

# 立法會 *Legislative Council*

LC Paper No. CB(2)1831/15-16

Ref : CB2/PL/FE

## **Report of the Panel on Food Safety and Environmental Hygiene for submission to the Legislative Council**

### **Purpose**

This report gives an account of the work of the Panel on Food Safety and Environmental Hygiene ("the Panel") during the 2015-2016 Legislative Council session. It will be tabled at the Council meeting of 6 July 2016 in accordance with Rule 77(14) of the Rules of Procedure.

### **The Panel**

2. The Panel was formed by resolution of the Council on 8 July 1998 and as amended on 20 December 2000, 9 October 2002, 11 July 2007 and 2 July 2008 for the purpose of monitoring and examining Government policies and issues of public concern relating to food safety, environmental hygiene and agriculture and fisheries. The terms of reference of the Panel are in **Appendix I**.

3. The Panel comprises 24 members, with Hon Tommy CHEUNG and Hon Steven HO elected as Chairman and Deputy Chairman respectively. The membership list of the Panel is in **Appendix II**.

### **Major work**

#### Food safety and supply

*Legislative proposals to regulate edible fats and oils and the recycling of "waste cooking oils"*

4. When receiving the Administration's briefing on its findings and observations from a public consultation exercise conducted on the legislative proposals to regulate the safety of edible fats and oils and the

recycling of "waste cooking oils", some members pointed out that it was not an international practice to require an official certificate for edible oils and fats. They envisaged that there would be practical difficulties in implementing the proposed certification requirements, in particular if unscrupulous edible oils importers imported problematic oils from places of manufacture by using counterfeit certificates. There was a suggestion that the Administration might consider requiring importers to provide a certificate issued by an independent testing institution officially recognized in Hong Kong, so as to ensure that the imported products fulfilled the proposed safety and quality standards for edible fats and oils.

5. While acknowledging that there might be implementation difficulties, the Administration advised that it would explore the feasibility of accepting officially recognized certificates, e.g. Certificate of Free Sale, Manufacturer's Declaration, etc., issued by oil exporting jurisdictions. It would examine the conditions for issuing these documents among different places of origin to ensure that the documents could in practice safeguard the food safety of the edible fats and oils concerned.

6. Members in general supported the Administration's proposal to revise the statutory safety standards for aflatoxins and Benzo[a]pyrene ("B[a]P") in edible fats and oils. However, concern was raised as to whether the proposed statutory standards would lead to compliance issues, thereby affecting production costs and the availability of certain types of edible oils in the market. There were views that the proposed limits should be proportionate to the risk levels of edible fats and oils, and the rationale for setting the proposed regulatory standards for aflatoxins and B[a]P in edible fats and oils should be made clearly available to the consumers. The Administration advised that in proposing the statutory safety and quality standards, it had taken into account overseas practices and local situation, the standards of the Codex Alimentarius Commission ("Codex"), the dietary exposure to those harmful substances and the feasibility of adopting the proposed standards. Since aflatoxins and B[a]P could cause cancers in humans, the Administration considered it necessary to strike a reasonable balance between protecting public health and facilitating market operation.

7. In response to members' concern about the Administration's surveillance and enforcement in respect of the collection, disposal and import/export of "waste cooking oils", the Administration advised that in tandem with the Environmental Protection Department ("EPD")'s proposal to amend the Waste Disposal Ordinance (Cap. 354) to introduce a licensing regime for the collection, disposal and import/export of "waste cooking oils", the Food and Environmental Hygiene Department ("FEHD") would require all restaurants, factory canteens, food factories and bakeries

to hand over their "waste cooking oils" to licensed collectors for further disposal and to keep records accordingly. FEHD and EPD would assess whether the registered collectors/disposers/exporters, in terms of their number and capacity, could cope with the collection/disposal of "waste cooking oils" generated by food premises all over the territory before implementing the new licensing measures. The Administration would also consider setting an exemption level for food premises generating only a small amount of "waste cooking oils" or grease trap waste.

#### *Regulation of online sale of food*

8. When the Panel was briefed on the Administration's tightened controls over online food selling activities, some members expressed concern as to whether FEHD's inclusion of licensing conditions associated with the permit for online sale of restricted food would cause undue burden to small vendors operating online business. The licensing conditions required, among others, that restricted foods must be obtained from lawful sources, that the foods should not be tampered with during transportation 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 permit such as the permit number, registered address, the restricted food permitted for sale, etc. so as to provide a reference for the consumers when they did the online purchase. Pointing out the food safety risks in consuming perishable food items bought from online platforms, some members enquired how the new licensing conditions for regulating online sale of restricted food could help safeguard food safety.

9. According to the Administration, under the existing legislation, regardless of whether the food business was conducted online or in the traditional manner, all food traders producing and selling foods were required to obtain relevant licences or permits from the Environmental Hygiene Branch ("EHB") of FEHD. This was not a new requirement and vendors trading food products on the Internet should comply with the same statutory requirements as those engaged in traditional food business. In view of the increasing prevalence of online food selling activities, EHB had drawn up new licensing conditions for the regulation of internet sale of restricted food. Starting from 22 February 2016, vendors operating online business, including those selling homemade food products, must apply for a food business licence or a permit for operating a food business which involved preparation of food for sale for human consumption, irrespective of its scale, nature, and operational mode. This requirement also applied to those vendors who only acquired the food from other food suppliers for re-sale to the customers on the Internet without being involved in the import, production or wholesale of food.

### *Surveillance of food imported by sea*

10. The Administration informed members that a food inspection checkpoint had been set up since end-October 2015 at Kwai Chung Customhouse ("KCCH") to strengthen the surveillance of food imported by sea. While welcoming the setting up of the KCCH checkpoint, members enquired whether additional manpower resources had been allocated for carrying out the food inspections at KCCH and new equipment procured to assist in the work. There was a suggestion that the Centre for Food Safety ("CFS") should conduct raid operations based on intelligence received.

11. The Administration advised that while it would bid for additional resources for CFS to carry out the enhanced surveillance in accordance with the established resources allocation mechanism, the inspections at KCCH were meanwhile carried out by officers in the Food Surveillance and Control Division's Food Import and Export Section under CFS as part of their baseline duties. Prior to container arrival at Hong Kong, CFS would issue a notice to the importer concerned requiring that the selected container, after arrival, to be transferred to the KCCH checkpoint for inspection on the date and at the time specified on the notice. To flexibly deploy existing resources to cope with the inspection work at the KCCH checkpoint, CFS would send inspection officers to KCCH at the appointed time to conduct the inspections, instead of deploying staff to station at the checkpoint. The Administration further advised that consistent with the surveillance on food imports by land and air, CFS adopted the risk-based strategy in selecting containers conveying food via the sea route for inspection. If intelligence revealed that problem food was being shipped to Hong Kong, CFS would contact the importers concerned as soon as possible to arrange inspection of the containers to intercept the food. To facilitate members' better understanding of the operations of CFS' surveillance on food imported by sea, the Panel conducted a visit to the food control checkpoint at KCCH and an importer's warehouse in May 2016.

### *Implementation of the Food Safety Ordinance and Food Surveillance Programme for 2015*

12. During the discussion respectively on the implementation of the Food Safety Ordinance (Cap. 612) ("FSO") and the Food Surveillance Programme for 2015, concern was raised about the effectiveness of the Administration's existing measures in preventing illegal importation and smuggling of food under import ban, in particular the food products from the five prefectures of Japan most affected by the Fukushima nuclear power plant incident. Some members were of the view that the existing laws had inadequacies in providing safeguards against illegal importation and sale of

prohibited food. Apart from problems encountered in enforcing FSO, the penalty levels were considered not sufficient to achieve the desired deterrent effect. These members called on the Administration to step up its publicity and promotion efforts to familiarize food importers and food distributors with the statutory requirements under FSO.

13. According to the Administration, CFS monitored food on sale through its regular Food Surveillance Programme. It took food samples at the import, wholesale and retail levels for testing. In 2015, CFS conducted tests on a total of about 64 300 food samples under various food surveillance projects. On the question of regulating imported food, CFS would continue with various measures, including imposing control at source, collaborating and mounting joint operations with the Customs and Excise Department, monitoring the procedures and conducting tests on food samples, to safeguard food safety. On law enforcement, FSO provided that any person who carried on a food importation or distribution business without registration would commit an offence and be liable to a maximum fine of \$50,000 and imprisonment for six months; and any person who failed to comply with the record keeping requirement would also commit an offence and be liable to a maximum fine of \$10,000 and imprisonment for three months.

#### *Implementation of the Nutrition Labelling Scheme*

14. The Panel received an update on the implementation of the Nutrition Labelling Scheme ("NLS"). Noting that there was no labelling system in Hong Kong for genetically modified ("GM") food, some members suggested that the Administration should consider making it a mandatory requirement for food traders/manufacturers to have GM food clearly labelled so that consumers were sufficiently well informed when they chose the food. There was also a view that the Administration should enhance public understanding about the impact of over- or under-consumption of the seven core nutrients, i.e. protein, carbohydrates, total fat, saturated fat, trans fat, sodium and sugars, listed on the nutrition labels. These members opined that in order to yield the desired outcome, publicity and public educational programmes to be carried out should be focused and topic specific.

15. The Administration advised that CFS had introduced in 2006 the Voluntary Genetically Modified Food Labelling Scheme by issuing the "Guidelines on Voluntary Labelling of Genetically Modified Food". The Guidelines recommended traders to label food items with 5% or more GM materials in their food ingredients with positive labels and to use negative labels without absolute terms only when the declaration was substantiated by documentation. To enhance the food safety control over

GM food and to provide a legal basis for preventing unauthorized GM products from entering the local market, the Administration was considering regulating GM food by introducing a mandatory pre-market safety assessment scheme ("PMSAS"), under which a GM food developer who intended to place a GM food on the local market must submit an application together with the necessary supporting documentation to CFS for evaluation. CFS would determine whether the GM food developer had adequately addressed the safety issues based on the Codex principles. The Administration would launch a public consultation exercise before deciding on the details of the proposed PMSAS.

16. The Administration further advised that CFS had been working through various publicity and education programmes to enhance public understanding of NLS, to motivate behavioural changes among consumers and to help them make good use of the information on nutrition labels for healthier food choices. CFS would continue to coordinate with the Committee on Reduction of Salt and Sugar in Food, in devising and launching public educational programmes in this area.

*Supply chain of powdered formula*

17. The Panel continued to follow up with the Administration on the supply and price levels of powdered formula. Noting from the latest results of the surveys conducted by the consultancy firm commissioned by the Administration that products of Friso and Mead Johnson of individual stages still experienced relatively serious shortage in certain districts, members enquired about the causes for the shortage problem and whether specific measures would be taken to address the supply chain failure in relation to the powdered formula of these two brands.

18. According to the Administration, the shortage problem stemmed from parallel trading activities and supply chain failure, i.e. stock replenishment failing to catch up with demand. The Administration had been trying to tackle the problem by adopting a two-pronged approach, viz. imposing export restrictions on powdered formula by implementing the Import and Export (General) (Amendment) Regulation 2013 ("the Amendment Regulation") and encouraging the trade to improve the supply chain through the coordination of the Committee on Supply Chain of Powdered Formula.

19. Responding to members' enquiry on whether consideration would be given to repealing the Amendment Regulation, the Administration stressed that the export control over powdered formula was not intended to be a long term arrangement. Since the Amendment Regulation could help strike a balance among the supply of, local demand and non-local demand

for powdered formula, it would continue to be in force to ensure the sufficient and stable supply of powdered formula for local parents and infants. With suppliers' continued implementation of their improvement measures, the Administration would take into account the progress on the improvement of the supply chain and the market situation before considering the way forward.

### Environmental hygiene

#### *Implementation of the Hawker Assistance Scheme*

20. When the Panel was briefed on the progress of the implementation of the five-year Assistance Scheme for Hawkers in Fixed-pitch Hawker Areas ("the Assistance Scheme"), many members expressed concern that the livelihood of registered assistants working for those fixed-pitch hawkers who had surrendered/would surrender their licence for an ex-gratia payment would be seriously affected if the Administration did not give priority to review and approve their applications for transfer of their employers' fixed-pitch hawker licences. In members' views, the Administration should start reviewing without any delay the circumstances of individual hawker areas, with a view to issuing new fixed-pitch hawker licences to existing registered assistants with experience in the hawking trade to fill the vacant pitches in various hawker areas.

21. The Administration advised that it noted the aspiration of some registered assistants to be allowed to apply for fixed-pitch hawker licences when vacant pitches would become available. As the number of licences to be surrendered by hawkers could not be ascertained until the conclusion of the Assistance Scheme, the Administration considered it appropriate to consider the matter after the completion by June 2018 of the initiatives under the Assistance Scheme to relocate and reconstruct hawker stalls. It would take 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 ("DC") and local residents, in considering whether new hawker licences should be issued.

#### *"Keep Clean 2015 @ Hong Kong: Our Home" Campaign*

22. The Panel received a briefing on the measures proposed by the Administration for sustaining the community's cleansing efforts after the "Keep Clean 2015 @ Hong Kong: Our Home" Campaign ("the Campaign") launched in August to September 2015. Members generally considered it necessary for the Administration to consolidate the experience gained from the Campaign. In some members' view, consideration should be given to

delegating more power and responsibilities to DCs in the management and supervision of outsourced street cleansing services. Some other members, however, were of the view that FEHD's practice of awarding outsourced contracts to the lowest bidder was the root cause for inferior cleansing services. They urged the Administration to conduct a full review of its cleansing contract tendering system.

23. According to the Administration, with a view to enhancing community engagement, it had proposed establishing a platform for regular exchange of views with the Chairmen and Vice-chairmen of the Food and Environmental Hygiene Committees under DCs every six months, through which the latest overall environmental hygiene situations, including key areas requiring attention and possible ways to tackle specific hygiene problems, could be discussed. While agreeing that there was scope for improving the relevant tendering arrangements as well as contract supervision and management, FEHD was reviewing the cleansing contract tendering system, guided by the need to uphold the requirements on service quality and to observe the principle of value for money. FEHD would also strengthen its supervision of outsourced street cleansing services through the provision of additional supervisory staff and sustained efforts to keep the service performance of contractors under close monitoring, with a view to ensuring that the contractors delivered services in accordance with the contract requirements.

#### *Anti-mosquito Campaign 2016*

24. The Panel was informed that FEHD had enhanced the dengue vector surveillance programme to cover eight more areas, resulting in a total of 52 areas in the community now covered under the surveillance programme. During the discussion on the Administration's anti-mosquito work, members expressed concern over the risk of imported Zika virus cases. They pointed out the possibility that in the event that Hong Kong residents who had travelled to affected areas were infected with Zika virus and were subsequently bitten by *Aedes albopictus* mosquito, which was a potential vector of Zika virus and commonly found in Hong Kong, there would be secondary spread of Zika virus in the territory. Information was sought on measures taken by the Administration to monitor the breeding of *Aedes albopictus* and to prevent imported cases of Zika infection.

25. The Administration advised that it would stay vigilant, strengthen the surveillance and keep itself abreast with the latest developments of the Zika disease. In addition to the ongoing risk assessments, various bureaux/departments would monitor the effectiveness of the contingency plan and step up public health measures and mosquito control work as appropriate. The Administration would also enhance publicity to keep the



public informed and alert so that they could take suitable precautions and response measures against the infection of the virus.

### Columbarium facilities

#### *Supply and allocation of public niches*

26. The shortage of supply of public niches in Hong Kong remained a matter of grave concern to members. Urging the Administration to substantially increase the supply to meet the rising demand for niches, members strongly supported the project proposed by the Administration to construct two columbarium blocks at Kiu Tau Road, Wo Hop Shek Cemetery ("WHSC"), i.e. Phase 1 of the columbarium development project at WHSC, to provide 44 000 public niches by end-2019. During the discussion on the proposed public works project, many members expressed concern about the long waiting time for allocation of public niches under the existing allocation mechanism. Members asked whether and when the Administration would review the existing niche allocation system and whether consideration would be given to according priority in allocating niches to those applicants who had made several attempts but failed to be allocated a niche by way of balloting. There was a suggestion that the Administration should consider setting up a registration and queuing system for the allocation of public niches.

27. The Administration advised that pursuant to FEHD's existing practice, new public niches were allocated through computer balloting. The relevant allocation mechanism had taken on board the recommendation of the Independent Commission Against Corruption ("ICAC"), and was in line with the principles of fairness and transparency. This notwithstanding, FEHD would review the existing mechanism for allocating new niches after the completion of the last round of new niche allocation at Wo Hop Shek Kiu Tau Road Columbarium Phase 5. The allocation of the next sizeable lot of niches was expected to take place in 2019. The review would be completed before then. When conducting the review, FEHD would take into account the views of bureaux and departments, ICAC and relevant stakeholders, with a view to formulating a mechanism that was fair, efficient and in the public interest.

#### *Implementation of a licensing scheme regulating the operation of private columbaria*

28. When the Panel was briefed on the transitional issues that must be handled at the initial stage of the implementation of the licensing regime on private columbaria, some members expressed concern whether sufficient manpower resources would be made available to support the Licensing

Board that would be set up upon the enactment of the Private Columbarium Bill ("the Bill") in handling licence/exemption applications and related work. Noting the discrepancy (around 30 000 urn spaces) between the number of sets of ashes envisaged to be displaced by private columbaria currently in operation due to the Government's enforcement actions upon the enactment of the Bill and the capacity of FEHD's temporary storage spaces, members expressed grave concern about the measures to be taken to cope with the shortfall of supply of temporary storage spaces for the displaced ashes.

29. According to the Administration, it would bid for resources to support the Licensing Board in delivering its work. In cases of cessation of columbarium operation, the Bill required operators to properly dispose of any ashes interred in the columbaria. As such, FEHD would monitor closely whether the operators of private columbaria had duly discharged their responsibilities in accordance with the prescribed ash disposal procedures, including making conscious efforts to contact the deceased's authorized representative for claiming back the ashes. If operators were derelict in discharging their obligations, FEHD would, following investigations, take enforcement actions including initiating prosecutions as and where appropriate. The Administration further advised that FEHD would endeavour to identify room for providing added capacity in government facilities/existing columbaria in the coming few years for meeting the needs for temporary storage of ashes.

30. In response to members' call for heightened enforcement actions against unauthorized private columbaria, the Administration advised that various authorities and departments had been taking and would continue to take enforcement actions and prosecutions against unauthorized private columbaria according to the respective Ordinances and enforcement policies, with a view to inducing the latter to seek early regularization and rectification of the relevant breaches of statutory and government requirements. To protect consumers' interest, the Administration had been advising consumers not to make decisions on the purchase of private niches rashly prior to the enactment of the Bill through various publicity measures.

#### *Fee proposals for the Private Columbaria Bill*

31. During the discussion on the Government's fee proposals in respect of various service items under the Private Columbaria Ordinance upon its commencement, some members expressed concern about the relatively high service charge for issue of licence to private columbarium whose ash interment capacity in approved plan exceeded 50 000. They asked about the considerations behind the proposed fee levels for various service items

and whether review would be conducted in future. Some other members also expressed concern about the criteria for determining the validity period of a licence to be granted to a private columbarium. These members were of the view that in the interest of business certainty, a licence valid for a period of 10 years should be granted.

32. According to the Administration, the fees and charges were set at levels sufficient to recover the full cost of providing the services (i.e. the "user pays" principle). In order to reflect the difference in the processing cost for private columbaria of different scales, the Administration proposed five fee bandings for the issue of a specified instrument on the basis of the ash interment capacity (for licence) or ash interment quantity (for exemption or temporary suspension of liability). In proposing the fees and charges, the Administration had consulted the trade and made reference to relevant information concerning private columbaria collected under the Notification Scheme. It was the plan of the Administration to review, among others, the fees and charges three years after the implementation of the new licensing regime.

33. Regarding the validity period of a licence, the Administration advised that the Licensing Board would normally grant a 10 years' licence to private columbaria fulfilling the licensing requirements except in circumstances where the premises concerned was leased under a short term tenancy of less than 10 years. The actual validity period of a licence would be determined by the Licensing Board on a case-by-case basis.

### Agriculture and fisheries

#### *Proposed establishment of the Sustainable Agricultural Development Fund*

34. When the Panel was consulted on the Administration's proposal to set up a Sustainable Agricultural Development Fund ("SADF") of \$500 million to provide financial support for a wide range of projects, schemes or research work to facilitate the modernization and sustainable development of the local agricultural industry, concern was raised about how the establishment of SADF would facilitate rehabilitation of fallow farmland. While supporting the proposal, some members took the view that the Administration should devise more effective measures to encourage landowners to put their farmland to productive use. Some other members called on the Administration to implement measures to promote organic farming in Hong Kong, so as to help farmers move up the value chain and attain optimal result in their agricultural activities. There was also a suggestion that consideration be given to permitting leisure farms to provide catering as well as home-stay lodging services to visitors. The Administration was requested to review the relevant legislation and

consider relaxing the constraints posed by the regulatory regimes with respect to planning, land use, catering, farm structures, accommodation, etc. with a view to facilitating the development of leisure farming.

35. The Administration advised that a consultancy study would be commissioned to explore the feasibility and merits of identifying and designating "Agricultural Priority Areas" in order to incentivize their use for long-term agricultural purposes. This apart, SADF would explore further measures to facilitate the rehabilitation of fallow farmland and encourage landowners to rent out their farmland for agricultural use. For instance, funding would be provided to non-governmental organizations ("NGOs"), farming organizations or agricultural associations for implementing projects which aimed at promoting agricultural rehabilitation of fallow agricultural land. Furthermore, SADF might provide funding support to NGOs for carrying out, in suitable farming villages, projects that purported to promote leisure farming as an ancillary activity to commercial crop producing farms.

36. Regarding the Farm Improvement Scheme under SADF to provide direct grants to local farmers for acquisition of farming equipment and materials to improve their farming efficiency and productivity, some members considered that to provide sufficient financial support to the farmers, the Administration should increase the amount of grants. The Administration explained that having regard to the relatively small size of farms in the territory and the prevailing market prices of equipment and materials commonly used by farmers, it was proposed that the maximum grant that an applicant might receive be initially capped at \$30,000 under the Scheme. This notwithstanding, funding applications for projects involving larger-scale equipment would be considered and each case would be evaluated having regard to its actual circumstances.

#### *Implementation of the trawl ban*

37. The Panel received an update on the progress of measures taken by the Government to promote the sustainable development of fisheries in Hong Kong, including the enforcement against illegal fishing activities. Some members expressed concern 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. Questioning the effectiveness of enforcement actions currently undertaken by various agencies, these members strongly considered that the Administration should step up its efforts to combat illegal fishing activities. There was a suggestion that the Administration should enhance its collaboration and intelligence exchange with local fishermen in a bid to improve its enforcement strategy.

38. According to the Administration, the Agriculture, Fisheries and Conservation Department ("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, disregarding whether local or Mainland fishing vessels/fishermen were involved. With the concerted efforts of relevant authorities, prosecutions had been successfully initiated on a good number of occasions against vessels engaged in illegal fishing activities (including illegal trawling) in Hong Kong waters. The Administration further advised that AFCD and the Marine Police had been deploying their resources flexibly having regard to actual circumstances, in stepping up law enforcement action at sea. Joint enforcement actions would be taken where necessary. AFCD also kept in touch with fishermen groups to widen its access to information that would help combat illegal fishing activities more effectively and responsively.

#### Animal trading

##### *Codes of practice on animal trading and dog breeding*

39. The Panel was briefed on the proposed Codes of Practice ("CoP") for licensed animal traders trading in dogs and licensed dog breeders, which would be attached as part of the licence conditions under the new licensing regime when the Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2016 came into operation. Members noted that CoP set out detailed treatment to subjects ranging from requirements for environment and facilities, to temperature, ventilation, lighting, training for the licensees and their staff, if any, and record keeping etc. Clarification was sought on whether the Director of Agriculture, Fisheries and Conservation ("DAFC") would grant or renew a licence if the land leases and deeds of mutual covenant ("DMCs") in relation to the premises contained provisions forbidding the keeping of dogs/animals. Concern was also expressed as to whether AFCD, with its current manpower resources, could ensure licensees' on-going compliance with the statutory requirements and licence conditions.

40. According to the Administration, in considering licence application and/or renewal, DAFC would take into account all relevant factors. If it had been stipulated in the tenancy agreements, land leases or DMCs that keeping of dogs was prohibited, DAFC would have adequate reasons to believe that the applicant/licensee was unable to fulfil several other licence conditions, hence leading to DAFC's decision of not granting or renewing a licence. On the enforcement front, the Administration advised that all licensees must keep appropriate records relating to the dogs for inspection

by authorized officers of AFCD. Other than the 30-odd officers currently deployed to undertake the relevant duties, AFCD had proposed to create seven permanent civil service posts to cope with the anticipated increase in caseload. AFCD would also map out an enforcement strategy that would allow it to maximize the effective use of its enforcement assets.

41. In response to members' enquiry about the timetable for review of the new licensing regime, the Administration advised that it would keep in view and report to the Panel on the implementation progress of the Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2016, including recommendations on areas for improvement (if identified), two years after the new regulatory regime had come into operation.

#### Other issues discussed

42. The Panel also discussed with the Administration its updated proposal to amend the rules governing the election of members from the veterinary profession to the Veterinary Surgeons Board of Hong Kong, the implementation of regulations governing import control of poultry eggs, the implementation of the Amendment Regulation regulating the nutritional composition and nutrition labelling of formula products and prepackaged food for infants and young children under the age of 36 months, the Government's efforts in promoting green burial and the staffing proposal to create a directorate post for supporting and overseeing the implementation of the Private Columbarium Ordinance.

#### Subcommittee on Issues Relating to Animal Welfare and Cruelty to Animals

43. At the meeting held on 10 November 2015, the Panel decided to set up a subcommittee to study issues relating to animal welfare and cruelty to animals ("the Subcommittee"). The Subcommittee commenced work in February 2016. Under the chairmanship of Hon Tommy CHEUNG, it held a total of four meetings, including a meeting to receive views from deputations.

44. The Subcommittee had deliberated on a number of issues relating to animal welfare, including the Government's policies and measures in preventing and combating cases of animal cruelty, relevant measures regulating the safety of pet food products in Hong Kong, the Government's efforts in promoting responsible pet ownership and management of stray animals. The Subcommittee concluded its work in June 2016 and drew up a number of recommendations, as detailed in its report to the Panel (LC Paper No. CB(2)1704/15-16), for consideration of the Administration as and when necessary.

Meetings and overseas duty visit

45. During the 2015-2016 legislative session, the Panel held a total of nine meetings. In March 2016, the Panel conducted an overseas duty visit to San Francisco of the United States to study its regulatory framework governing food truck operations and to understand the regulatory system of the United States for imported food products.

Council Business Division 2  
Legislative Council Secretariat  
27 June 2016

**Legislative Council**

**Panel on Food Safety and Environmental Hygiene**

**Terms of Reference**

1. To monitor and examine Government policies and issues of public concern relating to food safety, environmental hygiene and agriculture and fisheries.
2. To provide a forum for the exchange and dissemination of views on the above policy matters.
3. To receive briefings and to formulate views on any major legislative or financial proposals in respect of the above policy areas prior to their formal introduction to the Council or Finance Committee.
4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.
5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.



**Panel on Food Safety and Environmental Hygiene**

**Membership list for 2015-2016 session**

**Chairman** Hon Tommy CHEUNG Yu-yan, GBS, JP

**Deputy Chairman** Hon Steven HO Chun-yin, BBS

**Members** 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  
Dr Hon LEUNG Ka-lau  
Hon Alan LEONG Kah-kit, SC  
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 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 (since 4 March 2016)

(Total : 24 members)

**Clerk** Miss Josephine SO

**Legal adviser** Mr Stephen LAM