

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1967/10-11  
(These minutes have been seen  
by the Administration)

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**Panel on Food Safety and Environmental Hygiene**

**Minutes of special meeting  
held on Friday, 15 October 2010, at 4:30 pm  
in the Chamber of the Legislative Council Building**

**Members present** : Hon Tommy CHEUNG Yu-yan, SBS, JP (Chairman)  
Hon WONG Yung-kan, SBS, JP (Deputy Chairman)  
Hon Fred LI Wah-ming, 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 WONG Sing-chi  
Hon Alan LEONG Kah-kit, SC  
Hon WONG Yuk-man

**Members attending** : Hon CHAN Hak-kan  
Dr Hon PAN Pey-chyou

**Members absent** : Hon Andrew CHENG Kar-foo  
Hon TAM Yiu-chung, GBS, JP  
Hon Vincent FANG Kang, SBS, JP

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

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

Mrs Marion LAI CHAN Chi-kuen, JP  
Permanent Secretary for Food and Health (Food)

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

Mr Kevin YEUNG Yun-hung  
Deputy Secretary for Food and Health (Food) 2 (Acting)

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

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

Dr Constance CHAN Hon-ye, JP  
Controller, Centre for Food Safety  
Food and Environmental Hygiene Department

Dr LAU Chau-ming  
Government Chemist  
Government Laboratory

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

**Staff in attendance** : Ms Maisie LAM  
Senior Council Secretary (2) 6

Ms Priscilla LAU  
Council Secretary (2) 5

Ms Sandy HAU  
Legislative Assistant (2) 5

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**I. Briefing by the Secretary for Food and Health on the Chief Executive's Policy Address 2010-2011**  
(LC Paper No. CB(2)50/09-10(01))

Secretary for Food and Health ("SFH") briefed members on the new initiatives set out in the 2010-2011 Policy Agenda in relation to food safety and environmental hygiene as well as progress of implementing on-going

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initiatives set out in past Policy Agenda, details of which were set out in the Administration's paper.

Columbarium development

2. Mr WONG Kwok-hing sought information on the Administration's timetable for introducing a licensing scheme to enhance regulation of private columbaria.

3. SFH responded that introducing a licensing scheme through legislation to enhance regulation of private columbarium was a complicated issue and might not be a task that could be completed within the current term of this Government. The Administration would however endeavour to consult the Legislative Council on the conceptual framework of the licensing scheme as early as practicable and, subject to Members' support, submit the drafting instructions to the Department of Justice.

4. Mr WONG Kwok-hing urged an early introduction of the licensing scheme to protect the rights of consumers of private columbaria. He sought further explanation from the Administration on the practical difficulties involved which would hinder the completion of the task within the current term of this Government.

5. SFH responded that during the public consultation exercise for the review of columbarium policy, various sectors of the community had different views towards the implementation of the licensing scheme. It was necessary for the Administration to analyse on the views collected and conduct further consultation at the next stage. In the meantime, members of the public were advised to check with the Development Bureau ("DEVB") on whether a specific columbarium facility was in compliance with the land administration and statutory planning requirements as well as the land lease requirements. It should be pointed out that eventually, all private columbarium in operation had to be regulated by way of the licensing scheme. Under the new licensing system, pre-existing private columbaria could not take it for granted that a licence will be issued, unless they had regularised their unauthorised aspects, if any. SFH further said that the Government would continue to adopt all feasible measures to increase the supply of public columbarium facilities and there would be a supply of about 100 000 niches in the next three years.

6. Mr WONG Yuk-man considered that the reason put forward by the Administration in its paper, i.e. the need to strike a right balance between an excessively stringent and a lax licensing scheme, appeared to be no justifiable basis for having to take more than two years to introduce the legislative

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amendments relating to the licensing scheme. He asked about the working timetable for the legislative process for the proposed licensing scheme.

7. SFH responded that while he could not provide a timetable at this stage, experience showed that the consultation, legislation and implementation of policies having significant implications would require three to four years' time. He however assured members that the Administration would continue its work to draw up the details of the licensing scheme no matter whether or not the legislative amendments to provide the legal backing for the scheme could be introduced within the current term of this Government.

8. Permanent Secretary for Food and Health (Food) ("PSFH(F)") supplemented that the proposal to introduce a licensing scheme in the longer term to enhance regulation of private columbarium received broad support during the public consultation. However, there were divergent views over the implementation details such as the scope and level of regulation. In the light of this, the Government had to exercise prudence to ensure the appropriateness of the licensing scheme. PSFH(F) further advised that in the drafting process of the legislation, due regard had to be given to the legality of defining private columbaria as those premises/sites which stored human cremains at a charge or return; arrangements for those private columbaria in existence before the enactment date of the new legislation; as well as conditions for issuing a licence (such as whether the operator of a private columbarium was required to own the land). Members of the public had different views on the issues, particularly in respect of how to deal with the pre-existing private columbaria. Suggestions put forth included granting exemption to pre-existing private columbaria to avoid possible displacement and relocation of cremains in case of confirmed non-compliance; allowing unauthorised pre-existing private columbaria to regularise their operations within a reasonable time in order to meet the licensing conditions; and immediately scrapping the unauthorised private columbaria. The Administration had to find the appropriate point of balance amidst the various points of view expressed by the community and seek the advice of the Department of Justice where necessary.

9. PSFH(F) further said that prior to the introduction of the licensing scheme, relevant Government departments, such as the Lands Department ("LandsD") and the Planning Department ("PlanD"), would continue to take enforcement actions against unauthorised aspects of private columbarium under their respective mandate. Members of the public had to exercise caution when purchasing columbarium niches. In any case of uncertainty, consideration could be given to renting instead of purchasing the niche concerned. The public could also make reference to the two lists to be

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published by DEVB in due course which respectively set out the private columbaria known to LandsD and PlanD which were in compliance with the land lease and the statutory planning requirements (i.e. List A) and other private columbaria made known to LandsD and PlanD that did not fall under List A (i.e. List B).

10. Mr WONG Kwok-hing sought information on the Administration's timetable for publishing List A and List B. Mr Fred LI raised a similar question. The Chairman asked whether the two lists would be available within three months.

11. SFH responded that the original plan of DEVB was to publicise the land/lease and town planning information on the private columbaria known to LandsD and PlanD by the end of the three-month consultation period on 30 September 2010. However, in view of the complexity of the issues involved in assessing whether the land use of each private columbarium contravened the user restrictions in the land lease as detailed therein, the Government could consider publicising part of the information by December 2010. Such information would be updated from time to time as LandsD and PlanD would continue to review cases made known to them to assess if any of those cases should be included in the information. SFH however stressed that the information would not be exhaustive in listing out all private columbaria within the territory.

12. Holding the view that the Government should play a dominant role in the supply of columbarium facilities, Mr WONG Yuk-man enquired about the difficulties encountered by the Administration in pursuing its columbarium development projects in the past.

13. SFH advised that over the past six years, a number of columbarium projects had been shelved as a result of objection from local communities. To expedite the provision of niches, it was pointed out in the review that all districts had to collectively share the responsibility of developing columbarium facilities. This policy had gained support at the district level during consultation. Meanwhile, the Government would step up efforts to identify suitable locations for the development of columbarium facilities across the territory.

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14. At the request of Mr WONG Yuk-man, SFH undertook to provide after the meeting information on the details of the public columbarium projects shelved due to objection from local communities in the past ten years.

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Animal welfare

15. Mr Fred LI was concerned about the large number of animal euthanised by the Agriculture, Fisheries and Conservation Department ("AFCD") each year as a result of these animals being abandoned by their owners. In his view, the most effective way to tackle the problem of abandoned or stray animals was to reduce their number at source by promoting public education on responsible pet ownership.

16. SFH responded that the Administration attached great importance to animal welfare. He pointed out that there was an increasing trend of pet ownership in recent years. In the light of this, publicity efforts had been made to promote responsible pet ownership and encourage people to think twice before keeping a pet. SFH stressed that keeping a pet was a life-long responsibility. Pets should be treated as members of the family and kept properly, and should not be abandoned easily or become a source of nuisance. SFH further said that only those abandoned or stray animals which were assessed to be unsuitable for re-homing or could not be re-homed by animal welfare organisations would be euthanised. This was in line with the practice of other countries.

17. Director of Agriculture, Fisheries and Conservation ("DAFC") supplemented that AFCD had long been promoting care for animals at various levels and through different channels, including Announcements of Public Interest on television and radio, leaflets and promotional talks at schools. AFCD would step up publicity in this regard through collaboration and partnership with DCs and animal welfare organisations. It should however be pointed out that a large proportion of the stray animals caught by AFCD were offsprings of the stray cats and dogs, rather than abandoned animals. People's habit of feeding stray cats and dogs had also enabled these domestic animals to survive in public places.

18. In response to Mr LI's further enquiry as to whether, and if so, what action would be taken by the Administration to combat private dog trading activities conducted through internet, DAFC advised that regardless of whether a sale of animal was conducted through the internet, a person should not carry on business as an animal trader otherwise than under a licence and in accordance with the licensing conditions, or else the person would be liable to prosecution. AFCD would carry out enforcement actions if there was sufficient evidence of commercial sale of animals through the internet without a licence. AFCD had also promoted public awareness of the importance of not acquiring pet animals from unknown source. As an additional safeguard, people who wished to purchase a pet animal must check

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against the animal's vaccination record/certificate and the health certificate issued by registered veterinary surgeon.

19. Mr KAM Nai-wai asked about the initiatives to be introduced to enhance the adoption services for stray cats and dogs as announced in the 2010-2011 Policy Address. Mr KAM further asked whether consideration would be given to introducing a "Trap-Neuter-Vaccination-Return" programme for stray dogs, allowing vaccinated and neutered stray dogs without an owner to be returned to public places.

20. SFH responded that AFCD would continue to collaborate with animal welfare organisations to encourage and provide the public with avenues for animal re-homing. To enhance the adoption services for stray cats and dogs, the Administration would provide free neutering services for adopted ones. As regards the introduction of a "Trap-Neuter- Return" programme, SFH pointed out that the returned stray dogs might be left wandering in the street and might be prone to health problems due to lack of proper care. DCs also had differing views on the programme. According to an earlier consultation by AFCD, half of the 18 DCs supported in principle the implementation of the programme in their districts, while some others expressed objection.

21. DAFC supplemented that the Administration had taken into account various factors when devising animal management measures, including euthanasia for animals which were assessed to be unsuitable for re-homing or could not be re-homed by animal welfare organisations. First, neglected animals in public places might spread diseases such as rabies, which was a communicable disease transmissible from animals to human with a 100% mortality rate. It was estimated that 55 000 people died of rabies worldwide each year. In the Mainland, there were several thousand human deaths a year. With the implementation of animal control measures, Hong Kong had been rabies-free since 1987. Another issue of concern was the large number of stray animals caught and animals received from owners by AFCD each year, which stood at more than 10 000 and 5 000 respectively. At present, these animals would first be sent to the four animal management centres operated by AFCD, which could accommodate a total of 600 animals, for observation. DAFC further said that AFCD had been co-operating with animal welfare organisations to implement a "Trap-Neuter-Return" programme for stray cats. However, when compared to stray cats, the risk of bite and the noise nuisance caused by stray dogs were more serious. Hence, it was necessary to examine the question of responsibility that would arise upon implementation of the programme when the returned dogs caused nuisances and accidents. That said, AFCD would continue to examine the implementation details and the

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technical and legal issues involved. Upon finalising the details, AFCD would consult DCs again on their views on the programme.

22. Mr CHAN Hak-kan urged the early implementation of a territory-wide "Trap-Neuter-Return" programme for stray dogs. He pointed out that a similar contraceptive/neutering programme had already been implemented by AFCD for wild monkeys to control the growth rate of the monkey population.

23. DAFC advised that while the contraceptive/neutering programme for wild monkeys had been effective in controlling the growth rate of the monkey population, whether the implementation of a "Trap-Neuter-Return" programme could effectively control the number of stray dogs and reduce nuisance caused to the public was uncertain. He elaborated that the some 2 000 wild monkeys in Hong Kong were living in a closed ecological system in the Kam Shan and Lion Rock Country Parks and areas nearby, as opposed to stray dogs which could be found over the territory. In addition, it was illegal to feed monkeys in their habitat under the Wild Animals Protection Ordinance (Cap. 170) to avoid unnatural and rapid growth in monkey population, amongst others. However, no feeding ban was imposed on stray animals.

24. Mr CHAN Hak-kan asked whether the Administration would consider allowing the Legislative Council Members, DC members or animal welfare organisations to visit AFCD's animal management centres on a regular basis to enhance operational transparency.

25. DAFC responded that the Administration would consider Mr CHAN's suggestion, taking into account the protective measures that needed to be put in place to control the risk of virus transmission from animals to human.

26. Mr WONG Yung-kan welcomed the initiative to identify suitable sites for new pet parks as announced in the 2010-2011 Policy Address.

Pest control

27. Referring to the recent local confirmed cases of dengue fever, Mr KAM Nai-wai asked about the reason why no ovitrap was placed in the Southern District to monitor the presence of *Aedes albopictus*. He further enquired about the mosquito and rodent preventive and control work for the next summer season.

28. Director of Food and Environmental Hygiene ("DFEH") advised that this was the first time since 2003 that Hong Kong had a local outbreak of dengue fever. The Anti-Mosquito Steering Committee, comprising



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representatives from relevant bureaux and departments, had held a meeting in early October 2010 to map out measures to contain the problem. The meeting agreed that the Food and Environmental Hygiene Department ("FEHD") would explore expanding the coverage of ovitrap surveillance from the current densely populated districts to other less densely populated districts with effect from the calendar year of 2011 through internal redeployment of resources. Efforts would also be made to step up publicity to enhance public understanding of dengue fever. The alert mechanism regarding the level of Area Ovitrap Index ("AOI") would be further strengthened to facilitate public awareness of districts with relatively higher AOI. A communication platform would also be set up at district level to ensure expeditious and effective information exchange with schools and housing estates about the AOI level of the district concerned, with a view to enhancing their participation in mosquito prevention and control work.

29. As regards the rodent prevention and control measures, DFEH advised that FEHD had maintained regular exchanges with relevant organisations of other countries/cities to share experience on rodent control. More recently, rodent control experts from the Guangdong Province had visited Hong Kong in April 2010. The integrated approach adopted by Hong Kong towards rodent control was considered by experts from other places effective in putting the rodent infestation problem under control. Focusing on the rodent problems found in rear lanes which in most cases were caused by careless dumping of refuse by restaurants nearby, FEHD frontline staff would step up inspections in rear lanes with poor hygiene conditions. Efforts would continuously be made to promote to households the importance of maintaining good environmental hygiene for rodent control.

Assistance to fishermen

30. Mr WONG Yung-kan was concerned about how the Administration would ensure that the livelihood of the fishermen affected by the proposed trawl ban in Hong Kong waters could be sustained. He said that given the various restrictions imposed by the Marine Department on recreational fishing, there might be difficulty for these fishermen to switch to recreational fishing as suggested by the Administration. Mr WONG asked whether consideration could be given to assisting these fishermen to operate further afield in Nansha Islands.

31. SFH advised that the Administration had struck a balance between protecting Hong Kong's valuable marine and fisheries resources and alleviating the impact of the relevant measure on the livelihood of the trawl fishermen affected. There would be continuous discussion with the fisheries trade to

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explore the arrangement to take forward the proposal, including assisting the fishermen affected to prepare for ceasing their trawling operations in Hong Kong waters and, if they so wished, switch to operations outside Hong Kong waters or sustainable fisheries operation including aquaculture and recreational fishing.

32. Mr WONG further urged the Administration to provide training for fishermen on the records keeping requirement under the Food Safety Bill during the next fishing moratorium in mid 2011.

Strategy to control the risk of avian influenza

33. The Chairman expressed regret that the Administration's policy on banning the overnight stocking of live poultry at the retail level would remain unchanged, albeit the significant reduction of the risk of avian influenza in Hong Kong in recent years.

34. There being no other business, the meeting ended at 5:30 pm.