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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 2018-2019 Legislative Council session. It will be tabled at the Council meeting of 3 July 2019 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 28 members, with Dr Hon KWOK Ka-ki and Hon SHIU Ka-fai elected as Chairman and Deputy Chairman respectively. The membership list of the Panel is in **Appendix II**.

Major work

Food safety and supply

Prevention of African Swine Fever

4. Following the outbreaks of African Swine Fever ("ASF") in 23 Mainland provinces and municipalities in August 2018 which resulted in the culling of more than 630 000 pigs, the Panel discussed with the Administration the measures and the contingency plans adopted by relevant departments for preventing the spread of ASF to Hong Kong, in view of the territory's heavy

reliance on imported live pigs supplied from registered farms on the Mainland ("registered farms"). According to the Administration, ASF was a highly contagious and viral disease in pigs, which could cause massive infection and death in pigs within a very short period of time. Since the first ASF case occurred on the Mainland, the Centre for Food Safety ("CFS") and the Agriculture, Fisheries and Conservation Department ("AFCD") had been closely monitoring the situation, heightening vigilance and implementing corresponding measures to prevent the spread of ASF to Hong Kong.

5. Expressing concern that unscrupulous traders on the Mainland might use ASF-infected pigs to make chilled/frozen or processed/preserved pork products, members were of the view that efforts should be made to prevent contaminated pork products from entering the local food supply chain. The Administration explained that ASF was not a zoonotic disease and would not be transmitted to human, hence posing no food safety risk. Pork and pork products were safe for human consumption as long as they were thoroughly cooked. CFS would ensure that all live pig consignments and imports of chilled/frozen pork products from the Mainland were accompanied by valid health certificates.

6. In May 2019, AFCD confirmed two incidents of pig samples from Sheung Shui Slaughterhouse ("SSSH") detected to have infected with ASF virus. As neither vaccine nor treatment against ASF was currently available and the only means to control the disease was by culling, all pigs in SSSH (involving a total of 10 675 heads on the two occasions) were culled in order to prevent the virus from spreading beyond the slaughterhouse. The operation of SSSH was also suspended for thorough cleansing and disinfection. There were calls from members that the Administration should establish a compensation mechanism and study how the process of cleansing and disinfection could be expedited, with a view to shortening as far as possible the suspension period. Some members went further to suggest that live pigs raised at local pig farms should be segregated from those imported from the Mainland and live pigs of different sources be sent to different slaughterhouses for slaughtering (i.e. slaughtering local pigs at Tsuen Wan Slaughterhouse and imported pigs at SSSH). In members' views, the segregation arrangement could help prevent cross infection if live pigs imported from the Mainland were infected with ASF and, in case of ASF outbreak in Hong Kong, help prevent a total suspension of the two local slaughterhouses and ensure a basic supply of live pigs in Hong Kong for public consumption.

7. In the course of consulting the Panel on the proposal to create a financial commitment of \$333 million to provide for the funding for the statutory compensation and ex-gratia payments for the culling operations conducted and to prepare for future culling operations in the event that pigs in local farms have to be culled due to infection of ASF, the Administration advised that in the light of the ASF cases in Hong Kong, enhanced preventive measures have been put in place. Among others, the General Administration of Customs of the People's

Republic of China has been exercising stringent inspection and quarantine on Mainland live pigs supplied to Hong Kong, requiring that all live pigs must come from registered farms and be segregated for 15 days to ensure that the pigs are free of ASF symptoms before they are discharged from the farms. Furthermore, the Administration has reached agreement with the trade to implement, starting from 6 June 2019, the "daily clearance arrangement" in the two slaughterhouses in Sheung Shui and Tsuen Wan (i.e. all live pigs entering the slaughterhouses will be slaughtered within 24 hours). Under the new arrangement, lairages in different locations in the slaughterhouses will be cleared for thorough cleansing and disinfection on a daily basis, thereby minimizing the chance for pigs to get infected in the slaughterhouses. Regarding the funding proposal, while the majority of members were in support of the proposed compensation for affected pig owners to alleviate their direct financial loss caused by culling, some members called on the Administration to extend the compensation to cover other stakeholders in the supply chain of live pigs/fresh pork, e.g. fresh meat retailers and butchers, since they also suffered financial loss as a result of the suspension of supply of live pigs.

Food safety management and import control

8. CFS' efforts in respect of food safety management and import control has all long been high on the agenda of the Panel. In this session, members followed up with the Administration on its progress to take forward the recommendations of the Audit Commission and the Public Accounts Committee as published in their respective reports on audit results on CFS' daily operation in these areas. Noting that CFS had rolled out a series of short, medium and long-term measures with a view to enhancing its work effectiveness and efficiency, members emphasized the importance of monitoring food safety at source. Given Hong Kong's reliance on imported food, members in general considered it necessary for the Administration to reinforce its capability in surveillance of foods imported by air, land and sea.

9. There were suggestions from some members that the Administration should conduct more inspection visits to the registered farms/production and processing establishments on the Mainland to ensure that live poultry, food animals, aquatic products as well as agricultural products supplied to Hong Kong were wholesome and safe at source. In order to enhance the effectiveness of the inspections, surprise visits, instead of scheduled visits, should be conducted. Some other members held the view that CFS should enhance its mode of operation through information technology in import control of foods and food surveillance. According to the Administration, CFS' veterinary staff had visited registered farms and food processing plants on the Mainland exporting to Hong Kong to understand their husbandry practices. CFS would keep liaising with the Mainland authorities to arrange such visits. CFS was also overhauling its information technology system, with a view to strengthening data management and analysis for enhanced food safety control.

Food safety of online food sale

10. Food transaction through the Internet, mobile applications or social media platforms ("online food sale") has been gaining popularity in recent years. In this session, the Panel continued to follow up on the Administration's work in monitoring and regulating online food sale. Pointing out that online food sale might involve different parties in the food manufacturing, packaging and delivery processes, members sought information on how the Food and Environmental Hygiene Department ("FEHD") would ascertain the legal responsibility of the parties concerned in the event of a food incident.

11. The Administration advised that food safety and food trade operations were regulated under various pieces of existing legislation including the Public Health and Municipal Services Ordinance (Cap. 132), the Food Safety Ordinance (Cap. 612) and the Food Business Regulation (Cap. 132X). Any person who conducted business relating to manufacturing, trading, importing or distributing food intended for human consumption must meet the requirements of relevant legislation, irrespective of whether the business was conducted in physical premises or through any other means of transactions (e.g. face-to-face, phone and electronic media). FEHD would conduct investigations into each food incident and, if substantiated, take enforcement actions against relevant parties for contravening food safety laws. If FEHD suspected that any online food sale activity involved unlicensed business or had doubts about the source and safety of the food concerned, it would conduct investigations (including decoy operations to collect evidence) and take appropriate actions. Notwithstanding the Administration's assurance, members remained concerned about the fast changing developments in online food sale market. They called on the Administration to conduct a timely review of the existing regulation for online food sale.

Certification system for organic food

12. Some members have long been requesting the Administration to review the need to regulate the production and sale of organic food, taking into account international developments and the prevailing local situation. In this session, when receiving the Administration's briefing on the efforts of the Government and relevant organizations in promoting the certification system for organic food, a few members expressed concern that in the absence of legislation regulating organic food, it was difficult to initiate prosecution against unscrupulous market stall operators who sold fake organic food (e.g. organic vegetables and fruits). These members urged the Administration to formulate statutory standards for organic food, instead of simply relying on Hong Kong Organic Resource Centre ("HKORC")'s certification system, as the participation in which was entirely voluntary.

13. In response, the Administration explained that there was no significant difference between organic food and ordinary food in terms of food safety, and that the major differences between organic and ordinary food were their ways of production and processing which could not be detected by testing the food products alone. In view of the small scale of the local organic food sector and the fact that the Government's main policy objectives in respect of food were to safeguard food safety and supply stability, the Administration took the view that there was no pressing need to legislate for the production and sale of local organic food products. The way forward should be to continue to support HKORC in enhancing consumer education about organic food and publicity on organic food certification. To address members' concern, CFS would continue to exchange intelligence and follow up on complaints relating to sale of fake organic food products. If warranted, HKORC would provide information of relevant cases to the Customs and Excise Department for further investigation.

Initiatives to promote territory-wide salt and sugar reduction

14. In May 2018, the Food and Health Bureau ("FHB") and the Department of Health ("DH") announced "Towards 2025: Strategy and Action Plan to Prevent and Control Non-communicable Diseases in Hong Kong" ("Action Plan"), targeting to achieve a 30% relative reduction in the mean population daily intake of sodium, put a halt to the rise in diabetes and obesity as well as contain the prevalence of raised blood pressure by 2025. When receiving the Administration's briefing on the initiatives to promote territory-wide salt and sugar reduction, there was a query among members whether the continued implementation of existing measures could help achieve the targets set under the Action Plan. Some members held the view that focus should be placed on educating the public regarding the definitions of "low salt" and "low sugar" and the know-how to apply the concepts in practice in the selection of food products.

15. The Administration advised that FHB, CFS and the Committee on Reduction of Salt and Sugar in Food ("CRSS") had been promoting territory-wide salt and sugar reduction through five directions (i.e. "Starting from an early age", "Enhancing transparency of information", "Encourage restaurants to reduce salt and sugar", "Reformulation of prepackaged food products" and "Strengthening publicity and education"). Through collaboration with the food trade and relevant stakeholders, the less-salt-and-sugar dietary culture was taking root in the community. Since January 2019, more than 500 restaurants involving over 100 brand names had supported CRSS' salt and sugar reduction scheme and provided customers with options of reduced salt and/or sugar or tailor-made less-salt-and-sugar dishes. Several large-scale food manufacturers had also reformulated, or undertaken to reformulate, their prepackaged food products, covering various types of drinks, instant noodles and soups. The Administration assured members that it would consider how to deliver the concepts of "low salt" and "low sugar" in more vivid ways.

Environmental hygiene and municipal services

Control measures against rodent, mosquito and biting midges infestation

16. The escalating rodent problem in various districts has attracted criticism from many members and sparked off wide public concern about FEHD's rodent control work in recent years. In this session, the Panel held three meetings with the Administration to review FEHD's pest control work (including its prevention and control measures against rodents, mosquitoes and biting midges) and application of new technologies in enhancing environmental hygiene. Members expressed strong dissatisfaction with FEHD's performance in improving environmental hygiene and eradicating the mosquito and rodent infestation problems. The Panel passed two motions urging the Government to, inter alia, step up the inter-departmental collaborative efforts under the Pest Control Steering Committee ("PCSC") in implementing pest control measures and expeditiously formulate a timetable on enhancing environmental hygiene through the application of new technologies, with a view to preventing the outbreak of epidemic diseases in the community.

17. The Administration advised that the major role of PCSC was to set directions for both Government's pest control work as well as involvement of the community and the private sector in pest control efforts. For 2019, PCSC had set objectives in three areas, namely strengthening prevention, coordination and surveillance. Given the public attention towards rodent infestation, FEHD had been adopting a multi-pronged approach in its rodent prevention and control work. Targeting districts with relatively high rodent infestation rates ("RIRs"), FEHD implemented a variety of control measures which included launching targeted anti-rodent operations at hygiene black spots, poisoning and trapping rodents, destroying rat holes at rear lanes, stepping up street cleansing, and strengthening publicity and education programmes in rodent prevention and control. In response to members' suggestion, the Administration agreed to draw up a blueprint for the application of new technologies in enhancing environmental hygiene and pest surveillance and control. Members were pleased to note that FEHD was exploring the application of suitable technologies with the Hong Kong Science and Technology Parks Corporation and other technology companies. If suitable technologies were identified, it would conduct preliminary tests, make adjustments in the light of the actual conditions and then assess their feasibility and effectiveness. Technologies tested to be effective would be applied across the territory.

18. Casting doubt on the reliability of RIRs in reflecting the situation of rodent infestation in the surveyed areas, members urged FEHD to review the method for calculating RIRs by introducing diversified indicators and to regularly adjust its anti-rodent strategies according to changes in RIRs. The Administration advised that the main purpose of conducting RIR survey was to monitor the general situation of rodent infestation in the surveyed areas and

reveal the extensiveness of rodent infestation in those areas. The survey was conducted every six months. Baits were set in selected localities to gather statistics on the ratio of baits bitten by rodents. FEHD frontline staff also took into account the trails left by rodents, the complaint figure and the feedback from the public etc. in evaluating rodent infestation in districts. That said, FEHD would continue to explore ways to improve the RIR survey method, so as to reflect rodent problem in different districts in a more accurate manner.

19. In mid-May 2019, the Centre for Health Protection of DH announced that it was investigating into three cases of human infection of rat Hepatitis E virus ("HEV"). Since the matter has attracted public concern as to whether the disease was rodent-transmitted, the Panel will hold a joint meeting with the Panel on Health Services to discuss the Government's follow-up actions on emerging cases of human infection of rat HEV and the territory-wide rodent control work. According to the Administration, relevant government bureaux and departments have joined hands to launch a three-month cleaning campaign over the territory to strengthen the prevention and control of rodents in areas under their respective purview, particularly at hygiene black spots and focus areas including rear lanes, housing estates, food premises and public markets.

20. Hong Kong saw an outbreak of dengue fever in the summer of 2018. This prompted the Panel to discuss the Government's efforts in containing the infestation of mosquitoes, in particular *Aedes albopictus*, which is a vector of dengue fever. Members urged the Administration to formulate a holistic "integrated mosquito management strategy" and step up its anti-mosquito efforts to curb the spread of dengue fever. There was a view that FEHD should monitor and release real-time ovitrap indices for *Aedes albopictus* by application of technologies, as this helped facilitate timely implementation of mosquito prevention and control measures. The Administration advised that FEHD had intensified the anti-mosquito campaign by launching 10-week territory-wide all-out anti-mosquito operations between mid-August and mid-October 2018. Relevant departments and the Hospital Authority had also conducted all-out anti-mosquito operations in areas under their purview. PCSC planned to hold meetings before the arrival of the next rainy season to draw up mosquito prevention strategies and control measures for 2019. The arrangement for releasing the results of the ovitrap indices had also been improved with more frequent updates, so as to keep the public informed of the latest situation of mosquito infestation.

21. Of equal concern to members was the nuisance caused by biting midges. Members were pleased to note that FEHD had invited a biting midges expert from the Mainland to visit Hong Kong to provide advice on the control strategy against biting midges and formulated technical guidelines on prevention and control of biting midges for relevant departments' reference with a view to tackling the issue at source by reducing the potential breeding sites of biting midges.

Refurbishment of public toilets and improvement of public toilet services

22. It was announced in the Chief Executive's 2018 Policy Address that comprehensive refurbishment works would be carried out for those public toilets under FEHD's management with high utilization rate or at major tourist spots. To take forward this initiative, FEHD came up with a list of 23 public toilets that required refurbishment after consulting the Tourism Commission. In the 2019-2020 Budget, the Government further announced that additional resources of about \$600 million would be allocated for commencing the refurbishment or facelifting works for about 240 public toilets by phases in the coming five years. While welcoming the proposal, members were generally of the view that more resources should be allocated to improve both the hardware and software of all the 700-odd public toilets across the territory, as many of them were built a long time ago with facilities not concordant with the present-day aspiration of the public. Members urged the Administration to explore the application of new technologies and installation of suitable equipment in public toilets, drawing reference to overseas experience and the toilet management approaches adopted by private organizations. Where appropriate, the Administration should consult the 18 District Councils ("DCs") and encourage people from various sectors to give views on how to improve public toilets. The Panel passed three motions urging the Government to improve the overall hygiene and service standards of public toilets.

23. In response, the Administration advised that in refurbishing public toilets, FEHD would install various facilities, which would be more convenient and user-friendly, based on patrons' needs. The improved facilities would include sensor-activated taps and flushing facilities, coat hooks and facilities for baby, etc. In collaboration with the Architectural Services Department ("ArchSD"), FEHD would decide on the exterior, fitments and materials of each public toilet and ensure that the design could blend well with the surrounding environment and keep up with the times. The Administration welcomed members' suggestions and would take them into account when exploring the application of technologies in public toilets. In formulating the design of public toilets, FEHD and ArchSD would consider how best to incorporate third parties' views and engage relevant stakeholders, such as design professionals, architects, scholars and frontline workers. In selecting public toilets for refurbishment and determining their priorities, FEHD would take into consideration a number of factors including the condition and level of utilization of public toilets.

Post-typhoon follow-up efforts under the purview of FEHD

24. After the strike of super typhoon Mangkhut in mid-September 2018, which had caused extensive damage and brought about a huge amount of debris and fallen trees, the Panel discussed with the Administration FEHD's follow-up work including street cleansing and management of cemetery facilities. Of

considerable concern to members was the slow progress of the Administration in taking forward the necessary recovery work. There was a view that FEHD and relevant departments should re-examine their division of work on the prevention of damages, emergency response and recovery, with a view to enhancing inter-departmental coordination and overall effectiveness in carrying out clearance work in public places after the passage of super typhoons in the future. Some members went further to suggest the Administration to review whether suitable and adequate tools/equipment as well as safety training were provided for workers performing outdoor cleansing duties under inclement weather conditions or after the typhoon.

25. In response, the Administration advised that before the arrival of Mangkhut, FEHD had conducted inspections to check its outsourced service contractors' preparations for the restoration work after the typhoon. According to on-site observations of FEHD's supervisory staff and photos of clearance operations, contractors' workers were generally provided with the tools/equipment and protective gear needed. FEHD also carried out random interviews with contractors' staff to ascertain, among others, whether they were provided with necessary training and equipment for performing their duties. Members were also advised that the Chief Executive had tasked the Security Bureau to coordinate a review of the handling of such super typhoons, which covered contingency response plans, post-typhoon recovery and restoration as well as external and internal information dissemination. FEHD and other relevant departments would participate in the review.

Supply of columbarium facilities

26. The Government's columbarium policy and the supply of columbarium facilities in Hong Kong remained high on the agenda of the Panel. In this session, at the Panel's request, the Administration provided members with an update on the implementation of the Private Columbaria Ordinance (Cap. 630) ("PCO"). Noting that as of 12 March 2019, only one applicant was granted a licence for operating a private columbarium, members expressed grave concern about the slow progress of the Private Columbaria Affairs Office ("PCAO") in processing applications for specified instrument (i.e. a licence, an exemption or a temporary suspension of liability) from private columbaria since the implementation of PCO on 30 June 2017. In many members' view, this had a negative impact on the supply of private niches in the market.

27. The Administration explained that the progress in handling applications from pre-cut-off columbaria depended, to a large extent, on whether the applicants had already complied with all the requirements stipulated in PCO and the requirements specified by the Private Columbaria Licensing Board ("PCLB") at the time of application, and whether the applications were accompanied by all the required documents. So far, the majority of the private columbaria had not submitted all the required supporting documents and

information. Furthermore, in many cases, clarifications had to be sought or provision of supplementary information was required. There was a suggestion that the Administration should consider setting a deadline for private columbaria's submission of the required documents and information, in order to facilitate PCAO's processing and PCLB's determination of the applications. Some members took the view that enforcement actions should be taken if private columbaria failed to submit the required information by the close of the deadline. The Administration assured members that for long outstanding information and supporting documents, PCAO would repeatedly remind the applicants of the submission. PCAO would continue to maintain close contact with the relevant departments and the applicants in order to complete the vetting work and submit as soon as possible the applications to PCLB for determination.

28. Seeing a growing demand for and a need to increase the supply of public niches, the Panel supported without dissent the proposed construction of (a) a columbarium block and a garden of remembrance ("GoR") at On Hing Lane, Shek Mun in Sha Tin and (b) columbarium blocks and a GoR in undeveloped areas within the Sandy Ridge Cemetery in the North District. When discussing with the Administration these two proposed columbarium development projects, some members expressed concern about the impact of the Shek Mun project on the traffic and pedestrian flow. A motion was also passed requesting that facilities be provided under the two projects for keeping stillborn foetuses/abortuses of less than 24 weeks' gestation and/or scattering of their ashes. The Administration subsequently advised that FEHD and ArchSD had studied the matter and considered that *prima facie* it was feasible. The two departments would proactively follow up members' request.

Hawker management

29. The five-year Hawker Assistance Scheme for licensed hawkers operating in 43 fixed-pitch hawker areas ("the Hawker Assistance Scheme") ended in June 2018. During the session, the Panel discussed with the Administration on two occasions and received views at one of these meetings from interested parties on the outcome of the Hawker Assistance Scheme and the proposed arrangements for re-allocation of 423 vacant pitches made available after the completion of the Scheme. Members were concerned how the Administration arrived at the aforesaid figure of vacant pitches considered as suitable for re-allocation and the rationale behind the Administration's decision not to re-allocate all the vacant pitches, although 854 eligible hawkers had surrendered their licences. Members queried the justifications for apportioning the vacant pitches equally among four categories of applicants (i.e. (a) licensed newspaper hawkers, (b) licensed itinerant hawkers, (c) registered hawker assistants with five years' or more experience and (d) members of the general public satisfying some basic criteria). Some members shared the deputations' views that more vacant pitches should be set aside for allocation to experienced registered hawker assistants (e.g. those with seven years' or more experience) as this group of

applicants could apply their experience more readily in the hawking business, which in turn would help enhance the vibrancy of the hawker areas.

30. The Administration explained that although 854 vacant pitches were released as a result of the surrender of hawker licences for ex-gratia payment, some of the vacated pitches were not suitable for re-allocation due to reasons such as road safety concerns, improvement to address obstruction to passageways/roads, environmental hygiene considerations, as well as pitches being situated in private areas. Given the limited number of vacant pitches suitable for re-allocation, the pitch allocation mechanism must be fair and impartial, with all eligible persons being given a reasonable opportunity to enter the trade. In allocating hawker pitches, which were public resources, the Administration proposed to apportion the 423 vacant pitches equally among four categories of applicants. The Administration took the view that assistants employed by licensed hawkers should not be treated differently from members of the public who were also non-licensed hawkers and interested in joining the hawking trade. The current proposal of setting aside one-fourth of the pitches to registered hawker assistants already gave them a greater chance of being allocated a pitch, when compared with the chance of success of the general public.

31. Members maintained the view that the Administration should introduce measures for the sustainable development of the hawking trade. Five motions were passed by the Panel urging the Administration to, among others, formulate a blueprint for the development of the hawking trade, set up new fixed-pitch hawker areas, issue new hawker licences, and adjust the proportion of vacant pitches reserved for re-allocation to registered hawker assistants. To address members' concern about the design of the pitch allocation mechanism, the Administration undertook to consult the relevant DCs with vacant pitches to be re-allocated before finalizing the allocation arrangements. At the Panel's request, the Administration will revert on the outcome of the consultation with DCs and the finalized arrangements for re-allocating the vacant pitches at the meeting in July 2019.

Issues relating to agriculture and fisheries

Establishment of an Agricultural Park (Phase 1) in Kwu Tung South

32. When the Panel was consulted on the Administration's proposal to take forward the establishment of Phase 1 of the Agricultural Park ("Agri-Park") in Kwu Tung South, members raised concerns about the design, operation and management of the Agri-Park, the impact of the proposed road and construction works on existing farmland and the environment, as well as the relocation arrangements for farmers affected by the works project. According to the Administration, three households (about 12 people) and 13 farms operating within the area would be affected by the proposed road works (i.e. the

construction of a 7.3 metres wide single two-lane carriageway connecting the Agri-Park with Tsiu Keng Road and Fan Kam Road). The Administration assured members that to minimize the impact, it would endeavour to relocate the affected farmers to other farmland in the Agri-Park prior to commencing the proposed road and other construction works in their affected farmland. A timetable for this purpose would be worked out to ensure a seamless relocation of the affected farmers.

33. Members in general were supportive of the policy direction of the proposed establishment of the Agri-Park. In order to better understand the project scope and the justifications for constructing the proposed two-lane carriageway, the Panel conducted a visit to the proposed site for the Agri-Park in February 2019. The Public Works Subcommittee subsequently endorsed the funding proposal at its meeting on 26 April 2019.

Strengthening the management of licensed fish farms

34. In this session, the Panel discussed with the Administration the measures adopted to facilitate the sustainable development of the mariculture industry. Majority of members supported the Administration's proposals to (a) designate new fish culture zones ("FCZs") at suitable locations in Hong Kong waters, (b) resume the issuance of new marine fish culture licences ("MFCLs") for operation in the new FCZs to fish farmers for business expansion and new entrants interested in venturing into modernized fish farming, and (c) issue new MFCLs for the six existing FCZs which had been identified as having surplus carrying capacity so as to better utilize their production capacity. Some members, however, had grave concern about the other proposal to strengthen the management of licensed marine fish farms by adding conditions for licence renewal to ensure that the fish farms would be actively used for sustainable mariculture. Deputations were invited to give views on this specific proposal at a special meeting of the Panel. Members shared the deputations' concern that the proposed mariculture standards (suggesting that (i) raft area should be the same as licensed area, (ii) cage area should not be less than 70% of the raft area, and (iii) fish farm should achieve a minimum production of 10 kg/m²) were too stringent.

35. The Administration responded that AFCD, as the licensing authority, had the responsibility to ensure that existing licensed fish rafts were fully used for mariculture purpose and to improve the current idling situation of some fish rafts. In drawing up the proposed mariculture standards, which were used as the starting point for discussion, AFCD had taken into consideration the existing mariculture practices of fish farmers, environmental factors and cost analyses. The Administration stressed that AFCD's intention was to formulate objective and appropriate standards for the purpose of strengthening the management of existing mariculture activities. The Administration had given an assurance that AFCD would continue to listen to the views of the mariculture sector on the

feasibility of the proposed standards, the implementation timetable and the technical support required. AFCD would only implement the new standards after thorough discussion with the trade.

Registration of fishing vessels

36. According to the Administration, due to some justifiable reasons rather than faults or negligence on the part of the concerned fishermen, some vessel owners had failed to register with AFCD their fishing vessels that had all along been used for fishing before the commencement of the Fisheries Protection (Amendment) Ordinance 2012 on 15 June 2012 ("the commencement date"). One major reason was that the vessels concerned did not possess a valid operating licence issued by the Marine Department on the commencement date in accordance with section 14(1)(a) of the Fisheries Protection Ordinance (Cap. 171) ("FPO"). Under FPO, the Director for Agriculture, Fisheries and Conservation, however, did not have any discretionary power to consider registration of such vessels. Against this background, the Administration proposed, after a review, to amend FPO for accommodating the registration of such vessels.

37. With members' support for the legislative proposal, the Administration informed members that AFCD would re-open the registration scheme for application for the 319 cases rejected on the grounds that the vessels concerned did not possess a valid operating licence on the commencement date, and also to those vessel owners who did not submit their applications during the registration period. Apart from issuing a press release, AFCD would notify relevant vessel owners of the new arrangements through available contact means.

Issues relating to animal welfare

Proposals to enhance animal welfare

38. The Administration's work in enhancing animal rights and welfare has been a recurrent concern of the Panel. On 26 April 2019, FHB and AFCD issued a consultation document to invite public views on the Administration's proposals to implement enhancement measures to better protect animals through legislative amendments to the Prevention of Cruelty to Animals Ordinance (Cap. 169). In gist, the Administration proposes to (a) introduce the concept of positive "duty of care" on persons responsible for animals; (b) enhance the provisions for prevention of cruelty; and (c) enhance enforcement powers to prevent and protect animals from suffering.

39. While members generally supported the direction to enhance animal welfare, their concerns were related to the implementation details, such as the definitions of "duty of care" and "persons responsible for animals" as well as enforcement powers for safeguarding animal welfare. According to the

Administration, in parallel with the introduction of legislative proposals, it would promulgate Codes of Practice ("CoPs") to give practical and realistic guidance on how good animal welfare could be achieved. CoPs were not meant to be part of the legislation and contravention of which would not constitute an offence *per se*, although it might be cited as a piece of evidence in court proceedings initiated for contravening the legislation. Two motions were passed urging the Administration to, among others, thoroughly consult the public before finalizing the legislative proposals. In anticipation of public concern over the Administration's proposals, the Panel decided to hold a special meeting in July 2019 to receive public views on the matter.

Government's handling of illegal importation of cats and dogs

40. In early March 2019, a dog from an unknown source found on a cargo ship from Thailand was euthanized by AFCD. The incident has aroused both the public's and members' concerns about AFCD's procedures and arrangements for handling animals which entered Hong Kong illegally and incidentally. When responding to members' views and concerns, the Administration stressed the importance of safeguarding public health and preventing the spread of zoonotic diseases, including rabies which could be transmitted by animals, in the community. However, having regard to the public's and members' views on the handling of the afore-mentioned unprecedented case, AFCD would review the procedures and arrangements for handling special cases of illegal animal importation. Members were advised that in the course of review, the Administration would make reference to general handling arrangements adopted by other countries or places, and seek legal and expert advice. The review was targeted to be completed in about three months.

Subcommittee on Issues Relating to Public Markets

41. The Subcommittee on Issues Relating to Public Markets, established under the Panel and commenced operation in March 2018, continued its work in this session. Upon completion of its study, the Subcommittee submitted to the Panel in March 2019 a report setting out its deliberations and putting across a total of nine recommendations including injecting funding into the dedicated fund for the implementation of the 10-year Market Modernization Programme ("MMP"), identifying suitable sites for building new public markets and expediting the implementation of various types of hardware improvement projects to existing public markets. The Panel would follow up various issues, including the implementation of MMP and the management reform of public markets, with the Administration.

Staffing proposal

42. In May 2019, the Panel was consulted on the proposal to create two directorate posts in FEHD, namely, a permanent Administrative Officer Staff

Grade C ("AOSGC") post to take forward measures on market modernization and development of new public markets and a supernumerary post of Senior Principal Executive Officer ("SPEO") for a period of three years for strengthening the planning and management of municipal infrastructure projects. While members had no objection to the proposed creation of the SPEO post, they queried the need for creating the permanent AOSGC post given that a five-year supernumerary AOSGC post was already created in January 2018 to take forward a fundamental review and oversee the implementation of various measures for improving the facilities and management of public markets. The Administration undertook to provide the Panel with supplementary information to justify the creation of the permanent AOSGC post.

Meetings held

43. Between October 2018 and June 2019, the Panel held a total of 12 meetings. In addition to the joint meeting with the Panel on Health Services as mentioned above in paragraph 19 and the special meeting as mentioned in paragraph 39, the Panel has scheduled another meeting in July 2019 to discuss the phased improvements to CFS' information technology system and the Government's support measures for the development of bazaar activities. The Administration would take the opportunity to revert to the Panel on the outcome of the consultation with DCs concerned and the finalized arrangements for re-allocating the vacant pitches (paragraph 31 refers) under the item relating to bazaar development.

Council Business Division 2
Legislative Council Secretariat
24 June 2019

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 2018-2019 session*

Chairman Dr Hon KWOK Ka-ki

Deputy Chairman Hon SHIU Ka-fai

Members

Hon Tommy CHEUNG Yu-yan, GBS, JP
Prof Hon Joseph LEE Kok-long, SBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Claudia MO
Hon Steven HO Chun-yin, BBS
Hon CHAN Chi-chuen
Hon CHAN Han-pan, BBS, JP
Hon KWOK Wai-keung, JP
Dr Hon Helena WONG Pik-wan
Dr Hon Elizabeth QUAT, BBS, JP
Dr Hon CHIANG Lai-wan, SBS, 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-chun
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan
Dr Hon Pierre CHAN
Hon HUI Chi-fung
Hon LAU Kwok-fan, MH
Hon Kenneth LAU Ip-keung, BBS, MH, JP
Hon Jeremy TAM Man-ho
Hon AU Nok-hin
Hon Vincent CHENG Wing-shun, MH
Hon CHAN Hoi-yan

(Total : 28 members)

Clerk Miss Josephine SO

Legal adviser Mr Mark LAM

* Changes in membership are shown in Annex.

Annex to Appendix II

Panel on Food Safety and Environmental Hygiene

Changes in membership

Member	Relevant date
Hon Martin LIAO Cheung-kong, SBS, JP	Up to 14 October 2018
Hon CHAN Chun-ying, JP	Up to 14 October 2018
Hon WONG Ting-kwong, GBS, JP	Up to 15 October 2018
Hon WONG Kwok-kin, SBS, JP	Up to 15 October 2018
Hon LEUNG Che-cheung, SBS, MH, JP	Up to 15 October 2018
Hon LUK Chung-hung, JP	Up to 15 October 2018
Hon Tony TSE Wai-chuen, BBS	Up to 15 October 2018
Hon Abraham SHEK Lai-him, GBS, JP	Up to 17 October 2018
Hon CHEUNG Kwok-kwan, JP	Up to 17 October 2018
Hon Frankie YICK Chi-ming, SBS, JP	Up to 18 October 2018
Hon Starry LEE Wai-king, SBS, JP	Up to 21 October 2018
Hon CHAN Hak-kan, BBS, JP	Up to 21 October 2018
Hon CHAN Hoi-yan	Since 5 December 2018
Hon Alice MAK Mei-kuen, BBS, JP	Up to 21 January 2019
Hon POON Siu-ping, BBS, MH	Up to 21 January 2019