

立法會
Legislative Council

LC Paper No. CB(2)1295/11-12
(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, 10 January 2012, at 2:00 pm
in Conference Room 3 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
Hon Alan LEONG Kah-kit, SC
Hon WONG Yuk-man

Public Officers attending : Item III

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 LAU Che-wong
Assistant Director (Operations) 1
Food and Environmental Hygiene Department

Item IV

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

Mr Owin FUNG Ho-yin
Principal Assistant Secretary for Food and Health (Food) 3

Dr LIU Kwei-kin, JP
Assistant Director (Agriculture)
Agriculture, Fisheries and Conservation Department

Dr CHOW Chor-yiu
Head (Risk Assessment Section)
Food and Environmental Hygiene Department

Item V

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

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

Dr HO Yuk-yin, JP
Consultant (Community Medicine) (Risk Assessment
and Communication)
Food and Environmental Hygiene Department

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

Staff in attendance : 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. Information paper(s) issued since the last meeting

Members noted that no information paper had been issued since the last meeting.

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II. Items for discussion at the next meeting

(LC Paper Nos. CB(2)719/11-12(01) and (02))

2. The Administration proposed to discuss the following items at the next meeting to be held on 14 February 2012 -

- (a) Proposals to amend Schedule 2 to the Veterinary Surgeons Registration Ordinance (Cap. 529); and
- (b) Public consultation on hawker (fixed pitch) management.

3. Referring to the item in paragraph 2(b) above, the Chairman noted that the public consultation would be completed on 12 February 2011. He queried whether the Administration could consolidate the results of consultation for discussion at the next meeting in two days. The Permanent Secretary for Food and Health (Food) ("PSFH(F)") responded that the fire incident at Fa Yuen Street had raised public concern about the management of fixed pitch hawkers. In addition to the results of the public consultation on the proposed mechanism for cancellation of hawker licences ("the proposed Mechanism"), the Administration would provide updated information on the management of fixed hawker pitch and the law enforcement situation.

4. The Chairman enquired whether legislation would be needed for the implementation of the proposed Mechanism. PSFH(F) advised that the Director for Food and Environmental Hygiene had the necessary power under the current legislation to implement the proposed mechanism. Members agreed to discuss at the next meeting the two items referred to paragraph 2 above.

(Post-meeting note: At the request of the Administration and with the concurrence of the Chairman, item (b) has been reworded as "Hawker (fixed pitch) management".)

III. Review of liquor licensing

(LC Paper Nos. CB(2)719/11-12(03) and (04))

5. PSFH(F) briefed members on the report on public consultation on review of liquor licensing as detailed in the Administration's paper.

6. Mr KAM Nai-wai expressed disappointment at the Administration's tendency towards the views of the trade in the course of the public consultation. He said that the Administration had organized two consultation

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sessions for the trade only but not any session for the residents. He condemned the Administration for neglecting the views of the resident groups and the relevant District Councils ("DC") on the persistent nuisance caused to the residents and the residents' demand for reforming the liquor licensing mechanism. Mr KAM stressed that the Democratic Party had no objection to the proposed measures for business facilitation but it was inappropriate for the Administration to launch measures which favoured the trade only.

7. PSFH(F) responded that in addition to the trade, the Administration had consulted the relevant DCs and received written submissions from residents and resident groups. Their views had been duly reflected in the public consultation report.

8. Mr KAM Nai-wai asked about the following -

- (a) the reasons for the Administration's reservations about the suggestion of the demerit points system ("DPS") for liquor licensee proposed by the community and DCs; and
- (b) the reason for not setting a limit on the number of liquor-licensed premises in a particular district especially in a residential area; and
- (c) the Administration's enforcement actions if a liquor-licensed premises did not comply with the licensing requirements during the extended licensed period of a maximum of two years.

9. Mr WONG Kwok-hing echoed Mr KAM Nai-wai. He sought information on the Administration's contingent measures when liquor-licensed premises had major problems or complaints within the two years licence duration.

10. PSFH(F) responded that -

- (a) the suggestion of DPS had been carefully considered. Currently, when the Liquor Licensing Board ("LLB") considered granting a liquor licence under the Dutiable Commodities (Liquor) Regulations (Cap. 109B), factors including whether the applicant was a fit and proper person to hold the licence; whether the premises were suitable for selling or supplying intoxicating liquor; and whether the grant of the licence was not contrary to the public interest were examined. These

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considerations, especially elements of public interest, could hardly be quantified and replaced by a simple DPS;

- (b) since LLB had to consider the merits of each application having regard to the factors mentioned in paragraph 10(a), the Administration had reservations about the suggestion on imposing any inflexible restriction of the number of liquor-licensed premises in a district; and
- (c) under the existing mechanism, if LLB received a major and substantiated complaint, it could immediately conduct a review and revoke the concerned liquor licence or refuse the renewal of licence. To complement the proposal to extend the maximum duration of liquor licences, the Administration would discuss with LLB the establishment of a mid-term review mechanism to enable LLB to tackle negative developments of licensed premises.

11. Mr KAM Nai-wai commented that the Administration should enhance the communications with the public. As residents were not aware of the public notices of new application for liquor licence at their neighbourhood, he queried how the residents were notified. Mr KAM further commented that there were no specific criteria for LLB to assess complaints received from the resident and thus it could hardly handle them.

12. PSFH(F) and Assistant Director (Operations) 1 of Food and Environmental Hygiene Department ("AD(Ops)1/FEHD") responded that there were various channels to notify the public of liquor licence applications. First, at present, a liquor licence applicant was required to advertise his/her application on newspapers. The proposal of allowing applicants to advertise their applications on the Internet would be considered by LLB. Secondly, the Food and Environmental Hygiene Department ("FEHD") would post notices in conspicuous places of the buildings in which the premises under application were located. Furthermore, the Home Affairs Department ("HAD") would consult local resident groups, including the owners' corporations and mutual aid committees of buildings in neighbouring areas, and refer their views to LLB. HAD would consider the uniqueness of the district to decide on the areas and the buildings to be covered when it consulted the neighbouring residents.

13. Mr KAM Nai-wai opined that the Administration should provide clear guidelines for the specific area that a local consultation covered. He requested the Administration to provide the definition of "neighbouring area"

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in HAD's consultation.

14. Mr WONG Kwok-hing expressed worry about the abuse of the proposed reserve licensee that in case of default, the reserve licensee would be assigned to bear the liability so that the liquor licensee could evade their responsibility. PSFH(F) responded that there would be a clear delineation of responsibility at any one time during the licence period. Only the liquor licensee would be liable for the management of the licensed premises. The proposed arrangement of reserve licensee was a business facilitation measure to minimize the disruption to the business by shortening the time for taking over the licence when the original licensee quitted the job or departed due to serious sickness.

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15. Mr WONG Kwok-hing commented that although the property owners had raised concerns about the nuisances caused to them, the Administration did not respond to them and did not respect their views. PSFH(F) advised that there were sufficient opportunities and channels for residents to express their views on liquor licence applications. They could express their views or lodge complaints to LLB directly. Mr WONG requested the details of the objections against liquor licence applications received by LLB in the past three years that licences were consequently not granted or the duration of licences were shortened.

16. Mr TAM Yiu-chung said that, owing to the high levels of rent, lots of liquor-licensed restaurants in New Territories West, particularly Tsuen Wan, Yuen Long and Tin Shui Wai, illegally occupied public areas for extension of their business areas. Their customers took the drinks on these public areas and created nuisances to the neighbouring residents. He commented that DPS would not be effective for these restaurants to refrain from occupying public areas as the business operator would take the fine as the rental cost for those areas, and considered that their liquor licences would unlikely be cancelled by LLB within two years.

17. AD(Ops)1/FEHD advised that FEHD would provide the relevant records of illegal occupation of public areas by liquor licensees to LLB to enable LLB to consider their applications for licence renewal properly.

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18. Mr TAM Yiu-chung requested the Administration to provide the information on the rejected applications for liquor licence renewal owing to complaints received on illegal occupation of public areas and nuisances caused to the neighbouring residents. The Chairman said that, even for the liquor-licensed premises which had not occupied public areas, they were also responsible for the nuisances created by their customers after purchasing liquor at the premises and the relevant complaints would also be considered

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by LLB for their licence renewal. He added that the Police was responsible for the enforcement actions. Mr TAM commented that the regulations themselves were rigorous but the enforcement actions were overly lax.

19. PSFH(F) advised that both the Police and the Environmental Protection Department were taking enforcement actions in respect of noise nuisance. LLB would have regard to the records of the enforcement actions when considering applications for liquor licence renewal.

20. The Deputy Chairman said that the nuisances caused by the customers of the liquor-licensed restaurants and illegal occupation of public areas were very common. He urged the Administration to step up enforcement actions. He enquired whether there were specific criteria, say, nil non-compliance record, had to be fulfilled by the licensees in the consideration of extending the duration of liquor licences to a maximum of two years. PSFH(F) responded that LLB would consider extending the liquor licence period to a maximum of two years only for those businesses with a sound track record for at least two consecutive years. The details of sound track record would be further discussed.

21. The Deputy Chairman further said that the media had reported that people were caught taking drugs at liquor-licensed premises. There were also cases that too many youngsters gathered at liquor-licensed premises. As explained in the Administration's paper, the Police and FEHD might conduct only one inspection each year. He expressed worry about whether there were adequate fire safety measures at these premises and asked about the follow-up actions that the Administration would take if the fire safety measures were inadequate. He urged the Administration to enhance the enforcement and inspection of fire safety measures. PSFH(F) advised that the Fire Service Department and other relevant enforcement agencies would increase the frequency of inspection and step up enforcement for those premises with higher risk and poor track records. To keep a good understanding of the operating conditions of liquor-licensed premises, LLB paid late-night visits to those premises including upstairs bars every year together with relevant government departments.

22. Mr WONG Yuk-man said that the Administration should maintain the balance of the interests of different stakeholders in concluding the liquor licensing review. He criticized the Administration's tendency towards the interest of the trade in the course of the public consultation. He raised the following views and queries -

- (a) the residents' views expressed in the public consultation should

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be considered. There were a number of submissions suggested limiting the number of liquor-licensed premises in a particular district or at a multi-storey building, limiting their business hours; and restricting them from operating at residential buildings. These suggestions were reasonable and viable. However, the Administration concluded that they were kind of unnecessary constraints and in lack of flexibility;

- (b) it was not possible to set out a set of general guidelines for all liquor-licensed premises which operated in different districts. The Administration should adopt a more flexible approach to impose site-specific restrictions on the number of liquor-selling premises and their business hours to handle the local concerns about nuisances caused to the neighbourhood;
- (c) he was disappointed at the Administration's reservations about DPS. FEHD could be the authority of enforcement if LLB did not have the necessary manpower resources; and
- (d) whether there were genuine difficulties for the Administration to set quantitative indicators for DPS.

23. PSFH(F) responded as follows -

- (a) she disagreed with the observation that the public consultation result was favourable to the trade only and that the Administration was not sympathetic to the views of the public. The views of different stakeholders had been duly considered;
- (b) LLB assessed the unique factors of each application for liquor licence, which included the geographical environment, situation of the neighbouring areas, etc. to impose site-specific restrictions to the premises. There were cases that new liquor licences were not granted as a large number of upstairs bars had been operating in the buildings concerned. There were also cases that additional licensing conditions, such as restrictions on business hours and liquor-selling hours, were imposed by LLB in order to minimize the nuisances caused to the residents;
- (c) currently, the Police was the major authority for taking enforcement actions under the liquor licensing regime; and
- (d) the Administration would further discuss with LLB the proposal

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to draw up guidelines on assessing upstairs bars applications and invite LLB to consider publicizing them in an appropriate manner to enhance transparency.

24. Mr WONG Yuk-man criticized the Administration for lacking of position and principle on the suggestion of the classification of licence. The Chairman said that the trade had suggested that tea-restaurant which sold beer only could be categorized in a group which was different from other premises such as bars and pubs. Mr WONG Yuk-man suggested that the Chairman might work with the trade to further recommend to the Administration a classification mechanism.

25. Mr Alan LEONG commented that the Administration's paper was devoid of substance. He enquired about the specific measures that the Administration would implement before the enactment of legislation to eliminate public anxiety. PSFH(F) responded that the setting of guidelines by LLB would not involve legislation. The Administration would proceed to discuss with LLB aspects to be covered in the guidelines. As LLB was aware of the public concerns, she believed that it would continue to carefully consider new liquor licence applications before the specific guidelines were duly implemented.

26. Mr Alan LEONG enquired whether the public and the Panel could participate in the preparation of the guidelines. He also requested the timetable for the implementation of the guidelines. The Chairman echoed Mr LEONG's view. He opined that it would be preferable to have a more detailed and specific draft guidelines before further consulting the public. The Chairman asked whether the Administration would discuss with the Panel the guidelines at a future Panel meeting where the public would be invited to give views. PSFH(F) responded that the Administration hoped to commence discussion with LLB as soon as possible and to achieve certain results in 2012. She believed that LLB would welcome views on the draft guidelines when they were available. She said that members' request for consulting the Panel on the guidelines would be referred to LLB.

27. Mr Vincent FANG asked whether there was restriction on the maximum number of liquor-licensed premises inside a building. He also asked whether any innocent upstairs bars' liquor licence renewals were rejected as victimized by those other upstairs bars in the same building which failed to comply with the licensing requirements. PSFH(F) responded that when LLB considered a liquor licence application, it would assess the unique environmental factors of the building concerned. It was not pragmatic for LLB to set a generic limit on the number of premises for each and every

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building. She added that aggrieved applicants might appeal to the Municipal Services Appeals Board if they considered LLB's decisions unfair.

28. The Chairman said that the trade was positive towards the review on liquor licensing and generally supported most of the proposed measures concluded in the consultation. However, the trade was disappointed at maintaining the existing requirement for natural persons being the liquor licensees. He further said that the Police was used to imposing this requirement decades ago to regulate unlawful activities such as prostituting, gambling and drug dealing and it was obsolete nowadays.

29. The Chairman welcomed the suggestion of reserve licensee. He, however, pointed out that as detailed in the Administration's paper, there would still be a gap of a few days during the handover. There was possibility that the business would be unlawfully run without a valid liquor licence and this might affect the renewal of the liquor licence. In his view, the reserve licensee should be able to engage immediately when the qualification of the licensee was revoked, which might result from the licensee's resignation or when he/she died intestate. The Chairman also said that there were cases where certain international investors were hesitated to run liquor business in Hong Kong for the requirement for natural person being the liquor licensee, given their experience of resigned employee, who was the licensee, informing LLB to revoke the licence without notifying the business owner. The Chairman enquired whether it would be feasible for LLB to process the return of liquor licence from a licensee, who was the employee of the company operating the business, only when it was accompanied by an official letter from the company. The Chairman also asked whether the Administration would commence the legislative process immediately. PSFH(F) said that the Administration would follow up the next steps of the liquor licensing review.

IV. Organic food

(LC Paper Nos. CB(2)719/11-12(05) and FS13/11-12)

30. Deputy Secretary for Food and Health (Food) 1 ("DSFH(F)1") briefed members on the global organic food landscape and some pertinent issues for Hong Kong.

31. The Deputy Chairman was of the view that the increasing popularity of FarmFest suggested that the quality of local organic food was well recognized by members of the public and there was a potential demand for domestic agricultural products. With the growing public interest in organic

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farming, there was a rising trend in the development of local organic industry. He pointed out that the Agriculture, Fisheries and Conservation Department ("AFCD") had all along made great efforts to promote organic farming, but members of the public still had no idea how to differentiate organic and conventional food and commonly associated the former with concept of food grown without pesticides. In the circumstances, the Deputy Chairman considered that the Administration should provide members of the public with clear information on certification bodies and how to identify organically grown produce.

32. DSFH(F)1 advised members that currently Hong Kong Organic Resource Centre ("HKORC"), which was established with AFCD's assistance in 2002, was the only independent organic certification agency in Hong Kong. The May 2010 issue of "Choice" monthly magazine published by the Consumer Council provided information about organic certification labels issued by HKORC and some certification bodies of other countries. A food product carrying HKORC's organic seal indicated that it was produced by farms or food processors certified to HKORC's organic standards. However, consumers' choice was not limited to HKORC certified products, as a wide range of organic food products certified by different certification bodies around the world were also available on the market. DSFH(F)1 said that although there was no universally accepted definition of organic food, nor a single set of universally recognized organic standards, the Codex Alimentarius Commission ("Codex") had issued guidelines on organic production to assist governments and private certification bodies in standards setting. She pointed out that some of the leading agricultural nations, such as European Union countries, Australia, Canada, Japan and the People's Republic of China, attached great importance to their organic production given their substantial organic food export and domestic consumption. They had developed their own organic standards and certification labels for their food products. As there were many organic products in the market that had been certified by some authoritative certification agencies of overseas countries other than HKORC, consumers could enjoy a wide and extensive range of organic food choices.

33. DSFH(F)1 further said that the consultancy study commissioned by the Food and Health Bureau ("FHB") in March 2011 showed that consumers were often unsure how to recognize organic food and were confused by the multiple organic labels in the market. Bearing in mind the insignificant organic output of Hong Kong and the relatively small market, the Administration would study in the next stage of the consultancy how to enhance consumer education and information with regard to organic food. Collaboration with the Consumer Council on this front would be considered.

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She added that the number of organic operations certified by HKORC had increased from only a few in 2005 to some 90 in 2011. Apart from organic vegetables, AFCD was also promoting local organic aquaculture and there were organic fish farms in Hong Kong.

34. Mr TAM Yiu-chung pointed out that in general, members of the public had limited knowledge about organic foods. The most common concept of organic foods was those grown without pesticides and chemical fertilizers. It explained why consumers usually perceived organic foods as being healthier and more nutritious. Some retailers were thus tempted to falsely claim conventionally produced goods as organic products, and sold them at premium prices. He hoped that the Administration could raise consumer awareness of organic products through enhanced promotion and education. Noting that there was local organic fish farming, Mr TAM enquired about the situation and licensing of organic poultry production, such as chicken and pig, in Hong Kong.

35. DSFH(F)1 said that there was basically no difference in appearance between organic and conventional food, and it might not even be possible to distinguish organic food from conventional food by chemical analysis. She explained that the term "organic" referred to the way agricultural products were grown and processed (e.g. crop rotation used to maintain long-term soil fertility and ensure effective pest management) rather than the characteristics of the end products themselves. DSFH(F)1 pointed out that some countries had elaborated organic regulations with a view to addressing their trading needs. Those considerations might not be applicable to Hong Kong given the very small local agricultural sector. As far as food safety was concerned, the Administration's policy was that irrespective of whether or not a product was organic, it had to meet all safety and labelling requirements under Hong Kong legislation on food. She advised members that the Customs and Excise Department was responsible for the enforcement against misleading and false trade descriptions including those on food items.

36. Regarding the situation of organic poultry production in Hong Kong, Assistant Director (Agriculture), Agriculture, Fisheries and Conservation Department ("AD(A)/AFCD") advised that organic poultry industry was much further developed in foreign countries where sufficient land could be available for such kind of land-based activity. He explained that the requirements of organic production standards, which gave high priority to animal welfare considerations, were more comprehensive and restrictive. Organic standards prohibited intensive production and emphasized the use of organic feed, which resulted in high production costs. As such, the reliance on imported animal feed and limited agricultural land made it more difficult

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to develop organic livestock production in Hong Kong. AD(A)/AFCD further said that some local agricultural practitioners had indicated interest in organic livestock farming. AFCD would offer advice to them as appropriate.

37. As regards the licensing of organic chicken/pig farms, DSFH(F)1 replied that the numbers of chicken and pig farms currently remained at 30 and 43 respectively. The Administration had no intention at this stage to issue new chicken/pig farm licenses, and did not foresee any changes to this policy.

38. Dr Joseph LEE said that according to the Administration's paper, there was another private certifying agent called Hong Kong Organic Certification Centre ("HKOCC"). He enquired about the recognition of organic certification service provided by this agency. Noting that it was the organic process of a farm rather than the products of the farm that HKORC certified, Dr LEE expressed worry that consumers might be confused by HKORC's certification seal and uncertain whether its label represented a product as organic or coming from a certified organic farm. Given that there were so many organic labels of different origins in the market, Dr LEE asked whether such overseas certifications were accredited by the Administration and how consumer confidence in the authenticity of various organic labels could be maintained.

39. AD(A)/AFCD responded that there was no specific legislation to regulate organic production and organic certification agencies. Currently, there were two private organic certification agencies in Hong Kong. One was HKORC and the other was HKOCC. He explained that the latter provided chargeable consultation services to producers on organic production apart from certification service while the former was an independent certification body without participation in production system. AD(A)/AFCD pointed out that as HKORC avoided any potential conflict of interest arising from involvement in production process, it could provide an independent and impartial certification service that enabled it to be well-established in Hong Kong. He further said that HKORC had formulated its organic production and processing certification standards in accordance with the criteria set out by the International Federation of Organic Agriculture Movements ("IFOAM") and employed IFOAM's specialists as consultants. HKORC was also seeking accreditation as organic certification agency from IFOAM to ensure that its certification service could meet international standards.

40. In response to Dr Joseph LEE's concern about the confusion caused by various organic labels, AD(A)/AFCD said that different countries had their own certification bodies and organic labels. Public awareness of organic

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labels had been increased by education and promotion through organizations like HKORC. Members of the public could readily access information about organic products through the Consumer Council and HKORC.

41. DSFH(F)1 supplemented that a product with a certified organic label represented that it was produced by an operation that conformed to organic standards adopted by the certification body. As far as food safety was concerned, DSFH(F)1 reiterated that the same safety standards applied to all products, regardless of whether they were organic or not. She pointed out that different countries had their own concepts and rationales of organic production. The organic standards adopted by one country might not be applicable to another country. As mentioned by AD(A)/AFCD, Hong Kong consumers of organic food were discerning about food choices. FHB's consultancy study showed that they purchased most organic food from supermarkets, followed by specialty stores and wet markets. They were more confident in the authenticity of organic food in supermarkets. On the enquiry about whether the Administration would give recognition to overseas certified organic labels, DSFH(F)1 responded that in balancing the complexities of the organic processes of individual countries and the incidental inspection requirements which may arise if a formal recognition system were to be developed in Hong Kong, it was considered that enhancing public education and information about the concepts of organic production and labelling would be more practical.

42. Noting that the Administration would look into the organic food sector and regulatory regime of some other jurisdictions in the next stage of the consultancy and the study was expected to conclude by the first quarter of 2012, Mr Alan LEONG asked what difficulties that the Administration could foresee in establishing an organic certification system in Hong Kong and the timing for setting up such an organic certification system.

43. DSFH(F)1 said that choosing to purchase organic food was a matter of personal preference. The Administration did not have a policy of encouraging consumption of organic food. AFCD's promotion of organic production was to assist the local agricultural sector to capture the high-value organic market. Some major issues on organic food consumption related to protection of consumer interest, which was beyond FHB's priority policy area of ensuring food safety.

44. On whether a certification system for imported organic products was necessary in Hong Kong, DSFH(F)1 advised that the issue required careful consideration in the next stage of the consultancy. She explained that in studying whether the issue of organic food should be handled by legislative

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control, administrative measure or public education, local circumstances such as the market size and consumption trend of organic products should be taken into account. When compared to other food safety issues concerning heavy metals, pesticide and veterinary drug residues in food as well as labelling of infant foods, the Administration had to consider whether the establishment of a certification system for both local organic crops and imported organic products should be given a higher priority on the agenda.

45. Mr Alan LEONG said that members of the public attached greater importance to healthy eating. They were willing to pay a premium for organic food as they believed that organic food was more nutritious. Noting that FHB would deal with the issue of organic food from the food safety angle only, he asked which policy bureau could address the public's demand for an organic certification system.

46. DSFH(F)1 responded that FHB was responsible for policy areas of, among others, food safety, and AFCD, which reported to FHB, had done a lot of work in the promotion of local organic farming. As such, FHB was duty bound to oversee the policy matters relating to organic products. Pointing out that there was no clear evidence showing that organic food was necessarily safer or healthier than conventional food, DSFH(F)1 stressed that all food meeting safety requirements was beneficial to health and a balanced diet was of tremendous importance in maintaining a healthy body.

47. Mr Fred LI said that though there were no universally recognized organic standards, many countries had developed their own organic standards and regulations, which were specific to their local needs. He pointed out that Hong Kong had experienced a remarkable growth in local organic production. The local food market was currently flooded with so-called eco-friendly products and green products from the Mainland, which were similar to organic produce. Nevertheless, consumers were unable to identify organic food just by its appearance and no distinctions could even be made between organic food and non-organic food in terms of chemical composition. While understanding that FHB was responsible for overseeing food safety matters rather than safeguarding consumer interest, Mr LI asked whether the Administration could, by making reference to overseas experience, take some measures, such as voluntary code of practice or guidelines and labelling of organic food, to assist consumers in differentiating organic and non-organic food.

48. DSFH(F)1 advised that different countries' organic standards and technical regulations had their trade considerations behind and might have created obstacles to trade. International organizations like IFOAM were

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studying ways for achieving harmonization and equivalence of different organic standards. The Administration would not underestimate the difficulties in considering which international and/or national standards should be adopted. Choosing to recognize some organic standards but not others could potentially limit consumer choice. As such, any proposal to follow other countries' organic standards and regulations would have to be carefully assessed. In response to Mr LI's concern over the organic/green products imported from the Mainland, DSFH(F)1 said that national regulations on organic agriculture had been introduced in the Mainland. A food product with the certified organic label issued by the Mainland represented that it was produced by an operation that complied with the Mainland's national organic standards and certification protocols.

49. The Chairman said that the Liberal Party called on the Administration to put more efforts into the promotion of organic produce though there was no obvious evidence of extra health benefits from consuming organic food. He and the Deputy Chairman had all along expressed support for low-carbon development in local agriculture. While knowing that Hong Kong could not compete with the Mainland in the supply of fresh vegetables to the domestic market, he hoped that the Administration could take some measures, such as identifying suitable farmland, to foster the further development of local organic agriculture so as to increase the market share of domestically produced fresh vegetables. The Chairman further said that he had heard that due to insufficient production, organic vegetable was sometimes mixed together with the non-organic by some operators and then sold under an organic label in the market. As consumers paid more for organic produce, the Chairman urged the Administration to thoroughly consider how to protect consumers from being cheated by misleading or false organic claims.

V. Announcement mechanism of the Food Surveillance Programme implemented by the Centre for Food Safety
(LC Paper Nos. CB(2)719/11-12(07) and (08))

50. DSFH(F)1 briefed members on the announcement mechanism of the Centre for Food Safety ("CFS") in respect of the Food Surveillance Programme, food incident management, risk assessment studies and other food safety information, as well as the communication channels between CFS and stakeholders including the food trade and consumers. She stressed that CFS would immediately issue press releases if there was any testing result which implied immediate threat to public health in order to reduce the possibility of danger to public health and warn the public against consuming the affected food. Controller, Centre for Food Safety ("Controller, CFS")

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added that the Food Surveillance and Complaint Section of CFS would immediately follow up if any sample of risk assessment studies was found unsatisfactory and posing threats to public health.

51. In response to the queries raised by Mr Fred LI in his letter dated 15 December 2011 (LC Paper No. CB(2)602/11-12(01)) about the announcement of the risk assessment result of microbiological quality of higher risk buns and sandwiches, DSFH(F)1 advised that there was no sample contained unacceptable levels of specific pathogens and no immediate health risk posed by the concerned food. It was therefore not necessary to make immediate public announcement of the results. In addition, as the study was jointly conducted by CFS and the Consumer Council, it was the agreed practice that the results would first be announced to the public in the "Choice" magazine. The results of the risk assessment of buns and sandwiches were released on 15 December 2011.

52. Referring to the study of microbiological quality of higher risk buns and sandwiches in Hong Kong and the first Hong Kong total dietary study, Mr Fred LI raised the following queries and concerns -

- (a) the reasons for CFS to take prolonged time to announce the results of both studies;
- (b) whether it was necessary for the public to be least notified of the results while the results were discussed at the meeting of the Trade Consultation Forum on 9 December 2011; and
- (c) how the consumer rights were protected as the public had not been involved in the discussion of the safe production guidelines at meetings of the Trade Consultation Forum,

53. DSFH(F)1 responded that the study of food risk posed by dioxins was part of the first Hong Kong total diet study which was being conducted between 2010 and 2014. This was a prolonged study which included more than a hundred kinds of substances for their associated health risks.

54. Controller, CFS said that the risk assessment study of microbiological quality of higher risk buns and sandwiches in Hong Kong was jointly conducted by CFS and the Consumer Council. She clarified that only the draft guidelines on safe production of buns and sandwiches were discussed at the meeting of Trade Consultation Forum on 9 December 2011 to enhance CFS's understanding on the food production process in order to prepare a pragmatic and effective set of guidelines. The results of the study were

Action

neither released nor discussed at the meeting. The results and details of the study were subsequently published in the "Choice" magazine released by the Consumer Council on 15 December 2011.

55. Controller, CFS said that the Panel discussed at its meeting held on 11 May 2010 the details of the total diet study, including its scope and timetable. The entire study would be completed in 2014 while the study on dioxins was the first part of the study completed in 2011, and thus the results were published in December 2011. She added that as dioxin levels of all samples assessed were satisfactory, no immediate announcement was necessary.

56. The Chairman commended the enhanced communication CFS with the trade. When CFS initiated a risk assessment study and started consulting the trade members, trade members were alert of possible health threat to the public. They had proactively stopped the supply of higher risk buns and immediately studied the production process in order to enhance the microbiological status of the buns.

VI. Any other business

57. There being no other business, the meeting ended at 4:22 pm.

Council Business Division 2
Legislative Council Secretariat
9 March 2012