

立法會
Legislative Council

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LC Paper No. CB(2)883/09-10
(These minutes have been seen
by the Administration)

Panel on Food Safety and Environmental Hygiene

Minutes of meeting
held on Tuesday, 12 January 2010, at 2:30 pm
in Conference Room A of the Legislative Council Building

Members present : Hon Fred LI Wah-ming, SBS, 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

Members attending : Hon LEUNG Yiu-chung
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon WONG Sing-chi

Member absent : Dr Hon Joseph LEE Kok-long, SBS, JP

Public Officers attending : Items III to V

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

Items III and IV

Miss LAM Yuk-ting
Principal Assistant Secretary for Food and
Health (Food) 1 (Acting)

Dr LEE Siu-yuen
Assistant Director (Food Surveillance & Control)
Centre for Food Safety
Food and Environmental Hygiene Department

Item III only

Mr Ben LEUNG Lun-cheung, C.M.S.M.
Head of Land Boundary Command
Customs and Excise Department

Item V only

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

Ms Alice LAU Yim, JP
Deputy Director of Food and Environmental Hygiene
(Environmental Hygiene)

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

Attendance by invitation : Item V

Federation of Hong Kong Kowloon New Territories Hawker Associations

Ms CHENG So-ngor

Mr WONG Yin-wah

Hong Kong Kowloon Merchants Hawkers Association Limited

Mr FUNG Mun-hong

Mr CHAN Chun-pang

Tung Choi Street (Ladies Market) Merchants & Hawkers Association

Mr TAM Chor-kin

渣甸坊販商協會

Mr LAU Kai-ming

Ms LO Oi-kwan

灣仔交加街太原街固定攤位小販權益關注組

Ms LEUNG Fung-lee

Mr CHENG Kwok-man

灣仔大佛口販商協會

Ms WONG Yun-kan

Ms Irene LAM Chor-lan

Li Yuen Street East & West Hawkers Merchants
Association

Mr WONG Kai

Mr LEE Kwan-man

Western District Licensed Hawkers Friendly Association

Mr KO Tai-hung

Yaumatei Temple Street Association of Hawkers and Shop
Operators

Mr CHAN Kam-wing

Mr LEE Cheung

香港仔天光墟市集小販會

Ms Margaret FONG Yuk-fung

Association Hong Kong & Kowloon Licensed Hawkers

Mr WOO Kam-hong

Association for Betterment of Licensed Hawkers

Mr LEONG Kin-shut

Ms YEUNG Siu-fong

北角販商協會

Mr WONG Wai-chuen

Ms CHONG Shuk-hing

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

Staff in attendance : Miss Josephine SO
Senior Council Secretary (2)1

Ms Maisie LAM
Senior Council Secretary (2)6

Ms Sandy HAU
Legislative Assistant (2)5

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I. Information paper(s) issued since the last meeting
(LC Paper No. CB(2)622/09-10(01))

Members did not raise any queries on Administration's paper on extension of the voluntary surrender scheme for itinerant hawker licences issued since the last meeting.

II. Items for discussion at the next meeting
(LC Paper Nos. CB(2)681/09-10(01) and (02))

2. Members agreed to discuss the following issues proposed by the Administration at the next regular meeting scheduled for 9 February 2010 at 2:30 pm -

- (a) Food Safety Bill; and
- (b) Outsourcing of food testing services.

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3. The Chairman reminded members that a special meeting of the Panel had been scheduled for 4 February 2010 to discuss the issue of "Columbarium development". Members of the Panel on Development and the Panel on Home Affairs had been invited to join the discussion of this item.

III. Matters arising

Vegetables imported from the Mainland

4. Under Secretary for Health and Food (USFH) gave a verbal report on the Administration's recent meeting with Mr WONG Sing-chi and Mr LEUNG Yiu-chung, as well as representatives of the vegetable trade, on 17 December 2009 to exchange views on the issue of vegetables from non-registered farms in the Mainland being supplied to Hong Kong and the follow up work thereafter. At the request of the Chairman, USFH undertook to provide the report in writing after the meeting (LC Paper No.CB(2)829/09-10(01) issued on 26 January 2010).

5. Mr WONG Sing-chi said that he and the others were told by the Administration at the meeting on 17 December 2009 that there was no law enabling the Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department (FEHD) to refuse vegetables with no labels specifying the source of the vegetables on the packaging (e.g. basket or cartons) from entering Hong Kong, so long as these vegetables passed the tests for pesticide residues and comprehensive chemical analysis. In the light of this, Mr WONG asked whether CFS would allow vegetables from the Mainland entering Hong Kong so long if these vegetables were accompanied with a valid export licence, regardless of whether the information stated in the export licence tallied with the consignment of vegetables with or without labels.

6. USFH and Assistant Director (Food Surveillance & Control), CFS (AD(FSC), CFS) responded as follows -

- (a) since 1 July 2002, Mainland vegetables supplied to Hong Kong were required to have, for each consignment of vegetables, a valid export certificate and that each basket or carton of the vegetables must be affixed with labels specifying the source of the vegetables;
- (b) under the "Administrative Measures on Inspection, Quarantine and Supervision for Vegetables Supplied to Hong Kong and Macao" (供港澳蔬菜檢驗檢疫監督管理辦法) (the new Measures) implemented since 1 November 2009, labels affixed on the packaging of the vegetables were required to specify the vegetable species and details of the processing establishments to facilitate source tracing. Information on the labels must include the name, address and registration number of the establishments, product name, date of production and consignment number. Such labels

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were used solely for identification and source tracing purpose;

- (c) Mainland inspection and quarantine authorities would check the export certificates of vegetable vehicles to verify the labels on the cartons or baskets of the vegetables and conduct random testing. If the consignments only had labels but were not accompanied with a valid export certificate, or the information of both documents did not dovetail, they could not pass the inspections of the Mainland;
- (d) on the Hong Kong side, staff of CFS would inspect the vegetable vehicles when they arrived at the Man Kam To Food Control Office. They would check whether the seal on the vehicle remained intact and whether the consignment tallied with the accompanying documents, inspect the vegetables and take samples for quick tests for pesticide residues and comprehensive chemical analysis; and
- (e) both the Mainland and Hong Kong authorities had not come across any cases involving vegetable consignments which only had labels but were not accompanied with a valid export certificate, or the information of both documents did not dovetail. If this should happen, CFS staff would detain and conduct detailed testing on pesticides on the whole consignment. This would take at least some three days to complete. The vegetables might not be marketable by the time results came back. CFS would also notify the Mainland authorities the vehicle number and information about the relevant processing plant for follow-up actions.

7. Mr LEUNG Yiu-chung said that the New Measures still failed to allay the trade's concern about vegetables from non-registered farms being supplied to Hong Kong, as evidenced by a recurrent case reported by the press on 7 January 2010. Mr LEUNG asked the Administration whether it had despatched staff to understand the implementation of the New Measures in the Mainland.

8. USFH responded that to follow up on the meeting on 17 December 2009, the Food and Health Bureau met with the Shenzhen Entry-Exit Inspection and Quarantine Bureau (SZCIQ) and visited the Nanshan Centre for Processing and Distribution of Agricultural Products to Hong Kong (南山供港農產品加工配送中心) and Man Kam To Control Point on 8 January 2010 to observe on the spot the Mainland's supervisory measures on vegetables supplied to Hong Kong.

9. Mr WONG Yung-kan asked whether, and if so, what measures were being adopted to ensure the seal intactness of the vehicles carrying vegetables from registered farms to Hong Kong.

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10. USFH responded that in order to effectively monitor the production procedures including the purchase of raw materials, processing, testing, vehicle loading and sealing of consignments, SZCIQ had installed video surveillance systems at all of the 14 production and processing establishments which supplied vegetables to Hong Kong in areas under its jurisdiction. SZCIQ would also check the seals of the vehicles at Man Kam To and inspected the vehicles on a random basis. When vegetable vehicles arrived at the Man Kam To Food Control Office in Hong Kong, officers of CFS would conduct random inspection to check whether the seal on the vehicle remained intact.

11. Mr LEUNG Yiu-chung urged the Administration to make it mandatory for all vegetables imported from the Mainland to be distributed through vegetable wholesale markets, so as to ensure that these vegetables came from proper sources. In response, USFH said that he did not consider that wholesalers were in a better position to perform the control of importation of vegetables from the Mainland than CFS and the Customs and Excise Department.

IV. Report on the Food Surveillance Programme of 2009
(LC Paper No. CB(2)681/09-10(03))

12. AD(FSC), CFS conducted a powerpoint presentation on the major surveillance results of CFS's Food Surveillance Programme for the period from January to November 2009 and the follow-up actions taken, details of which were set out in the Administration's paper.

13. Mr WONG Kwok-hing commended the work of CFS in ensuring food safety in Hong Kong. Mr WONG then asked whether CFS had adequate manpower to cope with food incidents.

14. USFH responded that there was no indication of manpower shortage at this stage. USFH further said that on average, CFS took a total of about 65 000 samples for testing each year, i.e. 9.3 samples per 1 000 population. Hong Kong had a relatively higher number of samples tested per 1 000 population when compared to other overseas countries, such as Canada (1.15), Germany (0.06), Korea (2.3) and the United Kingdom (1.9). Mr Vincent FANG asked whether the relevant figures would be higher in developing countries, such as China and India. USFH responded that many developing countries had not released such figures. However, to the understanding of the Administration, the number of food samples tested per 1 000 population in the developing countries was not higher than the advanced countries.

15. In response to Mr WONG Kwok-hing's enquiry on whether sashimi and sushi would be included in the Food Surveillance Programme of 2010, USFH said that CFS was currently at the final stage of drawing up the Programme based on risk analysis. The Programme would then be finalised after being

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considered by the Expert Committee on Food Safety and having regard to the views of experts and stakeholders.

16. Mr Tommy CHEUNG asked whether the taking of fish tank water samples from food premises and market stalls selling live fish or shell fish for *E. coli* testing and that of marine fish samples for ciguatoxin testing was under the Food Surveillance Programme.

17. USFH responded that as fish tank water was not food, monitoring of which for *E. coli* testing was under another branch of FEHD. USFH further said that taking of marine fish samples for ciguatoxin testing was under the Food Surveillance Programme. AD(FSC), CFS supplemented that in 2009, a total of 200 samples of coral reef fish were taken for ciguatoxin testing and all testing results were satisfactory.

18. Mr Vincent FANG noted from the Administration's paper that the overall satisfactory rate of the food samples under the Food Surveillance Programme of 2009 was 99.6%, which was comparable to the result of recent years. Given the high satisfactory rate, he enquired about the considerations that CFS would take into account under the risk-based approach in deciding on food items that would be put under the Food Surveillance Programme.

19. USFH responded that in planning the food surveillance programme, various factors including the risk of food items, consumption level, past surveillance data, and previous local/overseas food incidents were taken into consideration. CFS would also monitor and assess the safety of highly popular festive and seasonal food items, such as Chinese New Year Food and "poon choi". Where necessary, CFS would adjust the scope and intensity of food surveillance in the light of the latest overseas and local risk analyses.

20. Noting that different testing methods on frozen confectionary, such as ice cream, were adopted by the trade and CFS, Mr Vincent FANG asked whether consideration could be given to standardise the testing method to ensure fairness to the trade.

21. USFH responded that split-sample method would be adopted in case of prosecution to ensure comparability. Under this method, the sample collected would be split in three. While one split sample would be delivered to the Government Laboratory for analysis, the second one would be given to the vendor selling the food and the remaining one would be kept by CFS. Hence, the vendor concerned could conduct his own testing and verify the testing result with that of the Government Laboratory.

22. Mr WONG Yung-kun was of the view that the surveillance results should be released to the public in a timely manner.

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23. USFH responded that surveillance results would be released to the public and the trade regularly in the form of Food Safety Reports. From 2009 onwards, Food Safety Reports were issued monthly instead of bi-monthly, so that the public and the trade could obtain the latest food safety information in a more timely manner. Apart from announcing surveillance results, CFS also gave advice to the public to minimise health risks posed by problem foods.

24. Mr WONG Yuk-man urged the Administration to amend the Public Health and Municipal Services Ordinance (Cap. 132) to allow CFS to order food, including drinks, containing dangerous drugs, such as cocaine, to be taken off the shelves.

25. USFH responded that the Security Bureau and its Narcotics Division were responsible for enforcing the Dangerous Drugs Ordinance (Cap. 134) which prohibited the possession and dealing of dangerous drugs, including cocaine, except in very restricted circumstances permitted by the law.

26. The Chairman urged the Administration to increase the frequency and the number of samples of chilled chickens for testing and step up control over the use of sulphur dioxide in meat. USFH responded that he would relay the views of the Chairman for the consideration of the Expert Committee on Food Safety when drawing up the Food Surveillance Programme of 2010.

27. In response to the Chairman's enquiry on whether the Administration had followed up on the recent reports that melamine was detected in diary products in Shanghai, USFH said that the diary products concerned were not imported for sale in Hong Kong.

V. Allocation of vacant fixed hawker pitches

(LC Paper Nos. CB(2)681/09-10(04) and (05), CB(2)1265/08-09(06))

28. The Chairman invited deputations to give views on the allocation of vacant fixed hawker pitches.

Views of deputations

(LC Paper Nos. CB(2)762/09-10(01) to (05))

29. Representatives from the following organisations urged the Administration to accord priority in the allocation of vacant on-street fixed hawker pitches to existing registered assistants of licensed fixed pitch hawkers on the same street where there were vacant pitches, followed by registered assistants in the same district, then by all other registered assistants, and lastly the general public -

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- (a) Federation of Hong Kong Kowloon New Territories Hawker Association;
- (b) Hong Kong Kowloon Merchants Hawkers Association Limited;
- (c) Tung Choi Street (Ladies Market) Merchants & Hawkers Association;
- (d) 渣甸坊販商協會;
- (e) 灣仔交加街太原街固定攤位小販權益關注組;
- (f) 灣仔大佛口販商協會;
- (g) Li Yuen Street East & West Hawkers Merchants Association;
- (h) Western District Licensed Hawkers Friendly Association;
- (i) Yaumatei Temple Street Association of Hawkers and Shop Operators;
- (j) 香港仔天光墟市集小販會;
- (k) Association for Betterment of Licensed Hawkers; and
- (l) 北角販商協會.

30. Mr WOO Kam-hong of the Association Hong Kong & Kowloon Licensed Hawkers and Mr LEONG Kin-shut of the Association for Betterment of Licensed Hawkers said that there were too many blackspots where licensed itinerant hawkers might be prosecuted without prior warning, and that the ever changing locations of these blackspots had rendered it very difficult for licensed itinerant hawkers to operate their business. They urged the Administration to reduce the number of blackspots and publicise their locations through other means than making the list available only on the Government website.

Discussion

31. Mr WONG Kwok-hing said that the Administration should take heed of the consensus views of the deputations and seriously consider their request, which he thought was a reasonable one, for according priority to registered assistants in the allocation of vacant fixed hawker pitches. He further said that the Administration should consider reducing the number of blackspots to allow licensed itinerant hawkers to operate their business and explore the feasibility of establishing new hawker permitted places in new towns, such as Tin Shui Wai, to provide more job opportunities for people there. Mr WONG suggested that

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the Panel should discuss the Administration's policy on hawking activities, including the determination of the location of blackspots and the designation of new hawker permitted places at a future meeting. The Chairman agreed that the item be included in the list of outstanding items for discussion.

32. Mr Vincent FANG agreed that in allocating vacant fixed hawker pitches, the Administration should give priority to the existing some 5 600 registered assistants of licensed hawkers over members of the public. He considered the allocation method set out in the Administration's paper (LC Paper No. CB(2)782/08-09(03)) to make those pitches left vacant after selection by front row fixed pitch hawkers open for application by members of the public not desirable. He disagreed with the Administration's view that to give priority to registered assistants in the allocation of vacant pitches was unfair to other people interested in joining the hawking trade, as registered assistants generally had ample experience in operating hawker stalls. He proposed prescribing a ratio, say 10%, of the vacant pitches for application by members of the public.

33. Mr Tommy CHEUNG, Mr KAM Nai-wai and Mr WONG Yung-kan shared the view that priority should be accorded to registered assistants over members of the public in the allocation of vacant pitches. They urged the Administration to re-consider the consensus view of the Panel on this issue.

34. The Chairman said that the stance of the Democratic Party on the allocation method of vacant fixed hawker pitches remained unchanged. He urged the Administration to seriously consider the consensus view of the Panel that existing registered assistants with experience in the hawking trade should be given priority in selecting vacant pitches in their respective districts. In view of the limited number of vacant fixed hawker pitches available for selection at present, the Administration should consider adopting "experience in the hawking trade as registered assistant" as one of the major criteria for determining the priority of pitch selection by registered assistants.

35. Mr KAM Nai-wai took the view that fixed pitch hawker licences should be allowed to be transferred to or succeeded by registered assistants, if the "immediate family member" of the licensees (i.e. parent, spouse, son or daughter) had no intention to operate the stalls upon the licensees' death or if the licensees wished to cease business on grounds of old age or ill health. To prevent any possible abuse, the Administration should work out the operational details regarding the succession and transfer of hawker licences to registered assistants. Mr KAM further said that the Administration should reduce the number of hawking blackspots at this time of economic downturn and make the list of hawking blackspots available to the public through different means other than the Government website.

36. Mr Vincent FANG noted from one of the deputations that FEHD very often sent staff to inspect the operation of licensed hawkers during peak business hours. He urged FEHD to refrain from conducting inspection during peak

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business hours or festive days, so as to minimise the disruption to fixed pitch hawkers.

The Administration's response

37. Regarding the allocation method of vacant fixed hawker pitches, USFH made the following points -

- (a) the Administration had been actively following up on the matter since the Panel meetings on 10 February, 10 March and 14 April 2009. The allocation arrangements proposed in the Administration's paper were drawn up after careful consideration of stakeholders' views, including those from Legislative Council Members, District Councils and hawker associations;
- (b) while there was a suggestion that priority be given to existing registered assistants of licensed hawkers in the selection of vacant fixed pitches, the Administration was of the view that the vacant pitches should be allocated in a fair and open manner. Having considered the views of stakeholders, the Administration considered it more appropriate to make hawker pitches left vacant after selection by front row fixed pitch hawkers open for application by members of the public, so that anyone interested in the hawking trade would have an equal opportunity to apply. The priority of pitch selection would be decided by balloting. This was a fair and reasonable arrangement as existing registered assistants could submit applications while other people would also have an equal opportunity to join the hawking trade;
- (c) there were at present some 5 600 registered hawker assistants in Hong Kong. The number of registered assistants with ample experience in the hawking trade would be far more than those 208 pitches presently available for allocation. Even if priority were given to only long-serving registered assistants, say, those who had been registered for five years or more, there would not be sufficient vacant pitches to go around; and
- (d) bearing in mind the need to balance the interest of different groups of people in the community, and having regard to the views received at the meeting, the Administration would consider setting aside not more than half of the vacant pitches for restricted balloting by long-serving registered assistants.

(The Deputy Chairman took over the chair at this juncture)

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38. Mr Tommy CHEUNG and Mr Vincent FANG considered USFH's response far from acceptable. They maintained the view that existing registered assistants with experience in the hawking trade should be given priority over members of the public in the allocation and selection of vacant pitches.

39. USFH responded that the Administration considered it undesirable to jeopardise the rights and opportunities of any individuals in joining the hawking trade. Hence, the allocation arrangements should be fair and reasonable, i.e. should allow existing registered assistants to submit applications while other people would also have an equal opportunity to join the hawking trade.

40. Mr KAM Nai-wai expressed strong dissatisfaction that the Administration took no heed of public views, despite the repeated requests by members and hawker associations. Regarding the preliminary decision of the Administration to allocate no more than half of the vacant pitches for selection by registered assistants, he criticised the Administration for not providing sufficient details and the bottom line in the Administration's paper.

41. In response, USFH clarified that the Administration did not have any pre-determined position over the allocation arrangements. The officials who attended the meeting had come with an open mind, and the "not more than half" formulation was floated after taking into account all the views expressed by members and deputations at the meeting.

Motion

42. Mr WONG Kwok-hing moved a motion, seconded by Mr Vincent FANG, as follows -

"本委員會促請政府將街上固定檔位空置位置優先安排同街助手登記人抽籤，餘下才開放予同區抽籤，及後再予全港助手抽籤，最後剩餘空位才開放予公眾抽籤。"

(Translation)

"That this Panel urges the Government to give the priority for balloting of vacant on-street fixed hawker pitches to registered assistants on the same street, and make available the remaining vacant pitches for balloting by registered assistants in the same district, followed by all those in the territory, and lastly, the general public."

The Deputy Chairman put Mr WONG Kwok-hing's motion to vote. All members present at the meeting voted in favour of the motion. The Deputy Chairman declared that Mr WONG's motion was carried.

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43. The Deputy Chairman said that the Democratic Alliance for the Betterment and Progress of Hong Kong was in support of according priority to registered assistants in the allocation of vacant pitches.

(Post-meeting note: The Administration provided a paper informing the Panel that it is prepared to give priority to existing registered assistants with experience in the hawking trade to apply for 70% of the vacant fixed hawker pitches. The relevant paper was issued to members vide LC Paper No. CB(2)905/09-10 on 5 February 2010)

44. There being no other business, the meeting ended at 4:45 pm.

Council Business Division 2
Legislative Council Secretariat
8 February 2010