

立法會
Legislative Council

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LC Paper No. CB(2)2191/09-10
(These minutes have been seen
by the Administration)

Panel on Food Safety and Environmental Hygiene

Minutes of meeting
held on Tuesday, 8 June 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 WONG Kwok-hing, MH
Dr Hon Joseph LEE Kok-long, SBS, JP
Hon KAM Nai-wai, MH
Dr Hon LEUNG Ka-lau
Hon Alan LEONG Kah-kit, SC
Hon WONG Yuk-man

Member attending : Hon WONG Sing-chi

Member absent : Hon Vincent FANG Kang, SBS, JP

Public Officers attending : Item IV only

Dr York CHOW Yat-ngok, GBS, JP
Secretary for Food and Health

Mrs Marion LAI, JP
Permanent Secretary for Food and Health (Food)

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

Dr LEUNG Siu-fai
Director of Agriculture, Fisheries and Conservation (Acting)

Items V and VI

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

Mrs Angelina CHEUNG FUNG Wing-ping
Principal Assistant Secretary for Food and Health (Food) 1

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

Items IV and VI

Dr Thomas SIT
Assistant Director (Inspection & Quarantine)
Agriculture, Fisheries and Conservation Department

Item V only

Dr SO Ping-man
Assistant Director (Fisheries)
Agriculture, Fisheries and Conservation Department

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. Confirmation of minutes
(LC Paper No. CB(2)1697/09-10)

The minutes of the meeting held on 11 May 2010 were confirmed.

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

2. There was no information paper issued since the last meeting.

III. Items for discussion at the next meeting

(LC Paper Nos. CB(2)1698/09-10(01) and (02))

3. Members agreed to re-schedule the next regular meeting, originally scheduled for 13 July 2010 at 2:30 pm, to 6 July 2010 at 10:45 am to avoid clashing with the Chief Executive's Question and Answer Session to be held on 13 July 2010 at 3:00 pm. Members further agreed to discuss the following items proposed by the Administration at the next regular meeting -

- (a) Review on the provision of cooked food markets; and
- (b) Rodent control in Hong Kong.

(Post-meeting note: "Review on the provision of cooked food market" was replaced by "Public and private columbaria" for discussion at the July 2010 meeting.)

4. Members noted two letters dated 7 June 2010 from Hon WONG Yuk-man and Hon KAM Nai-wai requesting to discuss the removal of statues and a relief displayed by the Hong Kong Alliance in Support of Patriotic Democratic Movements in China at Times Square, Causeway Bay by the Food and Environmental Hygiene Department ("FEHD") on 29 and 30 May 2010 under the Places of Public Entertainment Ordinance (Cap. 172) ("PPEO") and the arrest action taken by the Police tabled at the meeting.

(Post-meeting note: The above letters were circulated to members vide LC Paper No. CB(2)1777/09-10 on 11 June 2010.)

5. Mr TAM Yiu-chung said that it was not appropriate for the Panel to discuss the removal of exhibits at Times Square, as the Panel was tasked to monitor and examine Government policies and not individual incidents.

6. Mr Alan LEONG held the view that it was necessary for the Panel to follow-up on the incident, as the enforcement actions taken by FEHD and the Police were unprecedented.

7. Mr WONG Kwok-hing requested the Secretary for Food and Health ("SFH"), who was present at the meeting for discussion of agenda item IV below, to respond to the enforcement actions taken by FEHD with regard to the removal of exhibits at Times Square on 29 and 30 May 2010.

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8. SFH responded as follows -

- (a) under the PPEO, any person who kept or used any place for presenting or carrying on the types of entertainment specified under Schedule 1 of the PPEO, whether the general public were admitted with or without payment, were required to apply for a licence. The types of entertainment included an exhibition of any one or more of the following, namely pictures, photographs, books, manuscripts, or other documents or other things. The licensing authority of the PPEO was the Secretary for Home Affairs, whereas the licensing functions and duties under the PPEO were carried out by FEHD;
- (b) as the organisers did not apply for the relevant licence to display exhibits at Times Square and refused to leave with their items despite repeated warnings by FEHD staff, the exhibits were seized by the Police to prevent a continuation of the offence. When this action was obstructed, arrest action was taken by the Police; and
- (c) he could not disclose further details of the incident, which might involve matters relating to judicial proceedings pending advice from the Department of Justice.

9. Mr Andrew CHENG said that the removal of exhibits at Times Square warranted the holding of a special meeting. The majority of members present at the meeting agreed to hold a special meeting on 21 June 2010 at 8:30 am to discuss enforcement actions under the PPEO and to invite members of the Panel on Home Affairs to join the discussion.

IV. Poultry Slaughtering Centre

(LC Paper Nos. CB(2)1698/09-10(03) and (04))

10. SFH briefed members on the outcome of an assessment of the risk of human infection by avian influenza ("AI") viruses associated with the live poultry trade in Hong Kong, and on the Administration's decision to shelve the development of a Poultry Slaughtering Centre ("PSC") in Hong Kong, details of which were set out in the Administration's paper (LC Paper No. CB(2)1698/09-10(03)).

11. Mr WONG Yuk-man asked the Administration whether it would -

- (a) apologise to the live poultry traders whose livelihood was adversely affected by its policy to reduce the likelihood of human contact with live poultry now that it had decided to shelve the development of a PSC in Hong Kong; and

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- (b) reconsider the development of a PSC in Hong Kong if the risk of human infection with AI viruses became high again in future.

12. SFH responded as follows -

- (a) the Administration had struck a proper balance in protecting public health and reducing adverse impact on the live poultry trade. A case in point was the launching of the buyout scheme for the farmers, wholesalers, retailers and transporters of the live poultry trade, following the implementation of the Food Business (Amendment) Regulation 2008 on 2 July 2008 to require that there should be no live poultry at retail outlets overnight. The scheme was made in response to a strong wish expressed by a majority of the poultry trade retailers who considered that it would be very difficult to adapt to the "no live poultry overnight" arrangement. About \$607 million was paid out to the live poultry traders who joined the buyout scheme; and
- (b) the Administration would review the AI risk in Hong Kong every two to three years.

13. Mr TAM Yiu-chung expressed concern about the high retail price of live chickens, which averaged about \$30 per catty. Mr TAM asked whether consideration could be given to increasing the supply of live chickens in Hong Kong, provided that to do so would not increase the AI risk, so as to bring the retail prices of live chickens down.

14. SFH responded that although the risk of AI in Hong Kong had been significantly reduced in recent years as a result of the implementation of various preventive and control measures at the poultry farm, wholesale, retail and import levels over the past years as set out in Annex B of the Administration's paper, it was necessary to maintain the status quo for the supply of live chickens as well as the number and rearing capacity of chicken farms in Hong Kong, as it could not be ruled out the AI viruses might re-assort into deadly viruses. SFH further said that retail price of live chickens should be determined by the market. It should however be pointed out that with the advancement in the technology for producing chilled food products in recent years, the texture and taste of chilled chickens had become increasingly close to those of live chickens. There had been a significant rise in the market share of chilled and frozen chickens over the past few years. Last year, the market share of live chickens was 6%, whereas the share of chilled and frozen chickens was 30% and 64% respectively.

15. Mr WONG Yung-kan commented that the reason why live chickens only comprised about 6% of the combined market share of live, frozen and chilled chickens was due to the Government's policy of containing the chicken population in Hong Kong to reduce the likelihood of human contact with live poultry. Mr WONG criticised the Administration of using scare tactics to justify

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its policy of containing the chicken population in Hong Kong by saying that AI outbreaks in Hong Kong might result in some 300 000 deaths in humans. Thus far only some 300 people had died from AI worldwide, whereas over 18 000 people had died from human swine influenza ("HSI") worldwide. As the Administration had decided to shelve the development of a PSC in Hong Kong due to the fact that the risk of AI in Hong Kong had been significantly reduced in recent years, Mr WONG asked whether consideration could be given to increasing the numbers of poultry farms and live poultry retail outlets in Hong Kong. Mr Alan LEONG expressed similar views.

16. Mr Tommy CHEUNG noted from paragraph 8(b) of the Administration's paper that on-going surveillance conducted in retail outlets by the University of Hong Kong found that the isolation rate of H9N2 viruses in 21 months had dropped significantly from 5.11% before the ban on the overnight keeping of live poultry in retail markets in July 2008 to 0.09% after the commencement of the new practice. As H9 was a good indicator of the loading of avian flu virus in the poultry population, the results showed that the risk of AI at the retail level had been successfully controlled at a stable and low level. In the light of this, Mr CHEUNG urged the Administration to increase the daily number of live chickens imported from the Mainland from the existing some 7 000 to some 14 000 and to increase the rearing capacity of local chicken farms.

17. SFH reiterated that although the risk of AI in Hong Kong had been significantly reduced in recent years, it was necessary to maintain the status quo for the supply of live chickens as well as the number and rearing capacity of chicken farms in Hong Kong, as it could not be ruled out the AI viruses might re-assort into deadly viruses. Similar to Hong Kong, many densely-populated places overseas as well as cities in the Mainland had already restricted the sale of live chicken sale at the retail level. Some of them had even banned live poultry sale at the retail level. SFH further said that unlike the mortality rate of HSI which was less than 1%, the mortality rate of AI in humans was close to 60%. Moreover, although human-to-human transmission of the H5N1 AI virus was inefficient, all influenza viruses had the ability to change genetically, and scientists were concerned that the AI virus could one day be able to spread easily from one person to another. Because the virus did not commonly infect humans, there was little or no immune protection against it in the human population. If the H5N1 virus could spread easily from person to person, an influenza pandemic could occur.

18. Mr WONG Yung-kan urged the Administration to step up liaison with experts and academics in the Mainland to exchange views on ways to better prevent and control AI outbreaks in Hong Kong.

19. Whist welcoming the Administration's decision to shelve the development of a PCS in Hong Kong, Mr WONG Kwok-hing expressed regret that money spent on commissioning consultants to conduct a commercial viability study and to ascertain market interests in operating the proposed PSC could be saved if the

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Administration had taken heed of members' views from the outset that the proposed PSC was not commercially viable. Although the Administration had no plan to increase the numbers of poultry retailers, wholesalers and farmers in Hong Kong, the Administration should at least conduct a study on the possibility of such.

20. Mr Andrew CHENG opined that as it could not be ruled out the AI viruses might re-assort into deadly viruses, the Administration should not shelve the development of a PSC in Hong Kong.

21. SFH responded that the decision to shelve the development of a PSC was based on science, with the health of the public as an overriding concern. As long as the AI risk was kept low in that biosecurity measures at local farms remained effective and there being no such significant change to the avian flu virus that it would pose new threats to public health, the PSC project should not be revived in future. SFH further said that the Administration would strengthen surveillance at the farm, wholesale, retail and import levels under the status quo option, details of which were set out in paragraph 16 of the Administration's paper. Notwithstanding, the Administration would review the AI risk in Hong Kong every two to three years.

22. The Chairman said that he had all along questioned the commercial viability of a PSC in Hong Kong, as the PSC would face keen competition from the chilled chickens supplied by the Mainland. The Chairman considered the Administration's policy of maintaining the chicken population in Hong Kong acceptable, although he had no strong view about increasing the supply of live chickens in Hong Kong, provided that the risk of AI to Hong Kong was contained and kept at a stable and low level. Noting that there were at present 30 poultry farms and 133 poultry retail outlets in Hong Kong, the Chairman asked whether the Administration allowed the relevant licences/tenancies to be transferred to other people interested in the live poultry trade.

23. SFH and Director of Food and Environmental Hygiene responded as follows -

- (a) all persons keeping livestock in or on any premises within a livestock waste control area specified in Schedule 1 of the Public Health (Animals and Birds) (Licensing of Livestock keeping) Regulation (Cap. 139L) were required to hold a Livestock Keeping Licence ("LKL"). Change of licensee was allowed under a valid LKL. The current licensee must submit a Change of Ownership Format) at the office of Livestock Farm Licensing Section of the Agriculture, Fisheries and Conservation Department in person, while the new operator needed to tender a formal LKL application form. The new licensee was required to pay the full licence fee of a newly issued LKL. Upon the new LKL was issued, the old LKL

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would be correspondingly cancelled. In case of deceased licensee, his/her family member must submit documentary proof for the death and the successor was required to tender a formal LKL application form for due processing; and

- (b) licences/tenancies to sell live poultry at the retail level might be transferred to an "immediate family member" of the licensees/tenants (i.e. parent, spouse, son or daughter) if a licensee/public market tenant, on grounds of, for example, old age or ill health, made an application for his/her family member to replace him/her as the licensee/tenant, or be succeeded by an "immediate family member" of the licensee/tenant upon the latter's death. The Administration would contain the existing number of poultry retail outlets.

24. In closing, the Chairman said that the Panel would continue to closely monitor the AI situation in Hong Kong.

V. Issues related to Food Safety and Fisheries under the Framework Agreement on Hong Kong/Guangdong Co-operation
(LC Paper No. CB(2)1698/09-10(05))

25. Under Secretary for Food and Health ("USFH") briefed members on issues related to food safety and fisheries under the Framework Agreement on Hong Kong/Guangdong Co-operation ("the Framework Agreement"), details of which were set out in the Administration's paper.

26. Mr WONG Kwok-hing asked -

- (a) what actions were/would be taken by the Administration to ensure the obtaining of the latest food safety information regarding food imported from the Mainland in a more timely manner; and
- (b) whether, and if so, what measures would be put in place to enhance food traceability pending the enactment of the Food Safety Bill.

27. Responding to Mr WONG's first question, USFH said that FEHD had established liaison officer systems respectively with the Entry-Exit Inspection and Quarantine Bureaux of Guangdong, Shenzhen and Zhuhai. The aim was to provide for timely notification of problems associated with food and agricultural products imported from the other side, and to join hands to take proactive action to tackle issues on inspection and quarantine of food and agricultural products which might affect food trading between Hong Kong and Guangdong. In addition, all food animals, poultry, freshwater fish and vegetables supplied to Hong Kong by the Mainland must come from registered farms. Besides, all live food animals, chilled and frozen meat and freshwater fish must be accompanied

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with health certificates issued by the inspection and quarantine authorities of the places of origin to certify that the animals or products concerned were in good condition and fit for human consumption. Under the Framework Agreement, Hong Kong and Guangdong would continue to refine the mechanisms for information notification, investigative assistance and source tracing in respect of food safety issues concerning animals and plants, food and agricultural products so as to enhance the joint capability against food safety incidents and minimise the impact on public health. In addition, both sides would establish mechanisms for communication and co-ordination in respect of food safety standards with a view to strengthening exchange and co-operation in this respect.

28. USFH further said that the Food Surveillance Programme of the Centre for Food Safety ("CFS") of FEHD adopted a three-tier approach consisting of routine food surveillance, targeted food surveillance and seasonal food surveillance to ensure the safety of food available in the local market. CFS would also conduct daily surveillance of the media and internet for information related to food safety around the world. Depending on the public health risk of the problem food identified, CFS would take various follow-up actions which included making timely announcement to the public and the trade.

29. As regards Mr WONG's second question, USFH said that the Food Safety Bill would, among others, require any person who, in the course of business, imported, acquired or supplied by wholesale food in Hong Kong to keep transaction records of the business from which the food was obtained and the business to which it was supplied. To ensure that the record keeping requirement was practicable, CFS had launched pilot exercises of record keeping in market stalls, fixed pitch hawker stalls, licensed/permitted food premises and other food shops selling different food categories in Central and Western, Wan Chai, Sham Shui Po, Yau Tsim Mong, Tuen Mun and Yuen Long. CFS had also organised workshops to familiarise the trade with the requirements of the Food Safety Bill and encouraged them to keep record of the movement of their food as a good business practice.

30. Mr WONG Yung-kan urged the Administration to assist fisherman to develop or switch to modernised and sustainable practices so as to promote the sustainable development of the local fisheries industry. Mr WONG further said that the Administration should follow the practice of the Mainland authorities by providing fuel subsidy to Hong Kong fishermen fishing in the South China Sea.

31. USFH responded that as mentioned at the last Panel meeting on 11 May 2010, the Committee on Sustainable Fisheries had recommended a number of proposals to promote the sustainable development of the fisheries industry and had just submitted its Report to the Government in April 2010. The Government was actively studying the recommendations of the Committee to evaluate whether they should be supported and were feasible, their implications for stakeholders and requisite resources. USFH stressed that in taking forward the proposals of the Committee, the Administration would strike a proper balance in

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protecting the marine ecosystem and fisheries resources on one hand and safeguarding the livelihood of fishermen on the other. As regards the suggestion to provide fuel subsidy to Hong Kong fishermen fishing in the South China Sea, USFH said that the diesel oil used by fishing vessels was duty-free industrial marked diesel oil and its price was far below the market price of diesel oil.

32. Mr TAM Yiu-chung asked -

- (a) whether Hong Kong would be notified of all decisions made by the State General Administration of Quality Supervision, Inspection and Quarantine ("AQSIQ") in relation to entry-exit inspection and quarantine;
- (b) when would the application of the Radio Frequency Identification ("RFID") technology, which was currently applied to live pigs supplied to Hong Kong from Guangdong, be extended to other foods to ensure effective tracing of food; and
- (c) how would the Administration take forward the implementation of the areas of co-operation in relation to food safety and fisheries under the Framework Agreement.

33. USFH responded in the positive to Mr TAM's first question, and pointed out that the Food and Health Bureau ("FHB") had all along maintained close co-operation and liaison with AQSIQ and had also put in place a liaison officer system between both sides.

34. Responding to Mr TAM's second question, USFH advised that the trial programme on identification of live pigs supplied to Hong Kong from Guangdong by means of electronic ear tags with RFID functions was launched by FEHD and the Guangdong Entry-Exit Inspection and Quarantine Bureau in late 2006. FEHD was currently studying the installation of pass-by readers at the passageway of the Sheung Shui Slaughterhouse to retrieve data from the ear tags of live pigs going through the passageway. Upon the completion of the trial programme, both sides would sum up their experiences with a view to further exploring the application of RFID technology in source traceability of agricultural products. It should however be pointed out that the use of RFID technology might not be effective to enhance the traceability of some Mainland agricultural products exported for Hong Kong. For instance, instead of attaching to each and every product, the electronic tags with RFID functions could only be attached to the packaging (e.g. basket and carton) of the vegetables exported for Hong Kong.

35. As regards Mr TAM's third question, USFH responded that FHB and the relevant Government departments would work out the implementation details and where necessary, brief the Panel in due course.

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36. The Chairman said that some members of the trade had expressed concern that the recent paralytic shellfish poisoning incident involving toxins-contaminated fresh scallops might be smuggled from the Guangdong province into Hong Kong. He asked whether the Administration would conduct follow-up investigation with the Mainland authorities. USFH responded that the Administration would take follow-up actions if members of the trade had intelligence on smuggling of Mainland fresh scallops into Hong Kong.

37. The Chairman asked about the measures to address the issue of illegal entry of Mainland vessels for fishing in Hong Kong waters and prevent the problem of Mainland vegetables supplied to Hong Kong coming from improper sources under the guise of a proper label from occurring.

38. USFH responded that a notification system and a liaison officer system had been put in place between the Hong Kong and the Mainland authorities to prevent the illegal entry of Mainland fishermen for fishing in Hong Kong waters. During the joint enforcement action taken in April 2009, the Marine Police had intercepted 185 fishing vessels, refused the entry of 12 Mainland fishing vessels into Hong Kong waters and arrested seven Mainland fishermen onboard. These people were all illegal immigrants and were repatriated to the Mainland. The Guangdong authority had intercepted 173 fishing vessels within the Mainland waters. Among them, eight were found violated Mainland regulations. USFH further said that the planning of another joint enforcement action was underway. Regarding vegetables imported from the Mainland, USFH said that the increase in the penalty level for non-compliance with the new Food Safety Law of the Mainland would enhance the deterrent effect against exporting vegetables to Hong Kong from improper sources.

VI. Foot and mouth disease in food animals in Japan
(LC Paper No. CB(2)1748/09-10(01))

39. Mr WONG Yung-kan said that in view of the escalating foot and mouth disease ("FMD") in cows and pigs in Japan, the Mainland had banned the importation of food animals and related products, such as baby formula, into the country. Mr WONG asked whether the Administration would follow the practice of the Mainland authorities to ban the importation of food animals and related products into Hong Kong.

40. USFH advised that FMD was a highly contagious viral disease affecting only cloven-hoofed animals such as pigs, cattle, sheep and goats. It was transmissible from animals to animals through direct contact and air. The disease was endemic in both Hong Kong and some South East Asia countries. In Hong Kong, farmers were encouraged to vaccinate their animals in order to control the disease. It should be pointed out that the import control imposed by the Mainland was to avoid animal infections, as FMD was not a public health hazard and was extremely unlikely to be transmissible to humans through

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consumption of food. It should not be confused with the human disease called "hand, foot and mouth disease" which was caused by different viruses. Notwithstanding this, the Administration had requested the inspection and quarantine authority of Japan to state on the health certificates accompanied with the chilled and frozen meat imported from Japan into Hong Kong that the products concerned were not come from the epidemic areas, in addition to the certification that they were in good condition and fit for human consumption.

41. USFH further said that there was no cause for concern about the safety of milk as all milk or milk beverage sold for human consumption must be subject to heat-treatment, such as pasteurisation, before sale under the Milk Regulation (Cap. 132AQ). Many common pathogens, including the FMD virus, would be removed after pasteurisation. It should be noted that infant formula was subject to more stringent requirements to reduce the risks of foodborne illness.

42. There being no other business, the meeting ended at 4:35 pm.

Council Business Division 2
Legislative Council Secretariat
20 August 2010