

立法會
Legislative Council

Ref : CB2/PL/FE

LC Paper No. CB(2)1014/08-09
(These minutes have been seen
by the Administration)

Panel on Food Safety and Environmental Hygiene

Minutes of meeting
held on Tuesday, 10 February 2009, at 2:30 pm
in Conference Room A of the Legislative Council Building

- Members present** : Hon Fred LI Wah-ming, JP (Chairman)
Hon WONG Yung-kan, SBS, JP (Deputy Chairman)
Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon WONG Kwok-hing, MH
Dr Hon Joseph LEE Kok-long, JP
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon WONG Yuk-man
- Member attending** : Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Hon Alan LEONG Kah-kit, SC
Dr Hon LEUNG Ka-lau
- Public Officers attending** : Item IV

Prof Gabriel M LEUNG, JP
Under Secretary for Food and Health

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

Ms Alice LAU Yim, JP
Deputy Director of Food and Environmental Hygiene
(Environmental Hygiene)

Ms Rhonda LO Yuet-yee, JP
Assistant Director (Operations) 2
Food and Environmental Hygiene Department

Item V

Prof Gabriel M LEUNG, JP
Under Secretary for Food and Health

Mr Owin FUNG
Principal Assistant Secretary for Food and Health (Food) 3

Dr LEE Siu-yuen
Assistant Director (Food Surveillance & Control)
Food and Environmental Hygiene Department

Dr Thomas SIT Hon-chung
Assistant Director (Inspection & Quarantine)
Agriculture, Fisheries and Conservation Department

Clerk in attendance : Miss Mary SO
Chief Council Secretary (2) 5

Staff in attendance : Mr David LOO
Senior Council Secretary (2) 6

Ms Sandy HAU
Legislative Assistant (2) 5

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I. Confirmation of minutes
(LC Paper No. CB(2)785/08-09)

The minutes of the special meeting held on 18 December 2008 were confirmed.

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

2. Members noted the following papers issued since the last meeting -

- (a) "Supplementary information on the structure review of the Pest Control Section" provided by the Administration (LC Paper No. CB(2)782/08-09(05)); and

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- (b) Background paper entitled "Operation of the Pest Control Section under the Food and Environmental Hygiene Department" prepared by the Legislative Council Secretariat (LC Paper No. CB(2) 782/08-09(06)).

III. Items for discussion at the next meeting

(LC Paper Nos. CB(2)782/08-09(01) and (02))

3. Members agreed to discuss the issue of avian influenza proposed by the Administration at the next regular meeting scheduled for 10 March 2009 at 2:30 pm.
4. Members noted Mr Alan LEONG's letter dated 10 February 2009 requesting the Panel to invite hawker associations, District Councils (DCs) and other stakeholders to give views on the review on hawker licensing policy (LC Paper No. CB(2)853/08-09(02)). Members agreed to do so at the March 2009 meeting and to extend the meeting duration for one hour to 5:30 pm.

IV. Review on hawker licensing policy

(LC Paper Nos. CB(2)782/08-09(03) & (04) and CB(2)805/08-09(01))

5. Under Secretary for Food and Health (USFH) and Deputy Director of Food and Environmental Hygiene (Environmental Hygiene) (DD/FEH (EH)) briefed members on the views received from DCs, hawker associations and relevant stakeholders on the Administration's preliminary proposals on the review on hawker licensing policy, details of which were set out in the Administration's paper (LC Paper No. CB(2) 782/08-09(03)).
6. Members noted the submission from Dairy Products Beverage & Food Industries Employees Union (LC Paper No. CB(2)853/08-09(01)) and the submission from Wan Chai Hawker Bazaar Concern Group tabled at the meeting.

Hawker licensing policy

7. Mr WONG Yuk-man criticised that the Administration's policy only focused on regulating hawking activities of licensed hawkers and taking enforcement against illegal hawking, without paying any regard to the values of the hawking trade on improving people's livelihood and stimulating local economy. Cases in point were the Administration's proposals to maintain the existing policy of not issuing new Itinerant Hawker Licences for selling wet and dry goods and not relaxing the current requirements for succession to and transfer of the Itinerant Hawker Licences and to only provide assistance to proponents of open-air hawker bazaars if they had identified suitable sites with

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support of the local districts and had satisfied the requirements on food safety and environmental hygiene. Mr WONG further criticised the Administration of adopting stringent control over itinerant hawkers to protect the interests of property developers.

8. Mr KAM Nai-wai said that if the policy objective of hawker licensing was to preserve the culture of street hawking and provide job opportunities on the conditions that public interests would not be undermined, cross-bureaux and inter-departmental collaboration was needed to ensure that such policy was implemented in full. Mr KAM pointed out that although FEHD supported the issuing of Fixed-Pitch Hawker Licences to former holders of Tobacco Hawker's Licence to trade in the eight sites located in the Central and Western District, the Police and the Transport Department (TD) had expressed reservation about the arrangement because of the concern over obstruction to public passageway.

9. Ms Cyd HO said that if the Administration truly wished to respond to the community views to retain and revitalise the hawking trade, it should, for instance, first conduct a survey of all the parks, country parks and bathing beaches before coming up with the necessary number of additional new Itinerant (Frozen Confectionery) Hawker Licences.

10. USFH responded that the Administration well recognised that street hawking, with its long history in Hong Kong, was part of the collective memory of the community. It also recognised that street hawking provided job opportunities and customers might find a cheaper source of goods, which were considerations particularly pertinent in time of economic downturn. These factors had been taken into due consideration in the current review on hawker licensing policy. There was, however, a need to strike a balance between fostering the hawking trade and preventing environmental hygiene problems, noise nuisance and obstruction to public passageway. USFH further pointed out that as about 1 300 fixed pitches were still vacant, there was no pressing need for the Administration to consider increasing the number of fixed-pitches for the time being. Instead, it was proposed that vacant pitches be allocated to existing licensees operating adjacent front-row pitches or to new operators. This would enhance the vibrancy of existing hawker bazaars without any significant implication on environmental hygiene.

11. To ensure that the hawker licensing policy would meet the needs and aspirations of the local community, which might vary from district to district, DD/FEH(EH) advised that the Administration had consulted all 18 DCs, over 20 hawker associations, existing licensees and other stakeholders, such as suppliers of hawkers.

12. Mr WONG Yung-kan said that over-regulation of hawking activities had stifled the hawking trade. Mr WONG urged the Administration to truly

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listen to the views of the hawking trade as well as members of the public in its review on hawker licensing policy.

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13. Ms Audrey EU requested the Administration to provide a paper setting out the views/concerns expressed by each of the 18 DCs on the Administration's preliminary ideas and proposals on the hawker licensing policy review.

Itinerant Hawker Licences

14. While welcoming the Administration's proposal to additionally issue 30 new Itinerant (Frozen Confectionery) Hawker Licences (commonly known as "small ice cream vendors") thereby increasing the total number of licenses from the existing 28 to 58, Mr WONG Kwok-hing urged the Administration to further increase the number of these licences having regard to the difficulty of low-skilled persons to secure employment in the current poor economic climate.

15. In response to Mr WONG Kwok-hing's enquiry on when the proposed 30 new licences for small ice cream vendors would be issued, DD/FEH(EH) advised that, subject to members' support, this could go ahead before the completion of the full review on hawker licensing policy.

16. Mr KAM Nai-wai said that more new Itinerant (Mobile Van) Hawker Licences (commonly known as "ice cream vans") should also be issued. Mr KAM suggested that the Food and Environmental Hygiene Department (FEHD) should liaise with TD on identifying suitable fixed sites for ice cream vans to operate their business.

17. USFH responded that the reasons why the Administration had no plan to issue additional new Itinerant (Mobile Van) Hawker Licences at this juncture were twofold. First, suitable sites were difficult to identify, as ice cream vans had a natural inclination to station/park at areas with heavy pedestrian and vehicular traffic. Second, due regard must be given to the impact of the emissions produced by ice cream vans on the air quality and pedestrians on the street, as their engines must be kept running during operations.

18. Ms Cyd HO said that the fact that ice cream vans had to keep their engines on to carry on their business should not be made a reason for not issuing more new Itinerant (Mobile Van) Hawker Licences, as food premises selling frozen food also emitted pollutants from their equipment.

19. USFH responded that when technology development in future could solve the problem of prolonged running of engines during operation of ice cream vans, the possibility of issuing new licence of this type might be further discussed.

20. Ms Audrey EU said that instead of passively waiting for new technology to solve the problem of prolonged running of engines during operation of ice

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cream vans, the Administration should create an environment which could encourage operators of ice cream vans to change their vans to more environmental-friendly ones, such as those powered by electricity.

Fixed-Pitch Hawker Licences

21. Mr Vincent FANG welcomed the Administration's proposal to allow fixed-pitch hawker licensees in the front row to use adjacent vacant back-row pitches to expand their operating area while paying the relevant fees. In the light of this, Mr FANG asked -

- (a) whether the proposal would apply to all vacant pitches across the territory; and
- (b) whether the Administration would take back the vacant back-row pitches allocated to the front-row fixed-pitch hawker licensees if new operators expressed an interest in using these pitches.

22. USFH replied in the affirmative to (a). On (b), he advised that the Administration would not take back the pitches so allocated during the validity period of their licences.

23. Mr FANG further asked whether consideration could be given to relaxing the existing requirement whereby fixed-pitch hawker licensees must appoint a deputy if they were unable to carry on their business due to sickness, as many fixed-pitch hawker licensees were old persons or advancing old age.

24. USFH responded that under section 11 of the Hawker Regulation of the Public Health and Municipal Services Ordinance (Cap. 132), a fixed-pitch hawker licensee might appoint a person to be his deputy if he would leave Hong Kong or was incapacitated by illness for more than eight days. Any permission granted in respect of the above should not, except in very special circumstances, exceed a period of six months. A fixed-pitch hawker licensee could also apply for licence transfer to his immediate family member, i.e. parent, spouse, son or daughter, on the ground of old age or ill health.

Fixed-Pitch (Cooked Food or Light Refreshment) Hawker Licence

25. Mr Tommy CHEUNG asked whether consideration could be given to -

- (a) issuing new Fixed-Pitch (Cooked Food or Light Refreshment) Hawker Licences in vacant pitches previously used to operate "Dai Pai Tong", if the relevant DCs had no objection to the issuing of these licences; and

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- (b) according priority in issuing new fixed-pitch (cooked food or light refreshment) hawker licences to former licensees or operators of "Dai Pai Tongs".

26. USFH and DD/FEH (EH) responded as follows -

- (a) in the event a "Dai Pai Tong" was to be closed down, under the proposed arrangements, the Administration would consult the relevant DC as to whether that "Dai Pai Tong" should be allowed to continue to operate in situ. If so, the Administration would consider allowing the licence to be succeeded by or transferred to the licensee's "immediate family members" or issuing a new licence to an interested new operator;
- (b) the Administration would be willing to consider proposals of DCs on hawker licensing matters, including proposal to revive a formerly deleted "Dai Pai Tong" site. On receiving such proposals, relevant departments would be consulted; and
- (c) it would not be fair to accord priority to former licensees or operators of "Dai Pai Tongs", especially if they had surrendered their licences under the voluntary surrender scheme (VSS) for a one-off ex-gratia payment (EGP) of \$60,000.

27. Mr Tommy CHEUNG said that instead of waiting for DCs to propose reviving formerly deleted "Dai Pai Tong" sites, the Administration should proactively consult DCs on allocating these sites to new operators. Mr CHEUNG surmised that many former holders of the Fixed-Pitch (Cooked Food or Light Refreshment) Hawker Licence would be willing to return the EGP to FEHD if the licence could be succeeded by or transferred to the licensee's "immediate family members" other than the spouse as was the current policy of the Administration.

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28. At the request of Mr Tommy CHEUNG, USFH undertook to provide information in writing on the number and location of former "Dai Pai Tong" sites where the ex-licensees had surrendered their licences under the VSS.

Open-air hawker bazaars

29. Mr Vincent FANG asked whether the Administration would reinstate fixed pitches in certain places, such as Tai Yuen Street in Wan Chai, if the reasons for relocating these pitches no longer existed.

30. Assistant Director of Food and Environmental Hygiene (Operations) 2 responded that reinstatement of fixed pitches, which had been deleted, would be

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subject to the assessment of the government departments and the support of the DCs concerned.

31. Ms Audrey EU said that open-air bazaars rich in local characteristics could help boost Hong Kong's tourism attraction and provide job opportunities. Ms EU urged the Administration to take the initiative to explore with DCs on establishing open-air bazaars in their districts, as open-air bazaars established by members of the public generally had wider appeal than those established by the Administration. Ms EU further said that open-air bazaars needed not be confined to selling goods and could take various forms, such as serving as a venue for art performances, and could have different modes of operation, such as operating during night time or weekends.

32. USFH agreed that a bottom-up approach was the best way to establish open-air bazaars. This, however, did not mean that the Administration would just sit and wait for things to happen. The Administration stood ready to provide appropriate assistance to the proponents if they had identified sites, and would act as a conduit to garner support from the relevant DCs.

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33. At the request of Ms Audrey EU, USFH agreed to provide a paper setting out the number, location and type of open-air bazaars established by members of the public in Hong Kong before the next meeting.

Assistance to hawker licensees

34. Mr Vincent FANG said that the Administration should help fixed-pitch hawker licensees to maintain their pitches, such as their electrical wiring, in a safe condition. Mr KAM Nai-wai also said that the job of FEHD should not only be issuing hawker licences, but should also assist the licensees in maintaining their pitches in a clean condition. For instance, the Administration should ensure that "Dai Pai Tong" had adequate drainage system. Mr Tommy CHEUNG and Ms Cyd HO expressed similar views. Ms HO further requested the Administration to provide information in writing on the assistance it would render to hawker licensees to help them maintain their pitches in a clean and safe manner.

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35. In closing, the Chairman hoped that the Administration could provide the information requested by members to facilitate further discussion on the review on hawker licensing policy at the March 2009 meeting.

V. Finding of poultry carcasses in the New Territories

36. USFH gave a verbal report on the recent finding of poultry carcasses in the New Territories as follows -

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- (a) since 29 January 2009 up to 11 am on 10 February 2009, 33 poultry carcasses were found along the western waterfront of the New Territories, including 19 chickens, five ducks, two geese, three wild birds and four unidentified birds. Nine of the 33 carcasses were confirmed to be H5N1 positive; two were suspected of the H5 virus and further confirmatory tests were being conducted; four were confirmed to be H5N1 negative and tests on the remaining carcasses were still going on. Latest information on the recent discovery of bird carcasses had been uploaded daily on the website of the Agriculture, Fisheries and Conservation Department (AFCD) and disseminated to the media and members of the public from 9 February 2009;
- (b) the Administration was very concerned about the incident and had taken the following actions to try to identify the possible causes of the recent discovery of bird carcasses -
 - (i) inspections had been made to the waterfront and its vicinity in the first instance by AFCD. As the locations concerned could only be accessed by mountainous roads and were sparsely populated, the possibility of people dumping carcasses at these locations and carrying out smuggling activities was not high;
 - (ii) inspections had also been made to all of the villages in the New Territories and the outlying islands to ascertain whether there was any unauthorised keeping of poultry. Hitherto, AFCD had completed inspections to all villages located along the coastal areas and no unauthorised keeping of poultry had been observed. However, several households in villages located in the inland of the New Territories had been found to keep poultry illegally. Prosecution action would be initiated against the law breakers. As the households detected for unauthorised keeping of poultry were located very far away from the coastal areas, such illegal acts should have no bearing on the recent discovery of bird carcasses; and
 - (iii) views had been sought from experts on whether prevailing water current and the weather were factors related to the discovery of bird carcasses. According to the assessment of the experts, water flowing from Zhujiang Kou and the western shoreline of Shenzhen passed through the Lingdingyang before reaching the western shoreline of the New Territories;

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- (c) to reduce the risk of avian influenza outbreak, inspections to retail outlets, the wholesale market and local farms had been stepped up; advisory letters had been sent to remind farmers to be vigilant on their farm biosecurity measures; poultry stall operators had been reminded to maintain good hygiene; more frequent thorough cleansing at retail markets and the wholesale market was conducted; and efforts on combating smuggling activities involving live poultry and live animals had been stepped up; and
- (d) FEHD had sent staff to specifically inspect the registered farms in Shenzhen and Guangdong in these two weeks to see whether there were any abnormalities. Representatives from the Administration had also been sent to Beijing to meet with the authorities concerned to exchange views on the recent discovery of bird carcasses in Hong Kong.

Discussion

37. The Chairman asked how many backyard poultry was found and whether tests had been conducted to the poultry for the H5 virus. Assistant Director (Inspection & Quarantine) replied that some 28 backyard poultry had been found in the past week and all of them had been tested to be H5N1 negative.

38. Mr WONG Yung-kan said that to better guard against avian influenza outbreaks in Hong Kong, regular testing for the H5 virus should be conducted to wild birds and migratory birds which were natural hosts of influenza viruses.

39. USFH responded that collecting faecal samples of live wild birds and migratory birds as well as the dead bodies of live birds and migratory birds in the Mai Po Nature Reserve and other places for the H5 virus testing was an ongoing process conducted by AFCD. USFH further said that from 29 January 2009 up to 11 am on 10 February 2009, AFCD had collected one dead grey heron in the Mai Po Nature Reserve, one dead peregrine falcon in Yau Kam Tau and one dead large-billed crow in Chun Kwan Road Ancient Kiln Park, all of which were tested positive for the H5N1 virus.

40. Mr WONG Yung-kan made the following points -

- (a) as the H5N1 virus could survive in dead poultry up to 23 days if refrigerated, the Administration should be vigilant about the virus spreading to humans through the handling and consumption of contaminated chilled poultry;
- (b) the Administration should warn the public that they should not contact stray dogs or let their dogs contact dead bird carcasses; and

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- (c) to avoid confusing the public, public health messages on guarding against seasonal influenza and avian influenza should be made separately.

41. Dr Joseph LEE asked whether the recent discovery of bird carcasses was a seasonal phenomenon. Dr LEE further asked about the measures that had been taken to protect people living in the remote areas of Hong Kong against being infected with avian influenza.

42. USFH responded that there were past incidents of finding of poultry carcasses along the shoreline of Hong Kong, but the scale had never been so large and within such a short time span as the recent incident. As regards Dr LEE's second question, USFH said that members of the public were regularly reminded to be vigilant against avian influenza infection, such as avoiding direct contact with poultry and birds or their droppings. Should they have fever and influenza-like illnesses during a trip or when coming back to Hong Kong, they should consult doctors promptly and reveal their travel history. The Centre for Health Protection of the Department of Health would conduct contact tracing and medical surveillance on the people who were involved in the recent cases.

43. Mr Vincent FANG said that although the bird carcasses found along the western waterfront of the New Territories were suspected to be drifted from the Mainland waters, no mention had been made by the Mainland authorities concerned as to there were any unusual patterns of infectious diseases in the Pearl River Delta Region recently. Mr FANG urged the Administration to maintain close communication with the Mainland side, which was vital to the effectiveness of Hong Kong's precautionary measures against avian influenza.

44. USFH assured members that the Administration had all along been keeping in close contact with the Mainland authorities concerned on the latest situation on avian influenza, as evidenced by the actions taken in paragraph 36(d) above. USFH further said that the Mainland side focused their inspections on poultry farms in Shenzhen, Dongguang, Zhuhai and Zhongshan following the recent finding of carcasses in the New Territories because these areas were close to waterfront and had chances for dead poultry carcasses to drift from Mainland waters to Hong Kong waters as mentioned in paragraph 36(b)(ii) above.

45. The Chairman asked -

- (a) whether the Administration had followed up with the Mainland authorities concerned and the World Health Organisation as to why the locations of the eight confirmed human cases of H5N1 in the Mainland were so widely scattered across the Mainland and

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there were no avian influenza outbreaks in the areas which the infected persons resided;

- (b) whether backyard poultry was permitted in Guangdong Province and Shenzhen;
- (c) why FEHD waited until 9 February 2009 to send staff to inspect the registered farms in the Mainland which supplied chickens to Hong Kong and whether the inspections were ad hoc or had been made known to the farms in advance; and
- (d) which Mainland authorities did the Administration meet in Beijing with regard to the recent finding of bird carcasses in the New Territories and which level of government officials from the Hong Kong attended the visit.

46. USFH responded as follows -

- (a) it was not unprecedented that there were no avian influenza outbreaks in the areas where humans were confirmed to be infected with the H5N1 virus. What was unusual in the Mainland case was that the eight confirmed human cases of H5N1 occurred within a four to five weeks' span. The Administration would continue to closely monitor the situation;
- (b) to his understanding, backyard poultry was not prohibited in Guangdong Province and Shenzhen;
- (c) the reason why FEHD could only dispatch staff to inspect the registered farms in Shenzhen and Guangdong which supplied chickens to Hong Kong on 9 February 2009 was due to the Lunar New Year holidays in the Mainland; and
- (d) representatives from the Food and Health Bureau, led by the Permanent Secretary for Food and Health, and FEHD, led by the Director of Food and Environmental Hygiene, attended the visit to Beijing, and they were received by officials of equivalent ranks from the Ministry of Agriculture, the Ministry of Commerce, and the State General Administration of Quality Supervision, Inspection and Quarantine.

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VI. Any other business

47. The Chairman sought members' view on re-scheduling the regular meeting in April 2009, as 14 April fell on the day following the Easter holidays. Members did not see the need to do so.

48. There being no other business, the meeting adjourned at 4:30 pm.

Council Business Division 2
Legislative Council Secretariat
9 March 2009