

立法會
Legislative Council

LC Paper No. CB(2)2849/11-12
(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, 12 June 2012, at 2:30 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
Hon Alan LEONG Kah-kit, SC
Hon WONG Yuk-man

Member attending : Hon LEE Cheuk-yan

Member absent : Dr Hon LEUNG Ka-lau

Public Officers attending : Item IV

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)

Dr Thomas TSANG Ho-fai, JP
Controller, Centre for Health Protection
Department of Health

Dr LEUNG Siu-fai, JP
Deputy Director of Agriculture, Fisheries and
Conservation

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

Dr LEE Siu-yuen, JP
Assistant Director of Food and Environmental Hygiene
(Food Surveillance and Control)

Mr FAN Yung-kai
Assistant Director of Food and Environmental Hygiene
(Operations) 2

Item V

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 Clement LEUNG Cheuk-man, JP
Director of Food and Environmental Hygiene

Ms Vivian SUM Fong-kwang, JP
Deputy Director of Food and Environmental Hygiene
(Environmental Hygiene)

Mr SZETO Yat-san
Deputy Chief Fire Officer (Kowloon)
Fire Services Department

Item VI

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

Dr LEE Siu-yuen, JP
Assistant Director of Food and Environmental Hygiene
(Food Surveillance and Control)

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

Mr Clive LAU Siu-ki
Senior Agricultural Officer (Regulatory)
Agriculture, Fisheries and Conservation Department

Item VII

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

Ms CHU Lan-ying
Assistant Director of Food and Environmental Hygiene
(Operations) 3

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

Action

I. Confirmation of minutes
(LC Paper No. CB(2)2288/11-12)

The minutes of the meeting held on 10 April 2012 were confirmed.

Action

II. Information paper(s) issued since the last meeting

(LC Paper Nos. CB(2)1937/11-12(01) and CB(2)2321/11-12(01))

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

- (a) Submission from Civic Party on the import and sale of bear bile products in Hong Kong; and
- (b) Referral from Legislative Council Members' meeting with Eastern District Council members on 31 May 2012 on the obstruction of public area by shops and street management in Eastern district.

III. Items for discussion at the next meeting

(LC Paper Nos. CB(2)2285/11-12(01) and (02))

3. Members agreed that the next regular meeting originally scheduled for 10 July 2012 at 2:30 pm would be re-scheduled for 11 July 2012 at 8:30 am. Members agreed to discuss the following items proposed by the Administration at the next regular meeting -

- (a) Rodent Control;
- (b) Implementation of the Food Safety Ordinance (Cap. 612); and
- (c) Review of the moratorium on issue of fish culture licence.

IV. Review of avian influenza risk in Hong Kong and latest development on avian influenza vaccines for local chicken farms

(LC Paper Nos. CB(2)2285/11-12(03) and IN32/11-12)

4. Secretary for Food and Health ("SFH") briefed members on the outcome of a recent review on the risk of avian influenza ("AI") in Hong Kong and the latest development of AI vaccines after a field trial of an alternative vaccine for local chicken farms, details of which were set out in the Administration's paper.

5. Mr Fred LI referred to the case where a chicken carcass was found in the Cheung Sha Wan Temporary Wholesale Poultry Market ("CSWTWPM") six months ago and tested positive for H5N1 virus. He enquired what specific measures had subsequently been implemented to strengthen the dead bird monitoring system within CSWTWPM. Mr LI further observed that

Action

CSWTWPM, which was supposed to be temporary in nature, was still in operation. He asked whether the Administration had any plan for setting up a permanent wholesale poultry market in the long-run.

6. Noting that the new Re-6 vaccine would be introduced in the Mainland, Mr Fred LI enquired whether it would be more efficacious than the Re-5 vaccine (i.e. the vaccine that the Administration had proposed to introduce as an alternative to the current Intervet vaccine for use in the local chicken farms in Hong Kong), and whether the Administration would replace the Re-5 vaccine with the Re-6 vaccine. He also enquired about the procedures for the selection of vaccine, whether the Administration would monitor the quality and efficacy of the new vaccine when it was introduced, and whether all the local chicken farms in Hong Kong and registered chicken farms in the Mainland would be ordered to use the new vaccine.

7. SFH responded that officers from the Agriculture, Fisheries and Conservation Department ("AFCD") had pro-actively enhanced patrol and watched out for any dead chickens at CSWTPWM since the chicken carcass that tested positive for H5N1 was found. He said that the operators in CSWTPWM were co-operative and they had undertaken to report to AFCD promptly should any dead chicken be identified. SFH further said that the Administration had been considering the development of a permanent wholesale poultry market. In order to meet the demand for live chickens, CSWTWPM would continue its operation before the establishment of a permanent wholesale poultry market.

8. SFH explained that the Re-5 vaccine conferred better protection against strains of H5N1 virus (including the clade 2.3.2.4) relative to the Intervet H5N2 vaccine currently used in local chicken farms. Also, the Re-5 vaccine had been widely used at chicken farms in the Mainland for some years. It had proved to be efficacious. As regards the Re-6 vaccine, it was being developed by the Harbin Veterinary Research Institute to match the clade 2.3.2.1 which was prevalent in the region. The Administration would keep in view the development of the Re-6 vaccine and consider introducing it into Hong Kong when its efficacy, safety and quality were proven. Deputy Director of Agriculture, Fisheries and Conservation ("DDAF&C") added that detailed information about the Re-5 vaccine would be provided to The New Territories Chicken Breeders Association Ltd. ("the Association"). Chicken farmers might choose to swap to the Re-5 vaccine or continue to use Intervet H5N2 vaccine. He said that, according to the Association, most of the chicken farmers had indicated interest in using the Re-5 vaccine.

9. The Deputy Chairman said that AI was considered endemic in poultry in certain Asian countries. He enquired whether it was endemic in Hong Kong. As AI had been well-controlled in Hong Kong, he suggested that the

Action

Administration should review the overall situation after a three-year observation period and consider relaxing the restrictions on the supply of chickens by local chicken farms.

10. SFH responded that low AI risk in Hong Kong was the result of a basket of complementary measures implemented, which included the prohibition of the sale of live waterfowl (which were natural carriers of AI viruses) in retail outlets, the control on the rearing capacity of poultry farms in Hong Kong, the requirement of vaccination for both local and imported live chickens, the enforcement of biosecurity measures at local farms and the wholesale level, and the prohibition of overnight stocking of live poultry at all retail outlets, etc. He said that any change in any of these measures, e.g. increasing the number of local or imported live chickens, might upset the equilibrium that we had attained in containing the AI risk. SFH cited the experience in 2008. AI virus was found in chickens at the retail level when the number of live chickens was increased during the Tuen Ng Festival to meet the surge in demand. He reiterated that any changes to the status quo required careful consideration.

11. Mr WONG Kwok-hing enquired whether the Administration had noticed the smuggling of live or slaughtered raw chickens into Hong Kong and whether it would step up enforcement actions. SFH and Assistant Director of Food and Environmental Hygiene (Food Surveillance and Control) ("ADFEH(FS&C)") explained that carrying live or slaughtered poultry into Hong Kong across the boundary was prohibited. Detector dogs were deployed to ensure effective surveillance at the immigration checkpoints. As regards the incidence of raw poultry or meat being found carried inbound, a downward trend was observed in recent years. SFH added that under the Food Safety Ordinance ("FSO") (Cap. 612), retailers were required to provide the procurement records of food. This would facilitate tracking the sources of smuggled poultry smuggled in.

12. Mr Vincent FANG raised the following queries -

- (a) whether vehicles travelling into and out of local chicken farms would be inspected to avoid the transmission of AI viruses; and
- (b) whether AI would evolve and become stronger after Re-5 vaccine had been in use.

13. DDAF&C responded that under the current biosecurity requirements, all vehicles must be sterilized before entering into or leaving local chicken farms. All poultry transportation vehicles must travel directly to CSWTPWM. The vehicles, including their cargo compartments, wheels and chicken cages on board, would be sterilized again before they left

Action

CSWTPWM.

14. SFH and Principal Veterinary Officer (Acting) explained that the genetic drift of AI viruses occurred naturally under different environment. Vaccination would not necessarily be the cause of any sort of antigenic drift. In fact, vaccination would slow down the spread of virus, allow time to stamp out infected farms and avoid the further spreading of virus to neighbouring farms. It was important to regularly monitor the genetic drift of AI virus in different regions, keep track of its circulating strain and choose the appropriate vaccine that best matches the prevailing clade.

V. Outcome of public consultation on hawker management
(LC Paper Nos. CB(2)2285/11-12(04) and (05))

15. SFH briefed members on the outcome of the public consultation conducted by the Administration on the proposed mechanism for cancellation of hawker licences and the management of fixed pitch hawker areas.

16. Mr WONG Kwok-hing was pleased to note that the Administration had, in response to the motion passed at the Panel meeting on 11 April 2012, fine-tuned its original proposal on the introduction of the mechanism for cancellation of hawker licences. He said that the Federation of Hong Kong, Kowloon, New Territories Hawker Associations ("the Federation") was delighted that the Administration had addressed the trades' concerns, and welcomed the withdrawal of the initial proposed mechanism for cancellation of hawker licences, which had caused strong dissatisfaction on the part of the trade. On the management of fixed pitch hawker areas, the Federation noted that the Administration would set up a Steering Committee on Hawker Management ("SCHM"). For each major hawker area, a Hawker Management Consultative Committee ("HMCC") would also be formed to serve as a communication platform for the representatives of licensed hawkers, relevant District Councils and District Fire Safety Committee members. The Federation considered that the aforesaid arrangements could address the practical needs of each hawker area.

17. Mr WONG Kwok-hing pointed out that as each hawker area had its own hawker association, the Administration should include the representatives of these hawker associations in the membership of HMCC. Noting that the Hong Kong Polytechnic University ("PolyU") had been invited to design a new hawker stall, the Federation sought clarification on whether only PolyU was commissioned for the construction of hawker stalls. They asked whether the stall hawkers could hire other contractors to perform the building works after making reference to the PolyU's design. They also commented that the licensed stall size was too small and should be relaxed.

Action

18. SFH explained that with its expertise and experience, PolyU intended to produce a safe, exquisite and pragmatic design for hawkers' reference. He clarified that the Administration had no intention to commission PolyU or other organizations to erect new hawker stalls, and undertook to communicate with the hawking trade in this regard. SFH stressed that whether the stall hawkers would need to adopt the PolyU's new design would depend on their own circumstances. They would be given flexibility in their stall design.

19. Concerning the stall size, SFH said that he had discussed with the representatives of licensed hawkers and they considered that the trade should be provided with more space. Given the large number of licensed hawker stalls, SFH indicated that there was no room for an increase in the existing stall size. However, if extra space could be made available with the introduction of the proposed voluntary licence surrender scheme, particularly for the elderly licensees, the Administration would consider re-demarcating the space for each hawker stall so that the trade could be allowed to display more commodities for sale and to store the goods that were not readily flammable within their stall areas.

20. SFH advised that the Administration would appoint members of representative trade associations to sit on HMCCs. The trade had indicated that it would like to deal with its own problems on its own initiatives and avoid incessant disputes with the staff of the Food and Environmental Hygiene Department ("FEHD"). SFH pointed out that if the hawkers could operate their stalls with self-discipline, FEHD would not need to take enforcement actions against them. As such, mutual effort and two-way communication between the Administration and the trade was essential, and the two committees to be set up by FEHD (i.e. SCHM and HMCC) would serve as a platform for exchange of views and concerns between the two parties. Mr WONG Kwok-hing expressed gratitude to SFH for the patience with which he had listened to the concerns of the Federation.

21. The Deputy Chairman expressed appreciation to SFH for the time and efforts that he had spent on listening to the views of the trade and consulting the District Councils on the matter. The hawking trade was pleased with the outcome of the consultation. As far as the stall design was concerned, the Deputy Chairman requested the Administration to give hawkers greater flexibility provided that the materials they used to build their stalls had not breached the fire safety regulation. He suggested that the Administration could study whether certain guidance could be given on the use of materials subject to the types of goods sold in the hawker stalls. However, the requirements of stall design should be relaxed.

Action

22. As regards the proposed measure to resite the hawker stalls in front of staircase discharge points of buildings, the Deputy Chairman asked how the Administration would negotiate with operators of these hawker stalls if they refused to move. He was also concerned whether the licensed hawker would receive any ex-gratia payment for the surrender of licence. He welcomed the Administration's proposal to establish HMCC in each major hawker area as the channel of communication between the Administration and the trade would be enhanced as a result. As street hawking was a unique feature of Hong Kong, the Deputy Chairman asked how the Administration would enhance its liaison with the trade and the management of fixed pitch hawker areas with a view to achieving the sustainability of the hawking trade.

23. SFH said that in formulating the proposals set out in the paper, the Administration had taken into account the views that it received from the lengthy discussions with the trade. SFH agreed that the needs of all stall hawkers could not be addressed by one single design due to the differences in the types of goods they sold. He assured members that flexibility would be given in this regard. Concerning the resiting of hawker stalls in front of the staircase discharge points of buildings, SFH said that the Administration would identify suitable sites for the relocation. In order to prevent the recurrence of another fire tragedy, SFH stressed that the Administration had to exercise prudence in dealing with the matter. FEHD and the Fire Services Department would pay particular attention to tackling the problems of hawker areas with high fire risk, and all the 43 streets would be covered eventually. As regards the proposed voluntary licence surrender scheme, SFH said that the details were not yet available and discussion among government departments was necessary.

24. Mr LEE Cheuk-yan was delighted to note that the Administration had, after its consultation with the hawking trade, adopted the proposal on licence suspension. However, he expressed concern about the standard of enforcement against non-compliant activities of hawkers, which had been raised with the Director of Food and Environmental Hygiene ("DFEH"). Mr LEE pointed out that the Hawker Regulation (Cap. 132AI) was considered outdated, and decisions on enforcement actions usually relied on the judgement of front-line officers who at times attracted complaints related to inconsistent enforcement. As DFEH had indicated that the Administration would issue guidelines to make its enforcement activities in each district more transparent, Mr LEE enquired about the progress in this respect and whether the Administration was prepared to review the Hawker Regulation. He said that the hawking trade expressed worries over the situations where registered assistants would be prosecuted if they conducted business in the absence of the licensees, particularly those elderly licensees who might be away from their stalls temporarily from time to time for good reasons. He requested the Administration to provide more information about its

Action

enforcement standard in order to allay the trade's concerns.

25. Mr LEE Cheuk-yan further said that the Labour Party hoped that the hawking trade could be revitalized and become a part of the community's economy. Noting that the Administration recognized hawking as a tourist attraction and a source of cheap goods, he enquired about the future development of the hawking trade in Hong Kong. Apart from the measures as set out in paragraph 21 of the Administration's paper, he asked whether the Administration had conducted a study on the total number of hawker stalls in Hong Kong, and whether consideration would be given to allowing elderly hawkers to transfer their licences to their successors. Mr LEE requested the Administration to provide more details about the revitalization plan for the hawking trade, such as identifying suitable sites for the development of hawker areas.

26. SFH responded that there was currently no blueprint for the future development of the 43 hawker areas and other sites. The Administration's primary concern was the fire safety of hawker stalls, and hence would pay particular attention to the problems of those hawker areas with high fire risk. He said that the Administration would study in due course whether there was room for an increase in the number of hawker licences and the size of the stall area. However, these issues would be considered in the medium-to long term.

27. Regarding the enforcement actions against non-compliant cases, DFEH said that the issue had been discussed at a number of Panel meetings in the past. In response to the concerns raised by members at the last two Panel meetings, the Administration had issued a letter to all licensees in hawker areas in early March 2012 stating clearly the enforcement priorities and the requirements of a licensed hawker stall. The trade should now have a better understanding of the legal requirements and the licensing conditions. DFEH pointed out that the establishment of HMCC for each hawker area was considered the most desirable arrangement for FEHD district staff and hawkers to clarify the ambiguities in enforcement standards. Some hawker representatives also suggested that the boundaries of the pitch should be delineated by a solid line so that they would know for sure whether the goods were placed outside the approved stall areas or not, thus avoiding obstructions to the passageways during business hours. DFEH indicated that the Administration could discuss this idea with the trade as long as the proposed measure would not aggravate the problem of obstruction and would not have adverse fire safety implications. The Administration hoped that FEHD district staff could work in partnership with stall hawkers through the setting up of the HMCCs.

Action

28. Mr LEE Cheuk-yan took the view that it was time for the Administration to map out a long-term plan for the development of local hawking trade. SFH responded that the issue had been discussed at the district level. Some districts welcomed the proposal to establish hawker stalls/bazaars in their local communities while others considered that they did not have sufficient space to accommodate more hawking activities. The Administration had to respect the opinions of different districts about the issue.

29. Noting from a radio programme that SFH would be retiring soon, Mr TAM Yiu-chung wished him happy retirement. Mr TAM said that the original proposal on the introduction of the mechanism for cancellation of hawker licences had caused a great outcry. Acting in a manner sensitive to the views received, the Administration had seen its way to fine-tuning the proposal by introducing the mechanism for suspension of hawker licences, thus striking a reasonable balance between the interests of different parties whilst maintaining adequate deterrence against repeat offenders. To enable the trade to better understand the operation of the revised mechanism, Mr TAM asked whether briefings and seminars would be conducted for hawkers on the implementation details of the mechanism before it came into effect. As regards the new hawker stall design, Mr TAM enquired whether the Administration would consider providing hawkers with financial and technical support for the construction of hawker pitches.

30. SFH advised members that PolyU was asked to take a pragmatic approach in working out the stall design so that hawkers could have a stall that was safe; more appealing in appearance; and functional in catering for the hawkers' business needs. Whether financial assistance would be given to hawkers for the construction of stall would depend on the feasibility and the building cost of the new design as well as the hawkers' affordability. The Administration would consider whether to provide assistance in the installation work of some central facilities such as sprinkler system if it was to be built. As a new stall design was not yet available, the Administration had not considered the financial implications of constructing a new stall but would take this into account when considering the way forward.

31. On the hawker licence suspension mechanism, DFEH said that the Administration would conduct a meeting to explain the implementation details to the hawker representatives. Before the mechanism came into effect, the Administration would give detailed briefings to the licensed hawkers in each district through HMCCs in order to ensure the smooth operation of the mechanism and to forestall any avoidable misunderstanding in future. DFEH assured members that some guidelines and written information would be prepared on the mechanism for suspension of hawker licences prior to its introduction.

Action

32. Mr Fred LI said that the Democratic Party welcomed the Administration's proposal on the introduction of the mechanism for suspension of hawker licences, which could strike a balance among the interests of different parties and allay the hawkers' concerns over the cancellation of licences. The Democratic Party also supported the Administration's suggestion that immediate cancellation of hawker licence would be considered if the licensee violated any one of the three serious offences (i.e. making false declaration to obtain a hawker licence; illegal connection of electricity; and stall sub-letting). He reminded the Administration that follow-up and discussion on the issues pertaining to the PolyU's hawker stall design and the voluntary licence surrender scheme should be continued during the next term of the Legislative Council. For the introduction of the mechanism for suspension of hawker licences, Mr LI asked whether the existing legislation would need to be amended.

33. SFH responded that amendment to the legislation was not required for the implementation of the suspension mechanism. He pointed out that as the proposal on the licence suspension mechanism had just been announced and gained the support from the hawking trade, inter-departmental liaison was needed on the implementation of the mechanism. Concerning the voluntary licence surrender scheme, SFH said that there were many aged licensees who were unable to operate their stalls throughout the day. In view of this, the Administration would give further thoughts to a possible scheme, sensitive to the needs of the elderly licensees. As regards a new hawker stall design, the Administration would follow up the matter with PolyU.

34. Mr Vincent FANG wished SFH happy retirement. He welcomed the Administration's proposal as set out in the paper, which had addressed the hawking trade's concern, and commended SFH for his efforts in gauging the views of the relevant stakeholders on the issue. Mr FANG pointed out that hawker areas differed from each other in terms of their business environment, size of area and the types of goods sold. Hawkers might not share the same views as PolyU on the stall design, and hoped that PolyU could have more communication with them. As such, sufficient consultation with the trade should be conducted. Mr FANG further said that since the fire incident last year, stall hawkers had been cooperative and had spent a considerable amount of money rectifying the irregularities of their pitches. It was an opportunity for the Administration to improve the operating environment of street bazaars. If the Administration carried out further improvement works at hawker areas, he asked whether the stall hawkers had to bear the cost incurred; if so, whether financial assistance would be offered to them.

35. While supporting the resiting of hawker stalls in front of staircase discharge points of buildings, Mr Vincent FANG enquired whether there was additional hawker area to accommodate the relocated stalls given their large

Action

number. He asked whether the Administration would consider rolling out the voluntary licence surrender scheme at the same time so that some hawker stalls could be vacated by licence holders, particularly the elderly licensees. To facilitate the operation of business and maximize the use of limited space of hawker stalls, Mr FANG suggested that stall hawkers should be allowed to use foldable and retractable canopies.

36. SFH reassured members that PolyU would maintain communication with the hawking trade and come up with a stall design that could address the practical needs of hawkers. Whether stall hawkers would be given financial support for further improvement of their street bazaars would depend on the availability of district resources. He agreed that there was a need for the hawker stalls in front of staircase discharge points of buildings to be relocated in parallel with the introduction of the voluntary licence surrender scheme. However, it was of paramount importance for the Administration to pay particular attention to tackling the problems of those hawker areas with high fire risk. To ensure the fire safety of hawker stall areas, the Administration had to act prudently in considering the number, size and delineation of hawker pitches.

37. The Chairman said that the Panel was grateful for the efforts made by SFH, DFEH and their colleagues in dealing with the management of hawker stall areas. The next-term Government should follow up on the matter as soon as possible and allocate sufficient financial resources to resolve the problems, such as the sub-letting of hawker stalls. He was strongly of the view that the voluntary licence surrender scheme could not achieve its desired effect unless reasonable ex-gratia payments would be offered to licensees. Noting that it was the last time that SFH attended the Panel meeting, the Chairman, on behalf of all Panel members, wished SFH every success in the future.

38. SFH expressed his appreciation of the Panel's support for the Administration over the years. He said that it was understandable that the trades and relevant stakeholders might have different views on the work of the Administration. However, for the progress of Hong Kong, all parties had endeavoured to address the food safety and livelihood issues in the territory.

VI. Regulation of pesticide residues in food

(LC Paper Nos. CB(2)2285/11-12(06) to (08), CB(2)2144/11-12(01), CB(2)2073/11-12(01) and CB(2)1688/11-12(02))

39. Deputy Secretary for Food and Health (Food)2 ("DSFH(F)2") briefed members on the measures regulating pesticide residues in food in Hong Kong as detailed in the Administration's paper.

Action

40. Mr Fred LI expressed worry about the growing of Fuji apples in paper bags coated with a prohibited pesticide in Shandong as reported by the media. The Deputy Chairman echoed Mr LI's view. Mr LI and the Deputy Chairman asked whether the Centre for Food Safety ("CFS") had inspected the apples imported from Shandong in its daily food surveillance and whether follow-up actions had been taken for the reported case.

41. Regarding the test results provided by the Greenpeace which alleged that excessive pesticide residues were found in the vegetables samples obtained from three major supermarkets in Hong Kong, Mr Fred LI and Mr WONG Kwok-hing raised concerns about the mis-use of pesticides in registered farms in the Mainland which supplied vegetables to Hong Kong. Mr LI and Mr WONG enquired about -

- (a) whether the Mainland authorities had investigated the incidents and whether the investigation report would be made known to the public;
- (b) whether enforcement actions had been taken by the Mainland authorities;
- (c) the reason for the small sampling size of food test carried out by CFS on vegetables imported from the Mainland;
- (d) the selection criteria for inspection visits by the Administration to registered farms in the Mainland and whether the inspection report would be made known to the public; and
- (e) whether the Administration would notify the registered farm of a certain period of time, instead of a specific time within which, inspection visits would be conducted in order to enhance the effectiveness of the inspections.

42. DSFH(F)2 responded that fruit was one of the food types being inspected under the Food Surveillance Programme. CFS was seeking information from the Mainland authorities on the Fuji apples in question. It had also obtained samples of Fuji apple from the markets for inspection.

43. DSFH(F)2 said that the Administration had obtained test reports from the Greenpeace and identified the registered farms concerned. While the Greenpeace had not provided the Administration with the samples in question, CFS had obtained further samples of the vegetables from the concerned retailers for inspection and the results were satisfactory. CFS was liaising with the Mainland authorities to arrange inspection visits to the registered farms concerned. As regards the suggestion of giving a certain period of time,

Action

instead of a specific time, to the farm operators for conducting inspection visits, DSFH(F)2 said that the Administration had to explore its practicability with the Mainland authorities, for example how to ensure that the farm operator was present during the inspection so that the inspecting officer could have access to the records of the farm. ADFEH(FS&C) added that the Administration annually visited about 20 registered farms in the Mainland which were of larger scale and had records of supplying vegetables to Hong Kong. The scope of inspections covered crop production, the application and storage of pesticides and fertilizers, the environment of the vegetable farm, field management, water supplies, quality of soil, testing of produce and management of the farm, etc. Particular attention would be put on whether the requirements on withholding period or pre-harvest interval of pesticides applied had been complied with so as to avoid harvested crops tainted with pesticide residues. The inspection results had been satisfactory.

44. The Deputy Chairman raised his views and concerns as follows -

- (a) he commended the Administration that it had accomplished to safeguard public health by monitoring the safety of food imported from the Mainland and overseas;
- (b) the video recording provided by the Greenpeace revealed that the concerned vegetable farm was poorly managed. He asked whether the concerned farm operator would be penalized for its management problems, and how the Administration would handle similar incidents with the Mainland Authorities when further registered farms were found having management problems or supplying problem food;
- (c) the air quality of certain districts, e.g. Panyu, where registered farms located was undesirable. He urged the Administration to monitor the level of heavy metals of vegetables supplied from these districts; and
- (d) the Administration should make known to the public the fact that certain registered farms could meet the European Union's standards for pesticide residues in food and supplied their farm produce to Europe.

45. DSFH(F)2 said that the Administration attached great importance to ensuring food safety by strengthening the legislation, for example, enacting the Pesticide Residues in Food Regulation. CFS would also maintain close communication with the Mainland authorities. If test results indicated that a food sample originated from the Mainland had failed, CFS would request the Mainland authorities to follow up accordingly, including issuing warnings or

Action

removing the registered farm concerned from the approved list.

46. The Chairman declared that he was a Non-Executive Director of a listed company which operated vegetable farms in the Mainland and imported vegetables into Hong Kong. He said that as the Greenpeace had only provided the test results but not any vegetable samples, CFS could hardly trace the food sources with only the intelligence received but without adequate evidence. The Chairman hoped that organizations who raised their concerns about problem food could provide food samples to CFS for investigation and enforcement actions.

47. DSFH(F)2 responded that CFS would initiate investigation and collect samples for food test when it received intelligence about suspicious problem food. The investigation would certainly be more effective if more evidence could be obtained from the organization which raised its concerns about problem food. He stressed that prosecution against breaches of FSO should be evidence-based.

VII. Hung Hom Public Funeral Parlour

(LC Paper Nos. CB(2)2285/11-12(09) and (10))

48. Deputy Secretary for Food and Health (Food) 1 ("DSFH(F)1") briefed members on the general charges of funeral services provided by licensed funeral parlours and the Administration's policy on the provision of public and private funeral services as detailed in the Administration's paper.

49. Mr WONG Kwok-hing criticized that the Administration had concealed the details of the drastic rental increase of mourning halls in the Hung Hom Public Funeral Parlour ("HHPFP"). He enumerated the rental increases of mourning halls in other licensed funeral parlours in detail, and claimed that they were caused by the rental increase of HHPFP. Mr WONG suggested inviting deputations to express their views at the regular meeting in July 2012.

50. DSFH(F)1 stressed that the Administration had not concealed any information on the rental increases of different funeral parlours. She said that the Administration had approached each and every one of the private licensed funeral parlours for the details of their charges. However, the Hong Kong Funeral Home, the Universal Funeral Parlour and the Sai Sing Funeral Parlour (recent operator of HHPFP) had refused to provide such information. She pointed out that the current regulations did not require funeral parlours to publicize the detailed information of their operations, such as their tariff lists. The Administration would further liaise with the funeral parlours to enhance the transparency of their charges.

Action

51. DSFH(F)1 reiterated that the increase in charges for funeral services in the private sector had no relation with the price of the HHPFP contract. Operators in the private sector coincidentally raised their charges since renovation works had been conducted at these funeral service parlours in the last few years. As a result of these works, enhanced value-added services were provided. DSFH(F)1 further explained that the rental of mourning halls was just one of the cost factors that had a bearing on the cost of funeral package services. Whilst the rental of mourning hall had increased by about 30%, the prices of the funeral package services had increased by about 10%. DSFH(F)1 stressed that detailed requirements had been put in the service tender of HHPFP to ensure the provision of low-cost, holistic and solemn basic funeral package services for the needy at a price pitched at the burial grant under the Comprehensive Social Security Assistance ("CSSA") Scheme of the Social Welfare Department ("SWD"). She stressed that the tender was awarded in a fair manner to the best offer among the seven tenderers. The new operator had started operation for about two months. The Administration would closely monitor its provision of low-cost funeral services to the needy.

52. Noting that the overall prices of funeral package services had increased by about 10%, Dr Joseph LEE enquired whether the Administration had changed its policy on funeral services in that it no longer safeguarded the provision of low-cost funeral services to the poor.

53. DSFH(F)1 responded that funeral service was highly personalized and it was usually provided in service packages which include venue and traditional funeral etiquette. She said that, due to the low usage of free venue for funeral services at HHPFP when it was managed under the former Urban Council, the Administration had changed its policy from the provision of free venue to the provision of low-cost funeral package services to the needy, which could better suit the users' needs. The terms of the tender could ensure the provision of funeral package services at a price pitched at the burial grant under the CSSA Scheme for the needy and at the same time protect Government revenue.

54. In response to Dr Joseph LEE's further enquiry, DSFH(F)1 explained that during the two-month operation, the new operator had received only one request for low-cost funeral package service and the service had been offered. She said that, according to the service agreement, the operator had to maintain records of patronage for inspection by FEHD. FEHD would continue to monitor the service level of the new operator. She further said that the International Funeral Parlour as well as Diamond Hill Funeral Parlour also offered low-cost funeral package services. Competition did exist in this specific market segment.

Action

55. Mr LEE Cheuk-yan said that there was a large number of needy people in Hong Kong. He was doubtful about the reason behind the low usage of the low-cost funeral package service at HHPFP. He queried whether the funeral package services were so undesirable that users, including the non-CSSA-recipients, did not favour these services at all. He enquired how the Administration defined the scope of people who would be entitled to low-cost funeral package services at HHPFP. Mr LEE further opined that the Administration should have suppressed the price of the contract for the provision of funeral services at HHPFP to avoid the consequential price increase in other funeral services. He said that the Administration should offer public funeral services at public funeral parlours for the needy. On behalf of the Labour Party, Mr LEE expressed regret that the Administration had awarded the HHPFP's service contract at a high price for revenue purpose and had not taken care of the need for low-cost funeral services of the poor.

56. DSFH(F)1 responded that SWD approved about 13 000 cases for burial grants under the CSSA Scheme each year. In addition to HHPFP, other licensed funeral parlours also provided similar low-cost funeral services. Users were free to choose the funeral parlours they preferred. Users might also top up the burial grant and select other kinds of funeral services to suit their needs. DSFH(F)1 said that FEHD expressly required the operator of HHPFP to provide low-cost funeral service to specific groups of people, including non-CSSA-recipients, referred by SWD or FEHD via non-governmental bodies. Users could also choose to hold the funeral ceremonies in hospitals. DSFH(F)1 further said that the funeral trade had always been market-driven. When HHPFP was operated by the former Urban Council in early years, the low usage had demonstrated that public funeral parlour, i.e. provision of venue at \$100 or no cost, was not welcomed by users. Currently, the overall usage rate of mourning halls of all licensed funeral parlours was about 70%. There was room for competition among the operators to provide consumers with choice of services at different price levels.

57. The Deputy Chairman said that the price of funeral services varied with the size of the mourning hall, the complexity of traditional etiquette and the consumption of materials during the ceremonies, etc., according to users' individual needs. Therefore, it was difficult to benchmark a standard price for low-cost funeral package services. He considered it important for the Administration to ensure the provision of low-cost funeral package services for the needy.

58. DSFH(F)1 responded that when the Administration devised the tender exercise for 2012, it aimed to ensure the provision of complete and solemn low-cost funeral package services for the needy, particularly CSSA-recipients.

Action

It was specified in the agreement that the operator should provide a holistic service to users and could not refuse any users who needed low-cost funeral package services. She said that in certain private funeral parlours, tailored funeral services could also be offered at the price at or below \$12,120 so that users could pay with the burial grant.

59. The Chairman said that it was rational for the Administration to award the contract to the tenderer who offered the highest price during the tendering exercise; otherwise, it might be criticized for collusion with the trade. He agreed that the high contract price might have led to the consequential price increases in other funeral services. Given the convenient location of HHPFP and the rise in labour cost, the higher operational cost was inevitable. In his view, it was not just to criticize the higher price of funeral services offered by certain funeral parlours as these package services were tailored to meet the need of individual users and were not comparable.

60. Regarding Mr WONG Kwok-hing's suggestion that the Panel should receive views from deputations referred to in paragraph 49 above, the Chairman considered that there was inadequate time for the deputations to express their views and no apparent urgency for the Panel to discuss the item at the next meeting. The Chairman said that the deputations might instead provide submissions to the Panel for consideration.

VIII. Any other business

61. There being no other business, the meeting ended at 5:12 pm.