

立法會
Legislative Council

LC Paper No. CB(2)347/15-16

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Ref : CB2/PL/FE

Panel on Food Safety and Environmental Hygiene

**Minutes of special meeting
held on Tuesday, 6 October 2015, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex**

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

Members absent : Hon WONG Kwok-hing, BBS, MH
Dr Hon LEUNG Ka-lau
Hon WONG Yuk-man
Hon Michael TIEN Puk-sun, BBS, JP
Hon CHUNG Kwok-pan

Public Officers attending : Item I

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

Mr Kenneth CHAN Siu-yum
Principal Assistant Secretary for Food and Health (Food) 1

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

Dr LEE Siu-yuen, JP
Assistant Director (Food Surveillance and Control),
Centre for Food Safety
Food and Environmental Hygiene Department

Mr LI Ka-kei
Assistant Director (Operation) 1
Food and Environmental Hygiene Department

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

Dr Calvin LAU
Senior Environmental Protection Officer (Waste
Reduction and Recycling) (Acting)
Environmental Protection Department

Attendance by invitation : Item I

The Hong Kong Food Council

Mr NG Wing-yan
Vice President

Democratic Alliance for the Betterment and Progress of
Hong Kong

Mr Benny C B POON
Deputy Spokesperson on Food Safety and Environment
Hygiene Affair

Hong Kong General Association of Edible Oil
Importers & Exporters Limited

Ms Tammy LAM Fung-ming
Director

Institution of Dining Art

Mr Marco LO
Vice Chairman

Hong Kong Catering Industry Association

Mr Tony TAM
Vice Chairman

Lam Soon Hong Kong Group

Mr Albert CHIU
Group R&D/Technical Director

Hong Kong Edible Oils Association Limited

Mr Eric CHOW
Member

Hong Kong Suppliers Association Limited

Mr Albert TANG
Chairman - Government Policy Committee

Hong Kong Federation of Restaurants & Related Trades
Limited

Mr Simon TAM
Chief Executive Officer

Association of Restaurant Managers

Mr LEUNG Kui-tang
Vice President

The Greenwise Workers Co-operative Society Limited

Ms LUK Siu-king
Chairperson

「自然趣」社區環保小組

Ms CHAN Mei-ha
Member

Diocesan Pastoral Centre for Workers (Hong Kong Island)

Ms TSANG Lai-shan
Program Officer

Hong Kong Women Workers' Association

Miss LEUNG Wei-ching
Organizer

Eco-friendly Development Network

Miss LI Fung-man
Representative

The Association for Hong Kong Catering Services
Management Limited

Mr YEUNG Wai-sing
Chairman

工廠食堂商會

Mr CHONG Yam-ming
Chairman

The Hong Kong Oil Merchants Association Limited

Mr Arthur LI
Representative

Tin Shui Wai Community Development Network

Miss LEUNG Lai-yan
Organizing Officer

Community Environmental Action

Mr CHENG Ho-yin
Member

Clerk in attendance : Miss Josephine SO
Chief Council Secretary (2) 2

Staff in attendance : Ms Wendy LO
Senior Council Secretary (2) 2

Miss Emma CHEUNG
Legislative Assistant (2) 2

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I. Legislative proposals on regulation of edible fats and oils and recycling of "waste cooking oils"

(Consultation document on "Legislative Proposals on Regulation of Edible Fats and Oils and Recycling of 'Waste Cooking Oils'" issued by the Administration in July 2015, LC Paper Nos. CB(2)2130/14-15(01) and (02))

Members noted the background brief entitled "Proposed regulation of edible fats and oils and recycling of 'waste cooking oils'" (LC Paper No. CB(2)2130/14-15(02)) prepared by the Legislative Council Secretariat.

Presentation of views by deputations

2. The Chairman reminded the deputations attending the meeting that they were not covered by the protection and immunity provided under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) when addressing the Panel.

3. At the invitation of the Chairman, a total of 20 deputations presented their views on the legislative proposals on regulation of edible fats and oils and recycling of "waste cooking oils". A summary of the deputations' views is in the **Appendix**. Members also noted that four written submissions from organizations not attending the meeting were received by the Panel.

The Administration's response to deputations' views

4. At the invitation of the Chairman, Under Secretary for Food and Health ("USFH") gave a consolidated response to the views and concerns raised by the deputations as follows -

- (a) currently, there was neither specific regulatory provision nor safety standard for edible fats and oils in Hong Kong. In response to the incident of "substandard lard" happened in Taiwan in September 2014 which had caused wide public concern, the Administration proposed the establishment of a specific regulatory framework for edible fats and oils through legislation, under which a multi-pronged approach would be adopted in respect of the overall production and supply chain of edible fats and oils in the local market, so as to ensure the safety of edible fats and oils imported into, sold and manufactured locally, and exported from Hong Kong. Measures to be taken would include formulating specific statutory safety and quality standards for edible fats and oils for human consumption, improving source management by introducing a certificate system, regulating the production process by issuing food factory licenses, strengthening inspection and testing through routine surveillance, enhancing food traceability by requiring importers and manufacturers of edible fats and oils to provide a copy of the relevant certificate to their downstream distributors, retailers or restaurants, monitoring the disposal of "waste cooking oils" to prevent them from re-entering the local food chain, and making export regulatory arrangements;
- (b) the Administration noted the concerns of some deputations on whether some of the proposed safety standards for edible fats and oils were more stringent than those set by some overseas jurisdictions. It would take into account the views received during the public consultation period, the views expressed by deputations at this Panel meeting and other relevant considerations before finalizing the legislative proposals on the safety and quality standards for edible fats and oils. The Administration would also enhance public understanding of the proposed administrative measures for regulating the recycling of "waste cooking oils" and the new compliance requirements through publicity and continue liaison with the food trade;
- (c) the food trade pointed out that some exporting countries of edible fats and oils might not be able to provide official certificates certifying that the edible fats and oils imported into Hong Kong fulfilled the relevant statutory safety and quality

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standards. The Administration would continue to liaise with the food trade and the exporting countries on the proposed certification requirement to address their concerns in this regard;

- (d) since the quality of used cooking oils was affected by many factors, such as the cooking methods and the cooking temperatures, it was not practicable for the Administration to specify the criteria for used cooking oils that could be re-used for cooking before they had to be disposed of. The Administration would engage with the academic sector and the trade, with a view to coming up with some guidance on good practices relating to the use and storage of cooking oils for the trade's reference; and
- (e) the Administration noted the requests of some green groups and non-government organizations ("NGOs") for waiving the licence fees for disposal/recycling of "waste cooking oils" if the oils were collected for environmental protection purposes (e.g. the making of eco-friendly soap). The Administration would consider the requests of green groups and NGOs when formulating the administrative measures.

Discussion

Proposed safety standards for edible fats and oils

5. Mr Vincent FANG said that the "substandard lard" incident involved unlawful acts of unscrupulous manufacturers and suppliers. Expressing reservation about the Administration's proposal to regulate the safety standards of edible fats and oils following this isolated incident, Mr FANG stressed that edible fats and oils were generally not high risk to the public health, as evidenced by the satisfactory test results of 438 samples of edible oils collected from licensed food premises for testing by the Centre for Food Safety ("CFS") during January 2013 to July 2015 (LC Paper No. CB(2)2130/14-15(01)). Moreover, most of the edible fat and oil products in the market were supplied by four to five large reputable oil manufacturers which, to his understanding, would exercise self-discipline in ensuring safety of their products. In Mr FANG's view, in formulating the regulatory framework for edible fats and oils, the Administration should consider the views and concerns of the edible fat and oil trade about the proposed safety standards for edible fats and oils and the requirement to provide official certificates by exporting countries.

6. USFH responded that the Administration would take into account the views and concerns of the stakeholders before finalizing the legislative proposals, with a view to striking a reasonable balance between effective market operation and public health protection.

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7. The Chairman declared that he owned a company with business in recovering used cooking oils. He suggested that as an alternative to the proposed certification requirement, CFS might consider strengthening inspection and sample testing on oil products. Regarding the safety standards for edible fats and oils to be adopted in Hong Kong, the Chairman considered it appropriate to follow the relevant standards adopted by the Codex Alimentarius Commission ("Codex") and hence, the proposed maximum levels of contaminants in edible fats and oils should be on par with those set by the Codex.

8. The Deputy Chairman said that it was his understanding that members of the public were generally supportive of the establishment of safety standards for edible fats and oils. They, however, were not aware of the details in respect of the proposed maximum levels of contaminants and toxins allowed in edible fats and oils (e.g. Benzo[a]pyrene ("B[a]P") and aflatoxins), which might cause compliance burden on the trade. He considered that it was incumbent upon the Administration to explain clearly to the public the rationale for setting the proposed regulatory standards for edible fats and oils.

9. Pointing out that some food products might contain higher B[a]P and aflatoxins levels than those in edible fats and oils, Mr CHAN Han-pan queried the rationale for imposing a stringent control on B[a]P and aflatoxins in edible fats and oils and the effectiveness of the proposal in protecting public health.

10. Consultant (Community Medicine) (Risk Assessment and Communication), Centre for Food Safety ("C(CM)(RAC)/CFS") advised that the proposed nine safety and quality standards for edible fats and oils covered seven parameters. Seven of those standards were Codex standards, save the proposed standards for aflatoxins and B[a]P. Since aflatoxins and B[a]P could cause cancer in human, the Administration had taken into account the "ALARA" (as low as reasonably achievable) principle in proposing the regulatory standards for aflatoxins and B[a]P in edible fats and oils. In proposing the relevant regulatory standards, the Administration had also considered the dietary exposure to those harmful substances and the feasibility of adopting the proposed standards.

11. C(CM)(RAC)/CFS further advised that in setting the safety standards for edible fats and oils, the Administration aimed to strike a reasonable balance between protecting public health and effective market operation. After due consideration, the Administration proposed to tighten control on B[a]P from the current action level of 10µg/kg to the proposed safety standard of 5µg/kg. According to CFS's food surveillance results (2012-2014), about 1% of the edible fat and oil samples contained B[a]P level greater than 10 µg/kg (i.e. current local action level and Mainland standard), while about 5% and 9% of the samples exceeded 5 µg/kg and 2 µg/kg (i.e. the

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European Union and Korean standards respectively). In other words, 95% of samples met the proposed standard of 5µg/kg for B[a]P in edible fats and oils. Regarding aflatoxins in edible fats and oils, the Administration proposed to lower its maximum level. The proposed maximum level (i.e. a statutory limit of 5µg/kg) was on par with that of Singapore. According to CFS's food surveillance results, 99% of the edible fat and oil samples met the proposed standard. As such, the impact of the proposed limit on food supply would be minimal.

12. Dr Helena WONG said that the Democratic Party ("DP") supported the establishment of safety standards for edible fats and oils with a tightened control on aflatoxins and B[a]P levels. Members belonging to DP welcomed the proposal that the regulatory standard for aflatoxins in edible fats and oils would be brought on par with that of Singapore. Nevertheless, the regulatory limit of B[a]P should not be set at 5µg/kg in order to facilitate import of oils from the Mainland. Dr WONG also expressed concern about the Administration's measures to prevent contamination of imported oils during the transportation/bottling process.

13. Dr CHIANG Lai-wan said that it was her understanding that members of the public were supportive of the legislative proposals under discussion. Noting the food trade's concerns about the compliance of new safety standards for edible fats and oils, she suggested to the Administration that a grace period should be provided for the trade to adapt to the new regulatory regime. While agreeing that the Administration should regulate the levels of aflatoxins and B[a]P in edible fats and oils to safeguard public health, she hoped that the Administration could further liaise with the trade to address their concerns about the new compliance requirements.

14. USFH advised that the Administration proposed to provide a reasonable grace period for the trade to refine its product formula where necessary to meet the new requirements. This would facilitate private laboratories to get prepared with the necessary testing equipment and techniques to carry out the tests. The Administration welcomed public views on the proposed grace period.

15. Dr KWOK Ka-ki expressed support for the Administration's proposal to strengthen the regulation of edible fats and oils. Noting that Hong Kong imported edible oils from different countries/places including the Mainland, he enquired whether the Administration had started discussions with major countries supplying edible oils to Hong Kong on the proposed certification requirement. He was also concerned about the measures to be taken by the Administration to verify the authenticity of the certificates to ensure that edible oil importers would not import problematic edible oils by using counterfeit certificates. In Dr KWOK's view, the Administration should strengthen its routine inspection and enforcement work in implementing the

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new requirements on edible fats and oils and recycling of "waste cooking oils".

16. Assistant Director (Food Surveillance and Control), Centre for Food Safety ("AD(FSC)/CFS") advised that the Administration had met with Consulate Generals of major oil exporting countries/places to collect their views on the proposed legislative framework, in particular the proposed certification requirement. The Administration was studying the views received. On the law enforcement front, AD(FSC)/CFS assured members that the Administration would strengthen inspection and testing through routine surveillance, with a view to ensuring the safety of edible fat and oil products.

17. Noting that CFS planned to step up the inspection of imported edible oils by increasing the testing of oil samples by about 20%, Ms Cyd HO enquired whether the Administration would also increase the inspection frequency of edible oils exported from Hong Kong to ensure that problematic products would not enter overseas markets or re-enter the local market.

18. USFH advised that the Administration would require edible fats and oils manufactured in Hong Kong for export to be accompanied by an official certificate or a certificate issued by an officially recognized independent testing institution. AD(FSC)/CFS added that CFS took food samples at the import, wholesale and retail levels and adopted a risk-based principle in determining the types of samples to be collected for testing. The Administration would decide how the relevant inspection work should be carried out, having regard to the public views received during the consultation exercise.

Regulation of used cooking oils

19. Dr Helena WONG maintained the view that the Administration should set criteria for used cooking oils that could be re-used for cooking before they had to be disposed of. Dr CHIANG Lai-wan said that the Administration should prepare publicity materials, such as pamphlets, to educate the public about the safety use of cooking oils. C(CM)(RAC)/CFS reiterated that since the quality of cooking oils after use was affected by many factors, it was not practicable for the Administration to specify any criteria for used cooking oils that could be re-used for cooking before they had to be disposed of. The Administration would however provide more guidance to the trade in this regard.

Proposed licensing system for regulating the recycling of "waste cooking oils"

20. Mr Vincent FANG and Dr CHIANG Lai-wan expressed support for

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the proposed regulation of the recycling of "waste cooking oils" by requiring the collectors, recyclers, importers and exporters concerned to obtain a licence and to keep proper documentary records of the flow of "waste cooking oils". Mr FANG and Dr CHIANG however considered that the Administration should consider granting exemption to green groups/NGOs engaging in "waste cooking oils" recycling activities from the regulation or providing subsidies to help these organizations to absorb the additional cost arising from obtaining the licence. Mr CHAN Han-pan shared a similar view and called on the Administration to take heed of the concerns of green groups/NGOs in finalizing the legislative proposals.

21. The Deputy Chairman said that the Administration should seriously consider the suggestion of waiving the licence fees for green groups/NGOs if they recovered less than 300 kilograms of "waste cooking oils" each month. Mr CHAN Chi-chuen held a similar view that green groups/NGOs should be exempted from the licensing requirements if they recovered only a small amount of "waste cooking oils" each month.

22. Dr Helena WONG said that Members belonging to DP supported the proposed legislative framework for regulating the recycling of "waste cooking oils" in Hong Kong. Given the concerns raised by green groups/NGOs, she and Ms Cyd HO suggested that in addition to the "general" licence applicable to "waste cooking oil" collectors/recyclers/importers/exporters, consideration should be given to issuing to green groups/NGOs a "specific" licence under which they were only required to pay a nominal fee. This would help alleviate the financial burden on green groups/NGOs.

23. In response, Assistant Director (Waste Reduction and Recycling) Environmental Protection Department ("AD(WRR)/EPD") advised that the Administration was studying the public views received on the proposed regulation of the recycling of "waste cooking oils". The Environmental Protection Department ("EPD") would carefully consider the views and suggestions of relevant stakeholders, including small companies, social enterprises and non-profit making organizations, before finalizing the licensing requirements. USFH and AD(WRR)/EPD stressed that the Administration would maintain close liaison with relevant stakeholders, including green groups/NGOs, during the process.

24. The Chairman asked whether the Administration had proposed the licence fees in relation to the recycling of "waste cooking oils" as mentioned by some deputations. AD(WRR)/EPD replied in the negative, adding that there was no mention of the licence fees in the consultation document. Neither had the Administration decided on the matter. He surmised that the green groups might have made reference to the fee levels of other types of waste collection licences, in estimating the relevant cost.

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25. The Deputy Chairman expressed concern whether there would be adequate licensed collectors to cope with the demand of food premises, ensuring fair competition within the recycling market of "waste cooking oils". AD(WRR)/EPD advised that EPD had been liaising with the "waste cooking oil" collectors to ascertain whether there would be enough licensed collectors to recover the "waste cooking oils" produced by local restaurants and food premises. The Administration hoped to kick start as early as practicable the registration process of eligible local collectors/disposers of "waste cooking oils", so as to have a clear picture of the geographical distribution of their services. As there had all along been "waste cooking oils" recovery activities in the market, the Administration believed that local collectors would have the capacities to meet the future demand.

26. Ms Cyd HO said that some food premises only generated a small amount of "waste cooking oils" during the cooking process. Expressing worries that "waste cooking oil" collectors might refuse to recover oils from these food premises, she asked about the measures to be taken by the Administration to ensure that all "waste cooking oils" would be handled by collectors. AD(WRR)/EPD responded that "waste cooking oils" was recyclable with commercial value in the international market and collection of "waste cooking oils" for trading was active in the local and overseas markets. It was the preliminary idea of the Administration that "waste cooking oils" collectors should be required under the proposed licensing system to provide information on their serving areas and scope of service. The Administration would consider imposing a requirement for collectors to provide the collection service for all "waste cooking oils" from food premises operating within their serving areas.

27. Mr CHAN Chi-chuen noted that the proposed regulation of edible fats and oils was controversial, but no strong opposition was raised over the proposed regulation of the recycling of "waste cooking oils". He asked whether consideration would be given to first implementing the latter proposal. USFH advised that the Administration would analyze the public views received and examine the feasibility of all the proposals in mapping out the way forward.

28. The Chairman considered that the Administration should monitor the flow/disposal of "waste cooking oils" to prevent the oils from re-entering the food chain. In his view, the legislative proposals on edible fats and oils and recycling of "waste cooking oils" could be taken forward separately.

29. At the Chairman's request, the Administration undertook to report to the Panel once the results of the public consultation exercise on the regulation of edible fats and oils and the recycling of "waste cooking oils" were available.

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II. Any other business

30. There being no other business, the meeting ended at 4:31 pm.

Council Business Division 2
Legislative Council Secretariat
26 November 2015

**Panel on Food Safety and Environmental Hygiene
Meeting on Tuesday, 6 October 2015, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex**

**Item I - "Legislative proposals on regulation of edible fats and oils
and recycling of "waste cooking oils""**

Summary of views and concerns expressed by deputations

No.	Name of deputation	Submission / Major views and concerns
1.	Hong Kong Food Council	<ul style="list-style-type: none"> ● LC Paper No. CB(2)2160/14-15(01) (<i>Restricted to members only</i>)
2.	Democratic Alliance for the Betterment and Progress of Hong Kong	<ul style="list-style-type: none"> ● A Quality Certification Scheme should be introduced for edible fats and oils in Hong Kong to prevent substandard oils from entering into the local market. Edible fats and oils manufactured in Hong Kong or imported into Hong Kong should be accompanied by an official certificate or a certificate issued by an officially recognized independent testing institution. The Administration should provide support to the trade to reduce their compliance burden. ● The Administration should establish strict safety standards for edible fats and oils by tightening the maximum permitted concentration of metallic contaminants in edible fats and oils in accordance with the standards of the Codex Alimentarius Commission and the European Union. ● The Administration should strengthen the regulation on the recycling of "waste cooking oils" by implementing the licensing system proposed by the Environmental Protection Department to require collectors, recyclers, importers and exporters concerned to recycle "waste cooking oils" for legitimate industrial re-use only and to keep proper documentary records of the flow of "waste cooking oils". ● The Centre for Food Safety should strengthen its ability to cope with food safety incidents and clarify any incorrect information about these incidents disseminated on the Internet as soon as possible.
3.	Hong Kong General Association of Edible Oil Importers & Exporters Limited	<ul style="list-style-type: none"> ● LC Paper No. CB(2)2193/14-15(01) (<i>Restricted to members only</i>)
4.	Institution of Dining Art	<ul style="list-style-type: none"> ● LC Paper No. CB(2)2130/14-15(03)

No.	Name of deputation	Submission / Major views and concerns
5.	Hong Kong Catering Industry Association	● LC Paper No. CB(2)2176/14-15(01)
6.	Lam Soon Hong Kong Group	● LC Paper No. CB(2)2193/14-15(02) (<i>Restricted to members only</i>)
7.	Hong Kong Edible Oils Association Limited	● LC Paper No. CB(2)2193/14-15(03) (<i>Restricted to members only</i>)
8.	Hong Kong Suppliers Association Limited	● LC Paper No. CB(2)2160/14-15(02)
9.	Hong Kong Federation of Restaurants & Related Trades Limited	● LC Paper No. CB(2)2193/14-15(04)
10.	Association of Restaurant Managers	● LC Paper No. CB(2)2176/14-15(01)
11.	The Greenwise Workers Co-operative Society Limited	● LC Paper No. CB(2)2130/14-15(05)
12.	「自然趣」社區環保小組	● LC Paper No. CB(2)2130/14-15(05)
13.	Diocesan Pastoral Centre for Workers (Hong Kong Island)	● LC Paper No. CB(2)2130/14-15(05)
14.	Hong Kong Women Workers' Association	● LC Paper No. CB(2)2130/14-15(05)
15.	Eco-friendly Development Network	● LC Paper No. CB(2)2208/14-15(01)
16.	The Association for Hong Kong Catering Services Management Limited	● LC Paper No. CB(2)2160/14-15(03)
17.	工廠食堂商會	● LC Paper No. CB(2)2169/14-15(01)
18.	The Hong Kong Oil Merchants Association Limited	● LC Paper No. CB(2)2169/14-15(02)
19.	Tin Shui Wai Community Development Network	● LC Paper No. CB(2)2130/14-15(05)

No.	Name of deputation	Submission / Major views and concerns
20.	Community Environmental Action	● LC Paper No. CB(2)2208/14-15(02)
<i>Written submissions from organizations not attending the meeting</i>		
21.	Green Lamma Group	● LC Paper Nos. CB(2)2130/14-15(04) and (05)
22.	Hong Kong Retail Management Association	● LC Paper No. CB(2)2176/14-15(02)
23.	The Democratic Party	● LC Paper No. CB(2)2193/14-15(05)

Council Business Division 2
Legislative Council Secretariat
26 November 2015