

Panel on Food Safety and Environmental Hygiene

List of outstanding items for discussion
(Position as at 12 October 2009)

Subject	Proposed timing for discussion
1. Fisheries Protection (Amendment) Bill	To be confirmed

The Administration briefed the Panel on 8 March 2005 on its legislative proposals to introduce a licensing scheme for fishing vessels, designate fisheries protection areas within Hong Kong and implement a closed season for fishing in order to conserve fisheries resources. The Panel subsequently held a special meeting on 26 April 2005 to gauge the views of the fishing industry and concerned organisations on the proposals.

The green groups and academics were in support of the prohibition of bottom trawling in Hong Kong, and also the proposed licensing system and designation of fisheries protection areas. While many fisheries organisations which gave views to the Panel generally supported a user-friendly licensing system and the designation of fisheries protection areas, almost all of them opposed the "closed season" proposal. They strongly urged the Administration to provide compensation and assistance to the fishermen. The Administration was requested to further discuss with the industry before introducing the amendment bill into the Legislative Council (LegCo).

The Administration has suggested that this item be discussed in conjunction with item 2 below on sustainable development of agricultural and fisheries industries.

2. Sustainable development of agricultural and fisheries industries	To be confirmed
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Item proposed by Hon WONG Yung-kan in the last legislative term.

A motion on "Promoting the sustainable development of the local agriculture and fisheries industries", moved by Hon WONG Yung-kan and amended by Hon Tommy CHEUNG, Hon Fred LI and Hon Vincent FANG, was carried at the Council meeting on 13 June 2007. Another motion on "Rebuilding the local agriculture and fisheries industries" moved by Hon WONG Yung-kan

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was also carried at the Council meeting on 5 March 2008.

3. Poultry slaughtering and processing plant

To be confirmed

At the Panel's special meeting on 13 October 2006, the Administration advised that it would conduct an Environmental Impact Assessment study and initiate an invitation for Expression of Interest exercise for the poultry slaughtering and processing plant (PSPP), which was expected to come into operation in 2009-2010 at the earliest.

On 13 November 2007, the Administration consulted the Panel on its plan to introduce a bill into LegCo in early 2008 to amend the Public Health and Municipal Services Ordinance (Cap. 132) to empower the Secretary for Food and Health to make regulations for the control of slaughtering activities of live poultry and the operation of PSPP. The Panel passed a motion expressing opposition to the introduction of any legislation related to the development of PSPP to LegCo for scrutiny before a consensus had been reached between the Administration and the whole live poultry trade on the surrender of licences/tenancies and measures to safeguard the livelihood of those people in the trade.

Following the gazettal of the Food Business (Amendment) Regulation 2008 to ban overnight stocking of live poultry at retail outlets which came into operation on 2 July 2008, the Administration would revisit its plan to develop a PSPP in Hong Kong.

4. Food Safety Bill

To be confirmed

Item proposed by the Administration.

The Bill seeks to introduce new food safety control measures, including a mandatory registration scheme for food importers and distributors, requirement for food traders to maintain proper records on the movement of food and enhanced import control for specified food type, for the protection of public health.

Subject	Proposed timing for discussion
<p>5. Public Health and Municipal Services (Amendment) Bill</p> <p>The Administration plans to amend the Public Health and Municipal Services (Cap. 132) to separate live poultry from humans.</p>	To be confirmed
<p>6. 2009 Anti-Mosquito and Rodent Campaign</p> <p>Item proposed by the Administration.</p>	To be confirmed
<p>7. Code of practice for pig farming</p> <p>The Panel discussed with the Administration on its proposal to introduce a Code of Practice (CoP) for pig farming to licensed pig farms on 11 March and 8 April 2008. Affected pig farmers also attended the meeting on 8 April 2008 to give views on the proposal.</p> <p>The affected pig farmers' major concern was that failure to comply with the CoP might result in revocation of licence. Members urged the Administration to consider establishing a formal appeal mechanism to address the trade's concern.</p>	To be confirmed
<p>8. Amendments to the Imported Game, Meat and Poultry Regulations</p> <p>Item proposed by the Administration to include poultry eggs in the Imported Game, Meat and Poultry Regulations (Cap. 132AK).</p>	To be confirmed
<p>9. Review on the provision of public markets</p> <p>On 11 November 2008, the Administration reported to the Panel on its consultation with DCs on the review of the provision of public markets under FEHD and sought the Panel's views on the proposed way forward on the basis of feedback obtained in the consultation.</p> <p>Members agreed that the Administration should keep the Panel informed on the progress of its review on the provision of the public markets.</p>	To be confirmed

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On 14 July 2009, the Administration briefed the Panel on its preliminary thinking, based on the data collated, in reviewing the positioning, functions and usage of public markets, and on the proposed rental adjustment mechanism in respect of public market stalls and the proposed arrangements to recover the air-conditioning cost and rates from tenants. The Administration agreed to revert to the Panel in November 2009 on the outcome of its consultation with market traders on the aforesaid.

10. Proposed amendments to the Prevention of Cruelty to Animals Ordinance (Cap. 169) and the Public Health (Animals & Birds) (Animal Traders) Regulations (Cap. 139B)

To be confirmed

On 19 February 2008, the Administration sought the Panel's views on its preliminary legislative proposals to amend the Prevention of Cruelty to Animals Ordinance (Cap. 169) (such as early release or disposal of seized animals and prohibiting repeated offenders against animal welfare from keeping animals) and the Public Health (Animals and Birds) (Animal Traders) Regulations (Cap. 139B) (such as increasing the maximum penalty for illegal trading and empowering the Director of Agriculture, Fisheries and Conservation to revoke licence).

While welcoming the Administration's legislative proposals, some members considered that abandonment of animals should be made an offence under Cap. 169. Concern was also raised that people might take advantage of the loophole in Cap. 139B, as persons selling animals kept by them as pets or offspring of their pets were not subject to regulation. The Administration advised that it would consult the Panel on its finalised proposals to amend Cap. 169 and Cap. 139B in due course.

11. Regulation of veterinary drugs in food

To be confirmed

Item proposed by the Administration in the 2007-2008 legislative session.

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| 12. Labelling of genetically modified food | To be confirmed |
| 13. Review of the structure of FEHD and the Agriculture, Fisheries and Conservation Department (AFCD) | To be confirmed |

At the meeting on 8 July 2008, the Administration briefed the Panel on the findings of the evaluation study on the effectiveness of the "Guidelines on voluntary labelling of genetically modified (GM) food". The Administration advised that the findings illustrated that there was no pressing need for mandatory labelling. The Panel passed a motion urging the Government to draw reference from other countries' experience and introduce expeditiously a mandatory labelling scheme for GM food.

At its meeting on 17 October 2005, the Panel was briefed on the Administration's plan to re-organise FEHD and AFCD into the Agriculture, Environmental Hygiene and Conservation Department (AEHCD) and the Food Safety, Inspection and Quarantine Department (FSIQD) to enhance food safety and veterinary public health control in Hong Kong. A Centre for Food Safety (CFS) was also proposed to be set up within FSIQD. Members were generally supportive of the plan to establish a dedicated department to regulate all matters related to food safety and they would wish to see the new department set up as soon as possible.

When the Administration briefed the staff of AFCD and FEHD on its proposal, the majority of AFCD's nature conservation and country/marine parks staff expressed their preference for the direct transfer of their functions and staff to the Environmental Protection Department (EPD). As advised by the Administration, the then Secretary for the Environment, Transport and Works also supported the transfer. In the light of this, the Administration had subsequently revised its original proposal. Under the revised proposal, the new AEHCD would be responsible for promoting and facilitating the development of agriculture and fisheries activities in Hong Kong and maintaining environmental hygiene. The Country/Marine Parks and Conservation Branches of AFCD would be merged with EPD.

The Panel held four joint meetings with the Panel on Environmental Affairs on 29 November 2005, 15 December 2005, 6 January 2006 and 17 January 2006

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to discuss the revised re-organisation proposal. The Panel also received views from the relevant trades, experts, academics and staff of the affected departments on 15 December 2005 and 6 January 2006.

Many staff associations in the affected departments expressed strong views against the Administration's proposal of re-organising AFCD and FEHD, and transferring AFCD's nature conservation and country/marine park staff to EPD. Some members also expressed reservations that the regulatory and facilitation functions in respect of agriculture and fisheries activities should be carried out by two separate departments (i.e. AEHCD and FSIQD).

In view of the concerns expressed by members and staff associations, the Administration paper subsequently presented to the Panel on 17 January 2006 a proposal to set up CFS under FEHD as the first step to enhance food safety control. The proposals in relation to the separation of regulatory and promotion functions for agriculture and fisheries industries and the transfer of country/marine park functions to EPD were withheld, pending further consultation with stakeholders. The Panel supported the speedy establishment of CFS under FEHD.

When the Panel discussed with the Administration on the work of CFS on 10 July 2007, the Administration advised that it would review the structure of FEHD and AFCD after the enactment of the new Food Safety Bill.

14. Follow-up actions referred by the Subcommittee on Public Health (Animals and Birds) (Exhibitions) (Amendment) Regulation 2006

To be confirmed

At the request of the Subcommittee on Public Health (Animals and Birds) (Exhibitions) (Amendment) Regulation 2006, the Administration agreed to review the fees for application for an exhibition licence for animals and birds and licence renewal fees in the context of the general review of Government's fees and charges, and report the outcome to the Panel in due course.

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15. Alignment of FEHD fees and charges	To be confirmed
<p>On 30 November 2001, the Administration briefed the Panel on the way forward to align FEHD fees and charges following the dissolution of the former Provisional Urban Council and Provisional Regional Council in 2000. Members noted that the Administration had completed the computation of costs for the provision of 94 items of services inherited from the two former municipal councils, and the initial findings revealed that a majority of the fees and charges might have to be increased. In view of the economic downturn, members supported the Administration's decision to continue to freeze FEHD fees and charges at the existing level up to 31 December 2002.</p> <p>On 24 February 2003, the Administration informed the Panel that it would need more time to work out an alignment proposal for the various FEHD fees and charges.</p>	
16. Hygiene conditions of food premises operating under the food factory licences	To be confirmed
<p>At the meeting between LegCo Members and members of Wan Chai District Council (WCDC) held on 5 May 2005, some WCDC members expressed concern about the lack of enforcement actions by FEHD against the unhygienic operation of food businesses selling takeaway food. The above concern was referred to the Panel for follow-up with the Administration.</p>	
17. Control measures against food businesses operating without licence	To be confirmed
<p>The above subject was discussed by the Panel on two occasions on 14 December 2004 and 8 March 2005. The Administration's proposed control measures against food businesses operating without licence were as follows</p> <p>-</p>	
<p>(a) upon detection of unlicensed food business conducted at any premises, staff of FEHD would take immediate enforcement action against the person/corporation in charge of the business at the time;</p>	

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- (b) FEHD would stop processing the application for licence filed by that person/corporation in respect of the premises in (a) above; and
- (c) if FEHD proceeded with prosecution action and upon conviction, FEHD might refuse the application and impose a ban on the person/corporation convicted to obtain a licence for six months after taking into consideration all relevant factors, counting from the date of conviction; or where FEHD did not proceed with prosecution action or in the case of acquittal, the application process would be reactivated immediately.

Some members considered the proposed measures inadequate to deter the operation of food business without licence and suggested that the Director of Food and Environmental Hygiene should be empowered to make a closure order against unlicensed food establishments, without having to apply to the court. A member, however, pointed out that the measure in (c) above could easily be circumvented as the applicant could always appoint another person to apply for a fresh licence.

The Administration was requested to consider members' views and revert to the Panel.

18. Recommendations of Team Clean's Final Report on Measures to Improve Environmental Hygiene in Hong Kong

To be confirmed

The Panel agreed at its meeting on 26 September 2003 to follow up the following measures recommended by Team Clean in its Final Report on Measures to Improve Environmental Hygiene in Hong Kong published in August 2003 -

- (a) introducing a demerit points system (DPS) for tenants of public markets. Under the DPS, tenants who accumulate a certain number of points within a 12-month period will have their tenancy terminated. Tenants whose tenancies have been revoked would also be prevented from bidding for other stalls for one

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year;

- (b) tightening the licensing requirements for food factories;
- (c) strengthening the sanction regime against licensed food premises, such as revamping the current DPS to make it more stringent, making licensees responsible for hygiene breaches committed by their staff and widely publicising the business names and photographs of food premises convicted of an offence relating to the sale or preparation for sale of any food for human consumption; and
- (d) introducing an Open Categorisation Scheme for licensed food premises to help consumers make informed choices. Under the Scheme, the hygiene conditions of all food premises will be graded according to set criteria and premises will be required to post the hygiene grading at a conspicuous location in their premises.

19. Follow up discussion on control on vegetables imported from the Mainland

At the special meeting on 3 April 2009, the Administration was requested to consider the following suggestions made by some members to tackle the problem of people importing into Hong Kong vegetables from non-registered farms bearing illegally obtained labels of vegetable source -

The Administration's response was issued to members vide LC Paper No. CB(2)1554/08-09(01) on 13 May 2009.

- (a) vegetables supplied for Hong Kong must also be accompanied by a certificate issued by CFS;
- (b) CFS staff should be sent as observers at collection and processing plants supplying vegetables to Hong Kong; alternatively, CCTV should be installed at these plants for monitoring by the Hong Kong side; and
- (c) Global Positioning System should be used to track the routing of vegetable vehicles bound for Hong Kong.

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20. Follow up actions referred by Kowloon City District Council (KCDC) on enhancing regulation of private columbaria and funeral trades

To be confirmed

Item proposed by the KCDC at its meeting with Legislative Council (LegCo) Members on 2 July 2009.

As agreed by the Convenor and the LegCo Members at the meeting, the Panel on Food Safety and Environmental Hygiene (FSEH) was requested to consider and follow up the suggestions made by KCDC members on the subject to address the issues and concerns on the operation of private columbaria and funeral trades -

- (a) to review the Town Planning Ordinance (Cap. 131) to empower the authority concerned to enforce legislation against unauthorised land uses which were non-complying with the Outline Zoning Plan (OZP), so as to tackle the proliferation of private columbaria businesses in Hung Hom, the inner part of which area was a "Residential (Group A)4" zone on the approved Hung Hom OZP where funeral facility and columbaria were not permitted;
- (b) to extend the licensing requirement for the funeral trades under the Undertakers of Burials Regulation (Cap. 132CB) to the private columbaria and funeral trades; and to step up enforcement action in monitoring non-licenced undertakers, as well as breaches of licence conditions by licenced undertakers, such as displaying of coffins in their premises and burning of joss paper in public streets;
- (c) to enact legislation to plug the loophole in the old land leases for residential areas issued by the Lands Department which impose no restrictions on the "users" of the lot concerned in setting up private columbaria businesses; and
- (d) to establish a centralised complex at a suitable location for the provision of funeral-related services and the relocation of funeral businesses from the residential areas, so as to mitigate the environmental nuisance generated by the funeral trade.

Subject	Proposed timing for discussion
21. Follow up actions referred by the Eastern District Council (EDC) on regulation of genetically modified (GM) food	To be confirmed
Item proposed by the EDC at its meeting with Legislative Council (LegCo) Members on 12 March 2009. EDC members were of the view that the Government should draw reference experience from other countries, such as New Zealand, on regulating GM food.	
22. Follow up actions referred by EDC on review of liquor licensing	To be confirmed
Item proposed by the EDC at its meeting with LegCo Members on 12 March 2009. EDC members urged the Administration to come up with effective measures to tackle problems, such as fire hazard, environmental hygiene problems, noise as well as law and order, caused by increasing number of liquor selling premises in high rise buildings.	