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Establishment Subcommittee of the Finance Committee

Minutes of the 4th meeting
held at the Conference Room A
on Wednesday, 16 January 2008, at 9:30 am

Members present:

Hon LI Fung-ying, BBS, JP (Chairman)
Hon WONG Kwok-hing, MH (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Dr Hon David LI Kwok-po, GBM, GBS, JP
Hon Margaret NG
Hon CHEUNG Man-kwong
Hon SIN Chung-kai, JP
Hon WONG Yung-kan, JP
Hon Howard YOUNG, SBS, JP
Dr Hon YEUNG Sum
Dr Hon KWOK Ka-ki
Hon WONG Ting-kwong, BBS
Hon Patrick LAU Sau-shing, SBS, JP

Members absent:

Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon KWONG Chi-kin

Public Officers attending:

Miss Amy TSE, JP	Deputy Secretary for Financial Services and the Treasury (Treasury)
Mrs Sarah KWOK, JP Mr Alfred FOK	Deputy Secretary for the Civil Service Principal Executive Officer (General), Financial Services and the Treasury Bureau (The Treasury Branch)
Mrs Stella HUNG, JP	Permanent Secretary for Food and Health (Food)
Ms Olivia NIP, JP	Deputy Secretary for Food and Health (Food)
Mrs Angelina CHEUNG	Principal Assistant Secretary for Food and Health (Food)

Clerk in attendance:

Ms Debbie YAU	Senior Council Secretary (1)1
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Staff in attendance:

Ms Pauline NG	Assistant Secretary General 1
Mr Justin TAM	Council Secretary (1)3
Ms Alice CHEUNG	Senior Legislative Assistant (1)1
Mr Frankie WOO	Legislative Assistant (1)2

Action

In response to the request of the Administration, members agreed to advance the next meeting of the Establishment Committee to Thursday, 21 February 2008. Members noted that the starting time of the meeting would either be 8:30 am or 9:00 am depending on the number and complexity of the item(s) on the agenda.

2. The Chairman drew members' attention to an information paper (ECI(2007-08)11) provided by the Administration before the meeting, which set out the latest changes in the directorate establishment approved since 2002.

EC(2007-08)15 Proposed creation of one permanent post of Administrative Officer Staff Grade C (D2) in the Food Branch of Food and Health Bureau of Government Secretariat with effect from 20 February 2008 to strengthen the directorate support to cope with the ever increasing workload and to strengthen the work on enhancing food safety

3. The Chairman informed members that the Panel on Food Safety and Environmental Hygiene (the FSEH Panel) was consulted on the proposal at the meeting on 11 December 2007.

4. While expressing support for the need to strengthen the work on enhancing food safety, Mr Howard YOUNG recapped the concern of Mr Tommy CHEUNG, Chairman of the FSEH Panel, that after the restructuring of bureaux, the portfolios of the Food and Health Bureau (FHB) had been reduced substantially as compared with that of the then Health, Welfare and Food Bureau. He pointed out that the legislative work on the Food Safety Bill and the Amendment Regulation relating to the introduction of the Nutrition Labeling Scheme were time-limited tasks to be completed within the next few years. As for ongoing tasks, there was already an increase of non-directorate staff in the establishment of the Food Branch of FHB over the past two years to cope with additional workload. As such, the Administration should seek to strengthen the directorate support through the creation of a supernumerary post for a fixed period of time, say two or three years.

5. The Permanent Secretary for Food and Health (Food) (PSFH(F)) highlighted the need to create the post on a permanent basis. She said that as a result of technology advancement and economic development, international food safety standards were reviewed and upgraded from time to time with a view to preventing food incidents. As such, there was an on-going need for FHB to be kept abreast of international development and research findings on food standards and safety requirement, and to provide timely response by updating the local practices in line with the standards. In addition to control food safety, the Bureau also needed to deal with food supply problems. She elaborated that with the advancement of technology, there was an increasing trend recently in the international markets to use rice and flour, which were foodstuffs for livestock, to produce bio-fuels. As a consequence, it upset the food supply chain and gave rise to the surge in the prices of forage. Hence, the workload on food safety and supply would only become even more onerous in future and require the attention of a permanent directorate staff. As regards the two new non-directorate posts in the Food Branch of FHB, PSFH(F) explained that they were time-limited posts created to cope with the increased workload arising from the legislative work of the Food Safety Bill and the implementation of initiatives announced by the Chief Executive in his 2007-08 Policy Address. The continued need of the two posts was subject to review after two years.

6. Mr James TIEN was not convinced. While recognizing the importance of safeguarding people against unsafe food, Mr TIEN stressed the need for the Government to take a prudent stance in creating permanent directorate post. As the portfolios of FHB had been reduced substantially after the restructuring of bureaux, he enquired whether the increased workload could be absorbed by existing staff within the Bureau. He noticed that the duties of permanent posts created in the past in the Administration had been changed because of re-deployment, showing that the posts could in fact be created on a supernumerary basis. Therefore, he was of the view that even if an additional post was to be created, it should be created on a time-limited supernumerary basis, bearing in mind that the two additional non-directorate posts in FHB were also created for a fixed tenure.

7. In response, PSFH(F) said that the entire team of staff responsible for the portfolio of welfare in the former Bureau had been redeployed to the new Bureau after the restructuring of bureaux on 1 July 2007. She highlighted that the establishment structure for the food portfolio had remained unchanged for the past five years. However, the occurrence of food issues due to changes in technology and trade disputes had frequented during the period. To help cope with the extremely heavy workload within the food portfolio, the Administration had arranged an Assistant Director of Agriculture, Fisheries and Conservation (D2) on temporary attachment from Agriculture, Fisheries and Conservation Department (AFCD) to the Food Branch for six months. However, having reviewed the efficacy of the temporary directorate attachment arrangement with departments under FHB, the Administration considered it not viable in the long run because there were no spare directorate resources in AFCD and redeployment on a long-term basis would have adverse impact of the department's operation. PSFH(F) remarked that the Administration had been restrained in creating the two non-directorate posts for an initial period of two years. Nevertheless, due to complexity of the work involved, the food safety problems could not be handled adequately by the two Administrative Officer staff alone. She cited the example of the recent incident in the rise of price of poultry eggs and said that the situation required a directorate officer to immediately discuss the matter with relevant food authorities in the Mainland and overseas. Therefore, the Administration considered that the most effective way to meet the operational needs was to create an additional permanent post of Administrative Officer Staff Grade C (AOSGC) (D2) in the Food Branch of FHB.

8. Mr James TIEN remained concerned. While he did not dispute the need for additional resources to cope with the increased workload at the moment, such workload might not exist after, say, three years' time as by then, the legislative work would have been completed and the recent food supply and safety problems would have been sorted out. In this connection, he considered that the Administration should seek to create a supernumerary post for a fixed tenure and then assess the continued need of the post taking into account the workload and the latest situation.

9. PSFH(F) did not agree and stressed that with the development of food technology, evolvement of new international practice and the robust economy in the Mainland, food supply and safety problems were expected to recur in the future.

The Deputy Secretary for Food and Health (Food) supplemented that the increased work was of a permanent and on-going nature as food safety and food supply were regular matters which needed constant attention. She recalled that at the recent FSEH Panel meeting, the Administration was urged to expedite work on the proposed amendments to the Colouring Matters in Food Regulation (Cap. 132H) with a view to improving the food safety regulatory regime. Moreover, overseas experts were conducting studies from time to time to review food safety standards, such as the levels of additives, preservatives, pesticide residues and veterinary drug residues allowed. To protect public health in a timely manner, it was necessary for FHB to respond promptly to bring the local standards in line with international practices.

10. While indicating support to strengthen the work on enhancing food safety, Dr KWOK Ka-ki however shared Mr James TIEN's view. He highlighted that FHB was responsible for policy making and formulating relevant legislation whereas the departments under its purview, such as the Centre for Food Safety (CFS), were tasked to implement the policies and enforce the regulations. Given that the legislative work outlined in the paper such as the introduction of the Food Safety Bill and the Amendment Regulation relating to the new Nutrition Labeling Scheme for prepackaged food in Hong Kong would be completed within a period of time, a supernumerary post should be created to cope with the increased workload in this aspect. In fact, there were cases in which the Administration proposed to create supernumerary posts for a fixed tenure to cope with the additional work, such as the supernumerary post created for the development of cruise terminal facilities in Kai Tak, the duration of which had tied in with the project time-frame of five years. On the other hand, Dr KWOK urged the Administration to consider re-deploying staff from AFCD on a long-term basis to meet the needs of FHB in view of AFCD's decreasing workload due to the closing down of most local pig farms and the lack of commitment in agricultural development. He also enquired about the duties of the Deputy Directors of Bureau and Political Assistants to be appointed under the Political Appointment System and whether they could share out the duties of the proposed post in this respect.

11. In response, PSFH(F) said that the policy responsibilities of the Food Branch of FHB were not just confined to policy-making and legislation. It also needed to manage food and other public health incidents that might emerge from time to time, such as the infection of Avian Influenza among ducks in Guangdong Province last year. In case of a food incident locally, Food Branch would have to take the lead to immediately discuss the matter with and consult the experts in the relevant authorities, CFS, AFCD or Food and Environmental Hygiene Department (FEHD), as well as the concerned Mainland/overseas authorities to gather the facts and ascertain the cause of the incident. The Secretary for Food and Health (SFH) would then formulate policy measures to address the problem either through administrative means or by enactment of relevant legislation. FHB would then work closely with the departments concerned and relevant stakeholders, and coordinate and monitor the implementation of the measures. Moreover, for certain food supply problems such as the import of poultry eggs, it was also necessary for FHB to liaise with other bureaux and departments on issues relating to customs and

excise, custom tax and import quota etc. Therefore, additional staffing capacities, at the AOSGC level, were needed for FHB to properly address all the on-going issues and at times of food incidents. On the workload of AFCD, PSFH(F) advised that there was a need for the department to catch up with the fisheries development as intensive trawling had caused depletion of the fisheries resources. In addition, there was still room for agricultural development in Hong Kong as evidenced by the fact that over 100 000 visitors had attended FarmFest 2008 which promoted local farm products, including organic produce. As the temporary directorate attachment arrangement had already adversely affected AFCD's departmental operation, it was not feasible to make it a long-term arrangement. As regards the duties of the Deputy Directors of Bureau and Political Assistants, PSFH(F) said that they would be decided by the SFH.

12. Mr WONG Yung-kan said that the Democratic Alliance for the Betterment and Progress of Hong Kong was supportive of the staffing proposal. However, he suggested that the incumbent of the post should preferably be a professional such as veterinarian so that he would have the required professional knowledge to respond to changes in local markets and analyze international trends. He shared with members the various measures implemented by the Mainland authorities to strengthen food safety. In order not to lag behind, Hong Kong should also enhance its food safety control capabilities to keep the food safety practices in line with those of the Mainland. Mr WONG Kwok-hing shared his view.

13. In response, PSFH(F) recapitulated that when examining the Estimates of Expenditure for 2007-08 at the special meeting of the Finance Committee, the Administration had advised that to enhance various efforts in safeguarding food safety, resources had been earmarked for the creation of some 75 posts, including about 10 veterinary officers for providing veterinary input to AFCD and CFS. However, the Administration had encountered difficulties in recruiting veterinary officers from the local market and might need to recruit from overseas. On the requirements for the proposed post, PSFH(F) considered that the incumbent was required to steer policy direction and undertake coordination work within the Government. Often a food incident would necessitate the incumbent to coordinate among AFCD, FEHD and the Government Laboratory, consult the stakeholders and discuss with the Mainland authorities. In this connection, the Administration considered it more appropriate to appoint an AOSGC staff for the post.

14. Mr WONG Kwok-hing supported in principle the staffing proposal. He shared Mr WONG Yung-kan's view that Hong Kong should catch up with the Mainland and step up surveillance of the food supply chain locally. Given that many food safety initiatives such as the introduction of the Food Safety Bill had been dragged on over many years, he was keen to ensure and requested to put his view on record that with the creation of the directorate post, FHB should be able to cope with the increased workload for the remaining tenure of the current Chief Executive. On the manpower requirement of the Food Branch, PSFH(F) said that the Civil Service Bureau and the Financial Services and the Treasury Bureau considered the present staffing proposal prudent having scrutinized the establishment of the Bureau. Additional resources had been provided to CFS for the creation of

new posts in the current financial year. Details of the related initiatives and expenditures on food safety and environmental hygiene under the management of FEHD for the coming year would be provided in the Estimates of Expenditure 2008-09.

15. Dr YEUNG Sum expressed the full support of Members of the Democratic Party for the staffing proposal. Although food safety issues such as genetically modified food and nutrition labeling for prepackaged food had been a subject of concern to the public for quite some time, Hong Kong still lagged behind the international development. He therefore urged the Administration to expedite the legislative work and introduce the Food Safety Bill into the Legislative Council as soon as possible with a view to enhancing food safety in Hong Kong.

16. Prof Patrick LAU said that various food incidents in recent years had raised public concerns over food safety issues and there was an urgent need to enhance food safety control capabilities. He referred members to existing and proposed organization charts of the Food Branch of FHB (Enclosures 3 and 7 to the Administration's paper) that a number of staff members were deployed from other departments to FHB on a temporary basis. He considered that this might adversely affect staff's sense of belonging and morale. Agreeing that the increased work was on-going in nature, he supported the current staffing proposal to create a permanent directorate post.

17. The item was voted on and endorsed.

18. The Subcommittee was adjourned at 10:15 am.