

立法會
Legislative Council

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by the Administration)

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Panel on Food Safety and Environmental Hygiene

Minutes of special meeting
held on Thursday, 20 October 2011, at 8:30 am
in Conference Room 1 of the Legislative Council Complex

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 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

Members absent : Hon Alan LEONG Kah-kit, SC
Hon WONG Yuk-man

Public Officers attending : Item I

Dr York CHOW Yat-ngok, GBS, JP
Secretary for Food and Health

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

Mr Philip CHAN
Deputy Secretary for Food and Health (Food) 2

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

Mr Clement LEUNG, JP
Director of Food and Environmental Hygiene

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

Dr SIN Wai-mei
Government Chemist (Acting)
Government Laboratory

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

Staff in attendance : Miss Carrie WONG
Assistant Legal Adviser 4

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. Briefing by the Secretary for Food and Health on the Chief Executive's 2011-2012 Policy Address
(LC Paper No. CB(2)67/11-12(01))

Secretary for Food and Health ("SFH") briefed Members on the new initiatives set out in the 2011-2012 Policy Agenda in relation to food safety and environmental hygiene as well as the progress of implementing on-going initiatives set out in past Policy Agenda, as detailed in the Administration's paper.

(Post-meeting note: SFH's speaking note was subsequently issued vide LC Paper No. CB(2)131/11-12(01) on 21 October 2011)

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Columbarium development

2. The Deputy Chairman, Mr Fred LI and Mr KAM Nai-wai raised concern about the regulation of illegal columbaria. They asked for the following information -

- (a) the views received from the public consultation on how the pre-existing private columbaria should be regulated;
- (b) whether the Administration would allow the unauthorized columbaria, which were unlikely to obtain any licences, to continue their business; and
- (c) how the Administration would assist the consumers who had purchased niches at the unauthorized columbaria to relocate the cremains concerned and whether the Administration would liaise with the trade on the arrangement of relocating the cremains from unauthorized columbaria.

3. SFH and Permanent Secretary for Food and Health (Food) ("PSFH(F)") responded as follows -

- (a) the views received in the public consultation conducted between July and September 2010 were generally in support of a licensing scheme to enhance regulation of private columbaria. However, views over the scope and intensity of regulation under the licensing scheme and the arrangement for pre-existing private columbaria were divergent. Certain people who had purchased niches at pre-existing private columbaria suggested a pragmatic approach to regulate private columbaria as they were worried that they might need to relocate the cremains, while the neighbouring residents of private columbaria supported a more stringent licensing mechanism to regulate private columbaria;
- (b) the Development Bureau ("DEVB") was responsible for enforcement against private columbaria which were in breach of the restrictions in the land leases and the statutory town planning requirements. Since the restrictions in question varied from case to case, the Lands Department and Planning Department had to study and analyze the cases individually. Private columbaria breaching the restrictions in the land leases and the statutory town planning requirements should apply to the Departments or the Town Planning Board, as the case may be, for regularization in order to rectify their breaches; and

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(c) DEVB regularly provided updated information on private columbaria for the public to identify private columbaria which were compliant with user restrictions in the land leases and the statutory town planning requirements and were not illegally occupying Government land. The Administration had also from time to time reminded the public of their rights as consumers through various publicity and public education measures. The private columbaria operators should be responsible for relocating the cremains in case the columbaria ceased operation.

4. PSFH(F) added that the Administration would launch the second public consultation before the end of 2011 to collect public views on the detailed proposals of the licensing framework, including the types of columbaria to be regulated, the mode of regulation, the criteria for licensing, and the proposed licence conditions etc.

5. Mr KAM Nai-wai said that the number of applications for scattering cremains in gardens of remembrance and designated Hong Kong waters had increased. He enquired whether the Administration would expand the scope of cremains scattering service in the next two years by establishing more gardens of remembrance and enhancing the ferry service for scattering cremains in designated Hong Kong waters.

6. SFH responded that about 43 000 new niches and additional gardens of remembrance would be provided in Wo Hop Shek and Diamond Hill in 2012 as scheduled. Together with the supply of the Chinese Permanent Cemeteries, the Administration would provide about 120 000 new niches in the coming five years (i.e. 2012-2016) and hundreds of thousands more in the mid and long-term (i.e. 2017-2031). He said that the Administration encouraged the public to consider sustainable ways to handle cremains. However, individuals' choices on how they would handle the remains of the deceased should be respected.

7. Mr Fred LI expressed concern about the prolonged process of public consultations, and that the bill would unlikely be introduced into the Legislative Council in the 2011-2012 session. He urged SFH to closely follow up the columbarium policy should he be appointed as SFH in the next term of the Government. SFH stressed that the Administration had already formulated clear columbaria policy and would continue its work on the regulation of private columbaria regardless of whether there would be a change in the Principal Officials in the next term of the Government.

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Enhancing Animal welfare

8. Mr Fred LI commended that the Director of Agriculture, Fisheries and Conservation ("DAFC") had been dedicated to enhancing animal welfare. He said that, although it was not included in the policy address, media had reported that the Police would roll out an Animal Watch Scheme ("the Scheme") to handle cases of cruelty to animals with Agriculture, Fisheries and Conservation Department ("AFCD") and the Society for the Prevention of Cruelty to Animals (Hong Kong) ("SPCA"). Mr LI enquired about the role of AFCD in the Scheme and the need for additional resources for the Scheme.

9. DAFC advised that under the Scheme, AFCD's veterinary surgeons would provide the Police with technical and legal training while the Police would collect intelligence via its network and enhance public promotion and education on animal protection. AFCD would also maintain communications with SPCA and other animal welfare organizations to collect intelligence. DAFC said that according to overseas experience, engaging the police in law enforcement actions could effectively cope with the crime of cruelty to animals.

Establishing new public markets and hawker policy

10. Mr WONG Kwok-hing enquired about the reasons for the Administration not building public markets in new towns such as Tung Chung and Tin Shui Wai. He said that he had received complaints from residents in these two districts on the high food prices which were partially caused by the high rentals charged by the Link Management Limited ("the Link"). Mr WONG enquired whether the Administration would consider setting up hawker bazaars in Tung Chung and Tin Shui Wai to alleviate the inflation pressure on the grass root.

11. SFH and Director of Food and Environmental Hygiene ("DFEH") responded as follows -

- (a) in considering whether to build a public market, the Administration would need to consider the population size of the concerned district, availability of other fresh food stores and markets in the district, as well as the sustainability and viability of the proposed public market, etc. As recommended by the Audit Commission in previous value for money studies, the Administration should also ensure a reasonable occupancy rate;

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- (b) the Administration had no current plan to build new public markets in Tung Chung and Tin Shui Wai but would continue to listen to the views of stakeholders and the relevant District Councils ("DC");
- (c) the Administration agreed that the increase in food price had affected the livelihood of the working class. High food price in Hong Kong was mainly the result of the food price increase in the Mainland. According to the results of surveys conducted by the Administration, the prices of food products sold in markets managed by the Link and in supermarkets were not necessarily higher than the prices of the same kind of products sold in public markets; and
- (d) local residents had different concerns about hawker bazaars. These included obstruction, environmental nuisances and food safety. The Administration had no current plan to establish any new hawker bazaar. If local organizations were able to identify and secure suitable sites (such as obtaining support of the relevant DCs) to do so, the Food and Environmental Hygiene Department ("FEHD") would render necessary assistance in respect of environmental hygiene and food safety.

12. Mr Vincent FANG questioned the practical need for consulting DC to allocate vacant fixed pitches. He further said that the Panel had previously discussed the retention and redevelopment of certain bazaars and SFH had agreed to further study the issue and consider measures on enhancing the safety and appearance of the bazaars. He commented that no follow-up actions had been taken by the Administration.

13. SFH said that the Administration aimed to effectively utilize the vacant pitches in the existing bazaars. DFEH advised that in following up the recommendations of the review on hawker policy, FEHD had re-issued the fixed-pitch hawkers licences. He said that with the support of the relevant DCs, 217 new Fixed-Pitch Hawker Licences had been issued for the 218 vacant fixed pitches, and 658 existing fixed pitch licensees were allowed to take over adjacent vacant pitches. Since on-street hawking created a lot of environmental nuisances and was the subject of frequent complaints, the support of the relevant DCs was essential before the Department could proceed.

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Risk of avian influenza outbreak and the supply of chicken and other livestock

14. Mr Vincent FANG opined that the restriction on the supply of live chicken had already led to their high prices. He expressed worry that the proposed multi-pronged strategy to minimize the risk of avian influenza outbreak would further boost up the price of live chicken. He said that given there were no cases of avian influenza reported this year, the current risk of avian influenza was low in Hong Kong. He enquired the circumstance under which the Administration would relax the restriction on the import of live chicken.

15. The Chairman echoed Mr Vincent FANG's views. He said that the high cost of live chicken had also provided room for price rise of chilled chicken. He enquired the extent for which the risk level of avian influenza would increase if the chicken supply was increased by a few thousands each day. The Chairman also expressed concern about the rising food prices. He opined that among the three authorized suppliers of live pigs, one of them had not imported any pigs into Hong Kong. He questioned whether the high price of pork products was caused by reduced number of active importers. The Chairman further said that Hong Kong had been experiencing an imported inflation due to the weak Hong Kong dollar. He urged the Administration to review the situation.

16. In response, SFH made the following points -

- (a) under the policy on limiting the supply of live poultry and banning the overnight stocking of live poultry at the retail level, the risk of avian influenza was low in public markets. However, the regional and global risk of avian influenza outbreak had not been lowered. Cases of avian influenza in Vietnam and other regions had recently been reported. It was also reported that two children died of avian influenza in Bali, Indonesia in the last three weeks;
- (b) as some Hong Kong people preferred dishes prepared with live chicken, the Administration would not ban all the live chicken supply immediately. The current measures could ensure food safety as well as providing business opportunities for local chicken farmers. The Administration would closely monitor the regional and local situations of avian influenza cases, including the inspection of local and Mainland farms supplying live chickens to Hong Kong;

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- (c) around 60% of food supplied to Hong Kong was imported from the Mainland. Inflation rate of food prices in the Mainland was above 30%, including the price of live chicken and chilled chicken. The Administration had liaised with the relevant Mainland authorities and had been advised by the State Ministry of Commerce that the supply of chicken and live pigs would be stable and adequate; and
- (d) the Administration encouraged the trade to explore more food sources in the Mainland and overseas, provided that they meet the food safety requirements in Hong Kong. The Administration had also liaised with the relevant authorities of Brazil and Chile earlier this year, and encouraged them to further their food export to Hong Kong. The Administration would continue to provide assistance to the trade to explore more different food sources with a view to maintaining sufficient supply of the food in the market.

Food surveillance

17. The Deputy Chairman enquired whether the Administration would further strengthen the food surveillance of imported food, especially on the processed food and offal, etc.

18. SFH responded that the Centre for Food Safety ("CFS") examined daily the food products imported from places all over the world, and monitored relevant information on risk of food incidents that might affect Hong Kong. Follow up actions including laboratory testings would be considered if necessary. CFS also provided food safety information to the public whenever there was risk of food contamination.

19. DFEH said that CFS seriously undertook the role of gatekeeper for food safety. In addition to the testing of 65 000 food samples, which was a high sampling size among the developed countries, in the routine food surveillance, CFS also conducted targeted food surveillance and seasonal food surveillance. He said that CFS closely monitored and followed up all food incidents in Hong Kong and other countries, for example, the recent food incident of contaminated cantaloupes in the United States. CFS had already contacted the relevant authority and checked whether the concerned food had been imported into and supplied within Hong Kong before the incident was widely reported by the media.

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20. DFEH further said that CFS would strengthen its inspection for significant food incident. Citing the Japan Fukushima nuclear power plant incident in Japan as an example, he said that 47 000 samples of food imported from Japan were inspected in addition to the 65 000 samples in routine food surveillance. This intensity of inspection had far exceeded the inspections in other countries.

Food Safety Ordinance

21. While expressing support to the implementation of the Food Safety Ordinance (Cap. 612) ("FSO"), Mr Vincent FANG commented that the registration fee charged under FSO to the business operators was high. He enquired whether there would be room for lowering the fees when the Government was experiencing surplus budget.

22. SFH said that the Administration had tried to minimize its fee charged under FSO. Currently, the registration fee was \$195 for three years and it was regarded to be reasonable and affordable by general importers, distributors and retailers.

Sustainable development of the fisheries industry

23. The Deputy Chairman commented that there was no initiative in the policy agenda to assist the fishermen affected by the trawl ban to switch to other sustainable fisheries related operations. There was also no response received from the Administration on the suggestion of low-interest loans previously proposed by the fisheries industry.

24. SFH expressed gratitude to the Deputy Chairman, Mr Fred LI and Mr Vincent FANG for their participation in the Committee on Sustainable Fisheries and their assistance in communicating the Administration's policies to the fisheries trade. He said that there would be measures to assist fishermen affected by the trawl ban to switch to other sustainable fisheries related operation and mariculture. Ex-gratia allowance ("EGA") for trawler owners affected by the trawl ban would also be granted. In addition, the government was looking into measures to assist these fishermen to venture further afield to fish.

25. DAFC added that regarding EGA, the deliberation of the inter-departmental working group was near completion and the details on the application procedures and eligible criteria for EGA would be made known to the fisheries trade before the end of 2011. He said that it would take about nine months to complete the processing of EGA by the inter-departmental working group.

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26. DAFC further said that, in addition to EGA, the Administration would also provide other assistance to the fisheries trade, including -

- (a) technical training on enhancing the cost effectiveness of the trade's operation;
- (b) training to help the fishermen switch to marine fish culture or ecotourism;
- (c) the development of recreational fishing in marine parks, global geoparks and fisherfolk's villages in Sam Mun Tsai and Lamma; and
- (d) provision of public education and promotion activities to allow school students to learn more about the history, operation and habits of fisheries in Hong Kong.

27. DAFC advised that as public money was involved, the Administration was studying the suggestion of offering low-interest loans to the fisheries trade and this would be followed up by the Advisory Committee on Agriculture and Fisheries.

28. The Chairman said that certain fisheries operators had protested and claimed that their business had been affected by the trawl ban but the Administration had not handled their claims. He asked whether the Administration would review whether the measures could genuinely provide assistance to all of the affected operators. SFH said that the larger trawlers who were not operating in Hong Kong waters would not be affected by the trawl ban. Moreover, a lump sum EGA would be provided to these eligible trawler owners. He said that cases of all of the eligible operators had already been attended to.

II. Any other business

29. There being no other business, the meeting ended at 9:32 am.