

**立法會**  
**Legislative Council**

LC Paper No. CB(2)508/11-12

(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, 8 November 2011, at 2:30 pm  
in Conference Room 3 of the Legislative Council Complex**

**Members present** : Hon Tommy CHEUNG Yu-yan, SBS, JP (Chairman)  
Hon WONG Yung-kan, SBS, JP (Deputy Chairman)  
Hon Fred LI Wah-ming, SBS, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon WONG Kwok-hing, MH  
Dr Hon Joseph LEE Kok-long, SBS, JP  
Hon KAM Nai-wai, MH  
Dr Hon LEUNG Ka-lau  
Hon Alan LEONG Kah-kit, SC  
Hon WONG Yuk-man

**Member absent** : Hon Vincent FANG Kang, SBS, JP

**Public Officers attending** : Item IV

Dr York CHOW Yat-ngok, GBS, JP  
Secretary for Food and Health

Mrs Marion LAI CHAN Chi-kuen, JP  
Permanent Secretary for Food and Health (Food)

Dr Constance CHAN Hon-ye, JP  
Controller, Centre for Food Safety  
Food and Environmental Hygiene Department

Dr SIN Wai-mei  
Assistant Government Chemist (Analytical and  
Advisory Services Division)  
Government Laboratory

Dr SO Ping-man  
Assistant Director (Fisheries)  
Agriculture, Fisheries and Conservation Department

Item V

Ms Kitty CHOI, JP  
Deputy Secretary for Food and Health (Food) 1

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

Dr Christopher John BRACKMAN  
Senior Veterinary Officer (Technical Services) (Acting)  
Agriculture, Fisheries and Conservation Department

Item VI

Ms Kitty CHOI, JP  
Deputy Secretary for Food and Health (Food) 1

Ms CHU Lan-ying  
Assistant Director (Operations) 3  
Food and Environmental Hygiene Department

Mr Patrick HAU Hon-fai  
Chief Project Manager 301  
Architectural Services Department

**Clerk in attendance** : Mrs Sharon TONG  
Principal Council Secretary (2)

**Staff in attendance** : Mr Jove CHAN  
Senior Council Secretary (2) 8

Ms Mina CHAN  
Council Secretary (2) 7

Ms Michelle LEE  
Legislative Assistant (2) 7

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**I. Confirmation of minutes**

(LC Paper No. CB(2)79/11-12)

The minutes of the meeting held on 13 October 2011 were confirmed.

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

(LC Paper No. CB(2)140/11-12(01))

2. Members noted that a submission dated 21 October 2011 from a member of the public concerning the use of the pesticide Paraquat had been issued since the last meeting.

**III. Items for discussion at the next meeting**

(LC Paper Nos. CB(2)206/11-12(01) and (02))

3. Members agreed to discuss the item "Columbaria - licensing scheme and consultation document" at the next meeting to be held on 13 December 2011.

4. Mr WONG Kwok-hing and Mr Fred LI proposed to discuss the item "Further tightening the control of pet trade", which was originally scheduled for discussion between May and July 2012, at the next meeting. They also proposed that the discussion should include hobby breeding and import of pets. Secretary for Food and Health ("SFH") responded that the Administration would review whether the relevant information would be ready for discussion at the next meeting.

**IV. Tackling food incidents**

(LC Paper Nos. CB(2)206/11-12(03) and (04))

5. SFH briefed members on the experience gained in tackling the food incidents arising from the Fukushima Nuclear Power Plant incident which happened in Japan in March 2011 and the plasticizer contamination in Taiwan in May 2011. He also introduced the Administration's proposal of

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the creation of a Chief Chemist ("CC") post in the Government Laboratory ("GL") to cope with the increasing complexity and rising workload arising from public concern about food safety as detailed in the Administration's paper.

6. SFH added that the Administration had liaised with the Japanese authorities and agreed on the detailed requirements for the certificate on the radiation levels to be issued by the competent authority of Japan accompanying the aquatic products imported from five prefectures of Japan, namely, Fukushima, Ibaraki, Tochigi, Gunma and Chiba, into Hong Kong.

7. Mr WONG Kwok-hing expressed support for the proposed creation of a CC post in GL in view of the significant workload in food testing to cope with risk of food safety, as most of the food supplied within Hong Kong were imported from places all over the world. Mr WONG enquired whether the Administration would increase the manpower resources of frontline operational staff in addition to the CC post.

8. Mr WONG Kwok-hing also urged the Administration to step up its efforts on raiding the unscrupulous food suppliers selling frozen pork as chilled pork. He said that food testing by GL was important as it provided evidence to track down the illegal supply of unsafe food. Mr WONG added that fake edible pig ear had been reported in the Mainland. He suggested that the Administration should strengthen its intelligence collection and surveillance of unsafe food.

9. SFH responded that as 60% of the food supplied within Hong Kong was imported from the Mainland, the Administration had maintained close communication with relevant authorities of the Mainland for source management. When unsafe food was reported, the Administration would check whether it was supplied within Hong Kong. SFH further said that the information on food safety concerns provided by the public was crucial in handling food incidents. He advised that the Food and Environmental Hygiene Department ("FEHD") had carried out investigation into the incident of selling frozen pork as chilled pork.

10. Permanent Secretary for Food and Health (Food) ("PSFH(F)") advised that manpower of various departments had been adjusted in order to cope with the heavy workload arising from the two major food incidents through re-deployment of manpower. The additional frontline staff in the Centre for Food Safety ("CFS") and GL had led to acute demand for input at the directorate level to enhance the coordination of and support to the non-directorate staff.

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11. Mr Fred LI supported the proposed creation of a CC post. He noted from the Administration's paper that CFS had re-deployed one senior health inspector, 12 health inspectors, and 20 part-time workers who were retired inspectors with experience in sample taking and food testing. Mr LI enquired about the timing and the criteria for the Administration to resume the surveillance coverage at the normal level instead of taking samples from every food consignment from Japan. SFH responded that CFS currently inspected all food consignments from Japan and continuously reviewed the sampling plan based on updated risk assessment.

12. Mr Fred LI further asked whether CFS would continue its monitoring of cases where residue of harmful substances not exceeding the guideline level was found in food. He was concerned about the risk of food safety if CFS did not publicize this kind of cases and the public had no precaution on the risk. SFH and Controller, Centre for Food Safety ("Controller, CFS") advised that the results of examination of plasticizer and radiation contaminations had been posted onto the website of CFS daily from Monday to Friday for public information. Controller, CFS added that the inspection of plasticizer had been included in routine food surveillance since 1 October 2011 and the results were announced in the monthly food safety report.

13. Mr Fred LI said that there were doubts on the presence of hormones in hairy crabs. He enquired whether CFS had conducted food test on hairy crab and whether they were safe for consumption. Controller, CFS responded that CFS had conducted a seasonal food surveillance project on hairy crabs. Samples were collected at import, wholesale and retail levels for chemical and microbiological tests, including those for veterinary drug residues, metallic contaminants, synthetic hormones, colouring matters, oxalic acid and tests for parasites. Out of 126 samples, results for 125 samples were satisfactory while one hairy crab sample was found to contain low level of a veterinary drug residue which was unlikely to pose adverse effects upon normal consumption.

14. Mr TAM Yiu-chung also expressed support for the proposed creation of a CC post. He enquired the Administration for the information on the introduction of new food testing techniques. He also asked whether the Administration had established an effective mechanism to cope with the increasing workload in food testing in case of major food incidents.

15. SFH said that there had been major food incidents every year since 2004. CFS was set up in 2006 within FEHD to further improve its monitoring of food. The food surveillance duties were brought under CFS with part of the routine surveillance tasks being subcontracted to private

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laboratories in order to spare manpower resources of GL to develop and enhance the testing techniques to meet the changing need of the community. The Administration would further enhance the facilities and the training and development of frontline staff of GL to equip themselves for outbreak of major food incidents.

16. Mr TAM Yiu-chung said that he had received an enquiry on safety of Japanese soy sauce. He enquired where the relevant information was available. Controller, CFS advised that CFS monitored the global information on risk of food safety everyday. Whenever a risk of food safety was noticed, CFS would increase the sampling size of the inspection on the concerned food products. She said that due to the nuclear incident in Japan, CFS had conducted food test on Japanese food including soy sauce and the results were satisfactory. She added that the public might report any suspected food to CFS, and information on food safety issues would be published on the CFS website.

17. Mr WONG Yuk-man expressed support for the proposed creation of a CC post. He asked whether the post would be filled by internal promotion or external recruitment. He said that if a staff at the non-directorate level was promoted, GL would be short of the operational staff. Mr WONG enquired about, among the 83 non-directorate posts who had been employed since 2005-2006, the number of staff being deployed for food testing.

18. PSFH(F) and Assistant Government Chemist (Analytical and Advisory Services Division) ("AGC(AASD)") responded as follows -

- (a) the post of CC would be filled by internal promotion;
- (b) the consequential chemist vacancy would be filled through recruitment; and
- (c) although only 40 out of 83 new staff were frontline staff working on food tests, all the 83 staff worked under the supervision of AGC(AASD). The increase in staff directly affected the workload as well as the need for management and leadership at the directorate level.

19. Mr WONG Yuk-man said that he had raised his concern about "one-drop incense" in last year and the Administration had responded that it was only an issue about food labelling and it was not imported into Hong Kong. Recently, the media reported that "one-drop incense" was found in food in Hong Kong again. He said that there were people bringing it into Hong Kong without custom claim to avoid monitoring. SFH said the Administration

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would collect intelligence on the food additives concerned, and assess whether the concerned additive would pose threats to public health. Mr WONG Yuk-man commented that even the additive was not harmful to public health, merchants who put it in food was cheating their customers. SFH responded that although it was a question of consumer's right, the Administration would handle the issue carefully in the aspect of food surveillance.

20. Controller, CFS supplemented that recent media reports suggested that the ingredient in "one-drop incense" was ethyl maltol which was in fact a permitted flavouring agent and should pose no health concern when used properly. She advised that in response to media reports on "one-drop incense" earlier this year, CFS had taken samples of soup base at hotpot shops in Hong Kong for testing ethyl maltol and for other contaminants. The results so far were satisfactory. Mr WONG Yuk-man opined that clearer information should be given to the public.

21. The Deputy Chairman agreed with the proposed creation of CC post. He commented that the public would be annoyed if they were told that it would not be a problem or not fatal if people only took in small amount of problem-food. He said that the work of CFS was very important as it was the gatekeeper to ascertain the safety of food products supplied to the public from global sources. CFS should enhance its food surveillance with the new CC in post. The Deputy Chairman enquired whether the Administration had worked on and would enhance its monitoring on food labelling and food packaging, as well as incident of selling frozen meat as fresh meat.

22. Controller, CFS responded that CFS would follow up on food incidents reported and when relevant intelligence or complaint was received. For the fraudulent case of selling frozen pork as chilled pork, FEHD had carried out its investigation. The investigation report would be issued as soon as the investigation was completed.

23. Dr Joseph LEE expressed support for the creation of a CC post. He raised the following queries -

- (a) whether the need for a CC arose from the undesirable rotating arrangement for each of the seven Senior Chemists taking turn to take up the post of Senior Chemist-in-charge;
- (b) given that the efficiency and effectiveness of GL was affected as indicated in the Administration's paper, whether it was caused by the shortage of support from the directorate level;

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- (c) whether the CC vacancy would be filled by staff at non-directorate level and whether the new post would create opportunity for career advancement for other staff; and
- (d) whether the efficiency would be enhanced after the new post of CC was filled and whether there would be any figures to support the inference.

24. PSFH and AGC(AASD) explained that -

- (a) the CC post in the Food Safety and Quality Group ("FSQG") of AASD was deleted in 2006 for efficiency and economy reason. Subsequently, the emergence of a number of food incidents over the past years had increased the quantity and complexity of the work for GL. The duties of that CC post were shared by AGC(AASD) and seven Senior Chemists; however, the absence of a dedicated Group Head at the CC level had affected the efficient and effective provision of food testing service by GL;
- (b) a permanent post of CC would be able to assist in the formulation of work objectives and strategic development plan for FSQG and enhance the liaison and collaboration with other section heads;
- (c) the CC vacancy would be filled by internal promotion. All eligible staff of the division would be considered for the post; and
- (d) the creation of the permanent CC post would be offset by the deletion of one permanent post of Senior Chemist in the Chemical Weapons Convention Section as the demand for the professional input from that post on legislative tasks had diminished since the commencement of the Chemical Weapons (Convention) Ordinance in June 2004.

25. The Chairman, Dr LEUNG Ka-lau and Mr Alan LEONG expressed support for the proposed creation of a CC post. The Chairman concluded that the Panel supported the work of CFS and the creation of the CC post.



**V. Public consultation on the proposals to amend Schedule 2 to the Veterinary Surgeons Registration Ordinance (Cap. 529)**

(LC Paper Nos. CB(2)206/11-12(05) and (06))

26. Deputy Secretary for Food and Health (Food) 1 ("DSFH(F)1") briefed members on the proposals to amend Schedule 2 to the Veterinary Surgeons Registration Ordinance (Cap. 529) ("VSRO") and the public consultation on the proposals.

27. The Chairman said that the consultation document on the proposals to amend Schedule 2 to VSRO had not been presented to the Panel until this meeting. The public consultation was launched during the summer recess of the Legislative Council and it had already been completed.

28. On the Chairman's enquiry about the legislative timetable, DSFH(F)1 advised that the Administration planned to introduce to the Legislative Council the subsidiary legislation on the amendments to Schedule 2 to VSRO within the current legislative session for negative vetting.

29. Noting that the Administration proposed restriction on some of the veterinary acts which could also be performed by animal owners themselves, Dr LEUNG Ka-lau sought information about the surgical fees charged by veterinary surgeons.

30. DSFH(F)1 advised that according to section 16(1) of VSRO, no person should under any circumstances practise veterinary surgery or provide a veterinary service unless he or she was a registered veterinary surgeon and the holder of a practising certificate which was currently in force. Acts such as performing simple wound management, blood pressure taking and positioning for taking X-rays, which were generally regarded as providing a veterinary service or practising veterinary surgery regulated by section 16 of VSRO, should only be performed by a registered veterinary surgeon holding a practising certificate unless exemption was provided under section 29 of VSRO. In view of the veterinary community's concerns over the existing regulatory control of veterinary practices, the Administration was considering whether flexibility could be given by amending the relevant legislative provisions. DSFH(F)1 further said that by making reference to the legislation and practices of other jurisdictions, the Administration proposed in Chapter 3 of the consultation document some husbandry practices that were allowed to be performed by livestock farmers, for example, the castration of a pig and the docking of its tail at seven days of age or less.

31. Regarding Dr LEUNG Ka-lau's concern over the costs for veterinary surgery, Assistant Director (Inspection and Quarantine)/Agriculture, Fisheries

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and Conservation Department ("AD(I&Q)/AFCD") advised that the market prices for general veterinary services, such as the docking of tails of certain species of dogs, ranged from a few hundred dollars to about \$1,000. AD(I&Q)/AFCD considered that husbandry practices such as the trimming of the beak of poultry and the docking of the tail of a pig, which were currently performed by livestock farmers, would not be costly even if they were carried out by a registered veterinary surgeon.

32. In response to Dr LEUNG Ka-lau's enquiry about the number of veterinary surgical cases per year, AD(I&Q)/AFCD advised that there were about 150 pet shops selling dogs in Hong Kong. It was estimated that about 10 000 pets, mostly dogs, were sold each year. Only around 20% of them might need to undergo the tail docking procedure. He pointed out that such surgical operation had in fact been performed by the veterinary profession due to the associated risks, and hence the Administration proposed to stipulate in the provisions of VSRO that some of the veterinary acts should be carried out by a registered veterinary surgeon.

33. DSFH(Food)1 supplemented that there were currently 43 pig farms and 30 chicken farms. Instead of restricting all veterinary acts by livestock keepers on their animals, the Administration wished to tighten the regulation of various husbandry practices in accordance with international standards. For instance, it was proposed to allow livestock farmers to perform castration of piglets at seven days of age or less, rather than 30 days, which was their usual practice. It was considered that the proposals would not lead to an increase in the operating costs for livestock farming.

34. The Chairman expressed concern that the proposed amendments to the relevant subsidiary legislation would bring significant impact on the business environment of pig farming.

35. DSFH(F)1 said that during the consultation period, three public consultation forums and three consultation meetings with farmers had been held. The comments received indicated that what concerned livestock farmers most was not the issue of operating costs, but the performance of some of the proposed husbandry procedures such as the castration of pigs at seven days of age or less. They suggested that they be allowed to personally perform castration of pigs at 14 days of age or less.

36. The Chairman suggested that the Administration should consult the Deputy Chairman, who represented the agricultural sector, on whether pig farmers accepted the proposed amendments to the relevant subsidiary legislation.

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37. AD(I&Q)/AFCD advised that the Administration had met with pig farmers and chicken farmers. Chicken farmers accepted the proposed time to trim the beak of poultry at 10 days of age or less while pig farmers suggested that they be allowed to perform castration of piglets at 14 days of age or less, instead of the seven days being proposed. AD(I&Q)/AFCD added that the Administration had drawn reference to the legislation and practices of other jurisdictions in formulating the proposals. The Administration had an open-minded attitude towards the stakeholders' feedback, and would fine-tune the proposals in response to their suggestions.

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38. The Chairman opined that consideration should be given to extending the time to castrate a pig to 14 days of its age or less. More flexibility should be allowed in implementing the proposals without making significant changes to the existing practices of livestock farming.

39. Mr TAM Yiu-chung concurred that the Administration should have sufficient communication with relevant stakeholders in formulating the proposals. Considering that veterinary assistants were of mixed standards and the services they offered varied in quality, he asked whether there had been incidents caused by veterinary assistants.

40. DSFH(F)1 said that problems arising from varying standards of practitioners existed across industries. The Administration would discuss with the Veterinary Surgeons Board of Hong Kong ("VSB") the revision on the Code of Practice for the Guidance of Registered Veterinary Surgeons ("the Code of Practice"). It was proposed to stipulate in the Code of Practice that -

- (a) veterinary surgeons must carry the ultimate responsibility for veterinary acts carried out under their direction and supervision; and
- (b) prior consent should be obtained from the pet owner if the relevant veterinary task would be undertaken by a veterinary assistant or veterinary student.

As regards the incidents caused by veterinary assistants, DSFH(F)1 advised that according to the record of the Agriculture, Fisheries and Conservation Department ("AFCD"), police warnings were only issued in 2001 and 2004 to two veterinary assistants who were complained of giving injections to animals in a veterinary clinic.

41. Mr TAM Yiu-chung expressed concern that veterinary surgeons might no longer allow veterinary students to practise at their clinics when

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considering the liability for negligence of supporting staff.

42. Senior Veterinary Officer (Technical Services) (Acting)/Agriculture, Fisheries and Conservation Department ("SVO(TS)(Atg)/AFCD") responded that the veterinary surgeons who had given views during the consultation period supported that they should take responsibility for veterinary acts performed by their supporting staff. SVO(TS)(Atg)/AFCD advised that it was also a standard practice overseas that the liability for negligence rested with the directing veterinary surgeon.

43. Mr Alan LEONG said that the Civic Party considered that the Administration's proposals to improve Schedule 2 to VSRO was a step in the right direction. He noted from paragraph 2.24 and 2.26 of the consultation document that the Administration proposed to allow an individual to perform certain veterinary acts, such as endotracheal intubation/extubation and administering anaesthetics, if under "direct and continuous supervision" of a veterinary surgeon and the surgeon should be fully responsible for the acts performed by the individual under his or her direction or supervision. However, he pointed out that supporting staff was only permitted to assist the surgeon to perform such duties and veterinary services in Western Australia and South Africa. The relatively complicated and difficult surgical procedures would be undertaken by the surgeon. He asked whether there was such a severe shortage of veterinary surgeons that Hong Kong was unable to follow the practices of overseas jurisdictions in this regard.

44. DSFH(F)1 advised that there were currently more than 500 registered veterinary surgeons with practicing certificates in Hong Kong taking care of about 200 000 dogs (i.e. 1 veterinary surgeon to 400 dogs). In Japan, there were about 13 000 veterinary surgeons and 12 million dogs (i.e. 1 veterinary surgeon to 900 dogs). The United States had 46 000 veterinary surgeons looking after 77.5 million dogs (i.e. 1 veterinary surgeon to 1 600 dogs). The above figures suggested that Hong Kong had not suffered from a severe lack of veterinary surgeons. DSFH(F)1 further said that veterinary surgeons also treated food animals other than pets. The annual consumption of food animals, such as chickens, pigs and cattle, in Hong Kong remained stable. Five new posts of Government Veterinary Officer were created under CFS of FEHD in the past few years to cope with the service need arising from food safety work. Given that Hong Kong was such a densely populated area with only small scale husbandry industry, the veterinary manpower in Hong Kong was considered sufficient.

45. Regarding the legislation and practices of other jurisdictions, SVO(TS)(Atg)/AFCD said that the regulatory regime for veterinary acts varied from country to country. VSB had come up with what kinds of

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procedures that could be performed by a veterinary assistant or veterinary student on a veterinary surgeon's approval in considering the Administration's proposals. He explained that lay staff was required to work under three levels of supervision (i.e. direction/supervision/direct and continuous supervision) of a registered veterinary surgeon. The veterinary surgeon had to determine whether his/her assistant was competent to perform a particular task. If some of the procedures were not technically difficult and of low risks, the veterinary surgeon, who was required to be present on the premises, could give specific instruction to his/her assistant on how the relevant procedure should be performed. As for certain acts, such as endotracheal intubation/extubation and administering anaesthetics as mentioned by Mr Alan LEONG, the veterinary surgeon had to ensure that his/her assistant was fully capable of carrying out such practices, and worked with his/her presence and direct personal attention throughout the process.

46. Mr Alan LEONG said that veterinary clinics in Hong Kong currently were not required to obtain a license, and it was the veterinary surgeon who was in charge of the operation of his/her clinic. He was aware that the Hong Kong Veterinary Association ("HKVA") had requested guidelines on minimum requirements for establishing a veterinary clinic. He enquired about the Administration's standpoint on this matter.

47. DSFH(F)1 responded that VSRO already formed a sound basis for the regulation of the veterinary industry. It was considered that the quality of a veterinary surgeon counted more than the commercial operation of a veterinary clinic. The Administration would maintain communication with VSB in this regard.

48. Mr Alan LEONG said that HKVA was in the process of establishing a clinic accreditation scheme in which recommendations had been made on the facilities and equipments that a veterinary clinic should provide. He enquired about the Administration's view on the introduction of such an accreditation scheme for veterinary clinic.

49. DSFH(F)1 responded that in the view of the Administration, it was the professional qualification of a veterinary surgeon that gave assurance of the services provided to animal owners.

**VI. Progress report on the follow-up actions for aqua privies not covered by the conversion programme**  
(LC Paper Nos. CB(2)206/11-12(07) and (08))

50. DSFH(F)1 briefed members on the progress of the follow-up actions

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for the remaining 53 aqua privies ("AP") not included in the conversion programme to convert APs in the New Territories and on outlying islands into flushing toilets.

51. Members noted the progress and did not raise any query.

**VII. Any other business**

52. There being no other business, the meeting ended at 4:07 pm.

Council Business Division 2  
Legislative Council Secretariat  
12 December 2011