

**LEGISLATIVE COUNCIL PANEL ON
CONSTITUTIONAL AFFAIRS**

**PROBLEMS IN POLICY CO-ORDINATION CONCERNING
FOOD SAFETY AND ENVIRONMENTAL HYGIENE**

INTRODUCTION

During the course of discussion of the Review of District Organisations at the last Panel meeting of 20 July 1998, members requested that the Administration should provide a paper setting out the problem of fragmentation of responsibilities between the Municipal Councils (MCs) and the relevant Government agencies and how the current system hampers policy co-ordination in food safety and environmental hygiene services.

2. This paper sets out the current division of responsibilities between the MCs and relevant government agencies and the problems in policy co-ordination.

CURRENT DIVISION OF RESPONSIBILITIES

3. The major bodies involved in food safety and environmental hygiene are the two Municipal Councils (MCs), (Provisional Urban Council and Provisional Regional Council), the Urban Services Department (USD) and Regional Services Department (RSD), the Health and Welfare Bureau (HWB), the Department of Health (DH), the Economic Services Bureau (ESB), the Agriculture and Fisheries Department (AFD), the Planning, Environment and Lands Bureau (PELB), the Environmental Protection Department (EPD) and the Hospital Authority. Their respective functions are summarised below, and illustrated in a diagram at Annex A.

Municipal Councils and Municipal Services Departments

4 The MCs are statutory bodies which enjoy a high degree of autonomy in setting policies and utilising resources in the provision of services and facilities within their respective regions. They are financially autonomous and have powers to make by-laws applicable to their respective region under the Public Health and Municipal Services Ordinance (Cap. 132). The two Municipal Services Departments are the executive arms of the MCs. The MCs are responsible for a host of food safety related functions, including the licensing and inspection of food premises (such as food factories, restaurants, fresh provision shops), management and hygiene of markets, meat inspection in

abattoirs, licensing of private slaughterhouses, etc. They are also the major bodies responsible for environmental hygiene, including street cleansing, pest control, waste collection, and control of disposal of the dead.

Department of Health

5. The Department of Health is the Government's health adviser and the agency for executing health care policies and statutory functions. The Hygiene Division of DH is responsible for the control of food safety of imported and locally produced food. For example, the Division issues import approval for frozen confections, chilled game, meat and poultry, etc. It runs a regular food surveillance programme, taking food and vegetable samples for laboratory testing at the import, wholesale and retail levels. The Division also provides advice to the two MCs on pest control and health education. These functions executed by the Division are funded by the two MCs.

Agriculture and Fisheries Department

6. The AFD is responsible for the control measures on live animals and poultry from farms, import and wholesale market levels, and related matters such as pesticides control and the monitoring of red tides. It is also responsible for licensing of dairies and the prevention and control of diseases transmissible from animals to man such as rabies.

The Environmental Protection Department

7. The EPD is responsible for waste disposal and reduction, and the prevention and control of air, noise and water pollution.

Policy Bureaux

8. DH reports to the Health and Welfare Bureau, AFD reports to the Economic Services Bureau (except for Country Parks and nature conservation, which are the policy responsibility of PELB) and EPD reports to the Planning, Environment and Lands Bureau.

9. The Hospital Authority is an independent statutory body responsible for the management and control of all public including treatment of communicable and food-borne diseases. Health & Welfare Bureau is responsible for overall health services policy.

Food Safety Legislation

10. The power to make subsidiary legislation on food safety is split between DH and the MCs. Under the Public Health and Municipal Services Ordinance (Cap. 132)(the "Ordinance"), DH is responsible for making food safety related regulations covering areas such as artificial sweeteners, metallic

contamination, harmful substances, preservatives, mineral oil in food, composition and labelling, and those related to imported game, meat and poultry, etc. (collectively “the Food Regulations”). Under Section 55 of the Ordinance, the Director of Health has the power to amend the Food Regulations made under the Ordinance. However, prosecutions under the Food Regulations have to be brought in the name of the MCs. In parallel with DH, the MCs are also entrusted with the power to make food safety related by-laws such as those related to food premises, frozen confections, milk, slaughterhouses, markets, etc. Such by-laws have to go through the negative resolution procedure of the Legislative Council.

Hygiene Services Committee

11. To facilitate liaison and co-ordination between the Municipal Councils and other relevant government departments, an administrative co-ordinating body called “Hygiene Services Committee” has been set up. The Committee is chaired by the Director of Health and comprised of members drawn from the two MCs, the two Municipal Services Departments, and other relevant departments such as AFD. They meet at periodic intervals during normal times, and frequently during a “food crisis” or epidemic outbreaks such as cholera.

PROBLEMS ENCOUNTERED

12. The existing problems concerning the fragmentation of responsibilities in food safety and environmental hygiene have been briefly discussed in the “Consultation Document on the Review of District Organisations” published and circulated to Members in June 1998. (see in particular paragraphs 5.3 to 5.7). The main problems are as follows :-

- (a) **There is fragmentation of responsibilities between the Municipal Councils and the Government bureaux and departments. This has led to a lack of a central point of direction for the overall co-ordination and direction on food safety and environmental hygiene matters.** The responsibilities are split among a number of government departments. The MCs and the Municipal Services Departments are not accountable to any Government bureaux. As the Hygiene Services Committee is only a co-ordinating body, the Director of Health’s power to give directions is somewhat limited, and the Committee itself has no power to make binding decisions on any particular department or the Municipal Councils. In case of incidents such as massive outbreak of food-borne diseases, the Hygiene Services Committee and sometimes ad hoc inter-departmental committees would be convened to co-ordinate the activities of Government departments concerned. However, some lead time is required for the different

bureaux/Councils/departments involved to reach any consensual decisions and then act on them;

- (b) the lack of a central point of direction also **undermines our ability to deal with large scale food safety or environmental hygiene emergencies**, which by nature require quick central decision and large scale mobilisation of resources among different departments/bodies within very limited time;
- (c) the current division of responsibilities has adversely **affected efficiency in delivery of services and policy co-ordination** in some cases. An example is the sub-optimal use of resources in waste management as waste collection and transportation services are undertaken by the two MCs and Municipal Services Departments in their respective region, preventing the optimum deployment of resources;
- (d) also as a result of fragmentation, there **has not been an overall integrated approach to food safety and environmental hygiene issues**. Recent incidents in both Hong Kong and overseas concerning Bovine Spongiform Encephalopathy, E. coli O 157(H7), and Avian Flu, etc, have shown that our traditional food safety and environmental hygiene control mechanisms are not well equipped to meet new problems and new challenges. With the emergence of new developments such as novel foods, antibiotic resistant pathogenic micro-organisms, coupled with aggravating factors such as increasing mobility, deteriorating ecosystem and ageing population, the challenges ahead are great. Any positive new approach to the problem would require the concerted efforts of the Government, professional input, international co-operation and the support of the community under the lead of a government agency;
- (e) the problem of fragmentation of responsibilities over food safety and environmental hygiene is **complicated by the fact that the two MCs have authority to make different by-laws with different standards applicable to their respective areas**, although in practice they do make an effort to “harmonise” the standards by co-operation between the two municipal services departments (USD/RSD).

Third Parties Comments

13. A number of medical associations and medical experts have expressed concern about the problem of fragmentation of responsibilities among various agencies in the areas of food safety and environmental hygiene in their submissions to the Administration in response to the Consultation Document. Copies of these submissions have been reproduced in the Compendium published in early September 1998. (The Compendium has been made available to Members for reference.)

Constitutional Affairs Bureau

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Organisational Structure concerning Food Safety and Environmental Hygiene

