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Replies to supplementary questions raised by Finance Committee Members in examining the Estimates of Expenditure 2016-17

Director of Bureau : Secretary for Food and Health

Session No. : 11

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CONTROLLING OFFICER'S REPLY

S-FHB(FE)01

(Question Serial No. S0016)

Head: (139) Government Secretariat: Food and Health Bureau
(Food Branch)

Subhead (No. & title): (-) Not Specified

Programme: (3) Environmental Hygiene

Controlling Officer: Permanent Secretary for Food and Health (Food) (Mrs Cherry TSE)

Director of Bureau: Secretary for Food and Health

Question:

Regarding public markets,

1. The reply from the Government indicates that the operation of markets in some new towns has been monopolized by the Link or private operators (even the market in Tin Shui Wai of the Housing Authority has been outsourced). Citizens have no alternatives but are forced to tolerate high food price and be subjected to the exploitation by the consortium. The crux of the matter is the previous amendments made to the planning guidelines of markets in the *Hong Kong Planning Standards and Guidelines*, and the cessation of constructing public markets subsequent to the Audit Report's comment on their mismanagement, which had contributed to the monopolistic control by the Link or consortium. The problems are now in fact coming into view. Will the Government resume the construction of public markets to bring back competition so as to protect the consumers' right of grassroot citizens?

Asked by: Hon Alice MAK Mei-kuen

Reply:

The prevailing Hong Kong Planning Standards and Guidelines with respect to the planning of public markets stipulate the relevant factors to be taken into consideration, including the population of the area (including the demographic mix), community needs, the provision of public and private market facilities nearby, the number of fresh provision retail outlets in the vicinity and the public sentiment towards the preservation of hawker areas. This approach is based on a holistic consideration of all relevant factors in the planning of public markets.

Our focus is on facilitating convenient access on the part of the public to retail outlets in their neighbourhood for meeting their daily needs on food and other necessities. Currently, there exists a variety of channels for the public to purchase fresh food. Apart

from public markets, many members of the public when purchasing fresh food may choose to patronise markets, supermarkets and various types of retail outlets operated by other public and private entities. Customer preference for different shopping venues in purchasing fresh food may evolve in tandem with changes in socio-economic circumstances, lifestyles, purchasing power and various other factors.

Providing a new public market requires the use of Government land and entails public financial commitment. Therefore, in considering whether a public market should be built, we have to duly assess the need for the market and cost effectiveness in order to ensure that public resources are put to proper use. In fact, in the face of fierce competition and changing circumstances in individual communities, some public markets are facing relatively high vacancy rates and low customer flows. Also, the Audit Commission had in previous reports pointed out that, given the high cost of constructing a new public market, the relevant principles should be strictly adhered to.

In considering whether new public markets should be provided in individual districts, we would take into account all relevant factors, including the abovementioned planning standards and guidelines, the actual situation of individual districts and the views of stakeholders, to ensure that public resources are put to proper use. We would, taking into account the considerations outlined above, keep the situation under review.

- End -

CONTROLLING OFFICER'S REPLY

S-FHB(FE)02

(Question Serial No. S0019)

Head: (139) Government Secretariat: Food and Health Bureau
(Food Branch)

Subhead (No. & title): (-) Not Specified

Programme: (2) Agriculture, Fisheries and Food Safety

Controlling Officer: Permanent Secretary for Food and Health (Food) (Mrs Cherry TSE)

Director of Bureau: Secretary for Food and Health

Question:

This is a follow-up question on the reply under serial number FHB(FE)005. Currently, there are 3 794 hectares of fallow agricultural land while most of which are unusable for farming as the land is being hoarded up, deliberately damaged or even extensively soil filled. As the Administration did not respond that if more measures would be introduced to deal with the above situations, would it advise on whether there are any measures to regulate the use of agricultural land being limited to agricultural purposes only?

Asked by: Hon CHAN Yuen-han

Reply:

According to information kept by the Agriculture, Fisheries and Conservation Department (AFCD), there were about 685 hectares (ha) of active farmland and 3 807 ha of fallow farmland as at end-2015.

Agricultural land in Hong Kong is mainly in private hands. It is up to the landowners to decide whether to lease out their land for farming. AFCD operates the Agricultural Land Rehabilitation Scheme (ALRS) through which owners of farmland and interested farmers are brought together to work out a rental agreement for leasing out the farmland. AFCD will continue their work in this respect, and provide farmers with technical advice and services to return fallow land to active farming. As regards illegal dumping and unauthorised development involving agricultural land, the relevant government departments will continue to take actions in accordance with the established mechanisms including control or enforcement on the basis of respective statutory authorities under their purview.

As announced in the 2016 Policy Address, the Government would implement the New Agriculture Policy (NAP). Among the measures proposed under the NAP, the Government will commission a consultancy study to explore the feasibility of identifying

and designating “Agricultural Priority Areas” that have higher value for agricultural activities, with a view to preserving them for and incentivising the owners to put such land into long-term agricultural uses. The Food and Health Bureau and the Development Bureau will jointly oversee the consultancy study to ensure that the initiative, if taken forward, can achieve the objective of promoting the development of local agriculture, whilst complementing better long-term planning and management of land use at the urban-rural fringes. In addition, the Government will establish a \$500 million Sustainable Agricultural Development Fund, under which non-governmental organisations or organisations in the farming sector may seek funding support for implementing projects aimed at promoting agricultural rehabilitation of fallow agricultural land.

We believe the above measures would help encourage landowners to lease out their farmland for farming uses.

- End -

CONTROLLING OFFICER'S REPLY

S-FHB(FE)03

(Question Serial No. SV0012)

Head: (139) Government Secretariat: Food and Health Bureau
(Food Branch)

Subhead (No. & title): (-) Not specified

Programme: (3) Environmental Hygiene

Controlling Officer: Permanent Secretary for Food and Health (Food) (Mrs Cherry TSE)

Director of Bureau: Secretary for Food and Health

Question:

Regarding the reply to Serial No. FHB(FE)022 from the Food and Health Bureau (FHB), please provide information stating the follow-up actions taken in respect of the proposal on construction of public markets or rural markets in Tung Chung and Tin Shui Wai.

Asked by: Dr Hon KWOK Ka-ki

Reply:

The Government currently has no plan to build any new public market. Nevertheless, as is the case for all public policies, our monitoring is continuous and we maintain an open mind when considering the way forward taking into account all relevant circumstances. The guiding consideration is how we could optimally achieve the overall policy objective. On the provision of public markets, our overall objective is to facilitate convenient access on the part of the public to retail outlets in their neighbourhood for meeting their daily needs on food and other necessities. Currently, there exists a variety of channels for the public to purchase fresh food. Apart from public markets, members of the public may choose to purchase food and other daily provisions from supermarkets, specialty stores and various types of retail outlets operated by other public and private entities. Customer preference for different shopping venues in purchasing fresh food may evolve in tandem with changes in socio-economic circumstances, lifestyles, purchasing power and various other factors. Likewise, the availability and mix of retail outlets in a district could also change over time. Hence explains the need for continuous monitoring.

This approach is in fact in line with the considerations behind the prevailing planning standards and guidelines. The prevailing Hong Kong Planning Standards and Guidelines with respect to the planning of public markets stipulate the relevant factors to be taken into consideration, including the population of the area (including the demographic mix), community needs, the provision of public and private market facilities nearby, the number

of fresh provision retail outlets in the vicinity and the public sentiment towards the preservation of hawker areas. This approach is based on a holistic consideration of all relevant factors in the planning of public markets. The Audit Commission has made a similar observation in its value for money study on public markets urging the Government to adopt a prudent approach to the construction of new public markets having regard to the high costs involved. We share the Audit Commission's view since constructing a new public market not only requires the use of Government land which is tight in supply and subject to competing demands, it also entails financial commitment, both one-off and recurrent, and which could otherwise be used for other public purposes.

Nevertheless, we are aware of the demands in some quarters for local bazaars to enhance access to retail outlets and achieve other social objectives. Quite a number of the proposals concern the setting up of bazaars within a specific period of time. Therefore, while keeping in view the need for constructing public markets, we are happy to consider such proposals, so long as food safety and environmental hygiene are not compromised, public passageways are not obstructed and local community support is obtained. If suitable sites are identified and support from relevant district councils has been obtained and provided that food safety and environmental hygiene are not compromised, FHB stands ready to facilitate liaison with relevant government departments. In this connection, FHB received in late 2015 proposals to set up local bazaars in Yuen Long District, North District, Islands District and Sham Shui Po District. Follow up with the relevant District Councils is in hand.

- End -

CONTROLLING OFFICER'S REPLY

S-FHB(FE)04

(Question Serial No. S0022)

Head: (139) Government Secretariat: Food and Health Bureau
(Food Branch)

Subhead (No. & title): (-) Not Specified

Programme: (3) Environmental Hygiene

Controlling Officer: Permanent Secretary for Food and Health (Food) (Mrs Cherry TSE)

Director of Bureau: Secretary for Food and Health

Question:

This is a follow-up question on the reply under serial number FHB(FE)029. The Government has assessed that with the enactment of the Private Columbaria Bill (the Bill), the number of sets of ashes to be displaced will run up to 80 000. However, only about 50 000 urns are provided by the Food and Environmental Hygiene Department as temporary storage spaces and there is still a shortage of 30 000 niches. The Government responded that the affected ashes could be placed at private cemeteries or be kept at home. Such a response shows how irresponsible the Government is. Will the Government increase the number of temporary niches so as to provide adequate storage spaces for the ashes affected by the Bill? Besides, will tribute-paying ceremonies be allowed at the temporary ash storage spaces in future? If so, what are the details? If not, what are the reasons? Why are tribute-paying ceremonies not allowed at the temporary ash storage spaces at present?

Asked by: Hon WONG Kwok-hing

Reply:

The Food and Environmental Hygiene Department will provide about 50 000 temporary urn storage spaces by the second quarter of 2017. The Department is also exploring other venues for providing added temporary storage space and will act promptly to enhance capacity should demand so warrant.

The temporary storage facilities are for temporary use and not designed in accordance with the planning requirements for columbaria use due to site constraints. They are hence not open to the public for paying tribute.

- End -

CONTROLLING OFFICER'S REPLY

S-FHB(FE)05

(Question Serial No. S0011)

Head: (22) Agriculture, Fisheries and Conservation Department

Subhead (No. & title): (-) Not Specified

Programme: (3) Animal, Plant and Fisheries Regulation and Technical Services

Controlling Officer: Director of Agriculture, Fisheries and Conservation
(Dr LEUNG Siu-fai)

Director of Bureau: Secretary for Food and Health

Question:

Regarding Reply Serial No. FHB(FE)049, I enquired about the details of your Department's expenditures and estimated expenditure involved in the euthanasia of animals over the past 5 years and in 2016-17. However, only the expenditures over the past 5 years were provided in the reply. Would the Government also provide, as soon as possible, the estimated expenditure involved in the euthanasia of animals in 2016-17?

Asked by: Hon Claudia MO

Reply:

The estimated expenditure for the euthanasia of animals in 2016-17 is \$1.5 million.

- End -

CONTROLLING OFFICER'S REPLY

S-FHB(FE)06

(Question Serial No. S0020)

Head: (49) Food and Environmental Hygiene Department

Subhead (No. & title): (-) Not specified

Programme: (3) Market Management and Hawker Control

Controlling Officer: Director of Food and Environmental Hygiene (Miss Vivian LAU)

Director of Bureau: Secretary for Food and Health

Question:

It is noted from the reply regarding the assistance scheme for hawker licensees that the Department is now planning to close Yu Chau West Street Cooked Food Hawker Bazaar, Ma Kok Street Cooked Food Hawker Bazaar and Yen Chow Street Temporary Hawker Bazaar. In this connection, please advise on the criteria for determining the closure of a hawker bazaar. To take the Yen Chow Street Temporary Hawker Bazaar, i.e. a cloth bazaar commonly known as "Pang-tsai", as an example, it has a zero vacancy rate and is of practical use to many fashion designers or students who often look for fabrics in the venue, and yet the Department plans to close it down. Is this an act of "blindly scrambling for land"? Has the Department considered the impact on the industry before planning to close the venue?

Asked by: Hon CHAN Yuen-han

Reply:

The Food and Environmental Hygiene Department (the Department) will formulate improvement or exit plans for hawker bazaars and cooked food hawker bazaars with regard to their business viability, community needs, resource availability and competing priorities. In determining the relocation or closure of a hawker bazaar, we will take into account all relevant factors, with vacancy rate being only one of the considerations. Fire safety and the availability of a better alternative site in the long run are also relevant factors.

For the example cited in the question, the Yen Chow Street Temporary Hawker Bazaar (the cloth bazaar) is a relocation exercise rather than a closure exercise. Commissioned in 1978, the cloth bazaar has no permanent structure. Fabrics, some of which is flammable, line the narrow passageway, thus presenting a fire hazard. The Government has already earmarked the Tung Chau Street Temporary Market (TCSTM), within 10-minutes' walk from Yen Chow Street, for reprovisioning the eligible cloth operators there. The TCSTM

is a practical, feasible and win-win option for all parties concerned. It allows the continuation of a fabric market where fashion designers and students can continue to procure, at one spot, the different varieties of fabrics that they need. Compared with the shabby appearance of the cloth bazaar, the TCSTM is a purpose-built permanent structure providing the operators and the fabrics better protection against inclement weather and fire hazard.

It is also pertinent to note that the reprovisioning has been planned and made known for quite some time. The Government has since 1981 earmarked the site occupied by the cloth bazaar for long-term residential development. The question of changing the land use of the cloth bazaar site was discussed at the Sham Shui Po District Council (SSPDC) in 2005. Subsequently, the Department engaged the cloth hawkers to follow up their relocation arrangement. In June 2013, the Planning Department briefed the SSPDC on the proposed housing development strategy in the district, which included the proposed use of the site at 373 Lai Chi Kok Road (i.e. the site currently occupied by the cloth bazaar) for building Home Ownership Scheme flats. In short, the proposed reprovisioning should come as no surprise to the operators.

By January 2016, the Department has reached a general consensus with the licensed cloth hawkers of the cloth bazaar regarding the exit arrangement, with some opting to surrender their hawker licences in return for an ex-gratia payment, and others opting for continuation of their business by moving to on-street fixed pitch hawker stalls. Separately, the Department has, on an exceptional basis, offered to relocate collectively the eligible unlicensed hawkers to the TCSTM so that they may continue their business there. Discussion on the relocation arrangements is currently in progress.

- End -

CONTROLLING OFFICER'S REPLY

S-FHB(FE)07

(Question Serial No. S0017)

Head: (49) Food and Environmental Hygiene Department

Subhead (No. & title): (-) Not Specified

Programme: (1) Food Safety and Public Health

Controlling Officer: Director of Food and Environmental Hygiene (Miss Vivian LAU)

Director of Bureau: Secretary for Food and Health

Question:

1. In the reply under serial number FHB(FE)093, it is stated that no sample of imported Japanese food was detected with unsatisfactory radiation level in the past three years. However, the absence of unsatisfactory test results does not imply that no radiation-contaminated food can be imported from Japan. Please advise whether the Department will adopt more stringent standards for the testing of radiation levels; if yes, whether other Japanese prefectures will be prohibited from importing food into Hong Kong, rendering our food safety standards on a par with those of China, the United States and South Korea; if not, the reason(s). Please also advise whether the Department will lower the detection limits for radioactive substances in food; if yes, the details; if not, the reason(s).

Asked by: Hon KWOK Wai-keung

Reply:

In the wake of Fukushima nuclear power plant incident in Japan in 2011, individual countries and regions have implemented food control measures deemed fit to the local circumstances and risk assessment results. As far as Hong Kong is concerned, the Director of Food and Environmental Hygiene (DFEH) issued an order under Section 78B of the then Public Health and Municipal Services Ordinance (Cap. 132) to prohibit the import of all fruits and vegetables, milk, milk beverages and dried milk from the five most affected prefectures of Japan, namely Fukushima, Ibaraki, Tochigi, Chiba and Gunma, with effect from 24 March 2011. Under the order, all chilled or frozen game, meat and poultry, poultry eggs and live, chilled or frozen aquatic products from these five prefectures may be imported into Hong Kong only if accompanied by a certificate issued by competent authority of Japan certifying that the radiation levels do not exceed the guideline levels laid

down by the Codex Alimentarius Commission (Codex)¹ which are internationally accepted standards for protection of public health and global trade. The Expert Committee on Food Safety set up under the Centre for Food Safety (CFS) considered the adoption of the Codex guideline levels appropriate in addressing food safety concerns over food imported from Japan. Since DFEH imposed the import restrictions on Japanese food, CFS has tested around 320 000 samples of Japanese food and the testing outcomes were all satisfactory. The surveillance results have been uploaded onto CFS' website every working day.

In light of the above, there is no scientific justification for tightening up the prevailing standard for testing of radioactivity in Japanese food. That said, we will continue to review the control measures on the import of Japanese food in the light of changing circumstances. The factors being taken into account include the assessments made by international organisations such as the International Atomic Energy Agency, the control measures adopted by other jurisdictions, local food surveillance results, the Japanese authorities' progress in dealing with the Fukushima nuclear power plant incident and other relevant considerations. On the whole, food safety is our prime concern. At the same time, we should keep in view the latest developments of the aforesaid factors and the need to fulfill the requirements of the World Trade Organisation.

- End -

¹ Codex Alimentarius Commission is an international body established in 1963 by the Food and Agriculture Organisation of the United Nations and the World Health Organisation to develop food standards and guidelines for protecting the health of consumers and ensuring fair trade practices in the food trade.

CONTROLLING OFFICER'S REPLY

S-FHB(FE)08

(Question Serial No. S0018)

Head: (49) Food and Environmental Hygiene Department

Subhead (No. & title): (-) Not Specified

Programme: (3) Market Management and Hawker Control

Controlling Officer: Director of Food and Environmental Hygiene (Miss Vivian LAU)

Director of Bureau: Secretary for Food and Health

Question:

Given that the five-year Assistance Scheme for Hawkers in Fixed-pitch Hawker Areas has been implemented for two and a half years, please advise why there has been no interim review; and whether the Department will not conduct any review until the completion of the scheme in 2018. At present, members of the public and small business operators are in want of spaces. Ordinary citizens cannot afford the soaring shop rental except the big companies. As a result, with the small business operators being crowded out of the market, only large shopping malls and chain stores can survive in the community. Nobody wants this to happen. People like to have varied choices and goods with characteristics. Over the past year, bazaars were set up by local communities almost every week, which became popular attractions for the public. It shows that people are tired of being mallgoers. Has the Secretary for Food and Health ever been to these local bazaars?

Asked by: Hon TANG Ka-piu

Reply:

The five-year Assistance Scheme for Hawkers in Fixed-pitch Hawker Areas (HAS), which commenced on 3 June 2013, aims to provide one-off financial assistance to about 4 300 hawkers in 43 hawker areas for stall reconstruction and relocation in order to improve fire safety. Besides, an ex-gratia payment (EGP) is offered under the HAS for voluntary surrender of hawker licences to the Government. The Food and Environmental Hygiene Department (the Department) has made good progress in implementing the scheme. Eligible hawkers who have not yet exercised their option to surrender their licence (in return for an EGP) or apply for a grant to reconstruct their stalls may do so before the HAS expires in June 2018. We reported progress of the HAS to the LegCo Panel on Food Safety and Environmental Hygiene in December 2015.

Going forward, the Department would, in the course of administering the HAS, endeavor to identify areas which could bring about enhancement to the hawking environment. This

may include rationalising the overall layout of hawker stalls where circumstances permit. On whether to re-issue new hawker licences to fill any vacant pitches in the relevant hawker areas, the Department would carefully consider the case at a suitable time, taking into account the circumstances of individual hawker areas, including their fire safety and environmental hygiene situations, the business environment, comments of relevant departments, as well as the views of the relevant District Council and local residents.

- End -

CONTROLLING OFFICER'S REPLY

S-FHB(FE)09

(Question Serial No. S0021)

Head: (49) Food and Environmental Hygiene Department

Subhead (No. & title): (-) Not specified

Programme: (3) Market Management and Hawker Control

Controlling Officer: Director of Food and Environmental Hygiene (Miss Vivian LAU)

Director of Bureau: Secretary for Food and Health

Question:

1. It is noted from the reply that the Aberdeen Market and the Ngau Tau Kok Market have received a support rate of over 80% for the installation of air-conditioning facilities. Please advise how the Department will follow up the work concerned; whether a work schedule is available; and when is the earliest possible time air-conditioning facilities can be installed. It is believed that the tenants are very much concerned about the matters and waiting eagerly.
2. As regards the remaining markets which have conducted questionnaire surveys, please advise on their work schedules.

Asked by: Hon WONG Kwok-hing

Reply:

The Government has lowered the threshold of tenants' support for the installation of air-conditioning facilities in public markets from 85% to 80% with effect from 1 July 2015. The results of questionnaire surveys show that the Aberdeen Market has a support rate of 80.36% and the Ngau Tau Kok Market Cooked Food Centre has a support rate of 90%. The Food and Environmental Hygiene Department (the Department) is following up with the Architectural Services Department to conduct preliminary technical feasibility studies for these two markets. We will take into account the technical feasibility, the extent of works required, cost effectiveness, length of business disruption and tenants' views in taking forward any capital works in accordance with the established mechanism.

The Department completed in December 2015 the consultation with the respective Market Management Consultative Committees (MMCC) of 74 markets without air-conditioning facilities (including 11 markets which have installed air-conditioning systems only at their cooked food centres). The MMCC for 27 of these markets supported conducting a questionnaire survey. The questionnaire surveys are now being conducted. For those

markets with a support rate of at least 80%, we will follow up according to the arrangement as mentioned above.

- End -