

**立法會**  
**Legislative Council**

LC Paper No. CB(2)103/14-15

(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, 8 April 2014, at 2:00 pm**  
**in Conference Room 3 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  
Dr Hon LEUNG Ka-lau  
Hon CHEUNG Kwok-che  
Hon WONG Kwok-kin, BBS  
Hon Claudia MO  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon CHAN Chi-chuen  
Hon CHAN Han-pan  
Dr Hon Kenneth CHAN Ka-lok  
Hon Alice MAK Mei-kuen, JP  
Dr Hon KWOK Ka-ki
- Members attending** : Hon James TO Kun-sun  
Hon Paul TSE Wai-chun, JP  
Hon Gary FAN Kwok-wai
- Members absent** : Hon Vincent FANG Kang, SBS, JP  
Hon Alan LEONG Kah-kit, SC  
Hon WONG Yuk-man  
Hon WU Chi-wai, MH  
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

**Public Officers** : Item IV  
**attending**

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

Item V

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

Ms Rita YEUNG Yuk-ip  
Assistant Director (Operations) 1 (Acting)  
Food and Environmental Hygiene Department

Item VI

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 (Inspection and Quarantine)  
Agriculture, Fisheries and Conservation Department

Dr Michelle YEUNG Lee  
Senior Veterinary Officer (Technical Services)  
Agriculture, Fisheries and Conservation Department

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

**Staff in attendance** : Ms Elyssa WONG  
Head (Information Services)

Ms Ivy CHENG  
Research Officer 3

Mr Jove CHAN  
Senior Council Secretary (2) 2

Mr Raymond CHOW  
Council Secretary (IS) 2

Mr Richard WONG  
Council Secretary (2) 2

Miss Emma CHEUNG  
Legislative Assistant (2) 2

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**I. Confirmation of minutes**

(LC Paper Nos. CB(2)1215/13-14)

The minutes of the meeting held on 10 December 2013 were confirmed.

**II. Information paper(s) issued since the last meeting**

(LC Paper Nos. CB(2)1099/13-14(01) and CB(2)1155/13-14(01),  
CB(2)1168/13-14(01) and CB(2)1217/13-14(01))

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

- (a) Letter dated 17 March 2014 from Hon Claudia MO on the programme launched by the Agriculture, Fisheries and Conservation Department ("AFCD") to relocate stray cattle on Lantau Island and in Sai Kung;
- (b) Administration's response to Hon WONG Kwok-hing's letter dated 6 March 2014 regarding the food safety of half-hatched duck eggs imported from Vietnam;
- (c) Submission from a member of the public concerning the law enforcement by the Food and Environmental Hygiene Department ("FEHD") against illegal hawking; and

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- (d) Administration's response to Hon Claudia MO's letter dated 17 March 2014 on regarding the programme launched by AFCD to relocate stray cattle on Lantau Island and in Sai Kung.

3. Ms Claudia MO said that the case as referred to in the above paragraph 2(d), which had been followed up by the Public Complaints Office of the Legislative Council ("LegCo"), had revealed that the Administration's policy was deficient in failing to tackle the stray cattle problem effectively. She hoped that the Panel would discuss the issue of stray cattle management including the relocation programme launched by AFCD and meet with deputations at a future meeting. Members agreed to include the issue in the list of outstanding items for discussion.

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

(LC Paper Nos. CB(2)1220/13-14(01) and (02))

4. Members agreed to discuss the following items at the next regular meeting scheduled for Tuesday, 13 May 2014 -

- (a) Implementation of the Nutrition Labelling Scheme;
- (b) Anti-mosquito control, including bed bugs; and
- (c) Regulatory control on outside seating accommodation of and illegal shop extensions by restaurants.

5. At the suggestion of the Chairman, members agreed to advance the discussion of the item of "Development of sustainable development" to the June or July meeting.

*(Post-meeting note: the Administration had subsequently advised that the item would not be ready for discussion until the second half of 2014.)*

**IV. Further discussion on proposed updating of Schedule 1 to the Pesticide Residues in Food Regulation (Cap. 132CM)**

(LC Paper Nos. CB(2)1220/13-14(03) and (04))

6. 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 amendments to Schedule 1 to the Pesticide Residues in Food Regulation (Cap. 132CM) ("the Regulation"), with details set out in the Administration's paper (LC Paper No. CB(2)1220/13-14(03)). The

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Administration also provided supplementary information on the proposed removal of three pesticides (namely, fosetyl aluminium, thidiazuron and triphenyltin hydroxide ("the three pesticides")) in response to views and concerns raised by members at the Panel meeting on 14 January 2014.

7. Members also noted the updated background brief entitled "The Pesticide Residues in Food Regulation (Cap. 132CM)" (LC Paper No. CB(2)1220/13-14(04)) prepared by LegCo Secretariat.

Proposed removal of three pesticides from Schedule 1 to the Regulation

8. Members expressed deep concern about the proposed removal of the three pesticides from Schedule 1 to the Regulation, and whether the risk assessments conducted by the Centre for Food Safety ("CFS") were adequate to ensure food safety in Hong Kong. The Chairman, Ms Cyd HO, Dr KWOK Ka-ki, Ms Claudia MO, Mr CHAN Chi-chuen and Mr Gary FAN expressed similar view that if there was no international consensus on the residue definitions of the three pesticides, the Administration should follow the most stringent standards on the residue limits of the three pesticides concerned on the premise of protecting public health. Members pointed out that triphenyltin hydroxide and fosetyl aluminium were carcinogenic to animals. They queried the justifications for the Administration's proposal for removing them from Schedule 1 to the Regulation only based on the views provided by the General Administration of Quality Supervision, Inspection and Quarantine ("AQSIQ") of the People's Republic of China ("PRC"). In their view, the Administration was making concessions to the Mainland food suppliers at the expense of the food safety in Hong Kong.

9. Ms Cyd HO expressed concern about the timing that AQSIQ had proposed to remove the three pesticides from Schedule 1 to the Regulation, and whether the Administration would further consult the public and relevant experts on the matter. Mr CHAN Chi-chuen was worried about the absence of control on the residues of the three pesticides in food in Hong Kong after the removal of the three pesticides from the Schedule. Ms Claudia MO commented that it might become an international scandal if the Administration decided to adopt lower standards of food safety for food imported from the Mainland.

10. Dr KWOK Ka-ki did not subscribe to the Administration's view that the three pesticides were proposed to be removed from the Schedule 1 to the Regulation as there was no international consensus on the standards of their maximum residue limits ("MRL") in food. He said that to his understanding, Japan had already prohibited the presence of residues of the three pesticides in food, and considered that the Administration should study the relevant

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international standards and follow the most stringent standards as the MRLs of the three pesticides.

11. The Deputy Chairman and Mr WONG Kwok-hing expressed a similar view that the matter regarding the proposed removal of three pesticides should not be politicized and what mattered most was whether the Administration had handled the proposal of AQSIQ in the usual way as it handled the proposals received from other stakeholders.

12. DSFH(F)2 advised that the standards for pesticide residues in food developed by the Codex Alimentarius Commission ("the Codex") formed the backbone of the regulatory framework in Hong Kong. It was a common practice for the Administration to also take into consideration comments put forth by relevant authorities of major food exporting countries to Hong Kong, and consider whether the pesticide residue limits concerned could satisfy the risk assessment scrutiny on the basis of the local food consumption pattern before deciding whether the Schedules to the Regulation should be amended. He said that when the Administration formulated Schedule 1 to the Regulation in June 2012, the Codex had not established any MRLs and residue definitions for the three pesticides. The major supplying source of fruits and vegetables to Hong Kong (i.e. the Mainland) also had not established any relevant standards at that time. The Administration had therefore made reference to the standards of the United States ("US"), which was also a major food exporting country, available at the time for the three pesticides. Subsequently, the Ministry of Health and the Ministry of Agriculture of PRC promulgated the new national standard for MRLs for pesticides in food in November 2012, including the temporary MRLs for the three pesticides. In early 2013, AQSIQ reflected to the Administration the latest developments and their views regarding the three pesticides.

13. DSFH(F)2 further said that as the residue limits and residue definitions for the three pesticides established in US and the Mainland were different, if CFS fully adopted the Mainland standards, the residue levels of food imported from US might exceed the concerned limits. Likewise, residue levels of food imported from the Mainland might also exceed the concerned limits if CFS kept the existing standards adopted from US. He assured members that the Administration was committed to ensuring food safety in Hong Kong, and stressed that the risk assessment conducted by CFS was a science-based practice which was well-recognized internationally.

14. Ms Cyd HO noted from the Administration's paper that proposals had been put forth by seven stakeholders including the Consulate General ("CG") of Canada and CG of US. However, in response to the media's enquiries, CG of Canada and CG of US indicated that they had not been consulted on the

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removal of the three pesticides from Schedule 1 to the Regulation. She queried whether the Administration had consulted all the related stakeholders.

15. Mr CHAN Chi-chuen said that according to the Administration, the standards of the residue definitions for the three pesticides established in the Mainland and US were different. The differences in residue definitions would cause difficulties in laboratory analysis. He asked what the difficulties were. Mr WONG Kwok-hing asked whether CFS could adopt the more stringent standards in Hong Kong. The Chairman was concerned whether the Administration would make reference to the standards adopted by each individual food exporting countries on the regulation of pesticides in terms of residue limits and residue definitions and use the same standards for regulating the residue levels of food imported from the country concerned.

16. DSFH(F)2 explained that as the definitions of residues adopted by the Mainland and US were different, it would not be possible to set MRLs for the residues of the three pesticides which could apply to both countries. It was also not practicable for CFS to apply individual standards to the respective food exporting countries in view of the huge volume of imported food handled by CFS daily. Although the Administration recommended the removal of these three pesticides from Schedule 1 to the Regulation, it would not compromise the protection of public health. If the residues of these three pesticides were detected in food in the future, CFS would conduct risk assessment in accordance with the Regulation to determine whether the consumption of the food concerned was dangerous or prejudicial to health.

17. The Chairman enquired about details on how CFS would conduct risk assessment to determine whether the consumption of food in which the carcinogenic residues of the three pesticides might exist was dangerous or prejudicial to health. Consultant (Community Medicine) (Risk Assessment and Communication), CFS explained that the methodology of risk assessment involved combining data on the detected level of pesticide residues in a food sample with the relevant consumption pattern of the food. That would arrive at results of exposure assessment. The results would be compared with the safety reference values (e.g. acceptable daily intakes for long-term exposure assessment, or acute reference dose for short-term exposure assessment). If the results exceeded safety reference values, public health might be at risk.

18. Notwithstanding the Administration's explanation, Ms Cyd HO maintained her view that the Administration should not remove the three pesticides from Schedule 1 to the Regulation. She queried whether it was a normal practice for the Administration to remove pesticides from the Schedule concerned whenever there were changes in standards of pesticide residues in food exporting countries. Dr LEUNG Ka-lau considered that in

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order to justify the proposed removal of the three pesticides from Schedule 1 to the Regulation, the Administration should provide scientific analysis on the difference between the approaches of risk assessment and the MRLs for the three pesticides in Schedule 1.

19. DSFH(F)2 reiterated that when Schedule 1 to the Regulation was formulated in June 2012, the Codex had not established any MRLs and residue definitions for the three pesticides and the Mainland also had not established any relevant standard at that time. Subsequently, the Ministry of Health and the Ministry of Agriculture of PRC promulgated the new national standard for MRLs for pesticides in food in November 2012, including the temporary MRLs for the three pesticides concerned. In early 2013, ACSIQ reflected to the Administration the above latest developments and their views.

20. Members noted that the Administration planned to table the proposed amendments to the Regulation in LegCo within the current legislative session, and the amendments to the Regulation would come into operation on 1 August 2014. Pointing out that the proposed amendments to the Regulation was subject to negative vetting procedures, Ms Cyd HO was concerned that there would not be sufficient time for the detailed scrutiny of the subsidiary legislation. The Chairman said that many members had expressed concerns about the Administration's proposed amendments to Schedule 1 to the Regulation. She asked what the Administration would do if members maintained their view that stringent standards should be set for the residue limits of the three pesticides and did not agree to the proposed amendments.

21. DSFH(F)2 responded that the Administration had listened carefully to the views made by members. When the relevant subsidiary legislation was introduced into LegCo for scrutiny, LegCo Members would have sufficient time to scrutinize the legislative proposal.

22. Dr LEUNG Ka-lau, Ms Cyd HO and Dr KWOK Ka-ki requested the Administration to -

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- (a) for the three pesticides proposed to be removed from the Schedule 1 to the Regulation, provide detailed information, in a table form, on (i) the residue definitions and the residue limits in Hong Kong, the Mainland and overseas jurisdictions (including the European Union, Australia and Japan, etc); and (ii) the limits adopted by CFS for its risk assessment;
- (b) provide information on the types of food products imported into Hong Kong which might contain residues of the three pesticides proposed to be removed from the Schedule 1 to the Regulation;



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- (c) provide information on the types of food imported by Hong Kong that might be affected if the three pesticides stated in item (a) above were not removed from the Schedule 1 to the Regulation;
- (d) advise whether there was an international consensus on the standards (in terms of the both residue limits and residue definitions) on the regulation of the pesticides listed in the Schedule 1 to the Regulation; if not, provide the details for that and the reasons for including those pesticides in the Schedule 1; and
- (e) advise whether CFS would conduct risk assessment to determine whether the consumption of food concerned was dangerous or prejudicial to health if residues of pesticides on which there was no international consensus on the residue definitions were detected in food after the meeting.

*(Post-meeting note: The Administration's response was issued to members vide LC Paper No. CB(2)1536/13-14(01) on 15 May 2014. The Administration advised that to address concerns of members and the public about the proposed removal of the three pesticides, CFS had activated the Working Group under the Expert Committee on Food Safety ("the Expert Committee") to examine the proposed amendments to the Regulation afresh. The Administration estimated that the work might not be completed before 1 August 2014. Upon completion of re-examination of the proposed amendments by the Working Group under the Expert Committee, the Administration would report to the Panel on the way forward.)*

**V. Proposed legislative proposals to amend the liquor licensing regime**

(LC Paper Nos. CB(2)1220/13-14(05), CB(2)1220/13-14(06) and RP02/13-14)

23. At the invitation of the Chairman, Under Secretary for Food and Health ("USFH") briefed members on the proposed amendments to the Dutiable Commodities (Liquor) Regulations (Cap. 109B) ("DCLR") to improve the liquor licensing regulatory regime, with details set out in the Administration's paper (LC Paper No. CB(2)1220/13-14(05)).

24. Members also noted the updated background brief entitled "Liquor licensing regime" (LC Paper No. CB(2)1220/13-14(06)) prepared by LegCo

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Secretariat and the research report entitled "Liquor licensing system in selected places" (LC Paper No. RP02/13-14) prepared by the Research Office, Information Services Division of LegCo Secretariat.

Extension of the duration of a liquor licence

25. Mr Tommy CHEUNG expressed support for the Administration's proposal of extending the duration of a liquor licence to a maximum period of 24 months. He considered that the concern about the interest of the public would be duly addressed as the Liquor Licensing Board ("LLB") would take into account the record of enforcement action and substantiated complaints of the liquor-licensed premises in considering whether the licensee should be granted a 24-month licence.

26. Dr KWOK Ka-ki was concerned about the possibility of deterioration in performance on the part of licensed premises after the granting of a 24-month licence. He enquired whether there would be any review on the impact of the operation of liquor-licensed premises on the neighbouring residents during the two-year course. USFH advised that there would be a mid-term review mechanism for licences of a two-year period. Under the mechanism, the mid-term review would be conducted in the 11<sup>th</sup> month during the validity period of a two-year liquor licence. The Liquor Licensing Office under FEHD would compile a register for individual liquor-licensed premises whereby they could check the complaints and enforcement against premises concerned and reported to LLB as an integral part of the mid-term review. At the time of the mid-term review, liquor-licensed premises with no record of enforcement action or substantiated complaint would be deemed to have passed the mid-term review whereby they could carry on with the rest of the 24-month licence period.

27. The Chairman enquired whether the record of oral warnings given to the licensed premises by the Police would be taken into account when LLB considered whether a further 24-month liquor licence should be granted for the licensed premises concerned. USFH responded that for cases with record of enforcement action, (which might include oral warnings made to the licensed premises, or substantiated complaints) LLB might, having regard to all the circumstances of the case, consider revoking or suspending the licence(s) concerned as appropriate in those cases where the enforcement action or substantiated complaint warranted immediate action under Regulation 23(1A) of DCLR. Where the enforcement action or substantiated complaint did not fall within the category which warranted immediate action under Regulation 23(1A), it would be open to LLB to consider in due course whether the licensee should be granted a further 24-month licence upon expiry of the prevailing licence. Deputy Secretary for Food and Health

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(Food)1 ("DSFH(F)1") added that, based on existing data, about 80% of licensed premises had no record of any enforcement actions and substantiated complaints in the previous two years, and these premises would be eligible for consideration for a 24-month licence.

28. Dr Kenneth CHAN said that to his understanding, a liquor licence would only be issued when the premises had also been issued with a full restaurant or a provisional restaurant licence issued by FEHD and the duration of a restaurant licence was one year. He enquired about how it could coincide with the liquor licence if the maximum period for the latter would be extended to two years. Assistant Director (Operations) 1 (Acting)/FEHD advised that the availability of a restaurant licence would help facilitate the process of considering a liquor licence application. The reason was that such issues as fire safety and hygiene conditions (which were pertinent for considering whether the premises in question met the criteria for obtaining a liquor licence) would have already been covered in the process of handling the application for a restaurant licence.

Advertisement of liquor licence applications

29. Mr Tommy CHEUNG welcomed the Administration's proposal of allowing liquor licence applications to be advertised on free channels or media such as the Internet. Dr KWOK Ka-ki and Dr Kenneth CHAN considered that written notices on liquor licence applications in the vicinity of the liquor licence premises concerned should be maintained as some members of the public, such as the elderly, would not use Internet.

30. USFH and DSFH(F)1 advised that the Home Affairs Department would maintain the practice of posting notices on liquor licence application at the liquor-licensed premises concerned and in the vicinity of its location. LLB also publicized the list of liquor-licensed premises with the expiry dates of their licences. Members of the public might refer to the list and provide their views on the liquor-licensed premises to LLB.

The Proposed reserve licensee mechanism

31. Mr Tommy CHEUNG expressed support for the proposed reserve licensee mechanism to minimize the disruption to business by identifying at an early stage a suitable person to take over the role of the original licensee. He considered that to enhance the operational flexibility of the trade, the Administration should consider allowing the business operator to change the reserve licensee during the licence period and relaxing the requirement that liquor licensees must be natural persons.

### Regulation of upstairs bars

32. While expressing support for the proposed legislative amendments, Mr WONG Kwok-hing enquired about the timetable for stepping up the regulation of upstairs bars and the measures for more stringent control on nuisances caused by liquor-licensed premises in SOHO, Central.

33. Mr Paul TSE said that as there were a great number of commercial cum residential buildings in urban areas, the Administration should strike a balance between the interests of the trade and those of the public. While agreeing that it was justified to set the capacity limit of upstairs bars in accordance with fire safety consideration, he queried the need for setting an additional safety margin of 90% of the capacity limit. He was worried that over-regulation of upstairs bars would lead to the problem of unlicensed bars. Mr TSE urged the Administration to comprehensively review the current regulatory measures and adopt an approach to facilitate the business environment of licensed premises.

34. DSFH(F)1 said that LLB endeavoured to balance the interests of both the trade and the public. On the basis of the results of the public consultation launched from July to September 2011, LLB had issued a set of guidelines on the vetting of upstairs bar applications for the purpose of enhancing transparency. In the light that people under the influence of alcohol might not be able to make their way to safety with ease through the staircase during emergencies, LLB considered it necessary to impose a more stringent capacity limit on upstairs bars. To underline the importance LLB attached to the proper management of upstairs bars, LLB also saw merits for requiring the licensees to attend a "seminar on liquor licensing". As regards the control on nuisances caused by liquor-licensed premises, LLB had made known, through the guidelines, to the trade that it would consider imposing additional licensing conditions to reduce the impact of the noises on the neighbouring residents where necessary.

35. Mr Tommy CHEUNG held the view that the proposed safety margin of 90% of the capacity limit should only be imposed on upstairs bars, and other licensed premises such as karaoke should be excluded from this requirement. Assistant Director (Operations) 1 (Acting)/ FEHD advised that liquor-licensed premises which were operated in hotels and buildings that were designed and constructed for the operation of entertainment businesses would be excluded from the requirement of the safety margin.

### Research report on liquor licensing system in selected places

36. Members welcomed the research report on liquor licensing system in

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selected places prepared by the Research Office of LegCo Secretariat. The Chairman said that she was concerned about the composition of LLB and its mechanism for the handling of complaints. She doubted whether LLB could balance the interests of the trade and the public when considering liquor licence applications. She urged the Administration to expeditiously conduct a comprehensive review on its composition and functions. The Chairman requested the Administration to provide its response to the findings of the research study, in particular, issues relating to the composition and functions of LLB, risk assessment of licence application and the complaint handling mechanism. USFH said that the Administration would provide the written response when it was ready.

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*(Post-meeting note: The English and Chinese versions of the Administration's response were issued to members vide LC Paper No. CB(2)2190/13-14(01) on 15 August 2014 and 1 September 2014 respectively.)*

37. Mr Tommy CHEUNG considered that the Panel should discuss the research report and invite deputations to give views on issues relating to the liquor licensing regime at a future Panel meeting. At the suggestion of the Chairman, members agreed to include the subject of liquor licensing system in Hong Kong and regulation of upstairs bars in the list of outstanding items for discussion.

38. In response to Mr Paul TSE's enquiry about the liquor licensing regime in Japan, Head (Information Services) advised that while the situation in Tokyo was similar to that of Hong Kong, the "Liquor Tax Law" of Japan sought to facilitate the collection of liquor tax rather than regulating the sale and supply of liquor for on-premises consumption. In this regard, coupled with the lack of English information in relation to the liquor licensing regime of Japan, Tokyo had not been covered in the research report.

### Conclusion

39. The Chairman summed up the discussion that members did not raise objection to the proposed amendments to DCLR to extend the duration of a liquor licence to a maximum of two years and allow liquor licence applications to be advertised on the Internet.

**VI. Amendments to the Veterinary Surgeons Registration Ordinance (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) (LC Paper Nos. CB(2)1220/13-14(07) and (08))**

40. At the invitation of the Chairman, USFH briefed members on the Administration's proposed amendments to the Veterinary Surgeons Registration Ordinance (Cap 529) ("VSRO") as detailed in the Administration's paper (LC Paper No. CB(2)1220/13-14(07)).

41. Members also noted the background brief entitled "Proposed amendments to the Veterinary Surgeons Registration Ordinance" (LC Paper No. CB(2)1220/13-14(08)) prepared by LegCo Secretariat.

Composition of the Veterinary Surgeons Board of Hong Kong ("VSB")

42. Miss Alice MAK said that she was supportive of the Administration's legislative proposals to enhance the monitoring role of VSB on the professional activities of registered veterinary surgeons. However, she noted that among the proposed nine new members of VSB, six of them were registered veterinary surgeons and only three of them were lay persons representing the interests of users of veterinary services. As regards the composition of the Preliminary Investigation Committee ("PIC") and the Inquiry Committee ("IC"), the Administration proposed that each PIC and an IC might compose three members of VSB or two members of the Board and one assessor. However, only one of the PIC or IC members had to be a non-veterinary member. In her view, more lay persons should be appointed to VSB, PIC and IC so as to represent the interests of users of veterinary service. She asked why there was only a limited increase in the number of Board members who were lay persons.

43. Expressing similar view with Miss Alice MAK, Mr CHAN Chi-chuen enquired whether the Administration would consider appointing persons from academic sector and animal welfare organizations ("AWOs") as VSB members.

44. USFH responded that with the proposed changes, the size of VSB would be expanded from 10 persons to 19 persons including the Chairman of VSB. The Administration had made reference to the experience of local and overseas regulatory bodies in formulating the proposed amendments and most of the respondents in public consultation launched between 8 October and 30 November 2012 were in support of the proposed membership composition to maintain the ratio of veterinary surgeons to non-veterinary

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surgeons at 2:1. At present, there were already lay members appointed to the Board. When appointing lay members to VSB, the Administration would consider persons, including members from AWOs, who represent the interests of persons using veterinary services.

45. Mr CHAN Chi-chuen and Dr Kenneth CHAN expressed similar concern about whether there was an upper limit on the tenure of office of VSB members. USFH responded that similar to the appointment of non-official members to the advisory committees and statutory bodies in the public sector, the appointment of VSB members (including the Chairman of VSB) would adhere to the so-called "six-six principle", whereby the Government would avoid appointing members who had served on VSB for more than six years or who were serving on more than six advisory committees as Government appointees. USFH added that VSB members were to be appointed for a term not exceeding three years and could be re-appointed for a further term not exceeding three years, i.e. the maximum number of years of appointment would not exceed six years.

46. In response to Mr CHAN's further enquiry, USFH advised that the maximum total period of service of VSB members did not exceed six years. Dr Kenneth CHAN pointed out that there had been cases where some of the members of the advisory committees had been appointed for more than six years. He hoped that the Administration would clearly spell out that the appointment of VSB members would strictly follow the "six-six principle".

47. The Chairman and Dr Kenneth CHAN noted from the Administration's paper that it was proposed that the six newly added members who were registered veterinary surgeons were to be elected by the registered veterinary surgeons. They were concerned about whether all registered veterinary surgeons were qualified to participate in the elections and the election procedure. They urged the Administration to ensure that the elections would be conducted in a fair and open manner. Dr CHAN hoped that the details of the election procedures would be specified in the relevant subsidiary legislation of the Veterinary Surgeons Registration (Amendment) Bill.

48. USFH and DSFH(F)1 advised that relevant details and procedures of the election of the six newly added VSB members of registered veterinary surgeon would be specified in a set of election regulation to be prescribed by the Secretary for Food and Health, which would be in the form of subsidiary legislation subject to scrutiny by LegCo. In response to the Chairman's further enquiry about the election procedures of membership of overseas regulatory bodies, Assistant Director (Inspection and Quarantine)/AFCD said that when developing the election procedures, the Administration would make reference to the practices of other places such as US, the United

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Kingdom and Australia where appropriate.

49. The Chairman and Mr CHAN Chi-chuen were concerned about the criteria for appointing non-veterinary persons to VSB. The Chairman wondered whether they could be elected by the public. USFH advised that the five Board members who represented the interests of persons who utilized veterinary services were appointed on personal capacities.

#### Complaint-handling procedures of VSB

50. Mr CHAN Chi-chuen noted that the number of veterinary surgeons had grown from around 150 in 1997 to currently around 720. The number of complaints had also increased from eight cases in 1998 to around 50 cases annually in recent years. In order to better understand the current situation of the operation of VSB and IC, Mr CHAN requested the Administration to provide a detailed breakdown on the number of complaints involving veterinary surgeons received by VSB between 1998 and 2013, the follow up actions taken by the Board on these complaint cases, the number of such complaint cases substantiated and the penalties imposed on the veterinary surgeons involved. USFH undertook to provide the information after the meeting.

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*(Post-meeting note: The Administration's supplementary information was issued to members vide LC Paper No. CB(2)2110/13-14(01) on 23 July 2014.)*

#### Supply of veterinary surgeons

51. While expressing support for the Administration's legislative proposals, Mr James TO was concerned about the supply of veterinary surgeons. He said that as there was no professional training on veterinary surgery available in Hong Kong, all registered veterinary surgeons were trained overseas. He noted that the City University of Hong Kong had proposed to establish an undergraduate programme in veterinary surgery but it was unable to solicit the Administration's support. Mr TO said that there was a strong public view that the high levels of veterinary service charges were caused by inadequate supply of veterinary surgeons in Hong Kong.

52. DSFH(F)1 responded that having regard to the market situation and the information provided by relevant professional bodies, it was estimated that there would be around 40 newly registered veterinary surgeons in Hong Kong annually in the short- to medium-term. It was believed that the supply of veterinary surgeons in the foreseeable future would be adequate to meet the demand for veterinary services (mainly services for companion animals) in Hong Kong. At the request of the Chairman, USFH agreed to provide general

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market information on consultation fees and charges of veterinary services after the meeting.

*(Post-meeting note: The Administration's supplementary information was issued to members vide LC Paper No. CB(2)2110/13-14(01) on 23 July 2014.)*

Conclusion

53. In summing up, the Chairman said that members in general supported the Administration's proposals to amend VSRO to expand the membership of VSB and streamlining its modus operandi.

**VII. Any other business**

54. The Chairman reminded the Administration provide responses to the outstanding items on the List of follow-up actions (LC Paper No. CB(2)1220/13-14(02)) as soon as practicable.

55. There being no other business, the meeting ended at 4:30 pm.

Council Business Division 2  
Legislative Council Secretariat  
20 October 2014