

立法會
Legislative Council

LC Paper No. CB(2)74/13-14
(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, 9 July 2013, from 2:00 pm to 4:30 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 Tommy CHEUNG Yu-yan, SBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon WONG Kwok-hing, BBS, MH
Dr Hon Joseph LEE Kok-long, SBS, JP
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
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
- Members attending** : Hon LEE Cheuk-yan
Hon LEUNG Kwok-hung
Hon Michael TIEN Puk-sun, BBS, JP
Hon WU Chi-wai, MH
- Member absent** : Dr Hon LEUNG Ka-lau

**Public Officers : Items II to IV
attending**

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

Item II

Miss Alison LO Hau-wai
Assistant Secretary for Food and Health (Food)5

Item III

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

Item IV

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

Ms LEUNG Yuen-sheung
Senior Superintendent (Hygiene)
Food and Environmental Hygiene Department

Mr YAU Wai-keung
Deputy Chief Fire Officer (Licensing and
Certification)
Fire Services Department

Mr CHEUNG Ka-wai
Senior Divisional Officer (Policy)
Fire Services Department

Mr Karon WAN
Public Sector Managing Partner
Deloitte Consulting (Hong Kong) Limited

Mr Alan LAM
Associate Director
Deloitte Consulting (Hong Kong) Limited

Mr Julian WONG
Consultant
Deloitte Consulting (Hong Kong) Limited

**Attendance
by invitation**

: Item II

Hong Kong Agriculture Special Zone Limited

Mr CHENG Ka-shing
Director

元朗農墟有限公司

Mr WONG Yuen-tai
Chairman

Federation of Hong Kong Agricultural Associations

Mr CHAN Kin-yip
Chairman

Hong Kong Cattle Slaughter Trade Association
Limited

Mr CHUNG Siu-kai
Chairman

中興肉食公司

Mr LAU Sie-kuen
Business Owner

全港新鮮牛肉零售及批發商聯席會議

Mr HUI Wai-kin
Spokesman

恒發牛肉

Mr LIU Wing
Business Owner

合益牛肉

Mr CHEUNG Kwok-wah
Business Owner

全港新鮮牛肉聯席會議

Mr CHUI Chan-kwong
Member

明輝肉枱

Mr MAN Kong-fai
Business Owner

Ng Fung Hong Limited

Mr LIU Zhi-wen
Vice President, China Resources Ng Fung Limited

九龍牛羊業商會有限公司

Mr CHOW Ping-tak
Vice Chairman

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. Information paper(s) issued since the last meeting
(LC Paper Nos. CB(2)1392/12-13(01) and CB(2)1441/12-13(01))

Members noted the following papers issued since the last meeting -

- (a) Administration's written response dated 17 June 2013 to the letter from Hon WONG Kwok-hing on issues relating to stray cattle; and
- (b) Referral from the meeting between Legislative Council ("LegCo") Members and Yuen Long District Council members on 9 May 2013 on street obstruction by restaurants (Restricted to members only).

2. Mr WONG Kwok-hing expressed concern about measures taken by the Administration to address the issue of stray cattle on Lantau Island. Referring to the recent incident that a number of stray cattle were injured or killed after being hit by a vehicle on Lantau Island, Mr WONG also requested the Administration to brief the Panel on the Police's investigation into the incident.

3. Ms Claudia MO expressed concern about the Administration's policy on promoting street performances. As the subject fell under the purview of the Panel on Home Affairs ("HA Panel"), the Chairman suggested and members agreed that the subject be referred to the HA Panel for follow-up. A joint meeting of both Panels might also be considered to follow up on the subject.

II. Supply of live cattle in Hong Kong
(LC Paper Nos. CB(2)1182/12-13(04) and CB(2)1511/12-13(01))

4. Members noted the Administration's paper entitled "Supply of live cattle in Hong Kong" (LC Paper No. CB(2)1182/12-13(04)); and the background brief entitled "Supply of live cattle in Hong Kong" (LC Paper No. CB(2)1511/12-13(01)) prepared by the LegCo Secretariat.

Views of deputations

5. At the invitation of the Chairman, the following 12 deputations presented their views on issues relating to the supply of live cattle in Hong Kong -

- (a) Hong Kong Agriculture Special Zone Limited;

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- (b) 元朗農墟有限公司;
- (c) Federation of Hong Kong Agricultural Associations;
- (d) Hong Kong Cattle Slaughter Trade Association Limited;
- (e) 中興肉食公司;
- (f) 全港新鮮牛肉零售及批發商聯席會議;
- (g) 恒發牛肉;
- (h) 合益牛肉;
- (i) 全港新鮮牛肉聯席會議;
- (j) 明輝肉枱;
- (k) Ng Fung Hong Limited; and
- (l) 九龍牛羊業商會有限公司.

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

The Administration's response to the views expressed by deputations

7. Under Secretary for Food and Health ("USFH") thanked the deputations for their views. Noting that many deputations had called for opening up the market of live cattle supply in Hong Kong, USFH advised that the Government was open-minded about the suggestion. Indeed, the Administration had commenced the discussion in relation to the opening up of the live cattle market with the Ministry of Commerce ("MOC"). Meanwhile, the Administration would closely monitor the market situation to ensure a safe and stable supply of live cattle for Hong Kong, whilst leaving the price of beef to be adjusted freely in accordance with the free market principle. USFH further advised that the Administration would revert to the Panel on the progress of the opening up of the live cattle market.

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Discussion

Price and consumption of fresh beef

8. Expressing concern over the frequent price increases of fresh beef in Hong Kong, the Deputy Chairman sought information from Mr LIU Zhi-wen of Ng Fung Hong Limited ("NFH") on the price adjustment of beef in the Mainland and the response of Mainland people to the price increases. Mr LIU Zhi-wen of NFH responded that any change in the price of live cattle would be reflected in the retail market in the Mainland within one or a few days. Noting that frequent fluctuations in the price of fresh beef would have an adverse impact on beef retailers and restaurants in Hong Kong, NFH, being the single export agent, would not make the corresponding price increases immediately but would spread out the price increases over two to several months so as to enable the market to absorb the price increases. Mr LIU further said that given the higher operating cost in Hong Kong, it was understandable that the price of fresh beef in Hong Kong was higher than the price in Shenzhen and Guangzhou.

9. In response to the Deputy Chairman's concern, USFH advised that the Administration had commissioned a consultant to conduct a market survey to compare the retail prices of fresh beef in selected wet markets and supermarkets in Hong Kong, Guangzhou and Shenzhen respectively. Due to the different cost-of-living and consumption indices among the three places, it was not surprising to find that Hong Kong had the highest price of fresh beef among the three places. However, it was also worthy to note that the price of fresh beef in Hong Kong, Guangzhou and Shenzhen experienced more or less the same rising trend.

10. Mr Vincent FANG sought information on the local consumption of fresh beef. USFH advised that there had been a drop in the consumption of fresh beef in recent years as many local consumers had opted for chilled and frozen beef. The share of fresh beef in the total amount of beef consumption had dropped from 22% in 2006 to 6% in 2012, while the share of frozen beef had increased from 73% in 2006 to 90% in 2012.

Opening up the live cattle market

11. Mr Tommy CHEUNG considered it high time to open up the live cattle market. However, noting that the agents appointed to supply live pigs to Hong Kong were not very active in the business after opening up the live pig market, Mr CHEUNG also said that suitable distributing agents for live cattle should be appointed in order to bring in competition in the market. In response to Mr CHEUNG's concern about the profit margin of

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NFH, Mr LIU Zhi-wen of NFH responded that there was a downward trend in the profit margin as detailed in the submission of NFH. The profit margin decreased from 13.36% in 2006 to 6.53% in 2012.

12. Noting that the daily supply of live cattle was declining and the market imported on average around 60 live cattle in December 2012, Mr Vincent FANG expressed grave concern as to whether the opening up of the live cattle market would bring down the price of fresh beef and in turn, increase the consumption of fresh beef. Given that the live cattle market in Hong Kong was relatively modest in size, new distributing agents might not be able to stay in the business after the market was open to competition.

13. Mr LEUNG Kwok-hung considered that the national policy to appoint a single export agent to supply live cattle to Hong Kong should be abandoned. While calling for the opening up of the live cattle market, Mr LEUNG also stressed the importance of ensuring a stable supply of fresh beef in Hong Kong.

14. Referring to paragraph 28 of the Administration's paper, Mr James TO asked the Administration to clarify why an increase in the number of distributing agents might cause instability in the supply of live cattle in Hong Kong. Pointing out the small live cattle market in Hong Kong, USFH advised that an increase in the number of distributing agents might weaken their bargaining power in sourcing live cattle from farmers, thereby increasing the difficulties in maintaining a stable supply.

15. While noting the Administration's clarification, Mr James TO was still of the view that bringing in competition would have more merits than demerits. In his view, while the competition among agents in the bidding process of live cattle might be translated into a higher price for fresh beef, consumers would still have a choice between high-priced fresh beef and low-priced chilled/frozen beef. In this connection, Mr TO expressed support for opening up the live cattle market.

16. Dr Helena WONG noted from the Administration's paper that the surge in the price of fresh beef was mainly due to a tight supply of live cattle and a strong demand for fresh beef in the Mainland. She was sceptical as to whether opening up the live cattle market to bring in competition was an effective means to reduce the price of fresh beef.

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Timetable for opening up the live cattle market

17. Mr WONG Kwok-hing considered that the deputations were generally supportive of opening up the live cattle market. He enquired about the Administration's timetable for opening up the market. USFH advised that the Administration had already started the discussion with MOC on the feasibility of opening up the live cattle market in Hong Kong. Mr WONG considered that the Panel should follow up the issue in the 2013-2014 session.

18. Mr WONG Yuk-man criticized the Administration for its failure to provide a concrete timetable for opening up the live cattle market. He urged the Administration to expeditiously break the monopoly of NFH in order to enable the general public to buy fresh beef at a reasonable price.

19. The Chairman also expressed dissatisfaction that the Administration had failed to provide a concrete timetable to address the calls from members and the deputations for opening up the live cattle market.

20. USFH stressed that the Administration had been studying the feasibility to open up the live cattle market. Subject to the progress of the discussion with MOC, the Administration would revert to the Panel on further developments.

Assistance to local farmers in breeding live cattle in the Mainland

21. Sharing the views of the Federation of Hong Kong Agricultural Association, Mr WONG Kwok-hing called on the Administration to actively assist the local farm operators in breeding live cattle in the Mainland. USFH took note of Mr WONG's view.

22. The Deputy Chairman concurred with Mr WONG Kwok-hing. Pointing out that a 10% tax would be imposed on importing new cattle breed in the Mainland, the Deputy Chairman requested the Administration to liaise with MOC to waive the tax through the Mainland and Hong Kong Closer Economic Partnership Arrangement, in order to assist local operators in operating cattle farms in the Mainland.

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Motion proposed by member

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

"促請政府盡快開放活牛供港市場，並訂立落實時間表。"

(Translation)

"That this Panel urges the Government to expeditiously open up the market of live cattle supply in Hong Kong and formulate an implementation timetable."

24. In response to Mr WONG Yuk-man's suggestion to replace "落實" by "實施", Mr WONG Kwok-hing considered that both terms had the same meaning and he would not amend his motion.

25. The Chairman put Mr WONG Kwok-hing's motion to vote. All members present voted for the motion. No member voted against the motion and no member abstained. The Chairman declared that the motion was carried.

III. Improvement of operating environment of public markets and related issues - Progress update

(LC Paper Nos. CB(2)1511/12-13(02) and (03))

26. USFH briefed members on the progress of actions being taken by the Administration to review the operating environment of public markets, details of which were set out in the Administration's paper (LC Paper No. CB(2)1511/12-13(02)).

27. Members also noted the updated background brief entitled "Improvement of operating environment of public markets and related issues" (LC Paper No. CB(2)1511/12-13(03)) prepared by the LegCo Secretariat.

Rental adjustment mechanism and air-conditioning charges

28. The Deputy Chairman indicated that during the Panel's discussion on the subject at its meetings in January and April 2013, the Administration had been requested to put forward measures to improve the operating environment of public markets before making any proposal for the rental adjustment mechanism to the Panel. He expressed objection to the

Action

Administration's plan for bringing up the proposed rental adjustment mechanism for the Panel's discussion again before any improvement on the operating environment of public markets had been made. Mr WONG Yuk-man also criticized the Administration for its slow progress to bring any improvement to the operating environment of public markets.

29. Pointing out that a motion in relation to the installation of air-conditioning systems and improvement on the operating environment of public markets had been passed by the Panel at its meeting on 8 January 2013, Mr WONG Kwok-hing urged the Administration to implement the installation of air-conditioning facilities as soon as possible and air-conditioning charges should be made pro rata to the stall areas. Mr Tommy CHEUNG concurred. Mr Michael TIEN maintained the view that it was unreasonable to charge a uniform air-conditioning rate to stall tenants operating at different locations of a public market. He considered that a more reasonable approach would be to take into account the patronage or revenue of the stalls when determining the charging policy.

30. Mr CHAN Chi-chuen stressed that the Panel had already reached the consensus that any proposals for rental adjustment mechanism for public market stalls should be considered in conjunction with the improvement of the operating environment of public markets. Given the existing poor business environment, it could not be ruled out that some public market stall tenants might not renew their tenancies with the Administration. As the public market rental freeze would expire by the end of December 2013, Mr CHAN enquired whether the Administration would further extend the rental freeze in 2014.

31. USFH advised that the proposal for rental adjustment mechanism for public market rental stalls was made in response to the recommendation made by the Public Accounts Committee of LegCo, which urged the Administration to work out an appropriate rental adjustment mechanism expeditiously. Noting members' request for improving the operating environment of public markets, the Administration also undertook to appoint a consultant to develop proposals for improving the operating environment of public markets. The consultant was expected to commence the study in the fourth quarter of 2013 and complete the study in mid-2014. As regards the need for an extension of the rental freeze for public market rental stalls, USFH advised that the Administration would take a decision on the matter in due course.

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Consultancy study

32. The Deputy Chairman was concerned that owing to the lack of public markets in Tin Shui Wai, consumer choices were limited and the food prices therein were comparatively higher than other districts. He enquired whether the Administration would study the need to construct new markets in Tin Shui Wai and other new districts. Mr LEE Cheuk-yan, Dr Helena WONG and Mr Michael TIEN made similar enquiries and stressed the need for constructing new public markets, particularly in new districts. Dr WONG further suggested extending the scope of the consultancy study to cover the demand for public markets in the various districts.

33. USFH advised that while there was a request for constructing new public markets in new districts, the Administration considered that the current most important task was to improve the operating environment of existing public markets. Hence, the consultancy study would focus on existing public markets and the need for providing new public markets would not be covered in the scope of the consultancy study.

34. Mr WONG Kwok-hing questioned the need to conduct a consultancy study as most of the stall tenants had already agreed to pay air-conditioning charges pro rata to their stall areas. Mr WONG Yuk-man and Mr LEE Cheuk-yan expressed similar views. Mr WONG Yuk-man further suggested that the Administration should also consider the views of District Councils as they would have a better understanding of public markets in their own districts than the consultant.

35. Mr Tommy CHEUNG strongly suggested the Administration to consult or even engage the Efficiency Unit in the consultancy study. He also asked the Administration to consider extending the scope of the consultancy study to cover the following areas -

- (a) traffic flow and parking facilities in the vicinity of public markets;
- (b) number of stalls and their spacing at public markets; and
- (c) mix of commodities sold at public markets.

36. Mr WONG Kwok-hing cautioned that the consultant to be appointed to conduct the study should not be related in any manner with the major supermarket chain stores and their parent companies.

Action

37. USFH responded that the Administration had already consulted the Efficiency Unit on the consultant selection exercise. Members' views received at this meeting would also be considered when finalizing the brief for the consultancy study. USFH reiterated that the consultancy study would focus on improving the operating environment of existing public markets and the provision of new public market would not be covered in this study.

38. The Chairman expressed strong dissatisfaction with the Administration's paper, which was, in his view, devoid of substance. He was dissatisfied that the Administration had neither provided the detailed scope nor the proposed outline of the consultancy study in its paper. In his view, this demonstrated that the Administration was not sincere in seeking members' views on the subject. The Administration had also shown no commitment to continuing the rental freeze of public market stalls.

39. USFH reiterated that the Administration would consider members' views when it prepared the brief for the consultancy study.

40. The Chairman strongly urged the Administration to provide the detailed scope or the proposed outline of the consultancy study to the Panel for members' information as soon as possible. He considered this move important for the Administration to restore the relationship between the executive and the legislature. USFH undertook that the Administration would provide the information to the Panel as soon as possible after the meeting.

Admin

(Post-meeting note: The Administration's information on the tender brief for the consultancy study on improvement of the operating environment of public markets was circulated to members vide LC Paper No. CB(2)1694/12-13(01) on 8 August 2013 (Chinese version) and 30 August 2013 (English version) respectively.

Motion moved by member

41. Dr Helena WONG expressed concern about the need for public markets in Tin Shui Wai and Lai Chi Kok. She further explained that a number of new public and private housing estates had been developed in Lai Chi Kok in recent years and which had generated a large demand for fresh provisions. However, there was insufficient provision of public markets in the district. She was of the view that the need for constructing and providing new public markets should be included in the consultancy study.

Action

42. Dr Helena WONG proposed to move the following motion -

"本會促請食衛局盡快研究在天水圍及荔枝角興建新街市，以保障消費者的選擇權。"

(Translation)

"That this Panel urges the Food and Health Bureau to expeditiously consider building new markets in Tin Shui Wai and Lai Chi Kok, so as to safeguard consumers' right to choose."

43. The Chairman put Dr Helena WONG's motion to vote. All members present voted in favour of the motion. The Chairman declared that the motion was carried.

IV. Fire safety requirements for food premises

(LC Paper Nos. CB(2)1511/12-13(04) and (05))

44. The Chairman extended the meeting for 15 minutes beyond its appointed time to allow more time for discussion.

45. Mr Tommy CHEUNG advised members that the catering trade was gravely concerned about the proposed fire safety requirements for food premises. In view of insufficient time for the Panel to conduct a detailed discussion on the subject at this meeting, and the proposed timing for implementing the fire safety requirements was in the first quarter of 2014, he suggested deferring the discussion of this item to a future Panel meeting and inviting deputations to give views on the subject. Members agreed.

46. USFH informed members that the implementation of the fire safety requirements might be consequentially postponed if the discussion on the item were to be deferred to the next legislative session.

V. Proposal for setting up a Subcommittee on Hawker Policy

47. The Chairman said that at the special meeting on 21 June 2013, members agreed that the Panel should appoint a Subcommittee to study and review the hawker policy with a view to facilitating the long-term development of the hawking trade and improvement of the management and operating environment of the hawker areas. The proposed terms of reference, work plan and time frame of the Subcommittee prepared by the LegCo Secretariat were set out in LC Paper No. CB(2)1538/12-13(02) for members' consideration.

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48. Mr CHEUNG Kwok-che expressed support for the formation of the Subcommittee. Noting that the number of subcommittees on policy issues in operation had reached the maximum number of eight, Mr CHEUNG was concerned when the Subcommittee could commence its work. The Clerk advised that the Subcommittee would be the fourth one on the waiting list, and would commence its work upon the completion of work of four of the eight subcommittees currently in operation.

49. In the light of views expressed by some deputations at the special meeting on 21 June 2013, Dr Kenneth CHAN stressed that the Subcommittee was proposed to be formed with a view to promoting the long-term development of the hawking trade. Noting that the Subcommittee would be put on the waiting list, Dr CHAN called on the subcommittees currently in operation to expedite their work, so that slots could be vacated for the activation of the subcommittees on the waiting list. In the meantime, the Panel should continue to follow up the subject of hawker policy.

50. Mr WONG Kwok-hing and Mr Tommy CHEUNG also supported that a Subcommittee should be formed under the Panel to follow up on issues relating to the hawker policy.

51. As members agreed to the proposed terms of reference, work plan and time frame of the Subcommittee, the Chairman said that the Subcommittee would be placed on the waiting list.

VI. Any other business

52. There being no other business, the meeting ended at 4:37 pm.

Panel on Food Safety and Environmental Hygiene

**Meeting on Tuesday, 9 July 2013
on supply of live cattle in Hong Kong**

Summary of views and concerns expressed by deputations/ individuals

Organization/ Individual	Major views and concerns
<ul style="list-style-type: none"> • Federation of Hong Kong Agricultural Associations • Hong Kong Cattle Slaughter Trade Association Limited • 中興肉食公司 • 元朗農墟有限公司 • 合益牛肉 • 全港新鮮牛肉零售及批發商聯席會議 • 全港新鮮牛肉聯席會議 • 明輝肉枱 • 恒發牛肉 	<ol style="list-style-type: none"> 1. The deputations express grave concern about the frequent increases in the wholesale price of live cattle by Ng Fung Hong ("NFH"), which is the sole agent supplying Mainland live cattle to Hong Kong. As the price of fresh beef has been driven up significantly in recent years, there has been a shrink in the demand for fresh beef. As a result, local buyers, operators of retail outlets and restaurants have been adversely affected. 2. The deputations hold the view that the monopoly held by NFH over the supply of live cattle market in Hong Kong leads to the lack of transparency in market operation and the decline in the supply of live cattle. They urge the Administration to open up the market of live cattle supply and bring in competition, so as to bring down the price of fresh beef. 3. There is also a call for the Administration to provide support and assistance to local farm operators in operating cattle farms in the Mainland.
<ul style="list-style-type: none"> • Hong Kong Agriculture Special Zone Limited 	<ol style="list-style-type: none"> 1. The deputation is open-minded about opening up the live cattle market. However, given the small market in Hong Kong and the high operating cost, an increase in the number of import agents supplying Mainland live

Organization/ Individual	Major views and concerns
	<p>cattle to Hong Kong would not necessarily bring down the price of fresh beef. In its view, the rise in price is attributable to the tight supply of live cattle in the Mainland and the increasing operating costs in breeding feed, wages and transport. To stabilize the price of fresh beef, the Administration should liaise with the Mainland authority and ensure a stable supply of live cattle to Hong Kong.</p>
<ul style="list-style-type: none">• Ng Fung Hong Limited	<ol style="list-style-type: none">1. Being the sole agent supplying Mainland live cattle to Hong Kong, the deputation stresses that the rise in the price of fresh beef is not a result of market monopoly or huge profit made by the deputation. It points out that the wholesale price of live cattle is affected by a basket of factors, which include the upward movement of operating costs in respect of breeding feed and wages; a drop in the breeding stock of cattle in the Mainland due to the low incentive for the farmers to expand the breeding capacity; a surge in demand for fresh beef in the Mainland; and the higher price of live cattle supplied to the Mainland's domestic market. The deputation also points out that the price of incoming live cattle is higher as they should come from registered farms approved by the Mainland Authority.2. Given the stringent supply of live cattle, the deputation expresses worry that bringing in more import agents would upset the supply of live cattle to Hong Kong.

Name of Organization

Submission (LC Paper No.)

Hong Kong Agriculture Special Zone Limited

LC Paper No. CB(2)1549/12-13(01)

Ng Fung Hong Limited

LC Paper No. CB(2)1511/12-13(06)

全港新鮮牛肉零售及批發商聯席會議

LC Paper No. CB(2)1538/12-13(01)

Council Business Division 2
Legislative Council Secretariat
16 October 2013