

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1818/12-13

(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 January 2013, from 2:30 pm to 6:00 pm  
in Conference Room 1 of the Legislative Council Complex**

- Members present** : Hon Alan LEONG Kah-kit, SC (Chairman)  
Hon Steven HO Chun-yin (Deputy Chairman)  
Hon James TO Kun-sun  
Hon Vincent FANG Kang, SBS, JP  
Hon WONG Kwok-hing, MH  
Dr Hon Joseph LEE Kok-long, SBS, JP  
Dr Hon LEUNG Ka-lau  
Hon CHEUNG Kwok-che  
Hon WONG Yuk-man  
Hon Claudia MO  
Hon CHAN Chi-chuen  
Dr Hon Kenneth CHAN Ka-lok  
Dr Hon Helena WONG Pik-wan
- Members attending** : Hon LEE Cheuk-yan  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon WU Chi-wai, MH  
Dr Hon Fernando CHEUNG Chiu-hung  
Dr Hon CHIANG Lai-wan, JP
- Members absent** : Hon Tommy CHEUNG Yu-yan, SBS, JP  
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

**Public Officers : Item IV  
attending**

Professor Sophia CHAN Siu-chee, JP  
Under Secretary for Food and Health

Miss Hinny LAM Shuk-yee  
Principal Assistant Secretary for Food and Health  
(Food)3

Miss Vinci CHAN  
Assistant Secretary for Food and Health (Food)7

Mr FAN Yung-kai  
Assistant Director (Operations)2  
Food and Environmental Hygiene Department

Item V

Professor Sophia CHAN Siu-chee, JP  
Under Secretary for Food and Health

Miss Diane WONG Shuk-han  
Principal Assistant Secretary for Food and Health  
(Food)2

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

Item VI

Professor Sophia CHAN Siu-chee, JP  
Under Secretary for Food and Health

Miss Diane WONG Shuk-han  
Principal Assistant Secretary for Food and Health  
(Food)2

Mr LAU Che-wong  
Assistant Director (Operations)1  
Food and Environmental Hygiene Department

Dr Shermann FONG Che-ping  
Principal Environmental Protection Officer  
(Regional S)  
Environmental Protection Department

**Attendance** : Item IV  
**by invitation**

Momentum 107

Mr Raymond HO Man-kit  
Convener

Democratic Alliance for the Betterment and Progress  
of Hong Kong

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Mr YIP Man-pun  
Deputy Spokesperson  
Food Safety and Environmental Hygiene

Hong Kong Public Market Hawkers Association

Mr WONG Chai-wai  
Chairman

Federation of Hong Kong Kowloon New Territories  
Hawker Association

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Ms CHENG So-ngor  
Chairman

Association of Yue Wan Market Stall Holders

Mr WONG Chiu-yen  
Chairman

The Co-operative Society of Stall Keepers of Hung  
Hom Market

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Mr CHAN Wai-bor  
Chairman

Tsuen Wan Yeung Uk Road Market Stall Owners  
Association

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Mr LAM Fook-chuen  
Chairman

港九新界販商社團聯合會街市委員會

Mr HUI Chi-kuen  
Chairman

Tai Wai Market Mutual Aid Committee

Ms CHEUNG Yuk-kiu  
Chairman

香港仔街市商會

Mr CHAN Kin-wah  
Chairman

柴灣街市商會

Ms CHEUNG King-chi  
Chairman

香港石塘咀街市商會

Mr WONG Wai-shing  
Deputy Chairman

香港仔天光墟市集小販會

Ms FONG Yuk-fung  
Chairman

Hong Kong Kowloon Merchants Hawkers  
Association

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Mr WONG Yin-wa  
Secretary General

北角七姊妹道商戶協會

Mr WONG Tung-hiu  
Secretary

Public Markets Hucksters Association (Ngau Chi  
Wan)

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Ms WONG Sing-kwan  
Treasurer

The Lion Rock Institute

Miss Cecilia CHANG  
Intern

葵芳道公共街市

Ms NG Siu-fung  
Representative

雙鳳街街市枱商協會

Mr MAK Tai-chuen  
Chairman

沙田街市商會

Mr TANG Ping-lung  
Representative

瑞和街街市販商聯會

Mr LAU Chun-nam  
Chairman

牛頭角公共街市

Mr LAU Kwok-fan  
Representative

九龍城街市販商事務委員會

Mr LUI Kwok-wai  
Chairman

彩虹道公共街市

Ms LAW Yuk-lin  
Representative

牛池灣街市檯商委員會

Mr CHAN Sek-cheung  
Representative

**Clerk in attendance** : Ms Elyssa WONG  
Chief Council Secretary (2) 5

**Staff in attendance** : Mr Jove CHAN  
Senior Council Secretary 2 (6)

Ms Priscilla LAU  
Council Secretary (2) 5

Ms Michelle LEE  
Legislative Assistant (2) 5

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**I. Confirmation of minutes**  
(LC Paper No. CB(2)408/12-13)

The minutes of the meeting held on 13 November 2012 were confirmed.

**II. Information paper(s) issued since the last meeting**  
(LC Paper Nos. CB(2)413/12-13(01) and CB(2)414/12-13(01))

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

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- (a) Letter dated 28 December 2012 from Hon Christopher CHUNG Shu-kun on safety of food imported from the Mainland; and
- (b) Referral arising from the meeting of the Panel on Home Affairs on policy on hawking and bazaar economic activities.

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

(LC Paper Nos. CB(2)415/12-13(01) and (02))

3. Members agreed to discuss the following items at the next regular meeting scheduled for 5 February 2013 at 4:30 pm -

- (a) Assistance scheme for hawkers in fixed-pitch hawker areas;
- (b) Report on consultancy study on organic food; and
- (c) Food surveillance results 2012.

4. Members agreed that the Panel would follow up the Administration's hawker policy under the agenda item "Assistance scheme for hawkers in fixed-pitch hawker areas" and issues on the safety of food imported from the Mainland raised by Mr Christopher CHUNG under the agenda item "Food surveillance results 2012" at the next meeting. To allow sufficient time for discussion, members also agreed that the next meeting would be extended for 30 minutes to end at 7:00 pm.

**IV. The business environment of public market stalls, including rental adjustment mechanism and air-conditioning charges**

(LC Paper Nos. CB(2)415/12-13(03) and (04))

Views of deputations

5. At the invitation of the Chairman, the following 25 deputations presented their views on the business environment of public market stalls, including rental adjustment mechanism and air-conditioning charges –

- (a) Momentum 107;
- (b) Democratic Alliance for the Betterment and Progress of Hong Kong;
- (c) Hong Kong Public Market Hawkers Association;

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- (d) Federation of Hong Kong Kowloon New Territories Hawker Association;
- (e) Association of Yue Wan Market Stall Holders;
- (f) The Co-operative Society of Stall Keepers of Hung Hom Market;
- (g) Tsuen Wan Yeung Uk Road Market Stall Owners Association;
- (h) 港九新界販商社團聯合會街市委員會;
- (i) Tai Wai Market Mutual Aid Committee;
- (j) 香港仔街市商會;
- (k) 柴灣街市商會;
- (l) 香港石塘咀街市商會;
- (m) 香港仔天光墟市集小販會;
- (n) Hong Kong Kowloon Merchants Hawkers Association;
- (o) 北角七姊妹道商戶協會;
- (p) Public Markets Hucksters Association (Ngau Chi Wan);
- (q) The Lion Rock Institute;
- (r) 葵芳道公共街市;
- (s) 雙鳳街街市枱商協會;
- (t) 沙田街市商會;
- (u) 瑞和街街市販商聯會;
- (v) 牛頭角公共街市;
- (w) 九龍城街市販商事務委員會;
- (x) 彩虹道公共街市; and



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(y) 牛池灣街市檯商委員會。

6. Members noted a written submission from the Democratic Alliance.

7. Members also noted the background brief entitled "The business environment of public market stalls, including the rental adjustment mechanism and air-conditioning charges" (LC Paper No. CB(2)415/12-13(04)) prepared by the Legislative Council ("LegCo") Secretariat.

8. A summary of the views of deputations is in the **Appendix**.

The Administration's response to the views expressed by deputations

9. Responding to the views expressed by the deputations, Under Secretary for Food and Health ("USFH") and the Assistant Director (Operations)2/Food and Environmental Hygiene Department ("AD(Ops)2/FEHD") made the following points -

- (a) the Administration noted the deputations' views about the provision of air-conditioning facilities at public markets, the less favourable business environment of public markets, and their calls for further extension of the rental freeze for public market stalls;
- (b) the Food and Environmental Hygiene Department ("FEHD") had spent over \$170 million on enhancing market facilities (including ventilation, lighting, fire safety and accessibility by the disabled) and the business environment of public markets (including promotional activities during traditional festivals, cooking demonstrations and reward schemes) in the past three years. The occupancy rate of public market stalls had increased from 76.9% in 2008 to 89% in 2012;
- (c) efforts had been made to improve the utilization of market stalls such as merging smaller vacant public market stalls into bigger ones; converting some vacant stalls into storage areas for tenants; and reducing the rentals of public market stalls which had been vacant for more than six months to increase the occupancy rate of public markets;
- (d) more service trades had been introduced to public markets with a view to diversifying services provided at public markets;

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- (e) light boxes and public announcement systems had been installed at cooked food centres to attract patrons; and
- (f) the Administration would review the effectiveness of the measures taken to enhance the business environment of public markets, taking into account the views of deputations presented at the meeting.

Plan to follow up on the Administration's proposals

10. The Chairman said that the Panel had scheduled three meetings in January, April and July 2013 respectively to monitor the Administration's progress on enhancing the business environment of public markets and follow up on the Administration's proposals on the rental adjustment mechanism and air-conditioning charging policy of public market stalls. The Panel would receive views of deputations at the meeting in January 2013. The Administration would then revise its proposals on the rental adjustment mechanism and air-conditioning charging policy taking into account the views of deputations presented at the meeting. The Administration would submit the revised proposals to the Panel for consideration at the meeting in April 2013 with a view to finalizing the proposals at the meeting in July 2013. USFH took note of the Panel's plan to follow up on the issue.

Installation of air-conditioning facilities

11. Mr WONG Kwok-hing was of the view that the provision of air-conditioning facilities to all public markets was of utmost importance for providing a pleasant environment for patrons and stall operators, as well as keeping perishable commodities in good condition. He requested the Administration to visit public markets during the summer time to better understand the difficulties faced by the stall tenants. Mr WONG further requested the Administration to provide air-conditioning facilities in all public markets before making any proposals on rental adjustment mechanism for public market stalls. Mr Vincent FANG, Dr CHIANG Lai-wan and Dr Fernando CHEUNG expressed support for the installation of air-conditioning facilities in all public markets. They were also of the view that consumers nowadays desired an air-conditioned shopping environment. Dr CHIANG also concurred with the suggestion of making visits to public markets with the Administration.

12. Noting that the Administration would only install air-conditioning systems in a public market if not less than 85% of the stall tenants of the market had supported the installation and agreed to bear the associated

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electricity charges and costs of daily general maintenance after installation, Mr WONG Kwok-hing stressed that when the former municipal councils had decided to install air-conditioning facilities at public markets, they had neither requested the stall tenants to pay the air-conditioning charges nor set a minimum threshold for the installation of air-conditioning facilities. Mr LEE Cheuk-yan and Dr Fernando CHEUNG also expressed objection to the threshold of 85% and urged the Administration to remove such requirement. The Deputy Chairman expressed concern that the air-conditioning charges might be one of the reasons for the reluctance of some market tenants to support the installation of air-conditioning facilities in public markets.

13. USFH advised that the architectural design of some public market buildings constructed in the 1990s had made it difficult, if not impossible, to install air-conditioning facilities. The retrofitting works might also disrupt the business of some market stalls as they might take a fairly long time to complete. It was therefore necessary for the Administration to obtain the agreement of the majority of stall tenants before proceeding with the retrofitting works.

14. Mr Michael TIEN expressed grave concern about the air-conditioning charging policy. He was of the view that the Administration should charge the air-conditioning costs pro rata to the stall areas. The air-conditioning costs for the common areas of markets and the maintenance costs should be borne by the Government. The Administration should also consider the location and turnover of individual stalls when it set the air-conditioning charges for individual stall tenants.

15. Mr CHAN Chi-chuen and Mr WONG Yuk-man considered that the Administration had not provided adequate support to the stall tenants. Mr WONG was also of the view that the air-conditioning charges, including both capital costs and recurrent expenses, should be borne entirely by the Government. USFH explained that under the current arrangement, the Government was responsible for the capital costs for installing and maintaining the air-conditioning systems while the recurrent expenses, i.e. the associated electricity charges, were borne by stall tenants in accordance with the "user-pays" principle.

Further revised proposal on rental adjustment mechanism

16. Mr WONG Kwok-hing said that the deputations did not object to the proposed rental adjustment mechanism (i.e. the rentals of public market stalls would be adjusted in accordance with the movement of the average Consumer Price Index (A) ("CPI(A)") of the past three years, with the

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increase capped at 5% or the open market rental ("OMR"), whichever was the lower), on condition that the business environment of public markets had been significantly improved. Mr Vincent FANG and Mr CHAN Chi-chuen shared the view that the Administration should significantly enhance the overall business environment and facilities of public markets and bear the associated costs involved.

17. Dr CHIANG Lai-wan expressed concern that while the rental increase would be capped at the lower of 5% or OMR, the burden of the increases in costs such as rentals, labour and other operational costs might be shifted to the consumers. She considered that it was high time for the Administration to conduct a comprehensive review on its public market policy. Dr Fernando CHEUNG urged the Administration to set out clearly the arrangement in respect of the rental freeze for stall tenants so as to enable the stall tenants to plan ahead. Mr CHAN Chi-chuen asked the Administration to consider reducing the rentals of public market stalls as the stall tenants were facing increasing competition from the supermarkets in the nearby areas.

18. Mr WONG Yuk-man expressed the view that the Government should not set its long-term objective to recover OMR which would only increase the burden of stall tenants. In his view, the Government should continue to subsidize stall tenants and improve the business environment of public markets.

19. The Chairman was dissatisfied with the Administration's response that the proposal on rental adjustment mechanism was developed in response to the request of the Public Accounts Committee of LegCo as well as the recommendation made by the Director of Audit in his Report No. 51 on the Management of Public Markets published in October 2008. In his view, the Public Accounts Committee was concerned more about the difficulties faced by public market stall tenants and the Administration was asked to review the positioning and policy of public markets before proposing an appropriate mechanism for rental adjustment. USFH took note of members' view.

20. Mr Vincent FANG urged the Administration to address the problem of rental disparity for stall tenants selling similar commodities or operating in similar operating environment. AD(Ops)2/FEHD explained that the rentals paid by different stall tenants varied with their backgrounds. Some tenants might pay higher rental if they rented the stalls through open auctions while some other tenants might pay lower rentals if they were requested to be relocated to public markets and rented the stalls through restricted auctions with concessionary upset auction prices of the stalls.

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Management of public markets

21. Mr Vincent FANG considered that the Administration did not have relevant expertise in operating and managing public markets. He urged the Administration not just to enhance the facilities of public markets but to consider carefully the mix of products and services offered by various stalls.

22. Noting that some market stalls had been converted into storage space for stall tenants, the Deputy Chairman, Mr Vincent FANG and Mr CHAN Chi-chuen queried the accuracy of the occupancy rate of 89%. The Deputy Chairman enquired about the breakdown of occupancy rates by types of stalls by public markets, and a comparison of the occupancy rates between air-conditioned and non-air-conditioned public markets. Mr CHAN was concerned about the number of stalls rented for storage purpose. He was worried that the more the stalls used for storage purpose, the fewer the stalls available for selling goods and services, and this would not be conducive to revitalizing public markets. He suggested that consideration should be given to adopting the utilization rate of stalls engaging in active business instead of the occupancy rate of public markets for planning purposes.

23. AD(Ops)2/FEHD explained that stalls rented for storage purpose were those situated in less viable location; and these stalls would only be offered to incumbent stall tenants of the same public markets.

24. Dr Fernando CHEUNG was concerned about the accessibility of the disabled to public markets and urged the Administration to enhance their barrier-free facilities.

25. Mr Michael TIEN suggested the Administration to set up a consultative platform and engage experts from the business sector to give advice on revitalizing and enhancing the operating environment of public markets. The Chairman concurred and further suggested that the Administration should engage a consultant to review its policy on public markets, including the positioning and functions of public markets. The consultant should also assist the Administration in developing concrete proposals to enhance the operating environment of public markets.

Constructing new public markets

26. Mr LEE Cheuk-yan enquired about the Administration's policy on constructing new public markets, in particular its plan for constructing new public markets in Tin Shui Wai. He was concerned that the retail business in Tin Shui Wai was dominated by the Link Real Estate Investment Trust

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("the Link"), restricting choice for consumers. As the stall operators of Tin Sau Bazaar in Tin Shui Wai were not allowed to sell fresh meat, the business of stalls in Tin Sau Bazaar was dull and hence further reinforced the dominant position of the Link in the retail business in the district.

27. USFH responded that while there was a request from some members for constructing new public markets in new districts, such as Tin Shui Wai, the Administration considered that the current most important task was to improve the business environment of existing public markets. AD(Ops)2/FEHD added that given the number of wet markets and fresh provision shops that were available in Tin Shui Wai and the various shopping options and choice that were being provided for consumers, the Administration would need to consider carefully the business viability and cost effectiveness of any new public markets in the district. For districts where markets and shopping facilities were already available, this would affect the business performance of the new markets.

Visits to public markets

28. In view of the requests from members for making visits to public markets with the Administration, the Chairman proposed to invite the Secretary for Food and Health ("SFH") to visit public markets with the Panel to better understand the difficulties faced by stall tenants. USFH advised that SFH and she had recently visited a number of public markets to obtain a general picture of the business environment of stall tenants operating in different public markets. As they also had plans to visit more public markets, USFH advised that SFH and she would be delighted to visit public markets with members.

Motion proposed by member

29. Mr WONG Kwok-hing moved the following motion which was seconded by Mr Vincent FANG -

"促請本會成立公眾街市安裝空調小組委員會專注跟進空調安裝事宜，以早日改善街市營運環境。"

(Translation)

"That this Panel to form a Subcommittee on Installation of Air-conditioning Systems in Public Markets, to focus on following up on issues relating to the installation of air-conditioning systems, so as to bring early improvement to the operating environment of public markets."

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30 The Chairman ruled that the motion was directly related to the agenda item under discussion, and invited members to consider whether the motion should be proceeded with at this meeting. Members raised no objection. The Chairman said that the motion would be dealt with at this meeting.

31. Dr CHIANG Lai-wan suggested that the scope of the study of the proposed subcommittee should also cover issues relating to the Administration's public market policy. Mr WONG Kwok-hing and the Chairman agreed that issues relevant to the policy and operating environment of public markets could be followed up by the proposed subcommittee after it had been appointed.

32 The Chairman put Mr WONG Kwok-hing's motion to vote. The results were: six members voted in favour of the motion; no member voted against it; and no member abstained. The Chairman declared that the motion was carried.

33. The Chairman directed the Clerk to draft the terms of reference and work plan of the subcommittee for members' consideration at the next regular meeting. He also informed members that the number of subcommittees on policy issues in operation would have reached the maximum of eight when the appointment of the subcommittee was to be considered at the next regular meeting. The subcommittee, if so appointed by the Panel, would be placed on a waiting list. Members noted the arrangement.

**V. Usage and promotion of Gardens of Remembrance, scattering cremains at sea and Internet memorial service**  
(LC Paper Nos. CB(2)415/12-13(05) and (06))

34. USFH briefed members on the usage of the Gardens of Remembrance ("GoRs), scattering cremains at sea and the Internet memorial service, as well as the Administration's efforts in the promotion of these services, details of which were set out in the Administration's paper (LC Paper No. CB(2)415/12-13(05)).

35. Members also noted the background brief entitled "Usage and promotion of Gardens of Remembrance, scattering cremains at sea and the Internet memorial service" (LC Paper No. CB(2)415/12-13(06)) prepared by the LegCo Secretariat.

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Promotion of green burial

36. Mr WONG Kwok-hing, Dr Kenneth CHAN and Mr CHAN Chi-chuen expressed support for the Administration's initiatives in promoting green burial (i.e. scattering cremains at GoRs and at sea). Dr Kenneth CHAN urged the Administration to enhance the promotion of green burial by engaging more sessions of Announcements in the Public Interest ("API") on television and radio.

37. Dr CHIANG Lai-wan said that the Democratic Alliance for the Betterment and Progress of Hong Kong was also supportive of green burial. She suggested that consideration could be given to offering incentives, such as reducing fees and charges of all the related services of green burial, in order to encourage more people to accept and adopt green burial. She also urged the Administration to improve the management of GoRs to enhance their solemnity.

38. Dr Helena WONG said that the Democratic Party was also in support of the Administration's initiatives in promoting green burial. However, she stressed that the Government should not reduce its commitment to ensuring an adequate supply of public columbarium niches to meet the local needs and green burial should be considered as an alternative only. Noting the low usage of green burial in Hong Kong, Dr WONG suggested that the Administration should enhance its promotion efforts such as organizing seminars on green burial at elderly homes and schools with a view to increasing public awareness and fostering a change in mindset and culture; hire ferries with larger capacity; offer the cremains scattering service at sea on weekdays; and increase the number of GoRs. Dr CHIANG Lai-wan concurred.

39. To further enhance the service and usage of GoRs, Mr CHAN Chi-chuen suggested providing bio-degradable bags for users to bury cremains under the plants at GoRs. He also suggested the Administration to provide wider choices of boats for sea burials in order to meet the diverse needs of applicants.

40. USFH advised that the Administration had identified 24 potential sites in all 18 districts across the territory for columbarium development. Action was underway to follow up these projects to increase the supply of public niches. Since it was extremely difficult to find land suitable for columbarium development, efforts had been and would continue to be made to encourage the community to accept more sustainable forms of green burial. USFH further advised that the Administration had introduced various measures to enhance the promotion of green burial. These



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measures included hiring ferries with larger capacity, offering free ferry services on weekdays, producing more APIs, conducting briefings at elderly centres and schools, introducing green burial services at Hong Kong Senior Fair 2012, and arranging site visits for the elderly to GoRs.

Scattering cremains at sea

41. Mr WONG Kwok-hing was concerned that some unscrupulous operators had been providing the cremains scattering service at sea without the Administration's permission. They had thrown the urns into the sea, posing threats to the marine environment. It was also noted that certain families of the deceased scattered cremains and carried out burial ceremonies at the dykes of typhoon shelters. He urged the Administration to enhance its enforcement efforts in these areas. The Deputy Chairman echoed Mr WONG's view that the netting of the disposed urns had brought unease to the fishermen. He enquired about the measures taken by the Administration to monitor the conduct of the cremains scattering service and whether any prosecutions had been initiated.

42. Assistant Director (Operations) 3 / Food and Environmental Hygiene Department ("AD(Ops)3/FEHD") advised that it was an offence to dispose of urns at sea. FEHD and the Marine Department had provided guidelines to private operators for the conduct of the cremains scattering service at sea. Surprise inspections had also been conducted and no illegal activities had been detected so far. The Administration would enhance public education and communication with private operators on the requirements for scattering cremains at sea.

43. Mr WONG Kwok-hing considered some of the designated locations, especially those close to the Tung Lung Chau marine fish culture zones and fishing grounds, not suitable for conducting the cremains scattering service. He urged the Administration to consider removing the waters close to Tung Lung Chau from the list of designated sea burial zones and identify other waters for the cremains scattering service. The Deputy Chairman referred to a question raised by the former Member Hon WONG Yung-kan at the Council meeting of 2 May 2012 about identifying other designated waters far away from fisheries activity zones, such as the waters east of the Ninepin Group, for conducting the cremains scattering service.

44. AD(Ops)3/FEHD responded that the Administration had reviewed the locations of the designated waters including the area close to Tung Lung Chau and confirmed that there were no fish farms, beaches or ports nearby. In addition, the strong current there could carry the scattered cremains away rapidly. The Administration would continue to closely

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monitor the conduct of the cremains scattering service at all the three designated waters and would review the situation if necessary. With regard to the suggestion of conducting the service in the waters east of the Ninepin Group, AD(Ops)3/FEHD advised that in searching for suitable designated waters, it was necessary to ensure that the location of the cremains scattering service should not be too remote to avoid a long and unpleasant journey across the sea.

45. The Deputy Chairman was concerned about any residual germs or other pollutants in the cremains scattered at sea. He enquired about any research studies conducted by the Administration to assess the health risks members of the public might be exposed to in consuming marine products contaminated by those cremains. AD(Ops)3/FEHD assured members that the scattering of human ashes at sea would not pose any threat to public health since the cremation was done at very high temperature. According to some research studies and laboratory test results, no pathogens would exist after the process of cremation which was done at a temperature of up to 850°C. The cremains were therefore innocuous to the health of human and marine products.

46. Dr Kenneth CHAN and the Deputy Chairman were concerned that the current requirement for bringing at most seven family members or friends on board was too strict. They urged the Administration to consider relaxing the requirement and increasing the frequency of the service in order to encourage usage.

47. USFH responded that the Administration had been hiring bigger ferries to increase the overall capacity and the number of family members and friends that each applicant could bring on board. Under the current arrangement, an applicant could apply to the Director of Food and Environmental Hygiene ("DFEH") for bringing more than seven persons on board. DFEH would consider the application on a case-by-case basis. AD(Ops)3/FEHD added that flexibility would be given as long as the total number of persons on board did not exceed the capacity of the ferry. The Administration would contact the applicants to adjust the number of persons on board before departure.

**VI. Regulation of crematorium for animals**

(LC Paper Nos. CB(2)415/12-13(07), FS17/12-13 and CB(2)435/12-13(01))

48. USFH briefed members on the existing arrangements for the disposal of animal carcasses as well as the existing control on cremation services for

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pets under the respective legislation, details of which were set out in the Administration's paper (LC Paper No. CB(2)415/12-13(07)).

49. Members also noted the Fact Sheet entitled "Regulation of crematorium for animals" (FS17/12-13) prepared by the Research Division of the LegCo Secretariat.

50. Ms Claudia MO expressed dissatisfaction that the Administration would consider animal carcasses as municipal solid waste, and it had no plan to regulate the private cremation service for pets. Given the growing demand for such service, she expressed strong dissatisfaction with the Administration's reluctance to provide public cremation service for pets. Ms MO strongly urged the Administration to consider regulating private crematoria for pets through licensing in order to ensure compliance of private operators with the regulatory requirements and protect consumers' interests.

51. USFH advised that the Administration was open minded about means to address the issue on pet cremation services. Under the current arrangement, relevant departments, according to their respective mandates, conducted inspections on premises where pet cremation service was provided to ensure compliance with relevant statutory and Government requirements. Assistant Director (Operations)1/ Food and Environmental Hygiene Department ("AD(Ops)1/FEHD") said that during the inspections on relevant premises in the past four years, no sanitary nuisance caused by the operation of pet cremation services was detected. In this connection, it was considered not necessary to subject pet cremation services to licensing control at this stage. Principal Assistant Secretary for Food and Health (Food) 2 ("PAS(F)2") added that departments concerned were looking into the possibility of regularization whereby operators of pet cremation services could seek compliance with the statutory and Government requirements.

52. Dr Helena WONG expressed the views of the Democratic Party that the Administration should re-introduce public cremation service for animals and study the regulation of hospice services for pets. Noting that 10.6% of all domestic households in Hong Kong were keeping pets at home, Dr WONG considered that there was a large demand for hospice services for pets including the handling of their carcasses. Pointing out that the Government had ceased offering public cremation service for animals with the closure of the Kennedy Town Abattoir, and there was no proper control over private crematoria for pets, Dr WONG expressed worries that the problems caused by the unauthorized columbaria for human cremains might also be experienced by residents living in the vicinity of private

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columbaria for pets. The Deputy Chairman expressed similar views. He enquired about the Administration's initiatives in addressing the growing demand for hospice services and cremains storage for pets. Dr WONG suggested that consideration should be given to introducing green burial for pets as well.

53. USFH advised that the Administration was open minded about means to address the issue on private operators of pet cremation services, and provision of public cremation service and green burial for pets. PAS(F)2 explained that the public cremation service for animals in the Kennedy Town Abattoir was an ancillary facility of the Abattoir for the slaughtering operation. Fee-charging cremation services for pets had been provided thereat on an on-demand basis. As the Abattoir was closed in 1999, the Administration also ceased the ancillary provision of cremation services.

54. Mr CHAN Chi-chuen enquired about the number and details of private crematoria or providers of hospice services for pets. In the absence of a licensing scheme for the relevant business, he was concerned about the difficulties for pet owners to seek assistance in case of malpractice of a business operator.

55. PAS(F)2 advised that, based on the information now available to the Administration, there were currently 16 private operators known to be providing pet cremation / cremains storage services. Various departments had been keeping a close watch on their compliance with the statutory and Government requirements. PAS(F)2 added that under the Trade Descriptions (Unfair Trade Practices) (Amendment) Ordinance 2012 (Ord. No. 25 of 2012) which was enacted in July 2012 and would come into full operation in mid-2013, it was an offence for the traders to apply false trade descriptions to services for supply to consumers. Pet owners might also seek assistance from the Consumer Council on issues relating to consumer protection.

56. Mr CHAN Chi-chuen enquired about whether columbaria for pets would be subject to the same regulation as the columbaria for human cremains. PAS(F)2 advised that the operation of cremains storage services for pets should comply with various statutory and Government requirements, including the Public Health and Municipal Services Ordinance (Cap. 132), the Air Pollution Control Ordinance (Cap. 311) and land lease. USFH added that given the growing demand for the service, the Administration would keep in view the need for securing compliance by such business operations with the various statutory and Government requirements.

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57. Mr WU Chi-wai enquired about the legislation regulating the private cremation service for pets. AD(Ops)1/FEHD and the Principal Environmental Protection Officer (Regional S)/Environmental Protection Department explained that Cap. 132 regulated the sanitary nuisances relating to the disposal of pet carcasses while Cap. 311 regulated the air-pollution caused by emission from cremation of animal carcasses. Noting that private cremation of animals was not legally prohibited, Mr WU opined that the regulatory control on services for disposal or cremation of animal carcasses should be introduced as early as possible.

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58. In conclusion, the Chairman urged the Administration to review its provision for public cremation service for pets and the regulatory control over private cremation services for pets. The Administration was also requested to revert to the Panel on the outcome of its review over private cremation services for pets.

**VII. Any other business**

59. The Chairman reminded members that a special meeting was scheduled for 21 January 2013 from 9:30 am to 10:30 am to receive a briefing from SFH on the Chief Executive's 2013 Policy Address.

60. There being no other business, the meeting ended at 6:12 pm.

Council Business Division 2  
Legislative Council Secretariat  
26 September 2013

**Panel on Food Safety and Environmental Hygiene**

**Meeting on Tuesday, 8 January 2013**

**on the business environment of public market stalls, including rental adjustment mechanism and air-conditioning charges**

**Summary of views and concerns expressed by deputations**

<b>Organization</b>	<b>Major views and concerns</b>
<b>Public market policy</b>	
<ul style="list-style-type: none"><li>• Democratic Alliance for the Betterment and Progress of Hong Kong</li><li>• 牛池灣街市檯商委員會</li><li>• 牛頭角公共街市</li></ul>	1. The deputations point out that public markets are the major sources of fresh provisions for the public at large and provide employment opportunities for the grassroots. Taking into account the social functions of public markets and the increasing competition from nearby supermarkets, the deputations consider that the Administration should subsidize stall tenants and allocate more resources to improve the business environment of public markets.
<ul style="list-style-type: none"><li>• Public Markets Hucksters Association (Ngau Chi Wan)</li><li>• 香港石塘咀街市商會</li><li>• 彩虹道公共街市</li><li>• 瑞和街街市販商聯會</li><li>• 葵芳道公共街市</li></ul>	1. Pointing out the poor physical conditions of some market buildings and the unsatisfactory management of public markets, the deputations call on the Administration to improve the facilities of public markets (such as improving the drainage and ventilation systems and providing escalators) in order to attract more customers to public markets.
<ul style="list-style-type: none"><li>• The Lion Rock Institute</li><li>• Momentum 107</li></ul>	1. Pointing out the high vacancy rate and poor management of public markets, the deputations suggest outsourcing the management of public markets to the private sector.

<b>Organization</b>	<b>Major views and concerns</b>
<ul style="list-style-type: none"> <li>• Federation of Hong Kong Kowloon New Territories Hawker Association</li> <li>• Hong Kong Kowloon Merchants Hawkers Association</li> </ul>	<p>1. In view of the rental disparity and different arrangements in recovering air-conditioning charges, the deputations urge the Administration to conduct a review on the public market policy covering the rental adjustment mechanism and the air-conditioning charging policy with a view to improving the business environment and competitiveness of public markets.</p>
<ul style="list-style-type: none"> <li>• 牛頭角公共街市</li> </ul>	<p>1. The deputation suggests that the Administration should engage a consultant to study the market situation and business viability of various public markets with a view to developing proposals to improve the business environment of public markets.</p>
<ul style="list-style-type: none"> <li>• 九龍城街市販商事務委員會</li> </ul>	<p>1. The deputation suggests that the Administration should organize various promotional activities to attract more customers to public markets.</p>
<b>Public market rental adjustment</b>	
<ul style="list-style-type: none"> <li>• The Co-Operative Society of Stall Keepers of Hung Hom Market</li> <li>• Hong Kong Kowloon Merchants Hawkers Association</li> <li>• Hong Kong Public Market Hawkers Association</li> <li>• Public Markets Hucksters Association (Ngau Chi Wan)</li> <li>• Tai Wai Market Mutual Aid Committee</li> <li>• Tsuen Wan Yeung Uk Road Market Stall Owners Association</li> <li>• 九龍城街市販商事務委員會</li> </ul>	<p>1. The deputations express objection to the proposed rental adjustment mechanism put forward by the Administration. They consider that any increase in the rentals of public market stalls would impose further financial burden on stall tenants and the general public would suffer higher prices in staple food.</p> <p>2. The deputations are of the view that the facilities of public markets are outdated and their environment and management are far from satisfactory. In their view, before considering an increase in the public market rentals, the Administration should vitalize public markets and increase their competitiveness. The deputations urge the Administration to improve the business environment of public markets, which includes improving</p>

<b>Organization</b>	<b>Major views and concerns</b>
<ul style="list-style-type: none"> <li>• 牛頭角公共街市</li> <li>• 沙田街市商會</li> <li>• 香港仔天光墟市集小販會</li> <li>• 柴灣街市商會</li> <li>• 港九新界販商社團聯合會街市委員會</li> <li>• 葵芳道公共街市</li> <li>• 雙鳳街街市枱商協會</li> </ul>	<p>customer flow, reducing stall vacancy rate and improving market infrastructures.</p>
<ul style="list-style-type: none"> <li>• Democratic Alliance</li> <li>• Tai Wai Market Mutual Aid Committee</li> <li>• 香港石塘咀街市商會</li> </ul>	<p>1. Holding the view that the operating environment of public markets is difficult, the deputations request a further extension of rental freeze, say for three years.</p>
<p><b>Provision of air-conditioning facilities in public markets</b></p>	
<ul style="list-style-type: none"> <li>• Association of Yue Wan Market Stall Holders</li> <li>• The Co-Operative Society of Stall Keepers of Hung Hom Market</li> <li>• Democratic Alliance</li> <li>• Hong Kong Kowloon Merchants Hawkers Association</li> <li>• Hong Kong Public Market Hawkers Association</li> <li>• Tsuen Wan Yeung Uk Road Market Stall Owners Association</li> <li>• 九龍城街市販商事務委員會</li> <li>• 北角七姊妹道商戶協會</li> <li>• 沙田街市商會</li> <li>• 香港石塘咀街市商會</li> </ul>	<p>1. The deputations consider that the operating environment of public markets is difficult particularly for those without air-conditioning facilities. They urge the Administration to install air-conditioning systems in all public markets so as to improve the operating environment of public markets.</p>



<b>Organization</b>	<b>Major views and concerns</b>
<ul style="list-style-type: none"> <li>• 香港仔街市商會</li> <li>• 港九新界販商社團聯合會街市委員會</li> <li>• 瑞和街街市販商聯會</li> <li>• 雙鳳街街市枱商協會</li> </ul>	
<ul style="list-style-type: none"> <li>• Democratic Alliance for the Betterment and Progress of Hong Kong</li> </ul>	<p>1. Noting that the Administration would install air-conditioning systems in a public market if not less than 85% of the market stall tenants have endorsed the installation and agreed to bear the electricity charges and costs of daily general maintenance after installation, the deputation considers such threshold too high. The deputation calls on the Administration to lower the threshold in order to improve the operating environment of public markets.</p>
<ul style="list-style-type: none"> <li>• Public Markets Hucksters Association (Ngau Chi Wan)</li> </ul>	<p>1. While agreeing to maintain the percentage threshold, the deputation is open-minded about the installation of air-conditioning systems in public markets.</p>
<ul style="list-style-type: none"> <li>• Democratic Alliance for the Betterment and Progress of Hong Kong</li> <li>• Public Markets Hucksters Association (Ngau Chi Wan)</li> </ul>	<p>1. The deputations consider that air-conditioning charges attributable to the common areas of markets should be borne by the Government, while tenants should only pay charges pro rata to their stall areas. They call on the Administration to devise a new mechanism for the calculation of air-conditioning charges payable by stall tenants, with due regard to the business difficulties faced by stall tenants.</p>
<ul style="list-style-type: none"> <li>• 葵芳道公共街市</li> </ul>	<p>1. The deputation urges the Administration to install air-conditioning systems in public markets in order to improve their operating environment. As regards air-conditioning charges, the deputation considers that market stall tenants should only pay the charges for the</p>

<b>Organization</b>	<b>Major views and concerns</b>
	summer months only.
<ul style="list-style-type: none"><li>• Association of Yue Wan Market Stall Holders</li></ul>	<ol style="list-style-type: none"><li>1. The deputations consider it necessary for the Administration to set up a special committee comprising representatives from the Food and Environmental Hygiene Department, the Legislative Council, trade associations and professionals to follow up issues relating to the installation of air-conditioning systems in public markets.</li></ol>

<b><u>Name of Organization</u></b>	<b><u>Submission (LC Paper No.)</u></b>
Association of Yue Wan Market Stall Holders	LC Paper No. CB(2)415/12-13(08)
The Co-Operative Society of Stall Keepers of Hung Hom Market	LC Paper No. CB(2)415/12-13(08)
Democratic Alliance	LC Paper No. CB(2)415/12-13(12)
Federation of Hong Kong Kowloon New Territories Hawker Association	LC Paper No. CB(2)415/12-13(08)
Hong Kong Kowloon Merchants Hawkers Association	LC Paper No. CB(2)415/12-13(08)
Momentum 107	LC Paper No. CB(2)461/12-13(01)
Public Markets Hucksters Association (Ngau Chi Wan)	LC Paper No. CB(2)415/12-13(09)
Tai Wai Market Mutual Aid Committee	LC Paper No. CB(2)415/12-13(08)
The Lion Rock Institute	LC Paper No. CB(2)415/12-13(10)
Tsuen Wan Yeung Uk Road Market Stall Owners Association	LC Paper No. CB(2)415/12-13(08)
大埔小商聯誼會	LC Paper No. CB(2)415/12-13(08)
九龍城街市販商事務委員會	LC Paper No. CB(2)461/12-13(02)
北角七姊妹道商戶協會	LC Paper No. CB(2)415/12-13(08)

<b><u>Name of Organization</u></b>	<b><u>Submission (LC Paper No.)</u></b>
北河街街市檯商協會	LC Paper No. CB(2)415/12-13(08)
西灣河商戶聯會	LC Paper No. CB(2)415/12-13(08)
香港仔天光墟市集小販會	LC Paper No. CB(2)415/12-13(08)
香港仔街市商會	LC Paper No. CB(2)415/12-13(08)
香港石塘咀街市商會	LC Paper No. CB(2)415/12-13(08)
柴灣街市商會	LC Paper No. CB(2)415/12-13(08)
港九新界販商社團聯合會街市委員會	LC Paper No. CB(2)415/12-13(08)
鰂魚涌街市檯商會	LC Paper No. CB(2)415/12-13(08)