

**For discussion  
on 20 October 2011**

**LegCo Panel on Food Safety and Environmental Hygiene**

**The 2011-12 Policy Address**

**Policy Initiatives of  
Food and Health Bureau for 2011-12**

**Purpose**

This paper elaborates on the new initiatives set out in the 2011-12 Policy Agenda in relation to the work of the Food and Health Bureau (FHB) on food safety and environmental hygiene, and gives an account of the implementation of the on-going initiatives in past Policy Agendas.

**2011-12 Policy Agenda**

***Quality City and Quality Life***

***Mission and Vision***

2. FHB is committed to building a healthy society and accountable for formulating related policies under its ambit. On the food safety and environmental hygiene fronts, we will continue to ensure food safety and provide a clean and hygienic environment to promote public health and raise the living standard of our citizens.

*New Initiatives*

- (a) *Formulate a licensing scheme to enhance regulation of private columbaria and consult the public on relevant proposals*

3. In July 2010, FHB published a consultation document on review of columbarium policy and launched a three-month public consultation. In April 2011, we briefed this Panel on the outcome of the public consultation, and some preliminary proposals for a licensing scheme to enhance the regulation of private columbaria. In the public consultation, the public expressed strong support for a licensing scheme, but views over the scope and intensity of regulation and the arrangements for pre-existing private columbaria were divergent. Over the past six months, the Administration visited a wide selection of private columbaria and discussed internally a preliminary framework for taking forward the licensing scheme. We plan to put forward more detailed proposals on the licensing scheme, and will launch the second public consultation before end 2011.

- (b) *Prepare legislation to amend the Pesticides Ordinance to fulfill the obligations of the Hong Kong Special Administrative Region under the Stockholm Convention on Persistent Organic Pollutants and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade*

4. To fulfill Hong Kong's obligation under the Stockholm Convention on Persistent Organic Pollutants and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, we propose to introduce amendments to the Pesticides Ordinance (Cap. 133). We obtained the support of this Panel at its meeting in July 2011 and are now drafting the legislative amendments.

- (c) *Amend the Harmful Substances in Food Regulations to prohibit the presence of hormones of exogenous origin in dried milk, condensed milk and reconstituted milk*

5. In recent years, food incidents involving infant formulas in the Mainland attracted local attention. There were also cases of suspected presence of estrogens in some infant formulas manufactured in the Mainland leading to suspected cases of precocious puberty in some children in the Mainland last August. We have reviewed the adequacy of the current legislation regulating the food safety of the dried milk, condensed milk and reconstituted milk in Hong Kong. We intend to amend the Harmful Substances in Food Regulations (Cap. 132AF) to extend the prohibition on the presence of substances specified in its Second Schedule in food to cover dried milk, condensed milk and reconstituted milk. Such substances include three exogenous estrogens specified in items 1-3 of the Second Schedule. With this amendment, the potential problem highlighted by the suspected contaminated infant formula in the Mainland in August 2010 would have been tackled. We obtained the support of this Panel at its meeting in June 2011 and are preparing the draft amendments.

- (d) *Make a regulation under the Food Safety Ordinance to extend the existing import control regime for meat and poultry to cover poultry eggs.*

6. In recent years, the outbreaks of avian influenza in Asia have posed a health threat to Hong Kong. According to the World Health Organisation, eggs from infected poultry could be contaminated with the avian influenza virus. Although there is so far no epidemiological information to suggest that highly pathogenic avian influenza virus can cause infections through contaminated food, the World Organisation for Animal Health (OIE) has recommended that an international veterinary certificate should accompany the import of poultry eggs for human consumption for control of avian influenza. Accordingly, we propose to extend the import control regime for meat and poultry currently under the Import Game, Meat and Poultry Regulations (Cap. 132AK) and the Import and Export Ordinance (Cap. 60) to cover poultry eggs, by making a new Regulation under the Food Safety Ordinance (Cap. 612). We propose

that under the proposed Regulation, for every consignment of imported poultry eggs, importers are required to provide an import licence issued by Director of Food and Environmental Hygiene (DFEH) under Cap. 60, and an official health certificate for export of eggs issued by a competent authority<sup>1</sup> recognised by DFEH, or otherwise a prior written permission from DFEH will be required. The intention is that the proposed Regulation will replace the current Cap. 132AK. We obtained the support of this Panel at its meeting in May 2011.

*Progress Report on Implementation of On-going Initiatives*

- (a) *Further enhancing food safety by bringing the Food Safety Ordinance into full operation. The Ordinance will include a mandatory registration scheme for food importers and distributors, enhanced food traceability measures and power to make regulations for tightening control on imported food*

7. The Food Safety Ordinance (Cap. 612) commenced operation on 1 August 2011. The Ordinance will include a mandatory registration scheme for food importers and distributors, enhanced food traceability measures, power for the authorities to make orders to prohibit the import and supply of problem food and order the recall of such food, and power to make regulations for tightening control on imported food. To allow the trade sufficient preparation time, there is a six-month grace period under the Ordinance, after which the penalty provisions and the requirement to keep records will become effective. In another word, the Ordinance will be in full operation from 1 February 2012. The Centre for Food Safety (CFS) has publicised the Ordinance by pamphlets, posters, TV and radio Announcements of Public Interest, one-minute TV programmes, advertisements in public transports and roving exhibitions. A designated webpage has been set up to provide relevant information, such as the guide to the registration scheme and the Code of Practice for the record-keeping requirement. CFS has also launched a publicity programme to raise the awareness and facilitate the compliance of traders regarding the requirements of the Ordinance. As at 30 September 2011,

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<sup>1</sup> Under Regulation 2 of Cap. 132AK, "competent authority" means any authority, having power under the laws in force in any country to examine articles of food and to certify as to their fitness for human consumption, which is for the time being recognised by the Authority for the purpose of these regulations.

1 347 applications for registration have been received.

(b) *Preparing legislation to provide for a set of comprehensive and clear food safety standards for pesticide residues and veterinary drug residues in food that meet Hong Kong's needs*

8. After having consulted this Panel the refined regulatory framework for pesticide residues in food in Hong Kong in July 2011 and received the Panel's support for the proposal, we immediately conducted public consultation from July to September this year. Most of the views received during the consultation period showed support to the proposed regulatory framework. Taking into account views received, we will table the proposed Regulation at Legislative Council (LegCo). As for veterinary drug residues in food, we are making reference to the revised regulatory framework on pesticide residues in food with a view to refining the details of the proposed regulatory framework. We plan to consult the trade and members of the public on the proposed regulatory framework next year.

(c) *Continuing the programme to convert all aqua privies into flushing toilets in phases by 2013*

9. We have been implementing the programme to convert aqua privies by phases since 2005 and so far, the conversion of 227 aqua privies has been completed under the first five phases of works. Phase 6 has been substantially completed. Of the total 90 aqua privies under Phase 6, 87 have been completed, two would be completed by the fourth quarter of 2011 and the last one by the second quarter of 2012. Phase 7 (involving 145 aqua privies), which is also the final phase, is in progress and scheduled for completion by 2013.

(d) *Tightening up the regulatory framework for poultry and animals for the purpose of enhancing public health and food safety*

10. The Government has been adopting a comprehensive preventive and surveillance programme to reduce the risk of avian influenza outbreaks in Hong Kong. The measures include tight biosecurity measures and vaccination at local farms, enhanced import control,

stringent hygiene requirements on wholesale and retail markets, prohibition of overnight stocking of live poultry at the retail level, etc.

11. Hong Kong has adopted preventive vaccination despite that we have no endemic H5 avian influenza infection in poultry. Since March 2003, the existing H5N2 vaccine has been used on local poultry in Hong Kong, and to date, there has been only one reported outbreak of H5N1 highly pathogenic avian influenza on a local farm (December 2008). The existing H5N2 vaccine is still largely effective in protecting local poultry against H5N1 highly pathogenic avian influenza virus infection, while another H5N1 (Re-5) vaccine developed by the Mainland also provides effective protection to poultry imported from the Mainland against H5N1 highly pathogenic avian influenza virus infection. As reported to this Panel in January this year, the Agriculture, Fisheries and Conservation Department (AFCD) had commenced a voluntary field trial programme at local farms since November 2010, using the H5N1 vaccine to further confirm its suitability for use in the territory. Upon conclusion of the trial programme next year, we will report the outcome and way forward to this Panel.

(e) *Implementing a multi-pronged strategy to minimise the risk of avian influenza outbreaks*

12. The Government will continue its efforts in controlling the risk of avian influenza. The policy on banning the overnight stocking of live poultry at the retail level will remain unchanged. We will also maintain the numbers and rearing capacity of local chicken farms, the number of live poultry retail outlets and the daily quantity of imported chickens. We will also uphold our surveillance at the farm, wholesale, retail and import levels, and regularly review the risk of avian influenza to Hong Kong, with a view to ensuring that our policies are formulated in light of the prevailing circumstances.

(f) *Taking follow-up actions on the implementation of the legislation to ban trawling activities in Hong Kong waters and continuing to implement the recommendations of the Committee on Sustainable Fisheries.*

13. The subsidiary legislation to ban trawling activities in Hong Kong was passed by LegCo on 18 May 2011 and will take effect on 31 December 2012. The Interdepartmental Working Group (IWG) for the trawl ban has been formed by the Government to handle all matters relating to applications received under the one-off assistance package to trawler vessel owners, local deckhands employed by them and fish collector owners affected by the trawl ban. The IWG plans to roll out the scheme in late 2011.

14. Apart from banning trawling in Hong Kong waters, the Committee on Sustainable Fisheries also proposed other fisheries management measures in its report submitted to the Government in April 2010.

15. The Government proposed to amend the relevant legislation and consulted this Panel in March 2011. In November 2011, we will introduce the Fisheries Protection (Amendment) Bill 2011 into the LegCo. The Amendment Bill seeks to –

- (a) develop a registration system for local fishing vessels, with a view to limiting the entry of new fishing vessels and maintaining an appropriate level of fishing effort in Hong Kong waters;
- (b) restrict fishing activities with the use or aid of non-fishing vessels and prohibit fishing activities with the use or aid of non-local fishing vessels, with a view to further controlling the fishing effort in Hong Kong waters; and
- (c) designate certain areas in Hong Kong waters as Fisheries Protection Areas to protect important spawning and nursery grounds, help restore fisheries resources in Hong Kong waters, and promote their sustainable growth in the long run.

(g) *Promoting sustainable development of the fisheries industry and conserving fisheries resources in Hong Kong waters including offering free training on sustainable fishing practices, and launching a pilot fish hatchery and nursery scheme*

16. In 2010 and 2011, there were altogether 360 participants in the training courses organised by AFCD, which included enhancing the knowledge and skills relating to fisheries operations and development or switching to other operations, as well as computer courses etc. The relevant training courses are rated highly by the participants. Besides, we have organised various workshops and seminars, to introduce and promote fish hatchery and nursery techniques, and visited the fish culture zones of mariculturists to provide them with advice and technical support, with a view to encouraging them to make use of such techniques.

(h) *Reviewing proposals on the regulation of restricted dining places to safeguard public health*

17. The Administration has been closely monitoring and taking enforcement actions against restricted dining places which operate without a licence. Illegal operation has now been reduced significantly. Many operators have already obtained licences or switched to lawful operation as a club. We will continue to closely monitor the situation.

(i) *Exploring how to co-operate with the Mainland authorities on using latest information technology application to ensure effective tracing of food along the production chain and achieve better food safety management through control at source*

18. FHB and the Food and Environmental Hygiene Department (FEHD) have been working in collaboration with the Guangdong Entry-Exit Inspection and Quarantine Bureau since 2006 on a pilot programme to apply Radio Frequency Identification (RFID) technology in tracing live pigs imported from Guangdong Province. After conducting four stages of trial test on hand-held readers at the Man Kam To Animal Inspection Station and trial tests on passageway readers at the Sheung Shui Slaughterhouse, involving 88 000 pigs in about 37 000 batches of pigs, we have gained considerable understanding of and grasped the RFID

technology and its practicability. To sum up the experience gained will also be conducive to the long term planning of the technology for use in tracing the origin of imported food and the study of assessing the feasibility of its application onto other food animals and food types.

- (j) *Reviewing the provision of cemeteries, columbaria and crematoria facilities and striving to provide more facilities to meet future demand; and*
- (k) *continuing to conduct technical feasibility studies of shortlisted sites for columbarium development across the territory to increase supply of columbarium facilities*

19. The Administration continues to provide more public columbarium and crematorium facilities. The support of LegCo, local residents and relevant District Councils (DCs) remains essential to the Government in the provision of public columbarium and crematorium facilities as well as the introduction of other public burial services.

20. The reprovisioning of the Wo Hop Shek Crematorium has proceeded as scheduled for completion in early 2012. Besides, in December 2009, the LegCo Finance Committee approved the upgrading of the reprovisioning project of the Cape Collinson Crematorium to Category A for completion at the end of 2014. Upon completion of the projects, the total annual capacity of all public cremators will be increased from 38 000 sessions to 53 000 sessions. This will sufficiently meet the cremation demand up to the early 2020s.

21. With the support of the Panel and relevant DCs, the options of scattering cremated human ashes in gardens of remembrance and in designated Hong Kong waters have been gaining momentum. Since the new gardens of remembrance commenced operation and the procedures for scattering of cremated human ashes at sea were streamlined in 2007, we have handled about 3 400 and 1 900 applications respectively. Before that, there were only 339 and 44 applications respectively. FEHD has launched a pilot scheme on the provision of free ferry services every Saturday starting from January 2010 to facilitate the public to scatter cremains at sea. So far, over 1 000 families have applied for use of such services. In addition, since FEHD had launched an internet memorial

service, the “Memorial” website, in the second quarter of 2010, over 3 900 web pages have been created in remembrance of the deceased on the “Memorial” website. In September 2011, FEHD launched the mobile version of the “Memorial” website to facilitate members of the public to browse memorial web pages via mobile phones, so that they could remember and pay tribute to their lost loved ones anytime anywhere. We will continue to promote these services to the public, and encourage more innovative and sustainable means of handling cremains and paying tribute to the deceased.

22. There is a broad consensus that the supply of public columbaria should be increased. The LegCo Finance Committee approved in July 2009 funding for the provision of public columbarium and garden of remembrance facilities at Kiu Tau Road, Wo Hop Shek. About 43 000 niches and a garden of remembrance will be provided by July 2012 as scheduled. The concept of district-based columbarium development projects has also received public support in the public consultation conducted in July 2010. To this end, the Administration has shortlisted 24 sites in 18 districts in Hong Kong for columbarium development. Of these, the Diamond Hill Columbarium extension has received support from the Wong Tai Sin DC and will be completed by early 2012 while the Cheung Chau Cemetery extension has also received support from the Islands DC. The Administration is forging ahead with the technical feasibility studies (where required) related to those remaining sites where required to ascertain their suitability, before rolling out the consultation with the various DCs from 2012 onwards. Together with the supply of the Chinese Permanent Cemeteries, if there is support from the DCs and subject to satisfactory work progress, the Administration will be able to provide about 120 000 new niches in the coming five years (i.e. 2012-16), and hundreds of thousands more in the mid and long-term (i.e. 2017-31).

(k) *Following up on the recommendations of the review on hawker licensing, including the issuing of fixed-pitch hawker licences after consultation with the relevant DCs*

23. The Administration’s hawker policy is to strike a proper balance between allowing legal hawking activities on the one hand and maintaining environmental hygiene and protecting the public from

nuisance on the other. Provided that food safety and environmental hygiene will not be compromised, public passageways will not be obstructed, and support of the local DC has been obtained, re-issuing licences for some specific hawking trades will be considered as far as possible. In order to better meet public expectations and community needs and considering the fact that the number of hawkers has declined significantly, FEHD reviewed the hawker licensing policy in 2008 and 2009. Subsequent to the support of this Panel in April 2009, we have been following up on the proposals.

24. Hitherto, a total of 658 back-row fixed pitches have been merged with front-row pitches. As for the remaining vacant fixed pitches, FEHD has consulted the relevant DCs and received their support to allocate 218 vacant pitches to eligible persons and issue them with new Fixed-Pitch Hawker Licences. As at September 2011, FEHD issued 217 new licences. With regard to Itinerant (Frozen Confectionery) Hawker Licences, as at September 2011, FEHD issued 59 new licences and is actively processing the applications for the remaining two licences. Besides, FEHD has already completed the follow-up actions on all applications (a total of nine cases) for transfer of licence in respect of “Dai Pai Tongs” in the Central and Western District.

25. Apart from the review on hawker licensing policy, to further preserve local culture and heritage, FEHD conducted earlier a fact-finding exercise on unlicensed street traders who are conducting tradesman activities to ascertain their trading locations, type of businesses, length of services at the relevant locations, etc. This proposal received the support of this Panel in June 2011. FEHD is carrying out preparatory works for issuing Fixed Pitch (Tradesman) Hawker licences to the relevant tradesmen after obtaining DCs’ support so that they can continue to operate at the existing sites.

## **Policy Address Initiative**

### *Implementing a multi-pronged approach in properly handling stray animals*

26. The Administration attaches great importance to animal welfare and management. Our policy objective is to ensure that animals and people co-exist in a harmonious way in Hong Kong. In achieving this, we need to strike a balance between the well-being of people in Hong Kong on the one hand and the welfare of animals on the other. As far as stray cats and dogs are concerned, we believe that their population should be reduced at source. We will continue to step up the education and publicity of the life-long responsibility of owners to take care of their pets. We are also enhancing collaboration and liaison with animal welfare organisations in rehoming of stray cats and dogs as well as providing free de-sexing for rehomed animals. Moreover, in collaboration with the relevant animal welfare organisations, we are actively making preparations for implementing the “Trap-Neuter-Release” pilot scheme for dogs with a view to assessing its effectiveness in controlling the stray dog population. Upon consultation with the relevant DCs next year, the pilot scheme will be launched as soon as practicable. As for stray cattle, we will formulate a long-term strategy in properly controlling their population.

## **Conclusion**

27. Members are invited to note and comment on this paper.

**Food and Health Bureau**  
**October 2011**