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LC Paper No. CB(2)3179/05-06

(These minutes have been seen by
the Administration)

Panel on Food Safety and Environmental Hygiene

Minutes of Meeting
held on Tuesday, 11 July 2006 at 2:30 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 Bernard CHAN, GBS, 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, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki

Members attending : Hon CHAN Yuen-han, JP
Hon WONG Kwok-hing, MH

Public officers attending : Item III

Mr Vincent LIU
Acting Deputy Secretary (Food & Environmental Hygiene)/
Principal Assistant Secretary (Food & Environmental Hygiene) 2
Health, Welfare and Food Bureau

Mr Wallace LAU
Principal Assistant Secretary (Food & Environmental Hygiene) 1
Health, Welfare and Food Bureau

Mr Eric HUI
Principal Assistant Secretary (Food & Environmental Hygiene)
Special Duties (Ag) / Assistant Secretary (Food & Environmental
Hygiene)3
Health, Welfare and Food Bureau

Dr S P MAK
Controller, Centre for Food Safety
Food and Environmental Hygiene Department

Item IV

Mr Vincent LIU
Acting Deputy Secretary (Food & Environmental Hygiene)/
Principal Assistant Secretary (Food & Environmental Hygiene) 2
Health, Welfare and Food Bureau

Mr Wallace LAU
Principal Assistant Secretary (Food & Environmental Hygiene) 1
Health, Welfare and Food Bureau

Dr Y Y HO
Consultant (Community Medicine) (Risk Assessment and
Communication)
Food and Environmental Hygiene Department

Item V

Mr Vincent LIU
Acting Deputy Secretary (Food & Environmental Hygiene)/
Principal Assistant Secretary (Food & Environmental Hygiene) 2
Health, Welfare and Food Bureau

Mr Wallace LAU
Principal Assistant Secretary (Food & Environmental Hygiene) 1
Health, Welfare and Food Bureau

Dr Thomas SIT
Assistant Director (Inspection and Quarantine)
Agriculture, Fisheries and Conservation Department

Item VI

Mr Vincent LIU
Acting Deputy Secretary (Food & Environmental Hygiene)/
Principal Assistant Secretary (Food & Environmental Hygiene) 2
Health, Welfare and Food Bureau

Ms Annette LEE
Deputy Director (Environmental Hygiene)
Food and Environmental Hygiene Department

Mr LAM Kwok-fai
Assistant Director (Operations) 2 (Ag)
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

Action

I Confirmation of minutes of meeting
[LC Paper No. CB(2) 2624/05-06]

The minutes of the special meeting held on 7 February 2006 were confirmed.

II Information paper(s) issued since last meeting

2. Members noted that no information paper had been provided by the Administration since the last meeting.

Action

III Work of the Centre for Food Safety

[LC Paper No. CB(2) 2663/05-06(01)]

[LC Paper No. CB(2) 2710/05-06(01)]

3. With the aid of powerpoint, Controller, Centre for Food Safety (Controller/CFS) briefed members on the work of CFS which was established under the Food and Environmental Hygiene Department (FEHD), as detailed in the Administration's paper. Controller/CFS said that CFS aimed to protect the health of people in Hong Kong through the development and implementation of effective food safety control measures. To achieve the objective, CFS would enhance its communication and cooperation with the trade and consumers to ensure food available for sale in Hong Kong was safe. CFS would also work closely with the international food organisations and the relevant authorities of the countries/regions exporting food to Hong Kong.

Food surveillance and control

4. The Chairman requested Controller/CFS to elaborate on the work regarding food poisoning cases with reference to the recent cases relating to consumption of raw sea urchins.

5. Controller/CFS said that CFS was notified by the Centre for Health Protection (CHP) on 3 July 2006 about the reports of suspected food poisoning outbreaks. After conducting preliminary investigation, CHP further notified CFS on 6 July 2006 that the cases were related to the consumption of raw sea urchins in two chained restaurants. Controller/CFS further said that follow-up investigations by CFS found that the raw sea urchins were supplied by the same supplier. CFS had requested the supplier to stop distributing the product. No further cases occurred after control measures were taken by CFS. Controller/CFS stressed that CFS would maintain close and constant contact with CHP to protect public health.

6. Referring to the submission from Greenpeace [LC Paper No. CB(2) 2170/05-06(01)], Mr WONG Kwok-hing expressed similar concern about the role and functions of CFS in managing food safety at source. Mr WONG pointed out that Greenpeace's recent findings revealed that residues of banned pesticides were found in a number of vegetables samples obtained from retail outlets of the two major supermarket chains, and these vegetables were supplied by unregistered farms in the Mainland. Mr WONG asked about the specific actions taken by CFS to enhance control at source in respect of vegetables supplied by Mainland farms.

7. Controller/CFS said that as agreed with the Mainland authorities, all vegetables supplied to Hong Kong should come from registered farms. Moreover, the Mainland authorities would regularly inspect the registered farms that supplied vegetables to Hong Kong to check the use of pesticides and conduct sample checks of vegetables. The Administration would take vegetable samples at border control points and retail

Action

outlets for testing. Controller/CFS further said that upon learning Greenpeace's findings that prohibited pesticides and residues of permitted pesticides were found in vegetable samples obtained from some retail outlets, the Administration had requested the Mainland authorities to step up monitoring of use of pesticides on vegetables supplied to Hong Kong. To her knowledge, the Mainland authorities attached great importance to the matter, and Mainland experts had inspected some of the farms concerned. Controller/CFS added that the Administration had discussed with the Mainland authorities making public the list of vegetable suppliers in the Mainland, and the latter had agreed to make available relevant information on the website.

8. Referring to the recent food poisoning incidents on raw sea urchins, Mr WONG Yung-kan said that to his knowledge, the sea urchins concerned was contaminated during processing. He considered that the Administration should also explore ways to enhance the safety of shellfish and aquatic products during transportation, for example, requiring imported aquatic products to undergo a filtration process before distribution to the retail outlets. Mr WONG also urged the Administration to discuss with the Mainland ways to better control the safety of vegetables supplied by unregistered farms and transported to Hong Kong.

9. Controller/CFS said that there was currently no legislation regulating the import of aquatic products including shellfish although they were high-risk food. The Administration was reviewing the regulatory mechanism for aquatic products, and the review would be completed by the end of 2006. The Panel would then be consulted on the proposal. She added that the Administration would need to strike a balance between safeguarding public health and facilitating the trade. As regards vegetables supplied by unregistered farms in the Mainland, Controller/CFS said that FEHD and Customs and Excise Department had stepped up inspection at border control points. If imported vegetables were not accompanied with documents indicating the types of pesticides used, samples would be taken for testing. If excessive or prohibited pesticides were found in the samples, FEHD would inform the Mainland authorities for follow-up actions.

10. Dr Joseph LEE said that having regard to the great varieties of food sold at Hong Kong, he expected that CFS would formulate a risk classification and sample testing system for food of different risk categories. Moreover, the public should be duly informed of the risk level for different types of food so as to make an informed food choice. Dr LEE asked whether CFS would formulate a timetable for the above areas of work.

11. Controller/CFS said that to address the public concern on food safety, CFS would disseminate information to the public and the food trade in a more timely and frequent manner through different channels, e.g. the website of CFS, pamphlets, seminars, workshops, etc. Public views on matters relating to food safety would be solicited after the establishment of the consumer liaison group. Controller/CFS

Action

further said that for better protection of public health, CFS would conduct more risk assessment studies.

12. Mr Tommy CHEUNG noted that CFS would recruit some additional 60 new staff, but only 2 000 additional food samples would be taken for testing in 2006. Mr CHEUNG said that the public had expected CFS to enhance its work on food surveillance and sampling, but the current targets for food sampling was disappointing.

13. Controller/CFS responded that the 2 000 additional samples to be collected in 2006 were estimated based on the existing resources of both CFS and the Government Laboratory. As recruitment of additional staff had just started, the new staff would be expected to assume duty in end 2006 the earliest. The additional staff would not only be deployed to collect food samples but also to deal with the increasing number of food complaints.

14. Referring to the recent recall of contaminated chocolate products by the United Kingdom, the Chairman said that the Administration had been very passive in the recall incident. While the exporting country had already issued a food alert on the recall of chocolate products, the Administration had to await formal notification on whether the problematic chocolate products were sold in Hong Kong. Eventually, the chocolate products were recalled by the suppliers voluntarily. The Chairman urged the Administration to expedite the introduction of a mandatory food recall mechanism, which was long overdue. The Chairman also asked about the food safety standards for imported food. He said that the Administration should respond to the strong call from the community for taking more food samples to ensure that the food products available for sale were safe for consumption.

15. Controller/CFS said that the Public Health and Municipal Services Ordinance and its subsidiary legislation had stipulated standards for a number of food products and substances. The Administration would also make reference to international food safety standards, such as those developed by Codex Alimentarius Commission and adopted by exporting countries. Controller/CFS added that the Expert Committee on Food Safety to be set up under CFS would also advise on the need to review food safety standards in the light of international practices, trends and developments.

16. Regarding the introduction of a mandatory food recall mechanism, Principal Assistant Secretary for Health, Welfare and Food (Food and Environmental Hygiene)1 (PAS(FEH)1) said that after consulting the Panel on the proposed mandatory food recall mechanism last year, the Administration had been working on the details of the mechanism. The Administration would revert to the Panel after consulting the Expert Committee on Food Safety.

Action

17. Mr Alan LEONG asked what changes or improvements to food regulatory framework had been brought about by the establishment of CFS. Controller/CFS said that with the establishment of CFS, priority was accorded to the review of food safety standards, and formulation of food safety measures and risk communication strategies. CFS would also endeavour to strengthen the communication with consumers and the trade through trade consultation forums, consumer liaison groups and public survey findings, in order to foster better partnership in enhancing food safety. Controller/CFS further said that apart from maintaining contact and cooperation with the State General Administration of Quality Supervision, Inspection and Quarantine, CFS would strengthen liaison and contact with other relevant Mainland authorities on major food incidents, and to strengthen control at source. Controller/CFS added that CFS would review its work priorities regularly to ensure that Hong Kong people would enjoy safer and healthier food.

18. Mr WONG Kwok-hing questioned why the Administration had not taken any enforcement actions against the supermarket chains for selling vegetables supplied by unregistered farms after excessive pesticides were found in samples obtained from vegetables sold at supermarkets. He said that a labelling system for vegetables supplied by registered farms in the Mainland had been introduced since 1992. The labelling system should have enabled the Administration to trace the suppliers and take necessary follow-up actions when excessive pesticides were found in vegetable samples.

19. Controller/CFS explained that the current system for vegetables was an administrative arrangement made with the Mainland authorities. As there was currently no legislation regulating import of vegetables, selling vegetables from “unregistered” farms was not an offence. Samples would be taken for testing from imported vegetables without documents indicating the types of pesticides used. Such vegetables would not be allowed to be sold at local markets if excessive or residues of banned pesticides were found in the samples. Controller/CFS added that CFS would prioritise its work in the light of available resources.

20. Mr WONG Yung-kan said that CFS should explain what improvements had been made to the food regulatory framework. He considered that the major function of CFS was to enhance food safety by stepping up control at source in order to ensure effective tracing in the food chain. Mr WONG further said that while the trade would strive to meet the food safety standards, CFS should provide necessary advice and assistance to facilitate the trade to comply with food safety measures and standards.

21. Mr Tommy CHEUNG said that the performance of CFS should be measured by its effectiveness in ensuring food safety and protecting public health. Mr CHEUNG asked about the deployment of staff in CFS for collecting food samples and the samples collection targets for 2006 and 2007.

Action

22. Controller/CFS said that the staff deployment of CFS was detailed in the funding proposal submitted to the Finance Committee in March 2006. During the period between the end 2006 and early 2007, additional staff including medical and health officers, veterinarians, health inspectors and science laboratory technicians would be recruited for various functions, including safety control of imported food at border and handling of food incidents and food complaints. As for food sample collection, it was anticipated that about 2 000 additional samples would be collected in 2006-07, and a total of 63 000 samples would be collected in 2007-08.

23. Mr Tommy CHEUNG expressed dissatisfaction that Controller/CFS had not provided performance targets for 2007-08. He was unconvinced that only 2 000 additional samples would be collected for testing since 60 additional staff would be recruited. He urged that more food surveillance and sampling should be conducted. Controller/CFS said that the 60 additional staff were not solely for food sample testing and any increase in food sample collection would need a corresponding increase in laboratory support for conducting testing.

Communication with stakeholders

24. Mr WONG Kwok-hing asked about the composition of the consumer liaison group and the criteria for recruiting members.

25. Controller/CFS responded that recruitment of members to the consumer liaison group would commence shortly, in order to solicit public views on matters relating to food safety.

26. Mr Vincent FANG asked about the number of trade representatives to be appointed to the Expert Committee on Food Safety which would be set up within CFS. He was concerned that if the Expert Committee consisted mainly of academics, professionals and food experts, they might draw up food safety standards and practices that were too stringent for the trade to comply with. Mr FANG strongly requested the Administration to balance the composition of the Expert Committee by appointing representatives from the food business trade to the Committee.

27. Controller/CFS advised that the Expert Committee would comprise members from the food business trades and consumer groups, and also academics, professionals, food and other experts. The Committee would advise the Director of Food and Environmental Hygiene in formulating food safety measures and reviewing food safety standards and risk communication strategies. She added that various channels were available for the trade to put forward their views and suggestions to the Administration.

28. Mr WONG Yung-kan asked about the delineation of work between the proposed Expert Committee on Food Safety and the existing Advisory Council on Food and Environmental Hygiene.

Action

29. Controller/CFS explained that the Advisory Council on Food and Environmental Hygiene advised the Secretary for Health, Welfare and Food on policies relating to food safety, environmental hygiene and veterinary public health, and to monitor their implementation. The proposed Expert Committee would focus its discussion more on operational issues, and would make recommendations to the Advisory Council for consideration and discussion as appropriate.

30. Mr Tommy CHEUNG noted that CFS had held a meeting with the food trade in May 2006, and had scheduled a further meeting for end July. He asked about the representatives invited to the meeting in May.

31. Controller/CFS clarified that the meeting in May 2006 was to brief the relevant trades on the guidelines on voluntary nutrition labelling requirements. To strengthen communication with the trade, CFS would hold regular consultation forums and the first meeting would be held in July to gather views on various issues of concern.

32. Mr Alan LEONG asked whether the Administration would make reference to overseas experience and appoint members from non-government organisations and pressure groups to the food safety consultative forums under CFS.

33. Controller/CFS said that the Expert Committee on Food Safety would consist of professionals and members from the trade. Controller/CFS added that CFS would also hold regular consultation forums with relevant trades on matters relating to food safety.

Special meeting

34. Mr Tommy CHEUNG requested for a special meeting to continue discussion of the various areas of work under CFS. Dr Joseph LEE requested the Administration to provide further information on the risk classification system for food and the sample checks for different risk categories, the timetable for the implementation of different food labelling systems and performance targets or indicators for different areas of work. Dr KWOK Ka-ki requested that the Administration should provide a breakdown of the 60 additional posts in CFS and their responsibilities, and also information on the changes to the food regulatory framework after the establishment of CFS.

35. The Chairman said that a special meeting would be held in July 2006 to continue discussion on the work of CFS. Members agreed.

(Post-meeting note : A special meeting was held on 24 July 2006 to continue discussion on the work of CFS.)

IV Study on dietary exposure to DDT of secondary school students

[LC Paper No. CB(2) 2663/05-06(02)]

36. With the aid of powerpoint, Consultant (Community Medicine) (Risk Assessment and Communication)/ FEHD (Consultant/FEHD) briefed members on the findings of a study conducted by CFS to assess the dietary exposure to dichlorodiphenyltrichloroethane (DDT) of secondary school students in Hong Kong. Consultant/FEHD said that the majority of the samples contained DDT levels below the limit of detection, and the dietary exposure was well below the safe intake level. Consultant/FEHD further said that the low dietary exposure to DDT reported in the study indicated that it was unlikely that a balanced dietary consumption of food would pose adverse health risk to the consumers. There was no evidence to suggest that DDT had been abused in vegetable farming.

37. Mr WONG Kwok-hing expressed doubts about the reliability of the study findings since only 36 samples of vegetables and 21 samples of fruits were taken for analysis. He was concerned that the findings would undermine the potential health risk associated with DDT.

38. Consultant/FEHD explained that unlike taking samples under the risk-based food surveillance programme, samples from six major food groups, which were common items in the retail market in Hong Kong, were taken for analysis in this study. Moreover, the limit of detection was set at a very low threshold. He believed that the conclusions and recommendations were made on the basis of a fair and scientific assessment.

39. In response to the Chairman, Consultant/FEHD said that the sample size, laboratory method and limit of detection adopted for this study compared favourably with those adopted in similar studies conducted in other places.

40. Dr Joseph LEE enquired about the purpose for conducting the study since the use of DDT in Hong Kong had been banned from 1987. He asked whether the level of DDT in imported food products was so high that such food posed risk to public health. He also asked about the cost-effectiveness of the study.

41. Consultant/FEHD responded that Hong Kong had participated in an international study on DDT levels in breast milk two years ago. The study revealed that levels of DDT in breast milk samples of Hong Kong mothers were high when compared with those obtained from mothers of other countries. There were concerns about the public health implications of exposure to DDT in the population in Hong Kong. Since diet was considered to be the major route of DDT exposure for the general population, FEHD undertook a study to investigate the level of exposure to DDT via food in people in Hong Kong. Consultant/FEHD pointed out that DDT was

Action

designated as a persistent organic pollutant with restricted use under the Stockholm Convention by the United Nations. To comply with the Convention, CFS conducted studies on DDT and would conduct studies on more persistent organic pollutants in future.

42. Dr Joseph LEE and Mr Tommy CHEUNG asked why the levels of DDT in breast milk samples of Hong Kong mothers were high, if the dietary exposure to DDT for average secondary school student was low as revealed in the study. Mr Tommy CHEUNG also asked why the data of secondary school students, instead of the dietary exposure to DDT for Hong Kong mothers, was taken for analysis.

43. Consultant/FEHD said that while levels of DDT in breast milk samples of Hong Kong mothers were high when compared with those obtained from mothers of other countries, the levels were well below the safe intake level. Consultant/FEHD further said that CFS did not have food consumption data of mothers at present. The food consumption data used in the current study was extracted from a survey conducted in local secondary school students, which provided useful information for the study. When the results of a population-based food consumption survey, which was being commissioned by the Chinese University of Hong Kong, were made available, the findings would provide a comprehensive database for further risk assessment studies. Consultant/FEHD reiterated that the sample size of the study compared favourably with those adopted in similar studies conducted in other places.

44. In response to Dr Joseph LEE, PAS(FEH)1 said that level of DDT in food would also be monitored under the regular food surveillance programme.

45. Dr KWOK Ka-ki said that the study findings could not address the concerns about public health implications of exposure to DDT in the population in Hong Kong, as there were no suggestions on how to reduce the comparative high levels of DDT in breast milk of Hong Kong mothers. Dr KWOK considered that the Administration should continue to monitor the dietary exposure to DDT of Hong Kong mothers and take actions to reduce the DDT levels in Hong Kong mothers. To reflect the gravity of the problem, he urged CFS to collect food consumption data of adults in Hong Kong as soon as possible. Dr KWOK asked about the cost for conducting the study on dietary exposure to DDT of secondary school students, and why only 294 food samples, instead of the 61 000 samples under the regular food surveillance programme, were taken for analysis.

46. Consultant/FEHD said that DDT was regarded as a persistent organic pollutant. As the use of DDT had been banned in many countries, it was envisaged that the levels of exposure of the general population to DDT would be diminishing. As regards the sample size, Consultant/FEHD explained that the laboratory method and limit of detection adopted for the study were more sophisticated than those for food tests under the regular food surveillance programme. The 294 food samples taken for the study could broadly represent the food consumption pattern of the target groups.

Action

When the results of a population-based food consumption survey were made available, the findings of the study would be updated accordingly. Consultant/FEHD further said that the study was part of the on-going food study programme of FEHD and no separate account was maintained for this study.

V Criteria for closing/re-opening Mai Po Nature Reserve if HPAI-infected wild bird(s) is detected within this area and in its close proximity

[LC Paper No. CB(2) 2663/05-06(03)]

[LC Paper No. CB(2) 2715/05-06(01)]

[LC Paper No. CB(2) 2719/05-06(01)]

47. Referring to the submission from World Wide Fund Hong Kong (WWF) [LC Paper No. CB(2) 2715/05-06(01)], the Chairman sought clarification from the Administration whether WWF, who was the Manager of Mai Po Nature Reserve, was consulted on the criteria for closure and re-opening of Mai Po Nature Reserve.

48. PAS(FEH)1 said that the Administration maintained constant communication with WWF on the management of public access to Mai Po Nature Reserve, the Wetland Park and other walk-in aviaries. On 26 June 2006, Assistant Director (Inspection and Quarantine) of Agriculture, Fisheries and Conservation Department (AD/AFCD) had spoken to the Manager of the Reserve over the phone regarding the criteria for closing/re-opening Mai Po Nature Reserve if highly pathogenic avian influenza (HPAI)-infected wild bird(s) was detected within these areas and/or their vicinity. According to the press release issued by WWF on 31 March 2006, WWF expressed support for adopting a “3 km radius” rule, i.e. if dead wild birds were found to have H5 virus within 3 km radius of the Reserve, the Reserve would be closed to public access for a specified period.

49. Dr KWOK Ka-ki expressed support for setting out the criteria for closing and re-opening Mai Po Nature Reserve in case dead wild birds were found to have H5 virus in the vicinity. However, he considered that as dead wild birds with H5 virus were also found in urban areas, the Administration should draw up corresponding measures to address concerns about potential transmission of HPAI viruses from dead wild birds from other regions to Hong Kong. Dr KWOK said that the public might have the wrong impression that the risk of transmission of HPAI viruses from wild birds in the Reserve area was very high. This would dissuade the public from visiting the Reserve area, which deviated from the objective of establishing the Mai Po Nature Reserve.

50. AD/AFCD responded that Mai Po Nature Reserve was closed for two months on two occasions in 2004 and 2006 when H5N1-infected wild birds were found in Hong Kong. The management of the Reserve Area therefore suggested to make reference to the experience of the United Kingdom by restricting access to the immediate vicinity (i.e. a minimum of 3 km) of an infected premises. Considering

Action

that wild birds were mainly clustered in the Mai Po Nature Reserve and walk-in aviaries, the public inside the aviaries might have very close contact with those birds or their droppings, the Administration decided that the Nature Reserve, the outdoor section of the Wetland Park and the walk-in aviaries would be closed to the public for 21 days if dead birds found within a 3 km radius were tested positive for H5 virus. AD/AFCD further said that the Administration would step up publicity to remind the public not to contact wild birds and their droppings.

51. Mr WONG Kwok-hing welcomed the proposed criteria for closing and re-opening Mai Po Nature Reserve. Mr WONG also asked about cases where dead wild birds infected with H5 virus were found in urban areas which were distant from Mai Po Nature Reserve.

52. AD/AFCD said that there were 15 cases of dead birds with H5 virus and they were far away from the Reserve. He explained that under the new arrangement, if dead wild birds infected with H5 virus were found in areas 3 km apart from the Mai Po Nature Reserve, there was no need to close the Reserve Area and the vicinity. He added that the "3 km radius" rule was used by many European countries for setting a quarantine restricted zone, and the World Organisation for Animal Health recommended a 21-day surveillance period for H5 virus for live birds in an infected compartment/zone.

53. Mr WONG Yung-kan expressed concern whether the proposed criteria for closing the Mai Po Nature Reserve, the Wetland Park or walk-in aviaries for 21 days would also apply to chicken farms located within 3 km radius of these areas, if dead birds found within a 3 km radius were tested positive for H5 virus. He requested the Administration to involve the management of Mai Po Nature Reserve and poultry farmers in the vicinity in working out the closing/re-opening arrangement.

54. AD/AFCD responded that biosecurity measures had been adopted by local chicken farms and all local chickens were vaccinated against H5 virus. The proposed criteria would only be applicable to the Mai Po Nature Reserve, the Wetland Park or walk-in aviaries, and not chicken farms in these areas.

55. Dr KWOK Ka-ki said that representatives of WWF had informed him that the Administration had refused to meet with WWF, and did not consult WWF on the proposed guidelines. Dr KWOK considered that the Administration should further meet with representatives of WWF and Hong Kong Bird Watching Society to discuss the implementation of the guidelines. The Chairman agreed with Dr KWOK and urged the Administration to report to the Panel on the implementation details after meeting with the management of Mai Po Nature Reserve. The Administration agreed.

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VI Hawker control policy and hawker raiding operations

[LC Paper No. CB(2) 2663/05-06(04)]

56. Mr WONG Yung-kan said that there was much public concern about the recent incidents in which a hawker was hit by a car and another hawker was drowned while fleeing from hawker raiding operations in Sham Shui Po and Tin Shui Wai respectively. He considered that the inquiry into these incidents should not be conducted by FEHD officials, so that objective recommendations could be made to improve the conduct of hawker raiding operations. Mr WONG further said that in the light of the recent economic situation, hawking provided a means of living for some people. It was an opportune time for the Administration to review the policy on hawker control.

57. Acting Deputy Secretary for Health, Welfare and Food (Food and Environmental Hygiene) (DS(FEH)(Ag)) said that the Tin Shui Wai incident was being investigated by the Police who would submit its report to the Coroner for consideration. He assured members that the inquiry would be conducted in a proper, fair and impartial manner. DS(FEH)(Ag) further said that to render anti-hawking operations more effective, FEHD was considering a number of improvement measures as set out in paragraphs 12 to 15 in the Administration's paper.

58. DS(FEH)(Ag) said that street hawking in Hong Kong had a long history. While some members of the public regarded that hawking provided a cheap supply of goods to customers, hawking also gave rise to environmental nuisances and hygiene problems. There were also complaints that street hawking posed unfair competition to operators of on-street shops and market stall lessees who paid full rent for their trading premises or stalls. Against this background, the Administration introduced a voluntary surrender scheme for itinerant hawkers to reduce the number of hawkers gradually. DS(FEH)(Ag) further said that in view of the economic downturn in 2001, FEHD had relaxed the enforcement action against hawking activities provided that food and environmental hygiene would not be compromised. As a general rule, in places not considered as blackspots, the hawkers would be verbally warned to disperse and if the verbal warning was unheeded, prosecution action would follow.

59. Miss CHAN Yuen-han commented that the Administration should not adopt a negative approach towards hawking activities. She pointed out that hawking provided a mean of a living for some people especially those middle-aged unemployed persons, and it was not possible to totally eradicate hawking activities. Therefore, the Administration should face the problem and review its hawker control policy such as whether "hawker permitted areas" should be designated.

60. DS(FEH)(Ag) said that present policy had balanced the interests of all parties concerned under the existing hawker control policy. As he had explained earlier, FEHD had adopted flexibility in taking enforcement action against hawking activities. If hawking activities did not take place in major thoroughfares, areas of high

Action

pedestrian flow or were not subject to repeated complaints etc., they would be accorded a lower priority for enforcement. The hawkers would be verbally warned to disperse, and prosecution action would follow if the verbal warning was unheeded. DS(FEH)(Ag) further said that licensed or unlicensed hawkers could rent vacant stalls in public markets for trading activities and the monthly rental of some of the vacant stalls was only a few hundred dollars.

61. The Chairman asked whether the Administration would study the feasibility of designating “hawker permitted areas” in areas of high pedestrian flow so as to regulate unlicensed hawking activities.

62. DS(FEH)(Ag) responded that the Administration would consider the feasibility of designating “hawker permitted area” at specific locations so recommended by the respective District Council (DC) and with the support of the parties concerned, including residents and shop keepers/retailers/market stall lessees in the vicinity.

63. Mr WONG Kwok-hing said that the improvement measures for anti-hawking operations under consideration by FEHD were nothing new. He had doubts that hawker control officers who carried out operations in plain clothes would first warn the hawkers to disperse before taking arrest action. Mr WONG further said that as the Administration’s paper failed to address the strong call for an overall review of the hawker control policy, the Panel should schedule a further meeting in the next session to discuss the issue and gauge the views of the relevant organisations. Mr WONG added that it was reported in the newspaper that the performance of hawker control team staff was evaluated in terms of enforcement and arrest actions taken. He requested the Administration to provide members with the internal guidelines referred to in the newspaper report.

64. Deputy Director (Environmental Hygiene)/FEHD (DD/FEHD) gave an account of FEHD’s existing strategies and procedures in respect of anti-hawking operations. DD/FEHD advised that FEHD had since late 2001 relaxed the enforcement action against hawking activities provided that food and environmental hygiene would not be compromised. If hawking activities did not involve the sale of prohibited/restricted or cooked foods and take place at major thoroughfares, areas of high pedestrian flow or were not subject to substantiated and repeated complaints, such activities would be accorded a lower priority for enforcement. The hawkers would normally be verbally warned to disperse, and if the verbal warning was unheeded, prosecution action would follow. DD/FEHD said that hawker control team adopted the operational strategies of mobile patrol and/or raiding to deter illegal hawking. In mobile patrol, the hawker control staff was normally in uniform and deployed the tactics of constantly disrupting the target hawkers from trading at their favourable spots in order to prevent them from taking root. She added that raiding operations would also be mounted at target blackspots to arrest hawkers and seize hawker paraphernalia to increase the deterrence effect. DD/FEHD further said that FEHD permitted hawker control staff to wear “plain clothes” when they conducted prior observations of their target locations, with

Action

the prior approval of their senior officers at the rank of Chief Health Inspector and above. DD/FEHD stressed that safety of hawkers and passers-by as well as hawker control staff were of primary importance in anti-hawking operations, and the principle was clearly laid down in the department's guidelines. The guidelines also clearly stated that the effectiveness of hawker control was not evaluated in terms of arrest or prosecution figures.

65. Dr KWOK Ka-ki acknowledged that the hawker control policy was formulated in the 1970's when the community was generally in favour of discouraging street hawking activities. However, the Administration should now review the policy as hawking provided a means of a living for some low-income or unemployed persons, and the community was now found receptive to this form of trading activities. Overseas experience also showed that flea markets could become tourist attractions. Dr KWOK considered that the Administration should adopt a two-pronged approach to tackle street hawking activities. Firstly, the Administration should review the existing strategies and procedures in respect of anti-hawking operations and provide more in-house training for hawker control staff to enhance their skills in handling confrontation. Secondly, the Administration should conduct an overall review of the policy on hawker control, and explore the feasibility of designating "hawker permitted areas" in districts with serious unemployment problem, e.g. Yuen Long and Tin Shui Wai. Dr KWOK requested the Administration to inject new thinking in the review and revert to the Panel on the review findings.

66. DS(FEH)(Ag) said that street hawking activities had impacts on the passers-by, shopkeepers/retailers/market stall lessees and also residents in the vicinity. The Administration considered it more appropriate for the respective DCs to recommend suitable sites for "hawker permitted areas", after taking into account the interests of all affected parties. He added that the "hawker permitted areas" in Sheung Wan and the former site of Kai Tak Airport were not successful. Nevertheless, he stressed that the Administration was open-minded about the suggestion of designating "hawker permitted areas".

67. The Chairman asked about the definition of hawking blackspots, and whether FEHD would publish and update the list of hawking blackspots. The Chairman added that he had received complaints about nuisances caused by on-street promotion stands in Mass Transit Railway entrances/exits. He asked whether FEHD would step up enforcement action against such activities.

68. DD/FEHD explained that hawking blackspots referred in general to those locations where there was a certain number of unlicensed hawkers trading at a specific time. No prior warning would be given to those hawkers trading at such areas before taking enforcement action against hawking offences. DD/FEHD said that one improvement measure under consideration was to provide DCs with a list of hawking blackspots in their respective districts, and the list would be updated regularly. DCs could comment on the list and make recommendations. At the request of the

Action

Chairman, the Administration agreed to consider making the list available on the website.

69. Regarding on-street promotion activities, DD/FEHD said that FEHD was empowered under its legislation to take enforcement action if such activities involved hawking or caused obstruction to street cleansing. However, on-street promotion activities normally did not include hawking activities and seldom caused obstruction to street cleansing. This was a street management problem and FEHD would continue to work with other relevant departments to tackle the problem through the coordination of Home Affairs Department or the respective DCs as necessary.

70. Mr WONG Kwok-hing expressed dissatisfaction that the Administration had not responded to the call for a review of the policy on hawker control. Mr WONG considered that the decision to cease issuing hawker licences in 1970 was to encourage people to take up employment in factories. However, as a result of economic restructuring, the manufacturing industries had disappeared and many low-skilled workers with low educational attainment were unable to find employment other than hawking in streets. He strongly urged the Administration to conduct an overall review of the hawker control policy in view of the change in circumstances.

71. Mr WONG Kwok-hing also reiterated his request for a copy of FEHD's guidelines on the evaluation of the effectiveness of hawker control operations as mentioned in paragraph 63.

72. DD/FEHD clarified that according to her understanding, the newspaper report mentioned by Mr WONG referred to an internal exchange of views among staff which did not represent the stance of the department. In view of the misunderstanding caused by the report, FEHD management had immediately clarified the matter and issued a reminder to all staff concerned pointing out that the effectiveness of hawker control work should be evaluated in the light of the overall result of actions taken and not by arrest/prosecution figures.

73. Referring to the incident where a hawker was drown while evading from a hawking raiding operation in Tin Shui Wai, Mr WONG Yung-kan expressed disappointment that the Administration had not learnt a lesson from the incident and had not taken any action to revise its guidelines on hawker raiding operation. To prevent accidents, Mr WONG considered that the guidelines should spell out clearly the procedures for dealing with emergencies in making arrests. On the designation of "hawker permitted areas", Mr WONG said that it was commonly known that hawking activities were popular in districts with more low-income families. He considered the Administration should take forward the suggestion without further delay.

74. DD/FEHD said that the general strategies and procedures for tackling street hawking activities were set out in paragraph 10 of the Administration's paper. Paragraph 14 of the paper also stated that FEHD planned to further enhance the skills

Action

of hawker control staff in handling crises/incidents by organising a focused training course. DD/FEHD further said that the management attached great importance to the safety of hawkers, passers-by and hawker control staff while carrying out hawker control duties. FEHD had taken follow-up actions as appropriate in respect of recent incidents. The Administration would provide members with the follow up results upon completion of the Police investigation.

75. Referring to the incident where a hawker was hit by a car while fleeing arrest during a hawker raiding operation conducted on 29 March 2006, Mr WONG Kwok-hing criticised that the Administration was unsympathetic in refusing to visit the injured or his family and asking the family of the injured to provide information in writing.

76. DD/FEHD said that relevant government officials had approached the injured and his family to provide assistance to them. She added that the Administration had also received written information from the family of the injured, and all relevant information would be taken into account in the investigation.

77. At the request of Mr WONG Kwok-hing, the Chairman advised that the issue would be included in the Panel's list of outstanding issues for future discussion. Members agreed.

VII Any other business

Proposed research outline on genetically modified (GM) food labelling in
selected European countries
[LC Paper No. CB(2) 2663/05-06(05)]

78. Referring to the proposed research outline on GM food labelling in selected European countries prepared by the Research and Library Services Division (RLSD) of the Legislative Council Secretariat, the Chairman said that Mr Vincent FANG had suggested to include the United States (US) and selected Asian countries in the research study. The Chairman advised that as research study on GM labelling in US and Japan had been carried out in 2002-03, RLSD would be requested to update the findings in respect of US and Japan. Members agreed to the suggestion and the proposed research outline.

79. There being no other business, the meeting ended at 5:30 pm.

Council Business Division 2
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