

立法會
Legislative Council

LC Paper No. CB(2)2512/10-11
(These minutes have been seen
by the Administration)

Ref : CB2/PL/FE

Panel on Food Safety and Environmental Hygiene

Minutes of meeting
held on Tuesday, 14 June 2011, at 2:00 pm
in Conference Room A 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 Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Hon Vincent FANG Kang, 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

Public Officers attending : Item IV

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

Mr Kevin YEUNG Yun-hung
Principal Assistant Secretary for Food and Health (Food) 1

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

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

Dr KWONG Kwok Wai, Heston
Assistant Director of Health (Special Health Services)
Department of Health

Item V

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

Mr Kevin YEUNG Yun-hung
Principal Assistant Secretary for Food and Health (Food) 1

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

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

Item VI

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

Mr Kevin YEUNG Yun-hung
Principal Assistant Secretary for Food and Health (Food) 1

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

Dr WONG Kai Hay, Howard
Principal Veterinary Officer (Acting)
Agriculture, Fisheries and Conservation Department

Item VII

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

Miss Diane WONG Shuk-han
Principal Assistant Secretary for Food and Health (Food) 2

Ms CHU Lan-ying
Assistant Director (Operation) 3
Food and Environmental Hygiene Department

Mr YUEN Ming Chi
Pest Control Officer-in-charge
Food and Environmental Hygiene Department

Clerk in attendance : Mrs Sharon TONG
Principal Council Secretary (2)

Staff in attendance : Miss Kitty CHENG
Assistant legal Adviser 5

Mr Jove CHAN
Senior Council Secretary (2) 8

Ms Mina CHAN
Council Secretary (2) 7

Ms Michelle LEE
Legislative Assistant (2) 7

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I. Confirmation of minutes
(LC Paper No. CB(2)1935/10-11)

The minutes of the meeting held on 12 April 2011 were confirmed.

II. Information paper(s) issued since the last meeting
(LC Paper Nos. CB(2)1846/10-11(01), CB(2)1864/10-11(01),
CB(2)1948/10-11(01), CB(2)1948/10-11(02), CB(2)2019/10-11(01),
CB(2)2022/10-11(01) and CB(2)2037/10-11(01))

2. Members noted that the following papers had been issued since the last meeting -

- (a) a letter from Mr P.A. CRUSH concerning the authority of licensing officers of the Food and Environmental Hygiene Department dated 16 May 2011;

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- (b) the Administration's response on the illegal occupation of public place for business extension by shops and the exposure of food for sale in food premises;
- (c) a letter from West Island School on trawl ban in Hong Kong waters dated 12 May 2011;
- (d) a copy of one of the 30 similar letters from students of Clearwater Bay School on trawl ban in Hong Kong waters dated 16 May 2011;
- (e) a letter from Mr P.A. CRUSH concerning the authority of licensing officers of the Food and Environmental Hygiene Department dated 1 June 2011;
- (f) a referral from Legislative Council Members' meeting on 12 May 2011 with the Wong Tai Sin District Council members on the illegal occupation of public place for business extension by shops and food premises; and
- (g) a letter from Hong Kong Underwater Association on trawl ban in Hong Kong waters dated 8 June 2011.

III. Items for discussion at the next meeting

(LC Paper Nos. CB(2)1995/10-11(01) and (02))

3. Members agreed to discuss the following items at the next meeting to be held on 12 July 2011 -

- (a) Imported Game, Meat, Poultry and Poultry Egg Regulation under the Food Safety Ordinance (to receive deputations' views);
- (b) Implementation of the Nutrition Labelling Scheme;
- (c) Regulation on pesticide residues in food; and
- (d) Pesticides (Amendment) Bill.

4. Mr KAM Nai-wai said that liquor policy review had not been included in the agenda for the next meeting. He expressed worry that the amendments to the relevant legislation could not be completed in the current term of the Legislative Council ("LegCo").

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5. Under Secretary for Food and Health ("USFH") responded that, as reported at the last meeting in May 2011, the Administration would meet with the Central and Western and the Yau Tsim Mong District Councils ("DCs") on the subject matter before reverting to the Panel. He advised that both DCs had scheduled the meetings for mid-July 2011.

6. In view of the heavy agenda, the Chairman suggested and members agreed that the next meeting would be held from 2:00 pm to 4:30 pm.

IV. Briefing on measures to follow up on the Plasticizer contamination incident in Taiwan

(LC Paper Nos. CB(2)1995/10-11(03), CB(2)1995/10-11(04), CB(2)2050/10-11(01), CB(2)2050/10-11(02) and LS 77/10-11)

7. USFH briefed members on the updated position of the plasticizer contamination incident in Taiwan and the follow up actions that had been taken by the Centre for Food Safety ("CFS") as detailed in the Administration's paper. He said that as at 13 June 2011, CFS had tested a total of 204 samples of food products. Plasticizers were detected in 32 of them, including samples of sport drinks, flavoured juice, tea beverage, fruit jam/syrup, drink premix, square cookies and sesame oil in instant noodle packs. 152 samples did not contain plasticizer, while the results of 20 samples were not yet available.

8. Controller, Centre for Food Safety ("Controller, CFS") added that in addition to di(2-ethylhexyl)phthalate ("DEHP"), two other plasticizers namely di-isononyl phthalate ("DINP") and di-butyl phthalate ("DBP") were also detected in recent food tests. She informed members that both DINP and DBP were phthalate plasticizers used in manufacturing polyvinyl chloride (PVC) products. Generally, DINP could migrate from food packages to the food, or enter the food chain via environmental contaminant which could be found in air, water, soil and food. DBP could be found in food packaging materials, as well as other household products including carpet, paints, glue, insect repellents, hair spray and nail polish, etc. Controller, CFS further said that the acute toxicity of DINP and DBP was low. DINP would affect the liver and kidney of experimental animals and their development. Chronic large-dose exposure to DBP was found to affect the reproduction and development of and cause birth defect in experimental animals. However, no relevant human data on the carcinogenicity of DINP and DBP were currently available.

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9. Controller, CFS advised that with reference to the Specific Migration Limit set by the European Food Safety Authority ("EFSA"), CFS had adopted 9 parts per million ("ppm") and 0.3 ppm as the action level for DINP and DBP respectively to distinguish contamination caused likely by adulteration or by migration via food contact materials. When a food sample was detected exceeding the action level, it would be assessed against the safety reference value, i.e., the tolerable daily intake ("TDI") of EFSA. (which were 0.15milligramme ("mg") per kilogramme ("kg") body weight and 0.01mg per kg body weight respectively for DINP and DBP) Controller, CFS said that DBP had been found exceeding TDI in a sample of a sport drink and an order was made under section 78B of the Public Health and Municipal Service Ordinance (Cap. 132) on 13 June 2011 to prohibit the import into and supply of it within Hong Kong with effect from 12:00 noon on 14 June 2011.

10. Mr Fred LI expressed worry that people might have accumulated plasticizers that existed in a wide range of different food products, of which the amounts did not exceed TDI individually, in their bodies that threatened their health. He asked whether the Administration would include DINP, DBP and any other plasticizers to be detected in Taiwan in CFS's routine food surveillance.

11. Mr Fred LI further said that DBP generally existed in plastic food containers and it had also been found in a sample of instant noodle as reported by the media. It had been reported that DBP would affect the reproduction of men and cause precocity to children. Mr LI opined that there was limited public education on the health threat caused by plasticizers. He asked whether the Administration would provide the public with more information on the proper use of plastic food containers, plastic wrap, etc., and whether it was safe to consume instant noodles.

12. USFH responded that plasticizers were endocrine disruptors which had been known in scientific literatures for decades. When the existence of plasticizer in a food sample exceeding the action level, it would be assessed against TDI as to whether it was harmful to health. USFH advised that CFS had strengthened its surveillance and testing of the five categories of food that the use of plasticizers as a substitute for clouding agent in Taiwan was known. In addition, CFS had reinforced its inspection on other food products with intelligence of high risk of possible plasticizer contamination.

13. USFH further advised that the seasoning pack was an example of these high risk food products. He said that prior to the report on instant noodle made by the media, CFS had already taken samples of instant noodle for testing of plasticizer. USFH stressed that CFS would continue the testing on

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food with high risk of possible plasticizer contamination. Controller, CFS added that with reference to the information received from the Taiwanese authority, the Government Laboratory was currently testing the existence of six types of plasticizer which were suspected of being used in food.

14. In response to Mr Fred LI's concern about the safety of food containers, Controller, CFS advised that there were specifications on the use of food package materials, such as the heat endurance, suitability for reheating by microwave and the types of food that could be contained. She said that CFS had conducted risk assessment studies on food containers to test the leaching of contaminants in disposable containers for takeaway meals, containers of cup noodle and melamine-tableware procured by local restaurants, and the results were satisfactory. Controller, CFS further advised that CFS had been publicizing the proper use of disposable cutlery and crockery. She stressed that consumers should be aware of heat endurance of food containers and should not use expanded polystyrene containers for hot food which was over 100 degree Celsius, and not to use it with microwave oven or otherwise chemical substance might leach from the container.

15. Mr WONG Kwok-hing, opined that the Administration was passive and responded insensitively to the plasticizer contamination incident. He commented that the Administration had not responded to the incident seriously when it was initially reported by the media. Not until the alert of the incident had elevated, the merchants concerned had been prosecuted and Mr MA Ying-jeou had engaged in the destruction of contaminated food in Taiwan, did the Administration prohibit the import into and supply of plasticizer contaminated food within Hong Kong and include plasticizer in CFS's routine food surveillance. Mr KAM Nai-wai and the Deputy Chairman echoed Mr WONG's view.

16. USFH did not agree that the Administration insensitively responded to the incident. He said that the Administration had been monitoring the situation and reacted in accord with its latest development. He stressed that once the incident was reported in Taiwan, the Administration had immediately informed the local traders and conducted a few briefing sessions on the incident for them. The Administration had already commenced its surveillance by taking samples of the five categories of high risk food products prior to the prosecution against the merchants concerned and the destruction exercise of contaminated food in Taiwan. USFH further said that there were so many food choices in Hong Kong and it was not feasible for CFS to test the existence of all chemical substance in all kinds of food. CFS had been adopting risk management approach to take samples of high risk food products for testing the soonest and at the widest scope.

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17. Mr WONG Kwok-hing also expressed worry whether CFS had adequate manpower to simultaneously cope with the increased workload arising from the Daiichi nuclear power plant incident in Japan and the plasticizer contamination incident. He queried whether other food surveillance tasks had been affected when resources were re-deployed for the bombshell incidents.

18. Controller, CFS said that CFS had employed around 20 temporary staff who were retired health inspectors with experience in food control and inspection. She would review the manpower need and seek additional manpower when necessary. Controller, CFS added that the routine testing on food additives had been reduced to spare manpower for the plasticizer contaminants testing.

19. The Chairman and Mr WONG Kwok-hing expressed the view that additional equipments would also be needed for the extra testing tasks by CFS and the Government Laboratory. They requested the Administration to provide information on its plan for additional manpower and equipments for food safety control after the meeting.

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20. Mr KAM Nai-wai enquired about the ratio of manpower arranged to conduct testing of plasticizer contaminants and its impact on routine food surveillance. USFH said that as reported at previous meeting, certain routine testings had been subcontracted to recognized private laboratories to allow flexibility in deploying manpower to cope with major food incidents. Although it was feasible for CFS to deploy extra manpower and equipments to flexibly cope with major food incidents as Mr KAM suggested, for cost effectiveness, these extra manpower and equipments would be fully used for routine surveillance food tests when there was no major incidents. Therefore, when another food incident subsequently occurred, certain parts of manpower and equipment would be used to cope with the incident and this would inevitably affect the routine testing by that time.

21. Mr KAM Nai-wai further asked whether CFS had inspected the existence of plasticizer contaminants for relevant food products imported from the Mainland. Controller, CFS responded that as at 13 June 2011, among the 204 samples which had been tested for plasticizer contaminant, more than 50 of them were manufactured in the Mainland. In routine food surveillance, around 20 samples were tested daily for food additives including colouring agents, sweeteners and preservatives, their passing rate were consistently high. At present, quota for food additives was used for plasticizer contaminant testing. Controller, CFS further said that CFS adopted a risk assessment approach to decide on the sampling pattern in

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accordance with the risk level of the food products. Currently, those samples which failed the testing were all manufactured in Taiwan or made with ingredients imported from Taiwan. Therefore, stress should be put on Taiwanese food products and at the same time, samples of food products from other origins would also be tested.

22. Mr Alan LEONG queried whether the action level of 1.5 ppm in food for DEHP was too loose for food safety control, while it was 0.006 ppm for drinking water in the United States and 1 ppm for general food products in Taiwan. Controller, CFS responded that the action level of 1.5 ppm was endorsed by the Expert Committee on Food Safety (Expert Committee) with reference to overseas regulations and literatures. She said that the requirement for drinking water was much stringent. With reference to the specific migration limit of DEHP set by EFSA and the TDI set by World Health Organization ("WHO"), the Expert Committee considered that it was appropriate to adopt the action level of 1.5 ppm, and such a level was adequate to protect public health.

23. Mr Alan LEONG said that the Mainland deemed to be the largest importing country of plasticizers. He enquired whether the Administration had any information on the use of plasticizers in the Mainland. USFH responded that the Administration did not have such information. USFH said that plasticizer was normally used for producing plastic. There were many products manufactured in and exported from the Mainland, and he did not see any correlation between food safety and the amount of plasticizers imported into the Mainland.

24. Mr Alan LEONG expressed concern about the amount of plasticizers existed in food containers. He was worried that higher amount of plasticizers would dissolve into the food if they were stored for a long time. USFH said that there were risk assessment studies on food containers by CFS to monitor the safety use of them.

25. Mr LEONG further asked whether the Administration had tested the existence of plasticizers in cosmetic products, particularly lipsticks, which might be ingested unintentionally. The Deputy Chairman shared Mr LEONG's view and opined that the Administration should examine the level of plasticizers in lipstick. USFH said that safety control of cosmetic products were not under the mandate of the Food and Health Bureau. He would convey the concern of Mr LEONG and the Deputy Chairman to the relevant bureau after the meeting and revert to the Panel.

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26. The Deputy Chairman raised the following issues -

- (a) whether the action level of 1.5 ppm in Hong Kong was acceptable while it was 1 ppm in Taiwan, and whether it was the same as WHO's standard;
- (b) for the different body size, 1.5 ppm might be too high for the Asian even though it was suitable for the European and the American, and the Administration should take a more stringent approach in setting the action level;
- (c) whether an action level of 1 ppm in Hong Kong would be acceptable to the Mainland authority, and why the Administration did not follow the practice of the Mainland authority that when similar food safety incidents occurred in the Mainland, the local authority would usually ban the operation of the concerned manufacturers immediately; and
- (d) what the communication means between the Administration and the Mainland authority in carrying out the food safety control measures were, and whether the Administration would enhance the cooperation with the Mainland.

27. USFH and Controller, CFS responded as follows -

- (a) when scientists determine the safety standards (through standardized procedures including animals studies and experiments,) they usually divided the value of maximum intake level for human by a hundred to a thousand for a high safety margin. Therefore, it was understandable and acceptable for minor difference in action levels set by different authorities;
- (b) in setting the action level of 1.5 ppm in food for DEHP, the Expert Committee had considered a number of factors including the food contact materials specific migration limit, the food consumption of Hong Kong people, WHO's TDI of DEHP, EFSA's TDI and the difference in body weights among Asian, European and American. The TDI of DEHP set by WHO (i.e. 0.025 mg per kg body weight per day), which was a more stringent requirement than that established by EFSA (i.e. 0.05 mg per kg body weight per day) was used;

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- (c) the action level was a reference to indicate that the existence of plasticizers was probably caused by adulteration instead of migration from food packaging materials. The action level would be reviewed in the long run when more data on overseas food surveillance and local food testing results were available; and
- (d) the Administration had established point-to-point working relationship with the Mainland authority and maintained close liaison with the Mainland authority on the plasticizer contamination incident.

28. The Chairman said he understood that plasticizers were used as additives to resolve precipitation and as substitutes for syrup at lower cost. He enquired whether the Administration would inspect all kinds of drinks from all origins which involved the use of sugar and clouding agents in the long run. Controller, CFS said that the Taiwanese authority had conducted criminal investigation into the incident and advised that the concerned suppliers of plasticizer contaminated food ingredient tried to save their production cost by using plasticizers to replace clouding agents for emulsification and additive of flavours. The Taiwanese authority had provided information of the five categories of food products which used clouding agents. CFS had been testing samples of these five categories of food products imported from Taiwan and other places.

V. Proposals to restrict the presence of prohibited substances in dried milk, condensed milk and reconstituted milk
(LC Paper Nos. CB(2)1995/10-11(05) and (06))

29. USFH briefed members on the proposal to amend the Harmful Substances in Food Regulations (Cap. 132AF) to extend the prohibition on the presence of certain substances to cover dried milk, condensed milk and reconstituted milk as detailed in the Administration's paper.

30. Mr WONG Kwok-hing was supportive of the proposed amendments. He enquired whether the Administration would consider including in this proposal soy milk which was alleged being suitable for children and infants. USFH advised that the proposed amendment regulation targeted at prohibiting the exogenous sex hormones which were animal drug residues in milk products. There was no apparent need to include soy milk in the proposed regulation as animal drugs would not be used on soy bean. USFH added that even if sex hormones existed in products made with soy bean, it

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would be regulated by section 54 of the Public Health and Municipal Services Ordinance (Cap. 132).

31. Mr WONG Kwok-hing further enquired whether the food products manufactured with milk as an ingredient would be included in the proposal. USFH affirmed that the milk ingredient of such products would be regulated by the proposed amendments.

32. Mr Fred LI said that the proposed amendments were neither controversial nor complicated. For the protection of public health, he asked whether the Administration could submit the legislative proposal earlier than the its planned timing of the end of 2011. USFH responded that at present, public health could be protected under section 54 of Cap. 132 in cases where milk product were found intended for, but unfit for, human consumption. However, Cap. 132AF did not include dried milk, condensed milk and reconstituted milk and therefore the Administration proposed to amend it to cover them. He stressed that the proposed amendments were offering double protection. USFH further said that, after seeking the Panel's views on the proposal, the Administration would consult Consulate Generals of countries where dried milk, condensed milk and reconstituted milk were imported from. The Consulate Generals would need time to disseminate information of the proposed amendments to the manufacturers in their countries.

33. Mr Fred LI enquired whether any tolerable range for the existence of sex hormone in milk had been set. Controller, CFS said that under section 54 of Cap. 132, when sex hormone was detected in milk products, CFS would need to assess whether the concerned food product was unfit for human consumption. If found unfit, prosecution action would be taken. However, under the amendment regulation, the Administration could prohibit the supply of the concerned food product immediately when sex hormone was detected.

34. The Chairman opined that there should be zero tolerance to the addition of sex hormone to milk products. He echoed Mr Fred LI's view that the Administration should submit the proposed amendment regulation to LegCo soonest. As the milk products had been persistently tested and no incident had occurred so far, he expected that the foreign dried milk, condensed milk and reconstituted milk manufacturers would not need much time to prepare for the implementation of the amendment regulation.

35. The Deputy Chairman enquired whether the existence of plasticizers in milk products was tested. USFH and Controller, CFS advised that according to the risk management approach, food products involving the use of

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clouding agent, including certain milk products such as pudding powder, were tested. Controller, CFS said that CFS might further study the risk of plasticizer contamination in milk and consider the need for including milk products in its surveillance.

36. Concluding the discussion, the Chairman said that members belonging to the Democratic Party, Liberal Party and the Democratic Alliance for the Betterment and Progress of Hong Kong had expressed support for the proposal.

VI. Proposed measures to further enhance animal welfare
(LC Paper Nos. CB(2)1995/10-11(07) and (08))

37. USFH briefed the Panel on the Administration's policy on animal welfare and management, as well as the proposed measures to further enhance its work in this area as detailed in the Administration's paper.

38. While expressing appreciation for the Administration's proposed measures to protect the cattle's welfare, Mr WONG Kwok-hing raised the following questions -

- (a) whether the neutered cattle would be marked;
- (b) whether consideration would be given to locating some areas to keep the stray cattle;
- (c) whether assistance would be provided to the organizations which had adopted the stray cattle; and
- (d) whether consideration would be given to delivering the stray cattle to the Mainland for farming.

Noting that the captured cattle might be slaughtered if found suitable to enter the food chain, Mr WONG sought clarification in this regard.

39. USFH expressed gratitude to Mr WONG Kwok-hing for his acknowledgment of the Administration's work on animal welfare. On whether the neutered cattle would be marked, USFH answered in the affirmative and assured members that stray animals were neutered under stringent procedure. USFH explained that cattle could be classified into two types, namely buffaloes and brown cattle. As buffaloes were likely to be more aggressive when compared to brown cattle and would pose potential

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threat to human being, regulatory measures would be taken against them. He advised that there had been cases where the stray cattle were slaughtered for human consumption.

40. Assistant Director (Inspection and Quarantine) of Agriculture, Fisheries and Conservation Department ("AD(I&Q)/AFCD") supplemented that stray cattle caught by AFCD would be handled in accordance with statutory procedure. A notice would be published in the Gazette for the owners to reclaim them. If the captured cattle remained unclaimed within seven days of the notice, arrangements would be made for the cattle to be auctioned or adopted. The cattle sold would be slaughtered by the cattle traders if they were considered healthy and suitable for human consumption. To ensure that the adopted cattle were properly treated, inspection/visit to the adopters would be conducted. In case of emergency or illness, AFCD would be delighted to offer help to the adopters. As regards identifying some locations to keep the stray cattle, AD(I&Q)/AFCD advised that AFCD had relocated stray cattle from Sai Kung to some remote areas where they would not cause much nuisance to the public. Some buffaloes had also been caught in Lantau Island and were found to be beneficial to the wetland. They could be moved to the wetland to facilitate bird foraging by turning over the soil. On the suggestion of delivering the stray cattle to the Mainland, AD(I&Q)/AFCD said that it could be considered, but liaison with the Mainland authorities was required on the quarantine and inspection arrangement for the cattle and their suitability for farming, etc.

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41. Mr Fred LI welcomed the Administration's proactive measures on animal welfare and supported the early implementation of the "Trap-Neuter-Release" ("TNR") pilot scheme. He requested the Administration to keep the Panel informed of the implementation details of the trial scheme such as commencement date and selected districts when available. Noting that the number of animals euthanized by AFCD was dropping, Mr LI expressed appreciation for the efforts made by the Administration in this regard. He suggested that the Administration should gauge the views of some small animal welfare organizations ("AWOs") other than the large ones, such as the Society for the Prevention of Cruelty to Animals, during consultation. Mr LI also raised concern about "hobby breeders" who engaged in pet breeding for trading purpose by taking advantage of the loophole under the existing legislation. He called on the Administration to tighten up regulation of them. Mr LI sought the details such as prosecution dates and types of the successful prosecution cases under the Public Health (Animals and Birds) (Animal Traders) Regulations (Cap. 139B) ("the Regulations") as stated in paragraph 7 of the Administration's paper.

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42. USFH thanked Mr Fred LI for his opinions and said that the details of the successful prosecution cases would be provided after the meeting. Concerning the TNR pilot scheme, USFH advised that there were two AWOs partnering with the Administration to conduct the TNR pilot scheme. The Administration was working with them on an independent evaluation mechanism for assessing the effectiveness of the pilot scheme and looking for suitable sites for the operation of the scheme. Relevant District Councils would be consulted before the commencement of the trial scheme. As regards Mr LI's concern about "hobby breeders", USFH said that the Administration had briefed members at previous Panel meetings on the proposed amendments to the Regulations to tighten the control over pet breeders. For example, documentary proof was required from a practicing veterinarian that the dog being sold was the offspring of a dog covered by a dog licence and was properly vaccinated; and the seller should only keep a single dog breed with not more than two entire bitches. The Administration was keeping a close watch on the effectiveness of these new measures in combating illegal animal trading activities, and would report to the Panel in due course in order to consider whether further control on pet trade was required.

43. Mr Fred LI was supportive of the Administration's proposal to cease the service for the Animal Management Centres of AFCD to take on animals surrendered by pet owners as such service indirectly encouraged the pet owners to give up their pets. He suggested that some requirements should be imposed by AFCD on pet owners who requested the service, except the elderly who were unable to keep their pets.

44. USFH said that there was a wide public concern over animal protection, and it was hoped that people would be more aware of their lifelong responsibility for their pets. It would be very difficult to create public consensus on the issue if without the enhanced measures on animal welfare.

45. Noting that the number of animals re-homed by AFCD through its partner organizations had increased by some 25% as compared with the same period in 2009-2010, the Deputy Chairman asked about the following -

- (a) the number of abandoned animals this year;
- (b) the health condition of animals to be adopted;
- (c) the types and numbers of animals re-homed by AFCD; and
- (d) the assistance in respect of insurance provided to AWOs involved

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in the TNR pilot scheme.

46. USFH advised that preliminary consensus had been reached on the aspects, such as legislation and insurance coverage, between the Administration and the two partner organizations of the TNR pilot scheme. The Administration was working with them on the selection of districts that were suitable for the operation of the trial scheme and its assessment, as well as the evaluation method and criteria to assess the effectiveness of the scheme.

47. As regards the re-homing of animals, AD(I&Q)/AFCD advised that about 10% of the animals kept by AFCD were adopted in 2010 and a few of them were reptiles and rabbits apart from dogs and cats. AFCD would ensure that they were vaccinated and healthy before adoption.

48. Whilst welcoming the Administration's proactive measures on animal welfare, Mr Alan LEONG raised the following issues -

- (a) why the proposal to increase the penalty for illegal trading of animal and breaching of licensing conditions referred to paragraph 9(a) of the Administration's paper, which had been put forward by the Administration years ago and had gained the support of members, was still under consideration;
- (b) the legislative timetable for amending the Prevention of Cruelty to Animals Ordinance (Cap. 169) ("PCAO") as proposed in paragraph 25 of the Administration's paper; and
- (c) the rationale behind one of the conditions under which the TNR pilot scheme would be suspended (i.e. serious accident(s) caused by one or more subject dogs of the pilot scheme which leads to public outcry).

49. USFH responded as follows -

- (a) the Administration had briefed the Panel several years ago on a series of measures to enhance regulation on the pet trade by increasing the penalty and tightening the licensing conditions. The trade and AWOs had been widely consulted on these initiatives, but had yet to reach a consensus. With an increased public awareness of animal welfare and protection, the Administration hoped that the proposed amendments to the Regulations could be reconsidered and implemented;

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- (b) the Administration could not come up with a concrete timetable for amending PCAO at this stage, but would take forward the proposals as soon as possible. As the Administration had to listen to the views from various sectors in order to strike a balance of interests among different parties, it would report to the Panel in due course; and
- (c) during the trial period, the Administration was deeply concerned about whether there would be emergence of public health risks, such as the outbreaks of rabies; complaints regarding animal nuisance or animal welfare arising from the pilot scheme; serious procedural irregularities or non-compliance with the agreed protocol; or serious accident(s) caused by one or more subject dogs of the pilot scheme which led to public outcry. Though any accidents caused by dogs were not necessarily related to the pilot scheme, the Administration would suspend the scheme if any of the above circumstances occurred in order to study the incidents involving subject dogs and consider whether the scheme should continue.

50. Mr Alan LEONG asked whether the legislative work on animal welfare could be completed before the current term of the LegCo ended in 2012. USFH said that it was difficult to indicate whether the relevant legislation could be passed within the next legislative session while the proposed amendments were still under consideration. However, the Administration would expedite the legislative work.

51. In closing, the Chairman said that a concern group on animal abuse was established under the Liberal Party. The concern group would be delighted to offer assistance to the Administration where necessary.

VII. Mosquito prevention and control measures
(LC Paper Nos. CB(2)1995/10-11(09) and (10))

52. USFH briefed the Panel on the up-to-date progress of the Administration's work in mosquito prevention and new control measures launched by the Food and Environmental Hygiene Department ("FEHD") in 2011 as detailed in the Administration's paper.

53. Mr WONG Kwok-hing asked whether the Administration had investigated the reason for the high Oviposition Trap ("ovitrap") index of 22.2% in Tung Chung in July 2010, and whether the Administration would

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reinforce the surveillance and control measures in the districts, e.g., Chai Wan West, Happy Valley, Pokfulam, etc., where cemeteries were located.

54. Pest Control Officer-in-charge ("PCO") responded that water might have accumulated in open-cut drains, manholes, and key holes of drainpipe covers, etc. in Tung Chung and caused the high mosquito breeding. The situation could be improved by clearing the accumulated water. USFH said that the overall ovitrap indices in 2010 were lower than the average of indices from 2000 to 2009. The situation had been improved as the public were more concerned about mosquito prevention and control. He added that the mosquito problem was not particularly significant in cemeteries and columbaria. High mosquito breeding also occurred at other locations such as construction sites, countryside with stagnant water, etc. People should take precaution and control actions, especially during the peak season of mosquito breeding which started in June.

55. Mr TAM Yiu-chung said that the mosquito problem had been greatly alleviated in recent years. He commended that FEHD had arranged workers to clear accumulated water and apply larvicides immediately when complaints were received. Mr TAM asked whether there was a trend of dengue fever becoming endemic in Hong Kong. He also requested information on the ratio of mosquitoes carrying viruses of dengue fever and Japanese encephalitis.

56. USFH responded that according to the data available from the Centre for Health Protection, there was no sign that dengue fever had become an endemic disease in Hong Kong. He advised that *Aedes aegypti*, which was the most effective vector for transmitting yellow fever and could be commonly found in South East Asia, was not common in Hong Kong.

57. Mr KAM Nai-wai said that the media had reported in recent years that certain ovitraps had been interfered and certain mosquito control teams had not duly performed their duties. He sought the following information -

- (a) the number of anti-mosquito teams;
- (b) how the anti-mosquito teams were managed to ensure that they duly performed their duties;
- (c) the measures for preventing the ovitraps from being interfered; and
- (d) whether there were special anti-mosquito measures or extra

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manpower for anti-mosquito work in districts where the ovitrap indices had been maintaining at over 10%, and where the indices had exceeded 20%.

58. USFH, Assistant Director (Operation) 3 and PCO responded as follows

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- (a) there were around 700 in-house staff and 1 200 contractor staff responsible for anti-mosquito work in FEHD;
- (b) FEHD in-house staff were supervised by officers of higher ranks, while contractors were required to submit regular operations plans and reports. Regular and surprise inspections were conducted to ensure that contractors followed the anti-mosquito work plan;
- (c) preventive measures, e.g., ovitrap cover, wind bridge, etc., had been put to ovitraps in recent years to lower the intentional and unintentional interference; and
- (d) more frequent anti-mosquito actions would be taken when reports or complaints were received from the public, and when the indices were maintaining at higher level or exceeded the alert level of 20%.

59. The Deputy Chairman said that in addition to mosquito, complaints on insect bites caused by biting midges were received from time to time, particularly in countryside districts. He enquired how the biting midges would be suppressed.

60. PCO advised that biting midges bred in humid places with decaying vegetation. Their flight distance was short and usually less than 100 feet from their breeding grounds. Keeping the moisture content of soil surface low by regular removal of rotten vegetation, ploughing of wet soil and combing of branches and leaves to allow sunshine on soil could prevent breeding of biting midges and reduce their nuisances. He said that people might use yellow adhesive tape or carbon dioxide releasing devices to trap the biting midges.

61. The Deputy Chairman enquired whether insecticide could kill the biting midges, and whether the Administration would further promote insect control measures for biting midges. PCO said that the effectiveness of insecticide on biting midges was insignificant. Information on biting midges

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control was available on the website of FEHD. FEHD officers would also explain to the residents during their on-site inspections.

VIII. Any other business

62. There being no other business, the meeting ended at 4:25 pm.

Council Business Division 2
Legislative Council Secretariat
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