

**立法會**  
**Legislative Council**

LC Paper No. CB(2)23/14-15  
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by the Administration)

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**Panel on Food Safety and Environmental Hygiene**

**Minutes of special meeting**  
**held on Friday, 17 January 2014, at 4:30 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 Vincent FANG Kang, 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  
Dr Hon LEUNG Ka-lau  
Hon CHEUNG Kwok-che  
Hon WONG Kwok-kin, BBS  
Hon Alan LEONG Kah-kit, SC  
Hon Claudia MO  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon WU Chi-wai, MH  
Hon CHAN Chi-chuen  
Hon CHAN Han-pan  
Dr Hon Kenneth CHAN Ka-lok  
Hon Alice MAK Mei-kuen, JP  
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
- Member attending** : Hon TANG Ka-piu
- Members absent** : Hon Tommy CHEUNG Yu-yan, SBS, JP  
Hon WONG Yuk-man  
Dr Hon KWOK Ka-ki

**Public Officers** : Item I  
**attending**

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

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

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

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

Mr Jeff LEUNG Wing-yan  
Deputy Secretary for Food and Health (Food) 2 (Acting)

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

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

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

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

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

Dr LAU Chau-ming, JP  
Government Chemist  
Government Laboratory

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

**Staff in** : Miss Flora TAI  
**attendance** : Assistant Secretary General 2

Mr Jove CHAN  
Senior Council Secretary (2) 2

Mr Richard WONG  
Council Secretary (2) 2

Miss Emma CHEUNG  
Legislative Assistant (2) 2

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**I. Briefing by the Secretary for Food and Health on the Chief Executive's 2014 Policy Address**

(LC paper No. CB(2)701/13-14(01), The 2014 Policy Address booklet and The 2014 Policy Agenda booklet)

At the invitation of the Chairman, Secretary for Food and Health ("SFH") briefed members on the new initiatives in the Chief Executive ("CE")'s 2014 Policy Address relevant to the policy portfolio of the Food and Health Bureau ("FHB") as well as the major ongoing initiatives undertaken by FHB, as detailed in the Administration's paper (LC Paper No. CB(2)701/13-14(01)).

*(Post-meeting note: The speaking note of SFH tabled at the meeting was issued to members vide LC Paper No. CB(2)726/13-14 (Chinese version only) on 20 January 2014.)*

Prevention and control of avian influenza

2. The Chairman, Dr LEUNG Ka-lau, Ms Cyd HO, Mr CHAN Han-pan expressed grave concerns about the prevention and control of avian influenza ("AI") and the impact of the outbreak of H7N9 AI in the Mainland on the public health in Hong Kong. The Chairman noted that the Administration and the relevant Mainland authorities had reached consensus on the AI testings on live poultry from the Mainland registered farms supplied to Hong Kong. She enquired about the follow-up procedures in the event that samples of live poultry were tested positive for H7N9 AI virus, and the Administration's measures to prevent outbreaks of H7N9 AI in Hong Kong.

3. SFH advised that with the consensus of the Mainland authorities, the Administration would implement H7 AI serological testing for live poultry at the registered poultry farms before their delivery to Hong Kong and at the Man Kam To Control Point. Serological testing would also be implemented at local chicken farms to strengthen the Administration's capability in background monitoring and provide early warning for AI. SFH further said

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that if a sample of live poultry was tested H7 AI positive by serological testing, the Administration would conduct H7 Polymerase Chain Reaction ("PCR") test for the sample concerned. In the event that the result of H7 PCR test on live poultry imported from the Mainland was positive, the supply of imported live poultry would be suspended in accordance with the existing protocol for the prevention and control of AI. Director of Agriculture, Fisheries and Conservation would declare the Cheung Sha Wan Temporary Wholesale Poultry Market ("CSW Wholesale Poultry Market") as an infected place and all live chickens therein would be culled. The CSW Wholesale Poultry Market would then be closed for 21 days for thorough disinfection and cleansing. Trading of live poultry (including Mainland and local live poultry) would also be suspended during the closure of the wholesale poultry market.

4. SFH further advised that if the sample of the consignment of live poultry was tested positive for serological testing but negative for the H7 PCR test, this showed that the live poultry of the same consignment had been exposed to H7 AI virus. The Administration would inform the Mainland authorities of the testing results. They would step up the control measures for the farm concerned, disinfect and clean the farm thoroughly the farm, and suspend the supply of live poultry from the farm concerned. The Mainland authorities would first communicate with the Administration before deciding on when the poultry farm concerned could resume its supply of poultry to Hong Kong.

5. The Chairman referred to the Administration's paper and said that according to the World Organization for Animal Health ("OIE"), it was possible that eggs from infected poultry could be contaminated with AI virus. Noting that the Administration had earlier proposed to regulate the import of poultry eggs, she enquired about the progress of the proposed legislative amendments. Permanent Secretary for Food and Health (Food) ("PSFH(F)") responded that OIE had recommended that the import of poultry eggs for human consumption for control of AI should be accompanied with an international veterinary certificate. The Administration had therefore proposed to introduce statutory import control to poultry eggs. The Administration had consulted the Panel on its plan to regulate import of poultry eggs and was in the process of drafting the relevant legislative amendments. The Administration intended to table the relevant legislative amendments in the Legislative Council ("LegCo") in 2014. In response to the Chairman's further enquiry about the risk on eating eggs which were not completely cooked, SFH advised that regardless of AI risks, eggs should be completely cooked for consumption.

6. Expressing concern about the effectiveness of the serological testing on the imported live chickens by sampling, Dr LEUNG Ka-lau asked about the

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scientific basis in support of the sampling methodology. SFH and Assistant Director (Inspection and Quarantine)/Agriculture, Fisheries and Conservation Department advised that the methodology, including the sampling size, of serological testing had been expounded by experts through epidemiological studies and proved effective to detect chicken infected by H7 AI. In addition, preventive and control measures against AI were implemented throughout the production and delivery process from the registered chicken farms in the Mainland to the Man Kam To Food Control Office and the CSW Wholesale Poultry Market.

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7. Noting the Administration's explanation, Dr LEUNG Ka-lau requested the Administration to provide supplementary information on the scientific basis and the methodology of serological testing for H7 AI.

*(Post-meeting note: Chinese and English versions of Administration's response were circulated to members on 23 September and 7 October 2014 vide LC Paper Nos. CB(2)2315/13-14 and CB(2)2386/13-14)*

8. Mr CHAN Han-pan expressed the view that the supply chain of local live chickens should be separated from those imported from the Mainland, so that the supply of local live chickens would not be affected even if imported chickens were detected AI positive. SFH said that while awaiting the AI testing results at the CSW Wholesale Poultry Market, the imported poultry were kept separately from those supplied from local farms. However, if a sample of imported poultry was tested positive for AI, the CSW Wholesale Poultry Market would have to be closed for 21 days. SFH agreed that it would be desirable to separate the supply chains of local chickens and imported chickens to minimize the risk of cross infection. However, the proposal of segregating imported live poultry from local live poultry was not deemed feasible at the present stage in view of the lack of suitable sites for constructing a new wholesale poultry market.

9. Ms Cyd HO was concerned about the increased smuggling activities of raw/incompletely cooked poultry meat across the boundary as reported by the media. She enquired about the enforcement actions taken by the Customs and Excise Department ("C&ED") at boundary check-points. She hoped that the Administration would step up public education and promotion to enhance public awareness of the penalties for smuggling raw/incompletely cooked poultry meat.

10. PSFH(F) stressed that under the Public Health (Animals and Birds) Ordinance (Cap. 139) and the Public Health and Municipal Services Ordinance (Cap. 132), it was illegal for any person to bring into Hong Kong any live birds or raw poultry meat unless it was authorized or accompanied with a health certificate, or the meat was completely cooked. She said that

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C&ED had successfully taken enforcement actions against the smuggling activities concerned. During the upcoming Chinese New Year period, C&ED officers at boundary check-points would remain vigilant against such smuggling activities.

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11. In response to the request of the Chairman and Ms Cyd HO, PSFH(F) said that the Administration would provide, after the meeting, relevant information on prosecution against the smuggling of raw poultry meat.

*(Post-meeting note: Chinese and English versions of Administration's response were circulated to members on 23 September and 7 October 2014 vide LC Paper Nos. CB(2)2315/13-14 and CB(2)2386/13-14)*

Control of harmful substances in food

*Veterinary drug residues in food*

12. The Chairman was concerned about the increased use of veterinary drug in food animals and its residues in food. She enquired about the Administration's plan for introducing regulations to control veterinary drug residues in food. PSFH(F) advised that to protect the public against unacceptable levels of veterinary drug residues in food, the Administration would consider the regulatory proposal by making reference to the implementation of the Pesticides Residues in Food Regulation (Cap. 132CM), which would come into operation on 1 August 2014, and the views of relevant authorities in major food exporting countries including the Mainland before the drafting of the relevant legislation.

*Excessive heavy metals in food*

13. The Chairman expressed deep concern about the detection of excessive cadmium in rice in Hong Kong as reported by the Consumer Council ("CC") in December 2013. She asked whether the problem rice was still on sale in the market. Controller, Centre for Food Safety ("Controller, CFS") advised that the Centre for Food Safety ("CFS") had been monitoring the level of cadmium in rice. Between 2010 and 2013, CFS collected around 170 rice samples for the testing of metallic contaminants (including cadmium). Only one sample failed the test on cadmium level. In response to a study conducted by CC in late 2013, in which three rice samples were detected with cadmium levels exceeding the legal limit, CFS conducted tests for metallic contamination (including cadmium) on the sample of one of the products concerned which was found to be on sale. The results indicated that the cadmium level was exceeding the legal limit. CFS had then notified the relevant Mainland authorities of the test results for follow-up. Subsequently, CFS was informed that the rice concerned had successfully passed the

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sampling test when it was exported from the Mainland.

14. The Deputy Chairman asked whether the rice concerned was contaminated during transport process. Controller, CFS said that the relevant Mainland authorities were still looking into the matter. She stressed that CFS would keep in view of the new developments and would take appropriate follow-up actions to ensure food safety and safeguard public health.

Columbarium facilities

15. Noting that the Private Columbaria Bill was planned to be introduced into LegCo in the second half of 2014, Miss Alice MAK expressed concern about the timing for the implementation of the proposed regulatory measures for private columbaria. SFH responded that most of the provisions in the Bill would commence operation upon the enactment of the Ordinance. However, the timing for the implementation of the proposed measures would depend on the progress of scrutiny of the Bill by the relevant bills committee.

16. Mr CHAN Chi-chuen, Mr WU Chi-wai and Mr Michael TIEN expressed concern about the supply of public niches. Regarding the Administration's policy of providing public columbarium facilities in all 18 districts in Hong Kong, they noted that residents in the vicinity of the proposed public columbaria in some districts and the relevant District Councils ("DC"s) were not supportive when consulted on the proposals. Mr CHAN and Mr TIEN enquired about the Administration's follow-up actions to be taken when it failed to obtain support from DCs. Mr TIEN said that the Administration had implemented a measure to increase the number of subsidized residential care places for the elderly through the purchase of residential care places from elderly homes in the Guangdong Province. He wondered whether the Administration would consider buying columbarium niches in the Mainland, in particular in the Guangdong Province, as an option to solve the problem of shortage of public niches in Hong Kong.

17. SFH stressed that the Administration had endeavoured to provide new public columbarium facilities in all 18 districts. At least one location in each of the 18 districts had already been identified and various government departments were carrying out preparatory works thereon before consulting the relevant DCs. He advised that the two proposed public columbarium developments in the North District and Tuen Mun were supported in principle by the North DC and Tuen Mun DC respectively, with requests calling upon the Government to explore enhancement in road infrastructure works in the vicinity of the development there. For districts (e.g. Shatin) where DCs and local residents raised strong objections to the proposed developments, the Administration would improve the architectural design so

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as to solicit their support.

18. PSFH(F) supplemented that the Administration had liaised with the relevant authorities in the Guangdong Province on the provision of public niches there for Hong Kong residents, and noted that the supply of public cemeteries and niches for local residents in the Guangdong Province was also insufficient. The Administration noticed that some Hong Kong residents had already purchased niches from private columbaria in the Mainland. As these transactions were private commercial activities, the Hong Kong Special Administrative Region Government lacked a locus to get involved.

19. Mr WU Chi-wai said that he supported the Administration's proposals to implement new measures to alleviate the shortage in niche supply. He considered that the proposals of designating different worship periods for different blocks of niches and limiting access during one or both of the grave sweeping seasons would help reduce the traffic impact on the vicinity of the columbarium facilities concerned. He enquired about the timetable for launching these proposed measures. SFH advised that the Administration was exploring the feasibility of implementing the new measures in new public columbarium facilities. With prior notice given, niche purchasers would make their choice on an informed basis.

Agricultural development

20. While welcoming the policy initiative on promoting agricultural development in Hong Kong, the Deputy Chairman, Mr CHAN Han-pan, Mr WONG Kwok-hing and Mr WU Chi-wai pointed out that the major issue faced by the agriculture sector was the supply of farmlands. Some farmland owners had left their farmlands unattended and waited for the Government's proposal for rezoning their farmlands for residential use. The Deputy Chairman enquired about the collaboration between FHB and the Development Bureau ("DEVB") in identifying suitable lands for the purpose of agriculture development. Mr WU Chi-wai commented that it was impracticable for DEVB to plan for farmlands through zoning. He said that the Government provided land at cost to industries to operate in the industrial estates through the government-funded Hong Kong Industrial Estates Corporation and opined that the Administration should make reference to the model of industrial estates experience for the provision of farmlands for farmers for cultivation.

21. SFH advised that FHB worked closely with DEVB to regularly review the current uses of farmlands and endeavoured to identify suitable lands for agriculture purpose. In view of limited land supply, the Agriculture, Fisheries and Conservation Department ("AFCD") had been providing support for local farmers to advance their farming skills and develop new

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techniques so as to achieve sustainable agricultural development. Meanwhile, AFCD was studying the aqua-cultivation and three dimensional cultivation techniques which would allow farmers to yield more produce with a smaller area of land. SFH added that a public consultation exercise would be launched in 2014 to gauge public views on agricultural development in Hong Kong.

22. The Deputy Chairman and Mr CHAN Han-pan suggested the Administration to arrange the Panel members to visit overseas places to gain first-hand understanding of their agricultural development. They said that Taiwan's experience in this respect was worth studying. SFH replied that the Administration noted members' suggestion and would see how to assist the Panel to understand more about the experience in agricultural development in places outside Hong Kong. The Chairman said that the Panel would follow up the matter in future meetings.

*(Post-meeting note: At the meeting on 11 February 2014, members agreed that in order to facilitate the Panel's consideration of the proposal of conducting an overseas duty, the Research Office of LegCo Secretariat was requested to conduct a preliminary research on the agricultural development as well as regulation of food safety in Taiwan and the food control measures by the Guangdong Province authorities on food exports to Hong Kong.)*

Supply of live cattle in Hong Kong

23. Mr WONG Kwok-hing was gravely concerned about the supply of live cattle and the surging prices of fresh beef in Hong Kong. He enquired about the progress of the Administration's review on the opening up of the live cattle market.

24. SFH responded that the Ministry of Commerce ("MOC") of the Central People's Government had agreed to set up a working group to study the opening up of live cattle market and meetings had been held between MOC and the Administration. The Administration would continue to follow up with MOC on the matter. SFH stressed that the opening up of cattle market might not necessarily result in the reduction in the prices of fresh beef as there were other factors affecting the supply of live cattle and fresh beef prices.

Animal welfare

25. Ms Claudia MO expressed dissatisfaction that CE's 2014 Policy Address had not put forth any policy initiatives to enhance animal welfare, despite the fact that more than 400 members of the public had written to CE

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expressing their views and concerns on animal welfare before CE delivered his Policy Address. She commented that the problem of animal abuse in Hong Kong was deteriorating as there was one animal abuse case reported every three days on average in 2013. Noting that the Administration was going to amend the Public Health (Animals and Birds) (Animal Traders) Regulations (Cap. 139B) ("the Regulations") to tighten the regulation of dog breeders and traders, Ms MO urged the Administration to address the concerns of animal welfare organizations ("AWOs") that only one single dog breeder permit should be issued under the proposed licensing system. She criticized that the Animal Breeder Licence Category A and Animal Breeder Licence Category B proposed by the Administration would encourage more people to join the business of home breeding which might result in more animal abuse cases.

26. SFH stressed that the Administration attached importance to animal welfare. The Administration had noted the views raised by the Panel and deputations on the proposed legislative amendments to the Regulations. Some AWOs and the pet trading and breeding trade also expressed different views about the proposed new licensing system after the public consultation exercise. The Administration was carefully considering the views received with a view to devising a practicable and effective regulatory system while protecting the welfare of animals.

27. Miss Alice MAK was concerned about the increased number of complaints on the services provided by veterinary surgeons. She hoped that the Administration would expeditiously introduce its legislative proposal to broaden the membership and enhance the operation of the Veterinary Surgeons Board of Hong Kong.

Provision of public markets

28. Mr WONG Kwok-hing, Mr CHAN Han-pan, Mr Michael TIEN and Miss Alice MAK were concerned about the study on the operating environment of public markets. Mr WONG opined that while awaiting the results of the study, the Administration should immediately install air-conditioning facilities in public markets where over 85% of stall operators supported the installation of air-conditioning system. Mr CHAN said that the Administration should consider lowering the threshold of 85% of stall operators for deciding the installation of air-conditioning facilities so as to improve the operating environment as early as possible.

29. SFH advised that the consultancy study on improvements to the operating environment of public markets would examine the functions and positioning of public markets. While the results and recommendations of the consultancy study were pending, the Administration would explore the

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feasibility of installing air-conditioning facilities, including the technical feasibility and acceptability of the inconvenience during the works period, as soon as practicable in those public markets where 85% of the stall operators supported the installation.

30. Mr WONG Kwok-hing considered that the Administration should further extend the rental freeze of public market stalls until the issue of installing air-conditioning systems in public markets was well-addressed. SFH said that the rental freeze of public market stalls was valid until 31 December 2015. The report of the consultancy study was expected to be completed by the end of 2014. The Administration would consult the Panel on the rental issue at that stage.

31. Miss Alice MAK said that there was a strong public view that new public markets should be constructed in new towns. SFH responded that the Administration would assess relevant factors, such as the demand for the provision of public markets and the availability of alternatives in the districts concerned, before deciding on whether a new public market should be constructed in a particular area.

Other issues

32. Dr Kenneth CHAN pointed out that there was a very wide spectrum of policy issues including food safety, agriculture policy, columbarium policy, liquor licensing, animal welfare, etc., under the purview of FHB. He hoped that the communications between the Panel members and the officers responsible for the various policy issues could be enhanced so as to facilitate the exchange of views. SFH noted Dr CHAN's suggestion. The Chairman said that the Secretariat could assist, where necessary, in this regard.

**II. Any other business**

33. The Chairman reminded members that the next regular meeting of the Panel would be held on Tuesday, 11 February 2014, at 2:30 pm.

34. The Chairman also reminded members that to enable members to have a better understanding of the operation of food surveillance and tests on imported vegetables by CFS at Man Kam To Control Point, the Panel would arrange a visit to the Man Kam To Food Control Office on 24 February 2014.

*(Post-meeting note: Members were informed of the details of the visit arrangement vide LC Paper No. CB(2)747/13-14 on 22 January 2014.)*

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35. There being no other business, the meeting ended at 5:54 pm.

Council Business Division 2  
Legislative Council Secretariat  
8 October 2014