

立法會
Legislative Council

LC Paper No. CB(2)1747/12-13

(These minutes have been
seen by the Administration)

Ref : CB2/PL/FE

Panel on Food Safety and Environmental Hygiene

**Minutes of special meeting
held on Monday, 21 January 2013, from 9:30 am to 10:30 am
in Conference Room 2 of the Legislative Council Complex**

- Members present** : Hon Alan LEONG Kah-kit, SC (Chairman)
Hon James TO Kun-sun
Hon Tommy CHEUNG Yu-yan, SBS, JP
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
Dr Hon KWOK Ka-ki
Hon TANG Ka-piu
- Members absent** : Hon Steven HO Chun-yin (Deputy Chairman)
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

**Public Officers : Item I
attending**

Dr KO Wing-man, BBS, JP
Secretary for Food and Health

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

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

Mr Christopher WONG Kwok-bun, JP
Deputy Secretary for Food and Health (Food)1

Mr Philip CHAN Kwan-ye, JP
Deputy Secretary for Food & Health (Food)2

Mr Clement LEUNG Cheuk-man, JP
Director of Food & Environmental Hygiene

Dr Gloria TAM Lai-fan, JP
Controller
Centre for Food Safety
Food and Environmental Hygiene Department

Mr Alan WONG Chi-kong, JP
Director of Agriculture, Fisheries and Conservation

Dr LAU Chau-ming, JP
Government Chemist
Government Laboratory

**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. Briefing by the Secretary for Food and Health on the Chief Executive's 2013 Policy Address
(LC Paper No. CB(2)499/12-13(01) and The 2013 Policy Address)

Secretary for Food and Health ("SFH") briefed members on the policy initiatives of the Food and Health Bureau ("FHB") in relation to food safety and environmental hygiene, details of which were set out in the Administration's paper (LC Paper No. CB(2)499/12-13(01)).

Supply of live pigs and cattle

2. Mr WONG Yuk-man and Dr Joseph LEE expressed grave concern about the recent surge in the price of pork and fresh beef. They stressed the importance of keeping food prices stable. Mr WONG asked the Administration whether measures would be taken to stabilize the food prices, and Dr LEE suggested opening up the market of live cattle to increase competition so as to stabilize the price of beef. Mr Tommy CHEUNG echoed Dr LEE's suggestion.

3. SFH advised that he had already requested the three importers of live pigs to maintain a stable supply of live pigs to Hong Kong in order to stabilize the price of pork. The Administration would keep in view the market situation. SFH further advised that the Administration was open-minded on the opening up of the live cattle market. The Administration was currently conducting a market survey to gather and compare information on the prices, quality and costs of fresh beef in nearby Mainland cities and Hong Kong. The study would compare the prices of fresh beef of comparable quality in these markets and examine whether an increase in the number of distributing agents of live cattle would increase competition and stabilize the price of fresh beef.

Formula milk products

4. Mr WONG Kwok-hing expressed support for the legislative proposals for regulating the nutritional labelling of formula milk products and foods for infants and young children. He sought information about the legislative timetable for the legislative proposals. Controller, Centre for Food Safety ("Controller, CFS") advised that the public consultation for the legislative proposals would end on 21 January 2013 and the Administration

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planned to table the legislation at the Legislative Council before the end of 2013.

5. Pointing out that all formula milk products sold in Hong Kong were imported, Mr Vincent FANG enquired whether the proposed nutritional labelling requirements for formula milk products were on the par with the requirements in the exporting countries. In view of the time constraint, the Chairman requested the Administration to provide a written response to Mr FANG's enquiry after the meeting.

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6. Referring to the recent shortage of formula milk products for local infants and young children, Dr Kenneth CHAN expressed his view that the Administration had neither taken any measures to deal with the inadequate supply of formula milk products, nor given any advice to parents on how to choose appropriate formula milk products for their infants and young children. He urged the Administration to take measures without delay to stabilize the supply of formula milk products.

Food safety and food surveillance

7. Dr Joseph LEE sought information from the Administration on its resources allocated for the food surveillance programme of the Centre for Food Safety ("CFS"). Controller, CFS advised that CFS adopted a three-tier surveillance strategy which consisted of routine food surveillance, targeted food surveillance and seasonal food surveillance. Each year, it took more than 60 000 food samples for testing (which was equivalent to about 10 samples per 1 000 residents). CFS also had a well-equipped laboratory which provided expeditious and comprehensive testing services, the standard of which was internationally recognized.

8. Dr Joseph LEE asked whether the Administration would strengthen the regulation of health food. SFH advised that any health food products containing medicines were regulated by legislation. The existing legislation also empowered the Department of Health to inspect the pharmacies or medicine shops and take enforcement actions.

9. In the light that most of the food supplied in Hong Kong was imported from the Mainland, Dr Helena WONG enquired about the efforts taken by the Administration in engaging the support of the Mainland authorities in avoiding the use of prohibited pesticides. She also expressed grave concern about the action level of Benzo[a]pyren ("BaP") in food set by the Administration. Pointing out that the European Union had set the limit of BaP in food at 2 microgramme per kilogramme ("mcg/kg") but the Administration had adopted a lower action level of 10 mcg/kg, which was the same limit set by the Mainland, Dr WONG enquired about the

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justification for adopting the lower standard. Moreover, noting that CFS would initiate mandatory recall only when a BaP level at 20 mcg/kg or higher was detected, Dr WONG questioned the appropriateness of such action level and expressed worry about its impact on public health.

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10. Mr WONG Kwok-hing welcomed the actions taken by the Administration to test the safety of the cooking oil and inspect the relevant premises after the incident of sub-standard cooking oil. He enquired about the Administration's plan for incorporating cooking oil in its routine food surveillance programme.

11. In view of the time constraint, the Chairman requested the Administration to provide a written response to the above enquiries of Dr Helena WONG and Mr WONG Kwok-hing after the meeting.

Public market policy and hawker policy

12. Mr TANG Ka-piu was concerned that there were practically no street economic activities in Tung Chung and other new towns, and the retail business was dominated by the Link Real Estate Investment Trust ("the Link"). He enquired whether the Administration would construct new public markets, issue new hawker licences and set up open-air bazaars, so as to provide more choices for consumers. He further enquired whether the setting up of open-air bazaars would be led by FHB, the Labour and Welfare Bureau or the Home Affairs Bureau.

13. Pointing out that there was a strong demand for public markets in new towns as the food prices were generally higher there due to higher transportation costs, Dr KWOK Ka-ki urged the Administration to construct new public markets in Tung Chung and Tin Shui Wai. Mr LEE Cheuk-yan raised similar concern. Mr WONG Yuk-man asked SFH to explain clearly the Administration's hawker policy and public market policy.

14. SFH advised that public markets served the social functions of meeting the needs of consumers on the one hand and offering job opportunities for the grassroots on the other. At the request of the Panel, the Administration had undertaken to examine the positioning and functions of public markets with a view to improving the operating environment of public markets. The Administration would report the progress to the Panel in April 2013. Since each public market might have its own unique circumstances, it was not appropriate to apply a standard approach across all public markets. That said, public markets, in terms of their market facilities and pricing, would not be directly comparable to the markets managed by the Link. In response to the enquiry about a review

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on hawker policy, SFH said that the functions and positioning of public markets would be examined and, from there, policy would be looked at.

15. Mr Tommy CHEUNG said that since the establishment of the Panel, there had been a general consensus among members of different political parties that the provision of public markets was necessary as they provided employment opportunities for the grassroots. Members in general supported the Administration to allocate more resources for enhancing public market facilities and building new public markets. The Chairman echoed Mr CHEUNG's view and reiterated that different political parties in the Panel would support the Administration's request for allocating more financial resources to enhance public market facilities.

16. The Chairman also welcomed the Administration's review on the positioning and functions of public markets. He enquired whether the Administration would set up a forum and invite the trade to give views on the difficulties faced by the market stall tenants in the various districts. SFH replied that the Administration would keep a close dialogue with the trade.

17. Mr Vincent FANG welcomed the Administration's five-year assistance scheme for licensed hawkers operating in 43 fixed-pitch hawker areas. He was concerned about the cost and the practicality of the hawker stall design and asked whether the trade had been consulted. SFH replied in the positive. He further advised that the objectives of the design were to enhance the fire resistance capability and improve the functionality of hawker stalls which were important for the smooth operation of the business.

Columbarium Policy

18. Dr KWOK Ka-ki was concerned that there were consumers purchasing niches from unauthorized private columbaria which were listed in Part B of the Information on Private Columbaria published by the Development Bureau. He enquired about the measures to be put in place by the Administration to address the issue of inadequate niches. SFH advised that the Administration aimed to meet the demand of the public by increasing the supply of public columbarium niches and seeking to transform the social traditions of burials. The Administration would also regulate the operation of private columbaria through a statutory licensing scheme.

19. Noting that a number of unauthorized private columbaria might not be able to meet the licensing requirements and would be required to cease operation, Dr Kenneth CHAN enquired about the assistance to be given to the customers for handling the cremains interred. The Director of Food and

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Environmental Hygiene ("DFEH") advised that to enhance public awareness about the selection of private columbaria, information on private columbaria had been provided under Part A and Part B of the Information of Private Columbaria published by the Development Bureau and a new series of the Announcements in Public Interest had been produced and broadcasted. The Administration would also introduce legislation to regulate the operation of private columbaria.

20. Dr Helena WONG considered that the Administration should identify new land for the development of public columbaria. Noting that it would take 10 years to provide 220 000 niches, Dr WONG criticized the Administration for its slow progress in increasing the supply of public columbarium niches. SFH clarified that subject to the outcome of technical studies and support of DCs and LegCo, together with the supply of the Chinese Permanent Cemeteries, it was estimated that over 120 000 new niches would be made available between 2012 and 2016, and the supply of new niches would cumulatively increase to hundreds of thousands in the medium to long run.

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21. Dr Helena WONG enquired whether the Administration would ban unauthorized columbaria located in residential areas, and how the cremains interred would be handled. In view of the time constraint, the Chairman requested the Administration to provide a written response after the meeting.

Animal welfare

22. Ms Claudia MO disagreed with the view held by the Society for the Protection of Cruelty to Animals (Hong Kong) and the Police that it was not necessary to set up an animal police. She enquired whether the Administration would consider setting up an animal police. Dr Helena WONG shared the same view. Dr WONG enquired whether FHB, the Police and the Department of Justice would jointly review whether the existing legislation was effective in preventing animal cruelty. In view of the time constraint, the Chairman requested the Administration to provide a written response after the meeting.

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Trawl ban

23. Ms Claudia MO expressed concern about the very large number of applications for the ex-gratia allowance for trawler vessel owners affected by the trawl ban ("EGA"). She also sought information on the timetable of setting up the appeal mechanism for EGA applications.

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24. The Director of Agriculture, Fisheries and Conservation ("DAFC") advised that the interdepartmental working group, which handled all matters relating to the processing of EGA applications, had identified more than 100 applications not submitted by genuine trawler owners, and more than 700 applications of which the trawlers were not operating in Hong Kong waters. The Administration would provide an information paper to the Panel in due course to keep Members informed of the progress made in disbursing EGA to the trawler vessel owners affected by the trawl ban.

Agricultural development

25. Dr Helena WONG opined that the supply of local agricultural produce was very limited. She urged the Administration to assist the local farmers in increasing the crop production. Mr LEE Cheuk-yan criticized the Administration for the lack of an agricultural policy. He pointed out that while local farms had the potential to increase their market share of vegetable supply in Hong Kong, their supply of vegetables to the local market had been diminishing. Mr LEE requested the Administration to provide a written response on its agricultural policy.

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26. The Chairman and Mr CHAN Chi-chuen shared the view that the Administration appeared to attach greater importance to the development of fisheries than the agricultural development in Hong Kong, as the Administration did not have any time frame or allocate additional financial resources for the development of agriculture. They also questioned whether urban development and housing were considered as higher priorities than other areas of development such as agricultural development.

27. The Chairman was not satisfied with the assistance available to operators of organic farms. He enquired about the reasons for the differences in the Administration's policies on the development of local fisheries and local agriculture, and whether the Administration would strengthen assistance for the local agricultural development.

28. SFH advised that the trawl ban had brought great impact on the fisheries industry and the Administration should provide necessary assistance for the affected fishermen through the establishment of the Sustainable Fisheries Development Fund. The Administration had not ignored the development of agriculture. As land in Hong Kong was scarce in supply, the greatest challenge was to transform the operation of the local agriculture into the production of high-value farm products, e.g. organic farming and hydroculture. DAFC added that the Agriculture, Fisheries and Conservation Department had been providing support for local agriculture and fisheries, including advancing the production techniques and

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technologies, raising output and quality of products, searching marketable new species suitable for local production, as well as promoting public education and publicity of local agriculture and fisheries.

Alignment of municipal fees and charges

29. Mr WONG Kwok-hing welcomed the Administration's proposal for the alignment of different levels of fees or charges for similar municipal facilities or services in the urban area and the New Territories based on the lower of the two levels. Mr WONG enquired about the timetable for implementing the alignment exercise. DFEH advised that the Administration planned to consult the Panel on the legislative proposal in April 2013.

30. Mr Vincent FANG expressed concern about the conduct of a comprehensive review after the alignment exercise. He was worried that the Administration would increase the fees and charges following the comprehensive review in order to recover the reduction of Government revenue during the alignment exercise. Dr Kenneth CHAN also raised similar concern. SFH advised that the fees and charges of municipal facilities and services had largely remained unchanged since 2000 but they could not be frozen forever. Therefore, it was necessary to establish a fee adjustment mechanism. The Administration planned to commence the review this year.

31. Mr Tommy CHEUNG sought clarification on the scope of the alignment exercise. DFEH advised that the alignment exercise would also cover fees for food premises and liquor licences. In response to Mr CHEUNG's further enquiry, DFEH reiterated that if the fees and charges for similar municipal facilities and services differed in the urban area and the New Territories, the lower rate would prevail.

II. Any other business

32. There being no other business, the meeting ended at 10:44 am.