

**Panel on Food Safety and Environmental Hygiene**

**List of outstanding items for discussion**  
(Position as at 6 April 2011)

<b>Subject</b>	<b>Proposed timing for discussion</b>
<b>1. Imported Game, Meat, Poultry and Poultry Egg Regulation under the Food Safety Bill</b>	May 2011
Item proposed by the Administration to extend the import control for game, meat, poultry under the Imported Game, Meat and Poultry Regulations (Cap. 132AK) to cover poultry eggs.	
<b>2. Proposed measures to further enhance animal welfare</b>	May 2011

Item proposed by the Administration.

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.

<b>Subject</b>	<b>Proposed timing for discussion</b>
<b>3. Progress of the implementation of the recommendations of the Committee on Sustainable Fisheries</b>	June 2011

The Panel was briefed on the Report of the Committee on Sustainable Fisheries at the meeting on 11 May 2010. Members agreed that the Panel should follow up with the progress of the implementation of the recommendations of the Committee.

<b>4. Fees and charges review of the Agriculture, Fisheries and Conservation Department</b>	To be confirmed
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Item proposed by the Administration. The Administration has advised that it will take the opportunity to report the outcome of its review mentioned below.

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.

<b>5. Street hawking activities</b>	To be confirmed
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Item proposed by the Administration.

At the meeting on 12 January 2010, Hon WONG Kwok-hing suggested the Panel to discuss the Administration's policy on hawking activities, including the determination of the locations of hawking blackspots and the designation of new hawker permitted places at a future meeting.

<b>Subject</b>	<b>Proposed timing for discussion</b>
<b>6. Regulation of veterinary drugs in food</b>	To be confirmed
<p>Item proposed by the Administration in the 2007-2008 legislative session.</p>	
<b>7. 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 EDC 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.</p>	
<b>8. Review of the structure of the Food and Environmental Hygiene Department and the Agriculture, Fisheries and Conservation Department</b>	To be confirmed
<p>At its meeting on 17 October 2005, the Panel was briefed on the Administration's plan to re-organise the Food and Environmental Hygiene Department ("FEHD") and the Agriculture, Fisheries and Conservation Department ("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</p>	

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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 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's 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

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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.

**9. 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 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.

**10. 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.

	<b>Subject</b>	<b>Proposed timing for discussion</b>
<b>11.</b>	<b>Control measures against food businesses operating without licence</b>	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 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.

<b>Subject</b>	<b>Proposed timing for discussion</b>
<b>12. Recommendations of Team Clean's Final Report on Measures to Improve Environmental Hygiene in Hong Kong</b>	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
- (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.

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| <b>13. Regulating and monitoring the activities of oyster culture in Hong Kong</b>  | To be confirmed                           |
| <p>At the meeting on 9 February 2010, in the light of the concerns raised by Hon WONG Yung-kan, the Chairman suggested that the issue of regulating and monitoring the activities of oyster culture within Hong Kong waters should be discussed by the Panel at a future meeting.</p>   |   |
| <b>14. Regulation of pesticide</b>  | To be confirmed                           |
| <p>Hon Albert CHAN had written to the Administration about his concern over the regulation of pesticide on 8 December 2010. Upon receipt of the Administration's response on 17 December 2010, Hon Albert CHAN considered it necessary for the Panel to discuss the subject. At the meeting on 11 January 2011, members agreed to follow up the matter at a future meeting.</p> |   |

**Items proposed by the Administration for discussion in the 2010-2011 session [LC Paper No. CB(2)377/10-11(01)]**

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| <b>1. Food business licences</b>                           | June 2011 |
| Item proposed by the Administration.                       |           |
| <b>2. Implementation of the Nutrition Labelling Scheme</b> | July 2011 |
| Item proposed by the Administration.                       |           |
| <b>3. Pesticide residue in food</b>                        | July 2011 |
| Item proposed by the Administration.                       |           |