

立法會
Legislative Council

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(These minutes have been seen
by the Administration)

Panel on Food Safety and Environmental Hygiene

Minutes of Special Meeting
held on Tuesday, 4 July 2006 at 4:30 pm
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 Andrew CHENG Kar-foo
Hon Tommy CHEUNG Yu-yan, JP
Hon Vincent FANG Kang, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki
- Member attending** : Hon WONG Kwok-hing, MH
- Members absent** : Hon Bernard CHAN, GBS, JP
Hon TAM Yiu-chung, GBS, JP
Dr Hon Joseph LEE Kok-long, JP
- Public officers attending** : Mrs Carrie YAU
Permanent Secretary for Health, Welfare and Food
(Food and Environmental Hygiene)
- Mr Vincent LIU
Acting Deputy Secretary (Food & Environmental Hygiene)/
Principal Assistant Secretary (Food & Environmental Hygiene) 2
Health, Welfare and Food Bureau

Ms Rhonda LO
Assistant Director (Operations)³
Food and Environmental Hygiene Department

Dr Tina MOK
Principal Medical Officer (Risk Management)
Food and Environmental Hygiene Department

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

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

Ms Anna CHEUNG
Legislative Assistant (2)⁵

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I Proposed legislation to require separate licences for the sale of fresh meat and chilled/frozen meat and arrangements for the importation of chilled pork from the Mainland
[LC Paper No. CB(2) 2633/05-06(01)]

The Chairman said that the special meeting was convened to discuss the Administration's proposed legislation to prohibit the sale of fresh and chilled meat in the same fresh provision shop or market stall, which would be gazetted on 7 July 2006.

2. Permanent Secretary for Health, Welfare and Food (Food and Environmental Hygiene) (PS(FEH)) briefed members on the Administration's plan to prohibit the sale of fresh beef/mutton/pork and chilled beef/mutton/pork in the same fresh provision shop or market stall. PS(FEH) explained that it was Government's intention that the sale of fresh and chilled meat should be sold at different premises. However, to maintain the existing level of convenience to consumers, the sale of fresh and chilled meat at the same premises would be allowed provided that the chilled meat was pre-packaged and had been properly marked and labelled before distribution to the fresh provision shops or market stalls. It would be an offence for any person to sell, offer or expose for sale, or possess for sale fresh beef/mutton/pork and chilled beef/mutton/pork at the same premises. Contravention of the offence would lead to a maximum fine of \$50,000, imprisonment for six months and a daily fine of \$900, if applicable. PS(FEH) added that the Food and Environmental Hygiene Department (FEHD) would impose additional licensing requirements and conditions on the fresh provision shops and market stalls selling beef, mutton or pork.

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3. The Chairman noted that the amendment regulation would come into operation six weeks after gazettal of the amendment regulation and asked about the preparatory work during the six-week period. PS(FEH) responded that the Administration would brief the trade on the amendment regulation and assist the trade to make the necessary adjustments.

4. Dr KWOK Ka-ki said that while he welcomed the legislative proposal and the importation of chilled pork from the Mainland, he was concerned about the enforcement for the sale of chilled meat. Dr KWOK noted that since 2003, FEHD had discovered 40 cases of food premises involved in the sale or display of chilled meat as fresh meat, and about 50% of the licences/tenancies of such premises or public market stalls had been cancelled or terminated as a result. He asked about the actions taken by FEHD in the remaining cases. Dr KWOK also asked whether FEHD would inspect the existing 337 fresh provision shops to ensure that they complied with the licensing requirements for selling fresh and chilled meat.

5. Assistant Director (Operations)/FEHD (AD/FEHD) responded that in the 20 remaining cases, the licensees or stall holders concerned had lodged appeals against FEHD's decision to cancel/terminate their licences/tenancies. As a result of the appeal, some of these licensees/stall holders had their licences/tenancies suspended for two weeks instead. AD/FEHD said that after the commencement of the amendment regulation on 18 August 2006, FEHD would step up inspection of fresh provision shops that had obtained endorsements for selling fresh meat and fresh and pre-packaged chilled meat. In the meantime, FEHD staff would explain to these licensees and market tenants the additional licensing requirements for selling fresh and chilled meat at the same premises.

6. In response to Dr KWOK Ka-ki's enquiry about the timing for importing chilled pork from the Mainland, PS(FEH) said that the Administration was discussing with the Mainland the commencement date for supply of chilled pork from selected plants in the Mainland to Hong Kong. As the Secretary for Health, Welfare and Food had stated earlier, the Administration expected that chilled pork from the Mainland would be imported around July or August this year, but the quantity would be small in the initial stage. PS(FEH) stressed that Hong Kong could not refuse imports of chilled pork if such meat met Hong Kong's import and hygiene requirements.

7. Dr KWOK Ka-ki asked whether FEHD could trace the origin of the imported chilled meat under the new licensing framework. AD/FEHD explained that the meat traders would have to keep invoices for not less than 60 days to facilitate verification by FEHD staff. Such requirements were currently applied to fresh meat traders. In future, the invoices should show the name and address of the slaughtering plant and the date of slaughtering in addition to the description and amount of meat to facilitate source tracing when necessary.

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8. Mr WONG Kwok-hing was of the view that the Administration had bowed to the pressure of supermarkets in allowing the sale of fresh and chilled meat at the same premises. The trade had criticised that the Administration had adopted double standards and the exemption arrangements had departed from the original intent for introducing the legislation. Mr WONG asked whether the supermarkets would be required to separate the sale of fresh meat and chilled meat at different locations in the premises.

9. PS(FEH) stressed that the Administration as the regulatory authority to ensure food safety would not bow to the pressure of any party. The arrangement to allow the sale of fresh and chilled meat at the same premises under certain conditions was to maintain the existing level of convenience to consumers. Deputy Secretary for Health, Welfare and Food (Food and Environmental Hygiene)(Ag) (DS(FEH)(Ag)) added that the exemption arrangement would be applicable to any fresh provision shop including supermarkets. The fresh provision shop would need to obtain endorsement for selling both chilled meat and fresh meat at the same premises, and the chilled meat must be pre-packaged before distribution to the retail outlets. DS(FEH)(Ag) clarified that the legislative intent was to prohibit the sale of non-pre-packaged chilled meat alongside fresh meat at the same premises. There was no requirement for the supermarkets to sell pre-packaged chilled meat and fresh meat at different locations at the same premises. For those fresh provision shops or stalls selling only chilled meat, the pre-packaging and labelling requirements would not apply.

10. Mr Tommy CHEUNG expressed reservations about extending the pre-packaging and labelling requirements to chilled mutton and chilled beef. He pointed out that there would be practical difficulties for chilled meat traders to pre-package chilled beef and mutton because such meat was usually cut into sizes according to the customers' demands. Mr CHEUNG also questioned the need for including additional information such as the slaughter date and "use by" date on the labels of chilled meat, as this would add costs to the trades. As the trades had not been consulted on the pre-packaging requirements for chilled mutton and beef, such requirements should only apply to chilled pork.

11. PS(FEH) said that for consistency and consumer's benefits, the pre-packaging and labelling requirements would apply to the various kinds of chilled meat. The Administration had consulted the stakeholders on the proposal on a number of occasions.

12. AD/FEHD stressed that the pre-packaging and labelling requirements for chilled meat would not apply if no fresh meat was sold at the premises. Where only chilled meat was sold, the chilled meat could still be cut into sizes according to the customers' demand. However, if processing and de-boning of chilled meat were to be carried out at the premises, the processing area must operate under the specified temperature.

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13. Mr Tommy CHEUNG sought clarification whether frozen meat could be sold with fresh or chilled meat at the same premises under the proposed legislation. DS(FEH)(Ag) explained that frozen meat was not covered by the proposed legislation which sought to prohibit the sale of chilled meat and fresh meat at the same premises. The pre-packaging and labelling requirements for chilled meat would apply only if both chilled meat and fresh meat were sold at the same premises. In response to the Chairman's enquiry, DS(FEH)(Ag) confirmed that the pre-packaging and labelling requirement under the proposed legislation did not apply to frozen meat.

14. Mr WONG Yung-kan said that the original intention of the "one licence for one shop" proposal was to facilitate consumers to differentiate chilled pork from fresh pork. However, the proposed legislation would facilitate the supermarkets to sell three kinds of meat, i.e. fresh, chilled and frozen meat, at the same premises. Mr WONG expressed concern that it would be difficult to prevent the mixing of defrosted chilled meat with fresh meat if they were not required to be sold at different locations in the premises. It would also lead to increased risk of cross contamination between fresh meat and chilled meat if they were not properly handled at the retail level.

15. DS(FEH)(Ag) pointed out that at present there were 337 fresh provision shops which already had endorsements for selling both fresh meat and chilled meat. The pre-packaging and labelling requirements for chilled meat under the proposed legislation would facilitate consumers to differentiate fresh meat from chilled meat. Any person who opened or tampered with the package of the chilled meat would be guilty of an offence, and the penalties would be a maximum fine of \$50,000 and imprisonment for six months. FEHD would take enforcement actions against breaches of the pre-packaging and labelling requirements for chilled meat.

16. Principal Medical Officer (Risk Management)/FEHD (PMO/FEHD) advised that fresh and chilled meat were subject to different storage and temperature requirements to ensure the safety and quality of such meat.

17. Mr Alan LEONG asked whether the amendment regulation would require a licensee to seek the permission of the Director of Food and Environmental Hygiene (DFEH) only if the licensee wished to sell chilled meat which was not pre-packaged. DS(FEH)(Ag) explained that if both fresh meat and chilled meat were to be sold at the same premises, the chilled meat would have to be pre-packaged and properly labelled. DFEH would not grant permission for the sale of chilled meat which was not pre-packaged, if fresh meat was also sold at the same premises.

18. Mr Alan LEONG further asked whether tampering the package of chilled meat at places other than the food premises would be an offence under the proposed section 30F in the amendment regulation. DS(FEH)(Ag) said that under the amendment regulation, any person who sold non-pre-packaged chilled meat, including those which had been tampered with, alongside fresh meat would be guilty of an offence.

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19. Mr Vincent FANG said that extending the pre-packaging and labelling requirements to chilled beef and chilled mutton would impose extra burden on the traders. He pointed out that at present, chilled beef and mutton imported into Hong Kong were not required to provide information on the name and address of the slaughtering plant and the slaughter date. Moreover, chilled beef was usually cut into sizes according to consumers' demand. He asked whether FEHD would inspect those fresh provision shops which sold both fresh meat and chilled meat after the amendment regulation came into operation.

20. AD/FEHD said that FEHD would continue to inspect fresh provision shops particularly those which sold both fresh meat and pre-packaged chilled meat, after the amendment regulation had come into operation.

21. The Chairman asked about the timetable and arrangements for importing chilled pork from the Mainland. As the amendment regulation would be gazetted on 7 July 2006 and come into operation on 18 August 2006, he expressed concern that any amendments proposed by the Legislative Council (LegCo) before the expiry of the scrutiny period (i.e. 18 October 2006 or 8 November 2006 if extended by resolution) would cause confusion to the trade.

22. PS(FEH) said that the Administration had been discussing with the Mainland the arrangements for supply of chilled pork to Hong Kong. It was expected that the first batch of chilled pork would be ready for importation in late July/early August 2006. As she had explained earlier, the Administration could not refuse the importation of chilled pork from the Mainland if such pork would meet Hong Kong's import and hygiene requirements.

23. DS(FEH)(Ag) added that the commencement of the amendment regulation would tie in with the importation of chilled pork from the Mainland. However, it was not possible to estimate at this stage the quantity of chilled pork to be imported from the Mainland as this would be determined by the market.

24. The Chairman asked whether imported chilled pork from the Mainland would be subject to the current monitoring system under which the first six batches of imported chilled pork would be held for inspection. DS(FEH)(Ag) advised that if the inspection results of the first three batches of Mainland chilled pork were satisfactory, the subsequent imports would be subject to monitoring under FEHD's regular food surveillance system and random testing at the import, wholesale and retail levels.

25. PMO/FEHD added that Mainland chilled pork would mostly be transported to Hong Kong via Man Kam To, and such meat would be subject to FEHD's monitoring system. Under the current system, importers who intended to import chilled meat into Hong Kong must obtain import licences from FEHD beforehand. Each batch of imported chilled pork must be accompanied by a health certificate issued by the authorities in the place of origin certifying that the meat was hygienic and fit for

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human consumption.

26. Mr Tommy CHEUNG held a strong view that importation of Mainland chilled pork should not be further delayed, and it was not necessary to wait until LegCo had completed scrutiny of the amendment regulation.

27. DS(FEH)(Ag) said that FEHD had inspected the facilities, operation, production process and hygiene monitoring system of four chilled pork processing plants and their associated farms in the Mainland. It was expected that supply of Mainland chilled pork could start from this summer.

28. Mr WONG Yung-kan said that the Administration should clearly advise the public on how to differentiate fresh meat from chilled meat and on the risk of contamination. Mr WONG also expressed concern about the enforcement of the amendment regulation and its effectiveness in eliminating the malpractice of unscrupulous traders selling chilled pork as fresh pork.

29. DS(FEH)(Ag) said that the Administration recognised that the amendment regulation could not eradicate the problem of unscrupulous meat traders mixing chilled meat with fresh meat for sale at the same premises. However, the amendment regulation had provided for the pre-packaging requirements for chilled meat and this would facilitate consumers to differentiate chilled pork from fresh pork. FEHD would also step up enforcement after the amendment regulation had come into operation. DS(FEH)(Ag) further said that the amendment regulation would increase the deterrence against malpractice as contraventions would lead to a maximum fine of \$50,000 and imprisonment for six months, and also cancellation of licences or termination of tenancies.

30. Mr WONG Yung-kan asked whether the meat processing plants which had collaborated with unscrupulous traders in supplying chilled pork for sale as fresh pork would be sanctioned. PS(FEH) said that the meat processing plants would need to be registered with the Mainland authorities and the Administration would conduct inspection to ensure that the chilled pork supplied to Hong Kong met the hygiene and import requirements. The Administration would inform the Mainland authorities for follow-up actions if irregularities were found.

31. Mr WONG Kwok-hing said that as a lot of issues relating to the legislative proposal would need to be resolved, the Administration should consider deferring the timetable for importing chilled pork from the Mainland.

32. PS(FEH) said that as Hong Kong was ready to accept the supply of chilled pork from the selected plants in the Mainland, introducing the amendment regulation would facilitate enforcement action by FEHD in respect of the requirements for the sale of chilled meat. Although the amendment regulation could not eradicate the problem of selling chilled meat as fresh meat, it would have greater deterrence against the malpractice and facilitate enforcement by FEHD.

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33. Mr Alan LEONG said that he did not object to the introduction of the amendment regulation. However, he considered that FEHD could still take enforcement action against the malpractice of selling chilled meat as fresh meat under the existing regulatory framework, without having to add a new section 30D to the Food Business Regulation as proposed under the amendment regulation. He also considered that chilled pork could be imported from the Mainland even without the amendment regulation. As regards the benefits of introducing the amendment regulation, Mr LEONG asked how the amendment regulation could facilitate FEHD in enforcement.

34. PS(FEH) reiterated that the amendment regulation aimed to enhance deterrence against unscrupulous traders posing chilled pork for sale as fresh pork, as contravention of the regulation would be an offence. AD/FEHD supplemented that the amendment regulation would prohibit the sale of both fresh meat and chilled meat at the same premises, unless the chilled meat was pre-packaged and properly labelled. The pre-packaging requirement would make it difficult for unscrupulous traders to mix chilled meat with fresh meat, and enable customers to differentiate chilled meat from fresh meat. Moreover, the chilled meat sellers were required to keep invoices for not less than 60 days to facilitate verification and source tracing where necessary. The Administration considered that these requirements would deter the malpractice of posing chilled pork for sale as fresh pork.

35. The Chairman said that while he did not oppose the introduction of the amendment regulation, he considered that the Administration could simply require all chilled meat to be pre-packaged, similar to the arrangements for chilled chickens.

36. Mr Tommy CHEUNG maintained the view that there was no need to introduce the amendment regulation. He considered that FEHD could step up enforcement against the malpractice of selling chilled meat as fresh meat under the current legislation. Mr CHEUNG also objected to the proposal of extending the pre-packaging and labelling requirements to chilled mutton and chilled beef, and requiring the label to show the “slaughtering date”. He pointed out that as different kinds of meat had different durability periods, the “slaughtering date” would only mislead the consumers.

37. PS(FEH) said that the “slaughtering” and “use by” dates were important information to consumers and the Administration considered that such information should be provided on the label of pre-packaged chilled meat. The Administration would further discuss with the trade the pre-packaging and labelling requirements and step up educational publicity on the durability and safety of different kinds of meat.

38. The Chairman said that as the amendment regulation would be gazetted on 7 July 2006, the House Committee would consider whether a subcommittee should be formed to study the subsidiary legislation. The drafting and amendments to the amendment regulation could be considered by the subcommittee, if so formed.

II. Any other business

39. The Chairman said that Mr WONG Yung-kan proposed to add a new discussion item on “hawker control policy and hawker raiding operations” to the agenda of the special meeting scheduled for 7 July 2006.

40. Mr WONG Yung-kan said that it was reported by the media that a hawker was drowned while fleeing from a raid conducted by FEHD on 26 June 2006 in Tin Shui Wai. The unfortunate incident and the way hawker raiding operations were conducted had aroused much public concern.

41. Mr Tommy CHEUNG said that given that a total of 18 deputations would attend the special meeting on 7 July 2006, there would be insufficient time for discussion if a new discussion item was added to the agenda of the meeting. Mr CHEUNG further said that the Panel should discuss Government policy under its purview, instead of following up an individual case.

42. Dr KWOK Ka-ki said that while he agreed that the Panel should not discuss an individual case, a special meeting of the Panel should be held to discuss hawker control policy and hawker raiding operations. Mr WONG Kwok-hing agreed with Dr KWOK.

43. Mr Tommy CHEUNG said that as the proposed item was not time critical, the item could be discussed at the regular meeting scheduled for 11 July 2006. The Chairman suggested that to allow sufficient time for discussion of all items on the agenda, the regular meeting would last for three hours. Members agreed.

44. The meeting ended at 5:55 pm.