

**Panel on Food Safety and Environmental Hygiene**

**List of outstanding items for discussion**

(Position as at 5 November 2009)

<b>Subject</b>	<b>Proposed timing for discussion</b>
<p><b>1. Alignment of public market tenancy agreements</b></p> <p>Item proposed by the Administration.</p>	December 2009
<p><b>2. Promotion of local produce</b></p> <p>Item proposed by the Administration.</p>	December 2009
<p><b>3. Progress report on implementation of the \$300 million package to improve environmental hygiene</b></p> <p>Item proposed by the Administration.</p>	January 2010
<p>On 22 June 2009, the Administration briefed members on the proposal to provide additional funding of \$300 million for enhanced measures to step up environmental hygiene in the fight against human swine influenza, before seeking funding approval from the Finance Committee (FC). FC approved funding for the proposal on 14 July 2009.</p>	
<p><b>4. Food Safety Bill</b></p> <p>Item proposed by the Administration.</p>	February 2010
<p>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.</p>	
<p><b>5. Outsourcing of food testing services</b></p> <p>Item proposed by the Administration.</p>	February 2010

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<b>6. Poultry slaughtering and processing plant</b>	March 2010
<p>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.</p>	
<p>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.</p>	
<p>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.</p>	
<b>7. Implementation of the Nutrition Labelling Scheme</b>	April 2010
<p>Item proposed by the Administration.</p>	
<p>On 22 June 2009, the Administration briefed members on the actions taken in preparation for implementing the Nutrition Labelling Scheme, which would come into force on 1 July 2010 after a two-year grace period.</p>	
<b>8. Supply of public niches and regulation of private columbaria and funeral trades</b>	April 2010
<p>As agreed by the Convenor and LegCo Members at the meeting with Kowloon City District Council (KCDC) members on 2 July 2009, the Panel was requested to consider and follow up the suggestions made by KCDC</p>	

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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.

**9. Review on the provision of cooked food markets**

May 2010

Item proposed by the Administration.

**10. 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

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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 the item on sustainable development of agricultural and fisheries industries.

**11. Code of practice for pig farming**

To be confirmed

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.

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.

**12. Amendments to the Imported Game, Meat and Poultry Regulations**

To be confirmed

Item proposed by the Administration to include poultry eggs in the Imported Game, Meat and Poultry Regulations (Cap. 132AK).

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<b>13. Proposed amendments to the Prevention of Cruelty to Animals Ordinance (Cap. 169) and the Public Health (Animals &amp; Birds) (Animal Traders) Regulations (Cap. 139B)</b>	To be confirmed
<p>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).</p>	
<p>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.</p>	
<b>14. Regulation of veterinary drugs in food</b>	To be confirmed
<p>Item proposed by the Administration in the 2007-2008 legislative session.</p>	
<b>15. Labelling of genetically modified food</b>	To be confirmed
<p>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.</p>	
<p>At the meeting between LegCo Members and Eastern District Council (EDC) members on 12 March 2009, EDC</p>	

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members were of the view that the Government should draw reference experience from other countries, such as New Zealand, on regulating GM food.

**16. Review of the structure of FEHD and the Agriculture, Fisheries and Conservation Department (AFCD)**

To be confirmed

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 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

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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.

- 17. 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.

- 18. Alignment of FEHD fees and charges** To be confirmed

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

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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.

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.

**19. Hygiene conditions of food premises operating under the food factory licences**

To be confirmed

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.

**20. Control measures against food businesses operating without licence**

To be confirmed

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 -

- (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;
- (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



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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.

**21. 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 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

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(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.	
<b>22. Follow up actions referred by EDC on review of liquor licensing</b>	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.	