

立法會
Legislative Council

Ref : CB2/PL/FE

LC Paper No. CB(2) 403/08-09
(These minutes have been seen by
the Administration)

Panel on Food Safety and Environmental Hygiene

Minutes of meeting
held on Tuesday, 11 November 2008, at 2:30 pm
in Conference Room A 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 TAM Yiu-chung, GBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon WONG Kwok-hing, MH
Hon Alan LEONG Kah-kit, SC
Hon KAM Nai-wai, MH
Dr Hon LEUNG Ka-lau
Hon WONG Yuk-man
- Member attending** : Hon WONG Sing-chi
- Members absent** : Dr Hon Joseph LEE Kok-long, JP
Hon Cyd HO Sau-lan
- Public Officers attending** : Items IV and V

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

Mr Francis HO
Principal Assistant Secretary for Food and Health (Food) 2

Ms Julina CHAN Woon-ye, JP
Deputy Director of Food and Environmental Hygiene
(Administration & Development)

Ms Rhonda LO Yuet-yee, JP
Assistant Director (Operations) 2
Food and Environmental Hygiene Department

Item V only

Mr Patrick HAU Hon-fai
Chief Project Manager 301
Architectural Services Department

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

Staff in attendance : Ms Alice LEUNG
Senior Council Secretary (2) 6

Ms Sandy HAU
Legislative Assistant (2) 5

Action

I. Confirmation of minutes
(LC Paper No. CB(2)218/08-09(01))

The minutes of the special meeting held on 23 October 2008 were confirmed.

II. Information paper(s) issued since the last meeting

2. Members noted the following papers issued since the last meeting and did not raise any queries -

- (a) Agriculture, Fisheries and Conservation Department's response to an enquiry made by a member of the public to the Government's Integrated Call Centre concerning prohibition of overnight stocking of live poultry at retail outlets [LC Paper No. CB(2)111/08-09(01) (Chinese version only); and
- (b) a letter dated 10 October 2008 from the Environmental and Health Affairs Committee of Tsuen Wan District Council concerning the Government's review of its hawker licensing policy [LC Paper No. CB(2)127/08-09(01) (Chinese version only).

Action

III. Items for discussion at the next meeting

(LC Paper Nos. CB(2)217/08-09(01) and (02))

3. Members agreed to discuss the following items proposed by the Administration at the next regular meeting scheduled for 9 December 2008 at 2:30 pm -

(a) Conversion of a Directorate Administrative Officer post into an Assistant Director of Municipal Services post in the Food and Environmental Hygiene Department (FEHD); and

(b) Enforcement against unauthorised display of bills and posters.

4. Members further agreed to request the Administration to provide information papers on the following issues, before deciding whether these issues should be included for discussion at the next meeting -

(a) Outsourcing of pest control service by FEHD proposed by Mr WONG Kwok-hing; and

(b) Control on vegetable imported from the Mainland proposed by the Chairman.

(Post-meeting note: The issue of the operation of the pest control section under FEHD would be discussed at the December 2008 meeting.)

IV. Review on the provision of public markets

(LC Paper Nos. CB(2)217/08-09(03) and (04))

5. Deputy Director of Food and Environmental Hygiene (Administration & Development) (DD/FEH(A&D)) briefed members on the outcome of the Administration's consultation with the District Councils (DCs) on the preliminary findings of the review on the provision of public markets under the management of FEHD, details of which were set out in the Administration's paper (LC Paper No. CB(2)217/08-09(03)).

6. Mr Tommy CHEUNG, Mr Vincent FANG and Mr Alan LEONG were of the view that instead of focusing on closing down public markets with viability problems, more efforts should be made on improving the overall attractiveness of the markets by, say, improving the trade mix and enhancing the market facilities, such as ensuring escalators were in service.

7. Under Secretary for Food and Health (USFH) and Assistant Director of Food and Environmental Hygiene (Operations) 2 (AD/FEH(Operations)2) responded as follows -

Action

- (a) the Administration would continue to introduce measures to improve the viability and attractiveness of the existing public markets, such as market improvement works, promotional activities especially at festive seasons, maintaining cleanliness in markets and the enforcement of the monthly market cleansing day, maintaining flexibility in determining and changing the trade of individual stalls (e.g. switch between sale of fresh and frozen meat), and where feasible, merging selected vacant small stalls to form larger ones to attract potential bidders;
- (b) in the process of the review of public markets with viability problems, the Administration would fully listen to the views at the district level, discuss with the relevant DCs on possible improvement proposals and consider the feasibility and cost-effectiveness of those proposals. Where practicable, the Administration would facilitate the implementation of the improvement proposals. Only when there were no viable options to improve the viability of the markets would the possibility of market closure be pursued in consultation with the DCs;
- (c) public market stalls were generally designated for selling various types of commodities, such as fresh meat, frozen meat, siu mei and lo mei, non-food related dry goods, food related dry goods, food related wet goods, fruits and cooked food, to provide as wide a choice to consumers as possible; and
- (d) as the cost for repairing an escalator could amount to several million dollars, it was incumbent upon the Administration to ensure that the money spent was worthwhile. For instance, as the Mong Kok Market had high vacancy rates exceeding 60% for three consecutive years and with deficits, decision was therefore taken not to repair the escalator in the market because basically there were no tenants operating at the upper floors.

8. In response to the Chairman's enquiry about the amount of money spent by the Administration for promoting the public markets, USFH advised that over \$3 million had been spent each year from 2004-2005 to 2007-2008.

9. Mr WONG Yung-kan, Mr Tommy CHEUNG and Mr WONG Kwok-hing pointed out that the fact that many live poultry retailers had chosen to leave the trade by taking up the buyout package in 2008 had further reduced the attractiveness of public markets to consumers.

10. USFH responded that the buyout scheme for the live poultry trade launched in July 2008 should not impact adversely on the viability of public markets. As at 30 September 2008, some 10 400 stalls (excluding cooked food

Action

stalls) in all of the 105 public markets were leased out, i.e. 76% occupancy rate.

11. Mr Vincent FANG asked whether the 76% occupancy rate of public markets included stalls leased out for storage use. USFH advised that only about 40 stalls were leased out for storage use. The Chairman pointed out that a far greater number of stalls were used for purposes other than running an active retail business, such as storage and bulk sale. USFH responded that FEHD would step up efforts in identifying stalls not running an active retail business and take enforcement actions against them.

12. Mr Vincent FANG hoped that FEHD staff would not be overly strict on prohibiting tenants to put their goods outside their stalls so long as to do so would not cause obstruction to others.

13. AD/FEH(Operations)2 responded that it was necessary to keep the passageways clear so as to provide a safe and comfortable shopping environment for the public. Moreover, stall sizes had been greatly expanded as compared to some 10 years' old.

14. Mr Tommy CHEUNG urged the Administration to reduce stall rentals to help stall tenants tide over difficult times, having regard to the recent economic downturn.

15. USFH responded that the existing rentals of public market stalls should not be a major contributing factor for tenants leaving the markets, as the rentals paid by over 60% of the tenants were below 70% of the Open Market Rental. To further reduce public market stall rentals might not be a prudent use of public money, as the Government had subsidised about \$140 million, \$150 million and \$160 million in 2005-2006, 2006-2007 and 2007-2008 respectively to meet the operating deficits of the public markets. Hence, a better approach would be to explore more ways to attract more people to patronise the markets. USFH further said that owing to the poor economic climate in 1998, the rentals of all public market stalls were reduced across-the-board by 30%. Since 1999, market stall rentals had been frozen nine times at the reduced level, with the current rental freeze period due to expire on 30 June 2009.

16. Mr Tommy CHEUNG asked whether the 1998 rental reduction was applied to market stalls under the former Provisional Regional Council. In response, USFH said that the 1998 rental reduction was applied concurrently to all market stalls under the two former municipal councils. Mr CHEUNG was unconvinced, as rentals of public market stalls in the New Territories were generally higher than those in the urban areas. At the request of the Chairman, USFH agreed to provide an information note on the background of the 1998 rental reduction.

Action

17. Mr WONG Kwok-hing pointed out that some stall tenants were paying extremely low rentals, whereas others renting similar stalls through open auctions were paying higher rentals. Such disparity in rentals for similar stalls had led tenants paying higher rentals to leave the tenancy, which was not conducive to market vibrancy.

18. USFH responded that there was no clear correlation that the situation depicted by Mr WONG in paragraph 17 above had contributed to high vacancy rates in the public markets. In the case of the four markets with viability problems referred to in paragraph 6 of the Administration's paper, no new tenants had leased these markets since 2004.

19. The Chairman said that it had come to his attention that FEHD had raised the rent of an existing stall tenant from \$6,000 to \$25,000 a month for switching from selling live chicken to chilled meat. The Chairman asked about the justification for the jump in the rental.

20. DD/FEH(A&D) explained that under the recent buyout package for live poultry retailers, if an existing stall tenant wished to switch from selling live chicken to chilled or frozen chicken, they were allowed to stay at the same stall and there would be no change in the rental. However, if the tenant wished to switch from selling live poultry to chilled or frozen meat, the rental of the stall would need to be re-assessed by the Rating and Valuation Department as this was a change in the nature of the business. DD/FEH(A&D) further said that notwithstanding, it should be noted that the existing stall tenant would be given priority to rent the stall at the re-assessed rate, without the need to bid for the stall through open auction.

Admin

21. In closing, the Chairman said that the Administration should keep the Panel informed on the progress of its review on the provision of the public markets. USFH agreed.

V. Re-provisioning of Wo Hop Shek Crematorium
(LC Paper Nos. CB(2)217/08-09(05) and (06))

22. USFH briefed members on the Administration's plan to re-provision the Wo Hop Shek Crematorium (WHSC) by replacing the existing four cremators with six technologically advanced new cremators, details of which were set out in the Administration's paper (LC Paper No. CB(2)217/08-09(05)).

23. Mr WONG Yung-kan expressed concern about the waiting time for cremation services would be prolonged, as the WHSC would be closed down to make way for the construction of the new crematorium.

Action

24. USFH responded that the Administration should in overall terms be able to continue to fulfil its performance pledge of arranging a cremation session within 15 days of application, despite the re-provisioning of WHSC. USFH pointed out that to cope with the rising demand for cremation service, the Administration had started a re-provisioning programme for cremators since 2003. To date, it had replaced old cremators in Kwai Chung, Fu Shan and Diamond Hill Crematoria and had put in operation a total of 14 new cremators at these three venues. The handling capacity of new cremators was double that of the old cremators. DD/FEH(A&D) supplemented that during the re-provisioning of WHSC, the operation hours of other crematoria would be adjusted as and when necessary to cope with demand.

Admin

25. The Chairman said that information on how the Administration could ensure its cremation service would not be undermined by the re-provisioning of WHSC should be included in the funding proposal to the Public Works Subcommittee and the Finance Committee of the Legislative Council. USFH agreed.

26. The Chairman asked how effective new cremators were on improving air quality as compared with old cremators. Mr WONG Sing-chi raised similar question. Mr WONG expressed concern about the adverse impact of the re-provisioned WHSC on the air quality of the North District, as the number of cremators at WHSC would be increased from the existing four to eight after re-provisioning.

27. USFH responded as follows -

- (a) the new cremators would be built in accordance with the latest environmental standards. It should be noted that the emission standard regarding dioxin applicable for the new WHS cremators would be further tightened by 10 times compared with such standards applicable before 2006. Furthermore, in practice, the new cremators in the recently re-provisioned crematoria had demonstrated their emissions were only one-tenth of the most recent standards. In other words, the actual emission level of dioxin by the new cremators was 100 times better than the pre-2006 standard. The environmental performance of the new cremators would also be regulated by the Specified Process Licence of the Air Pollution Control Ordinance (Cap. 311);
- (b) the new cremators would also be fitted with high temperature secondary combustion chambers to ensure complete combustion during the cremation process, and a flue gas filtering system to filter out particles and waste gases in the emissions from the cremators. Such a design was adopted for the new cremators at the recently commissioned crematoria, such as the Diamond Hill

Action

Crematorium, and had proven effective in reducing the emission of particles/waste gases and dark smoke and meeting the statutory environmental standards;

- (c) air emissions from the new cremators would be kept under close monitoring and emission samples taken regularly for testing to ensure they met the stringent and most up-to-date requirements as approved. The Administration would regularly provide members of North DC with information on air emissions when the re-provisioned WHSC came into operation; and
- (d) the existing plan was to re-provision WHSC with six new cremators. The Administration would decide whether to further build two cremators on site should the need arise in future.

28. Mr WONG Yung-kan urged that more greenery be included in the re-provisioning of WHSC to minimise the psychological effects that might be caused to the public. In response, USFH said that trees would be planted as barriers to that effect.

29. The Chairman asked whether, and so, the measures which would be introduced to the re-provisioned WHSC to prevent staff from stealing things from the deceased. USFH responded that a CCTV system at strategic locations would be installed in the re-provisioned WHSC to monitor backroom operations.

30. In response to Mr WONG Yung-kan's enquiry about the progress made in meeting the increasing demand for niches, DD/FEH(A&D) advised that about 18 500 and 3 200 new niches would come on stream at the Diamond Hill and Kwai Chung Columbaria respectively early next year. Plan was also underway to construct a columbarium at the WHS Cemetery to provide some 30 000 to 40 000 niches.

31. In closing, the Chairman said that members were supportive of the proposed project to re-provision WHSC.

VI. Any other business

32. There being no other business, the meeting ended at 4:05 pm.