

立法會
Legislative Council

LC Paper No. CB(2)566/14-15
(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, 11 November 2014, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex

- Members present** : Hon Tommy CHEUNG Yu-yan, SBS, JP (Chairman)
Hon Steven HO Chun-yin (Deputy Chairman)
Hon WONG Kwok-hing, BBS, MH
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN
Hon Cyd HO Sau-lan, JP
Hon Starry LEE Wai-king, JP
Hon WONG Kwok-kin, SBS
Hon Alan LEONG Kah-kit, SC
Hon WONG Yuk-man
Hon Claudia MO
Hon CHAN Chi-chuen
Dr Hon Kenneth CHAN Ka-lok
Hon Alice MAK Mei-kuen, JP
Dr Hon KWOK Ka-ki
Dr Hon Helena WONG Pik-wan
Dr Hon CHIANG Lai-wan, JP
Hon CHUNG Kwok-pan
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
- Members attending** : Hon James TO Kun-sun
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Ir Dr Hon LO Wai-kwok, BBS, MH, JP
- Members absent** : Hon Vincent FANG Kang, SBS, JP
Hon CHAN Hak-kan, JP
Dr Hon LEUNG Ka-lau
Hon CHEUNG Kwok-che
Hon Michael TIEN Puk-sun, BBS, JP
Hon CHAN Han-pan, JP

**Public Officers : Item IV
attending**

Professor Sophia CHAN Siu-chee, JP
Under Secretary for Food and Health

Mr Christopher WONG Kwok-bun, JP
Deputy Secretary for Food and Health (Food) 1

Mr LAM Wing-hong
Assistant Director (Operations) 2
Food and Environmental Hygiene Department

Item V

Dr KO Wing-man, BBS, JP
Secretary for Food and Health

Mr Christopher WONG Kwok-bun, JP
Deputy Secretary for Food and Health (Food) 1

Mr LAM Wing-hong
Assistant Director (Operations) 2
Food and Environmental Hygiene Department

Mr David CHOI Sio-veng
Principal Executive Officer (Staff Management and Discipline)
Food and Environmental Hygiene Department

Mr Matthew TANG Man-fung
Government Transport Manager
Food and Environmental Hygiene Department

Mrs Alice YU NG Ka-chun
Project Director 3
Architectural Services Department

Mr Lawrence CHAU Yat-cheung
District Planning Officer (Tsuen Wan and West Kowloon)
Planning Department

Item VI

Dr KO Wing-man, BBS, JP
Secretary for Food and Health

Mr Philip CHAN Kwan-ye, JP
Deputy Secretary for Food and Health (Food) 2

Dr Gloria TAM Lai-fan, JP
Controller, Centre for Food Safety
Food and Environmental Hygiene Department

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

Mr Howard CHAN Wai-kee, JP
Deputy Director of Environmental Protection (2)

Mr WONG Hon-meng
Assistant Director (Waste Reduction and Recycling)
Environmental Protection Department

Mr CHAN Chi-keung
Head of Trade Controls
Customs and Excise Department

Ms Anmy CHEUNG Kit-man
Senior Statistician (Trade)1
Census and Statistics Department

Clerk in attendance : Ms Alice LEUNG
Chief Council Secretary (2) 2

Staff in attendance : Mr Jove CHAN
Senior Council Secretary (2) 2

Mr Richard WONG
Council Secretary (2) 2

Miss Emma CHEUNG
Legislative Assistant (2) 2

Action

I. Confirmation of minutes
(LC Paper No. CB(2)163/14-15)

The minutes of the meeting held on 9 October 2014 were confirmed.

Action

II. Information paper issued since the last meeting

(LC Paper No. CB(2)168/14-15(01))

2. Members noted that a letter dated 27 October 2014 from Hon Frankie YICK Chi-ming to the Chairman notifying his withdrawal from the Panel had been issued since the last meeting.

III. Date of next meeting and items for discussion

(LC Paper Nos. CB(2)218/14-15(01) and (02))

List of outstanding items for discussion

3. Members noted that the list of outstanding items for discussion (LC Paper No. CB(2)218/14-15(01)) had been updated pursuant to the discussion at the informal meeting on 23 October 2014 between the Chairman and Deputy Chairman of the Panel and the Secretary for Food and Health ("SFH") to discuss the work plan of the Panel for the 2014-2015 session.

4. Expressing concern about the recent outbreak of dengue fever in Hong Kong, Mr WONG Kwok-hing suggested the Panel to discuss the subject at the December regular meeting or request the Administration to provide the Panel with an information paper on the Administration's measures for the prevention and control of dengue fever. The Chairman informed Members that the Panel on Health Services would discuss the item "Measures for the prevention and control of Ebola virus disease and dengue fever" at its meeting scheduled for 17 November 2014 and had invited all Members of the Legislative Council ("LegCo") to join the discussion. Mr WONG Kwok-hing said that in that case, it would not be necessary for the Panel to discuss the subject of dengue fever at the December regular meeting.

Regular meeting in December 2014

5. Members agreed to discuss the following items at the next regular meeting to be held on Tuesday, 9 December 2014 -

- (a) Strategy adopted by the Government in tackling the issue of stray cattle;
- (b) Supply chain of powdered formula; and
- (c) Implementation of the Pesticide Residues in Food Regulation (Cap. 132CM).

Action

6. Regarding item (a) referred to in paragraph 5 above, Ms Claudia MO suggested that the Panel should invite the deputations which had expressed concerns about the management of stray cattle to give views at the meeting. Members agreed to her suggestion and advance the meeting to start at 2:00 pm so as to allow sufficient time for discussion of all items.

7. As regards item (c) of paragraph 5 above, Dr Helena WONG said that when the Panel discussed with the Administration the subject relating to the implementation of the Pesticide Residues in Food Regulation in the last session, concerns were raised about the tracing of the sources of the problem vegetables imported from the Mainland, the effectiveness of the food tracing mechanism in identifying the source of problem vegetables and the smuggling of vegetables from unauthorized sources into Hong Kong. She requested that the Administration should address these concerns in its discussion paper for the next regular meeting and considered that representatives of the Customs and Excise Department ("C&ED") should also be invited to attend the meeting.

8. In response to Dr CHIANG Lai-wan's enquiry, the Chairman said that the Administration proposed to consult the Panel on the legislative proposals for the election of elected members to the Veterinary Surgeons Board of Hong Kong in the second quarter of 2015.

IV. Food and Environmental Hygiene Department refuse collection point within a residential development at Fuk Wa Street/Fuk Wing Street/Camp Street site, Shamshuipo, Kowloon
(LC Paper No. CB(2)218/14-15(04))

9. The Chairman reminded Members that in accordance with Rule 83A of the Rules of Procedure ("RoP") of LegCo, they should disclose the nature of any direct or indirect pecuniary interests relating to the funding proposals under discussion at the meeting before they spoke on the item.

10. At the invitation of the Chairman, Under Secretary for Food and Health ("USFH") briefed Members on the Administration's proposed works project to re-provision the Food and Environmental Hygiene Department ("FEHD") refuse collection point ("RCP") within the residential development at Fuk Wa Street/Fuk Wing Street/Camp Street site, Sham Shui Po ("SSP"), Kowloon ("the SSP site"), details of which were set out in the Administration's paper (LC Paper No. CB(2)218/14-15(04)).

Proposed project

The permanent RCP

11. While expressing support for the Administration's proposal to combine the existing temporary RCP at Camp Street with the Fuk Wa Street/Fuk Wing Street site to form a larger development site for residential development with a view to optimizing the use of limited land and incorporate the permanent RCP into the future residential development, Dr CHIANG Lai-wan urged the Administration to avoid problems that arose in previous similar projects where RCPs were co-located with private residential developments. Referring to her experience in handling district problems including the case of Lai Bo Garden in SSP, she expressed concerns that a RCP co-located with private residential development was likely to give rise to disputes such as the arrangement between FEHD and the owners of the residential developments on the sharing of management fees for the common facilities concerned, the party responsible for the maintenance of shared facilities (e.g. sewage pipes) and environmental nuisances caused by the RCP.

12. Noting that a temporary RCP was currently operating in the area of the SSP site, Mr WONG Yuk-man considered it acceptable that the Administration proposed to combine the permanent RCP with residential development in the SSP site. He would support the Administration to submit the proposal to the Public Works Subcommittee ("PWSC") and the Finance Committee ("FC") for consideration. He, however, questioned whether the proposed project had optimized the development potential and land revenue. Mr WONG also expressed concerns as to whether the Administration could adequately address concerns raised by residents in the vicinity and SSP District Council ("DC") regarding environmental nuisances and hygiene conditions. He urged the Administration to provide further details on measures to be taken for mitigating environmental nuisances when submitting the works project proposal to PWSC and FC.

13. Dr Helena WONG and Ms Claudia MO expressed dissatisfaction about the Administration's proposal to re-provision the permanent RCP at a residential development site and indicated that they would not support the proposal. While recognizing the need for increasing the supply of housing land, Dr WONG was concerned that the co-location of the RCP with residential development would cause too much nuisances to residents in the future residential development site. Ms MO expressed reservation about the Administration's initiative to convert "Government, Institutions or Community" sites into residential use, and urged the Administration to explore other ways to increase the supply of housing land. She also queried

Action

whether the Administration could adequately address concerns raised by SSP DC.

14. In response, USFH made the following points -

- (a) the future developer of the SSP site would be required under land sale conditions to design and construct the permanent RCP to be reprovisioned, based on a Technical Schedule to be appended to the land lease, and with funding borne by the Government. The permanent RCP to be reprovisioned would be handed over to FEHD upon completion for operation, management and maintenance;
- (b) the permanent RCP would be covered and located on the ground floor, and there would be separate vehicular access to the permanent RCP for exclusive use. Special ancillary and environmental mitigation measures would be provided, including an independent sewage system for foul water, odour absorption system, water scrubber system (or other appropriate alternative system) and refuse collection vehicle exhaust extraction systems. The design, planning, construction and operation of the permanent RCP would also follow the environmental planning principles in Chapter 9 of the Hong Kong Planning Standards and Guidelines; and
- (c) the Planning Department ("PlanD") consulted SSP DC on 15 January 2013 on the proposed rezoning of the SSP site for residential development. In response to SSP DC members' views and suggestions, the Government subsequently proposed to combine the temporary RCP site with the SSP site to form a larger development site whereby a permanent RCP would be co-located with the future development. FEHD had further consulted SSP DC on the proposed project at its meeting on 5 November 2013. Taking into account the various measures which would be put in place to avoid nuisance to the residents, SSP DC had no in-principle objection to the reprovisioning proposal.

15. Dr Helena WONG further enquired whether it was the Government's policy to reprovision all the existing FEHD RCPs by co-locating them with future residential development projects in their respective sites with a view to converting "Government, Institution or Community" sites into residential use. Deputy Secretary for Food and Health (Food) 1 ("DSFH(F)1") responded that there were presently some several hundred FEHD RCPs and only less than 20

Action

of them were co-located with residential development. Future reprovisioning proposals as well as the question of whether the reprovisioned facility would be co-located with future residential development would be considered on a case-by-case basis.

Estimated cost and time schedule

16. Noting that the Administration planned to submit the proposed project to PWSC and FC in November and December 2014 respectively, Mr WONG Yuk-man and Mr CHAN Chi-chuen wondered whether the Administration had estimated the potential impact on the project's cost and land sale schedule as it was highly likely that the proposed project could not be dealt with by PWSC and/or FC in accordance with the proposed time schedule.

17. Noting that the estimated project cost was about \$55 million in money-of-the-day price, Ms Claudia MO expressed concern about the increase in cost in the event that the proposed project could not be dealt with by PWSC and/or FC in accordance with the Administration's proposed time schedule.

18. In response, USFH and DSFH(F)1 made the following points -

- (a) the SSP site would be included as a land sale site for development only after FC's funding approval. Subject to FC's funding approval in December 2014, the construction works of the permanent RCP were expected to be completed in 2019. If FC's approval could not be obtained by December 2014, there would be a delay in the works schedule of the proposed project; and
- (b) it was the Administration's intention to submit the project proposal at the first possible opportunity. In the event that PWSC and/or FC could not deal with the project proposal in accordance with the proposed time schedule, the Administration would make necessary revisions (if any) in the proposal submitted to PWSC and/or FC to reflect the latest estimation on project cost and completion date.

19. The Chairman enquired whether the Administration would consult the Panel again on the proposed project before submitting to PWSC and FC in the event that there were major revisions in the expected completion date and estimated project cost. DSFH(F)1 responded that the Administration would update the Panel on the latest estimation on the project cost if it was considered necessary.

Action

(Post meeting note: After the meeting, the Administration provided a supplementary information paper on the proposed project, which was issued to Members vide LC Paper No. CB(2)321/14-15(01) on 21 November 2014. The Administration advised that as they intended to submit the proposal to PWSC at the first possible opportunity, they did not envisage having to update the costing figures and making another submission to the Panel.)

20. The Chairman consulted Members who had yet to speak on the item regarding their views on the Administration's proposal. Miss Alice MAK and Prof Joseph LEE indicated that they supported the works project proposal to be submitted to PWSC and FC.

Summing up

21. In concluding the discussion, the Chairman said that some Members (including Dr CHIANG Lai-wan, Mr WONG Yuk-man, Miss Alice MAK and Prof Joseph LEE) supported the Administration to submit the proposal to re-provision FEHD RCP within the residential development at the SSP site to PWSC and FC for consideration. However, Dr Helena WONG and Ms Claudia MO raised concerns and did not support the proposal. Members belonging to the Liberal Party ("LP") had not indicated the position of LP on the proposal. The Chairman also reminded that the Administration should provide further information on measures to be adopted in the RCP for mitigating environmental nuisances when submitting the proposal to PWSC and FC.

V. Re-provisioning of the Food and Environmental Hygiene Department Sai Yee Street Environmental Hygiene Offices-cum-Vehicle Depot to Yen Ming Road, West Kowloon reclamation area (LC Paper No. CB(2)218/14-15(03))

22. The Chairman reminded Members that in accordance with RoP 83A, they should disclose the nature of any direct or indirect pecuniary interests relating to the funding proposals under discussion at the meeting before they spoke on the item.

23. At the invitation of the Chairman, SFH briefed Members on the Administration's proposal for the re-provisioning of FEHD Sai Yee Street Environmental Hygiene Offices-cum-Vehicle Depot to Yen Ming Road, details of which were set out in the Administration's paper (LC Paper No. CB(2)218/14-15(03)).

Action

Proposed project

24. Noting that the Administration planned to submit the proposal to PWSC and FC in December 2014 and January 2015 respectively, the Chairman enquired the Administration for its plan in the event that the proposal could not be dealt with by PWSC and FC in accordance with the proposed time schedule. In response, SFH said that he noted that Members had raised concerns about the timetable of submission of the works proposal to PWSC and FC and the possible impact on the project's cost when discussing item IV relating to RCP. Regarding the proposed projects under items IV and V, the Administration would provide the Panel with supplementary information should there be major revisions in their estimation on project costs and completion date.

Reprovisioning the offices-cum-vehicle depot

25. Indicating that the Democratic Alliance for the Betterment and Progress of Hong Kong had all along advocated the idea of relocating government facilities from central business districts to newly developed districts, Ms Starry LEE and Dr CHIANG Lai-wan expressed support for the Administration's plan to reprovision the Environmental Hygiene Offices-cum-vehicle depot ("the Premises") of FEHD (which was currently located in Mong Kok) at a site in Yen Ming Road, West Kowloon Reclamation Area ("the Yen Ming Road site"). Ms LEE and Dr CHIANG, however, urged the Administration to adequately address concerns raised by residents and Yau Tsim Mong ("YTM") DC regarding possible adverse impact of the reprovisioned vehicle depot on traffic, as there were schools and residential buildings in the vicinity of the Yen Ming Road site.

26. While expressing support in principle for the proposal, Mr WONG Yuk-man urged the Administration to explore ways to expedite the demolition works of the Premises such that there could be early provision of a Public Transport Terminus at Sai Yee Street for the improvement of traffic conditions in Mong Kok, particularly in the area of Tung Choi Street and Fa Yuen Street. Noting that this proposal was one of the long term projects under the "Area Improvement Plan for the Shopping Areas of Mong Kok" completed by PlanD in 2009, Mr WONG queried why the Administration had only initiated consultation on the reprovisioning proposal in 2012. He expressed disappointment that subject to FC's funding approval, the demolition works for the Premises at Sai Yee Street were expected to be completed in July 2019.

27. Expressing support for the Administration's proposal, Dr Priscilla LEUNG reminded the Administration to (a) ensure that both the Premises

Action

and Water Supplies Department facilities at Sai Yee Street would be released for redevelopment; and (b) address concerns raised by residents in the vicinity of the Yen Ming Road site, particularly on possible adverse impact on road safety caused by refuse collection vehicles using the new vehicle depot.

28. In response, SFH and Project Director 3, Architectural Services Department made the following points -

- (a) to address concerns raised by residents in the district on possible adverse impact of the reprovisioned depot on traffic, road safety and the environment, the Administration had substantially revised the vehicle routings to avoid using roads which were in close proximity to residential areas, and from using junctions with heavy traffic. In addition, the schedule of vehicles had been adjusted according to the road use pattern of other road users in the neighbourhood to minimize impacts on them;
- (b) a Traffic Impact Assessment ("TIA") consultancy study was conducted to assess the traffic impact of the proposed project. The TIA consultant concluded that the additional vehicular traffic arising from the proposed project as per the proposed revised vehicle routing and schedule mentioned in (a) above would be insignificant and would not adversely affect the performance of the key road junctions in the vicinity of the Yen Ming Road site. The capacity of the road network was sufficient to accommodate the traffic volume to be generated by the new Premises and other planned developments; and
- (c) the Administration would continue to engage DCs concerned to ensure that residents' concerns were addressed in the process of reprovisioning the Premises.

Selection of the Yen Ming Road site

29. While raising no objection to the proposed removal of the Premises away from Sai Yee Street, Dr Helena WONG and Mr James TO expressed strong views against the selection of the Yen Ming Road site for reprovisioning the Premises. Indicating that the Democratic Party would oppose to the project proposal if the Administration proposed to reprovision the vehicle depot at the Yen Ming Road site, Dr WONG wondered if the Administration would consider selecting another site not located in YTM district. Mr TO, declaring that he was a member of YTM DC, considered that the Yen Ming Road site which was located in the harbourfront areas

Action

should be reserved for use other than a vehicle depot. In his opinion, the vehicle depot could be relocated to a site further away from urban areas. He urged the Administration to (a) consider looking for two separate sites to re-provision the Environmental Hygiene Offices and the vehicle depot respectively; and (b) provide further information on whether the Administration had considered other sites for re-provisioning the vehicle depot as suggested by some members of YMT DC and the justifications for not selecting these sites.

30. In response, SFH advised that -

- (a) the Yen Ming Road site was found to be suitable as a re-provisioning site. It was within easy reach from the target service areas of the vehicles, easily accessible by market tenants and hawker licensees in the Kowloon Region who could visit the new Premises by the Mass Transit Railway or other means of public transport to deal with market stalls and hawker licensing matters. With the location of the site at West Kowloon, FEHD could ensure the continued delivery of efficient environmental hygiene services in the service areas by its vehicles;
- (b) since 2012, the Administration had initiated consultation on the re-provisioning proposal, responding to the comments of various stakeholders, including members of YTM DC, YTM West Area Committee, YTM North Area Committee, owners' committees and owners' corporation of nearby residential buildings, principals and parents' representatives of the schools in its vicinity as well as the owner of the building, container handling area and pier opposite the re-provisioning site; and
- (c) the Administration presented the latest progress of the project, and the outcome of local consultation to the Food and Environmental Hygiene Committee ("FEHC") of YTM DC on 29 May 2014. After deliberations, FEHC of YTM DC supported the re-provisioning project at the Yen Ming Road site. The Administration also briefed the Environment and Hygiene Committee ("EHC") of SSP DC on 22 May 2014, and EHC of SSP DC had no objection to the project. Furthermore, FEHD consulted the Task Force on Harbourfront Developments in Kowloon, Tsuen Wan and Kwai Tsing on 12 February 2014, and the Task Force had no objection in principle to the project.

31. Dr Helena WONG suggested that the Administration could consider re-provisioning the Premises together with the FEHD RCP as proposed under

Action

item IV at the SSP site, and releasing the Yen Ming Road site for residential development. In her view, the FEHD RCP and vehicle depot could be reprovisioned and co-located in a multi-storey building at the SSP site. SFH responded that since it was the first time that such a suggestion was made, it would not be fair to expect the Administration being able to tender its considered response on the spot. He also stressed that the relevant Committees under both SSP and YTM DCs had been duly consulted on the Yen Ming Road site.

(Post-meeting note: Having regard to the size of the site and the impact of the traffic volume generated by the vehicle depot on the residential developments and schools in the vicinity, the Administration considered Dr WONG's suggestion not feasible. The Administration undertook to provide after the meeting a written response regarding the suggestion.)

Summing up

32. In concluding the discussion, the Chairman said that while most Members who had spoken on the item expressed support for the proposal for reprovisioning the Premises to Yen Ming Road, Dr Helena WONG and Mr James TO had indicated that Members of the Democratic Party were against the proposal. The Chairman reminded the Administration to take note of the request made by Mr James TO to provide, after the meeting, supplementary information regarding the selection and decision for choosing the Yen Ming Road site for reprovisioning the Premises when submitting the project proposal to PWSC. SFH advised that the Administration had conducted thorough consultation with DCs and Area Committees concerned, and they had no objection to the project.

VI. Update on the sub-standard lard incident and food safety issues of cooking oil

(LC Paper Nos. CB(2)218/14-15(05) and (06), LS10/14-15, FHB/F/5/1/1 and LS75/13-14)

33. At the invitation of the Chairman, SFH updated Members on the investigation and follow-up work undertaken by the Administration on the substandard lard incident in Taiwan and the food safety issues of cooking oil, details of which were set out in the Administration's paper (LC Paper No. CB(2)218/14-15(05)).

34. Members noted the background brief entitled "Sub-standard lard incident and food safety issues of cooking oil" (LC Paper No. CB(2)218/14-15(06)) prepared by LegCo Secretariat.

Action

35. Members also noted the three Legal Service Division ("LSD") Reports on three Food Safety Orders made under section 30 of the Food Safety Ordinance (Cap. 612) gazetted on 14 September, 29 October and 7 November 2014 respectively (LC Paper Nos. LS75/13-14, LS10/14-15 and LS11/14-15) prepared by LSD of LegCo Secretariat. LSD Report on the Food Safety Order gazetted on 7 November 2014 (LC Paper No. LS11/14-15) was tabled at the meeting.

(Post-meeting note: LSD Report on the Food Safety Order gazetted on 7 November 2014 was circulated to Members on 12 November 2014 vide LC Paper No. CB(2)263/14-15.)

Publication of information on the food traders concerned

36. Dr Helena WONG, Mr CHAN Chi-chuen and Dr KWOK Ka-ki pointed out that when the first Food Safety Order was gazetted on 14 2014 to prohibit the import into and supply within Hong Kong of all lard/lard products produced by Chang Guann Co., Ltd. ("Chang Guann") on or after 1 March 2014 and food products made with such lard/lard products in Taiwan and Hong Kong, the Administration released on the same day a list of food traders who might have distributed or used lard/lard products as specified in the Order. Holding the view that consumers' right to know should be protected, they queried why the Administration did not release a list food traders who might have distributed or used the lard/lard products concerned as specified in the second and the third Food Safety Orders gazetted on 29 October and 7 November 2014 respectively.

37. The Deputy Chairman said that he had raised an oral question at the Council meeting of 29 October 2014 about the recent food incidents in Hong Kong (including the one in which food premises and food manufacturers used sub-standard lard/lard products imported from Taiwan). He was concerned about the food safety of imported food, the effectiveness of the food tracing mechanism currently in place and how the mechanism could be enhanced to facilitate the Administration's handling of food safety incidents.

38. SFH explained that the Taiwan authorities had provided information (including product name, date of production and consignment number) on the affected consignments of lard/lard products manufactured by Chang Guann that had been exported to Hong Kong. Subsequently, the Director of Food and Environmental Hygiene ("DFEH") made the first Food Safety Order which took effect from noon on 14 September 2014 to prohibit the import into and the supply within Hong Kong all lard/lard products produced by Chang Guann in Taiwan on or after 1 March 2014 as well as all food products made with those lard/lard products, and to mandate recall and

Action

disposal of all concerned products. In order to ensure that the recall was conducted in a timely and systematic manner, the Centre for Food Safety ("CFS") compiled and publicized a list of food traders who might have distributed or used the lard/lard products concerned with the first Food Safety Order by making reference to the information provided by the suppliers and major distributors concerned.

39. SFH further advised that since early October, Taiwan authorities had found more cases of sub-standard oil which involved other companies. In the light that more suspected fraudulent fats and oils productions had been detected by the Taiwan authorities, the Administration had taken proactive actions to protect public health although the particulars of the affected products (such as production date and consignment number, etc) were not available from the Taiwan authorities. On 9 October 2014, FEHD announced that precautionary measures to be taken to stop the import into and supply within Hong Kong all edible oils of animal origins produced in Taiwan with relevant powers under the Public Health and Municipal Services Ordinance (Cap. 132). On 15 October 2014, the coverage of the precautionary measures was extended to include all edible oils (of animal or plant origins) produced in Taiwan. To further safeguard Hong Kong's public health, DFEH made the second and the third Food Safety Orders on 29 October and 7 November 2014 respectively. SFH stressed that the precautionary measures remained in force and had extended to cover all oils and fats produced in Taiwan. After several rounds of marking and sealing of products and recall exercises, CFS estimated that the remaining stock of the products concerned in the local market would not be in a significant quantity. Therefore, the Administration considered it not necessary to follow the practice in September when the first Food Safety Order was made to release simultaneously a list of traders who might have distributed or used affected products with the second and the third Orders.

40. The Chairman said that he subscribed to the Administration's view that it was not necessary to follow the practice of publicizing the list of food traders concerned when the second and the third Food Safety Orders were made. In fact, he had reservation about the Administration's arrangement of releasing such a list when the first Food Safety Order was made in September 2014. He considered that the Administration should make known to the public after all suspected problem lard/lard products had been recalled. He added that lard was not commonly used by food premises in Hong Kong and food premises no longer used cooking oil imported from Taiwan since the sub-standard lard incident had been revealed by the media.

41. In response to Mr CHAN Chi-chuen's enquiry on the quantity of the lard/lard products recalled after the second Food Safety Order was made,

Action

Controller, CFS advised that about 207 tonnes of incriminated oil from Cheng I Food Co. Ltd. and Ting Hsin Oil & Fat Industrial Co. Ltd. and about 1.9 tonnes of other affected food products had been marked and sealed by CFS. Dr KWOK Ka-ki was concerned as to whether all of the problem products manufactured by these two companies had been marked and sealed. He considered it necessary for the Administration to release the information of food traders who might have distributed or used the lard/lard products of the two manufacturers concerned in the interest of public health.

Regulation of safety of edible oil and recycling of used cooking oil

42. Dr CHIANG Lai-wan said that in the light of the recent food incident of sub-standard cooking oil and lard, the public was gravely concerned about the food safety of edible oil. She hoped that the Administration would implement expeditiously measures to ensure the food safety of edible oil and set a higher level of penalty for breaches of relevant legislation to achieve a higher deterrent effect.

43. Mr WONG Kwok-hing noted from the Administration's paper that the declaration system of C&ED was used for collecting commodity trading data for compiling aggregate import and export statistics for the purpose of macroeconomic analysis, rather than for monitoring or tracing the import and export of commodities. Recalling that the Administration had advised the Panel that it would consider introducing legislative amendments to strengthen regulation against the supply of edible oil made with used cooking oil, he enquired whether the legislative proposals to be introduced by the Administration would put in place a tracing mechanism to monitor the import and export of used cooking oil. Mr WONG Yuk-man expressed concern about the food safety of edible oil supplied within Hong Kong and how the Administration would strengthen the control of the export of used cooking oil.

44. SFH advised that in order for edible oil importers to prove that their products were fit for human consumption, the Administration would consider making it a statutory requirement that "used cooking oil" or "sub-standard oil" not intended for human consumption (such as "sub-standard lard") must not be used as ingredient for the production of edible oil and all edible oil must comply with the proposed legal standard. Besides, health certificates would be required for the export of edible oil to ensure that it was fit for human consumption. The Administration was also considering to require, through the licensing conditions for restaurant and food factory licence of FEHD, all used cooking oil intended for disposal be handed over to collectors or recyclers recognized by the Environmental Protection Department and all records to be properly kept to prevent at source the used cooking oil from re-entering the food chain. The Environment Bureau would in parallel

Action

consider legislative amendments to strengthen the regulatory control of the disposal of used cooking oil.

45. Regarding the cases of incorrect declarations on export of edible lard made by three oil traders between January 2013 and July 2014 mentioned in paragraph 19 of the Administration's paper, the Deputy Chairman, Mr WONG Kwok-hing and Dr KWOK Ka-ki expressed similar view that the Administration should seriously look into these cases. They were concerned as to whether these traders had made the incorrect export declarations by mistake or on purpose. Dr KWOK considered that the Administration should take stringent enforcement actions and institute prosecutions, where appropriate, against these oil traders for making incorrect export declarations. The Deputy Chairman raised concern about the investigation work carried out by C&ED and whether these cases involved any breaches of laws and regulations. Owing to time constraint, the Chairman requested the Administration to provide, after the meeting, supplementary information in response to the Deputy Chairman's concern.

Admin

46. Ir Dr LO Wai-kwok declared that he was the Chairman of the Hong Kong Quality Assurance Agency ("HKQAA") and said that HKQAA had launched the pilot programme for the Hong Kong Cooking Oil Registration Scheme ("the Registration Scheme") in July 2014. The Registration Scheme aimed to boost the confidence of end users by verifying the identifiable sources of cooking oil supply and encourage environmental protection and sustainable development among the relevant trades and the public by enhancing the traceability of used cooking oil during recycling processes. The pilot programme had received good responses from the catering and recycling trades, including cooking oil suppliers, used cooking oil collectors and processors and catering groups. Ir Dr LO said that the recycling trade of used cooking oil was concerned about the rising prices of used cooking oil and was worried that the unscrupulous traders collected used cooking oil as ingredients for cooking oil. He asked whether the Administration had monitored the whereabouts of used cooking oil disposed of by food premises so as to prevent it from re-entering the food chain.

47. The Chairman declared that he was the one who proposed the idea of the Registration Scheme to HKQAA, and his company which collected used cooking oil for recycling into bio-diesel had participated in the pilot programme.

48. SFH responded that the Administration welcomed the Registration Scheme which would assist customers to verify the sources of cooking oil and would help channel the used cooking oil to recyclers for manufacturing bio-diesel. Its direction was in alignment with the legislative proposals that

Action

the Administration was contemplating to regulate the import and export of edible oil and proper disposal of used cooking oil including recycling. SFH added that the detected cases of inappropriate use of used cooking oil had been followed up by the relevant departments and enforcement actions would be taken against unlawful acts.

49. Dr KWOK Ka-ki was concerned about the inspection and testing of edible oil. He opined that the Administration should conduct food tests on samples of edible oil imported from all places of origins. The Chairman said that gutter oil was made with used cooking oil recycled from restaurants and discarded animal parts or animal fat. To tackle the problem of gutter oil effectively, he hoped that the Administration would consider conducting a study on using DNA analysis as the testing method to detect gutter oil.

VII. Any other business

50. There being no other business, the meeting ended at 4:30 pm.

Council Business Division 2
Legislative Council Secretariat
9 January 2015