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the Administration)

Panel on Food Safety and Environmental Hygiene

Minutes of Special Meeting
held on Monday, 17 October 2005 at 9:35 am
in the Chamber of the Legislative Council Building

- Members Present** : Hon Fred LI Wah-ming, JP (Chairman)
Hon WONG Yung-kan, JP (Deputy Chairman)
Hon Bernard CHAN, JP
Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Vincent FANG Kang, JP
Dr Hon Joseph LEE Kok-long
Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki
- Members Attending** : Hon CHAN Yuen-han, JP
Hon Howard YOUNG, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon WONG Kwok-hing, MH
- Public Officers Attending** : Dr York CHOW
Secretary for Health, Welfare and Food
- Mrs Carrie YAU
Permanent Secretary for Health, Welfare and Food
- Mr Gregory LEUNG
Director of Food and Environmental Hygiene
- Mr Thomas CHAN
Director of Agriculture, Fisheries and Conservation

Clerk in Attendance : Mrs Constance LI
Chief Council Secretary (2)5

Staff in Attendance : Miss Betty MA
Senior Council Secretary (2)1

Miss Josephine SO
Council Secretary (2)1

Ms Anna CHEUNG
Legislative Assistant (2)5

Action

I Briefing by the Secretary for Health, Welfare and Food on the Chief Executive's Policy Address 2005/2006

[LC Paper Nos. CB(2) 26/05-06(01)&(02)]

Secretary for Health, Welfare and Food (SHWF) briefed members on the Administration's paper on the policy initiatives relating to food safety and environmental hygiene covered in the 2005-06 Policy Address. SHWF said that the new initiatives included –

- (a) setting up a new Food Safety, Inspection and Quarantine Department (FSIQD) to improve government's work in food safety;
- (b) formulating measures to streamline food business licensing; and
- (c) reviewing policies related to the provision of cemeteries, columbaria and crematoria facilities and providing more facilities to meet future demand.

As regards the progress on implementation of 2005 policy initiatives, SHWF informed members that the Administration would continue to –

- (a) examine the feasibility of developing a medium-sized poultry slaughtering plant to reduce the risk of human infection of avian influenza;
- (b) regulate restricted dining places to safeguard public health;
- (c) launch an accreditation scheme for seawater suppliers and introduce legislation to prohibit the abstraction of seawater from specified areas

Action

along the coast for keeping live seafood with a view to enhancing the quality of fish tank water for protection of public health;

- (d) develop a multi-pronged strategy to minimise the risk of avian influenza outbreaks;
- (e) draw up proposals to promote sustainable development of the fishing industry and to conserve fisheries resources in Hong Kong waters;
- (f) improve overall food safety and control on agriculture and fisheries operations that had an impact on public health or the environment;
- (g) review the regulatory framework for animals and birds for the purpose of enhancing health and food safety;
- (h) evaluate the implementation of the concept of “From Feed to Table” to ensure food safety; and
- (i) make improvements to food labelling scheme.

2. SHWF further briefed members on the Administration’s plan to re-organise the Food and Environmental Hygiene Department (FEHD) and the Agriculture, Fisheries and Conservation Department (AFCD) to enhance food safety and veterinary public health control in Hong Kong, as detailed in the Administration’s paper.

Re-organisation of the food safety regulatory framework

3. Mr WONG Kwok-hing supported the re-organisation proposal and the proposed creation of an additional post of Permanent Secretary in the Health, Welfare and Food Bureau (HWFB) to relieve the heavy workload of SHWF. Mr WONG, however, considered that the proposed names of the two new departments, i.e. FSIQD and the Agriculture, Environmental Hygiene and Conservation Department (AEHCD), were clumsy in both English and Chinese. He suggested using more concise names for the new departments. Mr TAM Yiu-chung expressed a similar view regarding the names of the new departments.

4. SHWF said that the names of the new departments aimed to highlight their respective major functions and roles. He did not wish to give the stakeholders a wrong impression that the Administration attached less importance to certain policy areas if they were not included in the names of the departments.

5. Mr WONG Kwok-hing asked which new department would oversee the regulation of chicken-rearing in local farms and the safety of chickens for human consumption, and which department would be responsible for preventing and monitoring avian influenza outbreaks.

Action

6. SHWF said that under the existing structure, AFCD had conflicting roles in that while it regulated animals and plants, vegetables and seafood on the one hand, it had the responsibility of facilitating the development of the agriculture and fisheries industries on the other hand. Under the reorganisation plan, the regulation of animal plants and food would be taken out of AFCD, so that one department would be responsible for functions of food safety, inspection and quarantine, while the other would be responsible for functions of facilitating the development of the agricultural and fisheries industries. SHWF emphasized that the two new departments would have clear delineation of responsibilities. SHWF further said that in the event of an avian influenza outbreak, he would be the overall coordinator because it involved not only food safety but also public health matters.

7. Mr Andrew CHENG said that he personally supported the plan to re-organise the food safety regulatory framework, as the schedule of SHWF was too heavy. Given the increasing public concern over safety of food imported into Hong Kong, the Administration should rationalise the distribution of responsibilities among bureaux and transfer the welfare portfolio to another bureau, so that SHWF could concentrate on matters relating to health, food safety and environmental hygiene. Mr CHENG further said that he had no strong views on the names of the new departments. He considered that as most of the food on sale in Hong Kong came from the Mainland, the new FSIQD should work closely with its counterparts in the Mainland to enhance the regulation of food at source.

8. SHWF said that matters relating to food, health and welfare were related, and any proposal of splitting up the policy portfolios under HWFB would require very careful consideration. Regarding regulation of food at source, SHWF said that the communication between the Administration and the Mainland authorities had much improved. Both sides had agreed to notify the other side immediately when there were major food incidents affecting the other side. FEHD staff would also conduct regular and random inspections at designated/approved supply sources in the Mainland. A formal agreement would be signed between the Administration and the General Administration of Quality Supervision, Inspection and Quarantine shortly.

9. Mr TAM Yiu-chung expressed support for the Administration's reorganisation plan which responded to the community's call for enhancing food safety in Hong Kong. He, however, expressed concern about the delineation of responsibilities between the proposed Director of FSIQD and the Controller of the Centre for Food Safety (CFS) in respect of food safety issues. Mr TAM said that the Government advisory committees on food safety mainly comprised medical professionals, the Administration should consider enlarging the membership to include veterinarians and representatives from the food business industry.

10. SHWF explained that the proposed Controller, CFS must have the professional knowledge and experience in public health and food safety, and he/she would focus on food safety matters. The Director of FSIQD would direct the operation of CFS and

Action

also that of the department. In addition, Director of FSIQD would have to communicate and liaise with senior officials of the Mainland, overseas food safety and veterinary regulatory authorities, and other international organisations. There was a need for these duties to be taken up by two Directorate Officers at D4 and D6 level respectively.

11. SHWF said that the Administration would also expand and strengthen the existing consultative framework on food safety issues. The Administration would invite experts, academics, representatives of consumers and the food business industry to join the advisory committees. SHWF stressed that food safety could only be ensured through tripartite collaboration between the Government, the industry and the community.

12. Mr Howard YOUNG asked whether the Administration had made reference to overseas experience, such as the Food and Drug Administration in the United States (US) in designing the new structure for the control of food (and health food) and drugs in Hong Kong. Mr YOUNG further asked whether the Administration had assessed the impact on traffic at the border, after stepping up the control and consignment checks of food products at the border control points.

13. SHWF said that unlike the situation in US, most of the food products for sale in Hong Kong were imported, and it was important for Hong Kong to ensure the safety of imported food. SHWF added that Director of Health was currently responsible for the regulation of drugs and health food, and the Administration had no plan to put food and drugs under one authority.

14. SHWF further said that inspections for imported food were presently conducted at border control points, and samples for testing were mainly taken from meat and poultry on the basis of risk assessment. He considered it most effective to ensure food safety at source, so that inspections at the border would mainly involve document verification. To exercise control at source, additional resources would be required, and he hoped that members would support the financial proposal. SHWF added that more inspections and sample checks would be conducted on high-risk food items when necessary, and this should not lead to traffic congestion at border control points.

15. Miss CHAN Yuen-han expressed support for the re-organisation proposal. She added that the policy portfolios of HWFB should be re-distributed as SHWF was over-loaded. Regarding the re-organisation proposal, Miss CHAN asked which department would be responsible for street cleaning, and how the re-deployment of posts would be carried out. The Chairman also asked which department would be responsible for the hygiene conditions of public markets.

16. SHWF advised that under the reorganisation plan, resources within FEHD and AFCD would be pooled together and redistributed. All functions relating to maintaining environmental hygiene, facilitating development of the agriculture and

Action

fisheries industries and conserving the nature would be taken up by the new AEHCD. Referring to Appendix 4 of the Administration's paper, SHWF explained that AEHCD would be responsible for maintaining environmental hygiene in public markets, while FSIQD would oversee the safety of food sold at markets. If AEHCD staff identified any irregularities concerning food safety, they would refer the matter to the new FSIQD for follow-up actions.

17. Director of Food and Environmental Hygiene (DFEH) added that under the reorganisation plan, all functions concerning food safety and related matters in FEHD and AFCD would be transferred to the new FSIQD, and the remaining functions of FEHD and AFCD would be taken up by the new AEHCD.

18. Dr KWOK Ka-ki agreed that creation of additional posts could help alleviate the heavy workload of SHWF. Dr KWOK, however, expressed disappointment that the proposed food safety regulatory framework was for administrative convenience only. Dr KWOK said that to his knowledge, the food regulatory authorities in some overseas countries were of a much higher level headed by experts in health and food safety fields. Dr KWOK asked about the objectives of the reorganisation proposal, and how the proposal would strengthen the control of food and prevent the recurrence of food incidents.

19. SHWF said that as Hong Kong practised free trade, a great variety of food products could be imported into Hong Kong. While the free trade policy would be maintained, it was necessary to step up the control of safety of food at source. Given that nearly 90% of food came from the Mainland, the Administration would improve the communication with the Mainland authorities to better exercise control at source. To enhance the food regulatory functions, the Administration would need to engage additional professional staff and pool together existing resources. SHWF explained that, as in other countries, regulatory functions must be performed by a government body with statutory powers.

20. Mr WONG Yung-kan asked about the specific measures to be put in place to promote sustainable development of agriculture and fisheries industries in Hong Kong after the reorganisation. Mr WONG said that some staff in the departments were concerned that the reorganisation might lead to redundancy of staff.

21. SHWF said that he and his staff had discussed with the agriculture and fisheries industries the development of such industries in Hong Kong. SHWF further said that as he had explained to the industries, the potential for further development of agriculture and fisheries in a densely populated city like Hong Kong was extremely limited. The Government would continue to explore ways to facilitate high-yield agriculture and fisheries activities, such as the development of accredited farms, organic farming and offshore fishing.

Action

22. SHWF added that the Administration had no plan to reduce the number of staff in the departments concerned upon reorganisation, but there would be re-deployment of posts. DFEH and Director of AFCD advised that they did not envisage that the reorganisation would lead to staff redundancy.

23. Mr Vincent FANG expressed support for the reorganisation plan. While he supported strengthening control of food safety at source and enhancing communication with the Mainland, he expressed concern whether there would be adequate supply of health professionals and experts for enhancing the inspection work on food imported from other countries/places.

24. SHWF responded that there was only a limited number of professionals and experts in the existing departments, and additional professionals/experts would have to be recruited to carry out the enhanced work of food safety control under the reorganisation plan.

25. Dr Joseph LEE expressed support for the reorganisation plan and raised the following questions -

- (a) whether enhancing the control of safety of food at source would also apply to those food imported from countries/places other than the Mainland;
- (b) whether additional resources would be provided for recruiting more front-line staff to conduct inspections and food tests; and
- (c) whether an accreditation scheme for food would be implemented to enhance food safety standards and public confidence in food.

26. SHWF replied that control of food safety at source would cover all imported foods based on risk assessment. Additional resources would be provided for the Government Laboratory for conducting food tests. He pointed out that over 40 000 food samples were taken in a year for testing in the past two years, and that testing for over 60 000 food samples had been conducted this year. SHWF said that with the enhanced control at source, it might not be necessary to conduct so many food tests. However, if the quantity of food imported from a particular place was very small, it would be difficult to exercise control at source, and it was still necessary to maintain the food surveillance programme based on risk assessment. SHWF added that the new FSIQD would consider the proposed accreditation scheme for food products.

27. The Chairman requested the Administration to provide information on the

Action

Admin

numbers of directorate posts and non-directorate posts under the proposed structure and the additional resources required for the reorganisation. SHWF responded that Annex 3 of the Administration's paper provided an outline of the proposed organisation structure of FSIQD at directorate level. The Administration had yet to work out the organisation structure for non-directorate posts. SHWF added that the Administration would revert to the Panel on the details of the reorganisation plan.

28. Noting from Annexes 3 and 6 of the Administration's paper that one directorate post at D2 level and two directorate posts at D1 level were proposed to be created in the new FSIQD, and that one Permanent Secretary post pitched at D8 level would be created in HWFB, Mr Tommy CHEUNG asked whether the creation of these new posts would be offset by deletion of a corresponding number of directorate posts in the civil service.

29. SHWF said that the new directorate posts to be created as detailed in the paper were the minimum requirement. Additional professional staff would be required to handle the increasing volume of work related to food safety and veterinary public health.

30. The Chairman said that while he supported strengthening control of food safety at source, he wondered whether the proposed reorganisation plan could effectively achieve the objective. It was therefore necessary for Members to carefully examine the reorganisation proposal to ensure cost-effectiveness of the proposal. The Chairman asked whether the Administration would consider filling the proposed Permanent Secretary post in HWFB by an expert in health and food safety, and not an Administrative Officer. The Chairman further asked whether legislative amendments were necessary to effect the reorganisation plan.

31. SHWF responded that under the existing civil service structure, Permanent Secretary posts were filled by Administrative Officers. Serving Administrative Officers with knowledge and experience in food safety and public health were available for taking up the new duties. SHWF said that the new FSIQD would review the food safety standards and aim at compliance with the international standards. Apart from exercising control at source, regular food surveillance would continue to be carried out based on risk assessment. SHWF further said that it was necessary to amend the legislation to reflect the statutory functions and powers of the new departments, while other legislative proposals to enhance control of food safety and environmental hygiene would be introduced after the reorganisation came into effect.

Long-term policy on live chickens

Action

32. Mr Andrew CHENG expressed concern about the slow progress of the proposal of developing a medium-sized poultry slaughtering plant. Mr CHENG urged that the Administration should expedite action, since the World Health Organisation (WHO) had issued alerts on the threat of global avian influenza outbreaks.

33. SHWF responded that the Administration would make public, by the end of 2005, the findings of the consultancy study to explore the commercial viability of private sector involvement in the development of a poultry slaughtering plant. The Administration would inform the public of the way forward and implementation timetable concerning central or regional slaughtering of chickens. SHWF added that according to WHO, the risk of human to human transmission of avian influenza had not increased, but the global risk of poultry infection of the H5N1 virus had increased. The avian influenza preventive and surveillance programme put in place in Hong Kong had remained very effective so far.

34. Mr Vincent FANG said that while the Administration had repeatedly stressed that there was limited prospect for the development of agriculture and fisheries industries in Hong Kong, the Administration had still not made clear its long-term policy and concrete proposal on live chickens. Mr FANG considered that the Administration should let the industry know the way forward as soon as possible, so that the industry could take a decision on whether to continue operation. Mr FANG further said that the Administration should assess the impact on poultry traders and workers, and assist them to change to other trades.

35. SHWF said that as most Hong Kong people preferred freshly slaughtered chickens to chilled chickens, the Administration had not forced upon the poultry industry to stop selling live chickens. Instead, a voluntary surrender of licence scheme had been introduced. The Administration would take a decision on the development of a poultry slaughtering plant by the end of 2005, and make available the implementation plan and timetable. SHWF added that a period would be allowed for the industry to adjust to the new mode of operation.

36. Mr Tommy CHEUNG said that he could not understand why the Administration had to maintain the maximum capacity of chickens in local farms at 2 million. In his view, the Administration aimed to limit the supply of live chickens and push up their retail price, so that consumers would shift to buy chilled chickens. Mr CHEUNG further said that he opposed the proposed implementation of regional slaughtering of live chickens, as central slaughtering of live geese and ducks had proven to be unsuccessful.

37. SHWF said that to safeguard public health, the Administration had reviewed the risk management of live poultry in Hong Kong and concluded that the live poultry population should be reduced, in order to reduce the risk of an epidemic outbreak of avian influenza in Hong Kong.

Action

Measures to prevent avian influenza outbreaks

38. Ms Emily LAU said that recent avian influenza outbreaks in some European countries had aroused wide international concern about a pandemic influenza outbreak. Ms LAU asked whether the Administration would attend international conferences on avian influenza outbreaks to keep abreast of the latest developments. Ms LAU also expressed concern about the notification mechanism between Hong Kong and the Mainland on an avian influenza outbreak. She asked whether and when the Administration was notified of the latest case of an avian influenza outbreak in the Mainland.

Admin 39. SHWF said that Hong Kong had put in place all available effective measures to prevent an outbreak of avian influenza. In Hong Kong, live poultry farmers were required to comply with specified biosecurity measures. In addition, compulsory vaccination for all imported and local chickens was introduced. SHWF agreed to provide information on the last H5N1 avian influenza case in the Mainland after the meeting.

(Post-meeting note : The Administration's response on a recent case of avian influenza outbreak in the Mainland was issued to members vide LC Paper No. CB(2)155/05-06(01) on 24 October 2005.)

40. Regarding the communication system between Hong Kong and the Mainland, SHWF said that point-to-point communication was established with the health authorities via phone and fax etc. SHWF further said that in view of Hong Kong's renowned experience in tackling previous avian influenza outbreaks, health officials from Hong Kong were invited to attend international conferences to share experience in this regard. Moreover, some places also sent samples of H5N1 viruses to Hong Kong for testing.

41. Dr Joseph LEE said that there was increasing concern about the risk of transmission of H5N1 virus by migratory birds. He asked about the surveillance measures adopted for wild birds so far.

42. SHWF said that surveillance measures for wild birds included taking samples of wild birds' droppings for testing, and daily surveillance of wild birds in Mai Po Nature Reserve by AFCD staff to detect any abnormalities. On discovering dead birds, AFCD staff would immediately follow up and conduct tests to ascertain whether such deaths were caused by H5N1 virus.

Quality of seawater for keeping live seafood

43. Dr Joseph LEE asked about the timetable for introducing legislation to prohibit the abstraction of seawater from specified areas for keeping live seafood, in order to enhance the quality of fish tank water for protection of public health.

Action

44. SHWF said that seawater suppliers were presently encouraged to exercise self-regulation to provide reliable seawater supply. However, as the overall situation was not very satisfactory, the Administration was considering introducing legislation to prohibit the abstraction of seawater from specified areas.

45. Mr Tommy CHEUNG said that the Administration's legislative proposal only sought to ensure the quality of seawater used for keeping seafood at restaurants. The proposal failed to address the problem at source, i.e. at the points of supply and during transportation of seawater. SHWF responded that operators of seafood restaurants and retail stalls had the responsibility to make sure that their seawater for keeping live fish was from reliable sources.

Regulation of "private kitchens"

46. Mr Tommy CHEUNG considered it unnecessary for the Administration to pursue the legislative proposal to regulate restricted dining places, as many private kitchens had ceased operation. For those which continued business, most of them had already obtained certificates for compliance as club-houses.

47. SHWF agreed that the Administration should be prudent in taking a decision on whether a new regulatory framework and licensing requirements should be introduced for restricted dining places. The Administration would brief the Panel on the proposal at the next regular meeting on 8 November 2005.

48. Mr Tommy CHEUNG said that he would request a written response to his supplementary questions which he did not have time to raise at this meeting.

(Post-meeting note : The Administration's written response to supplementary questions raised by Mr Tommy CHEUNG was circulated to members vide LC Paper No. CB(2) 155/05-06(02) on 24 October 2005.)

49. The Chairman said that as the Administration planned to implement the reorganisation plan around 1 April 2006, the Panel would convene special meeting(s) to examine the reorganisation plan. The Chairman requested the Administration to provide more details about the reorganisation plan and the necessary legislative amendments for discussion by the Panel.

Admin

50. There being no other business, the meeting ended at 10:40 am.

Action

Legislative Council Secretariat
22 November 2005