

Panel on Food Safety and Environmental Hygiene

List of outstanding items for discussion

(Position as at 7 March 2013)

Subject	Proposed timing for discussion
1. Alignment of the Food and Environmental Hygiene Department fees and charges	April 2013

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

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

On 31 October 2011, the Administration advised that the item would be discussed in early 2012.

At the meeting on 16 October 2012, members expressed concern about the progress of the alignment of FEHD fees and charges. The Administration was requested to brief the Panel on the latest situation of the fees and charges alignment exercise at a future meeting.

The Chief Executive announced the initiative to align fees and charges for municipal facilities and services in the urban and New Territories in the 2013 Policy Address. The Administration proposes to brief the

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Panel on the exercise in respect of the fees and charges under FEHD's purview in April 2013.	
2. Amendments to Cap. 139B - reporting on the outcome of consultation and briefing on the legislative proposals (for better regulating pet trading to enhance animal health and welfare)	April 2013

Item proposed by the Administration.

The Administration would brief the Panel on the outcome of a public consultation exercise held in October and November 2012 and the legislative proposals. The public consultation is about better regulating pet trading to enhance animal health and welfare.

3. Liquor-licensing - Guidelines for upstairs bars	April 2013
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Item proposed by the Administration.

At the meeting on 10 January 2012, the Administration briefed the Panel on the outcome of the public consultation on the review of liquor licensing and indicated that the Liquor Licensing Board ("LLB") might consider adopting more stringent criteria in assessing liquor licence applications from upstairs bars in order to address the public concern about public order, safety and nuisance. LLB might also consider drawing up a set of guidelines on the vetting of upstairs bar applications. The Administration was requested to further discuss with the Panel the guidelines at a future meeting in which the public would be invited to give views on the subject.

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| 4. Amendments to Cap. 529 - reporting on the outcome of consultation and briefing on the legislative proposals (for expanding the membership of the Veterinary Surgeons Board and streamlining its modus operandi) | May 2013 |

Item proposed by the Administration.

The Administration briefed the Panel at its meeting on 13 November 2012 on a public consultation exercise being conducted to gauge public views on proposals to amend the Veterinary Surgeons Registration Ordinance (Cap. 529). The exercise seeks to strengthen the membership of the Veterinary Surgeons Board of Hong Kong and streamline its modus operandi, thereby enhancing its capacity and efficiency in dealing with complaints and performing its statutory functions. The Administration proposes to brief the Panel in May 2013 on the outcome of the consultation exercise as well as the proposed legislative amendments.

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| 5. Proposed legislative proposals to amend the Liquor Licensing Scheme | May 2013 |
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Item proposed by the Administration.

At the meeting on 10 January 2012, the Administration briefed the Panel on the outcome of the public consultation on the review of liquor licensing. A few recommendations from the public consultation exercise will require legislative amendments. The Administration proposes to brief the Panel in May 2013 on these legislative proposals.

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| 6. Mosquito Control | May 2013 |
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Item proposed by the Administration.

The Administration will brief the Panel in May 2013 on FEHD's efforts in mosquito prevention and control.

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7. Progress in assisting fishermen to switch to sustainable fisheries/sea-based operations	June 2013
Item proposed by the Administration.	
At the meeting on 11 July 2012, the Administration was requested to review the strategy and measures which aimed to provide alternative livelihood to fishermen affected by trawl ban.	
The Administration proposes to brief the Panel in June 2013 on its efforts in assisting capture fishermen to switch to sustainable fisheries or sea-based operations.	
8. Review of the moratorium on issuing new fish culture licences - Outcome of consultation and the proposed way forward	June 2013
Item proposed by the Administration.	
At the meeting on 11 July 2012, members were briefed on the review on the moratorium on the issue of new fish culture licences. Some members called on the Administration to re-issue new marine fish culture licences, review the management of the existing fish culture zones and provide a timetable for the development of new fish culture zones. The Administration responded that it would consult the trade in the near future.	
The Administration proposes to brief the Panel in June 2013 on the way forward.	
9. Rodent Control	June 2013
Item proposed by the Administration.	
The Administration will brief the Panel in June 2013 on FEHD's efforts in rodent prevention and control.	

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| <p>10. Total diet study</p> <p>Item proposed by the Administration.</p> <p>The Administration proposes to brief the Panel in July 2013 on the Total Diet Study carried out by the Centre for Food Safety ("CFS") to analyse dietary data of the population of Hong Kong.</p> | <p>July 2013</p> |
| <p>11. Progress report of the Trap-Neuter-Release trial scheme</p> <p>Item proposed by the Administration.</p> <p>At the meeting on 8 May 2012, members were briefed on the proposed "Trap-Neuter-Release ("TNR")" trial programme for stray dogs. The trial programme would study the effectiveness of TNR in reducing stray dog population within a designated area and its associated nuisance. The Administration planned to roll out the trial programme in end 2012/early 2013. The Administration was requested to report to the Panel the implementation progress of the trial programme in due course.</p> | <p>July 2013</p> |
| <p>12. Proposed permanent food safety laboratory</p> <p>Item proposed by the Administration.</p> <p>The Administration will brief the Panel in July 2013 on a proposal to establish a permanent food safety laboratory under the Government Laboratory to further enhance the testing capacity on food safety related analysis.</p> | <p>July 2013</p> |

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13. The business environment of public market stalls, including rental adjustment mechanism and air-conditioning charges	Second half of 2013

At the meeting of Panel Chairman and Deputy Chairman with the Administration on work plan of the Panel for the 2012-2013 session on 22 October 2012, the Chairman proposed to invite deputations/individuals to give views on the business environmental of public market stalls, including rental adjustment mechanism and air-conditioning charges at a meeting in January 2013. The Administration indicated that it would brief the Panel on an interim review on the mechanism for rental adjustment and the sharing of air-conditioning charges in April 2013 and the proposed mechanisms for rental adjustment and air-conditioning charges in July 2013.

On 24 October 2012, the Panel was informed of the Administration's decision to further extend the rental freeze of public market stalls for one year until 31 December 2013.

The Administration consulted the Panel on a revised proposed public market stall rental mechanism at the Panel meeting held on 8 January 2013, at which a total of 25 deputations attended. The Panel passed a motion moved by Hon. WONG Kwok-hing to set up a subcommittee under the Panel to follow up the issue of installation of air-conditioning systems in public markets.

At the Panel meeting held on 5 February 2013, Members agreed to set up the Subcommittee on Issues Relating to Public Markets to study and review issues relating to the policy and business environment of public markets, assess the demand for public markets according to the district-based principle, examine the Administration's proposals for the rental adjustment mechanism and air-conditioning charging arrangement for public market stalls and make timely recommendations. Members noted that the number of subcommittees on policy issues in operation had

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reached the maximum number of eight and the Subcommittee would be placed on the waiting list.	
14. Public consultation on the proposed regulatory framework governing veterinary drug residues in food and food animals	To be confirmed
Item proposed by the Administration.	
The Administration is considering measures to strengthen control over veterinary drug residues in food and food animals in order to enhance food safety. It plans to launch a public consultation on the proposed regulatory framework in 2013.	
15. Fire safety requirements on food premises	To be confirmed
Item proposed by the Administration.	
The Administration proposes to brief the Panel on new measures to secure compliance with fire safety requirements of food premises, including -	
(a) taking forward the recommendations of the Ombudsman's Direct Investigation Report on fire safety regulatory measures released in May 2010; and	
(b) taking forward the recommendations of the Efficiency Unit's Management Study on fire safety control and related management issues released in June 2011.	
16. Reprovisioning of Sai Yee Street vehicle depot to Yen Ming Road	To be confirmed
Item proposed by the Administration.	
The Administration proposes to brief the Panel on the proposed reprovisioning of FEHD's Sai Yee Street	

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Vehicle Depot to Yen Ming Road, West Kowloon Reclamation Area. Upon completion of the new vehicle depot, the existing Sai Yee Street Vehicle Depot will be demolished and the site returned to Lands Department.	
17. Complaint management information system	To be confirmed
Item proposed by the Administration.	
The Administration proposes to brief the Panel on FEHD's complaint management information system.	
18. Study on wholesale markets (report after the consultancy study)	To be confirmed
Item proposed by the Administration.	
The Administration will brief the Panel on the result of the consultancy study on the roles and functions of wholesale markets in Hong Kong as well as the location of five wholesale markets from the perspective of land use and food safety.	
19. Recommendations of Team Clean's final report on measures to improve environmental hygiene in Hong Kong	To be confirmed
The Panel agreed at its meeting on 26 September 2003 to follow up the following measures recommended by Team Clean in its final report on measures to improve environmental hygiene in Hong Kong published in August 2003 -	
(a) introducing a demerit points system ("DPS") for tenants of public markets. Under the DPS, tenants who accumulate a certain number of points within a 12-month period will have their tenancy terminated. Tenants whose tenancies have been revoked would also be prevented from	

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bidding for other stalls for one year;

- (b) tightening the licensing requirements for food factories;
- (c) strengthening the sanction regime against licensed food premises, such as revamping the current DPS to make it more stringent, making licensees responsible for hygiene breaches committed by their staff and widely publicizing the business names and photographs of food premises convicted of an offence relating to the sale or preparation for sale of any food for human consumption; and
- (d) introducing an Open Categorization Scheme for licensed food premises to help consumers make informed choices. Under the Scheme, the hygiene conditions of all food premises will be graded according to set criteria and premises will be required to post the hygiene grading at a conspicuous location in their premises.

20. Control measures against food businesses operating without licence

To be confirmed

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

- (a) upon detection of unlicensed food business conducted at any premises, staff of FEHD would take immediate enforcement action against the person/corporation in charge of the business at the time;
- (b) FEHD would stop processing the application for licence filed by that person/corporation in respect of the premises in (a) above; and

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- (c) if FEHD proceeded with prosecution action and upon conviction, FEHD might refuse the application and impose a ban on the person/corporation convicted to obtain a licence for six months after taking into consideration all relevant factors, counting from the date of conviction; or where FEHD did not proceed with prosecution action or in the case of acquittal, the application process would be reactivated immediately.

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

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

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

To be confirmed

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

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22. Review of the structure of the Food and Environmental Hygiene Department and the Agriculture, Fisheries and Conservation Department	To be confirmed

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

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

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

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affected departments on 15 December 2005 and 6 January 2006.

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

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

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

23. Fees and charges review of the Agriculture, Fisheries and Conservation Department

To be confirmed

At the request of the Subcommittee on Public Health (Animals and Birds) (Exhibitions) (Amendment) Regulation 2006, the Administration agreed to review the fees for application for an exhibition licence for animals and birds and licence renewal fees in the context of the general review of Government's fees and charges, and report the outcome to the Panel in due course.

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| <p>24. Regulating and monitoring the activities of oyster culture in Hong Kong</p> <p>At the meeting on 9 February 2010, in the light of the concerns raised by Hon WONG Yung-kan, the Chairman suggested that the issue of regulating and monitoring the activities of oyster culture within Hong Kong waters should be discussed by the Panel at a future meeting.</p> <p>During the discussion of the implementation of the Food Safety Ordinance (Cap. 612) at the meeting on 11 July 2012, Hon WONG Yung-kan expressed worry about the over-expansion of oyster culture in Shenzhen Bay and the crimes arisen in the area. He urged the Administration to step up the regulatory measures for oyster culture, including the introduction of a licensing mechanism.</p> | <p>To be confirmed</p> |
| <p>25. Development of agriculture in Hong Kong</p> <p>At the meeting of Panel Chairman and Deputy Chairman with the Administration on work plan of the Panel for the 2012-2013 session on 22 October 2012, the Chairman requested the Administration to brief the Panel on its policy on the development of agriculture in Hong Kong at a future meeting.</p> | <p>To be confirmed</p> |