

# **立法會**

## ***Legislative Council***

LC Paper No. CB(2)82/16-17

(These minutes have been  
cleared with the Chairman)

Ref : CB2/PL/FE

### **Panel on Food Safety and Environmental Hygiene**

#### **Minutes of meeting held on Tuesday, 18 October 2016, at 10:30 am in Conference Room 1 of the Legislative Council Complex**

**Members present** : Dr Hon Helena WONG Pik-wan (Chairman)  
Hon LAU Kwok-fan, MH (Deputy Chairman)  
Hon James TO Kun-sun  
Hon Abraham SHEK Lai-him, GBS, JP  
Hon Tommy CHEUNG Yu-yan, GBS, JP  
Prof Hon Joseph LEE Kok-long, SBS, JP  
Hon Jeffrey LAM Kin-fung, GBS, JP  
Hon Starry LEE Wai-king, SBS, JP  
Hon CHAN Hak-kan, BBS, JP  
Hon Mrs Regina IP LAU Suk-yee, GBS, JP  
Hon LEUNG Kwok-hung  
Hon Claudia MO  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon Steven HO Chun-yin, BBS  
Hon WU Chi-wai, MH  
Hon YIU Si-wing, BBS  
Hon MA Fung-kwok, SBS, JP  
Hon Charles Peter MOK, JP  
Hon CHAN Chi-chuen  
Hon CHAN Han-pan, JP  
Hon LEUNG Che-cheung, BBS, MH, JP  
Hon Kenneth LEUNG  
Hon Alice MAK Mei-kuen, BBS, JP  
Dr Hon KWOK Ka-ki  
Hon KWOK Wai-keung  
Hon Dennis KWOK Wing-hang  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon IP Kin-yuen

Dr Hon Elizabeth QUAT, JP  
Hon Martin LIAO Cheung-kong, SBS, JP  
Dr Hon CHIANG Lai-wan, JP  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP  
Hon Alvin YEUNG  
Hon Andrew WAN Siu-kin  
Hon Jimmy NG Wing-ka, JP  
Hon HO Kai-ming  
Hon LAM Cheuk-ting  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-fai  
Hon Wilson OR Chong-shing, MH  
Hon YUNG Hoi-yan  
Dr Hon Pierre CHAN  
Hon CHAN Chun-ying  
Hon Tanya CHAN  
Hon CHEUNG Kwok-kwan, JP  
Hon HUI Chi-fung  
Hon LUK Chung-hung  
Hon Kenneth LAU Ip-keung, MH, JP  
Hon KWONG Chun-yu  
Hon Jeremy TAM Man-ho  
Hon Nathan LAW Kwun-chung  
Dr Hon LAU Siu-lai

**Members attending** : Hon CHAN Kin-por, BBS, JP  
Dr Hon Junius HO Kwan-yiu, JP

**Members absent** : Hon LEUNG Yiu-chung  
Hon WONG Ting-kwong, SBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon WONG Kwok-kin, SBS, JP  
Hon Eddie CHU Hoi-dick  
Hon SHIU Ka-chun  
Dr Hon YIU Chung-yim  
Hon YAU Wai-ching

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

**Staff in attendance** : Miss Flora TAI  
Assistant Secretary General 2

Ms Wendy LO  
Senior Council Secretary (2) 2

Mr Roger CHUNG  
Council Secretary (2) 2

Miss Emma CHEUNG  
Legislative Assistant (2) 2

Ms Camy YOONG  
Clerical Assistant (2) 2

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**I. Election of the Chairman and Deputy Chairman for the 2016-2017 session**

Election of Chairman

Mr James TO, the member present who had the highest precedence, presided over the election of the Chairman of the Panel on Food Safety and Environmental Hygiene ("the Panel"). Mr TO called for nominations for the chairmanship of the Panel for the 2016-2017 session. Dr Helena WONG was nominated by Mr Andrew WAN and the nomination was seconded by Mr HUI Chi-fung. Dr Helena WONG accepted the nomination.

2. As there was no other nomination, Mr James TO declared Dr Helena WONG elected as the Chairman of the Panel for the 2016-2017 session. Dr Helena WONG then took the chair.

Election of Deputy Chairman

3. The Chairman called for nominations for the deputy chairmanship of the Panel for the 2016-2017 session. Mr LAU Kwok-fan was nominated by Mr CHAN Han-pan and the nomination was seconded by Ir Dr LO Wai-kwok. Mr LAU accepted the nomination.

4. As there was no other nomination, the Chairman declared Mr LAU Kwok-fan elected as the Deputy Chairman of the Panel for the 2016-2017 session.

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**II. Schedule of meetings for the 2016-2017 session**

5. Members agreed to hold regular meetings on the second Tuesday of each month at 2:30 pm.

*(Post-meeting note: The schedule of the regular meetings of the Panel for the 2016-2017 session was issued to members vide LC Paper No. CB(2)24/16-17 on 18 October 2016.)*

**III. Items for discussion at the next meeting**

(LC Paper Nos. CB(2)23/16-17(01) and (02))

6. Members noted the "List of issues suggested to be considered" and the "List of follow-up actions" which were tabled at the meeting.

*(Post-meeting note: The two lists tabled at the meeting were issued to members vide LC Paper No. CB(2)23/16-17 on 19 October 2016.)*

Regular meeting in November 2016

7. Members agreed to discuss the following two items proposed by the Administration at the next regular meeting scheduled for 8 November 2016:

- (a) Public columbarium project at Shek Mun; and
- (b) The incident of pigs tainted with prohibited veterinary drugs.

8. Mr CHAN Chi-chuen and Dr Pierre CHAN pointed out that the Private Columbaria Bill, which had been introduced into the Legislative Council ("LegCo") in the last term and scrutinized by a Bills Committee, did not resume Second Reading debate and lapsed upon the prorogation of the Fifth LegCo. They gathered that the Administration would re-activate the legislative exercise on the regulation of private columbaria very soon and hoped that the Administration would consult the Panel again on the re-introduced Private Columbaria Bill.

*(Post-meeting note: The Chairman had acceded to the Administration's request made after the meeting to add an item "Private Columbaria Bill" to the agenda for the regular meeting in November 2016. To allow sufficient time for discussion, the meeting on 8 November 2016 would be extended for an hour to end at 5:30 pm. The agenda for the meeting was issued to members vide LC Paper No. CB(2)29/16-17 on 19 October 2016.)*

Items proposed for discussion at future meetings

*Provision and management of public markets*

9. Mr Michael TIEN said that the Subcommittee on Issues Relating to Public Markets, which was formed under the Panel in the Fifth LegCo, had made a number of recommendations for enhancing the operating environment and business competitiveness of public markets. He hoped that the Administration could report to the Panel on its progress in following up the recommendations made in the Subcommittee's report at a future meeting. Mr TIEN considered that issues relating to the management of public markets, such as whether the Administration would consider setting up a statutory body to take up the management of public markets, should be included in the discussion. Mr Jeremy TAM considered that the Administration should also update members on its progress in following up the recommendations of the consultancy study on improving the operating environment of public markets, including the implementation of the improvement proposals for six selected markets to serve as prototypes for reference for other markets.

10. Mr Andrew WAN expressed concern that the Administration had ceased construction of public market since 2009 after the review of the Hong Kong Planning Standards and Guidelines with respect of the planning of public markets. He suggested that the matter be discussed by the Panel. Mr LEUNG Che-cheung said that the Administration should consider reviewing the threshold for retrofitting air-conditioning systems in existing public markets and provide an update on the installation progress of air-conditioning systems in various public markets. He considered that the Panel should follow up these issues at a future meeting.

*Hawker policy and establishment of bazaars*

11. Mr HUI Chi-fung considered that the Panel should discuss hawker policy at a future meeting. He said that to his understanding, there was a consensus among Members of the Fifth LegCo during their deliberations on hawker policy that the Government should adopt a less stringent approach in regulating hawking activities to facilitate the development of the trade. He suggested that relevant issues such as reissuing new hawker licences, enhancing the operating environment of existing hawker areas and promoting hawker stalls with traditional characteristics be covered in the discussion.

12. Mr Michael TIEN and Mr KWONG Chun-yu proposed to discuss the Government's policy concerning the setting up of bazaars.

*(Post-meeting note: At the House Committee meeting on 28 October 2016, Members agreed to form under the House Committee a*

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subcommittee on issues relating to bazaars and endorsed the appointment of the proposed subcommittee with the terms of reference, work plan and time frame as set out in Dr Hon KWOK Ka-ki's proposal (LC Paper No. CB(2)43/16-17(02)). At the meeting between the Chairman, the Deputy Chairman and the Secretary for Food and Health to discuss the work plan of the Panel for the 2016-2017 session on 31 October 2016, it was agreed that the issues raised by Mr Michael TIEN, Mr KWONG Chun-yu and Mr HUI Chi-fung be taken up by the said Subcommittee formed under the House Committee.)

*Animal welfare*

13. Mr Michael TIEN requested the Administration to report to the Panel on its progress in following up the recommendations made by the Subcommittee on Issues Relating to Animal Welfare and Cruelty to Animals (formed under the Panel in the Fifth LegCo) for enhancing animal welfare and combating acts of animal cruelty, including the outcome of the review of the Prevention of Cruelty to Animals Ordinance (Cap. 169) ("PCAO"). The Chairman said that the Panel should continue to follow up the safety of pet food with the Administration.

14. Mr KWONG Chun-yu opined that PCAO did not provide sufficient deterrence against acts of animal cruelty. Ms Claudia MO held the view that the Administration should consider (a) establishing "animal police" teams specially tasked to investigate into cases of animal cruelty and abandonment and (b) amending the relevant provisions in the Road Traffic Ordinance (Cap. 374) to require drivers to stop and report to the Police in case of accidents involving knocking down or killing of cats and/or dogs. Mr KWONG and Ms MO both considered that a subcommittee should be set up under the Panel to study issues relating to animal rights.

15. Mr CHAN Chi-chuen expressed concern as to whether the Administration would consult the Panel on the commencement notice to appoint the date of commencement of the Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2016, which had been introduced into the Fifth LegCo for scrutiny under the negative vetting procedure to implement strengthened control over animal trading and dog breeding activities, before gazettal of the commencement notice.

*Food safety and other issues*

16. The Chairman and Dr Pierre CHAN said that as discussion items "Regulation of animal feed for livestock and cultured fish and the presence of veterinary drug residues" and "Public consultation on the proposed regulatory framework governing veterinary drug residues in food and food animals" (i.e. items 13 and 14 on the list of issues suggested to be considered) were

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related to the item "The Incident of pigs tainted with prohibited veterinary drugs" scheduled for discussion at the November meeting, arrangements should be made by the Administration for early discussion of these two items.

17. The Chairman further suggested that the following issues be discussed by the Panel:

- (a) issues relating to the relocation of Yen Chow Street Temporary Hawker Bazaar;
- (b) outcome of the consultancy study on the future of the live poultry trade;
- (c) the Administration's timetable for reviewing the Food Adulteration (Metallic Contamination) Regulations (Cap. 132V) and details of the relevant legislative proposals;
- (d) outcome of the wholesale market consultancy study (including the timetable and detailed plan for relocating Cheung Sha Wan Temporary Wholesale Poultry Market and Yau Ma Tei Fruit Market) ;
- (e) outcome of the public consultation on the proposed regulation of cooked meat;
- (f) outcome of the comprehensive review of the food-safety related penalties;
- (g) feasibility of regulating activities of vegetable smuggling as well as reviewing the standards of pesticide residues in food and the existing mechanism for determining the maximum residue limits and extraneous maximum residue limits under the Pesticide Residues in Food Regulation (Cap. 132CM);
- (h) regulating the production of organic food; and
- (i) legislative proposals on the regulation of edible fats and oil and the recycling of "waste cooking oils".

18. Dr KWOK Ka-ki expressed concern about the co-operation agreement signed by the Centre for Food Safety ("CFS") of the Food and Environmental Hygiene Department ("FEHD") and the Shenzhen Entry-Exit Inspection and Quarantine Bureau in April 2016, under which frozen meat/poultry imported to Hong Kong from overseas would be allowed to be stored temporarily in Qianhai Bonded Port Area of Shenzhen before its importation to Hong Kong and the Mainland authorities would implement inspection and quarantine of

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frozen meat in transshipment. He was concerned about the role of CFS in ensuring food safety under the new arrangement and requested early discussion of the matter by the Panel. Dr KWOK also requested the Administration to liaise with the Mainland authorities to make arrangements for members to visit registered farms in the Guangdong Province to better understand the regulation and operation of those registered farms which supplied food to Hong Kong.

19. Mr Steven HO considered that the Panel should follow up with the Administration the following issues:

- (a) the Government's proposals of establishing an Agricultural Park and designating "Agricultural Priority Areas" under the New Agriculture Policy;
- (b) the impact of the changes to the fisheries policy of the Mainland (e.g. the implementation of the annual fishing moratorium in the South China Sea and the provision of fuel subsidy to fishermen by the Mainland authorities) on the Government's implementation of various loan schemes for local fishermen; and
- (c) the assistance provided for fish farmers affected by natural disasters.

20. Mr CHAN Han-pan considered that the Administration should review its overall policy and practice of awarding outsourced cleansing services, including street and public toilet cleansing services. He suggested that the Panel should discuss FEHD's practice of awarding outsourced contracts under the existing service contract tendering mechanism to the lowest bidder using the "standard marking scheme".

21. Concluding the discussion, the Chairman said that she would convey members' concerns to the Secretary for Food and Health at the informal meeting to discuss the work plan of the Panel for the 2016-2017 session. As some members had indicated their intention to propose the establishment of subcommittees on policy issues, she specifically drew members' attention to rule 22(u)(ii) of the House rules which stipulated that a proposal to appoint a subcommittee should contain sufficient information on the proposed terms of reference, time frame, work plan and extent of work involved in the study of the specific issue or project to facilitate consideration by the Panel.

*(Post-meeting note: Ms Claudia MO and Mr Andrew WAN wrote to the Chairman respectively on 18 October and 2 November 2016, requesting for discussion at the forthcoming Panel meeting of their proposals for setting up subcommittees on policy issues under the Panel. With the concurrence of the Chairman, two items, namely*



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"Proposal from Hon Claudia MO for setting up a subcommittee under the Panel to study issues relating to animal rights" and "Proposal from Hon Andrew WAN for setting up a subcommittee under the Panel to study issues relating to public markets", had been added to the agenda for the regular meeting on 8 November 2016.)

**IV. Any other business**

22. There being no other business, the meeting ended at 10:53 am.

*(Post-meeting note: The President had ruled, after this Panel meeting, that the oath/affirmation taken by Dr Hon LAU Siu-lai at the first meeting of the Sixth LegCo on 12 October 2016 was invalid. Under Rule 1 of the Rules of Procedure, no Member of the Council should attend a meeting or vote therein until he/she had made or subscribed an oath or affirmation in accordance with the provisions of the Oath and Declaration Ordinance (Cap. 11).)*

Council Business Division 2  
Legislative Council Secretariat  
4 November 2016