

**立法會**  
**Legislative Council**

LC Paper No. CB(2)514/07-08  
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by the Administration)

Ref : CB2/PL/FE

**Panel on Food Safety and Environmental Hygiene**

**Minutes of special meeting  
held on Friday, 12 October 2007, at 4:30 pm  
in the Chamber of the Legislative Council Building**

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

**Member absent** : Hon Andrew CHENG Kar-foo

**Public officers attending** : Food and Health Bureau  
Dr York CHOW Yat-ngok  
Secretary for Food and Health  
  
Mrs Stella HUNG  
Permanent Secretary for Food and Health (Food)  
  
Miss CHEUNG Siu-hing  
Director of Agriculture, Fisheries and Conservation

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Mr Eddy CHAN  
Director of Food and Environmental Hygiene

Dr Constance CHAN  
Controller, Centre for Food Safety  
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. Briefing by the Secretary for Food and Health on the Chief Executive's Policy Address 2007-2008**  
[LC Paper No. CB(2)53/07-08(01)]

Briefing by the Administration

The Secretary for Food and Health (SFH) briefed members on the Administration's paper on the policy initiatives relating to food safety and environmental hygiene covered in the 2007-2008 Policy Address [LC Paper No. CB(2)53/07-08(01)]. SFH said that the new initiatives included -

- (a) formulating the Food Safety Ordinance to further enhance the regulatory framework on food in Hong Kong;
- (b) establishing a set of comprehensive registration system for food importers and distributors to enhance food tracing;
- (c) formulating a set of comprehensive and clear food safety standards that fitted Hong Kong's specific situation;
- (d) converting all aqua privies into flushing toilets in phases by 2012-2013; and
- (e) facilitating the operation of the food business by introducing a composite licence/permit scheme for the manufacture and sale of various types of ready-to-eat food items.

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2. As regards the progress on the implementation of 2006-2007 policy initiatives, SFH further said that, to attain the long-term objective of separating humans from live poultry, the Administration was pressing ahead with the development of a poultry slaughtering and processing plant (PSPP) in Hong Kong. He informed members that the Food and Environmental Hygiene Department (FEHD) had recently conducted a study, the result of which revealed that slaughtered chickens without chilling would be suitable for consumption for up to 24 hours if stored at or below 7°C. In view of the study result, the Administration would allow PSPP to introduce "freshly slaughtered chickens" for the market. This arrangement would help enhance the viability of PSPP, accommodate people's eating habits, and reduce the impact of implementing central slaughtering on live poultry wholesalers and retailers. SFH added that the Administration planned to introduce the bill on the development of a PSPP into the Legislative Council (LegCo) by the end of 2007 or early 2008.

Legislative Proposals

3. Noting that the Administration planned to introduce a number of legislative proposals relating to the operation of PSPP, prohibition of extraction of seawater in certain areas, nutritional labelling requirements for prepackaged food and regulation of pesticides residues levels into LegCo in the 2007-2008 session, the Chairman expressed concern that, if all the legislative proposals were only introduced into LegCo in March next year, Members might not have sufficient time to scrutinize the proposed legislations. He asked about the relevant legislative timetable.

4. In response, SFH said that the Administration's plan was to introduce the bill for the development of a PSPP into LegCo by February 2008. As regards the subsidiary legislation, the Administration intended to submit the legislative proposals relating to pesticides residues in food, nutrition labelling and a composite licence/ permit scheme for the manufacture and sale of various types of ready-to-eat food items to LegCo for negative vetting in the 2007-2008 session. SFH further said that the Administration would consult the Panel on the framework of the new piece of legislation on food safety in December 2007.

5. On the Chairman's enquiry about the legislative timetable for the proposed composite licence/permit, the Director for Food and Environmental Hygiene (DFEH) said that the Administration had consulted the trade in mid July 2007, and the trade generally supported the idea of introducing a composite licence/permit. The Administration would continue to communicate and discuss with the trade the details of implementation, and would prepare for the legislative work. The Administration's plan was to consult the Panel on the proposal for the composite licence/permit in early 2008.

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New Food Safety Ordinance

6. Referring to paragraph 6 of the Administration's paper on establishing a set of comprehensive registration system for food importers and distributors, Dr KWOK Ka-ki asked when the mandatory registration scheme would be implemented. He said that the effectiveness of the proposed mandatory food recall mechanism depended very much on the implementation of a mandatory registration scheme for food distributors.

7. SFH responded that the Administration was in the process of preparing the necessary legislation to make it a mandatory requirement for food importers and distributors to register with the Centre for Food Safety (CFS). Pending the enactment of the new Food Safety Ordinance, the Administration had launched a pre-statutory voluntary registration scheme for food importers and distributors to familiarize the trade with the future mandatory requirement and enable the Administration to enhance the design and management of the mandatory registration scheme through practical experience. On the timetable of implementing the mandatory registration scheme for food importers and distributors, the Administration would consult the views of the Panel and the food trade. SFH added that the legislative proposal for the new Food Safety Ordinance would be introduced into LegCo in the 2008-2009 session.

8. Mr Vincent FANG said that the food business trade welcomed the introduction of the Food Safety Ordinance and the registration scheme for food importers and distributors to enhance food safety and public health in Hong Kong. He, however, was worried that the problem of smuggling activities of food products would become more serious if it became too difficult for food importers to import food items after the enactment of the relevant legislation. He considered that the Administration should enhance its efforts in border control and monitoring food safety of food items.

9. SFH assured the Panel that the Administration would step up its efforts in combating smuggling activities of food products from unauthorized/improper channels. FEHD and the Customs and Excise Department (C&ED) would enhance their cooperation to take joint actions against smuggling of food products into Hong Kong. He cited the recent joint operation taken by C&ED with FEHD in suppressing illegal importation of fresh meat and poultry, including fresh pork and fresh chicken, as an example. SFH said that the food trade's information and co-operation in curbing smuggling activities of food products was also important.

10. On the Deputy Chairman's enquiry about the progress of the introduction of food recall mechanism, SFH said affirmatively that the legislative proposal on the recall/prohibition of sale of unsafe food would be embodied in the new Food Safety Ordinance. Under the new food safety law, the Administration would be

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empowered to make an order to prohibit the sale of a particular food item in circumstances where the distribution and sale of that particular food item in the local market was prejudicial or posed a potential risk to public health. As regards the Deputy Chairman's question on the wet markets under FEHD, SFH further said that the Administration would start the review by the end of 2007, and would report the outcome of the review to the Panel.

11. Mr Alan LEONG sought clarification from the Administration whether CFS would be the department responsible for enforcing the new Food Safety Ordinance and enquired about the role of the non-governmental organizations (NGOs) under the new Food Safety Ordinance.

12. SFH confirmed that the Ordinance would be under the purview of CFS. In regard to the role of NGOs, he said that the Administration would respect the views of and the researches conducted by NGOs in this regard. He said that the Administration also had collaboration with universities and research institutes in conducting surveys and researches relating to food safety issues in Hong Kong.

Nutrition labelling scheme

13. Dr KWOK Ka-ki expressed concern over the recent newspaper reports about the Administration's revised proposal for a one plus six mandatory nutrition labelling scheme, with a two-year grace period before implementation. It was also reported that cholesterol and trans fat would not be included in the revised nutrition labelling scheme. He held the view that the newspapers reports on the revised proposal would give a confusing message to the public given that it was different from the proposal put forward by the Administration in 2005. Under the proposal put forward in 2005, the nutrition labelling scheme would be implemented in two phases and a one plus nine mandatory nutrition labelling scheme would be implemented in Phase two of the scheme. He queried why the Administration did not consult the Panel on the revised proposal before releasing the information to the media.

14. Mr Vincent FANG shared similar view with Dr KWOK Ka-ki. He criticized the Administration for releasing the details of its revised proposal for nutrition labelling scheme to the media before reaching a consensus with the trades concerned on the proposed scheme and obtaining support from the Panel. He opined that it would jeopardize the trades' relationship with the Administration.

15. The Chairman echoed Dr KWOK's and Mr FANG's views. He said that the Liberal Party had no objection to the proposal for implementing a nutrition labelling scheme for prepackaged food. Nevertheless, the Administration should strike a balance between facilitating consumers to make informed food choices, maintaining the variety of food choices, stabilizing prices of food products, and reducing the impact of the proposed scheme on the food trade, particularly the

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small and medium enterprises. The Chairman further said that he was very dissatisfied that the Administration seemed to be selective in communicating and consulting with Panel members on policy issues. He sought clarification from the Administration whether it had released the details of its revised proposal to the media.

16. In response, SFH said that he did not disclose any information on the revised proposal for nutrition labelling scheme to the media. He, however, pointed out that, in working out the proposal, the Administration needed to consult the trades concerned. When the media requested the Administration to confirm whether certain information given by the trades were accurate, it was extremely difficult to refute if they were facts. SFH stressed that communication with Members was important to the Administration. He would apologize to the Chairman if his staff failed to communicate effectively with him on this matter. SFH added that he was arranging an informal meeting with the Chairman and the Deputy Chairman of the Panel to discuss on the Panel's work plan for the new session.

17. As regards the Chairman's and members' views on nutrition labelling scheme, SFH pointed out that the objectives of the scheme was to enhance the awareness of good health and nutrition, and facilitate consumers to make healthy food choices. In view that Hong Kong relied heavily on imported food, the nutrition labelling scheme to be introduced should be in line with the international practice. Over the past year, the Administration held discussions with the trades concerned and consulates in Hong Kong about the Administration's proposal for nutrition labelling scheme. He added that he had visited the European Union in 2007 to better understand the labelling scheme implemented there. SFH stressed that, in working out the proposal, the Administration had given due consideration to maintaining the variety of food choices and facilitating consumers' right to know. The Administration would consult the Panel on the proposal for nutrition labelling scheme in December 2007.

18. On those prepackaged food with claim of "low-cholesterol", SFH advised that, according to international practice, the nutrition label of such food must list the contents of the nutrients claimed. In respect of nutrition information on trans fat, CFS was in collaboration with the Consumer Council to conduct a study on trans fat. The Administration would take into account the results of the study in considering the issue of trans fat.

19. Mr Alan LEONG asked whether the Administration had assessed the respective impact of the proposed scheme on the number of food items available for sale at retail outlets if the proposed nutrition labelling scheme was a one plus six core nutrients and if it was a one plus nine core nutrients, including or excluding trans fat.

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20. SFH said that the Administration had conducted some studies and analyses on the impact on the market. The Administration would provide the relevant data to the Panel for reference when it consulted the Panel on the proposed nutrition labelling scheme in December 2007.

21. On the Administration's response, Mr Alan LEONG asked whether the Administration could provide such data to members for consideration before the December meeting. SFH explained that it would take some time for the Administration to consolidate the data. The Administration would do so if the data was ready for release.

22. The Chairman said that the Food and Drugs (Composition and Labelling) (Amendment) Regulation 2004 (the Amendment Regulation) that imposed additional allergen and additive labelling requirements had come into operation on 9 July 2007. He asked whether the Administration had conducted any assessment study on the impact of market such as number of food items on sale and prices of food items after the enactment of the Amendment Regulation. He considered that such assessment study would facilitate members' discussion and consideration of the proposal for nutrition labelling. In response, SFH said that the Administration did not conduct any assessment study in this respect.

Poultry slaughtering and processing plant

23. Mr Vincent FANG said that he welcomed that PSPP would produce "freshly slaughtered chickens" for the market. He, however, expressed concern about monopolistic situation of the future operator of the plant if the plant would be the sole service provider for "freshly slaughtered chickens". He asked whether the future plant operator would provide such service for chicken farmers on a fee basis.

24. SFH responded that the plant operator would be required to reserve sufficient capacity to meet the demand of local farms and to apply the same slaughtering charges to local farms.

25. Mr WONG Yung-kan said that he personally objected to the Administration's proposal for the development of a PSPP. He questioned why the Administration could not simply allow the importation of "freshly slaughtered chickens" from Shenzhen if slaughtered chickens without chilling would be suitable for consumption for up to 24 hours if stored at or below 7°C. He also expressed concern that the problem of smuggling of chickens from the Mainland would be worsened after the operation of the plant.

26. The Chairman shared similar views with Mr WONG Yung-kan. He said that, as a number of measures had been implemented to guard against the risk of avian influenza infection including tightened biosecurity measures at local farms and hygiene requirements on wholesale and retail markets, he did not see the need

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for a central slaughtering plant in Hong Kong. He further said that the development of PSPP would have great impact on the livelihood of the farmers, wholesalers and retailers. He called on the Administration to consult the affected trades and explain clearly to them the new mode of operation of live poultry trade in Hong Kong when PSPP started its operation.

27. SFH explained that the Administration adopted a "zero-tolerance" policy towards the risk of avian influenza infection. The segregation of humans and live chickens was the long-term objective to minimize the risk of avian influenza infection. Under the existing mode of operation of the live poultry industry, it would be difficult to achieve human-poultry segregation as there were poultry stalls in the markets. During the transportation of live poultry from the farms to the markets, the poultry workers and customers would be exposed to the risk of avian influenza. The present mode of operation of live chicken trade in the market, therefore, had to be changed to eradicate the health risk to the trade workers and consumers.

Sustainable development of the fishing industry

28. Referring to paragraphs 21 to 22 in the Administration's paper on the Fisheries Development Loan Fund, Mr WONG Yung-kan said that, to his understanding, there had not been any successful cases of securing loans from the Loan Fund despite that the approved commitment of loan capital of the Loan Fund had been increased from \$100 million to \$290 million. He commented that the application requirements were too stringent, and asked how the Administration would help the fishing industry sustain its long-term development. He also pointed out that the new rules covering farm management, disease monitoring and waste handling, introduced to local pig farms by the Agriculture, Fisheries and Conservation Department (AFCD) in March 2007, were too harsh, and had caused great difficulties to the operation of pig farmers who had not applied for the voluntary surrender scheme.

29. SFH responded that the Administration formed the Committee on Sustainable Fisheries in 2006 to study the long-term policy for fisheries development that could maintain a viable balance between conservation of fisheries resources and development of the industry. The Committee was studying the long-term direction and goals for the development of the fishing industry and the viable strategies and proposals to promote its sustainable development. It was expected that the Committee would submit the study report to the Administration in mid 2008.

30. The Director of Agriculture, Fisheries and Conservation (DAFC) supplemented that the Fisheries Development Loan Fund had already lent out some \$50 million. She said that the approved commitment of the loan capital of the Loan Fund was increased from \$100 million by \$190 million to \$290 million last year to



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provide loans for fishermen to switch to sustainable fisheries or related operations and for mariculturists and pond fish farmers to develop sustainable aquaculture business. DAFC clarified that, after the injection of additional capital, the Administration had taken some time to consult the views of the fishing industry on the detailed terms for considering applications for the injected capital, with application open since May 2007 only. Though new loan applications had not yet been approved, there were enquiries from fishermen about application for the Loan. The staff of AFCD would continue to provide advice and assistance to fishermen wherever necessary.

Other issues discussed

*Sale of food items beyond expiry*

31. The Deputy Chairman said that, in the midst of the soaring prices of meat and vegetables, some fresh provision shops (FPSs) were selling food items beyond the expiry. Many grass-root citizens frequented these FPSs, particularly the elderly and the underprivileged, as these food items were sold at cheaper prices. He further said that there were also cases where FPSs removed the labels of food items beyond expiry and affixed labels of new expiry dates on the packages of these food items. He asked whether the Administration was aware of this situation and, if so, how the Administration would guard against the possible health risk of food items beyond the expiry.

32. DFEH responded that, under the regular surveillance programme, the staff of CFS would conduct inspection of food products on sale in supermarkets, FPSs and other retail outlets to ensure that food items on sale were fit for consumption. They would also carry out regular inspection of food labels to ensure compliance with the labelling requirement under the law. If food products did not comply with the labelling requirements, CFS would follow up. DFEH said that, under the law, prepackaged food should be legibly marked or labelled with the appropriate durability indication, either by "use by" date or "best before" date. It was an offence to sell food past the "use by" date under the law. He, however, pointed out that there was presently no regulation on food labelling with regard to the indication of durability of non-prepackaged food. Given that fresh vegetables were non-prepackaged food, it was rather difficult to take law enforcement actions in this respect. DFEH stressed that FEHD would strengthen its efforts in inspecting FPSs and retail outlets to forestall any irregularity and to safeguard food safety.

*Supply of live pigs and cattle*

33. The Deputy Chairman said that he was concerned about the inadequate supply of live pigs and cattle in Hong Kong and the soaring of retail prices of pork and beef. He considered that the Administration should strive to do its best to stabilize the supply of live pigs and cattle and ensure that there was no

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manipulation of prices in the market. He enquired about the Administration's policy on this issue.

34. SFH responded that the Administration had reached a consensus with the Mainland authorities on maintaining a stable supply of Mainland live pigs and cattle to Hong Kong. He said that, as announced earlier by the Ministry of Commerce, Guangnan Hong Limited had been appointed as the second agent for export of live pigs to Hong Kong, and a third agent would soon be appointed. As regards the supply of Mainland live cattle, SFH explained that live cattle were mainly sourced and imported from provinces in the northern China. The daily supply of live cattle imported was about 130, which was relatively small as compared to that of live pigs. In view of transport constraint and the small size of the market, it would not be feasible to open up live cattle market. He added that, apart from importing live cattle from the Mainland, Hong Kong also imported beef from other countries.

*Public cemeteries, columbaria and crematoria facilities*

35. Referring to paragraphs 23 to 25 in the Administration's paper, Mr WONG Kwok-hing said that he welcomed the provision of more new niches at Cheung Chau Columbarium, Kwai Chung Columbarium and Diamond Hill Columbarium. He, however, expressed concern over the recent newspapers reports about various incidents occurred in public mortuaries and cemeteries relating to the handling of unclaimed dead bodies, the exhumation of human remains interred in Wo Hop Shek Cemetery, and the forging of the temperature records of mortuary refrigerators. Mr WONG considered that the Administration should conduct a review on the operation of the public mortuaries and cemeteries, and asked how the Administration would respond to these incidents.

36. SFH said that he regretted about the occurrence of these incidents. He stressed that the Director of Health and DFEH had taken immediate follow up actions when such incidents occurred. He advised that the Department of Health had followed up on the incidents and reviewed the operation and management of the public mortuaries. All staff of public mortuaries had been briefed again on the working procedures and reminded to follow the guidelines in which the responsibilities of staff were laid down clearly. Training manuals and guidelines were also re-issued to staff.

37. Regarding the incidents occurred in Wo Hop Shek Cemetery, DFEH explained that the burial of coffin and the erection of a tombstone on the grave by mason were two separate events, with the latter taking place about six months after the former. Following an interment, sufficient time must be permitted in order to allow the settlement of soil. With the lapse of time, there might be cases where the tombstone was not erected at the right spot where the coffin laid. DFEH advised that the Administration had implemented a number of improvement measures to

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improve the management of the cemeteries in 2004. Since 2004, FEHD staff would be present on both occasions during coffin burial and erection of tombstone to ensure that the name of the deceased and the grave number were correct, and the tombstone was erected on the correct location of the grave. He therefore expected that such mismatch cases if any would be quite few when compared with the previous decades prior to 2004. He also said that the department was currently considering various ways and means of improving the overall management of public cemeteries and urn graves.

Admin 38. At Mr WONG Kwok-hing's request, SFH said that the Administration would provide members a summary of the improvement measures that had been implemented since 2004 for information.

**II. Any other business**

39. There being no other business, the meeting ended at 5:32 pm.

Council Business Division 2  
Legislative Council Secretariat  
6 December 2007