

立法會
Legislative Council

LC Paper No. CB(2)1443/07-08
(These minutes have been seen
by the Administration)

Ref : CB2/PL/FE

Panel on Food Safety and Environmental Hygiene

Minutes of meeting
held on Tuesday, 19 February 2008, at 4:30 pm
in Conference Room A of the Legislative Council Building

- Members present** : Hon Tommy CHEUNG Yu-yan, SBS, JP (Chairman)
Hon Fred LI Wah-ming, JP (Deputy Chairman)
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
- Members attending** : Hon Albert HO Chun-yan
Hon CHEUNG Man-kwong
Hon CHOY So-yuk, JP
- Members absent** : Hon WONG Yung-kan, SBS, JP
Hon Andrew CHENG Kar-foo
- Public officers attending** : Item IV and V
Food and Health Bureau

Ms Olivia NIP
Deputy Secretary for Food and Health (Food)

Mr Francis HO
Principal Assistant Secretary for Food and Health (Food)2

Action

Item IV

Agriculture, Fisheries and Conservation Department

Mr LAU Sin-pang
Deputy Director of Agriculture, Fisheries and Conservation

Dr Eric TAI Hing-fung
Assistant Director (Inspection & Quarantine) (Acting)

Item V

Food and Environmental Hygiene Department

Mr LO Fu-wai
Assistant Director (Operations)1

Chief Secretary for Administration's Office - Efficiency Unit

Mr YUK Wai-fung
Assistant Director, Efficiency Unit (2)

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)1055/07-08]

The minutes of the meeting held on 8 January 2008 were confirmed.

II. Information paper(s) issued since the last meeting

2. Members noted that the following papers had been issued to members since the last meeting -

Action

- (a) a letter dated 9 January 2008 from the Administration to Mr Paul ZIMMERMAN of Designing Hong Kong regarding hawker management and control policy review and consultations [LC Paper No. CB(2)816/07-08(01)];
- (b) an information paper provided by the Administration on a capital works project in respect of the general improvement to the Fa Yuen Street Market and Cooked Food Centre [LC Paper No. CB(2)790/07-08(01)]; and
- (c) an information paper provided by the Administration on the date of suspension of use in respect of Red 2G in food in some overseas countries and on the Mainland [LC Paper No. CB(2)1043/07-08(01)].

III. Items for discussion at the next meeting

[Appendices I and II to LC Paper No. CB(2)1061/07-08]

Next regular meeting on 11 March 2008

3. Members agreed to discuss the following items proposed by the Administration at the next regular meeting scheduled for 11 March 2008 -

- (a) future operation and management of Sheung Shui Slaughterhouse; and
- (b) implementation of Code of practice in pig farms.

4. At the suggestion of the Administration, members further agreed to invite members of the Panel on Environmental Affairs to join the discussion of the item referred to in paragraph 3(b) above.

5. As regards a review on public markets and cooked food centres (i.e. item 7 on the list of outstanding items for discussion), members noted that the Administration proposed to defer the discussion of the subject to the regular meeting in April.

Future meeting

6. In response to Mr WONG Kwok-hing's enquiry about the timing for the Administration to brief the Panel on the legislative proposal relating to genetically modified food (item 5 on the list of outstanding items for discussion), Deputy Secretary for Food and Health (Food) (DS/FH(Food)) said that the Administration's plan was to consult the Panel in June or July 2008. However, the Food and Health Bureau would need to further discuss with the Food and Environmental Hygiene Department (FEHD) on the proposed timing for discussion of the subject matter.

Action

IV. Progress report on the proposed amendments to the Prevention of Cruelty to Animals Ordinance and the Public Health (Animals & Birds) (Animal Traders) Regulations

Briefing by the Administration

7. DS/FH(Food) informed Members that the Agriculture, Fisheries and Conservation Department (AFCD) had formed a consultative group last year with representatives from the pet trade, kennel clubs and animal welfare groups to study the Prevention of Cruelty to Animals Ordinance (PCAO) (Cap. 169) and the related laws. With the support of the consultative group, the Administration had worked out some preliminary legislative proposals to better safeguard animal welfare. The Administration would continue the consultation with animal welfare groups and representatives from the pet trade, and would consult the Panel again when the legislative proposals were finalized.

8. With the aid of powerpoint, Assistant Director (Inspection & Quarantine) (Acting) of AFCD (AD(I&Q)(Ag)/AFCD) briefed Members on the preliminary legislative proposals to amend PCAO and the Public Health (Animal and Birds) (Animal Traders) Regulations (Cap. 139B), and revise the licensing conditions for pet shops, with details as set out in the Administration's paper [LC Paper No. CB(2)1061/07-08(01)]. He also informed Members that the Administration had implemented a pilot quarantine detector dog programme in February 2008. Under the pilot detector dog programme, quarantine detector dogs would be deployed to carry out screening duties for the detection of smuggled animals and birds at various border control points and the airport. AD(I&Q)(Ag)/AFCD said that AFCD had launched a series of publicity programme to arouse public awareness on animal welfare and to promote responsible pet ownership. A new Announcement of Public Interest on animal cruelty was under production, and exhibitions to promote animal welfare and further advertisement at the entrances of cross-harbour tunnels were also being arranged.

9. Members noted that a submission from the Animal Earth on the subject matter and a background brief entitled "Penalty for offences relating to cruelty to animals" prepared by the LegCo Secretariat were issued to members for reference [LC Paper Nos. CB(2)1117/07-08(01) and CB(2)1061/07-08(02)].

Public Consultation

10. Mr WONG Kwok-hing said that, while he welcomed the Administration's proposals to enhance regulation over pet shops and promote animal welfare, he considered that the pace in improving animal welfare was slow. Referring to the submission from the Animal Earth that criticized the Administration for its lack of transparency in the consultation process, he asked whether the Administration would conduct a public consultation exercise on its preliminary legislative

Action

proposals. He considered that the Administration should take into account the views of all interested parties, so that the proposals would reflect the views of the public and suit the present circumstances. Miss CHOY So-yuk also expressed a similar view.

11. Dr KWOK Ka-ki said that he was supportive of the Administration's current proposals. He, however, shared the view of animal concern groups that the Administration should conduct a public consultation exercise on the subject. He further said that it was an established practice for the Administration to conduct wide public consultation on its important policy issues. Apart from the pet trade, kennel clubs and animal welfare groups, pet keepers and members of the public were also concerned about the subject matter and would like to give their views on the Administration's proposals.

12. In response to Members' views, DS/FH(Food) said that members representing the pet trade, kennel clubs and animal welfare groups in the consultative group, formed by AFCD, were nominated by various associations from among themselves. These representatives had raised various concerns and put forward suggestions to better safeguard animal welfare. With the support of the consultative group, the Administration had drawn up the present preliminary legislative proposals. She pointed out that the present proposals as set out in the Administration's paper were only preliminary proposals. The Administration would seek views from other stakeholders when the preliminary legislative proposals were finalized.

Regulation over animal trading activities

13. Mr WONG Kwok-hing asked whether the Administration would take action against private dog breeders who were not licensed by AFCD. AD(I&Q)(Ag)/AFCD responded that, according to the Public Health (Animals and Birds) (Animal Traders) Regulations (Cap. 139B) under the Public Health (Animals and Birds) Ordinance (Cap. 139), any person who was engaged in commercial trading of animals (including the operation of pet shops or breeding farms) must hold an animal trader licence issued by AFCD and comply with the licensing conditions for animal traders stipulated under the Regulations. If there was sufficient evidence of illegal trading, AFCD would initiate prosecution action against any person who operated a breeding farm for commercial purposes without a valid licence. He added that there were about four to six cases of successful prosecution against unlicensed animal breeders.

14. Dr KWOK Ka-ki considered that the Administration should expedite the early implementation of the revised licensing conditions prior to the introduction of legislative amendments. He enquired about the timetable for revising licensing conditions.

Action

15. DS/FH(Food) responded that the Administration's plan was to implement the revised licensing conditions in mid 2008. The Administration would continue to consult the animal welfare groups and representatives from the pet trade for reaching a consensus in this respect. Deputy Director of Agriculture, Fisheries and Conservation (DD(AFC)) added that AFCD had arranged a meeting with some animal welfare groups in mid March to discuss their concerns over the welfare of animals and their views on the proposals.

16. Mr Albert HO said that he welcomed, in principle, the proposals put forward by the Administration in its paper. He, however, was concerned about the criticisms made by the animal welfare groups that there was a lack of effective control over the sources of pet animals in pet shops. According to these animal welfare groups, many pet animals sold at pet shops were smuggled from the Mainland or supplied by local illegal animal breeding farms, and the health conditions of pet animals could not be safeguarded. Mr HO also shared their concern that the proposed exemption for the "hobby breeders" would open up a loophole whereby illegal dog breeders could claim themselves as "hobby breeders". He doubted very much the view that the new licensing condition requiring animal traders to source animals from legitimate sources would lead to a shortage of supply of pet dogs, given that over 10 000 unwanted pet animals (i.e. cats and dogs) were destroyed every year. He asked how the Administration would define "hobby breeders".

17. The Deputy Chairman shared a similar view with Mr Albert HO. He wondered whether the Administration had got hold of the relevant information about "hobby breeders" in Hong Kong.

18. In response to Members' concern over the exemption of "hobby breeders" under the law, DD(AFC) said that it was important for the Administration to strike a balance among the interests of the pet trade, kennel clubs, animal welfare groups and members of the community in working out the proposals. AD(I&Q)(Ag)/AFCD supplemented that any person who wished to engage in commercial animal breeding activities should obtain licences from AFCD. However, under current legislation, a person who sold or offered to sell any animal or bird kept by him/her as a pet or any offspring thereof was not defined as an animal trader. To address the concern of animal welfare groups, the Administration would propose to set some restrictions on "hobby breeders" so as to differentiate them from commercial animal breeders. For example, "hobby dog breeders" would be allowed only to keep not more than two entire bitches of the same breed at their premises. There would not be any restriction on the number of male dogs kept at the same premises. Pet shop owners would be required to apply to AFCD for receiving pet dogs from "hobby dog breeders", and the puppies should be certified by veterinarians that they were born in Hong Kong.

Action

19. On the Administration's response, Mr Albert HO commented that whether a person breeding dogs for commercial purposes would depend very much upon the frequency and number of puppies supplied to pet shops. He requested the Administration to provide the proposed amendments to the licensing conditions for pet shops for Members' reference. Mr HO considered that, while the regulation of animal trading activities could be implemented expeditiously through administrative measures (i.e. revising licensing conditions of pet shops), it would be more effective and appropriate for the Administration to put in place control over animal trading activities through legislative means.

Admin

20. DS/FH(Food) responded that the Administration would provide information on the proposed amendments to the licensing conditions for pet shops to the Panel after the meeting. Under the current legislation, the Director of Agriculture, Fisheries and Conservation (DAFC) was empowered to set out licensing conditions for pet shops.

21. Miss CHOY So-yuk considered that the Administration should not impose stringent requirements in respect of the size of the premises of the "hobby breeders". She asked whether there would be any requirement on the size of the premises where "hobby breeders" kept their animals. DD(AFC) responded that a person might contravene the provisions of the legislation preventing cruelty to animals should he keep too many dogs in a small place. However, if the size of the premises of a "hobby breeder" was very large but many puppies were bred there, AFCD might have reasonable grounds to suspect the person concerned of engaging in commercial breeding. If there was sufficient evidence to prove that he operated a commercial breeding farm, AFCD would institute prosecution against him.

22. The Deputy Chairman said that many callers to radio phone-in programmes complained about the ill treatment of pets by pet shops. They pointed out that many cats/dogs were being kept in the same cage and the size of the cage was rather small. The situation was even worse when the pet shops closed at night. He urged the Administration to step up inspection of pet shops to ensure their compliance with the licensing conditions.

23. DD(AFC) advised that, under the current licensing conditions for pet shops, there was clear stipulation on the size of the cage for cats and dogs. He said that, in the light of Members' and the public's concern in this respect, the Administration would step up its inspection of pet shops, particularly those in black spots. He stressed that AFCD would take follow-up investigations and prosecution action against those pet shops which breached the licensing conditions when sufficient evidence was available. Animal traders who were found to be in breach of the licensing conditions would be liable to a fine and suspension of licence.

24. Referring to paragraph 7 of the Administration's paper, the Chairman sought clarification whether there would be penalty for a person who bought animals from illegal animal traders. AD(I&Q)(Ag)/AFCD confirmed that the penalty was

Action

imposed upon animal traders only. He clarified that Cap. 139B was to regulate animal trading activities of animal traders, and stipulated that a person should not carry on business as an animal trader unless and with a licence issued by DAFC. The Administration proposed to increase the penalty for illegal trading of animals from \$2,000 to \$100,000 and for breach of licensing conditions from \$1,000 to \$50,000 to enhance the deterrent effect.

Definition of the acts of cruelty to animals

25. The Deputy Chairman commented that that many provisions, particularly the definition of the acts of cruelty to animals, under PCAO were outdated. He pointed out that abandonment of animals was not defined as an act of cruelty to animals and was not regarded as an offence under PCAO. He considered that the Administration should consider conducting a comprehensive review on PCAO.

26. Echoing the Deputy Chairman's view, Mr Albert HO asked whether the Administration would consider making animal abandonment an offence of animal cruelty.

27. DD(AFC) explained that, under current legislation, there was clear definition of 'cruelty acts'. The Administration noted that there were views requesting to put down all cruelty acts under the law with a view to safeguarding animal welfare. However, the Administration considered that, by doing so, the definition of 'cruelty acts' might become narrower than that was presently defined under the law. He stressed that the Administration would keep in view of developments in overseas and continue to communicate with animal welfare groups to see whether there was any further room for improvement in this respect to promote animal welfare.

28. On the Administration's response, the Chairman asked the Administration to confirm whether abandonment would constitute an offence under the law. DD(AFC) responded that abandonment of animals without reasonable excuse was an offence under the Rabies Ordinance and was liable to a fine and imprisonment.

29. Mr CHEUNG Man-kwong pointed out that the issue of cruelty to animals could be viewed from two perspectives: one pertaining to physical abuse (e.g. beating or killing animals), while the other was abandonment of animals which caused suffering or eventually death to animals. He was strongly of the view that the Administration should amend the definition of 'cruelty acts' under PCAO to include abandonment as one of the 'cruelty acts'. Mr CHEUNG said that the legislative amendment would bring out an important message to the public that pet owners had moral as well as legal responsibility in regard to abandonment of animals. He asked about the number of cases in which a person was prosecuted for breaching the provision of abandonment of animals under the Rabies Ordinance and the number of cases prosecuted successfully.

Action

30. In response, AD(I&Q)(Ag)/AFCD said that a large proportion of stray animals seized by AFCD in public places were stray dogs. In the cases of stray dogs, most of the offenders were prosecuted in allowing their dogs to be not under control in public areas. On average, there were about several hundred cases in which the offenders were prosecuted for contravention of the relevant provision under the Rabies Ordinance in a year. However, the number of prosecution cases against offenders who had breached the provision on abandonment of animals was much smaller. He added that a person would not be prosecuted for two different offences for the same act under the Ordinance.

31. DD(AFC) further explained that it was an offence under the Rabies Ordinance for abandoning animals without a reasonable excuse. However, it would be rather difficult to obtain evidence to prosecute a person for abandoning a dog under the Rabies Ordinance. He explained that AFCD could trace the keepers/owners of stray dogs with the implantation of microchips in dogs. If their keepers/owners claimed the dogs, there would be no grounds to prosecute them for abandoning their dogs. DD(AFC) said that the Administration would continue to consult the parties concerned and consider public views on the definition of 'cruelty acts' under PCAO and consider the proper and appropriate ways to deal with the issue of abandonment of animals.

"Trap-Neuter-Return" programme

32. Miss CHOY So-yuk commented that destroying stray dogs was not the answer to reducing the number of stray dogs. She said that "Trap-Neuter-Return" ("TNR") programme was an effective and humane way to control the population of stray dogs. She further said that, to her understanding, the Administration had consulted the views of DCs on the "TNR" programme and some of them, including the Eastern DC, had expressed support for the programme. She urged the Administration to implement the programme expeditiously and asked when the programme would be implemented by AFCD.

33. AD(I&Q)(Ag)/AFCD responded that Society for the Prevention of Cruelty to Animals (SPCA) and the Administration had consulted all 18 DCs and, amongst them, nine DCs supported, in principle, a trial "TNR" programme for stray dogs at approved sites. AFCD would further discuss with animal concern groups on the implementation details of the trial programme. DD(AFC) supplemented that SPCA and the Administration would revert to these nine DCs on the finalized implementation details of the programme, and would need to discuss with them the selection of the pilot areas for implementing the trial programme.

34. Noting the Administration's response, Mr Albert HO questioned why the Administration could not implement the programme in public areas which were

Action

under the management of the Leisure and Cultural Services Department e.g. public parks and gardens, and waterfront promenade.

35. DD(AFC) reiterated that the Administration would need to revert to the DCs concerned and consult their views on the implementation details of the trial programme. He explained that, given that de-sexed dogs and cats would be returned under "TNR" programme, residents in the pilot areas and the districts concerned should be informed about the implementation of the trial programme. He advised that there would be a number of issues that needed to be addressed when implementing the programme. For examples, who would be the owner of the de-sexed dogs under the "TNR" programme, which party would be held responsible for nuisance caused by the de-sexed stray dogs and how to distinguish them from other stray dogs that had not been de-sexed.

36. Notwithstanding the Administration's response, both Mr Albert HO and Miss CHOY So-yuk maintained the view that the "TNR" programme would be an effective measure in reducing the number of stray cats and dogs. Mr HO said that the programme had been proved effective overseas. Miss CHOY said that, with a reduction in the number of stray cats and dogs, the problem of environmental nuisances caused by them would be less serious. On the concern over the nuisances caused by the de-sexed stray cats and dogs, she considered that AFCD should be the party responsible for the de-sexed stray cats and dogs.

37. In response, DD(AFC) said that the Administration would assess the effectiveness of the programme currently implemented for stray cats and consult the relevant DCs and animal concern groups.

38. Referring to paragraph 13 of the Administration's paper, Dr KWOK Ka-ki enquired about the circumstances under which the Court might order animals involved in a cruelty case to be kept under temporary care by the Government. He also asked about the detention period for stray dogs seized under the current legislation.

39. AD(I&Q)(Ag)/AFCD responded that, if stray dogs were caught, they were normally kept for several days at the animal management centre pending possible claiming by their keepers. Since 1996, all dogs over five months of age must be licensed, vaccinated against rabies and implanted with a microchip. The dog licence issued by AFCD was valid for three years and dogs must be re-vaccinated within three years at the time of licence renewal. If a lost dog with microchip was found, AFCD could trace and contact their keepers with the information provided in the microchips. If they were not claimed by their owners or their owners could not be identified, suitable dogs would then be selected and transferred to voluntary animal welfare organizations for rehome. If stray dogs or cats were considered suitable for adoption, they would be kept for a longer time e.g. one to two months to allow time for the concern groups to arrange for rehome. He added that there were presently 11 voluntary animal welfare organizations under AFCD's re-home

Action

scheme for dogs and cats. Information on these organizations was available on AFCD's website.

Implantation of microchips in cats and dogs

40. The Chairman asked whether all dogs in Hong Kong had been implanted with microchips. AD(I&Q)(Ag)/AFCD advised that some 100 000 dogs had been implanted with microchips.

41. Miss CHOY So-yuk asked how the Administration could ensure that dogs had been implanted with microchips. She pointed out that many dogs had not been implanted with microchips so their keepers/owners could not be traced. She was of the view that the animal registration system should be extended to cover cats that were also commonly kept as pets. AD(I&Q)(Ag)/AFCD responded that the Administration would enhance promotion of licensing of dogs and implantation of microchips, particularly in rural areas. AFCD staff would carry out visits to homes in rural areas to promote responsible pet ownership and ensure that they complied with vaccination and licensing requirements.

Law enforcement

42. In response to Mr WONG Kwok-hing's question about the handling of reports by the public on animal abuse cases in urban areas, AD(I&Q)(Ag)/AFCD said that the Police and AFCD were the agencies empowered to enforce the PCAO. If the public witnessed any act of animal cruelty regardless whether abuse cases occurred in urban or rural areas, they could call the Police, or call AFCD via 1823 "Citizen's Easy Link" hotline. Upon receipt of reported cases, the enforcement agencies would deal with the case as soon as possible.

43. DD(AFC) supplemented that AFCD and the Police had recently held a joint meeting on this issue in which both departments agreed to step up cooperation and exchange information in this respect. He said that the Police and AFCD would take follow up investigation and prosecution if sufficient evidence was found upon receipt of complaints or reports from members of the public.

44. On the Administration's response, Miss CHOY So-yuk commented that it was often the case when the public called the Police to report cases involving abuse or theft of animals, the Police did not take any follow up actions. She pointed out that section 56 of the Road Traffic Ordinance (Cap. 374) provided that the driver of a vehicle should stop when a traffic accident caused damage to an animal which was not in or on that vehicle and report the accident to the Police as soon as possible. However, an animal in this section did not include pets e.g. cats and dogs. She held a strong view that the Administration should consider including pets into the meaning of "animal" in the relevant provision.

Action

45. AD(I&Q)(Ag)/AFCD responded that, for stolen pet cases, pet owners should report to the Police for follow up investigation as theft was an offence under the law. He said that, although the existing legislation did not require drivers to stop their vehicles, or report to the Police on traffic accidents involving pets, if the public reported such cases to the Police or AFCD or animal concern groups, they would handle the cases according to established procedures. As regards Miss CHOY So-yuk's suggestion of amending the Road Traffic Ordinance, he said that it would be extremely difficult to determine the share of responsibility of the party involved in traffic accidents involving pet animals.

46. Miss CHOY So-yuk remained unconvinced that it was difficult to determine the share of responsibility that a driver must bear in traffic accidents involving pets. She maintained her view that the Administration should consider amending the relevant legislation to further safeguard animal welfare.

47. AD(I&Q)(Ag)/AFCD responded that the Administration noted her views and would, where appropriate, take them into consideration when reviewing the subject on animal welfare. DD(AFC) reiterated that AFCD and the Police would take follow up actions according to the circumstances upon receipt of reports or complaints about animal abuse cases or traffic accidents involving pets. AFCD and the Police would strengthen their cooperation and exchange information in respect of animal cruelty.

48. The Chairman asked how many animal cruelty cases had been prosecuted in a year. AD(I&Q)(Ag)/AFCD responded that an average of about some 10 to 20 cases were prosecuted every year.

Pilot quarantine detector dog programme

49. On the pilot quarantine detector dog programme, Mr WONG Kwok-hing asked how many quarantine detector dogs were deployed to carry out screening duties for the detection of smuggled animals and birds at border control points and whether the number was considered sufficient to deal with the work against smuggling of animals and birds across the border. AD(I&Q)(Ag)/AFCD responded that, currently, three quarantine detector dogs were deployed to work at various border control points and the airport as part of the efforts to enhance interception of illegal import of animals and birds.

50. Mr TAM Yiu-chung said that he was worried that the quarantine detector dogs might work too hard. He informed members that, recently, the Democratic Alliance for Betterment of Hong Kong and Progress of Hong Kong (DAB) had a meeting with the Guangdong Entry-Exit Inspection and Quarantine Bureau and visited Shende seaport control point. DAB members noted that Shende seaport control point had recently deployed quarantine detector dogs to strengthen the control at its control point and the quarantine detector dog programme was considered an effective measure and the cost of the implementation of the

Action

programme was not high. Mr TAM wondered whether the Administration would liaise with the relevant Mainland authorities to enhance cooperation in respect of the training of quarantine detector dogs.

51. DD(AFC) responded that the three quarantine detector dogs and their handlers had undergone training in Australia. However, AFCD had also selected two dogs in Hong Kong and would assess their suitability (e.g. temperament and potential) to undergo training as quarantine detector dogs. The Administration would assess the effectiveness of the pilot programme and consider the need for further expansion of the quarantine detector dog programme. He said that the Administration would continue to liaise and exchange views with the relevant Mainland authorities whenever and wherever necessary.

52. On the Chairman's enquiry about the working hours of the quarantine detector dogs, DD(AFC) said that they were working in a shift and would be given a rest period after every 20 to 30 minutes of work.

53. The Chairman and Mr TAM Yiu-chung asked about the Administration's timetable for expanding the programme and the number of quarantine detector dogs to be increased. In response, DD(AFC) said that arrangements for the quarantine detector dog handlers were made through internal re-deployment. The Administration would assess the effectiveness of the pilot programme after several months of implementation. More dogs could be introduced later if QDD proved effective. However, should there be a need to expand the programme in future, additional resources would be required to recruit new staff to perform the duties of dog handlers and train more quarantine detector dogs.

54. DS/FH(Food) supplemented that, in addition to the three quarantine detector dogs under AFCD's pilot quarantine detector dog programme, FEHD also had two detector dogs which were responsible for detecting illegal importation of meat products at border control points and the airport. The Customs and Excise Department also deployed customs detector dogs to patrol control points to detect for prohibited/controlled items, e.g. illicit drugs.

V. Introduction of tracking facility to food business licence application

Briefing by the Administration

55. DS/FH(Food) briefly presented the Administration's paper on the introduction of tracking facility to food business licence application, with details as set out in the Administration's paper [LC Paper No. CB(2)1061/07-08(03)]. She informed members that, as one of the initiatives under the "Be the Smart Regulator" Programme, FEHD launched a new online tracking service for food business-related licence applications on 18 February 2008. Through this new online service, applicants could track and monitor the progress of their applications, thereby

Action

enhancing the transparency of the licensing processes. However, licence applicants who preferred not to use online tracking service could continue to use the existing communication channels to enquire about the progress of their applications e.g. phone calls or emails.

56. DS/FH(Food) said that, with the introduction of the online tracking facility, licence applicants would be able to take active steps on their part to match the progress on the Administration's side to avoid unnecessary delays and speed up the application process. She stressed that the introduction of tracking facility to food business licence application was only one of the measures taken to streamline food business licensing procedures and the work on simplifying food business licensing process was underway.

57. Referring to the schematic diagrams as set out in Annex to the Administration's paper, Assistant Director of Efficiency Unit of Chief Secretary for Administration's Office briefed members on the features of the online tracking facility. He advised that, to protect the privacy of the applicants, only necessary information to distinguish each application such as its reference number, date of receipt of the application and the type of licence were shown. He further said that, to enhance communication between applicants and the departments concerned, contact information of the Case Managers/Officers and Case Supervisors would be readily available online.

(Post-meeting note: The powerpoint presentation materials were issued to members vide LC Paper No. CB(2) 1164/07-08 on 21 February 2008.)

Discussion

58. The Chairman said that, at the meeting of Business Liaison Group of Business Facilitation Division of the Economic Analysis and Business Facilitation Unit held last month, the food business trade welcomed the move to introduce the online tracking facility. Given that the new online service had only been launched on 18 February 2008, it might be too early to assess the effectiveness of the service at the present stage. However, the new tracking facility service would help expedite the processing time of licence applications.

59. Dr KWOK Ka-ki said that he welcomed the introduction of the online service to facilitate tracking of the application status of food business-related licences. He asked about the cost incurred by the Administration for launching such new service and whether the cost would be borne by the applicants.

60. Assistant Director (Operations)1 of FEHD (AD(O)1/FEHD) advised that the cost for developing the new online tracking facility system by the Efficiency Unit was about one million dollars. He said that the Administration would keep the maintenance and operating costs of the system at a minimal level. In the light of

Action

this, he did not envisage that there would be any pressure on the overall operating costs for issuing of licences.

61. On the Administration's response, Dr KWOK Ka-ki said that he considered that "user-pay" principle should be adopted in issuing food business licences. He asked whether the setting of food business licence fees was based on a full cost recovery principle. The Chairman said that different parties concerned might have different views on the levels of the licence fees. He pointed out that the fees for food business licences had been frozen for some years since the dissolution of the two former provisional Municipal Councils. There was also a difference in the licence fees for premises in urban areas and in the New Territories.

62. In response to members' views, AD(O)1/FEHD said that the Administration would take into account their views if a review on licence fees was conducted in future.

VI. Any other business

63. There being no other business, the meeting ended at 6:16 pm.

Council Business Division 2
Legislative Council Secretariat
26 March 2008