

立法會
Legislative Council

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(These minutes have been seen
by the Administration)

Panel on Food Safety and Environmental Hygiene

**Minutes of special meeting
held on Friday, 17 October 2008, at 10:30 am
in the Chamber of the Legislative Council Building**

- Members present** : Hon Fred LI Wah-ming, JP (Chairman)
Hon WONG Yung-kan, SBS, JP (Deputy Chairman)
Hon Andrew CHENG Kar-foo
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon WONG Kwok-hing, MH
Dr Hon Joseph LEE Kok-long, JP
Hon Alan LEONG Kah-kit, SC
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Dr Hon LEUNG Ka-lau
Hon WONG Yuk-man
- Members attending** : Hon Emily LAU Wai-hing, JP
Hon Albert CHAN Wai-yip
Hon CHAN Tanya
- Member absent** : Hon TAM Yiu-chung, GBS, JP
- Public Officers attending** : Dr York CHOW Yat-ngok, SBS, JP
Secretary for Food and Health

Prof Gabriel M LEUNG, JP
Under Secretary for Food and Health

Mrs Stella HUNG, JP
Permanent Secretary for Food and Health (Food)
Ms Olivia NIP, JP
Deputy Secretary for Food and Health (Food)

Mr CHEUK Wing-hing, JP
Director of Food and Environmental Hygiene

Dr Constance CHAN Hon-ye, JP
Controller, Centre for Food Safety
Food and Environmental Hygiene Department

Mr LAU Sin-pang, JP
Director of Agriculture, Fisheries and Conservation (Acting)

Dr T L TING, JP
Government Chemist
Government Laboratory

Clerk in attendance : Miss Mary SO
Chief Council Secretary (2) 5

Staff in attendance : Mrs Vivian KAM
Assistant Secretary General 2

Ms Alice LEUNG
Senior Council Secretary (2) 6

Ms Sandy HAU
Legislative Assistant (2) 5

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I. Briefing by the Secretary for Food and Health on the Chief Executive's 2008-2009 Policy Address
(LC Paper No. CB(2)64/08-09(01))

Secretary for Food and Health (SFH) briefed members on the new initiatives set out in the 2008-2009 Policy Agenda in relation to food safety and environmental hygiene as well as progress of implementing on-going initiatives set out in past Policy Agenda, details of which were set out in the Administration's paper.

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Food safety legislation

2. Members expressed support for the Administration's plan to introduce a bill into the Council in November 2008 to amend the Public Health and Municipal Services Ordinance (Cap. 132) (the Amendment Bill) to empower the Director of Food and Environmental Hygiene (DFEH) to, where necessary, issue orders to prohibit the import and sale of problem food and order a recall of problem food. Mr WONG Kwok-hing, however, expressed regret at the long time taken by the Administration to introduce the legislation, a matter which had been fully deliberated on and supported by the former municipal councils over 10 years ago.

3. Mr Tommy CHEUNG urged the Administration to have regard to the concerns of the trade in the drafting of the Amendment Bill. Mr CHEUNG requested the Administration to provide outcome of its discussion with the trade in writing after the meeting.

4. SFH responded that the trade's concerns over the Amendment Bill were primarily on the exercising of power by DFEH to make orders and the extra burden which the proposed measures would be imposed on the trade. In the light of this, the Administration would make known to the trade the factors that DFEH would take into consideration in deciding whether there were reasonable grounds for him to make the orders, and provide an appeal and compensation mechanisms under the Amendment Bill. SFH further said that the Legislative Council Brief on the Amendment Bill would include information on the trade's views and the Administration's responses to them.

5. Mr Andrew CHENG asked the following questions -

- (a) whether the Amendment Bill would cover non-prepackaged food such as fresh vegetable; and
- (b) whether DFEH would make orders to prohibit the import and sale of food found to be problematic overseas.

6. SFH replied in the affirmative to Mr CHENG's first question. As regards Mr CHENG's second question, SFH reiterated that DFEH would make orders to prohibit the import and sale of food if there were reasonable grounds for him to make the orders. SFH further said that where DFEH was aware that only the food products produced by a particular overseas plant or only the food products of a particular batch to be imported from overseas were found problematic, the prohibition of import order would apply to that particular plant or that particular batch of food, instead of the whole exporting country/place. Where the problem food had already entered Hong Kong or the food was locally produced or manufactured, DFEH would consider issuing a prohibition of supply order. If food test confirmed that the food concerned was problematic, DFEH would make order to require the traders to recall and/or destroy the problem food.

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7. Mr Vincent FANG said that the trade had all along been very cooperative in withdrawing problem food from the market to protect the health of consumers. Mr FANG hoped that the time required for conducting the food test could be shortened to mitigate the adverse effect on the traders concerned.

8. SFH responded that the time required for conducting the food test could be within a day if the test was a routine and well-established one. This would, however, not be the case if the testing involved detection of chemical substances in food which had never been carried out and/or where no international testing standards had been or yet to be developed, or if the testing involved detection of bacteria/viruses in food.

9. Mr Alan LEONG asked when the full Food Safety Bill would be introduced into the Council. SFH responded that the Administration was consulting the views of the trade on the proposed measures under the Bill. The Administration planned to consult members on the Bill in the second quarter of 2009, before introducing the Bill into the Council.

10. Dr Joseph LEE asked the Administration whether it had any concrete measures to protect public health, prior to the implementation of the full Food Safety Bill.

11. SFH responded that to ensure food safety in Hong Kong, the Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department (FEHD) adopted a three-tiered approach to food surveillance consisting of routine food surveillance, targeted food surveillance and seasonal food surveillance. To enable the public to take the necessary action to protect themselves, a variety of channels, including press release, press conference, educational and informative materials (such as Food Safety Focus, Food Alerts, handbills), telephone hotline and CFS website, were deployed by CFS for quick and timely communication with the public on the results from food surveillance. With the implementation of the Amendment Bill, which aimed at providing legal backing to DFEH to better enable him to swiftly prohibit the import and supply of problem food and recall of problem food, CFS's food surveillance work would be further enhanced.

Food surveillance

12. Mr WONG Yung-kan said that to better protect public health, the Administration should conduct visits to Mainland farms and food manufacturers to ensure the quality of food exporting to Hong Kong, and increase the number of food samples for testing.

13. SFH responded that CFS staff made regular visits to Mainland farms to ensure the quality of livestock for export to Hong Kong. Inspection and liaison with the Mainland authorities concerned would be stepped up in view of growing

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public concern over food safety. SFH further said that CFS conducted microbiological and chemical tests on over 60,000 food samples in a year. CFS adopted a risk-based approach in determining the types of samples to be collected, the frequency, and the number of samples for testing. The sampling priority was under constant review, in the light of latest overseas and local risk analyses.

14. Ms Cyd HO asked the Administration whether consideration would be given to outsourcing food testing work to private laboratories to better cope with the additional workload brought about by food incidents, such as melamine in food.

15. SFH responded that upon the coming into force of the Harmful Substances in Food (Amendment) Regulation 2008 on 23 September 2008 to set the legal limit of melamine, the Government Laboratory (GL) immediately organised a technical seminar on the chemical testing of melamine in food for private laboratories on the same day. To date, seven private laboratories had the capability to offer such testing to the trade. It should, however, be pointed out that testing of harmful substances, including melamine, in food for compliance with the legal limits would only be carried out by GL. SFH further said that as testing for melamine in food was not part of CFS's routine surveillance programme and the testing method was new, the number of samples tested for melamine was only about 50 a day at the outset. This number had, however, been increased to about 100 a day later. In fact, GL had developed testing method in the wake of the discovery of melamine in animal feed in the United States last year. Hong Kong was therefore able to conduct test for melamine in milk and dairy products only one day after the discovery of melamine in infant formula produced in the Mainland.

16. The Chairman asked to what extent the testing of melamine in food had affected GL's testing work.

17. Government Chemist responded that although GL staff had to work around the clock to conduct tests for melamine in food, targeted and seasonal surveillance would not and had not been affected.

Slaughtering of poultry

18. Mr Tommy CHEUNG asked whether consideration would be given to allowing local poultry farms to slaughter live chickens on site and delivering freshly slaughtered chickens to food premises direct.

19. SFH responded that allowing local poultry farms to slaughter live chickens on site would be at variance with the policy objective of separation of live poultry from humans. SFH further said that the Administration would press ahead with the development of a poultry slaughtering and processing plant in Hong Kong. As many traders had chosen to leave the live poultry trade under the buyout scheme which ended on 24 September 2008, the scale of the plant would be reduced.

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Supply of live chickens

20. Mr WONG Yung-kan, Mr Vincent FANG and Mr Albert CHAN said that the shortage of live chicken supply had rendered it very difficult for live poultry traders to stay in business, and had pushed the retail prices of live chickens up. Mr CHAN also expressed concern about the decrease in the supply of day-old chicks to local poultry farms.

21. SFH considered that the supply of live chickens could meet demand, as evidenced by the facts that there were some 3 000 live chickens left overnight in the wholesale market on average and retail outlets generally had a few live chickens left by the end of the trading day. SFH further said that as the numbers of retail outlets had been drastically reduced from 469 to 131 due to the buyout scheme, it was necessary to reduce the overall daily chicken supply to an appropriate level to control the density of live chicken population at the retail outlets. It should, however, be pointed out that the number of live chickens which each retail outlets could sell had actually gone up. As regards the supply of day-old chicks, SFH said that to his understanding, over 20 000 Mainland day-old chicks were due to be transported to Hong Kong within this week. Since 25 September 2008, the average number of day-old chicks produced by local hatcheries had reached around 5 000 per day, using up only a small proportion of the total capacity of the local hatcheries. In other words, should there be further demand on local day-old chicks, the local hatcheries should have the potential to increase their supply to meet the market demand.

22. Mr Vincent FANG pointed out that the reason why wholesalers left some live chickens in the wholesale market overnight was an operational need to ensure that they had enough live chickens to deliver to retailers on the following day.

23. The Chairman reminded members that a special meeting to discuss poultry supply in Hong Kong had been scheduled for 22 October 2008 at 8:30 am.

Retail price of fresh pork

24. Mr WONG Yung-kan asked why the retail price of fresh pork had not come down, despite the fact that the wholesale price of live pig had dropped some 20% to 30% in the past months.

25. SFH responded that the Administration had no control over the prices of food, including fresh pork. SFH however pointed out that if more people changed to consuming chilled pork and frozen pork, retail prices of fresh pork should come down to a more acceptable level.

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Promoting local agricultural and fishing industries

26. Ms Cyd HO said that locally produced produce was increasingly gaining popularity among consumers for their safety and quality. In the light of this, Ms HO urged the Administration to render more support to local farmers.

27. SFH responded that it was the Government's policy to promote sustainable development of the local agricultural as well as fishing industries by providing infrastructure, technical support and loan funds, implementing resource conservation plans, and providing training for local producers etc. For instance, the Agriculture, Fisheries and Conservation Department had been actively providing assistance to local farmers in developing organic farming through the provision of technical support on pest and disease management, horticultural practices, soil management, securing seed supplies and other technical issues. At the request of Ms HO, SFH undertook to provide a note setting out the actions taken/would be taken by the Administration to promote local agricultural and fishing industries.

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28. Mr Alan LEONG asked whether legislation or a code of practice would be adopted for promoting the sustainable development of fishing industry and to conserve fisheries resources in Hong Kong.

29. SFH responded that the Administration was open-minded on measures to promote the sustainable development of fishing industry and to conserve fisheries resources in Hong Kong. SFH further said that the Committee on Sustainable Fisheries Committee, formed in late 2006 to study the long-term policy for fisheries development, had drawn up some preliminary proposals to promote the sustainable development of the fisheries industry. The Committee was now consulting relevant stakeholders, including fishermen groups, green groups and advisory committees relating to fisheries in Hong Kong, on these preliminary proposals. It was expected that the Committee's report would be submitted to the Government for consideration by the end of 2008.

Review of hawker licensing policy

30. Mr WONG Kwok-hing asked when the Administration would revert to the Panel on its discussions with hawker associations and the District Councils on re-issuing new hawker licences and relaxing the requirements for succession and transfer of hawker licences, among other things. DFEH advised that the Administration planned to do so by end 2008/first quarter of 2009.

Conversion of aqua privies into flushing toilets

31. Mr Alan LEONG noted that the conversion of all aqua privies into flushing toilets would only be completed in 2012-2013, although the conversion programme

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was implemented since 2005. Mr LEONG asked about the reason for the slow progress of the conversion.

32. SFH explained that this was because some aqua privies were found not suitable to be converted into flushing toilets on the same site due to technical problems, such as the unavailability of public sewerage system in the vicinity. As a result, more time was needed to identify new sites to provide the flushing toilets.

Progress report

33. Ms Cyd HO was of the view that a progress report of the pledges made by the Administration in the past year should be provided in the Policy Agenda, as had been done in the past.

II. Any other business

34. There being no other business, the meeting ended at 11:35 am.

Council Business Division 2
Legislative Council Secretariat
20 November 2008