

Panel on Food Safety and Environmental Hygiene

List of outstanding items for discussion
(Position as at 10 October 2011)

Subject	Proposed timing for discussion
1. Review of liquor licensing	January 2012
<p>The subject matter was discussed by the Panel on 10 June 2008, 15 Feb 2011 and 12 April 2011. At the meeting on 17 May 2011, Hon KAM Nai-wai expressed concern about the schedule for further discussion of the subject matter. The Chairman suggested that the subject matter would be followed up by the Panel in July or November 2011 after the Administration had consulted the District Councils concerned.</p>	
2. Regulation of veterinary drugs in food	1 st quarter of 2012
<p>Item proposed by the Administration in the 2007-2008 legislative session.</p>	
3. Fees and charges review of the Agriculture, Fisheries and Conservation Department	To be confirmed
<p>Item proposed by the Administration. The Administration has advised that it will take the opportunity to report the outcome of its review mentioned below.</p>	
<p>At the request of the Subcommittee on Public Health (Animals and Birds) (Exhibitions) (Amendment) Regulation 2006, the Administration agreed to review the fees for application for an exhibition licence for animals and birds and licence renewal fees in the context of the general review of Government's fees and charges, and report the outcome to the Panel in due course.</p>	

Subject	Proposed timing for discussion
4. Labelling of genetically modified food	To be confirmed

At the meeting on 8 July 2008, the Administration briefed the Panel on the findings of the evaluation study on the effectiveness of the "Guidelines on voluntary labelling of genetically modified ("GM") food". The Administration advised that the findings illustrated that there was no pressing need for mandatory labelling. The Panel passed a motion urging the Government to draw reference from other countries' experience and introduce expeditiously a mandatory labelling scheme for GM food.

At the meeting between LegCo Members and EDC members on 12 March 2009, EDC members were of the view that the Government should draw reference experience from other countries, such as New Zealand, on regulating GM food.

5. Review of the structure of the Food and Environmental Hygiene Department and the Agriculture, Fisheries and Conservation Department	To be confirmed
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At its meeting on 17 October 2005, the Panel was briefed on the Administration's plan to re-organise the Food and Environmental Hygiene Department ("FEHD") and the Agriculture, Fisheries and Conservation Department ("AFCD") into the Agriculture, Environmental Hygiene and Conservation Department ("AEHCD") and the Food Safety, Inspection and Quarantine Department ("FSIQD") to enhance food safety and veterinary public health control in Hong Kong. A Centre for Food Safety ("CFS") was also proposed to be set up within FSIQD. Members were generally supportive of the plan to establish a dedicated department to regulate all matters related to food safety and they would wish to see the new department set up as soon as possible.

When the Administration briefed the staff of AFCD and FEHD on its proposal, the majority of AFCD's

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nature conservation and country/marine parks staff expressed their preference for the direct transfer of their functions and staff to the Environmental Protection Department ("EPD"). As advised by the Administration, the then Secretary for the Environment, Transport and Works also supported the transfer. In the light of this, the Administration had subsequently revised its original proposal. Under the revised proposal, the new AEHCD would be responsible for promoting and facilitating the development of agriculture and fisheries activities in Hong Kong and maintaining environmental hygiene. The Country/Marine Parks and Conservation Branches of AFCD would be merged with EPD.

The Panel held four joint meetings with the Panel on Environmental Affairs on 29 November 2005, 15 December 2005, 6 January 2006 and 17 January 2006 to discuss the revised re-organisation proposal. The Panel also received views from the relevant trades, experts, academics and staff of the affected departments on 15 December 2005 and 6 January 2006.

Many staff associations in the affected departments expressed strong views against the Administration's proposal of re-organising AFCD and FEHD, and transferring AFCD's nature conservation and country/marine park staff to EPD. Some members also expressed reservations that the regulatory and facilitation functions in respect of agriculture and fisheries activities should be carried out by two separate departments (i.e. AEHCD and FSIQD).

In view of the concerns expressed by members and staff associations, the Administration's paper subsequently presented to the Panel on 17 January 2006 a proposal to set up CFS under FEHD as the first step to enhance food safety control. The proposals in relation to the separation of regulatory and promotion functions for agriculture and fisheries industries and the transfer of country/marine park functions to EPD were withheld, pending further consultation with stakeholders. The Panel supported the speedy establishment of CFS under FEHD.

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When the Panel discussed with the Administration on the work of CFS on 10 July 2007, the Administration advised that it would review the structure of FEHD and AFCD after the enactment of the new Food Safety Bill.

6. Alignment of FEHD fees and charges

To be confirmed

On 30 November 2001, the Administration briefed the Panel on the way forward to align FEHD fees and charges following the dissolution of the former Provisional Urban Council and Provisional Regional Council in 2000. Members noted that the Administration had completed the computation of costs for the provision of 94 items of services inherited from the two former municipal councils, and the initial findings revealed that a majority of the fees and charges might have to be increased. In view of the economic downturn, members supported the Administration's decision to continue to freeze FEHD fees and charges at the existing level up to 31 December 2002.

On 24 February 2003, the Administration informed the Panel that it would need more time to work out an alignment proposal for the various FEHD fees and charges.

7. Hygiene conditions of food premises operating under the food factory licences

To be confirmed

At the meeting between LegCo Members and members of Wan Chai District Council ("WCDC") held on 5 May 2005, some WCDC members expressed concern about the lack of enforcement actions by FEHD against the unhygienic operation of food businesses selling takeaway food. The above concern was referred to the Panel for follow-up with the Administration.

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8.	Control measures against food businesses operating without licence	To be confirmed

The above subject was discussed by the Panel on two occasions on 14 December 2004 and 8 March 2005. The Administration's proposed control measures against food businesses operating without licence were as follows -

- (a) upon detection of unlicensed food business conducted at any premises, staff of FEHD would take immediate enforcement action against the person/corporation in charge of the business at the time;
- (b) FEHD would stop processing the application for licence filed by that person/corporation in respect of the premises in (a) above; and
- (c) if FEHD proceeded with prosecution action and upon conviction, FEHD might refuse the application and impose a ban on the person/corporation convicted to obtain a licence for six months after taking into consideration all relevant factors, counting from the date of conviction; or where FEHD did not proceed with prosecution action or in the case of acquittal, the application process would be reactivated immediately.

Some members considered the proposed measures inadequate to deter the operation of food business without licence and suggested that the Director of Food and Environmental Hygiene should be empowered to make a closure order against unlicensed food establishments, without having to apply to the court. A member, however, pointed out that the measure in (c) above could easily be circumvented as the applicant could always appoint another person to apply for a fresh licence.

The Administration was requested to consider members' views and revert to the Panel.

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9. Recommendations of Team Clean's Final Report on Measures to Improve Environmental Hygiene in Hong Kong	To be confirmed

The Panel agreed at its meeting on 26 September 2003 to follow up the following measures recommended by Team Clean in its Final Report on Measures to Improve Environmental Hygiene in Hong Kong published in August 2003 -

- (a) introducing a demerit points system ("DPS") for tenants of public markets. Under the DPS, tenants who accumulate a certain number of points within a 12-month period will have their tenancy terminated. Tenants whose tenancies have been revoked would also be prevented from bidding for other stalls for one year;
- (b) tightening the licensing requirements for food factories;
- (c) strengthening the sanction regime against licensed food premises, such as revamping the current DPS to make it more stringent, making licensees responsible for hygiene breaches committed by their staff and widely publicising the business names and photographs of food premises convicted of an offence relating to the sale or preparation for sale of any food for human consumption; and
- (d) introducing an Open Categorisation Scheme for licensed food premises to help consumers make informed choices. Under the Scheme, the hygiene conditions of all food premises will be graded according to set criteria and premises will be required to post the hygiene grading at a conspicuous location in their premises.

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for discussion |
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| 10. Regulating and monitoring the activities of oyster culture in Hong Kong | To be confirmed |
| <p>At the meeting on 9 February 2010, in the light of the concerns raised by Hon WONG Yung-kan, the Chairman suggested that the issue of regulating and monitoring the activities of oyster culture within Hong Kong waters should be discussed by the Panel at a future meeting.</p> | |
| 11. Label of the source of vegetables | To be confirmed |
| <p>At the meeting on 12 April 2011, in view of the concern raised by Hon WONG Sing-chi, the Chairman suggested that the Panel would discuss the issue of genuine source of vegetable at a future meeting.</p> | |