

立法會
Legislative Council

Ref : CB2/PL/FE

LC Paper No. CB(2)1074/06-07

(These minutes have been seen by
the Administration)

Panel on Food Safety and Environmental Hygiene

Minutes of meeting

**held on Tuesday, 9 January 2007, at 2:30 pm
in Conference Room A of the Legislative Council Building**

Members present : Hon Tommy CHEUNG Yu-yan, JP (Chairman)
Hon Fred LI Wah-ming, JP (Deputy Chairman)
Hon WONG Yung-kan, JP
Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Hon Vincent FANG Kang, JP
Hon WONG Kwok-hing, MH
Dr Hon Joseph LEE Kok-long, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki

Public officers attending : Item IV

Mr CHEUK Wing-hing
Deputy Secretary for Health, Welfare and Food
(Food and Environmental Hygiene)

Miss Vivian KO Wai-kwan
Principal Assistant Secretary
(Food and Environmental Hygiene) 2
Health, Welfare and Food Bureau

Ms Julina CHAN
Deputy Director (Administration & Development)
Food and Environmental Hygiene Department

Mr YEUNG Shun-kui

Assistant Director (Operations)2
Food and Environmental Hygiene Department

Mrs Christine FUNG
Chief Executive Officer (Planning)
Food and Environmental Hygiene Department

Mr LEE Yuk-shing
Chief Project Manager
Architectural Services Department

Item V

Mr CHEUK Wing-hing
Deputy Secretary for Health, Welfare and Food
(Food and Environmental Hygiene)

Miss Vivian KO Wai-kwan
Principal Assistant Secretary
(Food and Environmental Hygiene) 2
Health, Welfare and Food Bureau

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

Mr LO Fu-wai
Assistant Director (Operations)1
Food and Environmental Hygiene Department

Item VI

Mr CHEUK Wing-hing
Deputy Secretary for Health, Welfare and Food
(Food and Environmental Hygiene)

Mr Wallace LAU Ka-ki
Principal Assistant Secretary for Health, Welfare and Food
(Food and Environmental Hygiene) 1
Health, Welfare and Food Bureau

Dr MAK Sin-ping

Controller, Centre for Food Safety
Food and Environmental Hygiene Department

Clerk in attendance : Miss Flora TAI
Chief Council Secretary (2)2

Staff in attendance : Ms Alice LEUNG
Senior Council Secretary (2)1

Ms Anna CHEUNG
Legislative Assistant (2)2

Action

I. Confirmation of minutes
[LC Paper No. CB(2)776/06-07]

The minutes of the meeting held on 12 December 2006 were confirmed.

II. Information paper(s) issued since last meeting
[LC Paper No. CB(2)718/06-07(01)]

2. Members noted that a letter provided by the Administration making clarifications on the provision of skilled services at Fu Shan Crematorium and Kwai Chung Crematorium had been issued to members since the last meeting.

III. Date of next meeting and items for discussion
[Appendices I and II to LC Paper No. CB(2)778/06-07]

3. The Chairman informed members that the Administration had proposed to discuss the proposed amendments to the Pesticides Ordinance at the next regular meeting on 13 February 2007 and asked members if they would like to propose any additional item for discussion.

4. In response to the Chairman's enquiry, Deputy Secretary for Health, Welfare and Food (Food and Environmental Hygiene) (DS(FEH)) said that the proposed amendments to the Pesticides Ordinance was the only item which would be ready for discussion at the next meeting scheduled for February. He added that the Administration had reviewed the list of outstanding items and had no plan to amend the proposed timing for discussion of the items on the list at this stage. Members proposed no additional item for discussion at the next meeting.

IV. Development of crematorium and columbarium facilities

Presentation by the Administration

5. Deputy Director (Administration & Development) of Food and Environmental Hygiene Department (DD(A&D)/FEHD) briefly presented the progress on crematorium and columbarium projects, with details as set out in the Administration's paper [LC Paper No. CB(2)778/06-07(01)]. She said that the plans to re-provision in phases all existing cremators in the public crematoria at Diamond Hill, Wo Hop Shek and Cape Collinson by 2014 were progressing relatively well. However, in view of transport and other physical constraints and/or strong local/District Council objections, the columbarium projects to increase the number of niches were not proceeding as well as planned. Taking into account the difficulties in implementing the proposed columbarium projects and the shortfall of niches in the next five years, there was a need to identify alternative plans to meet the anticipated shortfall. There was another option of disposing ashes of the deceased in Gardens of Remembrance (GOR) for which plaques would be mounted in memory of the deceased. The Administration would promote acceptance and wider use of GOR by the general public.

6. DD(A&D)/FEHD informed members that the Administration was exploring the feasibility of developing a site at Kiu Tau Road in Wo Hop Shek Cemetery as a longer term development and was assessing the development potential of Crematorium and Columbarium (C&C) facilities at Tuen Mun Area 46. There was a 22-hectare government land in Tuen Mun Area 46, which had already been reserved on the Tuen Mun Outline Zoning Plan for "Crematorium, Columbarium and Funeral Services Centre" uses. The Administration had consulted the Tuen Mun District Council (Tuen Mun DC) on the proposal of developing C&C facilities at Tuen Mun Area 46. However, Tuen Mun DC and some local residents raised strong objection to the proposal. In the light of this, the Administration would assess the development potentials of the proposed plans for C&C facilities and would make best endeavours to address the concerns of Tuen Mun DC and local residents. The Administration would consult Tuen Mun DC again when more details of the project proposals were available.

7. With the aid of powerpoint, Chief Project Manager of Architectural Services Department (CPM/ASD) briefed members on the new designs for columbarium blocks. He said that, to address the concerns of the nearby community with regard to visual and psychological impact generated by the columbarium facilities, the Administration improved the designs of these facilities by various means, such as beautifying the structures of the columbarium blocks, maximising greenery effect, adjusting the orientation of the building blocks and setting back the rows of niches, reducing the number of storeys of columbarium blocks at the roadside, enhancing the

Action

landscape design and prohibiting the burning of joss paper and sticks in some of the columbaria.

Background brief

8. Members noted that a background brief entitled "Development of crematorium and columbarium facilities" prepared by the Legislative Council Secretariat had been issued to members [LC Paper No. CB(2)778/06-07(02)].

Crematorium and columbarium facilities

9. Dr KWOK Ka-ki said that, according to the information provided in the Administration's paper, it was estimated that by 2014, the total annual cremation capacity of the 34 public cremators would be increased to 54 750 sessions and would fully meet the projected demand of 43 300 sessions. He wondered why the waiting time for cremation could only be reduced from 15 days to 13 days. On the role of the non-government sector in the development of C&C facilities, Dr KWOK questioned how the non-government sector could participate in the development of these facilities. He considered that, in the lack of sufficient resources, it was not possible for the non-government sector to conduct studies on the development proposals regarding transport facilities, support services and environmental impact.

10. DS(FEH) responded that there were some organisations in the private sector providing columbarium services at present. The operators of columbarium could develop the projects of columbarium facilities, provided that the land where the columbarium facilities to be built was reserved for C&C facilities on the Outline Zoning Plans and that the project proposal was approved by the relevant government departments. He further said the Administration was exploring the feasibility of developing C&C facilities in other areas e.g. Tuen Mun Area 46 and considering the possibility of inviting the non-government sector to participate in C&C developments.

11. Regarding the waiting time for cremation, DD(A&D)/FEHD supplemented that, taking into account the population growth and the rising demand for cremation services, 15 days was the longest waiting time. She explained that the time taken for cremation service to be provided depended on both the availability of cremation sessions and the preference of the applicants for the date available. For an example, the period before and after Lunar New Year had traditionally been a peak season for cremation. During this period, the duration between the submission of application and the actual date of cremation might be longer. Moreover, some applicants might prefer a later cremation session to match the date they considered best for cremation of the deceased, even though an earlier session was available.

12. In view of the difficulties in developing C&C facilities in the proposed sites, Dr KWOK Ka-ki asked whether the Administration would consider developing such facilities in outlying islands e.g. Lantau Island or remote areas near the border.

Action

13. Mr WONG Yung-kan said that he shared a similar view with Dr KWOK. Mr WONG said that, in view of the projected shortage of provision of niches and the difficulties in soliciting DC's support to the proposals for constructing new C&C facilities, he wondered why the Administration would not consider developing C&C facilities in remote areas or country parks that were far away from residential developments.

14. In response to members' suggestion of developing C&C facilities in outlying islands, DS(FEH) said that, in view of transport constraint, it might not be feasible to construct C&C facilities in outlying islands. The ferry companies would have great difficulties in providing adequate ferry service to meet the demand generated by the large number of grave sweepers during Ching Ming and Chung Yeung Festivals. He further said that, to his knowledge, many of the areas in the Lantau Island came within the protected realm of country parks.

15. As regards the Administration's proposal of a time-limited lease of niches, Mr WONG Yung-kan said that he doubted whether such proposal would be accepted by the public and asked if the Administration would consider providing some incentives to bereaved families to attract them to return vacated urns. He added that the Administration should consider working out long term measures and other alternatives to address the shortage problem of niches.

16. DS(FEH) said that refund to the relatives of the deceased might not be a feasible measure to encourage them to return empty or vacated urns for re-allocation. Given that the price of government niches was around \$3,000 to \$4,000, a refund of the purchase price of niches, say 50%, would not be very attractive. With a view to alleviating the shortage of niches, the Administration had put forward a proposal of ceasing the current practice of perpetual interment of cinerary urns and limiting the interment of cinerary urns in newly located niches to, say, a 10-year lease. Although the response from some sectors of the community was not favourable, he still considered that the proposal should be seriously considered.

17. The Chairman said that the Administration should encourage people to keep urns at home. Instead of calculating the refund on the basis of the purchase price, the Administration could consider making reference to the costs of constructing the columbarium facilities, recurrent management and maintenance etc.

18. The Deputy Chairman said that, as mentioned in the Administration's paper, there would be a total of ten new cremators at Cape Collinson Crematorium upon completion of the whole re-provisioning project. He asked why the number of cremators at Cape Collinson Crematorium would be reduced from 12 to ten after the completion of the re-provisioning project. He further said that he was fully supportive of the measure put in place by the Administration to protect the environment, including the guidelines to advise the bereaved families that metal or plastic articles

Action

should not put inside the coffin and to remove all metal or plastic ornaments on the surface of it before cremation. However, he wondered why the guidelines were issued as an appeal to the bereaved families only and not a mandatory requirement.

19. On the number of re-provisioned cremators at Cape Collinson Crematorium, CPM/ASD explained that new flue gas filtration system would be installed to properly treat the smoke emission from cremators in preventing air pollution in meeting EPD's requirement. In view of the need to allocate space for the new filtration system, only ten re-provisioned cremators would be built in situ. He, however, pointed out that the daily capacity of the old-style cremators was only three sessions whereas the daily capacity of the new re-provisioned cremators could be doubled.

20. DD(A&D)/FEHD said that the department issued guidelines in an advisory manner to bereaved families not to place metal or plastics articles inside the coffins. But the Government always respected the deceased and bereaved families and would not open the coffins to check the objects that were put inside the coffins. She explained that there were other guidelines issued to the funeral trade to specify the materials that should not be used in making of coffins. To ensure compliance with the guidelines by undertakers of burials, the Administration planned to introduce a new licensing condition to the effect that an undertaker of burials should only source and/or arrange a coffin for cremation for the bereaved family that met with FEHD's requirements. Warning letters would be issued to undertakers of burials who breached this condition. An accumulation of three warning letters within a period of 12 months after two consecutive suspensions would lead to licence cancellation.

21. Responding to the Chairman's question, DD(A&D)/FEHD said that the Administration had consulted the trade of the proposal of introducing this new licensing condition to ensure compliance with the guidelines by undertakers of burials. The trade and coffin suppliers did not object to the proposal but requested a grace period of nine months for finding alternatives to and clearing of their existing/committed stock of coffins.

22. Mr WONG Yung-kan said that he noted that there was strong objection from Tuen Mun DC in regard to the proposal of developing C&C facilities at Tuen Mun Area 46. He asked how the Administration would address the concerns of Tuen Mun DC. As the number of deaths would continue to rise due to the ageing of population, he enquired if the Administration had taken into account this factor when projecting the demand of cremation sessions. He was worried that, while the Administration envisaged that the waiting time for cremation services would be shortened after the re-provisioning of cremators, such favourable effect would be eroded with the increase in cremation demand due to the ageing of the population.

23. In reply, DS(FEH) said that the Administration had already taken into account the factor of the ageing of population in projecting the demand of cremation sessions.

Action

However, in view of the scarcity of land in Hong Kong, even if all the proposed projects for developing columbaria including the proposed project at Tuen Mun Area 46 could be taken forward as planned, it would not be able to meet the rising public demand. As a long term measure to tackle the shortage problem of niches, the Administration considered that the introduction of a time-limited lease of niches in lieu of perpetual interment of cinerary urns in newly allocated niches was worth of consideration. DS(FEH) further said that some members of the public would like to respect the wish of the deceased to dispose the cremated ashes by other proper means such as keeping the urns at home or in the columbaria in the Mainland or sea burials in future. Such alternative arrangements would help relieve the niche shortage problem.

24. Mr WONG Kwok-hing asked how the Administration would address the various concerns of Tuen Mun DC [LC Paper No. CB(2)798/06-07(01)]. Having regard that many polluting and hazardous facilities had been located in Tuen Mun, he further asked whether there would be any compensation to the disadvantages suffered by Tuen Mun residents over the year.

25. DS(FEH) responded that the Administration would make best endeavours to address the concerns of Tuen Mun DC and would consult the DC again when there were more details of the project proposals of columbarium developments. Referring to the powerpoint presentation on the new designs for columbarium blocks, he said that it was hoped that the new designs would alleviate the concerns of DC in respect of visual and psychological impact generated by the columbarium facilities.

Sea burials

26. The Deputy Chairman said that the progress on promoting sea burials as an alternative means for disposing cremated ashes was too slow. He commented that the Administration's paper did not provide any details on the measures to promote sea burials and GOR to alleviate the shortage of niches

27. DS(FEH) said that FEHD had so far received three applications for sea burials in Hong Kong waters but they were not approved on the grounds that the proposed locations for disposing ashes were too close to beaches and marine fish culture zones. However, applicants could still choose to arrange sea burials on the high seas. The Administration was considering putting in place an application mechanism with clear approval criteria and conditions to facilitate more people to adopt sea burials for disposing cremated ashes. To avoid any indiscriminate scattering activities around the shoreline of Hong Kong, a few designated water areas would be identified for the purpose of holding sea burials.

28. Mr WONG Yung-kun said that sea burials should not be carried out near marine fish culture zones and considered that it should be held in Hong Kong waters nearer to the high seas. DS(FEH) said that it would take some time to identify

Action

suitable areas where sea burials could be held. It was aimed that the details of the approval conditions and the designated areas of waters for holding sea burials would be worked out in the next two or three months.

Issues related to Kwai Chung Crematorium and Fu Shan Crematorium

29. The Chairman said that, as agreed at the last regular meeting, the Administration was requested to address the issues raised by Mr WONG Kwok-hing with regard to the recent incident occurred at Kwai Chung Crematorium, as listed out in his letter dated 4 December 2006 [LC Paper No. CB(2)731/06-07(02)].

30. Referring to the reply from the Food and Environmental Hygiene Department (FEHD) dated 22 December 2006 [LC paper no. CB(2) 731/06-07(01)], Mr WONG Kwok-hing said that he noted that FEHD had launched an investigation into the case where FEHD staff were suspected of opening a coffin without authorisation and cremating the wrong body. He asked when FEHD would complete the investigation and revert to the Panel on the report on the case. He criticised that it had taken too long for FEHD to conduct the investigation given that the incident was revealed on 20 October 2006. As regards Fu Shan Crematorium, Mr WONG expressed strong dissatisfaction that FEHD's reply did not address his concern on the insufficient fire escapes at Fu Shan Crematorium. He said that there was only a narrow staircase provided in the plant room as an access to and egress from the plant room.

31. Regarding the investigation on the case, DD(A&D)/FEHD clarified that, the investigations were only started in December 2006 and were still underway because there were other complaints associated with the case apart from the case of suspected opening of a coffin without authorisation. FEHD would do its best to complete the investigations as soon as possible. She said that the information on occupational safety measures in crematoria as listed in FEHD's letter dated 22 December 2006 was provided in response to Mr WONG's question on occupational health and safety at crematoria. On Mr WONG's particular concern on the fire escapes at Fu Shan Crematorium, DD(A&D)/FEHD explained that, when Fu Shan Crematorium started operation upon completion of re-provisioning works in 2004, it had already been checked and found complied with the requirements stipulated at that time by the relevant fire services and buildings ordinances, including the provision of sufficient means of escapes. There were fire detectors and fire alarms installed at the plant room. Before taking over the management of Fu Shan Crematorium and Kwai Chung Crematorium in January this year, the Electrical and Mechanical Services Department (EMSD) had deployed its own safety officer to crematoria to conduct a comprehensive risk assessment to ensure the work safety of its staff. At the same time, the existing fire services provisions were checked and found to be in compliance with the safety standards. Moreover, EMSD had reviewed and re-issued various handbooks and guidelines to crematorium staff including risk assessment reports, safety and health handbook and guidelines, work instruction for crematorium staff, and contingency plan.

Action

32. Mr WONG Kwok-hing expressed strong dissatisfaction with the Administration's response to his concern on the safety at Fu Shan Crematorium and criticised the Administration for failure to disclose the fact. He requested that a visit to Fu Shan Crematorium, in particular the plant room, be arranged to validate the Administration's claim that fire escapes at Fu Shan Crematorium were sufficient.

33. As regards the fire escapes at the plant room of Fu Shan Crematorium, CPM/ASD clarified that the safety working environment of the plant room was under the ambit of the Occupational Safety and Health Regulation made under the Occupational Safety Ordinance. Under this Regulation, an employer was required to assess and review risks to the safety and health of employees who undertook manual handling operations and to provide all necessary information to employees. In this regard, the relevant guidelines had been prepared and distributed to crematorium staff.

34. CPM/ASD said that, should the Panel members wish to visit Fu Shan Crematorium, arrangement could be made by the relevant Departments. On the proposed visit, the Chairman said that the Secretariat would follow up on arranging a visit to Fu Shan Crematorium. Members agreed.

(Post-meeting note: The Panel's visit to Fu Shan Crematorium scheduled for 29 January 2007 was subsequently cancelled.)

35. Noting from the letter provided by the Health, Welfare and Food Bureau [LC paper No. CB(2)718/06-07(01)] that EMSD had started the open recruitment exercise for craftsmen for the skilled services of Fu Shan and Kwai Chung Crematoria, Mr WONG Kwok-hing asked whether the craftsmen were appointed on civil service terms of appointment or non-civil service contract terms. He questioned how the Administration could ensure that the craftsmen appointed on non-civil service contract terms would observe strictly the guidelines set for crematorium staff. He expressed concern that these craftsmen would be afraid of disclosing the problems of improper management/operation at the crematoria due to their worries about the impacts on their contract employment. Mr WONG said that the Director of FEHD had undertaken to review and work out new guidelines concerning crematorium procedures. He asked whether such guidelines had been provided to crematorium staff.

36. DS(FEH) responded that the incident concerning the opening of a coffin without authorisation at Kwai Chung Crematorium was an isolated case which should be better handled by way of holding a case conference. Regarding the point that non-civil service contract staff were less inclined to disclose management/operation problems, citing the recent ovitrap tampering case as an example, he observed that the incident was revealed by a contract staff. The appointment of craftsmen on contract terms should in itself not be a cause for concern.

Action

37. DD(A&D)/FEHD supplemented that, as far as she knew, the craftsmen recruited by EMSD would be appointed on non-civil service terms. The craftsmen were required to have knowledge of electrical and mechanical services installations. DD(A&D) further said that FEHD had issued additional guidelines to crematorium staff to enhance the procedure.

38. Mr WONG Kwok-hing said that he was surprised by the Administration's response that the incident occurred at Kwai Chung Crematorium was an isolated case. He pointed out that the guidelines for crematorium staff were reviewed and updated subsequent to the revelation of the problems on the operation of crematoria by this particular incident. He considered that the Administration should provide a complete copy of the new guidelines to the Panel for information.

Admin

39. In response, DD(A&D)/FEHD said that the Administration would provide the information requested to the Panel.

V. Streamlining measures for food business licence (New composite licence for ready-to-eat food)

The Administration's proposal

40. Deputy Director (Environmental Hygiene) of Food and Environmental Hygiene Department ((DD(EH)/FEHD) briefed members on the proposed composite licence/permit for ready-to-eat food, as detailed in the Administration's paper [LC Paper Nos. CB(2)778/06-07(03)]. Under the current proposal, the new composite licence/permit was categorised into three groups (i.e. Group A, B and C). The holder of a Group A composite licence/permit would be allowed to manufacture/prepare for sale three food items and sell 12 food items. The holder of a Group B and C composite licence/permit would be permitted to sell food items but not to manufacture/prepare any food items. The number of food items that the holder of a Group B or C composite licence/permit could sell was ten and two respectively. The details were set out in Annex A to the Administration's paper.

41. With a view to streamlining the licensing process, DD(EH)/FEHD said that the Administration had identified the basic requirements to be met by an applicant before issue of a composite licence/permit, with details provided in Annex B to the Administration's paper. She pointed out that the holder of a composite licence/permit was given the flexibility to meet certain licensing conditions at a later stage if he was not manufacturing/selling a particular food item at the outset, but decided to increase the number of food items on the approved list under the relevant group afterwards. Taking the opportunity and on the basis that public health and safety would not be compromised, certain licensing requirements of food business licences were also simplified and modernised, as reflected at Annex B to the Administration's paper.

Action

42. DD(EH)/FEHD informed members that the new regime would allow the existing food permit system be retained in essence to ensure that those food business operators selling fewer number of food items would not lose out. The Administration would introduce legislative amendments to effect the introduction of the new composite licence/permit.

Licence/Permit Fees

43. The Deputy Chairman said that he welcomed and supported the introduction of the new composite licence/permit to reduce the number of licences required for food premises. However, he expressed concern that the existing food permit system would be retained in parallel with the new composite licence/permit system. He asked whether a holder of a licence/permit for selling a particular food item (e.g. siu mei and lo mei shop licence/permit) would be required to apply for the new composite licence/permit upon renewal of his current food licence/permit. Having regard that a holder of a new composite licence/permit was allowed to sell a number of food items under the approved list, he considered that the licence/permit fee for a siu mei and lo mei shop should be less than that of a new composite licence/permit.

44. Dr KWOK Ka-ki said that, given that the purpose of introducing the new composite licence/permit was to facilitate business operators, the operators should not pay more for the same type/number of food items sold under the existing licensing regime. He enquired about the percentage of reduction in licence fee/permit.

45. In response to members' questions on licence/permit fee, DD(EH)/FEHD said that the Administration was considering charging the licence/permit fee on the basis of either the number of ready-to-eat food items on sale or the size of the premises. Drawing reference to a Fresh Provision Shop (FPS), DD(EH)/FEHD said that the fee was charged on the basis of the number of food items on sale but capped at a ceiling of four food items. FEHD would work with the policy bureau on proposals and the guiding principle was that operators should not be required to pay more for the same type/number of food items sold under the existing licensing regime.

46. On the Administration's response, the Chairman sought clarification on whether a holder of a composite licence/permit who only wished to sell two food items, say siu mei and lo mei as well as Chinese herb tea, would pay less than holding two separate licence/permit for siu mei and lo mei shop and Chinese herb tea shop under the existing licensing regime.

47. DD(EH)/FEHD reiterated that the guiding principle on the charging method for the composite licence/permit was that operators should not be required to pay more for the same type/number of food items sold under the existing licensing regime.

Licensing requirements and conditions

Action

48. The Deputy Chairman wondered why the Administration had to prescribe the licensing requirement in respect of the colour of ceilings and walls of the premises. As mentioned in the Administration's paper, all ceilings and walls of the premises not panelled, tiled or imperviously surfaced should be limewashed or painted in a light colour. In his view, such licensing requirement would not be conducive to creativity in the designs of food premises. Dr KWOK Ka-ki also shared similar views with the Deputy Chairman.

49. Assistant Director (Operations)1 of Food and Environmental Hygiene Department (AD(Operations)1/FEHD) explained that the requirement was for sanitary and inspection purposes. He said that FEHD had relaxed such requirement recently and a darker colour painting of ceilings and walls would be approved.

50. Dr KWOK Ka-ki said that, given that FEHD had relaxed their requirement in respect of the colour of ceilings and walls, he doubted if there was a need to include such requirement in the list of basic major licensing requirement.

51. Mr WONG Yung-kun said that he shared similar views with other members that the licensing requirement for the colour of the material or tiles of floors, surfaces of walls or partitions were outdated and should be taken out. He pointed out that, in accordance with the licensing requirements for a Group A composite licence/permit, the holder of such licence/permit was required to appoint a Hygiene Manager and a Hygiene Supervisor to supervise the daily operation of the premises. It would be the responsibility of the Hygiene Manager and the Hygiene Supervisor to ensure the cleanliness of the food premises.

52. AD(Operations)1/FEHD said that generally speaking the colour of kitchen and cleaning place of food premises should be painted in a light colour or use light colour glazed tile. Recently, FEHD had relaxed the colour requirement to allow licensee/permittee have greater flexibility in the choice of colours for design purpose. In the light of members' views, FEHD would consider whether the licensing requirement in respect of the colour of ceilings and walls of food premises should be further revised.

53. Dr Kwok Ka-ki said that the licensing requirements in respect of ventilation system was too general and considered that more specific requirements in this respect should be prescribed e.g. air circulation per minute.

54. DD(EH)/FEHD responded that Annex B summarised the basic licensing requirements. More specific requirements would be included in the final documents.

Categorisation of food items

55. Referring to the list of food items under the three different groups of composite licence/permit as provided in Annex A to the Administration's paper, Mr WONG

Action

Kwok-hing questioned why the "sale of non-bottled drinks", "sale of frozen confections" and "sale of Chinese herb tea" (i.e. item nos. 10, 11 and 12) were not grouped together with the "sale of milk and milk beverages" and "sale of frozen confections in manufacturers' wrappers" (i.e. item nos. 14 and 15). He considered that these food items were of similar type of ready-to-eat food and should be grouped together. Noting that a holder of a Group B composite licence/permit had more licensing requirements to meet, he suggested the Administration to consider including the "sale of non-bottled drinks" and "sale of Chinese herb tea" (i.e. item nos. 10 and 12) into the approved list of food items under Group C licence with a view to facilitating small business operators.

56. DD(EH)/FEHD explained that the Administration had taken into account the interest of small food business operators in working out the major basic licensing requirements for the licence/permit under each respective group. There were only two major basic requirements for a Group C composite licence/permit, as compared to many more for a Group A and B licence/permit. DD(EH)/FEHD pointed out that the licensing requirements as set out in Annex B to the Administration's paper were only the major basic requirements. Should the holder wish to sell a particular food item on the approved list under the relevant group in future, he was required to comply with specific licensing conditions applicable to the food item concerned. For instance, a holder of composite licence/permit who wished to manufacture and sell sushi and sashimi was required to comply with the specific licensing conditions as set out in Annex C.

57. As regards Mr WONG's suggestion, DD(EH)/FEHD said that the Administration would further review the categorisation of food items under each group of the composite licence/permit.

58. Dr KWOK Ka-ki said that, as compared to raw oysters, the "sale of Chinese herb tea" and "sale of food by vending machine" (i.e. item nos. 12 and 13) were of low food safety risk. He wondered why these two food items were not be categorised into the approved list under a Group C licence.

59. Mr WONG Yung-kan shared similar views with Dr KWOK. He said that the number of food items on the approved list under a Group C licence was too small and queried why the "sale of food by vending machine" (i.e. item no. 13) could not be added into the approved list under Group C licence. In his view, the Administration should consider allowing the holder of Group C composite licence/permit to sell pre-packaged cakes and biscuits so as to provide convenience to residents in remote areas. Mr WONG enquired about the difference between the "preparation of oysters to be eaten in raw state" and "sale of oysters to be eaten in raw state" (i.e. item nos. 3 and 9) on the proposed list. He asked why a holder of a Group B licence/permit was permitted to sell sushi but not to manufacture sushi.

60. DD(EH)/FEHD said that the holders of Group A licence/permit were permitted

Action

to manufacture and sell certain kinds of food as set out in the approved list, including manufacture and sale of sushi and sashimi. While the holders of Group B licences/permits were permitted to sell certain kinds of food on the approved list under its respective Group such as sushi and sashimi, they were not permitted to manufacture these food items. Taking into account that sushi and sashimi were of similar food type, she said that the Administration would consider combining them into one food item on the list. DD(EH)/FEHD said that the Administration would also consider whether the "preparation of oysters to be eaten in raw state" and "sale of oysters to be eaten in raw state" (i.e. item nos. 3 and 9) could be combined. She stressed that, in view of members' views on the categorisation of food items under each respective group licence, the Administration would further review the food items on the approved lists under each respective group.

61. The Chairman said that there were about 700 convenience stores in Hong Kong that had soft ice-cream on sale in the stores. He asked why soft ice-cream was not included in the approved list of food items given that the new composite food licence/permit was introduced to facilitate the food trade. He opined that the Administration should seriously consider this suggestion.

62. In response, DD(EH)/FEHD said that soft ice-cream was presently regulated under another subsidiary legislation and that the Administration would consider the Chairman's views in drawing up the relevant legislative proposal.

Legislative Timetable

63. The Chairman said that the Liberal Party was supportive of the proposal and asked the Administration when the new composite licence/permit would be introduced.

64. In reply, DD(EH)/FEHD said that the drafting of the legislative amendments would be rather complex and further consultation with the trade would be necessary on the concrete proposals. The Administration's plan was to introduce the legislative proposals to the Legislative Council (LegCo) in the next session.

65. The Chairman expressed disappointment with the Administration's response. He said that, as the Panel members were all supportive of the proposal, the Administration should expedite the process of drafting amendments and introduce the legislative amendments to LegCo as soon as possible. The Chairman added that he would offer assistance in arranging consultation with the trade as early as possible.

VI. Regulation of eggs

The Administration's proposal

Action

66. Principal Assistant Secretary for Health, Welfare and Food (Food and Environmental Hygiene)1 (PAS(FEH)1) briefed members on the administrative measures put in place to tighten up the import control of poultry eggs and the legislative proposal of regulating imported poultry eggs, as detailed in the Administration's paper [LC Paper No. CB(2)778/06-07(05)]. PAS(FEH)1 said that the World Organisation for Animal Health (OIE) had recently revised its guidelines on the control of eggs for human consumption, which recommended that a health certificate should be accompanied with imported poultry eggs for the control of avian influenza. To keep in line with the latest international practice, it was considered that there was a need to strengthen the control over imported poultry eggs in Hong Kong. The food incidents, which were associated with the detection of Sudan Red in certain poultry eggs imported from the Mainland, occurred in November 2006 also highlighted the need for regulating the importation of poultry eggs.

67. To complement the Mainland's new measures in strengthening the control of poultry eggs supplied to Hong Kong, PAS(FEH)1 advised that the Administration had implemented several administrative measures to tighten up the import control of eggs. One of the administrative measures that had been implemented was the voluntary registration scheme for egg importers under which poultry egg importers were invited to register with the Centre for Food Safety (CFS). As at 5 January 2007, a total of 35 poultry eggs importers registered under the scheme. He added that, to enhance the transparency in the sale of poultry eggs, CFS would invite all traders in the wholesale and distribution of poultry egg to register, on a voluntary basis, with CFS. The invitations to the wholesalers and distributors of poultry eggs would be issued on the date of the meeting (i.e. 9 January 2007).

68. As the first step in ensuring the food safety of poultry eggs, PAS(FEH)1 said that the Administration had started work to amend the Imported Game, Meat and Poultry Regulations (Cap. 132 sub. leg. AK) and Import and Export (General) Regulations (Cap. 60 sub. leg. A) to require all importers of poultry eggs to register with CFS and obtain import permits for the eggs they imported. With a view to safeguarding the safety of imported poultry eggs, the Administration was considering a more comprehensive regulatory framework and examining the need to subject wholesalers and retailers in the control.

Fact Sheet

69. Members noted that a fact sheet on "A summary of press cuttings regarding detection of harmful substances in hen eggs from 30 November 2006 to 8 January 2007" prepared by Research and Library Services Division of LegCo Secretariat had been issued to members [FS12/06-07].

Issues discussed

Legislative proposal and timetable

Action

70. Mr WONG Yung-kan said that he welcomed this long-awaited legislative proposal. He pointed out that, when the Panel discussed the food incident of the discovery of salmonella in hen eggs, the Panel members had already suggested the Administration to consider regulating hen eggs. Mr WONG asked whether the same requirement that imported poultry eggs be accompanied with health certificates would apply to the poultry eggs from other countries/regions.

71. Controller/CFS confirmed that the requirement that imported poultry eggs be accompanied with health certificates would apply to poultry eggs imported from the Mainland and other countries/regions.

72. Referring to paragraph 10 of the Administration's paper, the Chairman said that he had some reservations on the proposed level of penalties. He was concerned about the imposition of same level of penalties (i.e. a maximum fine of \$50,000 and imprisonment of six months upon conviction) upon retailers when the retailers were subject to the control in future. Such penalties would be too severe to the retailers, in particular those operators of small groceries. Given that game, meat and poultry were of a higher food safety risk, he was of the view that it was not appropriate to make reference to the level of penalties under the Imported Game, Meat and Poultry Regulations.

73. Mr WONG Kwok-hing said that he welcomed the administrative measures and the legislative proposal of regulating the import of poultry eggs. He enquired about the legislative timetable.

74. The Deputy Chairman said that, in his view, in addition to regulating poultry eggs importers, the Administration should also bring the wholesalers, distributors and retailers under regulatory control. The amendments to the relevant legislation to regulate the import of eggs should be made as early as possible. He commented that, in the lack of legislation to subject all stakeholders at the import, wholesale and retail levels, the legislative amendments introduced to regulate the importers of poultry eggs would fail to assure the food safety of poultry eggs. To facilitate the tracing of source in case of food incidents, regulation of imported poultry eggs at wholesale and retail levels was important and necessary.

75. DS(FEH) responded that the Administration had the plan to include distributors and retailers in the control and was considering the need to enact a new piece of legislation to effect the regulatory control in this respect. Considering that the time required for the legislative process for enacting a new piece of legislation, the Administration proposed to amend the Imported Game, Meat and Poultry Regulations (Cap. 132 sub. leg. AK) and Import and Export (General) Regulations (Cap. 60 sub. leg. A) to expedite the process of regulating importers of poultry eggs. The Administration aimed to introduce the legislative proposals to the Legislative Council (LegCo) in the first quarter of 2007.

Action

76. On the Administration's response, the Deputy Chairman said that he remained of the view that the legislative proposals of regulating the import, wholesale and retail levels should be introduced at the same time.

77. Dr Joseph LEE wondered how the new administrative measures implemented would solve the problem of illegal activities of "smuggling" of hen eggs into Hong Kong. Noting that the Administration would explore setting up a separate mechanism to prevent other players down the supply chain (i.e. wholesalers, distributors or retailers) from procuring poultry eggs from non-registered importers, he asked when the Administration would introduce the legislative proposal of subjecting all levels of players of the supply chain under the regulatory control. The Chairman also enquired about the legislative timetable of such proposal.

78. In response to the questions raised by Dr LEE and the Chairman, DS(FEH) reiterated that the Administration planned to make amendments to the Imported Game, Meat and Poultry Regulations (Cap. 132 sub. leg. AK) and Import and Export (General) Regulations (Cap. 60 sub. leg. A) to subject the importers of poultry eggs to the control as the first step in ensuring the food safety of imported poultry eggs. DS(FEH) said that it was hoped that a new piece of legislation to regulate all levels of supply chain of poultry eggs would be introduced by the end of 2007.

Sale of eggs imported through unauthorised channel

79. Mr WONG Kwok-hing said that, in view of the illegal egg importation activities across the border and the absence of stamp or mark on each egg showing that it had passed the inspection, the requirement of health certificates for imported poultry eggs could not solve the problem at root. He pointed out that poultry eggs were imported in boxes and, once a box was opened, it was difficult for consumers to differentiate imported poultry eggs that were accompanied with health certificates from those poultry eggs imported through improper or illegal channels. Mr WONG asked how the Administration could prevent imported poultry eggs entered into Hong Kong through illegal or improper channels from being put on sale at retail outlets. Given that control at source was important to safeguard food safety, he further asked if the Administration would conduct inspection to the registered poultry egg farms in the Mainland.

80. DS(FEH) said that the requirement for the issuance of health certificates for imported poultry eggs was made with reference to OIE guidelines. In accordance with OIE guidelines, imported poultry eggs should be accompanied with health certificates with conditions accepted by the authority of the importing country/region and issued by the relevant authority of an exporting country/region. However, the stamping of an identification mark on each egg was not the common international practice. In addition, the adoption of such requirement might be considered as a barrier to trade by other member countries of the World Trade Organisation.

Action

81. DS(FEH) further said that to stamp a mark on all items of food was not an assurance that the food were fit for consumption. Having regard to the fact that most of food consumed in Hong Kong was imported from other countries/regions, it was considered important to exercise control at source. In this regard, the relevant authorities of the exporting countries played a significant role in monitoring the farms in their countries/regions. DS(FEH) pointed out that, after the enactment of the legislation to require all poultry egg importers to register and obtain import permits, all importers of poultry eggs were required to register with CFS and obtain import permits for the eggs they imported. The Administration would step up its inspection work and strengthen its enforcement actions to ensure food safety.

82. Controller/CFS added that, with the new administrative measures put in place, the Food and Environmental Hygiene Department (FEHD) and the Customs and Excise Department (C&ED) would work closely and step up their joint actions to ensure that eggs imported from the Mainland were accompanied with health certificates and that the certificates were issued for the eggs concerned. FEHD and C&ED would also act upon information received to take joint enforcement actions at the import control points against import of poultry eggs from the Mainland into Hong Kong from improper channels. Those without health certificates would be held and tested.

Supply of eggs from registered/listed poultry farms

83. The Deputy Chairman said that it was reported in a newspaper that the trade had expressed concern on the number of registered/listed poultry egg farms in the Mainland. The trade was worried that poultry eggs supplied by registered/listed poultry egg farms in the Mainland could not meet the local demand for poultry eggs. He asked how the Administration would address the trade's concern. He hoped that the Administration would assist the trade to enhance its communication with the registered poultry egg farms in the Mainland.

84. On the number of registered egg farms in the Mainland, Controller of Centre for Food Safety (Controller/CFS) said that there were 45 registered egg processing plants and 126 associated farms listed in the website of the State General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) at present. Out of the 45 processing plants, more than ten would supply fresh hen eggs to Hong Kong. On 8 January 2007, there were about 1.3 million hen eggs imported into Hong Kong. Controller/CFS added that the daily average of poultry eggs imported into Hong Kong from the Mainland in 2005 was about 2 million, which included hen eggs, duck eggs and other poultry eggs. In the light of this, the supply of hen eggs by the Mainland's registered egg farms would be sufficient.

Inspection and testing of egg samples

Action

85. Dr KWOK Ka-ki said that, when the Panel discussed the setting up of CFS, the Panel members had pointed out the most effective way to enhance food safety was control at source. He enquired if CFS had inspected the registered egg farms in the Mainland; and if not, would CFS conduct inspection to these registered egg farms in future.

86. Controller/CFS said that to safeguard food safety of imported food, the Administration would conduct regular and random audit inspections to registered farms in the Mainland to ensure that their hygienic conditions had met with the relevant requirements that were accepted by Hong Kong.

87. The Chairman said that, when the Panel discussed the setting up of CFS, members were of the view that the most effective way to enhance food safety was the implementation the "From Feed to Table" concept. In his view, CFS should conduct more inspection and sample testing to registered farms to ensure food safety of poultry eggs and to restore the public's confidence.

88. Controller/CFS said that, given that the registered poultry egg farms in the Mainland were scattered around in 12 provinces including Guangdong, Shandong and Liaoning provinces, there were practical difficulties for CFS to conduct regular inspection in view of resources available. She added that, though the Centre was established in 2006, many of the additional staff had yet to report duty. Nevertheless, CFS would arrange staff to conduct inspections to registered egg farms in the Mainland as appropriate and where resources permitted.

89. Mr WONG Yung-kan said that inspection and testing of food samples should be made at import level in respect of their places of origin to ensure that food imported from other countries/places were safe for human consumption. He asked whether the inspection and sample testing of hen eggs were conducted by their places of origin and the number of hen egg samples taken for testing. He further asked if Sudan Red and salmonella were tested under regular food surveillance programme.

90. Controller/CFS said that, under regular food surveillance programme, CFS took food samples for laboratory testing at the import, wholesale and retail levels. Inspection and testing of poultry egg samples were included under the regular food surveillance programme where poultry egg samples were tested under a risk-based approach. However, the testing of poultry eggs was not catergorised by their source countries/regions at present. She pointed out that, in view of resources constraint and in line with international practices, inspection frequency and sampling size were set according to the risk in food safety. Given that hen eggs were of a lower food safety risk, the number of hen egg samples taken for testing was not large. Controller/CFS said that the Administration would revert to the Panel on the number of poultry egg samples taken for testing in last year.

Admin

Action

VII. Any other business

91. There being no other business, the meeting ended at 5:00 pm.

Council Business Division 2
Legislative Council Secretariat
12 February 2007