

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1459/13-14  
(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, 14 January 2014, at 2:30 pm**  
**in Conference Room 1 of the Legislative Council Complex**

- Members present** : Dr Hon Helena WONG Pik-wan (Chairman)  
Hon Steven HO Chun-yin (Deputy Chairman)  
Hon Tommy CHEUNG Yu-yan, SBS, JP  
Hon WONG Kwok-hing, BBS, MH  
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN  
Hon Cyd HO Sau-lan  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon CHEUNG Kwok-che  
Hon WONG Kwok-kin, BBS  
Hon Alan LEONG Kah-kit, SC  
Hon WONG Yuk-man  
Hon Claudia MO  
Hon WU Chi-wai, MH  
Hon CHAN Chi-chuen  
Dr Hon Kenneth CHAN Ka-lok  
Hon Alice MAK Mei-kuen, JP  
Dr Hon KWOK Ka-ki  
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
- Member attending** : Hon Albert CHAN Wai-yip
- Members absent** : Hon Vincent FANG Kang, SBS, JP  
Dr Hon LEUNG Ka-lau  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon CHAN Han-pan

**Public Officers : Item V  
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

Dr Thomas SIT Hon-chung  
Assistant Director of Agriculture, Fisheries and  
Conservation (Inspection and Quarantine)

Dr Mary CHOW Ka-wai  
Senior Veterinary Officer, Animal Management  
(Development) Division  
Agriculture, Fisheries and Conservation Department

Dr Esther TO Man-wai  
Senior Veterinary Officer, Animal Management  
(Operation) Division  
Agriculture, Fisheries and Conservation Department

Mr Edwin LAM Man-wing  
Assistant Commissioner of Police (Support)

Mr Dicky LAU Cheng-fung  
Superintendent of Police (Field) (Support Branch)

Miss Carman HUNG Oi-man  
Senior Inspector of Police (Field) 3 (Support Branch)

**Item VI**

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

Dr LEE Siu-yuen, JP  
Assistant Director (Food Surveillance and Control),  
Centre for Food Safety  
Food and Environmental Hygiene Department

Dr HO Yuk-yin, JP  
Consultant (Community Medicine) (Risk Assessment  
and Communication), Centre for Food Safety  
Food and Environmental Hygiene Department

**Attendance** : Item V  
**by invitation**

Society for the Prevention of Cruelty to Animals (Hong Kong)

Mr Sandy Macalister  
Executive Director

Individual

Mr Roy KWONG  
Yuen Long District Council Member

Animal Life Guard Action Group

Ms HO Loy  
Founder

9 X 9 Guy Fond Dogs

Miss HSIEH Hsiao-yang  
Organizer

Civic Party

Miss Bonnie LEUNG  
Member of Animal Rights Concern Group

Hong Kong Scottish Fold Sickness Concern Group

Ms Doris WONG  
Committee

Animal Friends

Miss Jessie NG Wing-yee  
Founder

Conservation of Earth and Animal Association

Miss NGAI Yin-shan  
Volunteer

Happy Animals

Ms Carmen CHAN Wai-man  
Executive Officer

Cheung Chau Animal Care

Miss Ida HO  
Chairman

Hong Kong Society of Herpetology

Mr Michael TUEN Kwok-leung  
Chief Executive Officer

Happy 99

Mr Jeremy TAM Man-ho  
Organizer

Individual

Ms Amanda Whitfort,  
Associate Professor, Department of Professional Legal  
Education, Faculty of Law, The University of Hong  
Kong

Animal Earth

Mr David WONG Kai-yan  
Chief Officer

Liberal Party

Mr Victor NG  
Convenor of Pet's Rights Concern Unit

STOP! Save HK's Cats and Dogs

Ms Elaine SIU  
Co-Chairperson

AELLA East Asia

Dr John Wedderburn

Protection of Animals Lantau South

Ms Louise Charles  
Representative

Individual

Ms Angela Scott

TNR Fund HK

Dr Tinny HO  
Founder and Director

Animal-Friendly Alliance

Mr Kevin CHEUK  
Chairman

Hong Kong Veterinary Association

Dr Tom Mangan  
President

平姐貓狗場

Ms HUNG Wan-bing  
Chairman

Young Civics

Mr Peter YU  
Member

Individual

Miss CHENG Kam-shan

Non-Profit Making Veterinary Services Society Ltd.

Mr Mark MAK Chi-ho  
Executive Chairman

Individual

Ms Irene LEE

Hong Kong Dog Rescue

Ms Catherine KO  
Board Member

**Clerk in attendance** : Ms Alice LEUNG  
Chief Council Secretary (2) 2

**Staff in attendance** : Miss Carrie WONG  
Assistant Legal Adviser 4

Mr Michael YU  
Chief Research Officer (Research)

Ms Ivy CHENG  
Research Officer 3

Mr Jove CHAN  
Senior Council Secretary (2) 2

Mr Richard WONG  
Council Secretary (2) 2

Miss Emma CHEUNG  
Legislative Assistant (2) 2

---

Action

**I. Confirmation of minutes**  
(LC Paper No. CB(2)619/13-14)

The minutes of the meeting held on 12 November 2013 were confirmed.

**II. Information papers issued since the last meeting**  
(LC Paper Nos. CB(2)512/13-14(01), CB(2)585/13-14(01),  
CB(2)618/13-14(01), CB(2)644/13-14(01), CB(2)661/13-14(01),  
CB(2)668/13-14(01) and CB(2)676/13-14(01))

2. Members noted that the following papers had been issued since the last meeting -

- (a) Letter dated 11 December 2013 from Hon Tommy CHEUNG to the Secretary for Food and Health ("SFH") on issues regarding the proposed measures for compliance with fire safety requirements by food premises;
- (b) Referral memorandum from Legislative Council ("LegCo") Members' meeting with the Kwai Tsing District Council

Action

members on 28 November 2013 concerning nuisances caused by two unauthorized private barbeque sites in Kau Wa Keng Tsuen;

- (c) Letter dated 31 December 2013 from Dr Hon KWOK Ka-ki on the contaminated horse feed being used as fish feed by freshwater fish farmers in the New Territories;
- (d) Administration's information paper on the latest development of the ex-gratia allowance for trawler owners affected by the trawl ban;
- (e) Joint letter dated 9 January 2014 from Hon Steven HO and Hon CHAN Han-pan on the contaminated horse feed being used as fish feed by freshwater fish farmers in the New Territories;
- (f) Letter dated 10 January 2014 from Dr Hon Helena WONG to SFH regarding the prevention and control measures against H7N9 avian influenza; and
- (g) Administration's response regarding the contaminated horse feed being used as fish feed by freshwater fish farmers in the New Territories.

**III. Date of next meeting and items for discussion**

(LC Paper Nos. CB(2)621/13-14(01) and (02))

Special meeting in January 2014

3. The Chairman reminded members that a special meeting had been scheduled for 17 January 2014, from 4:30 pm to 6:00 pm, to receive a briefing by SFH on the Chief Executive's 2014 Policy Address in respect of food safety, environmental hygiene and agriculture and fisheries.

Regular meeting in February 2014

4. Members agreed to discuss the following items at the next regular meeting scheduled for Tuesday, 11 February 2014 at 2:30 pm -

- (a) Total diet study;
- (b) Regulatory control on sale of chilled meat in fresh provision shops; and

Action

- (c) Agriculture, Fisheries and Conservation Department fees and charges.

5. Mr WONG Kwok-hing noted that the item of "Supply of live cattle" was scheduled for discussion at the meeting in the second quarter of 2014. He hoped that the item would not be deferred.

**IV. Outline of research study on liquor licensing system in selected places**

(LC Paper No. CB(2)636/13-14(01))

6. The Chairman recapitulated that to facilitate members' discussion on an item relating to liquor licensing regime at the regular meeting in April 2014, members agreed at the Panel meeting on 10 December 2013 to request the Research Office of LegCo Secretariat to conduct a research study on liquor licensing system in selected places. The proposed outline of the research study was set out in the paper prepared by the Research Office for members' consideration. The research study was expected to be completed by around mid-March 2014.

7. Mr WONG Kwok-hing pointed out that it was unique in Hong Kong for upstairs bars operating in densely located high-rise buildings. He was concerned whether there was similar mode of operation in other places which was worth making reference to.

8. Mr WONG Yuk-man and Dr Priscilla LEUNG expressed support for the proposed research study. Mr WONG said that the study should address the concerns of the public and members of the trade about the probity of police officers who provided input for the Liquor Licensing Board ("LLB")'s consideration of liquor licence applications, and the proposed LLB's guidelines on assessing liquor licence applications. Dr LEUNG hoped that the study would cover how and to what extent LLB would take into account the relevant provision(s) in the Deeds of Mutual Covenant in assessing liquor licence applications.

9. Members endorsed the proposed research outline of the study. They also agreed that a preliminary study should be conducted on the liquor licensing regime in Asian cities, e.g. Tokyo of Japan and Taipei of Taiwan, which shared similar socio-economic characteristics with Hong Kong, as suggested by Mr Tommy CHEUNG in his letter tabled at the meeting.



Action

**V. Trap-Neuter-Return trial scheme for stray dogs and handling of animal cases**

(LC Paper Nos. CB(2)621/13-14(03) and (04))

10. Members noted the background brief entitled "Trap-Neuter-Release trial programme and handling of animal cruelty cases" (LC Paper No. CB(2)621/13-14(04)) prepared by LegCo Secretariat.

Views of deputations/individuals

11. At the invitation of the Chairman, the following 23 deputations and five individuals presented their views on the subject at the meeting -

- (a) Society for the Prevention of Cruelty to Animals (Hong Kong)  
(LC Paper No. CB(2)636/13-14(02))
- (b) Mr Roy KWONG, Yuen Long District Council Member
- (c) Animal Life Guard Action Group
- (d) 9 × 9 Guy Fond Dogs  
(LC Paper No. CB(2)666/13-14(01))
- (e) Civic Party  
(LC Paper No. CB(2)666/13-14(02))
- (f) Hong Kong Scottish Fold Sickness Concern Group  
(LC Paper No. CB(2)666/13-14(03))

*(Post-meeting note: A revised submission from the Hong Kong Scottish Fold Sickness Concern Group was received after the meeting and circulated to members vide LC Paper No. CB(2)679/13-14 on 15 January 2014.)*

- (g) Animal Friends  
(LC Paper No. CB(2)621/13-14(05))
- (h) Conservation of Earth and Animal Association
- (i) Happy Animals

*(Post-meeting note: A written submission was received from the Happy Animals after the meeting and circulated to members vide LC Paper No. CB(2)679/13-14(01) on 15 January 2014.)*

Action

- (j) Cheung Chau Animal Care  
(LC Paper No. CB(2)647/13-14(01))
- (k) Hong Kong Society of Herpetology  
(LC Paper No. CB(2)647/13-14(01))
- (l) Happy 99
- (m) Ms Amanda Whitfort, Associate Professor, Department of Professional Legal Education, Faculty of Law, The University of Hong Kong  
(LC Paper No. CB(2)621/13-14(06))
- (n) Animal Earth  
(LC Paper No. CB(2)666/13-14(04))
- (o) Liberal Party
- (p) STOP! Save HK's Cats and Dogs  
(LC Paper No. CB(2)621/13-14(07))
- (q) AELLA East Asia  
(LC Paper No. CB(2)621/13-14(08))
- (r) Protection of Animals Lantau South

*(Post-meeting note: A submission was received from the Protection of Animal Lantau South after the meeting and circulated to members vide LC Paper No. CB(2)679/13-14(02) on 15 January 2014.)*

- (s) Ms Angela Scott
- (t) TNR Fund HK  
(LC Paper No. CB(2)621/13-14(09))

*(Post-meeting note: A further submission from the TNR Fund HK was received after the meeting and circulated to members vide LC Paper No. CB(2)707/13-14(01) on 16 January 2014.)*

- (u) Animal-Friendly Alliance  
(LC Paper No. CB(2)621/13-14(10))
- (v) Hong Kong Veterinary Association  
(LC Paper No. CB(2)621/13-14(11))

Action

- (w) 平姐貓狗場
- (x) Young Civics
- (y) Miss CHENG Kam-shan  
(LC Paper No. CB(2)666/13-14(05))
- (z) Non-Profit Making Veterinary Services Society Ltd.  
(LC Paper No. CB(2)666/13-14(05))
- (aa) Ms Irene LEE  
(LC Paper No. CB(2)666/13-14(05))
- (bb) Hong Kong Dog Rescue

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

13. Members also noted a written submission from the Animal Welfare Advisory Group (LC Paper Nos. CB(2)636/13-14(03)).

The Administration's response to the views of deputations/individuals

14. At the invitation of the Chairman, Under Secretary for Food and Health ("USFH") made the following points in response to the deputations' views -

- (a) USFH appreciated the efforts of the animal welfare organizations ("AWOs") in promoting animal welfare and welcomed their support for the Trap-Neuter-Return ("TNR") trial programme ("the Trial Programme");
- (b) the Administration needed time to collect data to assess the effectiveness or otherwise of the TNR concept before considering extending the scope of the Trial Programme to cover more areas;
- (c) the Police launched the Animal Watch Scheme ("AWS") in 2011 to strengthen its effort in the investigation of cases of cruelty to animals. Such cases were currently investigated by crime investigation teams which were professionally trained in crime investigation and equipped to handle such cases effectively. Should such cases register a rising trend in a certain district, the Police might consider deploying a special team to tackle the cases; and

Action

- (d) the court would consider the nature and severity of the animal cruelty offences when it imposed penalties for the offences. The heaviest sentence handed down so far was imprisonment for 16 months. The Administration would keep under review the deterrent effect of the penalty provisions in the relevant Ordinance.

Discussion

*The Trial Programme*

15. The Chairman, the Deputy Chairman, Mr WONG Yuk-man, Miss Alice MAK and Ms Cyd HO expressed support for the concept of TNR and hoped that the Administration could work closely with AWOs to implement the Trial Programme expeditiously. They also requested the Administration to extend the programme to other districts. Ms HO expressed her hope that District Council ("DC") members of different political parties and groupings would render their support to the Trial Programme when the Administration consulted DCs on the subject.

16. Ms Claudia MO noted that the three newly proposed trial zones were in Yuen Long and Cheung Chau, namely (i) a site on a private land on Tai Tong Shan Road, Yuen Long, (ii) a site in Tai Kwai Wan San Tsuen on Cheung Chau, and (iii) the Cemetery Site, South-west of Cheung Chau. She expressed concern about the scale of the Trial Programme and questioned whether the Agriculture, Fisheries and Conservation Department ("AFCD") really attached importance to the Trial Programme as the initial stray dog population in the identified trial zone was 30 only.

17. Noting that some AWOs had been voluntarily operating TNR programmes in certain districts with their own limited resources, the Chairman, the Deputy Chairman, Mr WONG Yuk-man and Miss Alice MAK were concerned about the support that the Administration could provide to these AWOs. Noting that a number of AWOs had indicated their willingness to share their experience with the Administration, the Chairman said that the Administration could also take into account the empirical data collected through AWOs' voluntary TNR programmes when considering whether the Trial Programme could be extended to other districts. The Deputy Chairman also requested the Administration to enhance its communication with the AWOs.

18. In response to members' enquiry about the forms of support the Administration could offer to AWOs, Mr Mark MAK Chi-ho of the Non-Profit Making Veterinary Services Society Ltd ("NPVSS") reiterated his view that AFCD should cease taking enforcement actions against the

Action

personnel and volunteers of AWOs for abandoning animals when they returned the stray dogs to the communities after neutering and vaccinations.

19. USFH said that AFCD would welcome AWOs to share their experience and views on the Trial Programme. Expressing appreciation to AWOs' efforts on promoting animal welfare, Deputy Secretary for Food and Health (Food)1 ("DSFH(F)1") said that the Administration would allocate resources for the two AWOs who had been strong advocate of the TNR concept and would manage the trial programme as Programme Coordinators. AFCD would take up the monitoring role and provide technical support and would assess the effectiveness of the TNR concept as a means to reduce the stray dog population and its associated nuisance. The Administration hoped that through concerted efforts of AFCD and AWOs, the stray dog population could be effectively controlled. Assistant Director of Agriculture, Fisheries and Conservation (Inspection and Quarantine) ("AD (IQ)/AFCD") added that AFCD had all along been working in close collaboration with AWOs and lending support where appropriate, including offering free neutering services and vaccinations for stray dogs and cats suitable for re-homing.

20. In respect of the trial zones, Senior Veterinary Officer, Animal Management (Development) Division/AFCD ("SVO(AM(D)D)/AFCD") said that the statistical and empirical data collected in the voluntary TNR programmes operated by AWOs were not sufficient to support the implementation of a territory-wide TNR programme. Successful results of the voluntary TNR programmes in certain sites might not be readily applicable to other places in Hong Kong, having regard to the differences in places in terms of dog population dynamics, human population densities, traffic conditions, public health, as well as animal health and welfare concerns. The Trial Programme would be able to provide reference to consider whether TNR could effectively tackle the problems posed by stray dogs and associated nuisance in different districts. AD(IQ)/AFCD supplemented that AFCD would commission a consultant to assess the effectiveness of the Trial Programme. If the programme was to be expanded to other districts, any such future sites would be assessed individually for suitability.

21. Ms Claudia MO opined that the Administration should invite more AWOs to participate in the Trial Programme with the funding allocated for consultant services, instead of using the funding for commissioning a consultant to assess the effectiveness of the Trial Programme. She enquired about the criteria for the selection of AWOs to carry out the Trial Programme. AD(IQ)/AFCD responded that the two AWOs appointed as the Programme Coordinators had been collaborating with AFCD to study the feasibility of applying TNR concept in Hong Kong for many years and had taken the initiative to develop and implement the Trial Programme.

Action

22. Echoing the view of Mr Mark MAK Chi-ho of NPVSS, Mr WU Chi-wai urged the Administration to review and amend the relevant Ordinance in order to exempt AWOs from the liability of a pet owner when they were carrying out their voluntary TNR programmes to return stray dogs and cats to trial zones. Mr WU held a strong view that a flexible approach in enforcing the law should be adopted as AWOs were endeavouring to enhance animal welfare as well as to alleviate the nuisances caused by stray dogs to the neighbourhood. Mr CHAN Chi-chuen expressed similar concern about the Administration's inflexible law enforcement against AWOs for carrying out the Cat Colony Care Programme ("CCCP"). He said that volunteers of CCCP had been requested to make payment for reclaiming cats of CCCP caught by AFCD. Mr CHAN urged the Administration to review the inflexible law enforcement practices of AFCD and cease taking such enforcement actions against AWOs.

23. Senior Veterinary Officer, Animal Management (Operation) Division/AFCD clarified that no payment was required for reclaiming CCCP cats caught by AFCD. When stray cats caught by AFCD were sent to animal management centres ("AMC"), AMC staff would examine their ears for sign of tipping which could be an indication of the cats being CCCP cats. AMC would contact the relevant AWO for re-claiming CCCP cats caught. She further said that it was only in those cases where the pet animals were caught by AFCD and detained in AMC that their owners had to pay the detention fees when they reclaimed their pet animals.

24. Regarding the selected trial zones in Yuen Long and Cheung Chau, Mr WONG Yuk-man and Mr WU Chi-wai criticized that the locations of the selected sites could hardly reveal the real situation and severity of the stray dog problem in urban areas. Noting that the Administration had not yet obtained support from the Yuen Long DC for the proposed site in Yuen Long, they urged the Administration and the Programme Coordinators to step up the public education on the effectiveness of the Trial Programme. Mr CHAN Chi-chuen commented that the Administration had accorded higher priority to the benefits of people than the welfare of animals in handling the views objecting the Trial Programme raised by DCs.

25. In response to the Deputy Chairman's enquiry about the successful experience of the voluntary TNR programmes that NPVSS had operated, Mr Mark MAK Chi-ho of NPVSS said that the Wong Tai Sin DC had recognized the results of the voluntary TNR programme in Wong Tai Sin as it could alleviate the nuisance of stray dogs caused to the neighbourhood in two years' time. Regarding the previously proposed trial zone for the Trial Programme, i.e. the Ho Chung site in Sai Kung, Mr MAK criticized that the Administration had not properly communicated with the residents in the vicinity, thus failing to enlist support from the relevant DC.

Action

26. Miss Alice MAK held the view that the crux of the problem of stray animals was the abandonment of pet animals by irresponsible pet owners. She was concerned about whether information such as the number of prosecutions against offences of animal abandonment was made known to the public. Mr WU Chi-wai expressed similar view. They urged the Administration to review and put forward amendments to the relevant legislation to combat such irresponsible behaviour. The Deputy Chairman considered it important for the Administration to step up its efforts in public education to promote public awareness of the responsibilities of pet owners in the welfare of their pets.

27. Concurring with the view that the prevention of animal abandonment was important for controlling the stray animal problem, USFH said that AFCD organized various kinds of promotional activities every year to promote care for animals, adoption of animals and responsible pet ownership through public education programmes. Regarding the penalty for abandonment of animals, AD(IQ)/AFCD advised that under the Rabies Ordinance (Cap. 421), a keeper of animal who, without reasonable excuse, abandoned that animal committed an offence and was liable to a fine and to imprisonment.

28. Ms Cyd HO said that the Administration should exercise extra care in drafting the legislation on the proposed new licensing system for animal breeders. She pointed out that if the licensing requirements were too low, it might result in over-breeding and increasing number of stray dogs and cats. USFH advised that the drafting of the legislative amendments to the Public Health (Animals and Birds) (Animal Traders) Regulations (Cap. 139B) was underway. Having considered the views received during and after the public consultation, the Administration was considering a more stringent approach for setting the licensing requirements. The Administration would brief the Panel on the proposed legislative amendments after consolidating the views received.

*Prevention of animal cruelty and the suggestion of setting up of "Animal Police" teams*

29. The Deputy Chairman and Mr WONG Yuk-man pointed out that the sentence of 16-month imprisonment imposed by the court for a recent animal cruelty case had sent a strong message to the community that strict enforcement would be taken against offences in animal cruelty.

30. Ms Cyd HO said that the Administration should enhance the transparency of the handling of animal cruelty cases and provide a platform to facilitate its communication with AWOs and the public with a view to promoting animal welfare and combating animal cruelty.

Action

31. The Chairman considered that the Prevention of Cruelty to Animals Ordinance (Cap. 169) ("PCAO") which sought to protect the welfare of animals in Hong Kong was outdated as it placed heavy emphasis on penalizing offenders that caused animal suffering. Mr Albert CHAN also expressed similar view. They urged the Administration to update it and incorporate the concept of "duty of care" for animals which emphasized educating pet owners about standards of care and to prevent animal suffering. The Chairman suggested the Administration to make reference to the propositions in the submission of Ms Amanda Whitfort which focused on the protection of animal rights.

32. Pointing out that some AWOs had expressed queries about the effectiveness of AWS, Ms Claudia MO urged the Administration to set up Animal Police teams to combat crimes of cruelty to animals. Miss Alice MAK also requested the Administration to consider setting up Animal Police teams.

33. Assistant Commissioner of Police (Support) ("ACP(SUP)") explained that under the current arrangement, the Police could respond more expeditiously when suspected cases of cruelty to animals were reported. Patrolling officers would be deployed to the scene immediately, and if there was prima facie evidence of cruelty to animals, the cases would be referred to crime investigation teams for investigation.

*Operation of AMCs of AFCD*

34. Mr Albert CHAN, Ms Claudia MO and Mr CHAN Chi-chuen were concerned about the operation of animal re-homing arrangement operated by AMC. They pointed out that it was inhumane to euthanize those detained animals which were assessed to be suitable for re-homing if they could not be re-homed through AWOs within the minimum detention period. Ms MO hoped that the Administration would consider extending the minimum detention period from currently four days to 12 days. Mr CHAN Chi-chuen said that if the minimum detention period was extended, it should be clearly specified in AMC's working guideline.

35. AD(IQ)/AFCD explained that AMCs would endeavour to contact the owners of stray dogs and cats caught by AFCD if they had been implanted with micro-chips. These animals would usually be detained for a long period until they were reclaimed by their owners. For stray dogs and cats which had not been implanted with micro-chips and were assessed to be suitable for re-homing, they would be retained in AMCs for an average of about eight days until re-homing could be arranged. Taking note of members' concern, AD(IQ)/AFCD said that AFCD would consider the need to review its relevant guidelines on the operation of AMC. At the request of the



Chairman, the Administration agreed to provide written information to address members' concern about the extension of the minimum detention period.

36. Mr Albert CHAN urged the Administration to eliminate the number of dogs euthanized to zero in 10 years' time. He enquired about the specific measures that AFCD would impose to reduce the number of stray dogs.

37. USFH advised that through AFCD's on-going efforts, the number of stray dogs euthanized in 2012 had gone down to 5 675 when compared 10 240 in 2008. Under the Trial Programme, it was targeted to achieve an average 10% annual decrease in the population of stray dogs in the trial zones.

38. Referring to the view of some AWOs that AFCD's officers might cause stray animals to suffer during the catching process, Ms Claudia MO enquired whether the Police would take enforcement actions if such animal cruelty cases happened. ACP(SUP) responded that he could not give an answer to a hypothetical question.

### Conclusion

39. The Chairman concluded that members had expressed their views that the Administration should review and amend PCAO with a view to further enhancing the protection of animal welfare. Members also considered that the Administration should enhance its communication with AWOs and provide necessary support to assist them, including financial supports and a more flexible approach in taking enforcement actions by AFCD against the voluntary workers of AWOs. The Administration was also requested to consider extending the minimum detention period of stray dogs and cats caught by AFCD before they were euthanized if they had not been reclaimed and could not be re-homed.

## **VI. Proposed updating of the schedules to the Pesticide Residues in Food Regulation (Cap. 132 CM)** (LC Paper Nos. CB(2)621/13-14(12) and (13))

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

41. At the invitation of the Chairman, Deputy Secretary for Food and Health (Food) 2 ("DSFH(F)2") briefed members on the Administration's proposal of updating Schedule 1 to the Pesticide Residues in Food Regulation (Cap. 132CM) ("the Regulation"), which involved amendments to the list specifying the maximum concentration of specified pesticide residues

Action

permitted in specific food commodities, as set out in its paper for the meeting (LC Paper No. CB(2)621/13-14(12)).

42. Members noted the background brief entitled "Regulation of pesticide residues in food in Hong Kong" (LC Paper No. CB(2)621/13-14(13)) prepared by LegCo Secretariat.

Proposed update of pesticides in Schedule 1 to the Regulation

43. Members raised no objection to the Administration's proposal to add one pesticide (i.e. thiodicarb) to Schedule 1 to the Regulation. However, regarding the Administration's proposal to remove three pesticides (namely, fosetyl aluminium, thidiazuron and triphenyltin hydroxide ("the three pesticides")) from Schedule 1 to the Regulation, the Chairman and Ms Cyd HO expressed concern that the removal of the three pesticides might compromise food safety in Hong Kong as they would no longer be regulated in Hong Kong if the proposal was implemented. Ms HO enquired about the grounds for the Administration's proposed removal.

44. DSFH(F)2 advised that the Regulation aimed to strengthen the regulation of pesticide residues in food to protect public health as well as to promote harmonization between local and international standards. The proposal to remove the three pesticides from Schedule 1 was made on the grounds that the Codex Alimentarius Commission ("Codex") had not established any maximum residue limits or residue definitions for these three pesticides and there was no international consensus on the regulation of these pesticides in terms of both residue limits and residue definition.

45. DSFH(F)2 further explained that food safety in Hong Kong would not be compromised even if the three pesticides were removed from Schedule 1, as the Regulation stipulated that the import and sale of food containing pesticide residues not specified in Schedule 1 was only allowed if the consumption of the food concerned was considered not dangerous or prejudicial to health based on risk assessment conducted by the Centre for Food Safety ("CFS"). Consultant (Community Medicine) (Risk Assessment and Communication), CFS, Food and Environmental Hygiene Department ("Consultant, CFS") confirmed that CFS could regulate pesticides not listed in Schedule 1 using a risk assessment approach. If the residues of the three pesticides were detected in food in the future, CFS would conduct risk assessment to determine whether the consumption of the food concerned was dangerous or prejudicial to health with reference to acceptable daily intake developed for the purposes of protecting public health. If the consumption of food was considered dangerous or prejudicial to health, the import and sale of the food concerned would not be allowed.

Action

46. Notwithstanding the Administration's explanation, the Chairman and Ms Cyd HO remained concerned about whether food safety in Hong Kong would be compromised if the three pesticides were removed from Schedule 1 to the Regulation. The Chairman was also concerned whether Hong Kong's food safety standards would become too lenient if the proposed amendment to the Regulation was passed.

47. DSFH(F)2 advised that the formulation of Schedule 1 to the Regulation was based primarily on the available standards recommended by Codex in 2011, supplemented by standards of the Mainland and other major food exporting countries to Hong Kong available at that time, while taking into consideration comments received from stakeholders during the public consultation held in July to September 2011. The Administration did not always adopt the most stringent standard. In making the decision of which standard to adopt, the Administration would assess the available standards by conducting risk assessment and making reference to the local food consumption pattern to ensure that the standard adopted was adequate to protect public health in Hong Kong. Consultant, CFS added that a lower level of pesticide residues was not necessarily better, as it was also important to take into account the practical need and adequacy to use a certain level of pesticides for killing or repelling pests. A decision would be made based on the results of field trials conducted in that area. He also pointed out that levels of pesticides used varied between countries, due to different climatic and other environmental conditions.

48. DSFH(F)2 further advised that, in determining the safety of food with pesticide residues, the Administration would take into consideration a list of factors as stipulated in Section 7 of the Regulation, including (a) the toxicological profile and safety reference values of the pesticide concerned; (b) the characteristics of the pesticide and the level of the pesticide residues in the food concerned; (c) the consumption pattern of the food; (d) any statutory requirement relating to the food; (e) information provided by an importer or supplier of the food; (f) information, reports or testing results provided by a public analyst; and (g) information (including reports, warnings and decision documents) provided by an international food or health authority.

49. Referring to paragraph 10 of the Administration's paper, Ms Cyd HO noted that the Administration's proposal to remove the three pesticides was made following the receipt of a stakeholder's proposal. Ms HO questioned whether the stakeholder made such a proposal based on its own commercial interest and urged the Administration to justify its decision to accept the stakeholder's proposal. DSFH(F)2 responded that it was the General Administration of Quality Supervision, Inspection and Quarantine ("AQSIQ") of the People's Republic of China that made the proposal, and the

Action

Administration had examined the proposal before making the decision. It was a common practice for the Administration to take into consideration comments put forth by relevant authorities of other major food exporting countries to Hong Kong.

50. Ms Cyd HO expressed concern whether there were adequate justifications for AQSIQ to put forward the proposal. She said that there might be a need to set up a subcommittee to scrutinize the proposed legislative amendments to remove the three pesticides from Schedule 1 to the Regulation.

51. The Chairman was concerned whether the Administration made concessions to the food supplying countries at the expense of food safety in Hong Kong, and urged the Administration to carry out its gate keeping duties seriously so that Hong Kong upheld a high standard of food safety.

52. DSFH(F)2 assured members that the Administration was committed to ensuring food safety in Hong Kong, and stressed that the Administration would examine comments put forth by food exporting countries on a case-by-case basis. Before deciding whether the Schedules to the Regulation should be amended, the Administration would take into consideration whether the pesticide residue limits concerned could pass the risk assessment scrutiny based on local food consumption pattern.

53. Ms Cyd HO enquired about how commonly used the three pesticides were, in what kinds of food these pesticides were found, and how often Hong Kong people consumed those food. Consultant, CFS advised that -

- (a) fosetyl aluminium could be found in various types of fruits and vegetables including bananas, lychees, pineapples, apples, peaches, onions and cucumbers;
- (b) thidiazuron could be found in various food crops such as cotton seeds, melons and cucumbers, and also in meats and fat (such as beef, mutton, pork and horse meat) and dairy products; and
- (c) similar to thidiazuron, triphenyltin hydroxide could be found in meats and fat such as beef, mutton and pork.

Conclusion

54. In concluding, the Chairman said that in view of members' grave concerns about the proposed removal of the three pesticides from Schedule 1 to the Regulation, the Administration should provide more justifications in this respect and further discuss with the Panel on the proposal in a future meeting.

Action

## **VII. Any other business**

### Visit to Man Kam To Food Control Office

55. The Chairman reminded members that a visit would be made to Man Kam To Food Control Office on 24 February 2014, from 6 pm to 9 pm, to provide members with a better understanding of the operation of food surveillance and tests on imported vegetables by CSF. Noting that the number of members who joined the visit was less than the number of available vacancies, members agreed that non-Panel Members would be invited to join the visit.

56. There being no other business, the meeting ended at 5:33 pm.

Council Business Division 2  
Legislative Council Secretariat  
8 May 2014

**Panel on Food Safety and Environmental Hygiene**

**Meeting on Tuesday, 14 January 2014  
on Trap-Neuter-Return ("TNR") trial programme and handling of animal cases**

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

<b>Organization/ Individual</b>	<b>Major views and concerns</b>
<b>Trap-Neuter-Return trial programme for stray dogs</b>	
<ul style="list-style-type: none"><li>• Society for the Prevention of Cruelty to Animals (Hong Kong)</li><li>• Animal Life Guard Action Group</li><li>• 9 X 9 Guy Fond Dogs</li><li>• Civic Party</li><li>• Hong Kong Scottish Fold Sickness Concern Group</li><li>• Animal Friends</li><li>• Conservation of Earth and Animal Association</li><li>• Happy Animals</li><li>• Cheung Chau Animal Care</li><li>• Hong Kong Society of Herpetology</li><li>• Happy 99</li><li>• Ms Amanda Whitfort, Associate Professor, Department of Professional Legal Education, Faculty of Law, The University of Hong Kong</li></ul>	<ol style="list-style-type: none"><li>1. The deputations expressed support for TNR programme as it was an effective measure for controlling the stray dog population, without resorting to euthanasia. The deputations were also of the view that the Administration should scale up the TNR programme to include other districts and speed up its implementation without awaiting the result of the 3-year trial scheme in selected sites.</li><li>2. Citing various successful cases demonstrating the effectiveness of TNR programme both locally and abroad, there were doubts against the Administration's saying that the effectiveness of TNR programme in reducing the stray dog population had yet to be proven from available overseas experience and data.</li><li>3. There was suggestion that the Administration should invite more animal welfare organizations to undertake TNR programme, in addition to the two selected partner organizations.</li></ol>

<ul style="list-style-type: none"> <li>• Animal Earth</li> <li>• Liberal Party</li> <li>• STOP! Save HK's Cats and Dogs</li> <li>• AELLA East Asia</li> <li>• Protection of Animals Lantau South</li> <li>• Ms Angela Scott</li> <li>• TNR Fund HK</li> <li>• Animal-Friendly Alliance</li> <li>• Hong Kong Veterinary Association</li> <li>• 平姐貓狗場</li> <li>• Young Civics</li> <li>• Miss CHENG Kam-shan</li> <li>• Non-Profit Making Veterinary Services Society Ltd</li> <li>• Ms Irene LEE</li> <li>• Hong Kong Dog Rescue</li> </ul>	
<ul style="list-style-type: none"> <li>• Happy Animals</li> <li>• STOP! Save HK's Cats and Dogs</li> <li>• TNR Fund HK</li> <li>• Animal-Friendly Alliance</li> <li>• Miss CHENG Kam-shan</li> <li>• Non-Profit Making Veterinary Services Society Ltd</li> <li>• Ms Irene LEE</li> </ul>	<p>1. While expressing support for TNR programme, the deputations urged the Administration to consider engaging more animal welfare organizations in the planning and implementation of TNR programme, particularly concerning how to convey the message to residents and District Councils that the TNR programme could effectively control the stray dog population and mitigate the associated nuisance.</p>
<p><b>AFCD's existing system of stray dog management</b></p>	
<ul style="list-style-type: none"> <li>• Society for the Prevention of Cruelty to Animals (Hong Kong)</li> <li>• Animal Life Guard Action Group</li> </ul>	<p>1. The deputations expressed grave concerns that, under the existing catch-and-remove policy of the Agriculture and Fisheries Conservation Department ("AFCD"), stray dogs were at high risk of being killed if caught by AFCD. The</p>

<ul style="list-style-type: none"> <li>● 9 X 9 Guy Fond Dogs</li> <li>● Civic Party</li> <li>● Happy Animals</li> <li>● Happy 99</li> </ul>	<p>deputations were also of the view that the normal period of four days for keeping caught dogs by AFCD before those dogs were reclaimed by their owners, re-homed or euthanized was too short.</p> <p>2. Questioning whether it was proper for AFCD to catch stray dogs only on the basis of complaints about noise and environmental hygiene nuisances, the deputations urged the Administration to consider how to better achieve its policy objective of ensuring that animals and people could co-exist in a harmonious way.</p>
<ul style="list-style-type: none"> <li>● 9 X 9 Guy Fond Dogs</li> <li>● Civic Party</li> <li>● Animal Friends</li> <li>● TNR Fund HK</li> <li>● Animal-Friendly Alliance</li> <li>● Young Civics</li> <li>● Hong Kong Dog Rescue</li> </ul>	<p>1. The deputations criticized that AFCD's existing stray dog management policy did not take into consideration "neighbourhood" dogs (i.e. dogs not owned as pets but were fed and taken care of by residents in the neighbourhood), which were commonly found in construction sites and villages in the New Territories.</p> <p>2. To better control the population of "neighbourhood" dogs, it was suggested that the Administration should provide free vaccines and neutering service to whoever brought dogs to AFCD without requiring them to provide proof of ownership of the dogs.</p>
<p><b>Prevention of animal cruelty</b></p>	
<ul style="list-style-type: none"> <li>● Society for the Prevention of Cruelty to Animals (Hong Kong)</li> <li>● Ms Amanda Whitfort, Associate Professor, Department of Professional Legal Education, Faculty of Law, The University of Hong Kong</li> <li>● AELLA East Asia</li> <li>● Protection of Animals Lantau South</li> <li>● Ms Angela Scott</li> </ul>	<p>1. The deputations held a strong view that the Prevention of Cruelty to Animals Ordinance (Cap. 169) ("PCAO") was outdated as it placed heavy emphasis on penalizing offenders that caused animal suffering. The Government was urged to make amendments to PCAO so as to incorporate the concept of "duty of care" for animals which emphasized educating pet owners about standards of care, thereby allowing for more effective prevention of animal suffering</p>



<ul style="list-style-type: none"> <li>• Hong Kong Veterinary Association</li> </ul>	
<ul style="list-style-type: none"> <li>• Mr Roy KWONG, Yuen Long District Council Member</li> <li>• 9 X 9 Guy Fond Dogs</li> <li>• Hong Kong Scottish Fold Sickness Concern Group</li> <li>• Happy Animals</li> <li>• Happy 99</li> </ul>	<ol style="list-style-type: none"> <li>1. The deputations urged the Administration to consider raising the penalties for offences relating to cruelty to animals in order to increase the deterrent effect, in addition to strengthening education and publicity efforts to promote animal welfare and responsible pet ownership.</li> </ol>
<p><b>Setting up of "animal police" teams to handle animal cruelty cases</b></p>	
<ul style="list-style-type: none"> <li>• Mr Roy KWONG, Yuen Long District Council Member</li> <li>• Civic Party</li> <li>• Hong Kong Scottish Fold Sickness Concern Group</li> <li>• Animal Earth</li> </ul>	<ol style="list-style-type: none"> <li>1. Questioning the effectiveness of the existing Animal Watch Scheme in handling animal cruelty cases, the deputations urged the Administration to set up "animal police" teams so that members of the teams could be given specialized training and adequate resources to handle animal cruelty cases.</li> </ol>
<ul style="list-style-type: none"> <li>• Society for the Prevention of Cruelty to Animals (Hong Kong)</li> <li>• Ms Amanda Whitfort, Associate Professor, Department of Professional Legal Education, Faculty of Law, The University of Hong Kong</li> </ul>	<ol style="list-style-type: none"> <li>1. Expressing reservation about the need to set up "animal police" teams, the deputations were of the view that the Administration should accord priority to update PCAO and instill a "duty of care" for animals on the part of pet owners.</li> <li>2. There was also a view that Hong Kong currently had an effective system for dealing with the investigation and prosecution of animal cruelty cases, and the increase in reporting of suspected animal cruelty cases was largely due to increased awareness of animal welfare.</li> </ol>

<b>Others</b>	
<ul style="list-style-type: none"><li>• Hong Kong Scottish Fold Sickness Concern Group</li><li>• Happy 99</li><li>• Animal Earth</li><li>• STOP! Save HK's Cats and Dogs</li><li>• AELLA East Asia</li><li>• TNR Fund HK</li><li>• Animal-Friendly Alliance</li></ul>	<ol style="list-style-type: none"><li>1. Pointing out that there were volunteers who used their own resources to carry out the TNR programme for stray animals in several districts, the deputations urged the Administration to consider facilitating their volunteering work. It was pointed out that there were cases where volunteers were prosecuted either for abandonment of animals or not registering as the keeper of a dog.</li></ol>

<b><u>Name of Organization/ Individual</u></b>	<b><u>Submission (LC Paper No.)</u></b>
Society for the Prevention of Cruelty to Animals (Hong Kong)	LC Paper No. CB(2)636/13-14(02)
9 X 9 Guy Fond Dogs	LC Paper No. CB(2)666/13-14(01)
Civic Party	LC Paper No. CB(2)666/13-14(02)
Hong Kong Scottish Fold Sickness Concern Group	LC Paper No. CB(2)666/13-14(03)
Animal Friends	LC Paper No. CB(2)621/13-14(05)
Cheung Chau Animal Care	LC Paper No. CB(2)647/13-14(01)
Hong Kong Society of Herpetology	LC Paper No. CB(2)647/13-14(01)
Ms Amanda Whitfort, Associate Professor, Department of Professional Legal Education, Faculty of Law, The University of Hong Kong	LC Paper No. CB(2)621/13-14(06)
Animal Earth	LC Paper No. CB(2)666/13-14(04)
STOP! Save HK's Cats and Dogs	LC Paper No. CB(2)621/13-14(07)
AELLA East Asia	LC Paper No. CB(2)621/13-14(08)
TNR Fund HK	LC Paper No. CB(2)621/13-14(09)
Animal-Friendly Alliance	LC Paper No. CB(2)621/13-14(10)

**Name of Organization/ Individual**

**Submission (LC Paper No.)**

Hong Kong Veterinary Association

LC Paper No. CB(2)621/13-14(11)

Miss CHENG Kam-shan

LC Paper No. CB(2)666/13-14(05)

Non-Profit Making Veterinary Services Society Ltd

Ditto

Ms Irene LEE

Ditto

Council Business Division 2  
Legislative Council Secretariat  
8 May 2014