

Panel on Food Safety and Environmental Hygiene

List of outstanding items for discussion

(Position as at 12 February 2007)

Subject	Proposed timing for discussion
1. Licensed food premises	
(a) <u>Team Clean's recommendations</u>	
At its meeting on 26 September 2003, the Panel agreed to follow up Team Clean's recommended measures to improve the environmental hygiene of licensed food premises (paragraphs 4.18-4.37 of Team Clean's final report) -	
(i) Open Categorisation Scheme;	---
(ii) Revamp of Demerit Points System, announcement of recalcitrant licensees and hygiene-related misconduct of employees; and	---
(iii) Licensing requirements for food factories.	---
On item (a)(ii) above, the Administration briefed the Panel on 14 March 2006 on the proposal to revamp the demerit points system for licensed food premises. The Panel held a special meeting on 6 April 2006 to gauge the views of the food trade on the proposal. The Administration will further discuss with the food business industry on the proposals.	
(b) <u>Suspension of issue of licence to food premises operating without licence</u>	May - July 2007
At its meeting on 14 December 2004, the Panel was advised that the Administration would consider suspending the issue of a provisional/full licence for a certain period to food premises which were found to have operated without licences upon conviction. When briefed on the proposed measures on 8 March 2005, members expressed various concerns. The Administration was requested to consider members' views and revert to the Panel later.	

(c) Enforcement of licensing conditions

May - July 2007

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

2. Fisheries Protection (Amendment) Bill

End 2007

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

3. Control of importation, landing and sale of live fish

February - April
2007

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

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

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

The Panel also discussed the proposed regulatory framework for live fish at the special meetings in August and September 2005, and the regular meeting on 13 December 2005 following the discovery of malachite green in eels and live fish. The Administration

originally planned to introduce the Fisheries Products Safety Bill in the 2005-2006 session to provide for the strengthening of control on fresh marine fish and fresh water fish imported or reared locally to enhance the protection of public health.

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

The Panel discussed the incident related to consumption of raw oysters and the discovery of malachite green in the samples of eel products on 14 November 2006. The Administration advised that they would consult the Panel on the proposed regulatory framework to enhance the safety of aquatic products during February to April 2007 and introduce the legislative proposals to LegCo in 2007.

The Panel held a special meeting on 30 November 2006 to discuss the incidents related to the detection of harmful substances in fish. To address the issue, the Administration advised that the legislative proposals for the regulation of aquatic products would be introduced in the session 2006-2007.

4. Labelling scheme on nutrition information

May - July 2007

The Panel discussed the proposed labelling system on nutrition information on 10 May and 14 June 2005. The Administration planned to introduce an Amendment Regulation in 2006-2007 to give effect to the proposed nutrition information system. The Administration was requested to revert to the Panel before submitting the legislative proposal into LegCo, if further amendments were proposed to the nutrition labelling system.

5. Reorganisation plan for the food safety regulatory framework

3rd Quarter/
4th Quarter 2007

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

The Panel on Food Safety and Environmental Hygiene and Panel on Environmental Affairs have subsequently held four joint meetings on 29 November 2005, 15 December 2005, 6 January 2006 and 17 January 2006 to discuss the revised reorganization proposal and receive views from the relevant trades, experts, academics and staff of the affected departments. At the meeting on 17 January 2006, members raised no objection to the establishment of the proposed Centre for Food Safety.

The Research and Library Services Division has provided further information on the regulatory framework and the qualifications of the head of food regulatory authorities in overseas countries/places.

The Administration would revert to the Panel when a comprehensive plan for the food safety framework was available.

6. Sustainable development of agricultural and fisheries industries

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

7. Regulation and labelling of genetically modified food

End 2007

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

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

The Panel discussed the monitoring of the sale of GM food in Hong Kong on 9 May 2006 and the guideline for voluntary labelling of GM food on 13 June 2006. The guidelines came into effect on 28 July 2006. The Administration was requested to review the effectiveness of the voluntary labelling system for GM food after a period of implementation and revert to the Panel.

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

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

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

At the request of the Subcommittee on Public Health (Animals and Birds) (Exhibitions) (Amendment) Regulation 2006, the Administration has agreed to undertake a study on the regulatory regime of racing pigeon activities in overseas countries/places (including those which had an outbreak of avian influenza) and consider whether a new regulatory regime should be established in Hong Kong in the context of an overall review of the licensing regime under Cap. 139.

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

The Administration provided information on its study on the regulatory measures on keeping racing pigeons in other jurisdictions and its review on the existing regulatory regime in Hong Kong, as set out in Annex A to the Administration's paper on "Preparing for the peak season of avian influenza outbreak" for the joint meeting with the Panel on Health Services on 12 December 2006. The Administration considered that the existing regulatory regime could strike a balance between the need to protect public health and environmental hygiene, as well as to accommodate the need of pigeon racing activities in Hong Kong as far as possible.

However, members at the joint-Panel meeting questioned about the absence of reference information on the regulatory regime in the Mainland and Taiwan. In response to members' request, the Administration agreed

to provide a more detailed information paper on the regulatory control measures on racing pigeons in other places including the Mainland and Taiwan.

9. Public markets and cooked food centres

(a) Markets and cooked food centres

February - April
2007

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

The Public Accounts Committee discussed the Director of Audit's report No. 41 on public markets managed by the Food and Environmental Hygiene Department (FEHD) in 2004. The Administration responded that the Health, Welfare and Food Bureau was discussing with the Planning Department the need to review the current planning standards for the provision of market facilities as set down in the Hong Kong Planning Standards and Guidelines. In addition, FEHD was conducting a study to identify markets with serious and insurmountable viability problems that might merit closure/consolidation.

At the meeting between LegCo Members and WCDC on 5 May 2005 and 30 March 2006, WCDC members considered that FEHD should review the design and operation of public markets with a view to improving their competitiveness. Some WCDC members suggested that FEHD should review the consideration factors for issuing fresh provision shop licences. Members attending the meetings agreed that the matter should be referred to the Panel for follow-up.

(b) Demerit Points System

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

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

May - July 2007

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

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

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

At the request of the Subcommittee on Public Health (Animals and Birds) (Exhibitions) (Amendment) Regulation 2006, the Administration has agreed to review the fees for application/ renewal for an exhibition licence for animals and birds in the context of the general review of Government's fees and charges. The Administration will report the outcome to the Panel.

11. Liquor licensing policy and legislation

February - April 2007

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

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

At the meeting held between LegCo Members and WCDC members on 30 March 2006, WCDC members expressed concerns about the environmental nuisance and

safety problems caused by proliferation of bars in the district. WCDC members suggested that there should be tightened control over the granting of liquor licences to prevent proliferation of bars in multi-storey buildings. The existing policy and legislation on liquor licensing should be reviewed.

12. Nuisance caused by the Tsuen Wan Slaughterhouse

1st Quarter 2007

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

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

13. On-street promotion activities

May - July 2007

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

The subject was also discussed by the Sai Kung District Council (SKDC) at its meeting on 18 August 2005. To enhance enforcement, SKDC suggested that amendments should be made to the relevant legislation. The suggestion was put forward to the Panel for consideration and follow-up.

14. Policy on hawking activities

At the meeting on 6 April 2006, the Panel noted that the Administration would conduct an overall review of the policy on hawking activities, including the designation of

hawker permitted areas. The Administration would revert to the Panel on the review results. The Administration also agreed to revert to the Panel findings of the review of the existing enforcement strategies against street hawking activities, particularly the guidelines for Hawker Control Officers to carry out enforcement in uniform/plain clothes.

When the Panel discussed hawker control policy and hawker raiding operations at the meeting on 11 July 2006, members urged the Administration to expedite the review of policy on hawker activities and the designation of hawker permitted areas. Some members suggested that the Panel should discuss the policy issue in the 2006-07 session and the relevant organisations should be invited to attend the Panel meeting when the matter is discussed.

At the case conference of the Complaints Division held in March 2006, deputations from hawkers in Wan Chai District suggested the Administration to review the policy of hawker licences so as to preserve on-street hawker stalls. Duty Roster Members agreed to refer the suggestions to the Panel for consideration and follow-up.

At the meeting between LegCo Members and WCDC members on 30 March 2006, WCDC members considered that the Administration should review the existing policies and legislation on hawker control, in particular to review the policy governing the transfer and succession of itinerant hawker licences.

15. Poultry slaughtering and processing plant

February - April
2007

In the course of discussion on the progress of comprehensive plan of action to deal with the global problem of avian influenza at its meeting on 14 March 2006, the Panel discussed the development of poultry slaughtering plant. The Administration was urged to revert to the Panel once there was a decision on developing a slaughtering plant in Hong Kong.

At its meeting on 11 April 2006, the Administration advised that they had identified a suitable site in Sheung Shui and that their intention was to have the plant developed and operated by the private sector through open tender under a Build, Own, Operate and Transfer (BOOT) arrangement.

At its special meeting on 13 October 2006, the

Administration advised that they would conduct an Environmental Impact Assessment study and initiate an invitation for Expression of Interest. It was expected that the plant would come into operation in 2009/10 at the earliest. A formal tender exercise would be conducted and a Bill would be introduced into the LegCo in 2007 to provide a regulatory framework for the operation of the plant.

At the joint meeting with the Panel on Health Services on 12 December 2006, the Administration advised that the invitation for Expression of Interest exercise would be conducted around mid of December with the deadline for reply in mid January 2007 and that the tender exercise during August to November 2007. Members expressed concern about the market responses to the Invitation for Expression of Interest exercise and requested the Administration to revert to the Panel on the outcome of the exercise in March 2007. Members also expressed grave concern on the livelihood of the poultry workers and members of the affected trades and agreed that the issue be discussed at the Panel's meeting scheduled for March 2007.

Council Business Division 2
Legislative Council Secretariat
12 February 2007