : CB2/PL/FE

LC Paper No. CB(2)2675/06-07
(These minutes have been seen by
the Administration)

Panel on Food Safety and Environmental Hygiene

Minutes of meeting
held on Tuesday, 12 June 2007, at 2:45 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 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

Public officers attending : Items IV and V
Health, Welfare and Food Bureau

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

Item IV

Health, Welfare and Food Bureau

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

Food and Environmental Hygiene Department

Ms Alice LAU Yim
Deputy Director (Environmental Hygiene)

Mr YEUNG Shun-kui
Assistant Director (Operations)2

Item V

Health, Welfare and Food Bureau

Mr Wallace LAU Ka-ki
Principal Assistant Secretary for Health, Welfare and Food (Food
and Environmental Hygiene)1

Food and Environmental Hygiene Department

Dr Constance CHAN Hon-ye
Assistant Director (Food Surveillance & Control)

Customs and Excise Department

Mr CHOW Chi-kwong
Deputy Head of Control Points Command (Operations)

Mr SHEUNG Kam-biu
Divisional Commander (Man Kam To)

Clerk in attendance : Ms Joanne MAK
Chief Council Secretary (2)2 (Acting)

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

Miss Kiwi NG
Legislative Assistant (2)2 (Acting)

Action

I. Confirmation of minutes
[LC Paper No. CB(2)2088/06-07]

Action

The minutes of the meeting held on 8 May 2007 was confirmed.

II. Information paper(s) issued since last meeting

2. Members noted that the following papers had been issued to members since the last meeting -

- (a) submissions from the Castle Peak Mechanised Trawler Fishermen's Credit Co-operative Society, Unlimited; the Castle Peak Fishermen's Credit Co-operative Society, Unlimited and the Tuen Mun Mechanised Fishing Boat Fishermen' Credit Co-operative Society, Unlimited on the proposed development project of Joint User Complex and Wholesale Fish Market in Area 44, Tuen Mun [LC Paper No. CB(2)1806/06-07(01) to (03)] (Chinese version only);
- (b) a letter from Tuen Mun District Council regarding the proposal of allowing the scattering of cremated human ashes near The Brothers Islands and the Administration's response [LC Paper No. CB(2)1845/06-07(01) & (02)] (Chinese version only for (01));
- (c) a referral from a meeting on 10 May 2007 between the Legislative Council (LegCo) Members and North District Council members regarding the conversion of aqua privies into flushing toilets in the North District [LC Paper No. CB(2)1988/06-07(01)] (Chinese version only); and
- (d) a referral from Complaints Division of the LegCo Secretariat regarding complaints about inhumane treatment of animals.

III. Items for discussion at the next meeting

[Appendices I and II to LC Paper No. CB(2)2092/06-07]

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

- (a) report on the Centre for Food Safety; and
- (b) food importer register.

4. The Deputy Chairman said that, when the Panel discussed with the Administration its follow-up actions taken following the incidents of discovery of sudan red in poultry eggs at previous meetings, the Administration had advised that it planned to introduce a legislative proposal for regulating the importers of poultry eggs

Action

and to apply the same regulatory model on poultry eggs to aquatic products and vegetables. However, the legislative proposal had yet been introduced. He suggested that the Administration should be requested to brief members on the legislative timetable for the legislative proposal for food import control.

5. Noting that the Administration had proposed a discussion item on "Food importer register" which should cover the subject matter at the next regular meeting, members agreed that no additional item of discussion would be added to the agenda for the next meeting.

IV. Issues related to the scattering of human ashes at sea

Presentation by the Administration

6. Assistant Director (Operations) of the Food and Environmental Hygiene Department (AD(Operations)/FEHD) briefed members on the Administration's paper on the latest development on the Administration's proposal for streamlining procedures for the scattering of cremated human ashes at sea [LC Paper No. CB(2)2092/06-07(01)]. He advised that, in view of strong objections raised by the relevant District Councils (DCs), one of the selected sites near the Brothers Islands had been withheld and the current list of the designated areas was at Annex B to the Administration's paper. The Food and Environmental Hygiene Department (FEHD) would continue to liaise with the relevant parties to identify a possible replacement site and review the list from time to time.

7. As regards the conditions for the scattering of cremated human ashes at sea, AD(Operations)/FEHD said that, given that the purpose of imposing certain conditions on the ceremony for the scattering of human ashes at sea was to prevent environmental nuisance and/or pollution, FEHD remained of the view that the scattering of offerings such as joss paper and incense should not be allowed. However, FEHD had no objection to the scattering of flower petals as they were unlikely to give rise to any environmental hygiene concerns. AD(Operations)/FEHD further said that, after consultation with relevant departments on the scattering of flower petals, it was decided that a flexible approach towards ceremonies related to human ash scattering would be adopted.

8. AD(Operations)/FEHD further said that FEHD would forge a closer partnership with the non-governmental organisations (NGOs) to promote the scattering of human ashes at sea and Gardens of Remembrance as options for handling human remains. He added that NGOs which took part in a discussion forum organised recently by FEHD had advised that many of their service clients were receptive to these options.

Approving conditions for the scattering of human ashes at sea

Action

9. Mr WONG Kwok-hing said that he welcomed the Administration's proposal to relax the restriction on the dumping of flower petals into sea. However, he also expressed concern that, if many bereaved families held the ceremonies of scattering of human ashes at sea at the same designated area at the same time, it would cause environmental problem as well as nuisance to people on land. He asked if there was any restriction on the amount of flower petals that was allowed for throwing into the sea. Dr KWOK Ka-ki also expressed similar views with Mr WONG Kwok-hing.

10. In response, Deputy Secretary for Health, Welfare and Food (Food and Environmental Hygiene) (DS(FEH)) said that FEHD had consulted other relevant departments on the issue of scattering flower petals into sea. Taking into account the views and concerns of the departments and the need of the bereaved families, it was decided that the scattering of a handful of natural flower petals for symbolic purposes could be allowed.

11. Deputy Director (Environmental Hygiene) of the Food and Environmental Hygiene Department (DD(EH)/FEHD) supplemented that FEHD had received different views on the amount of flower petals that should be allowed for scattering into the sea. FEHD had to strike a balance between the expressed concerns over environmental nuisance and the need of the bereaved families. In response to members' enquiry, DD(EH)/FEHD advised that, for general reference, the amount of flower petals that a 250ml container could hold would be regarded as acceptable.

12. The Deputy Chairman was supportive of the Administration's revised proposal. He considered that the arrangement for allowing the throwing of 250ml of flower petals into sea was acceptable but the throwing of offerings such as joss paper and incense should be prohibited.

13. Mr WONG Yung-kan, however, expressed a different view on the issue of throwing of flower petals into the sea. He said that, in the Mainland, human ashes would be tossed with flower petals into the sea and there was no restriction on the amount of flower petals for throwing into the sea. He considered that it was too stringent to set 250ml as the limit of flower petals that was allowed for throwing into the sea.

14. Mr Vincent FANG shared similar views with Mr WONG Yung-kan. He said that, while he supported the Administration's proposal, he doubted whether there was a need to set the maximum limit of flower petals for throwing into the sea to 250 ml. He also questioned about the enforceability of such condition given the remoteness of the designated areas for the scattering of human ashes at sea.

15. DS(FEH) explained that the approving conditions imposed on the ceremony of scattering of human ashes at sea were to minimise impacts on marine traffic, noise or water pollution and any psychological impact that might be caused by the scattering of

Action

human ashes at sea. The principal concern was nuisance and pollution to the environment arising from the amount of flower petals at sea should several bereaved families hold ash scattering ceremonies at the same designated area. DS(FEH) said that, as pointed out by the Marine Department, flower petals scattered at sea might fall within the meaning of litter under the Summary Offences Ordinance (Cap.288), and the Administration would be obliged to take enforcement action should there be complaints. In view of this, the Administration had taken a flexible approach towards ceremonies related to human ash scattering. He stressed that, should members had strong views on this, the Administration would consider the need to review the condition on allowing the throwing of flower petals

16. In response to Mr Vincent FANG's enquiry on the estimated number of applications in the first year of implementation of the streamlined procedures, DS(FEH) said that there was an application in hand for holding the ceremony of the scattering of human ashes at sea. To his understanding, more than ten bereaved families would participate in the ceremony for the scattering of cremated ashes of their deceased family members/relatives. He further said that it was rather difficult to estimate the number of applications for the scattering of human ashes at sea. However, as the scattering of human ashes at sea became more popular and accepted by members of public as an alternative to dispose human remains, the number of applications would increase.

17. The Deputy Chairman said that, having regard to the possible noise nuisance to members of public on land, he was of the view that the Administration should specify clearly the time period for holding the ceremony of scattering of human ashes at sea. He further said that the ceremony should be held during daytime. The Chairman shared similar views with the Deputy Chairman on the need to stipulate the time period for holding the ceremony.

18. AD(Operations)/FEHD responded that the applicants were required to state clearly in the application form the place, date and time that they would like to hold the ceremony. FEHD would notify the relevant departments of the applications approved for holding the ceremonies.

19. DS(FEH) supplemented that FEHD would exercise discretion on approving applications with justifications for holding the ceremonies at night time on a case-by-case basis. Given that many of the bereaved families would hold ceremonies during daytime, it was not considered necessary to specify the period of time for holding the ceremony when FEHD worked out the proposal for streamlining the procedures for the applications. The Administration would nevertheless review the procedures and detailed arrangements in the light of practical experience.

20. Mr WONG Yung-kan, however, expressed a different view on specifying the period of time when the ceremony could be held. He considered that holding ceremonies at night should be allowed to cater for special circumstances of individual

Action

applicants. Mr Vincent FONG shared similar views with Mr WONG Yung-kun that it was not necessary to specify the period of time for the scattering of human ashes at sea.

21. DS(FEH) responded that, when FEHD approved applications for the scattering of human ashes at sea, it would notify the relevant departments so as to ensure that there was no breaching of the approving conditions and appropriate enforcing actions would be taken where necessary. Having regard to the operating hours of the departments concerned, the time approved for holding the ceremony would normally be during daytime.

Designated areas for scattering cremated human ashes

22. Mr WONG Kwok-hing considered that the Administration should consult the relevant DCs when deciding on the locations for scattering human ashes at sea. He pointed out that, as Tuen Mun DC had raised its objection to the proposal of allowing the scattering of human ashes at sea near the Brothers Islands, the Administration should respect the views of Tuen Mun DC.

23. Referring to Annex B to the Administration's paper, DS(FEH) clarified that, having regard to the strong objection of Tuen Mun DC, the proposed designated location near the Brothers Islands had already been withheld.

24. Mr WONG Yung-kan maintained his view that the Administration should consider designating areas that were far away from the populated areas and mariculture zone. If the ceremony of scattering of human ashes at sea was held in waters which were far away from land, the approving conditions, in particular the throwing of flower petals, could be further relaxed. He pointed out that, as the water currents in the east of Tap Mun was very strong, the amount of flower petals for throwing into the sea should not be a concern.

25. Mr Alan LEONG asked whether the Administration would consider designating areas that were distant from land so as to minimise obstruction to marine traffic, nuisances to the people on board other marine vessels or on land and environmental pollution problems. The Chairman shared a similar view with Mr LEONG and asked if the Administration would consider Mr LEONG's suggestion.

26. In response, DS(FEH) explained that the proposal to designate three particular areas for scattering cremated human 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 three designated areas and the approving conditions imposed met, FEHD undertook to approve the application within five working days. DS(FEH) said that the applications for 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 Public Health and Municipal Services Ordinance (PHMSO) (Cap.132). Upon receipt of the application,

Action

FEHD would consult the relevant departments to decide whether it could be approved. Hence, the processing of such applications would take a longer time.

27. Referring to point 6 in Annex C to the Administration's paper, Mr WONG Yung-kan pointed out that, while there were white dolphins in the waters near the Brother Islands, there were only black finless porpoise in the vicinity of the three designated areas on the revised list. He wondered whether the Administration was aware of this fact.

28. DS(FEH) responded that the Administration was indeed aware of the fact that only black finless porpoise were in the three designated areas. In view of this, the generic term "dolphins" was used in the conditions as set out in Annex C to the Administration's paper. As regards the suggestion of selecting more distant locations for scattering human ashes at sea, DS(FEH) pointed out that the designated area no. 1 (i.e. east of Tap Mun) was in fact quite far away from land and it was about 20 nautical miles from Ma On Shan and Tai Po.

Other issues discussed

29. Dr KWOK Ka-ki said that it would be more cost effective and economical for several bereaved families to hold the ash scattering ceremony at the same time. Noting that FEHD would forge a closer partnership with NGOs to promote the scattering of cremated human ashes at sea, he enquired whether the Administration would consider providing any funds that NGOs could apply for promoting such services.

30. DS(FEH) said that, at a recent discussion forum arranged by FEHD, NGOs advised that many of their service clients were receptive to this relatively new way of disposal of human ashes and would like to receive more information in this respect. Regarding the suggestion of providing funds for NGOs to promote the scattering of cremated human ashes at sea, DS(FEH) said that the Administration should be prudent in considering any proposal that had public finance implications. Promoting wider acceptance and use of such a service could be made through various channels, including posting of notices and distribution of pamphlets at FEHD cremation booking offices and cemeteries, crematoria and FEHD website. The Administration would work closely with NGOs by providing publicity and information materials for their distribution to interested parties.

31. DS(FEH) further said that, at previous meetings, members had suggested the Administration to consider providing a refund of a certain percentage of the purchase price of niches to attract bereaved families to return vacated urns and to dispose of cremated ashes at sea. He informed members that FEHD had consulted the Department of Justice (DoJ), and had been advised that there would be legal issues arising from the arrangement of providing refund to bereaved families. DD(EH)/FEHD explained the difficulties and legal problems involved in taking

Action

forward the suggestion of making refunds to bereaved families who surrendered niches and resorted to scattering of cremated ashes. Often the booking for cremation sessions and application for niches were submitted by licensed undertakers on behalf of the bereaved families. It would therefore be difficult to establish who should be the party receiving the refund should any be made.

32. DD(EH)/FEHD supplemented that FEHD would consider providing incentive for the scattering of human ashes at sea such as according priority to applications for cremation services submitted by bereaved families who would scatter the cremated ashes of the deceased at sea.

33. The Chairman, however, considered that administrative arrangements could be made to address the problem. For example, there must be an authorisation signed by relatives of the deceased to give their consent to the representative of a licensed undertaker to apply for the removal of cremated ashes from niches and the scattering of ashes at sea. There should also be some documents such as receipts of payments which could serve as the proof of evidence.

34. DD(FH)/FEHD pointed out that a refund should normally be made to the person who paid the amount. Relying on authorization documents, if any, to make refund to a person other than the one who made the payment could give rise to legal problems.

35. In response to Dr KWOK Ka-ki's enquiry, DD(EH)/FEHD confirmed that it was legally in order for a licensed undertaker to book a cremation session or to apply for a niche provided that the application was supported by required documents.

V. Regulation of vegetables and fruits

Presentation by the Administration

36. Assistant Director (Food Surveillance & Control) of the Centre for Food Safety of the Food and Environmental Hygiene Department (AD(FSC)/FEHD) briefed members on the Administration's paper on the measures adopted by the Administration on the regulation of vegetables and fruits [LC Paper No. CB(2)2092/06-07(03)]. She advised that there was presently no legislation regulating the import of vegetable or fruits. However, the Administration had reached an administrative arrangement with the State General Administration of Quality Supervision, Inspection and Quarantine that all vegetables imported from the Mainland should come from registered vegetable farms or other associated processing companies. In April 2007, the Mainland authorities implemented a number of enhanced inspection and quarantine measures to leafy vegetables supplied to Hong Kong. These measures included requiring proper packaging with relevant information such as the names and addresses of the registered vegetable farms and registration

Action

numbers, and affixing seal to the vegetable transportation vehicles. These new requirements would be further extended to cover all vegetables supplied to Hong Kong from October 2007.

37. AD(FSC)/FEHD said that, apart from conducting tests on imported vegetables and fruits at Man Kam To Boundary Control Point (MKTBCP), the Centre for Food Safety (CFS) also took samples of vegetables and fruits at wholesale and retail levels for tests under its regular food surveillance programme. She further said that, of the 23 000 vegetable samples taken for testing in 2006, 16 000 samples were taken at MKTBCP with 17 samples found to contain a low level of methamidophos.

38. As regards the existing Man Kam To (MKT) food inspection facilities, AD(FSC)/FEHD pointed out that, as the facilities were built about ten years ago, they could not cope with the current mode of transportation of using cargo containers. To cope with different types of transport vehicles, FEHD had requested the Architectural Services Department to explore ways to expand the facilities for inspecting imported food, including extending the space and facilities. AD(FSC)/FEHD further said that, given the limitation of the existing MKT food inspection facilities, an arrangement had been introduced at MKTBCP under which staff of CFS and the Customs and Excise Department (C&ED) would jointly station at the cargo examination platform for inspection during the peak operating hours (i.e. 7:30 pm to 10:00 pm) when most of the vegetable vehicles arrived at MKPBCP.

39. AD(FSC)/FEHD also advised that, to better safeguard the safety of imported vegetables and fruits, CFS had set up a working group to conduct studies on the maximum residue limits of pesticide and was drawing up a new piece of legislation to regulate the pesticides residues levels in food. CFS would submit a report to the Bureau in October 2007. She reiterated that the Administration was working on a new Food Safety Bill that required registration of food importers. The requirement would help monitor the flow of imported food in Hong Kong. Under the new Food Safety Bill, the Administration would first bring under regulation foods with higher food safety risks or of wide public concerns such as vegetables and fruits.

Inspection of imported vegetables and fruits via Man Kam To

40. Noting that the Administration was exploring the feasibility of expanding the inspection facilities at MKT, Dr KWOK Ka-ki enquired if CFS had the plan to step up its efforts in the inspection of imported vegetables and fruits at MKT when MKT food inspection facilities had been expanded.

41. In response, DS(FEH) said that, given the increase in the volume of Mainland food supplied to Hong Kong, the Administration was exploring ways to expand MKT food inspection facilities. He advised that there were presently five vehicle processing bays for inspecting imported food by vehicles via MKT. It was hoped that the number of vehicle processing bays could be doubled should there be an expansion of MKT

Action

food facilities. Notwithstanding the increase in the number of vehicle processing bays, it was neither practical nor economical to inspect all imported vegetables and fruit vehicles entering Hong Kong via MKT. CFS would continue to safeguard the food safety of imported food by adopting a risk-based approach.

42. The Deputy Chairman said that, according to a Greenpeace's report, vehicles carrying vegetables and fruits did not stop at MKTBCP for inspection and sample testing. He sought clarification from the Administration as whether there was presently any legislation empowering FEHD to hold and inspect vehicles carrying vegetables and fruits at MKT.

43. DS(FEH) responded that, in accordance with section 68 of PHMSO, any person who sold any food unfit for human consumption was liable for a penalty. FEHD could stop and inspect vehicles that were suspected of carrying food unfit for human consumption. Regarding the Greenpeace's report, DS(FEH) pointed out that, given the limitation of the existing food inspection facilities at MKT, CFS had stepped up cooperation with enforcement departments, including C&ED and the Police, in conducting ad hoc blitz operations on vehicles carrying vegetables at MKTBCP. There was an arrangement at MKTBCP where staff of CFS and C&ED would jointly station at the cargo examination platform. DS(FEH) said that CFS staff would record details of information on vehicles that were found carrying vegetables/fruits imported from non-registered farms and not accompanied with proper documentation and would notify the relevant Mainland authorities for follow up. He added that, of the 28 000 vegetable vehicles inspected at MKTBCP in 2006, only some 100 vehicles were found carrying vegetables/fruits imported from non-registered farms and only eight samples taken from these vegetables/fruits found problematic.

44. AD(FSC)/FEHD supplemented that, when vegetable vehicles arrived at the Man Kam To Food Control Office (MKTFCO), CFS staff would conduct inspection to verify that the vegetables were sourced from registered farms or collection stations. CFS staff would also check the inspection cards and certificates of pesticide usage issued by the relevant Mainland entry-exit inspection and quarantine bureau in respect of the vegetable consignments. She added that about 22 000 samples of imported vegetables had been taken for quick tests for pesticide residues and about 16 000 imported vegetable samples had been taken for more comprehensive chemical tests in 2006.

45. Referring to paragraph 7 of the Administration's paper that, some 28 000 vegetable vehicles were inspected at MKTBCP in 2006, Dr Joseph LEE asked if the Administration had preset a target on the number of vegetable vehicles for inspection in a year as its performance indicator.

46. AD(FSC)/FEHD said that CFS estimated that 28 000 vegetable vehicles would be inspected in a year. CFS adopted a risk-based approach in determining the types of samples to be collected, the frequency and number of samples for testing. CFS would

Action

take into account food poisoning outbreaks and other food safety incidents occurred, public complaints, the latest overseas and local risk analyses in reviewing its sampling priority. AD(FSC)/FEHD further said that, given the limitation of the existing food inspection facilities at MKT, CFS had reviewed its strategy on food inspection control and would adopt an approach to place more emphasis on inspection at the wholesale and retail levels. She added that, in the financial year of 2007-2008, the amount of resources similar to that of 2006-2007 would be deployed for inspection control of Mainland vegetables supplied to Hong Kong via land. It was expected that the number of vegetable vehicles inspected at MKTBCTP would be comparable to that of 2006-2007 (i.e. around 28 000) as stated in the Controlling Officer's Report.

47. Mr WONG Kwok-hing criticised the Administration's failure for putting in place any measures to complement the Mainland's enhanced measures on vegetables supplied to Hong Kong. Citing the Mainland's measure of sealing the vegetable transportation vehicles as an example, he pointed out that the Administration did not perform effectively its role in inspection control of imported food entering Hong Kong by land. As the Administration did not stop and inspect the sealing of vegetable vehicles entering Hong Kong via MKT, the source of vegetables could not be verified. Mr WONG said that, to his knowledge, CFS staff would inspect the sealing of imported Mainland vegetables only at Cheung Sha Wan Food Wholesale Market.

48. DS(FEH) clarified that the enhanced measure of affixing seals to vegetable transportation vehicles by the relevant Mainland authorities only applied to leafy vegetables supplied by the Mainland farms. He explained that all vegetables imported to Hong Kong by land must enter the territory at MKTBCTP. When vegetable vehicles arrived at MKTFCO, staff of CFS would conduct inspection to verify that the vegetables were sourced from registered farms or collection stations. CFS staff would also check the inspection cards and certificates of pesticide usage issued by the Mainland entry-exit inspection and quarantine bureaux in respect of the vegetable consignments, as well as the seal fixed. In regard to the importation of vegetables by sea, DS(FEH) advised that, as all imported vegetables entering Hong Kong by sea must unload at Cheung Sha Wan Food Wholesale Market, inspection of sealing would be conducted there. CFS staff would conduct the same inspection procedures, including verifying the source of vegetables from registered farms or collection stations, checking the inspection cards and certificates of pesticide usage issued as well as the sealing affixed by the relevant Mainland authorities.

49. Mr WONG Kwok-hing said that the information given to him by the trade refuted the Administration's explanation. He further said that, to facilitate the Panel members to have first-hand information on the inspection control at MKT, he suggested that a visit to MKTFCO and MKTBCTP should be arranged. He added that, in view of the enhanced inspection and quarantine measures applied to vegetables supplied to Hong Kong, he hoped that a visit to the new processing and allocation centre of agriculture produce supplied to Hong Kong in Shenzhen, could be arranged at a suitable future time. He added that the processing and allocation centre

Action

was recently set up with the consent of Shenzhen Entry-Exit Inspection and Quarantine Bureau.

50. The Chairman said that the Secretariat would follow up the proposed visits. Members agreed.

(Post-meeting note: The Panel's visit to MKTFCO and MKTBPCP scheduled for 17 July 2007 was subsequently cancelled.)

51. Mr WONG Yung-kan expressed concern about the smuggling of vegetables into Hong Kong via MKT. He said that, according to the information provided by the Administration in its paper, 17 vegetable vehicles were detained and a total of 23 tonnes of problematic vegetables were destroyed in 2006. He questioned why the number of vehicles carrying vegetables of unknown sources detained was so small. Mr WONG opined that the number of vegetable vehicles detained did not reflect the gravity of the problem of smuggling vegetables into Hong Kong. He added that it was widely known that fresh and frozen meat was being smuggled into Hong Kong via Man Kam To.

52. Deputy Head of Control Points Command (Operations) of C&ED (DH(Operations)/C&ED) explained that, in accordance to the Import and Export Ordinance, goods carried onboard a vehicle should be manifested. Hence, in Customs' perspective, smuggling referred to goods that were not listed in the manifests of the consignments. He said that the strategy adopted by C&ED in combating smuggling activities was based on risk assessment and intelligence collected. On Mr WONG's enquiry about the smuggling of meat via MKT, DH(Operations)/C&ED said that two vegetable vehicles were detained for carrying meat that were not listed in the manifests of the consignments in 2006. A total of 5 800 kg of meat, including various kinds of meat, found on the two vegetable vehicles were confiscated.

53. Mr Vincent FANG said that he shared similar views with Mr WONG Yung-kan that the problem of smuggling of meat was quite serious in Hong Kong. He expressed concern over the existing inspection facilities at MKT and doubted if they could cope with the increasing demand of inspection given the steady increase in the volume of Mainland food supplied to Hong Kong. He asked whether the 17 vegetable vehicles inspected and detained by C&ED at MKTBPCP in 2006 was under its normal inspection operations or on the basis of intelligence.

54. AD(FSC)/FEHD responded that the 17 vegetable vehicles inspected and detained at MKTBPCP in 2006 were under its regular inspection operations as well as on the basis of intelligence. On the food inspection facilities at MKT, she reiterated that the Administration was actively exploring ways to expand the facilities for inspecting imported food, including extending the space and facilities, to cope with different types of transport vehicles. In studying the issues, the Administration would take into account the current mode of transport arrangement of the food industry and

Action

its development.

55. The Chairman said that members did not raise any objection to the Administration's plan to extend the food inspection facilities at MKT and would support the Administration's financial proposal for extension of MKT food inspection facilities with a view to enhancing the inspection control of imported food by land.

Testing of samples of vegetables and fruits

56. Regarding the 1 000 fruit samples tested by CFS in 2006, Dr KWOK Ka-ki asked about the percentage of imported fruits that had been taken for testing. In response, DS(FEH) said that, to monitor the food safety of fruits, CFS took about 350 fresh fruit samples from supermarkets, market stalls and fruit shops in late 2006 to test for pesticide residues and heavy metals, and all the results were satisfactory. He further said that, as published in CFS's second food safety report for 2007, the results of the fruit samples taken for testing were all satisfactory. AD(FSC)/FEH supplemented that about 1 000 fruit samples were taken for testing in a year. CFS adopted risk assessment analysis in deciding on the number of samples taken for testing, and would also take into account other considerations such as food complaints and food incidents occurred in Hong Kong.

57. Referring to CFS's second Food Safety Report for 2007 released on 11 June 2007, the Deputy Chairman said that four vegetable samples, including celery, garlic, Indian lettuce and Swiss chard, were found to contain trace amounts of methamidophos, but these vegetable samples were taken from vegetables supplied by the Mainland registered farms. This reflected that there were loopholes in the current inspection control over vegetables and fruits. The Deputy Chairman also expressed concern about the timing of announcing the findings of food surveillance tests. He was worried that the testing of samples under regular food surveillance programme would be held up due to the analytical work that was related to food incidents, food complaints or ad hoc blitz operations.

58. AD(FSC)/FEHD responded that there were cases where CFS would request the Government Laboratory to accord priority to testing analysis work related to prosecution of food incidents/food complaints. She, however, pointed out that regular food surveillance programme was designed to control and prevent food hazards. Under regular food surveillance programme, food samples were taken at import, wholesale and retail levels for chemical, microbiological, radioactivity and composition analyses. AD(FSC)/FEHD said that it would normally take about several weeks to conduct testing of food samples taken under regular food surveillance. The food surveillance reports would be released to the public on a regular basis (i.e. every two months) to enable them to make informed choices. She stressed that, in circumstances where the findings revealed that certain food items would pose a health risk to public health, CFS would publish the findings and health advice immediately. If any of the testing results was found unsatisfactory, CFS would follow up by tracing

Action

the source of food in question, asking concerned retailers to stop selling and to dispose of those food items and taking follow-up samples.

59. In response to Dr Joseph LEE's enquiry, AD(FSC)/FEHD responded that, in response to public concerns about the suspected use of colouring matters in oranges, CFS had taken 25 samples for testing and all the results were satisfactory. She added that the second Food Safety Report for 2007, including the food surveillance results in respect of vegetables and fruits, was available on CFS's website.

60. Referring to paragraph 6 of the Administration's paper on strengthening control at source, Dr Joseph LEE enquired about the timetable for implementing the enhanced inspection and quarantine measures to Mainland fruits supplied to Hong Kong.

61. AD(FSC)/FEHD said that, to her understanding, the fruit farms and traders had expressed their view to the Mainland authorities that they needed more time to prepare for the new inspection and quarantine measures to be applied to fruits. There was no concrete timetable for implementing the measures to fruits at this stage. However, the Mainland authorities would put in place a registration system of fruit farms and processing companies within this year. AD(FSC)/FEHD further said that the Administration had a meeting with local fruit importers and traders about a week ago to discuss with them the Mainland's inspection and quarantine measures to be introduced for the supply of Mainland fruits to Hong Kong. The fruit trade had expressed that, while they were in general supportive of measures to safeguard food safety, they were concerned that more time would be needed for preparation in order to fulfil the requirements.

Legislative proposals

62. Noting that CFS was preparing a legislative proposal for regulating pesticide levels in food, Dr KWOK Ka-ki asked about the timetable for introducing the proposal into LegCo. DS(FEH) responded that the Administration would introduce the legislative proposal into LegCo as early as possible. As said earlier by AD(FSC)/FEHD, CFS would submit a report to the Bureau in October 2007. It was planned that the legislative proposal would be finalised for submission to LegCo in 2007.

63. On Dr Joseph LEE's enquiry about the food recall mechanism, DS(FEH) responded that the Administration was drawing up a legislative proposal to empower the Administration to order all wholesalers and retailers to stop selling problematic food when there was occurrence of serious food incidents with grave impact. Under the proposal, the wholesalers and retailers would be ordered to remove the food from the shelves when necessary.

64. In response to Dr KWOK ka-ki's question on the legislative timetable of the new Food Safety Bill and the progress of the drafting of the legislation, DS(FEH) said

Action

that, as stated clearly by the Secretary for Health, Welfare and Food (SHWF) earlier this year, the Administration would enact the new Food Safety Bill to safeguard food safety in Hong Kong. In view of the scope and complexity of the drafting work, the drafting of the legislative details of the new Bill would not be finalised within a short timeframe. The Administration would do its best to finalise the Food Safety Bill and submit it to LegCo for scrutiny in the end of 2008. DS(FEH) supplemented that there were a number of issues that the Administration had to take into consideration in drafting the legislation, including definition of food, alignment of the definition of food in the Bill with the subsidiary legislation under PHMSO and the responsibilities of stakeholders in the whole food chain. He added that consequential amendments to many of the provisions of the subsidiary legislation under PHMSO would be required.

65. Mr WONG Kwok-hing expressed strong dissatisfaction at the Administration's response that the new Food Safety Bill would only be introduced during the next LegCo term. He said that, to better safeguard food safety and public health, the Administration should expedite the drafting of the new Food Safety Bill and introduce it into LegCo in the 2007-2008 session.

66. Mr WONG Yung-kan also shared a similar with Mr WONG Kwok-hing. He pointed out that the Panel had discussed with the Administration the legislative proposal for food safety for many years and the new legislation was long overdue.

67. Mr Alan LEONG said that he also shared similar views with Mr WONG Kwok-hing and Mr WONG Yung-kan that the new Food Safety Bill should be introduced expeditiously.

68. DS(FEH) clarified that the Administration had consulted the Panel on the proposal for mandatory food recall mechanism at the end of 2004 but members had expressed diverse views on the proposal. Therefore, a consensus could not be reached on the implementation of the proposal. Having regard to a series of food safety incidents in Hong Kong and to enhance food safety in Hong Kong, SHWF advised the Panel in early 2007 that it planned to introduce a new Food Safety Bill. DS(FEH) reiterated that, as PHMSO covered many subsidiary legislation related to food safety and control in Hong Kong, the drafting work of legislative amendments to the Ordinance was rather complex and voluminous.

69. Mr Alan LEONG said that the Administration's response gave him an impression that it had not started the preparatory work for introducing the new Food Safety Bill. He considered that the Administration should provide details of the preparatory work to support its explanation. As regards the new Bill, Mr LEONG asked whether the Administration would set up a new organisation to coordinate the food safety control work that was presently under the purview of various departments or to assign the responsibility of food safety control to one single department. He further said that, to implement effectively the "farm to table" approach to enhance food safety in Hong Kong, consumers groups, NGOs and green groups also played a

Action

key role. He wondered if the Administration had considered their roles to play under the new food safety law.

70. DS(FEH) stressed that the Administration was in the course of preparing the drafting of the new food safety law. He said that the Administration's initial thinking was that the new food safety law would be put under the purview of FEHD and CFS would mainly be responsible for the enforcement. The Administration would consult the trades concerned as well as the public when the legislative proposal was ready for consultation and would consider all the views collected in the consultation exercise including those relating to the roles of the food trade and consumers group.

71. Mr TAM Yiu-chung said that he had moved a motion on safeguarding the safety of live and fresh food in the Council meeting in May 2007 and the motion was supported by Members. He considered that the Administration should expeditiously enact a comprehensive food safety law to bring live and fresh food such as vegetables and fruits under the regulatory ambit.

72. The Deputy Chairman said that, despite that the Mainland authorities had introduced a number of enhanced inspection and quarantine measures to leafy vegetables supplied to Hong Kong with effect from 1 April 2007, the Administration had not yet implemented any import quarantine arrangements and complementary measures in this regard. He further said that, as it would take some time for the Administration to draft the new Food Safety Bill, he considered that the Administration should introduce expeditiously measures to complement the Mainland's enhanced measures in respect of food supplied to Hong Kong.

Motion passed by the Panel

73. The following motion was moved by Mr WONG Kwok-hing and seconded by Mr WONG Yung-kan -

"促請政府加快食物安全法的立法工作進度，向本屆立法會提交審議，確保市民的食物安全。"

[English translation

"That this Panel urges the Government to expedite the legislative progress of food safety law and submit it to the Legislative Council of the current term for scrutiny in order to ensure food safety for the public."]

74. All members unanimously agreed to the motion. The Chairman declared that the motion was carried. The Chairman urged the Administration to expedite its preparatory work for enactment of the new Food Safety Bill and to provide further information on any progress made by the Administration in taking forward the legislative work.

Action

VI. Any other business

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

Council Business Division 2
Legislative Council Secretariat
5 September 2007