

# 立法會 *Legislative Council*

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## **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 2017-2018 Legislative Council ("LegCo") session. It will be tabled at the Council meeting of 11 July 2018 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 35 members, with Hon Steven HO and Dr Hon KWOK Ka-ki elected as Chairman and Deputy Chairman respectively. The membership list of the Panel is in **Appendix II**.

### **Major work**

#### Food safety and supply

*Proposed amendments to the Food Adulteration (Metallic Contamination) Regulations (Cap.132V)*

4. While supporting the Administration's proposal to amend the Food Adulteration (Metallic Contamination) Regulations with a view to better protecting public health and promoting harmonization with international

standards, members enquired about the criteria adopted for determining the new/revised standards for metallic contaminants in food under the current exercise, in particular the justifications for revising the maximum level ("ML") for metallic contaminants in certain food items (e.g. cadmium in polished rice and leafy vegetables, both from 0.1 mg/kg to 0.2 mg/kg).

5. According to the Administration, one of the objectives of the proposed amendments was to align with the principle of the Codex Alimentarius Commission ("Codex") and modern international regulatory trends of specifying metallic contamination standards for individual food/food groups of significant dietary exposure. The Administration proposed to adopt Codex MLs unless there were strong scientific justifications to adopt a different standard. When setting the proposed MLs for individual food/food groups with no relevant Codex MLs, it had taken into account factors including the local dietary practice, the risk assessment results of the Centre for Food Safety ("CFS") of the Food and Environmental Hygiene Department ("FEHD"), past food incidents in Hong Kong and other jurisdictions as well as the Codex principle that contaminant levels in food should be "as low as reasonably achievable". Given the need to allow time for the trade to adapt to the updated MLs and the local testing and laboratory sector to build up testing capacity based on the new MLs, the Administration proposed a grace period of 12 months for fresh food given their shorter durability; and 24 months for other food items which could have a shelf/storage life of 24 months or longer. The Food Adulteration (Metallic Contamination) (Amendment) Regulation 2018 was published in the Gazette on 8 June 2018 and tabled at the Council on 13 June 2018 for negative vetting.

*Proposed implementation of a licensing regime for regulating the trading of toothfish in Hong Kong*

6. Members in general were supportive of the proposed implementation of the Convention on the Conservation of Antarctic Marine Living Resources ("CCAMLR") by the introduction of a licensing scheme to regulate the trading of toothfish in Hong Kong. In response to members' concern about the impact of the new regulatory regime on the trade, the Administration advised that currently, about 10 local companies were engaged in the trading of toothfish in Hong Kong. As toothfish only constituted a small proportion of the fish produce traded in Hong Kong and accounted for less than 1% of the total consumption of fisheries products, the application of CCAMLR to Hong Kong would have minimal impact on the trade. A grace period of six months would be proposed to allow time for the trade to adapt to the new requirements. The Conservation of Antarctic Marine Living Resources Bill would receive First Reading on 4 July 2018.

*Study on "cooking oils in use"*

7. Members welcomed the Administration's consultancy study on "cooking oils in use" ("the study") and proposal to formulate guidelines on good practice of using frying oils ("the guidelines"). The study sought to, inter alia, assess the level of harmful substances and the changes in quality of cooking oils after repeated uses (specifically for frying seafood and vegetables). Concern was raised on how the findings of the study and the good practice to be recommended would complement the proposed regulation of edible fats and oils and recycling of "waste cooking oils" in the future. Some members opined that to ensure the catering industry's receptiveness to those recommendations, the Administration should fully consult the trade before formulating the guidelines.

8. The Administration explained that the relevant safety standards for edible fats and oils were stipulated in the subsidiary legislation under the Public Health and Municipal Services Ordinance (Cap. 132). It, however, was not a common practice to apply the same set of safety and quality standards for fresh oils to "reused oils" or "cooking oils in use". The level of harmful substances and the quality of cooking oils might change during the course of cooking due to the reactions of the frying oils with the food, the moisture and oxygen in the air. Since there were diversified cooking methods among the catering industry, the Administration considered it more appropriate to commission the study and to issue a set of guidelines on good practice on the use of "reused oils" with specific recommendations having regard to the circumstances of the industry. Before submitting the final draft of the guidelines to CFS, the consultant would invite the trade to try out the recommendations proposed to be included in the guidelines so as to assess the operability of and the trade's receptiveness to the recommendations.

*Reduction of salt and sugar in food*

9. The Panel was briefed on the new initiatives of the Committee on Reduction of Salt and Sugar in Food ("CRSS") in reducing the public's dietary intake of salt and sugar. There was a view that the Administration should draw reference to and adopt in Hong Kong the traffic-light food labelling system implemented by the Government of the United Kingdom (a voluntary scheme where participating manufacturers/retailers used green, amber and red colour coding to indicate whether levels of nutrients (including sugar and salt) were low, medium or high for front-of-pack labelling) which was easy to understand and proven to be useful in helping consumers identify healthier products. Enquiry was raised as to whether the Administration would impose a "sugar tax" on food manufacturers/importers according to the volume of sugar-sweetened food/drinks they produced or imported.

10. The Administration advised that it would, on the recommendation of CRSS, work with stakeholders to cultivate in the community a low-salt-low-sugar dietary culture along the three directions of "starting from an early age", "enhancing transparency of information" and "strengthening publicity and education". Such work would help generate the demand for low-salt-low-sugar food and stimulate proactive response from the food trade. In addition to the Nutrition Labelling Scheme for prepackaged food, the Administration and CRSS jointly launched in October 2017 the voluntary Salt/Sugar Label Scheme for Prepackaged Food Products to encourage trade operators to provide more low-salt and low-sugar food products and to assist consumers to easily identify such products. The Administration would continue to make reference to overseas experience and give full consideration to the local circumstances to explore salt and sugar reduction measures suitable for Hong Kong.

*Update on import control on Japanese food*

11. The Panel received an update on CFS' surveillance of the radiation level of food imported from Japan since the Fukushima nuclear incident occurred in March 2011 as well as the latest position of other economies in their import control over Japanese food. The Administration proposed to lift the import ban on all vegetables, fruits, milk, milk beverages and dried milk ("banned products") from four prefectures of Japan, namely Ibaraki, Tochigi, Chiba and Gunma, with conditions, while continuing to prohibit the import of banned products from Fukushima. Some members supported the proposal as there were solid and scientific evidence confirming the safety of Japanese food from the perspective of radiation level. Some other members, however, had reservation about the proposal, expressing concern about the possibility of danger to public health and adverse consequence on food safety. These members urged the Administration to uphold an effective monitoring and gatekeeping role to ensure that food imported from the four prefectures would meet the internationally accepted safety standards for radiation levels.

12. The Administration assured members that CFS would continue to safeguard food safety. Two levels of gatekeeping, i.e. the Japanese Government's gatekeeping work at the places of export and CFS' at the import level, would be in place. Every consignment of food products imported from Japan must be accompanied with radiation certificates issued by the Ministry of Agriculture, Forestry and Fisheries ("MAFF") of Japan to show which of the four prefectures the products came from and to attest that the radiation levels of the products did not exceed the Codex guideline levels. Simultaneously, the exporter concerned must hold and produce a valid exporter certificate issued by MAFF to certify that those food products exported to Hong Kong were readily available for sale in Japan and were fit for human consumption as far as radiological protection was concerned.

These apart, CFS would continue to conduct radiation tests on every consignment of food products from Japan, regardless of the origin of the products and the channels from which they were imported into Hong Kong.

*Safety control for imported fruits and vegetables*

13. During the discussion on CFS' work in respect of the regular Food Surveillance Programme and the Administration's follow-up actions in response to the Office of The Ombudsman's direct investigation report on FEHD's system of safety control for imported fruits and vegetables, members noted that among the samples of vegetables, fruits and related products collected for testing in 2017, only a 0.11% unsatisfactory rate were recorded. Query was raised about the accuracy and reliability of the test results of vegetables and fruits collected for inspection at Man Kam To Food Control Office ("MKTFCO").

14. According to the Administration, fresh vegetables and fruits were not high-risk foods. On average, about 300 lorries transporting such foods entered Hong Kong from the Mainland via MKT each day. CFS adopted a risk-based principle in taking vegetable samples entering Hong Kong via MKT for quick tests for pesticide residues and comprehensive chemical analysis. It was noteworthy that the number of samples of vegetables, fruits and related products collected from lorries for testing accounted for a rather high percentage of the annual total number of food samples tested by CFS in recent years. In response to the recommendations made in the Ombudsman's direct investigation report, CFS had arranged to increase the number of fruit samples taken at MKTFCO. Apart from the sampling of fruits imported by sea at the import level at the Food Control Checkpoint at Kwai Chung Customhouse, CFS had taken initiative to take fruit samples from the importers' warehouses/cold storages and increased the number of samples so collected for testing.

*Export control on powdered formulae*

15. The Panel was consulted on the Administration's plan to review the necessity to continue with the export control on powdered formulae. The majority of members considered that as non-local demand for and parallel trading of powdered formulae remained strong and prevalent, the Administration should continue with the export control to ensure a stable supply of powdered formulae to local infants and young children. A few other members, however, opined that the operation of the supply chain of powdered formulae (e.g. the usage of pre-order services) had safeguarded the stability of local supply. Consideration should be given to lifting or relaxing the export control. The export restrictions, if retained, should only apply to those brands/stages of powdered formula that had shortage at retail level.

16. The Administration explained that the export control was meant to be a short-term measure. It was now an opportune time to conduct a more thorough review and issues to be considered would include: (a) whether sufficient and stable supply of powdered formulae to local infants and young children could be effectively safeguarded; (b) whether there were long-term measures to safeguard the effective operation of the supply chain of powdered formulae; (c) the impact of revoking or relaxing the export control on the society, such as whether it would greatly aggravate the environmental hygiene problem of those districts with frequent parallel trading activities; and (d) other relevant factors and developments, e.g. the tariff adjustment introduced in the Mainland on powdered formulae. In conducting the review, the Administration would uphold the principle of no presupposition and analyse the data collected from the market surveys and questionnaires objectively.

*The Second Hong Kong Population-based Food Consumption Survey ("Second FCS")*

17. Members noted that a consultant was engaged to conduct the Second FCS, covering 5 000 respondents among the land-based non-institutional population of Hong Kong aged 18 or above, to gauge the latest local food consumption habits. Respondents selected for the Second FCS would be invited to attend two interviews for collecting information on (a) foods and drinks consumed in two specific 24-hour periods and (b) the consumption of certain foods in the past 12 months. An enquiry was raised on how the findings of the First FCS conducted from 2005 to 2007 had been applied in supporting the Government's work relating to food safety and diet-related health.

18. According to the Administration, CFS conducted the First FCS to collect food consumption information (including the types and amount of food consumed) among individuals. The survey findings had been applied in CFS' food safety risk assessment work and food regulatory measures development, including daily risk assessments, the First Hong Kong Total Diet Study and various topical risk assessment studies. The risk assessment results provided scientific bases for CFS' formulation of risk management measures and preparation of appropriate food safety messages (e.g. dietary advice to women of childbearing age on the potential health risks to foetus upon methylmercury exposure during pregnancy).

Environmental hygiene and hawker management

*Proposed extension of the Internet Protocol ("IP") Camera Scheme*

19. FEHD launched, from late December 2016 to June 2017, a pilot scheme to install IP cameras at six refuse dumping blackspots in Central &

Western, Sham Shui Po and Yuen Long Districts, with a view to enhancing surveillance on illegal dumping of refuse and facilitating the planning of more effective enforcement actions. According to the Administration, the installation of IP cameras had proven to be effective in deterring illegal dumping of refuse. It was the plan of the Administration to extend the pilot scheme to other districts on a trial basis for one year.

20. Members in general were supportive of the proposal, and enquired about the timetable for installing the surveillance systems and the number of IP cameras to be set up in each district. The Administration advised that it aimed, as the first phase, to install some 40 IP cameras at hygiene blackspots across the territory (i.e. one to three cameras in each district) in the second quarter of 2018. An overall review would be conducted when the trial period ended.

#### *Use of automation in public cleansing services*

21. While welcoming the adoption of automation and new cleansing equipment (pressure washer surface cleaners, mini-mechanical sweepers, solar-powered compacting refuse bins, etc.) to enhance the quality and efficiency in the provision of public cleansing and refuse collection services, members called on the Administration to ensure that the new cleansing equipment were value for money. The Administration advised that FEHD had put on trial the use of different equipment in the past few months. In view of the success of the trial, FEHD was exploring the wider use of automation and modern technology on an on-going basis to improve environmental hygiene.

#### *Eradicating rodent infestation and control of mosquitoes/biting midges*

22. FEHD's prevention and control work against rodent, mosquitoes and biting midges continued to be an issue of concern to members. Some members expressed concern that the rodent problem in fresh markets and rear lanes adjacent to food premises could not be reflected in the rodent infestation rates released by FEHD, as the ratio of baits placed in these areas and bitten by rodents would unlikely be high due to clear food attractions around the monitoring baits. In response to members' query about the effectiveness of rodent control measures taken by FEHD, the Administration explained that as rodents had the habit of biting hard objects (e.g. baits set up by pest control staff), the rates of bait consumption could reflect the effectiveness of FEHD's rodent control work. The rodent disinfection methodologies/techniques currently adopted by FEHD were in line with those promoted in the international arena. FEHD would keep in view the latest advances in rodent control and carry out tests to assess the suitability of alternative methods for local use.

23. Members were concerned that ovitraps placed at selected locations under the dengue vector surveillance programme could only detect activities of Aedine mosquitoes but not other mosquito species which could also transmit serious diseases, including Japanese encephalitis ("JE") and malaria. The Administration was requested to introduce different indices having regard to the behaviour of various mosquito species and to formulate a surveillance programme with relevant indices for assessing the infestation/activity of biting midges, so as to facilitate the planning of more effective measures for eliminating mosquitoes and biting midges.

24. According to the Administration, other than placing ovitraps at selected locations to monitor the distribution of Aedes albopictus to guard against dengue fever, FEHD also took preventive and control measures to minimize the risks of other mosquito-borne diseases including JE and malaria. To enhance control of biting midges, starting from July 2017, FEHD had commenced a one-year territory-wide survey to investigate the distribution and species diversity of the blood sucking midges, with a view to ascertaining the presence of any disease-carrying biting midges and collecting reference information for devising more effective control measures. As routine environmental improvement measures carried out by FEHD could help contain the infestation of biting midges, it might not be necessary to introduce specific indices to reflect the extensiveness of biting midges in the territory.

#### *Hawker control and management*

25. The Panel supported the Administration's proposal to replace FEHD's existing radio communications system with a new digital system which employed Radio over Internet Protocol technology with enhanced functions, in order to strengthen the communication capability and efficiency of the Hawker Control Teams ("HCTs") and Hawker Control Task Forces ("HCTFs") in performing hawker management functions. Members noted that the new system could provide more comprehensive and flexible radio communications coverage and would offer new features including electronic map, emergency button, "man down", hot microphone, Global Positioning System and voice recording.

26. Some members expressed worries that the use of the emergency button and the "man down" function might be abused by some HCT/HCTF staff resulting in frame-ups against hawkers. Enquiry was raised about the prerequisites for triggering these functions. The Administration advised that when a portable radio handset user fell down on the ground, it would trigger the automatic sending of a specific emergency alert signal and the location of the portable radio handset concerned would be displayed on the electronic map installed at the relevant console. The emergency button and the "man down" function enabled consoles to immediately locate HCT/HCTF officers

and offer assistance during emergency situations. The Administration stressed that HCT/HCTF staff were well trained and would carry out their duties in a professional manner. FEHD would monitor the use of the new system to prevent abuse.

### Columbarium facilities

#### *Implementation of the Private Columbaria Ordinance (Cap. 630) ("PCO")*

27. The Administration kept updating members on various issues relating to the implementation of PCO. Issues discussed included (a) the proposed remuneration package for the non-official members of the Private Columbaria Appeal Board to be constituted to hear and determine appeals lodged by an applicant or holder of a specified instrument aggrieved by a decision made by the Private Columbaria Licensing Board ("PCLB") or the Director of Food and Environmental Hygiene referred to in section 84(1) of PCO; and (b) the proposed creation of a supernumerary directorate post of Senior Principal Executive Officer in FEHD for a period of four years to support the Head, Private Columbaria Affairs Office ("PCAO") in leading PCAO to implement the regulatory regime under PCO.

28. During the discussion on the above proposals, members considered that measures should be taken to promote the public's and private columbarium operators' awareness about the legal requirements under PCO. Concern was also raised about PCAO's capacity in coping with the initial influx of applications for specified instruments upon the implementation of the new regulatory regime. According to the Administration, after the three-year validity period of a temporary suspension of liability during which pre-cut-off columbaria (i.e. any columbarium that was in operation, and in which ashes were interred in niches, immediately before the announcement of the Private Columbaria Bill at 8:00 a.m. on 18 June 2014) should seek regularization/rectification in respect of breaches of statutory requirements, PCAO would have a clearer picture of the outstanding number of pre-cut-off columbaria seeking a licence or an exemption. Upon receipt of applications and the required documents, the Licensing Team of PCAO would coordinate with relevant bureaux and departments in checking individual private columbaria's compliance with various requirements and would schedule meetings for consideration of the applications.

#### *Two policy initiatives to address the land premium and traffic impact assessment issues of pre-cut-off columbaria seeking a licence*

29. Members were deeply concerned about the Government's decisions to (a) extend the waiving of relevant payments for regularization (including land premium, relevant waiver fees and short term tenancy rentals as well as

administrative fees for regularization) in respect of the pre-cut-off sold niches ("the waiving arrangement") from pre-cut-off columbaria eligible for an exemption in all other respects to pre-cut-off columbaria eligible for a licence in all other respects and (b) adopt an empirical evidence approach in assessing traffic impacts when relevant departments processed the licence application from a pre-cut-off columbarium whose operation only involved niches sold before 30 June 2017 (i.e. the enactment date of PCO). Many members were of the view that extending the waiving arrangement was a "relaxation" measure at the expense of public coffers and would set a very bad precedent as if administrative measures could be introduced to relax certain regulatory requirements. Members queried the propriety of and justifications for introducing the two policy initiatives.

30. The Administration explained that quite a number of people had purchased niches from pre-cut-off private columbaria or even interred therein the ashes of their deceased relatives before the Government announced the introduction of the licensing regime. In contemplating the two policy initiatives, the Government mainly took into account the overall interests of the community and the need to minimize the impact on the descendants, in particular their wish of not having the interred ashes of the deceased disturbed as far as practicable. The Administration stressed that only those pre-cut-off columbaria confirmed to be eligible for a licence in all other respects, which included more than 10 relevant requirements, might apply for waiving the relevant payments for regularization. Pre-cut-off columbaria would not automatically get a licence as a result of the policy initiatives. Each application would be considered on its own merits. Traffic impact assessment was not a statutory requirement. The guiding principle was whether the traffic and pedestrian flow brought by a columbarium was at an acceptable level. Private columbaria applying for a licence were required to submit a management plan detailing the traffic and pedestrian flow management arrangements for prior approval by PCLB. PCLB might impose licensing conditions to require the operators to adopt appropriate mitigation measures.

#### *Extendable arrangement for the use of public niches*

31. The Administration proposed to introduce, starting from the coming allocation exercise tentatively scheduled for end-2018, an extendable arrangement for the use of public niches, i.e. an initial interment period of 20 years followed by extension every 10 years on payment of the prevailing prescribed fees. The majority of members were supportive of the general direction of the proposal which, in their views, could help achieve sustainable use of columbarium facilities and land resources. These members urged the Administration to step up publicity on the extendable arrangement and make endeavor to contact the niche allocatees or their nominated representatives to

ascertain their wish to renew the interment. A few other members, who opposed the proposal, were concerned that it might lead to a surge in the demand for and hence the price of private niches which were not subject to restrictions or conditions on the length of use/occupation.

32. The Administration stressed that there was no time limit to the use of an allocated niche, provided that the niche allocatee or his/her nominated representatives confirmed the continued use by extending the interment period following the 20/10-year schedule. Projection based on latest demographic and operational data was that in the next 20 years, the cumulative number of cremations was around 1.1 million. It was imperative for the Administration to introduce measures to optimize the use of new public niches coming on stream in the years ahead. Regarding some members' suggestion of implementing on a trial basis the extendable arrangement so as to assess the public's acceptance, the Administration advised that if permanent niches and extendable niches were both to be allocated in the same exercise, hardly would there be any incentive for the selection of extendable niches.

*Allocation of niches by computer balloting on a random basis*

33. Members were concerned that under the existing mechanism whereby public niches were allocated by computer balloting, some applicants might have to wait for a very long time for allocation of niches. The Administration was requested to consider adopting a registration and queuing system for application and allocation of public niches. There was a suggestion that to ensure fairness and efficiency, FEHD should assign, on a random basis, a computer-generated priority number to eligible applicants who would then be invited to select niches according to the order of priority.

34. The Administration advised that it had critically examined the suggestion of compiling a waiting list for applicants of public niches but was not inclined to adopt the measure. It was because Hong Kong was facing an aging population. Even if the proposed columbarium development projects in the 18 districts were materialized, they could not alone meet the huge demand. Allocation on a first-come-first-served basis was inequitable as it would prejudice those deceased in later years. That said, the Administration proposed to give additional ballot weightings to unsuccessful applications in the coming and future allocation exercises, so that they would stand a higher chance of success than first-time applications in subsequent allocation exercises. To expedite the allocation process and enhance efficiency, a new arrangement would be adopted for all future allocation exercises under which applications which were successful in the balloting would be given a specific public niche generated by the computer and thus assigned. If the applicant decided not to take up the niche or did not show up to complete the niche

allocation formality according to the scheduled date and time, the application would be considered to have been processed and the niche given up.

#### *Provision of columbarium facilities*

35. The Panel was also consulted on the proposal to expand the Wo Hop Shek Crematorium by providing therein two additional body cremators and one new service hall as well as the proposed construction of a columbarium block at Cape Collinson Road in Chai Wan. While raising concerns about the traffic and environmental impacts arising from the projects, members did not raise objection to the proposals.

#### Implementation of the Sustainable Fisheries Development Fund

36. The Administration briefed the Panel on the implementation progress of the Sustainable Fisheries Development Fund ("SFDF"). Some members were concerned whether the assessment criteria for SFDF were too stringent, thereby discouraging potential applicants from making applications. There was a view that SFDF had not been put to the optimal use. The Administration should streamline the application procedures and consider providing additional resources and manpower to assist fishermen and fisheries organizations during the application process.

37. According to the Administration, since SFDF was introduced and open for application in mid-2014, more than 20 applications had been received; and as at end-October 2017, eight applications had been approved upon the recommendations of the SFDF Advisory Committee. Eleven applications had been declined because some of the project proposals were either in repetition of or similar to the projects already approved. In considering funding applications, the major consideration was whether the proposed projects could contribute to fostering the sustainable development and enhancing the overall competitiveness of the fisheries industry.

#### Issues relating to animal welfare

##### *Outcome of the "Trap-Neuter-Return" ("TNR") trial programme for stray dogs*

38. As the Subcommittee to Study Issues Relating to Animal Rights formed under the Panel was put on the waiting list for re-activation of work after expiry of the initial 12-month period, the Panel continued to follow up with the Administration on issues relating to animal welfare. Members noted with concern that the three performance targets set out in the protocol for the TNR trial programme for stray dogs were not achieved in both the Cheung Chau and Tai Tong trial sites. In members' views, it was unreasonable to assess the effectiveness of the trial programme primarily by the trend of change in the population of stray dogs and the number of

complaints received concerning nuisance caused by stray dogs. The TNR trial programme should be continued and extended to other districts, as TNR could help slow down the continuous reproduction of stray dogs in the long run and hence, abating the use of euthanasia in handling stray dogs. Members called on the Administration to provide financial and manpower support to animal welfare organizations ("AWOs"), so as to facilitate their implementation of TNR programmes.

39. The Administration advised that since the result of a TNR programme might vary from one site to another, it was open-minded about conducting further TNR programme if AWOs were interested in running such a programme to manage stray dogs at specific locations. Any proposal for conducting a TNR programme at other locations would be considered individually, taking account of factors such as population density, proximity to community facilities, and traffic conditions, etc. Support of the local community was also essential before exemption of relevant legislative provisions under the Dogs and Cats Ordinance (Cap. 167) and the Rabies Ordinance (Cap. 421) could be granted to AWOs and their carers, to facilitate their implementation of a TNR programme. The Agriculture, Fisheries and Conservation Department ("AFCD") would assist proponents and facilitate the implementation of such a programme, including sharing experience gained in the trial programme, helping liaise with the relevant District Councils and local stakeholders and seeking legislative exemption from LegCo.

*Proposed amendment to Road Traffic Ordinance (Cap. 374) ("RTO") (accidents involving cats and dogs)*

40. Members generally supported the legislative amendment proposal to enlarge the scope of "animal" under section 56 of RTO to require a driver to stop in case of a traffic incident involving damage to a dog or cat. There was a suggestion that for conservation of migratory species of wild animals, the Administration should review and further enlarge the scope of "animal" under section 56 of RTO. The Panel passed a motion to request the Administration to also include common community animals in Hong Kong such as monkeys and wild boars under the scope of section 56(4) of RTO.

41. According to the Administration, it had studied the relevant practices and related legislation in other highly urbanized places, including Singapore, the United Kingdom and New York State of the United States of America. Having regard to the international trend, the Administration saw merits to update RTO by bringing cats and dogs under the coverage of section 56 thereof. The Administration noted the different views in local communities on the scope of "animal" defined in RTO, in particular whether certain wild animals, such as wild boar, should be covered.

42. Some members expressed concern that if a driver was allowed to report a traffic incident involving animals (including cats and dogs) no later than 24 hours after the incident, the animals concerned might be left unattended at the scene for quite a long time before the Police came. They suggested that the Administration should make it a mandatory requirement for drivers to report traffic incidents involving animals immediately after the incident, such that the animals concerned could receive timely and appropriate veterinary treatment. The Administration advised that the main purpose of the proposal was to impose a duty on the driver to stop in case of a traffic incident involving knocking down or killing of a cat or dog and to report the matter to the Police as soon as practicable, and in any case no later than 24 hours after the incident, such that the animal concerned could receive proper attention by the Police and/or AFCD.

#### Retrofitting of air-conditioning in public markets

43. Members were concerned that Tai Wai Market would be closed for about eight months for extensive building works for installation of the air-conditioning ("A/C") system, bringing adverse impact on stall tenants who had to suspend business during the full market closure. By way of passing a motion, members urged the Administration to expedite the A/C retrofitting works with a view to shortening the full market closure. The Panel also passed another motion urging the Administration to consider providing stall tenants affected by the A/C retrofitting works with possible assistance including granting of rental waiver and ex-gratia payments, providing a temporary market for stall tenants to continue business in the vicinity during the full market closure and waiving the maintenance costs and A/C charges on a permanent basis.

44. The Administration advised that under the existing arrangement, if certain markets or stalls needed to suspend business because of improvement projects taken by the Government, the relevant tenants would, subject to their consent, be granted a full waiver of rentals for the period of suspension plus an additional full rental waiver for a certain period of time after the relevant markets or stalls re-opened. The high capital costs of retrofitting A/C systems were borne entirely by the Government. Unlike landlords of private commercial venues who sought to recover the capital costs through rental adjustment, the Government did not recover the capital costs. Since stall tenants in public markets were commercial operators, the Administration considered it reasonable for tenants to pay the A/C charges in accordance with the "user pays" principle. The Administration informed members that following a critical review of the management of the project workflow and programming, the full-closure period of Tai Wai Market could be shortened to not more than seven months.

### Hong Kong's liquor licensing system

45. In receiving an update from the Administration on trade facilitation measures introduced for liquor licensing, some members suggested that liquor licences should be classified into different categories in accordance with their risk levels. Low-risk licensed premises (e.g. the sale of liquor took up only a small percentage of the premises' business turnover) should be subject to less stringent control. These members further suggested that consideration be given to (a) allowing a body corporate or a partnership to be issued with a liquor licence (instead of requiring a natural person to hold the licence) or (b) allowing multiple licensees or establishing a "reserve licensee" mechanism. This could address the food business' concern that businesses would suffer from a disruption in operation when the licensee left the service without transferring his licence to his successor.

46. The Administration stressed that in considering liquor licence applications, the Liquor Licensing Board aimed to balance the interests of legitimate commercial activities and those of the locality. The Administration would explore the feasibility of classifying liquor licences into different categories in accordance with their risk levels, such that low-risk licensed premises were subject to less stringent licensing control. The Administration's view was that *prima facie*, there were clear merits in calibrating scrutiny and enforcement (including licence renewal frequency) by a risk-based approach, as this could enable greater time and attention to possibly higher-risk cases while reducing the compliance cost and time for the clear-cut low-risk cases. The Administration also advised that whether a licensee must be a natural person or could be a body corporate required careful consideration as it could have important enforcement implications.

### Subcommittees formed under the Panel

#### *Subcommittee on Issues Relating to Public Markets*

47. At the meeting held on 8 November 2016, the Panel decided to set up a subcommittee to study and follow up on policies and measures relating to public markets. The Subcommittee on Issues Relating to Public Markets commenced work in March 2018 under the chairmanship of Hon Wilson OR. Since the commencement of its work, the Subcommittee had held three meetings to examine various relevant issues including the overall landscape and positioning of existing public markets as well as the *modus operandi* and progress of the Market Modernization Programme. The Subcommittee would continue its work in the 2018-2019 session.

*Subcommittee to Study Issues Relating to Animal Rights*

48. Under the chairmanship of Dr Hon CHIANG Lai-wan, the Subcommittee to Study Issues Relating to Animal Rights formed under the Panel held a total of seven meetings between the 12-month work period from 16 December 2016 to 15 December 2017. The Subcommittee understood that it should cease work upon completion of the 12-month period, but consider it desirable to continue to follow up or further examine a number of specific issues relating to animal rights. With the endorsement of the Panel and the House Committee of the proposal of the Subcommittee for continuation of work, the Subcommittee was put on the waiting list for re-activation of work for another 12 months when a vacant slot arose.

Meetings held

49. Between October 2017 and June 2018, the Panel held a total of 11 meetings. The Panel has scheduled another meeting in July 2018 to discuss the progress of the major initiatives under the New Agriculture Policy and issues relating to the reprovisioning of livestock farms affected by development plans and the rehabilitation of fallow farmland.

Council Business Division 2  
Legislative Council Secretariat  
28 June 2018

**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 the 2017-2018 session\***

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

**Deputy Chairman** Dr Hon KWOK Ka-ki

**Members**

Hon LEUNG Yiu-chung  
Hon Tommy CHEUNG Yu-yan, GBS, JP  
Prof Hon Joseph LEE Kok-long, SBS, JP  
Hon Starry LEE Wai-king, SBS, JP  
Hon CHAN Hak-kan, BBS, JP  
Hon Claudia MO  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon CHAN Chi-chuen  
Hon CHAN Han-pan, JP  
Hon LEUNG Che-cheung, SBS, MH, JP  
Hon Alice MAK Mei-kuen, BBS, JP  
Hon KWOK Wai-keung, JP  
Dr Hon Helena WONG Pik-wan  
Dr Hon Elizabeth QUAT, BBS, JP  
Hon POON Siu-ping, BBS, MH  
Dr Hon CHIANG Lai-wan, JP  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP  
Hon Andrew WAN Siu-kin  
Hon CHU Hoi-dick  
Hon HO Kai-ming  
Hon SHIU Ka-fai  
Hon SHIU Ka-chun  
Hon Wilson OR Chong-shing, MH  
Hon YUNG Hoi-yan  
Dr Hon Pierre CHAN  
Hon Tanya CHAN  
Hon HUI Chi-fung  
Hon LAU Kwok-fan, MH  
Hon Kenneth LAU Ip-keung, BBS, MH, JP  
Hon KWONG Chun-yu  
Hon Jeremy TAM Man-ho  
Hon AU Nok-hin  
Hon Vincent CHENG Wing-shun, MH

(Total : 35 members)

**Clerk** Miss Josephine SO

**Legal adviser** Ms Wendy KAN

\* Changes in membership are shown in Annex.

## **Annex to Appendix II**

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

#### **Changes in membership**

<b>Member</b>	<b>Relevant date</b>
Hon WONG Ting-kwong, GBS, JP	Up to 23 October 2017
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP	Up to 23 October 2017
Hon Mrs Regina IP LAU Suk-yee, GBS, JP	Up to 23 October 2017
Hon CHEUNG Kwok-kwan, JP	Up to 23 October 2017
Hon Abraham SHEK Lai-him, GBS, JP	Up to 24 October 2017
Hon WONG Kwok-kin, SBS, JP	Up to 24 October 2017
Hon Christopher CHEUNG Wah-fung, SBS, JP	Up to 24 October 2017
Hon LUK Chung-hung	Up to 24 October 2017
Hon Martin LIAO Cheung-kong, SBS, JP	Up to 25 October 2017
Hon AU Nok-hin	Since 22 March 2018
Hon Vincent CHENG Wing-shun, MH	Since 12 June 2018