

立法會
Legislative Council

LC Paper No. CB(2)1936/15-16
(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, 10 May 2016, at 2:30 pm
in Conference Room 3 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 Cyd HO Sau-lan, JP
Hon Starry LEE Wai-king, JP
Hon CHAN Hak-kan, JP
Hon Alan LEONG Kah-kit, SC
Hon WONG Yuk-man
Hon Claudia MO
Hon CHAN Chi-chuen
Dr Hon Kenneth CHAN Ka-lok
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
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
Hon Alvin YEUNG Ngok-kiu

Member attending : Hon CHEUNG Kwok-che

Members absent : Dr Hon LEUNG Ka-lau
Hon Michael TIEN Puk-sun, BBS, JP
Hon CHAN Han-pan, JP

Public Officers : Item IV
attending

Miss Vivian LAU, JP
Director of Food and Environmental Hygiene

Miss Diane WONG Shuk-han
Principal Assistant Secretary for Food and Health (Food) 2

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

Item V

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

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

Mr Mickey LAI Kin-ming
Assistant Director (Fisheries)
Agriculture, Fisheries and Conservation Department

Item VI

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

Dr Gloria TAM Lai-fan, JP
Controller, 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

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

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

Mr Roger CHUNG
Council Secretary (2) 2

Ms Camy YOONG
Clerical Assistant (2) 2

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I. Confirmation of minutes

(LC Paper No. CB(2)1414/15-16)

The minutes of the meeting held on 8 March 2016 were confirmed.

II. Information paper issued since the last meeting

2. Members noted that no information paper had been issued since the last meeting.

III. Date of next meeting and items for discussion

(LC Paper Nos. CB(2)1419/15-16(01) and (02))

Regular meetings in June and July 2016

3. Members agreed that the timeslot originally reserved for holding the regular Panel meeting in July (i.e. 12 July 2016, 2:30 pm - 4:30 pm) be released for holding the meetings of the Council and the Finance Committee, if required, to deal with their unfinished items before the Council's prorogation on 16 July 2016.

4. While agreeing to cancel the July meeting, members agreed to extend the duration of the next regular Panel meeting on Tuesday, 14 June 2016 to last for two and a half hours (from 2:00 pm to 4:30 pm) so that the following items scheduled for discussion in June and July 2016 could be dealt with before the end of the current term:

- (a) Code of practice on animal trading;
- (b) Retrofitting of air-conditioning facilities in public markets; and
- (c) Implementation of the Food and Drugs (Composition and Labelling) (Amendment) (No. 2) Regulation 2014.

IV. Promotion of green burial

(LC Paper Nos. CB(2)1419/15-16(03) and (04))

5. At the invitation of the Chairman, Director of Food and Environmental Hygiene ("DFEH") briefed Members on the Government's efforts in promoting green burial (i.e. scattering ashes at Gardens of Remembrance ("GoRs") and at sea), as detailed in the Administration's paper (LC Paper No. CB(2)1419/15-16(03)). Members noted the background brief prepared by the Legislative Council ("LegCo") Secretariat (LC Paper No. CB(2)1419/15-16(04)) on the subject.

Promotion of green burial

6. Dr CHIANG Lai-wan, Mr Christopher CHUNG, Ms Starry LEE and Dr KWOK Ka-ki expressed concern that while green burial was gaining popularity, the number of green burial cases was still on the low side, compared to the total number of deaths in a year. They noted that although there had been a steady increase in the usage of green burial services in recent years, green burial cases handled by the Food and Environmental Hygiene Department ("FEHD") only accounted for 8.7% of the total number of deaths in Hong Kong in 2015. Dr CHIANG, Mr CHUNG and Ms LEE considered that the Administration should review its strategy for promoting green burial and set a target for raising the percentage to use green burial facilities and services.

7. DFEH made the following response:

- (a) the efforts made by the Administration over the years to promote green burial were beginning to bear fruit. For instance, the number of scattering ashes at GoRs handled by FEHD had been on the rise in recent years, up from 37 cases in 2005 to more than 3 000 cases in 2015. The figures indicated the growing acceptance of green burial among the public;
- (b) the number of green burial cases handled by FEHD in 2015 accounted for 8.7% of the total number of deaths in Hong Kong, representing more than 9.5% of the total number of cremations in the same year. In other words, about one in every 10 sets of cremated ashes had been scattered at GoRs or at sea in 2015;
- (c) under the current practice, niches were seldom recycled. While the Administration recognized the need to make sustained efforts to fortify the necessary mindset changes so as to turn green burial into the mainstream mode for handling human ashes, how widely green burial was accepted depended on the wishes of the

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deceased and the preference of the bereaved family. The Administration considered that the adoption of green burial should be voluntary and the choice of the public in this regard should be respected. Hence, it was difficult for the Administration to set a target on the usage of green burial in Hong Kong; and

- (d) to strengthen strategy formulation on the promotion of green burial, the Administration was going to set up under the Advisory Committee on Food and Environmental Hygiene a working group focusing on green burial and related issues ("the working group") as a dedicated platform for tapping the views from a wide cross-section of the community.

8. Ms Starry LEE indicated support for the setting up of the working group to formulate strategies to promote green burial. She reiterated that the working group should consider setting a target on the usage of green burial in Hong Kong. DFEH advised that the working group would consider the way forward, taking into account the efficacy of the Government's efforts in promoting green burial.

9. Dr KWOK Ka-ki asked whether the Administration had conducted any opinion survey to find out why green burial had not been accepted as the preferred way to dispose of cremated ashes. DFEH responded that while a formal survey had not been conducted, the Administration had collected the views of participants in the annual Senior Fair to assess the public's acceptance of green burial. About 60% and 80% of the respondents indicated acceptance of scattering ashes at sea and at GoRs respectively. The Administration would leave it to the working group to consider the need of conducting surveys to further gauge public views on issues relating to green burial.

10. Dr Kenneth CHAN considered that the Administration should conduct in-depth and quantitative research on various aspects relating to green burial, including people's awareness of green burial, their concerns about green burial services and the actual usage of such services, so as to collect useful data for formulating strategies to promote green burial. DFEH assured members that the Administration had been stepping up its promotion efforts on green burial. FEHD had been providing free ferry service for scattering ashes at sea since 2010. About 90% of users who chose to scatter ashes at sea made use of FEHD's free ferry service. FEHD had enhanced the free ferry service to meet rising demands. To facilitate the public to pay tribute to their loved ones whose ashes were scattered at sea, FEHD arranged four memorial sailings each year with two before the Ching Ming Festival and two before the Chung Yeung Festival. In light of the positive feedback, the

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Administration would seek additional resources to enhance such services. The Administration had also constructed new GoRs of bigger size in recent years, and would continue to provide GoRs in public columbarium projects under planning wherever feasible. For example, a GoR would be provided in the Tsang Tsui columbarium project in which designated walls would be provided for the mounting of about 10 000 plaques in memory of the deceased.

11. Dr CHIANG Lai-wan considered that the Administration should make reference to the experience of other places in promoting green burial. She suggested that consideration be given to allowing users to bury ashes of the deceased under the plants in GoRs. Dr KWOK Ka-ki suggested that the Administration should make reference to the practices of Japan and Taiwan in promoting "tree burial" (i.e. burying ashes in the soil for planting trees). Consideration could also be given to identifying scenic and tranquil locations in the country parks and inshore waters (especially those waters with strong current that could carry away the scattered ashes rapidly) for conducting ashes scattering services, so as to provide more choices for the public. DFEH said that the Administration was conducting a feasibility study on developing multi-purpose green burial facilities on outlying islands, including designating inshore waters and coastal areas for providing ashes scattering services at sea. Dr KWOK ka-ki expressed support for such an initiative.

12. Mr Christopher CHUNG held the view that the Administration had not been proactive in encouraging the public to use green burial. He and the Deputy Chairman urged the Administration to enhance its publicity efforts in this respect, such as organizing seminars at schools to promote green burial among the younger generation. DFEH stressed that the Administration had been stepping up publicity and public education on green burial in recent years. Such promotion efforts included producing a new Announcement in the Public Interest ("API") for broadcasting on television since March 2016, inviting non-governmental organizations and elderly centres/homes to visit GoRs and to attend the service of scattering ashes at sea and organizing school talks on green burial to promote students' awareness of green burial services.

13. Mr WONG Yuk-man opined that it took time for green burial to gain public acceptance as a more sustainable means of handling human ashes. In his view, to fortify the necessary mindset changes, the Administration should enhance its publicity efforts targeting primary students to instill in them at an early age the merits of green burial. Consideration might also be given to promoting other alternatives of handling ashes, e.g. turning ashes into synthetic diamond. To help the relevant trade, facilitative measures should be introduced.

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14. Mr WONG Kwok-hing and Mr KWOK Wai-keung agreed that the Administration should continue to promote green burial. They suggested that consideration be given to offering incentives to bereaved families for using green burial, such as waiving the fees and charges for cremation services relating to green burial. DFEH responded that the Administration had considered the merits of waiving the charges for cremation and certain after-death services in those cases where green burial was opted for. The Administration did not consider it ripe to pursue such an idea at the present stage, for fear that some might misconstrue this as according a greater importance to financial considerations than filial piety. Nevertheless, the Administration maintained an open mind towards waiver of certain fees and charges as a modest financial incentive in appreciation of people's support for more environmental friendly modes of ash disposal, should there be such calls in the community. Mr CHAN Chi-chuen considered the provision of financial incentives to promote green burial worth considering. In his view, to avoid giving the impression that bereaved families opted for green burial out of monetary consideration, the Administration might consider channelling all relevant fees and charges paid by the bereaved families to charitable institutions designated by the bereaved families in the form of donations.

15. Mr WONG Kwok-hing further suggested that the Administration should solicit support from Government officials, LegCo Members and opinion leaders for using green burial services after death. In his view, Government officials and LegCo Members might be invited to sign an undertaking to declare that they would use green burial services. Mr CHAN Chi-chuen suggested that a registration scheme be established for members of the public to indicate their willingness to adopt green burial, similar to the existing registration scheme for organ donation.

16. DFEH reiterated that while the Administration recognized the need to encourage the public to use green burial, the wishes of the deceased and the preference of the bereaved family on after-death arrangements should be respected. The Administration would consider the introduction of a registration scheme, should there be consensus in the community on the matter. DFEH added that to promote green burial, the incumbent Secretary for Food and Health and some social leaders had declared on public occasions that they would use green burial services.

17. Mr CHAN Chi-chuen suggested that other than celebrities, the Administration could invite elderly people who had decided to use green burial services or bereaved families who opted for green burial for their deceased members to share their views and experience in APIs/publicity videos. Dr Kenneth CHAN shared Mr CHAN's view that the engagement of users of green burial services in public education work would achieve greater promotional effects. DFEH said that the Administration was planning to

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feature users or potential users of green burial services in publicity videos which would be uploaded onto FEHD's website for public reference.

18. Ms Starry LEE suggested that the Administration should collect feedback from participants of publicity events to review the effectiveness of the Administration's promotion efforts. Consideration could also be given to engaging students and elderly volunteers in the delivery of green burial messages. DFEH said that the Administration would consider Ms LEE's suggestions.

Scattering ashes at sea

19. The Deputy Chairman expressed concern that some unscrupulous private operators who provided ashes scattering services at sea had thrown the urns into the sea. Pointing out that the netting of the disposed urns had brought unease to the fishermen, he urged the Administration to monitor the conduct of ashes scattering services and to step up enforcement actions against unauthorized scattering of ashes at sea.

20. DFEH responded that it was an offence to dispose of urns at sea. While the Administration would remind private operators to comply with the relevant requirements in conducting ashes scattering services at sea, fishermen could report illegal activities to the relevant authorities for taking out enforcement action. As mentioned earlier, about 90% of users who chose to scatter ashes at sea used the free ferry service provided by FEHD, during which a funeral director was on board to assist bereaved families in the memorial ceremonies and bio-degradable bags (which would decompose in the water within one day) were provided for holding ashes to be scattered into the water to minimize the impact on marine environment. DFEH further advised that the Administration had reviewed the propriety of the three designated stretches of Hong Kong waters for scattering ashes (i.e. east of Tung Lung Chau, east of Tap Mun and south of West Lamma Channel) and confirmed that there were no fish farms, beaches or ports nearby. The strong current there could also carry the scattered ashes away rapidly.

21. In response to Mr CHAN Chi-chuen's enquiry, DFEH said that while the public had to make applications to FEHD for scattering ashes at the three designated stretches of local waters, users could make use of the free ferry service provided by FEHD or self-arranged vessels for scattering ashes at sea.

Provision and management of public niches

22. Dr CHIANG Lai-wan said that according to her observation, some of the public niches had not been visited or attended to by descendants for years. In her view, the Administration should consider buying back those niches for

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reallocation to the public. Mr KWOK Wai-keung said that it was his understanding that some private columbaria provided a large number of niches within a very small and limited area. Paying of tribute was not allowed for ashes stored in these columbaria and the niches could only be viewed online. He asked whether similar arrangement would be adopted in public columbaria managed by FEHD, so as to better utilize the land resources.

23. DFEH responded that in the view of the Administration, public niches had not been fully utilized at present. To allow better utilization of public niches, with effect from 2 January 2014, FEHD had relaxed the arrangement of placing additional sets of ashes into public niches. Should the applicant so prefer, each standard niche might accommodate more than two sets of cremated ashes, while each large niche might accommodate more than four sets. Permittees could arrange for co-location of the urns of ashes of their deceased family members through placing additional sets of ashes in the same niche, so as to save the trouble of having to travel to different columbaria for paying respect to the ancestors. It was estimated that another 170 000 additional sets of ashes could be placed in public niches subsequent to the implementation of FEHD's new measures. If similar arrangement was to be adopted in the Chinese Permanent Cemeteries operated by the Board of Management of the Chinese Permanent Cemeteries, the niches provided in Chinese Permanent Cemeteries could further accommodate about 170 000 additional sets of ashes. DFEH said that in 2015, FEHD handled more than 3 600 applications for placing additional sets of ashes into public niches, which accounted for about 8% of the number of cremations in the same year. The Administration would step up publicity on FEHD's services in this regard.

24. Mr CHAN Chi-chuen enquired about the progress and outcome of the Administration's review on fees for cemeteries and crematoria services provided by FEHD. DFEH replied that the Administration was considering the views of Members on the proposals. It would report to the Panel when a decision was taken.

V. Update on the implementation of the trawl ban
(LC Paper Nos. CB(2)1419/15-16(05) and (06))

25. At the invitation of the Chairman, Deputy Secretary for Food and Health (Food) 1 updated Members on the progress of the measures taken by the Government to promote the sustainable development of fisheries in Hong Kong, including the enforcement against illegal fishing activities, measures to conserve the local fisheries resources and the supportive measures to assist the fisheries industry to switch to sustainable operations, details of which were set out in the Administration's paper (LC Paper No. CB(2)1419/15-

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16(05)). Members also noted the background brief prepared by the LegCo Secretariat on the subject (LC Paper No. CB(2)1419/15-16(06)).

Administration of the one-off assistance package to affected fishermen

26. Referring to Annex IV to the Administration's paper, Mr CHAN Chi-chuen noted that there were a large number of applications withdrawn or determined to be ineligible under the one-off assistance package ("the package"). He sought details of those applications for (a) ex-gratia allowance ("EGA") from trawler owners or (b) one-off assistance from fish collector owners, including the reasons why the numbers of applications withdrawn or determined to be ineligible for both categories stayed at a high level.

27. In response, Director of Agriculture, Fisheries and Conservation ("DAFC") advised that:

- (a) among the 139 applications for EGA which were subsequently withdrawn or determined to be ineligible, the majority of them were assessed as ineligible because the fishing vessels involved were neither trawlers nor engaging in trawling operations. The Inter-departmental Working Group ("IWG"), which was established in 2011 to handle matters relating to the processing of applications received under the package, decided that these vessel owners should not be granted EGA having regard to the fact that they had not been affected by the trawl ban;
- (b) pursuant to the guiding principles underlying the package, one-off assistance would be provided to inshore fish collector owners who had been mainly serving the inshore trawlers prior to the trawl ban and had been genuinely affected by the trawl ban. If a fish collector was used mainly for other commercial activities which were not related to trawling operations, the application concerned would fail to meet the eligibility criteria for assistance; and
- (c) the exact amount of EGA payable to individual trawler vessel owners would depend on the number of successful applications (in that the number of successful applicants would bear an inverse relationship with the amount of EGA payment) as well as the apportionment criteria determined by IWG. For larger trawlers which generally did not operate in Hong Kong waters, the impact of the trawl ban on them was much smaller when compared with inshore trawlers. Hence, a lump sum EGA of \$150,000 would be disbursed to each eligible owner of such

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larger trawlers. Regarding those 858 appeals received from the trawler owners against the decisions of IWG on their applications for EGA, most of the appellants were dissatisfied with the level of EGA determined by IWG. Pending their provision of the necessary information and documents, the appeal process could be expedited.

28. Ms Claudia MO expressed concern as to whether fairness was ensured throughout the process when IWG handled applications received under the package. Noting that 858 appeals had been received from affected trawler owners against the decisions of IWG on their applications for EGA, she and the Deputy Chairman enquired about the work progress of the Fishermen Claims Appeal Board ("FCAB") in processing appeals. Ms MO and Mr CHAN Chi-chuen hoped that appropriate measures could be devised to expedite the appeal process. The Deputy Chairman suggested that to increase the transparency of the progress of and the mechanism for determining appeals, information about cases which had been dealt with or were pending consideration by FCAB should be made available for public inspection on the government websites, and such information should be presented in a manner that was easily understandable, readable and accessible.

29. In response, DAFC advised that:

- (a) FCAB comprised non-official members who processed the appeal cases according to established criteria. To ensure that all cases were handled in a fair and impartial manner, FCAB would conduct hearings for each case and carefully examine the relevant information of each appeal case, including statements submitted and grounds provided by the appellants and IWG; and
- (b) as at the end of April 2016, FCAB had held a total of 66 hearings, and had completed the processing of 32 appeal cases with decisions issued. There were another 19 appeal cases for which the hearing had been conducted and FCAB's final determination was pending. Other than these, there were also 60 cases where the appeals were withdrawn by the appellants.

Enforcement against illegal fishing activities

30. The Deputy Chairman said that despite the implementation of the trawl ban in Hong Kong waters since December 2012, some Mainland fishing vessels still carried out illegal trawling activities in Hong Kong waters from time to time. He, Mr SIN Chung-kai and Dr Kenneth CHAN queried the effectiveness of the enforcement actions taken by the authorities against illegal trawling activities. They strongly considered that the Administration

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should step up the enforcement efforts to combat illegal fishing activities. Noting that the number of patrols and inspections conducted against illegal fishing activities had dropped significantly from 6 542 in the whole year of 2015 to 313 in the first quarter of 2016, Mr SIN asked for the reasons for such significant discrepancy. Citing an example of collaboration between the government and the fishermen in the Philippines, Dr CHAN suggested the Administration enhance its collaboration and intelligence exchange with local fishermen in a bid to improve its enforcement strategy.

31. DAFC and Assistant Director (Fisheries), Agriculture, Fisheries and Conservation Department ("AD(F)/AFCD") responded with the following points:

- (a) AFCD took a leading role in combating illegal fishing activities including trawling. AFCD had been maintaining close collaboration with the Marine Police to pursue joint-operations as appropriate in combating illegal fishing activities, regardless of whether local or Mainland fishing vessels/fishermen were involved and how big the vessels were. With the concerted efforts of AFCD and the relevant authorities, prosecutions had been successfully initiated on a good number of occasions against vessels engaged in illegal fishing activities (including trawling) in Hong Kong waters;
- (b) there were several teams of staff in AFCD deployed to conduct territory-wide patrols and inspections in Hong Kong waters (including patrol teams responsible for enforcing other fisheries-related legislation). The territory-wide patrols and inspections were conducted during both day-time and night-time, while special operations based on intelligence obtained were also carried out from time to time. As there were incidents of red tides in Tolo Harbour between end-December 2015 and mid-February 2016, some of the manpower resources had been deployed to deal with the incidents. That explained why only 313 patrols were conducted in the first quarter of 2016;
- (c) the Administration considered the existing strategies and measures effective in combating illegal fishing activities. AFCD and the Marine Police had been deploying their resources flexibly having regard to the actual circumstances on the spot. Where necessary, joint enforcement actions would be taken. AFCD also kept in touch with fishermen groups to widen its access to information that would help combat illegal fishing activities more effectively; and

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- (d) there were difficulties in combating illegal fishing activities at the boundary of Hong Kong waters. AFCD had maintained close liaison with the relevant Mainland authorities as well as exchanged information with them as part of their efforts to combat illegal fishing activities. The law enforcement agencies of Guangdong and Hong Kong also carried out joint enforcement operations regularly to combat cross-boundary illegal fishing activities.

32. Noting the number of successful prosecution against illegal fishing activities as provided in Annex III to the Administration's paper, Mr SIN Chung-kai asked whether there were cases where prosecution had not been instituted after investigation because of insufficient evidence. AD(F)/AFCD responded that in most of the cases involving illegal fishing/trawling activities, prosecution could be successfully taken out given that they were well supported by evidence. Responding to Mr SIN's follow-up question, AD(F)/AFCD advised that in the event that any fishing vessel was suspected of engaging in illegal fishing activities in Hong Kong waters, AFCD's patrol teams/the Marine Police would seize the fishing equipment found on board. The equipment would be submitted as evidence in court in legal proceedings. Upon conviction of the offences, the court might order confiscation of the equipment seized.

Relief and assistance to affected mariculturists

33. In response to the Deputy Chairman's concern about the assistance provided to mariculturists whose operations were affected by red tides or natural disasters, DAFC advised that the Administration provided financial assistance of up to \$14,040 per household to eligible mariculturists under the Emergency Relief Fund.

VI. Implementation of regulations governing import control of poultry eggs

(LC Paper Nos. CB(2)1419/15-16(07) and (08))

34. At the invitation of the Chairman, Assistant Director (Food Surveillance and Control)/Centre for Food Safety ("AD(FSC)/CFS") briefed Members on the implementation of the Imported Game, Meat, Poultry and Eggs Regulations (Cap. 132AK) ("the Regulations") which came into effect on 5 December 2015 imposing import control on poultry eggs, as set out in the Administration's paper (LC Paper No. CB(2)1419/15-16(07)). Members noted the information note prepared by the LegCo Secretariat (LC Paper No. CB(2)1419/15-16(08)) on the subject.

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35. Noting that the Regulations required the importers to produce a health certificate issued by an issuing entity from the place of origin recognized by DFEH to certify that the eggs were fit for human consumption, Mr SIN Chung-kai asked whether the Administration would verify the authenticity of the health certificates with the relevant authorities. He was concerned that places that supplied eggs to Hong Kong might adopt food safety and hygiene standards different from those of Hong Kong. He enquired how the Administration could ensure consistency of health standards among certificates from different places of origin.

36. In response, AD(FSC)/CFS advised that the Administration had reached agreement with places of origin which supplied eggs to Hong Kong on the health certificate requirements including the types of information to be provided and the format of the certificate. Basically, a certificate issued by an issuing entity of the place of origin of the eggs should show that the eggs to which the certificate related (a) did not come from areas affected by Avian Influenza ("AI"), (b) were inspected and found to be fit for human consumption, (c) were processed and packed under sanitary conditions and (d) did not contain any harmful substance which was hazardous to health, such as Sudan Dyes. In deciding whether food products could be imported from a particular place and whether the health certificate issued by that place should be accepted, the Administration would take into account a number of factors including the measures implemented by the exporting place to prevent and control animal diseases as well as the food safety standards in that place. AD(FSC)/CFS added that although FEHD did not verify the health certificates with the relevant authorities as a routine practice, it would cross-check the information in the certificates in case of doubt.

37. Dr Helena WONG asked whether FEHD would conduct inspections on imported poultry eggs to ensure that the eggs were not contaminated with AI. AD(FSC)/CFS replied that in addition to checking the health certificates accompanied with the poultry eggs, FEHD would take egg samples drawn from the consignments for testing of harmful substances such as Sudan Dyes. At present, there was no method to detect the presence of AI viruses in poultry eggs. The places of origin were thus required to confirm in the health certificates that the poultry eggs did not come from areas affected by AI.

38. In response to the Chairman's concern as to whether the control regime had brought adverse impact on the supply of poultry eggs in Hong Kong, AD(FSC)/CFS said that the implementation of the import control over poultry eggs should not have much impact on the supply of eggs, as the Administration had already consulted the trade and reached agreement with major places of origin which supplied eggs to Hong Kong on the health certificate requirements before the Regulations came into operation.

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39. Mr Alvin YEUNG sought information on the major places of origin of poultry eggs exported to Hong Kong and the channels through which the eggs entered into Hong Kong. AD(FSC)/CFS responded that most of the poultry eggs (especially those in bulk) were imported into Hong Kong via the sea route, with the rest imported by land and by air. In 2015, more than 2.317 billion poultry eggs were imported into Hong Kong, with around 56% from the Mainland, 15% from the United States and 15% from Thailand. Other places supplying eggs to Hong Kong included Malaysia, Ukraine, Japan and the Netherlands. Since the implementation of the Regulations on 5 December 2015 till 31 March 2016, some 2 000 consignments of poultry eggs had been imported into Hong Kong. For freight transport, FEHD had, based on the risk-based approach, inspected 1 029 consignments and initiated two prosecutions against persons violating the import requirements. While a fine of \$220 was imposed by the court in one convicted case, the court hearing for the other case was pending.

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40. At the request of the Chairman and Mr Alvin YEUNG, AD(FSC)/CFS undertook to provide a breakdown by places of origin of the 1 029 consignments of poultry eggs inspected by FEHD between 5 December 2015 and 31 March 2016.

41. Noting that the penalty awarded by the court for the convicted case mentioned in paragraph 39 above was far lower than the maximum penalty level, Dr Helena WONG expressed concern as to whether the sanction could achieve adequate deterrent effect. AD(FSC)/CFS responded that for the case in question, the offender was a truck driver who brought in a few pigeon eggs for self-consumption. This might explain why a light penalty was imposed. AD(FSC)/CFS advised that since the implementation of the Regulations, FEHD had taken 205 prosecutions against inbound travellers bringing in poultry eggs in contravention of the Regulations. The fine imposed on convicted cases ranged from \$30 to \$3,000.

42. Dr Helena WONG considered that the Administration should step up publicity and educational efforts to remind the public of the import control measures on poultry eggs. AD(FSC)/CFS said that FEHD had been disseminating information and stepped up education and publicity on the requirement for a health certificate and written permission from FEHD for import of poultry eggs into Hong Kong through various channels, such as radio broadcasts, posters and leaflets at boundary control points, messages on display screens at the arrival/departure halls of the Hong Kong International Airport, and banners in train compartments of the Mass Transit Railway.

43. Regarding the 205 prosecutions taken between December 2015 and March 2016 against inbound travellers violating the import requirements on poultry eggs, the Deputy Chairman sought information on (a) the respective

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numbers of Hong Kong residents and visitors involved and (b) the total quantity of poultry eggs seized by the Customs and Excise Department in all the cases, in particular the cases with the highest and the least number of eggs seized. AD(FSC)/CFS undertook to provide the information after the meeting. The Deputy Chairman held the view that the Administration should further enhance publicity to raise the awareness of the public (including visitors) on the import control over poultry eggs under the Regulations. The Chairman suggested that more publicity materials should be placed at the arrival halls of boundary control points to alert inbound travellers about the import control.

VII. Any other business

Visit to the food control checkpoint at Kwai Chung Customhouse and an importer's cold store

44. The Chairman said that the Administration would confirm the exact date for conducting the captioned visit. Members would be informed of the details of the logistical arrangements in due course.

(Post-meeting note: Members were informed of the detailed arrangements of the visit vide LC Paper No. CB(2)1511/15-16. The visit was subsequently conducted on 17 May 2016.)

45. There being no other business, the meeting ended at 4:28 pm.

Council Business Division 2
Legislative Council Secretariat
27 July 2016