

立法會
Legislative Council

LC Paper No. CB(2)1610/15-16
(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, 2 February 2016, at 4:30 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
Hon WONG Kwok-hing, BBS, MH
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN
Hon Starry LEE Wai-king, JP
Hon WONG Yuk-man
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
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
Hon SIN Chung-kai, SBS, JP
Dr Hon Helena WONG Pik-wan
Dr Hon CHIANG Lai-wan, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
- Members attending** : Dr Hon Elizabeth QUAT, JP
Hon TANG Ka-piu, JP
- Members absent** : Hon Cyd HO Sau-lan, JP
Hon CHAN Hak-kan, JP
Dr Hon LEUNG Ka-lau
Hon Alan LEONG Kah-kit, SC
Hon KWOK Wai-keung

**Public Officers : Item IV
attending**

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

Mrs Cherry TSE LING Kit-ching, JP
Permanent Secretary for Food and Health (Food)

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

Miss Vivian LAU Lee-kwan, JP
Director of Food and Environmental Hygiene

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

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

Dr SIN Wai-mei, JP
Government Chemist
Government Laboratory

Item V

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

Miss Vivian LAU Lee-kwan, JP
Director of Food and Environmental Hygiene

Mrs Avia LAI, JP
Deputy Director of Food and Environmental Hygiene
(Administration and Development)

Mr CHIU Yu-chow
Assistant Director (Grade Management and Development)
Food and Environmental Hygiene Department

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

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

Mr Roger CHUNG
Council Secretary (2) 2

Miss Emma CHEUNG
Legislative Assistant (2) 2

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I. Confirmation of minutes
(LC Paper No. CB(2)759/15-16)

The minutes of the meeting held on 8 December 2015 were confirmed.

II. Information papers issued since the last meeting
(LC Paper Nos. CB(2)635/15-16(01), CB(2)722/15-16(01) and
CB(2)755/15-16(01))

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

- (a) letter dated 11 January 2016 from Hon Steven HO concerning the spate of fish kills in several fish culture zones;
- (b) letter dated 19 January 2016 from Dr Hon Helena WONG concerning the problems faced by hawkers affected by the resumption of the site of Yen Chow Street Hawker Bazaar; and
- (c) Administration's response to issues raised in Hon Steven HO's letter dated 11 January 2016 concerning the spate of fish kills in several fish culture zones.

3. Referring to her letter in paragraph 2(b) above, Dr Helena WONG hoped that the Panel would hold a special meeting to discuss issues relating

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to the Government's plan to relocate the cloth hawkers now operating in the Yen Chow Street Temporary Hawker Bazaar to the Tung Chau Street Market and, when the matter was discussed by this Panel, invite members of other relevant Panels to join the discussion and deputations to give views on the subject. The Chairman said that the Administration had been requested to provide a written response to the issues and concerns raised in Dr WONG's letter to facilitate members' consideration of whether the matter should be followed up at a meeting.

III. Date of next meeting and items for discussion

(LC Paper Nos. CB(2)767/15-16(01) and (02))

4. Members agreed to discuss the following items at the next regular meeting scheduled for Tuesday, 8 March 2016 at 2:30 pm:

- (a) Proposed establishment of the Sustainable Agricultural Development Fund;
- (b) Report on the Food Surveillance Programme for 2015; and
- (c) Implementation of the Nutrition Labelling Scheme.

IV. Briefing by the Secretary for Food and Health on the Chief Executive's 2016 Policy Address

(LC Paper Nos. CB(2)653/15-16(01), CB(2)767/15-16(03), The 2016 Policy Address booklet and The 2016 Policy Agenda booklet)

5. Members noted the new initiatives in the Chief Executive's 2016 Policy Address relevant to the policy portfolio of the Food and Health Bureau ("FHB") and the major ongoing initiatives undertaken by FHB, as detailed in the Administration's paper (LC Paper No. CB(2)653/15-16(01)). Members also noted the Administration's paper entitled "New Agriculture Policy — Supportive Measures and Implementation Plan" (LC Paper No. CB(2)767/15-16(03)).

(Post-meeting note: The speaking note of the Secretary for Food and Health ("SFH") (Chinese version only) tabled at the meeting for reference of Members was issued vide LC Paper No. CB(2)804/15-16 on 3 February 2016.)

Provision and management of public markets

6. Presenting photos showing the business environment of Tung Yick Market and Tin Shing Market managed respectively by the Food and Environmental Hygiene Department ("FEHD") and the Link Asset Management Limited ("the Link"), Mr Michael TIEN said that compared with the Link, FEHD had not managed public markets satisfactorily. To his knowledge, a huge deficit totalling \$2.5 billion was recorded in the past 13 years. Mr TIEN added that after renovation, the Link had adopted a new bidding system for stalls in Tin Shing Market and introduced competition there, which resulted in price drop of food sold in the market. In his view, the Administration should consider his suggestion of setting up a statutory body to manage and develop new initiatives to revitalize public markets.

7. Mr TANG Ka-piu was however of the view that FEHD should continue to manage public markets to provide more shopping varieties to members of the public and to prevent monopolization of market stalls that had occurred in some markets managed by the Link. He urged the Administration to build public markets in newly-developed districts, including Tung Chung, Ma On Shan, Tseung Kwan O and Tin Shui Wai, to cater for the needs of the residents. The Chairman said that many grassroots people made a living by operating small business in public markets. He shared the view that FEHD should continue to provide public markets to serve the communities.

8. SFH advised that the Administration noted the suggestion of establishing a statutory body to take up the responsibility of managing public markets. However, there were also strong calls for FEHD to continue to manage public markets and build more public markets in new districts to serve the residents. As consensus had not been reached on this matter, the Administration had no plan to outsource the management of public markets at the moment.

9. Noting that air-conditioning installation work would be carried out in Tai Wai Market, Mr TANG Ka-piu enquired about the measures to be taken by the Administration to minimize the impact of the construction work on the business of stall tenants. Director of Food and Environmental Hygiene ("DFEH") said that a majority of stall tenants had indicated support for the retrofitting of air-conditioning system in Tai Wai Market. To address their concerns about the scheduled suspension of business during the installation period, FEHD was following up with the Architectural Services Department on the technical issues of the project, with a view to minimizing the impact of the installation work on the business of stall tenants.

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10. Mr CHAN Chi-chuen sought information about the progress and timetable for the installation of air-conditioning system in Tai Wai Market and other public markets. SFH advised that the departments concerned would need to go through necessary procedures (e.g. completing the feasibility study and the designing work) before seeking resources under the established mechanism to carry out the construction/installation works. As the situation of each public market was different and the time required for obtaining consensus from tenants on the installation work might vary, it would be difficult for the Administration to provide a concrete timetable in this regard.

11. Noting that the Administration would formulate exit plans for public markets and cooked food hawker bazaars with high vacancy rates, Miss Alice MAK asked whether the Administration would re-provision such facilities in other districts to provide more dining choices for members of the public. Mr CHAN Chi-chuen asked whether the Administration would offer assistance to tenants affected by the closure of public markets and cooked food hawker bazaars. The Chairman opined that the Administration should study the feasibility of improving the operating environment of public markets with high vacancy rates to enhance their competitiveness (e.g. to rationalize the layout of market stalls and install air-conditioning systems) before deciding whether these markets should be closed down.

12. SFH replied that the Administration had reviewed its hawker policy and the functions and positioning of public markets in 2015. FEHD was following up on the improvement works for several public markets as recommended by the consultant concerned, with a view to enhancing their competitiveness. It should be noted that while rationalizing the layout of market stalls could be one of the improvement options, it was sometimes difficult to obtain consensus from tenants for implementing such initiative in public markets with high occupancy rates. SFH explained that for public markets with high vacancy rates and not suitable for enhancement work due to practical constraints (e.g. undesirable location, competition in neighbourhood areas etc.), the Administration would formulate exit plans to ensure that scarce land resources would be released for other developments. Similarly, the Administration would seek resources to enhance the competitiveness of cooked food hawker bazaars if there was room for improvement. For those with poor operating environment due to location factor or other limitations, the Administration would formulate exit plans for them to release the land resources.

Ensuring food safety

Online sale of food products

13. Pointing out the upward trend of online sale of perishable food in recent years, Mr WONG Kwok-hing asked whether the Administration would consider enacting legislation to regulate online food selling activities. Permanent Secretary for Food and Health (Food) ("PSFH(F)") advised that existing food safety legislation governing traditional business activities related to the import, sale and advertising of food products were also applicable to sale activities conducted online. The Food Business Regulation (Cap. 132X) stipulated that save with the written permission of DFEH, no person should sell any restricted foods (including sashimi, sushi and oysters to be eaten in raw state) specified in Schedule 2 to the Food Business Regulation. In view of the increasing prevalence of online food selling activities, the Environmental Hygiene Branch of FEHD had prepared a set of licensing conditions for the regulation of internet sales of restricted foods to safeguard food safety. These conditions mainly required that restricted foods must be obtained from lawful sources, that they should not be tampered with during the transportation process to prevent cross-contamination, and that the food products should be stored at a safe and proper temperature at all times. Moreover, the operators should provide information on their permits such as the permit number, registered address, the types of restricted food permitted for sale, etc. on the Internet, so as to provide a reference for the consumers when they purchased online and to enable them to verify such information through FEHD's website.

"Synthetic meat"

14. In response to Mr SIN Chung-kai's enquiry about the sale of "synthetic meat" in Hong Kong, Controller, Centre for Food Safety ("Controller, CFS") advised that section 51A of the Public Health and Municipal Services Ordinance (Cap. 132) ("PHMSO") provided that any person selling meat adulterated with water or other fluid committed an offence and was liable on conviction to a maximum fine of \$50,000 and imprisonment for six months. The Administration noted that in recent years, due to technology advancement, the sale of "synthetic meat" with proper labelling was permitted in some overseas countries. The Administration would strike a balance between safeguarding consumers' interests and ensuring food safety in handling applications for selling "synthetic meat" in the local market.

FEHD's handling of food safety complaints

15. Dr Helena WONG expressed concern about FEHD's improper

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handling of two food safety complaints, as highlighted in the Ombudsman's investigation report released in January 2016. She pointed out that in the "boiled prawns" case, the complainant found a black, wriggling worm-like object in a dish of boiled prawns served at a Chinese restaurant. FEHD collected the object for laboratory tests and later informed the complainant that the object might be a living thing but its species could not be identified just from its appearance. FEHD subsequently decided not to prosecute the restaurant concerned. She queried FEHD's justifications for not instituting prosecution as the quality of food sold by the restaurant apparently fell short of the customer's expectation.

16. Dr Helena WONG was also concerned that FEHD had not prosecuted a vendor for selling Indian Lettuce which contained excessive pesticide residues, but had only issued a warning letter urging the vendor to ensure food safety. Noting that, just like Indian Lettuce, some other kinds of vegetables commonly consumed in Hong Kong (e.g. white radish, lotus roots and bean sprouts) were not covered by Part 1 of Schedule 1 to the Pesticide Residues in Food Regulation (Cap. 132CM) ("the Regulation"), Dr WONG expressed concern on how FEHD would regulate the level of pesticide residues in vegetables not specifically covered by the Schedule 1 to the Regulation.

17. Controller, CFS acknowledged that CFS should have made better efforts in handling the two cases. To improve the complaint handling system of CFS, the Risk Assessment Section of CFS would make daily classification of food safety complaints received and expert advice would be sought where necessary to facilitate the enforcement work of frontline staff. Controller, CFS agreed that even if the wriggling object could not be ascertained in the "boiled prawns" case, the Food Complaint Unit of CFS should have considered prosecuting the restaurant concerned under section 52(1) of PHMSO which provided that a person should be guilty of an offence if he/she sold to the prejudice of a purchaser any food which was not of the nature, substance or quality of the food demanded by the purchaser.

18. Regarding the "Indian Lettuce" case, Controller, CFS explained that since Indian Lettuce, which was once classified under "Lettuce, Leaf" among the food listed in Part 1 of Schedule 1 to the Regulation, was no longer within any category of food covered by the Schedule, CFS had conducted a risk assessment in respect of Indian Lettuce. It was found that long-term, daily consumption of Indian Lettuce with the same level of pesticide residues as that in the case in question might have an adverse chronic effect on the health of consumers. Controller, CFS said that the Codex Commission of Pesticide Residues was considering the classification of radish, lotus roots and bean sprouts into group(s) for establishing the maximum residue limit to regulate

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pesticide residues in these items. Since these vegetables were commonly consumed in Hong Kong, CFS would consider the need to include them in Part 1 of Schedule 1 to the Regulation when reviewing the Regulation.

Redevelopment of the Food Safety Laboratory of the Government Laboratory

19. The Chairman expressed support for the proposed redevelopment of the Food Safety Laboratory of the Government Laboratory. He enquired about the details of the redevelopment plan and how the food surveillance work could be strengthened after the project. In his view, the Government Laboratory should also conduct safety tests and laboratory analyses on edible fats and oils. Government Chemist replied that the relevant planning work was underway and the Administration planned to brief the Panel on the proposal in the second half of 2016. It was expected that the redevelopment of the Food Safety Laboratory would help consolidate the resources of the Government Laboratory and could improve its operational efficiency as well as create synergy. She added that relevant analytical tests for edible oils had been conducted to monitor their safety and quality.

New agriculture policy

20. Dr Elizabeth QUAT expressed support for the implementation of the new agriculture policy ("NAP") to promote the modernization and sustainable development of the local agricultural industry. Dr CHIANG Lai-wan enquired about the direction for promoting local agriculture under NAP. In her view, the Administration should focus on developing some new farming techniques that could yield high returns, such as hydroponic production of plants and crops at factory buildings. She also urged the Administration to enhance manpower training to facilitate transfer of knowledge and application of technology to agricultural production.

21. Director of Agriculture, Fisheries and Conservation ("DAFC") advised that a multi-pronged approach would be adopted in implementing NAP. Supportive measures to be taken included promoting farm mechanization and automation to help farmers improve productivity and funding research and development work on new products and new farming practices by local tertiary institutions. The proposed Sustainable Agricultural Development Fund might also provide financial support to projects aiming to enhance training for farmers and transfer of knowledge.

22. Noting that a cluster of about 75-80 hectares of farmland in Kwu Tung South had been identified for establishing an Agricultural Park ("Agri-Park") and the Government would resume the required private land pursuant to the Lands Resumption Ordinance (Cap. 124), Mr WONG Yuk-man expressed

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concern that it might invite criticisms of collusion between the Government and the business sector during the land acquisition process. He also queried the effectiveness of the proposal to designate farmland as "Agricultural Priority Areas" ("APAs") to encourage landowners to put such land into long-term agricultural uses. He surmised that landowners would rather reserve their land for property development purpose or rent out the farmland for other uses, unless the Government provided sufficient incentives to them to release the farmland for agricultural uses.

23. In response, SFH explained the rationale for implementing NAP to promote local agriculture. He stressed that the Administration hoped to encourage landowners to release their farmland for agricultural use by designating APAs and establishing the Agri-Park to showcase how best to put farmland to good use with enhanced productivity.

24. Dr CHIANG Lai-wan recalled that the Agriculture, Fisheries and Conservation Department ("AFCD") had designated some farmland in Kam Tin for agricultural use in 1980s but landowners were not willing to release the land for farming activities. She and the Deputy Chairman enquired about the measures to be taken by the Administration to ensure that the farmland designated as APAs would be put to active agricultural use. PSFH(F) and DAFC advised that the Administration would commission a consultancy study to explore the feasibility and merits of the APA initiative as well as the implementation details, such as incentives to be provided for landowners, if the initiative was to be taken forward. The Administration would also promote the branding of locally produced vegetables and create more distribution channels that would help local farmers reach out to consumer direct.

Massive fish death incidents

25. Regarding incidents in which massive quantity of dead fish had been recently found on the surface of a number of inshore waters and watercourses, including Shing Mun River in Sha Tin and Tolo Harbour, Mr TANG Ka-piu and Dr Elizabeth QUAT asked about the follow-up actions taken by the relevant departments. Dr QUAT said that the stench of refuse had caused nuisance to the residents in the vicinity of Shing Mun River. She noticed during a site visit that the cleansing contractor had not arranged sufficient manpower and resources to remove the dead fish. She urged the Administration to enhance the cleansing service and to make public as soon as possible the investigation results of the recent fish death incidents.

26. SFH advised that FEHD engaged cleansing contractors to remove refuse floating on the surface of inshore waters and watercourses on a regular

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basis. FEHD would study the feasibility of establishing a mechanism to handle effectively similar cases with the relevant departments in the future. DFEH said that FEHD had arranged enhanced cleansing service with the contractor concerned to remove the refuse and dead fish floating on Shing Mun River. In the past two months, a total of 19 tonnes of floating refuse, including dead fish, were removed.

27. Regarding the investigation work, SFH and DAFC advised that AFCD had looked into the causes of the incident with the relevant departments. The Environmental Protection Department had collected water samples in Shing Mun River for testing. The analytical reports did not show any abnormality in water quality. AFCD also examined the fish samples collected and no parasitic infection was found in the samples. According to the investigation, there was no evidence that water quality, red tide, toxic algae or parasitic inflection was the cause of the incident. It was believed that the recent unstable weather conditions might be a possible factor causing the death of fish in Shing Mun River.

28. The Deputy Chairman expressed concern that the fish farmers affected by the massive fish death in Yim Tin Tsai fish culture zone near Sam Mun Tsai in Tai Po had great difficulties in handling the aftermath of the incident and the grants offered to them under the Emergency Relief Fund was grossly inadequate to meet their needs. He queried the effectiveness of the measures taken by the Government for the prevention and handling of natural disasters, including the monitoring of water quality in fish culture zones, the measures to render immediate support to fish farmers and to help them clear up the fish carcasses, the provision of financial assistance to fish farmers to resume business and the investigation of the causes of the fish death for the prevention of similar incidents. In his view, the Administration should review and strengthen the support for the agriculture and fisheries sector particularly when they were affected by natural disasters.

29. SFH responded that based on the information available, AFCD believed that the red tide formed by a toxic algal species observed in the waters of Tolo Harbour and Long Harbour was likely to be the main factor causing the death of cultured fish in several fish culture zones. As red tide was a natural phenomenon, AFCD had difficulties in predicting the formation of red tides even with present-day technology. AFCD would endeavour to provide suitable assistance to affected mariculturists to help them tide over difficulties. The Deputy Chairman opined that the departments concerned should enhance their cooperation in monitoring water quality and capability in responding to red tides to minimize the impact of red tides on the industry.

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Prevention of outbreak of Zika epidemic and anti-mosquito work

30. Mr WONG Kwok-hing expressed concern about the recent outbreak of Zika epidemic in Central and South America. As the *Aedes albopictus* mosquito, which was commonly found in Hong Kong, was a potential vector of Zika virus, Mr WONG enquired about the prevention and control measures adopted by the Administration against Zika virus infection and whether it would make public the countries and regions with serious Zika epidemic outbreak to remind the public of the risk of Zika virus infection.

31. SFH advised that on 1 February 2016, FHB held an inter-departmental meeting with FEHD, the Department of Health and the Hospital Authority to discuss the latest local risk assessment as well as the prevention and control measures against Zika virus infection. According to the information provided by the Centers for Disease Control and Prevention of the United States ("CDC"), Zika virus infection was endemic in Central and South America. For information about countries and areas with active transmission of Zika virus, members of the public might visit the website of the Centre for Health Protection of the Department of Health. With the provision of a hyperlink to the websites of international health organizations, such as CDC and the World Health Organization, up-to-date disease information and health advice were available. The Government would closely monitor the situation and provide the public with latest development of the epidemic.

32. Mr SIN Chung-kai asked whether the Administration would enhance anti-mosquito work to eliminate *Aedes albopictus* mosquitoes to prevent an outbreak of Zika epidemic in Hong Kong. SFH advised that Zika virus was primarily transmitted to humans through bites of *Aedes* mosquitoes, and *Aedes aegypti* was considered the most important vector for Zika virus transmission to humans. Although *Aedes aegypti* was currently not found in Hong Kong, other *Aedes* mosquito species, such as *Aedes albopictus*, were also considered potential vectors. The Government had suggested pregnant women and women preparing for pregnancy consider deferring their trip to areas with past or current evidence of ongoing Zika virus transmission. Those who must travel to any of the affected areas should seek medical advice of their doctor before the trip, adopt contraception if appropriate and strictly follow steps to avoid mosquito bites during the trip. Travellers should apply mosquito repellent for 14 days after returning from the affected areas. As *Aedes albopictus* mosquito was also the principal vector for transmitting dengue fever ("DF") to humans and there had been large scale outbreaks of DF in neighbouring areas and reported DF cases in Hong Kong in recent years, the Government had stepped up anti-mosquito work accordingly. In addition to the regular mosquito control work, anti-mosquito campaign at district level had been carried out throughout winter until the next rainy

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season. The Government would also strengthen publicity and the coordination among government departments and District Councils in launching mosquito control operations.

Proposed legislative amendments to the Public Health (Animals and Birds) (Animal Traders) Regulations (Cap. 139B) ("the Regulations")

33. Ms Claudia MO enquired about the Administration's progress regarding the preparation and drafting of the legislative amendments to the Regulations. SFH and DAFC advised that as the Administration had to consider carefully the relevant legal issues raised by the Department of Justice on the implementation details under the new regulatory regime, such as the description and wording of the offences, the proof required to substantiate the prosecution's case and the enforcement arrangements, the time required for drafting the proposed amendments to the Regulations had been longer than expected. The Administration was finalizing the drafting work, with a view to introducing the amendment regulation for scrutiny by the Legislative Council ("LegCo") in the second quarter of 2016.

34. Ms Claudia MO considered that the Administration should brief the Panel again on the proposed legislative amendments before the relevant subsidiary legislation, which was subject to negative vetting, was tabled at LegCo. SFH and DAFC advised that as the policy content of the proposed legislative amendments had been fully deliberated upon at meetings of the Panel in April 2013 and July 2014, the Administration did not consider it necessary to re-submit the legislative proposals to the Panel for further discussion. The Chairman directed the Clerk to seek members' views after the meeting on whether they considered it necessary for the Panel to discuss the proposed legislative amendments to the Regulations again at a Panel meeting, so as to facilitate his consideration of the matter.

(Post-meeting note: Panel members were consulted on the matter vide LC Paper No. CB(2)906/15-16 and subsequently informed of the results vide LC Paper No. CB(2)950/15-16.)

Testing and transportation hub for competition horses

35. Mr WONG Yuk-man expressed concern that equine infectious diseases might be imported into Hong Kong from the Mainland if the Hong Kong Jockey Club set up the Club's equine training centre in Conghua, Guangzhou as a training venue for Hong Kong's competition horses. SFH responded that as Hong Kong had a vibrant horse racing industry, the Hong Kong Jockey Club had interest in developing an equine training centre in Conghua as training venue for Hong Kong's competition horses. Tapping the

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opportunities, AFCD would strengthen the testing services for equine infectious diseases at its Tai Lung Veterinary Laboratory. Not only would this help enhance Hong Kong's capability in testing equine infectious diseases, it would also facilitate Hong Kong's development into a testing centre of equine infectious diseases and a transportation hub for international competition horses, thereby bringing added room for further development of the related industries.

Review of the fees and charges of municipal facilities and services provided by FEHD

36. In response to the enquiry of Miss Alice MAK on the fee review exercise, PSFH(F) advised that in order to achieve full cost recovery gradually, the Administration would review the levels of fees and charges of municipal facilities and services provided by FEHD by phases and consult the Panel on individual fees proposals in due course. The Administration had yet to form a view at the present stage on whether the fees and charges should be adjusted.

Safety of cooking and kitchen utensils

37. Dr Helena WONG said that according to a test conducted by the Water Supplies Department, five out of six brands of wall-mounted electric water kettles were found releasing lead during the water heating process. She expressed concern about the presence of heavy metal contaminants, including lead, in food if cooking and kitchen utensils used by food premises and restaurants contained lead. She asked whether FEHD would conduct water sampling tests on water samples taken from wall-mounted electric water kettles/tea urns in food premises and restaurants across the territory in order to safeguard public health. Controller, CFS replied that it was possible that the food might be contaminated if cooking and kitchen utensils contained lead. It was however noteworthy that so far, all food samples taken from food premises and restaurants (about 5 000 samples annually) for testing on metallic contaminants were satisfactory. Controller, CFS and DFEH added that drinking water was not defined as food in Hong Kong and was not regulated by PHMSO. This notwithstanding, under the Food Business Regulation, any person who carried on any food business should ensure that all equipment and utensils were kept clean and free from noxious matters.

V. Creation of a directorate post for implementation of the columbarium portfolio
(LC Paper No. CB(2)767/15-16(04))

38. Members noted the Administration's paper which set out the proposal to create a supernumerary directorate post at the Administrative Officer Staff Grade B ("AOSGB") rank in FEHD for a period of five years to steer and oversee the implementation of the Private Columbaria Ordinance ("the Ordinance").

39. In response to the Deputy Chairman's enquiry about the duties and responsibilities of the incumbent of the proposed post, Under Secretary for Food and Health ("USFH") advised that:

- (a) the holder of the proposed post, designated as the Head of the Regulation of Private Columbaria Branch ("H/RPCB"), which was a new and dedicated branch to be set up in FEHD, would head the branch to implement the new Ordinance when enacted. The new RPCB would comprise the Private Columbaria Licensing Board ("the Licensing Board") Secretariat, a licensing team and an enforcement team;
- (b) with the service of its Secretariat, the Licensing Board would determine applications for licences, exemption or temporary suspension of liability ("TSOL") from private columbaria and issue guidelines and codes of practices about the operation and management of columbaria;
- (c) the information gathered by the Administration so far indicated that there were at least around 140 private columbaria in operation. It was envisaged that soon after the implementation of the new Ordinance, the majority of existing private columbaria would submit applications to the Licensing Board for different specified instruments. According to the information gathered by the Development Bureau, the majority of existing private columbaria did not fully comply with statutory requirements relating to planning and land use. The relevant rectification/regularization work was expected to involve complex procedures and disputes. The work of the Licensing Team was expected to be voluminous and contentious, as it had to handle the conflicts in interests among different stakeholders including private columbaria operators, residents nearby, consumers affected by the cessation of columbarium operations, land or premises owners, etc.; and

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- (d) after the Ordinance had come into operation, the Enforcement Team would undertake enforcement work against private columbaria which contravened the law in respect of unauthorized sale of niches or interment rights without a license and improper disposal of ashes in their possession in the prescribed manner. In cases of cessation of columbarium operations, the Enforcement Team would be obliged to monitor closely the follow-up actions of the private columbarium operators and handle unclaimed ashes and items displaced from private columbaria.

USFH appealed to Members to support the proposed creation of the AOSGB post.

40. The Deputy Chairman and Dr Helena WONG considered that given the heavy workload of RPCB, a high-calibre candidate should be selected for the new post. USFH and DFEH responded that H/RPCB would provide overall strategic direction to RPCB and oversee all aspects of its work. A sufficiently senior directorate officer possessing the necessary leadership skills, administrative experience, strategic vision and political acumen would be required to steer through the complicated, contentious and demanding portfolio and the wide range of issues outlined in the Administration's paper. The post would be filled in accordance with standing arrangements established by the Civil Service Bureau.

41. Dr CHIANG Lai-wan said that Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong supported the proposal to create the supernumerary AOSGB post to head the dedicated RPCB. She enquired whether priority would be accorded to enforcement actions against private columbaria currently operated at private buildings in urban districts. Dr Helena WONG also asked about the Administration's enforcement plan against private columbaria which contravened statutory requirements.

42. USFH and DFEH responded that at present, there was no law governing the operation of private columbaria. After the enactment of the Ordinance, private columbaria operators would be allowed a grace period to go through the due process of applying for licences, exemption and TSOL (as the case might be) and in the event that their applications were rejected, to lodge appeals. For the sake of procedural justice, private columbaria would be subject to enforcement actions only after the applications and appeals had been dealt with. This notwithstanding, RPCB would take enforcement actions against those private columbaria which sold niches or interment rights while their applications for licence, exemption and TSOL were being

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processed. RPCB would also enforce the ash disposal procedures as stipulated in the Ordinance should any columbaria cease operations after enactment of the Ordinance.

43. Dr CHIANG Lai-wan was concerned how the Administration would minimize possible disputes among different stakeholders upon the enactment of the Ordinance. In her view, RPCB should help ensure effective communications with stakeholders and coordination among relevant bureaux and departments. USFH explained that while the primary responsibility for proper disposal of ashes kept by a private columbarium rested squarely with the columbarium operator concerned, the Enforcement Team would be proactive in ensuring that this was done and would keep information on ash disposal by columbaria. Close monitoring of the follow-up actions taken by private columbarium operators would be undertaken to minimize the risks of abrogation of responsibility. USFH stressed that consumers should understand the services they were paying for as well as the terms and conditions stipulated in the contracts signed with the columbarium operators.

44. Dr Helena WONG was concerned whether the manpower provision of RPCB would be sufficient to cater for the huge volume of work envisaged upon the implementation of the new Ordinance. She further asked which team was responsible for handling complaints related to private columbaria operations. DFEH responded that the new RPCB would have an establishment of about 50 non-directorate staff. About half of them would be assigned to the Enforcement Team which would, apart from undertaking enforcement work, handle complaints and disputes. Details of the staffing arrangements and expenditure would be provided in the budget estimates for the next financial year. DFEH further advised that the non-directorate staff in RPCB would include 43 new civil service posts and seven posts to be redeployed from the existing Cemeteries and Crematoria (Special Duties) Team of FEHD upon the establishment of RPCB.

45. Dr Helena WONG expressed support for the proposal. The Chairman said that Members belonging to the Liberal Party also supported the proposal. In his view, the Administration should review as to whether the proposed supernumerary post of H/RPCB should be made permanent as rectification and regularization of private columbaria was an on-going initiative.

46. Members noted that the Administration would submit the proposal to the Establishment Subcommittee and the Finance Committee respectively for recommendation and approval.

Action

VI. Any other business

47. There being no other business, the meeting ended at 6:24 pm.

Council Business Division 2
Legislative Council Secretariat
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