

立法會
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by the Administration)

Panel on Food Safety and Environmental Hygiene

**Minutes of special meeting
held on Friday, 16 October 2009, at 4:30 pm
in the Chamber of the Legislative Council Building**

Members present : Hon Fred LI Wah-ming, SBS, JP (Chairman)
Hon WONG Yung-kan, SBS, JP (Deputy Chairman)
Hon TAM Yiu-chung, GBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon WONG Kwok-hing, MH
Dr Hon Joseph LEE Kok-long, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon KAM Nai-wai, MH
Dr Hon LEUNG Ka-lau
Hon WONG Yuk-man

Members absent : Hon Andrew CHENG Kar-foo
Hon Vincent FANG Kang, SBS, JP

Public Officers attending : Dr York CHOW Yat-ngok, GBS, JP
Secretary for Food and Health

Mrs Stella HUNG, JP
Permanent Secretary for Food and Health (Food)

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

Ms Kitty CHOI Kit-yu, JP
Deputy Secretary for Food and Health (Food)1

Mr Philip CHAN Kwan-yee
Deputy Secretary for Food and Health (Food)2

Mr Alan WONG Chi-kong, JP
Director of Agriculture, Fisheries and Conservation

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

Dr TING Tai-lun, 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

Miss Joanne FONG
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 Policy Address 2009-2010
(LC Paper No. CB(2)41/09-10(01))

Secretary for Food and Health (SFH) briefed members on the new initiatives set out in the 2009-2010 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.

2. Mr Tommy CHEUNG said that -

- (a) the views of District Councils (DCs) should not be the determining factor in issuing fixed-pitch hawker licences;
- (b) in view of high regard for the business feasibility studies conducted by the Efficiency Unit (EU) of the Hong Kong Government held by

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the trade, the Food and Health Bureau (FHB) should consider employing EU in conducting a Business Impact Assessment of the Food Safety Bill, instead of appointing an outside consultant to do so;

- (c) fee-charging mechanism for the composite licence for the manufacture/sale of various types of ready-to-eat food items should be based on the median fees applicable to food business licences in the urban areas; and
- (d) time required for the Municipal Services Appeal Board (MSAB) to hear an appeal was too long and should be shortened.

3. SFH responded as follows -

- (a) apart from the views of the DC concerned, the Administration would take into account the environmental hygiene factor and the need to maintain obstruction-free passageways in deciding whether or not to issue a fixed-pitch hawker licence. The Administration would not renege on its plan to issue a fixed-pitch hawker licence if an incumbent DC overturned the decision of its predecessor on issuing the licence without giving any justifications;
- (b) decision on employing outside consultant or otherwise to conduct a feasibility study for a particular project would depend on the expertise and market experience required;
- (c) the suggestion of using the median fees applicable to food business licences in the urban areas as the basis for calculating composite licence for the manufacture/sale of various types of ready-to-eat food items would be conveyed to the Financial Services and the Treasury Bureau for consideration; and
- (d) he would convey the concern about the long time required to hear an appeal to MSAB.

4. Mr WONG Kwok-hing urged the Administration to expeditiously come up with long-term measures to meet the growing demand for niches in Hong Kong. Mr WONG then asked whether the Administration was exploring the option of limiting the interment of cinerary urns in newly allocated public niches to, say, seven years, to address the shortage of niches.

5. SFH responded that the Administration had no plan to explore the option of limiting the interment of cinerary urns in newly allocated public niches to address the shortage problem. Although much efforts had been made by the Administration to identify suitable sites to build public columbarium facilities, these proposed sites often met with strong local/DC objection. In the light of this, the Administration

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had been encouraging bereaved families to dispose the ashes of their loved ones at sea or at the Garden of Remembrance.

6. Mr WONG Kwok-hing asked when the Administration would revert to the Panel on the outcome of its consultation with public market stall traders on the proposed rental adjustment mechanism and recovery of air-conditioning cost and rates as well as the public market tenancy renewal exercise.

7. Director of Food and Environmental Hygiene (DFEH) advised that the Administration planned to revert to the Panel outcome of its consultation with public market stall traders on the proposed rental adjustment mechanism and recovery of air-conditioning cost and rates in November 2009, and on the public market tenancy renewal exercise in December 2009.

8. Mr KAM Nai-wai urged the Administration not to require disinterment of cinerary urns in public niches, as to do so would affect many families in Hong Kong. Mr KAM further asked -

- (a) whether, and if so, what improvement measures would be taken by the Administration to help ease the traffic and pedestrian flows to public cemeteries during the Ching Ming and Chung Yeung Festivals, for instance, constructing an escalator link system inside the columbarium of the Garden of Remembrance (Cape Collinson); and
- (b) whether consideration would be given to allowing restricted dining places to operate in industrial buildings, so as to reduce the number of these places operating in residential buildings.

9. SFH responded as follows -

- (a) widening of roads to and inside public cemeteries would be made where feasible to help ease the traffic and pedestrian flows to public cemeteries during the grave-sweeping periods. It was however questionable whether it was cost effective to construct an escalator link system inside a cemetery, having regard to the short duration of the grave-sweeping periods; and
- (b) the problem of restricted dining places operating in residential buildings had been greatly reduced, as many of these operators had already obtained licences or switched to lawful operation as a club. The Administration did not see any problem for licensed food businesses to operate in industrial buildings after the building owners obtained permission from the Government to change the use of the buildings for commercial activities.

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10. Mr Alan LEONG said that in order to come up with a more balanced assessment of the positioning, functions and usage of public markets, the Food and Environmental Hygiene Department (FEHD)'s recent utilisation surveys on wet markets under its management conducted from March to June 2009 should have covered people who did not or rarely patronise public markets and take into account that public markets provided major sources of affordable fresh provisions to the grassroots.

11. DFEH responded that the Administration well recognised that public markets served important social functions in that they were major sources of fresh provision supply for especially the grassroots and provided employment opportunities for low-skilled labour. DFEH further said that about one-half of the people interviewed under the utilisation surveys were customers of supermarkets or fresh provision shops in the vicinity of public markets.

12. Mr WONG Yung-kan said that -

- (a) public market rentals should not be based on rentals of markets/fresh provision shops in the private market;
- (b) overnight stocking of live poultry should be banned at the wholesale market, as at the retail outlets, to reduce risk of avian influenza;
- (c) clear guidelines on applications for development of columbarium facilities should be formulated; and
- (d) more work should be carried out by the Administration to promote sustainable development of the fisheries industry and conserve fisheries resources in Hong Kong waters.

13. SFH responded as follows -

- (a) public market rentals were not based on the rentals of private markets/fresh provision shops located in the vicinity of public markets. Rather, they were based on various factors, such as the latest bid price for a similar stall in the same public market, the different rating factors attributed to the unique features of the stall concerned (such as its proximity to escalators), and customer flow in the public market;
- (b) wholesale market was only allowed to stock a small number of live poultry overnight for operational need, and had to either slaughter these poultry or transport them to retail outlets the following day. At the farm level, local poultry farms had been reminded to strengthen precautionary and biosecurity measures against avian influenza following a detection of avian influenza virus in a local farm in December 2008. To reduce the risk of human infection of avian

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influenza in the long term, the Government had earlier on proposed to develop a poultry slaughtering and processing plant (PSPP) and ban the sale of live poultry at retail outlets when the PSPP came into operation. Given the decreasing trend in the market share of live chickens, and the changes the entire live poultry trade had undergone after the voluntary surrender scheme launched by the Government in July 2008, it was expected that the Poultry Slaughtering Centre would operate on a much reduced scale. As such, the Government had commissioned a consultant to conduct a study to re-assess market interest in operating a slaughtering centre. The Government would also review the risks of avian influenza after the implementation of the ban on overnight keeping of live chickens at the retail level, as well as balance the impact of the centre on the trade and the public. Upon completion of the viability study, the Administration would consult the Panel after examining the results;

- (c) FHB would discuss with the Lands Department on ways to ensure that development of private columbaria could meet demand on the one hand and acceptance of people living in the vicinity of the proposed private columbaria on the other; and
- (d) the Administration had all along been working diligently on formulating suitable policies and strategies to promote the sustainable development of local fishery industries, including the provision of infrastructural support, technical assistance and advice, credit facilities and vocational training for local fishermen, as well as assistance for the fishery industries to establish quality brand names.

14. Dr Joseph LEE asked -

- (a) whether the Administration had aborted its plan to regulate restricted dining places; and
- (b) apart from applying Radio Frequency Identification (RFID) technology in tracing live pigs imported from the Guangdong Province, what other foods imported from the Guangdong Province would this technology be applied.

15. SFH responded as follows -

- (a) no decision had yet been made on whether or not to regulate restricted dining places, having regard to the prevailing economic situation and the fact that the number of restricted dining places had been greatly reduced; and

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- (b) applying RFID technology in tracing live pigs imported from the Guangdong Province was a pilot programme which FHB and FEHD were working in collaboration with the Mainland authorities. FHB and FEHD would continue to explore the feasibility of applying RFID technology to live pigs imported from other provinces and other foods with the Mainland authorities. It should however be pointed out that not all Mainland foods exported for Hong Kong needed the use of RFID technology to ensure that the foods came from proper sources. For instance, Mainland vegetables exported for Hong Kong were subjected to 《供港澳蔬菜檢驗檢疫管理辦法》 (Administrative Measures on the Quarantine of the Vegetables Supplied to Hong Kong and Macao). A new and enhanced version of the 《供港澳蔬菜檢驗檢疫管理辦法》 would come into operation on 1 November 2009. Further, it would be discriminatory to only apply RFID technology to foods from the Mainland, as Hong Kong also imported foods from other places.

16. Mr TAM Yiu-chung welcomed the Administration's plan to re-assess the viability and need of developing a poultry slaughtering centre. Mr TAM further asked -

- (a) whether consideration would be given to allowing private columbaria to operate in industrial buildings and to adopting computerised columbarium operation as practised in Japan;
- (b) whether applications for allocation of niches in the Kwai Chung Columbarium and in the Diamond Hill Columbarium had started; and
- (c) what measures would be taken by the Administration to tackle the problem of some Mainland vegetables supplied to Hong Kong came from non-registered vegetable farm under the disguise of a proper label from a registered vegetable collection and processing plant.

17. SFH and DFEH responded as follows -

- (a) the Administration was looking at other innovative ideas such as using an industrial building for providing columbarium facilities. SFH would visit Japan next month to gain first-hand knowledge of the development and operation of columbarium facilities there;
- (b) applications for allocation of niches in the Kwai Chung Columbarium had completed, whereas niche selection for the Diamond Hill Columbarium was still going on; and
- (c) the Administration had referred each and every claim that some Mainland vegetables supplied to Hong Kong came from non-

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registered vegetable farm under the disguise of a proper label from a registered vegetable collection and processing plant to the Mainland authorities for follow-up action, provided that the person making the claim agreed to come forward and provided relevant and specific information.

18. The Chairman envisaged that no one would be interested in developing a poultry slaughtering centre in Hong Kong, having regard to the fact that the daily supply of live chickens in Hong Kong was only some 10 000. The Chairman urged the Administration to have regard to the survival of local brand of good quality chickens, such as the "Kamei" chickens, before deciding on the way forward. The Chairman further said that the Administration should -

- (a) provide information on the demand for niches in Hong Kong, to help members better understand the extent of the shortage problem of niches in Hong Kong; and
- (b) specify a size for nutrition labels on prepackaged food to enable members of the public to read the nutrition information without difficulty, having regard to the fact that nutrition labels were recently found under the lid of a beverage bottle.

19. SFH and DFEH responded as follows -

- (a) it could not be ruled out that the supply of live chickens to Hong Kong by local as well as Mainland farms would be increased after the poultry slaughtering centre had come into operation;
- (b) it was not feasible to provide an estimated number of shortage of niches in Hong Kong, having regard to the growing trend of people using niches in the Mainland and supplied by private columbaria in Hong Kong; and
- (c) the Food and Drugs (Composition and Labelling) (Amendment: Requirements for Nutrition Labelling and Nutrition Claim) Regulation 2008 did not specify a font size for labelling of prepackaged food. The Administration would closely monitor the implementation of the Nutrition Labelling Scheme, which would come into force on 1 July 2010. Changes to the Scheme would be made where warranted.

20. There being no other business, the meeting ended at 5:25 pm.