

立法會

Legislative Council

LC Paper No. CB(2)529/16-17

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by the Administration)

Ref : CB2/PL/FE

Panel on Food Safety and Environmental Hygiene

Minutes of meeting

**held on Tuesday, 8 November 2016, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex**

Members present : Dr Hon Helena WONG Pik-wan (Chairman)
Hon LAU Kwok-fan, MH (Deputy Chairman)
Hon James TO Kun-sun
Hon Tommy CHEUNG Yu-yan, GBS, JP
Prof Hon Joseph LEE Kok-long, SBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon Starry LEE Wai-king, SBS, JP
Hon CHAN Hak-kan, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Mrs Regina IP LAU Suk-yeet, GBS, JP
Hon LEUNG Kwok-hung
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon Steven HO Chun-yin, BBS
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Alice MAK Mei-kuen, BBS, JP
Hon KWOK Wai-keung
Hon Dennis KWOK Wing-hang
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, JP

Hon Martin LIAO Cheung-kong, SBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Hon Jimmy NG Wing-ka, JP
Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai
Hon SHIU Ka-chun
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan
Dr Hon Pierre CHAN
Hon CHAN Chun-ying
Hon Tanya CHAN
Hon CHEUNG Kwok-kwan, JP
Hon HUI Chi-fung
Hon LUK Chung-hung
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho
Dr Hon YIU Chung-yim

**Members
absent** : Hon LEUNG Yiu-chung
Hon Abraham SHEK Lai-him, GBS, JP
Hon WONG Kwok-kin, SBS, JP
Dr Hon KWOK Ka-ki
Dr Hon CHIANG Lai-wan, JP
Hon HO Kai-ming
Hon Kenneth LAU Ip-keung, MH, JP
Hon Nathan LAW Kwun-chung
Dr Hon LAU Siu-lai

**Public Officers
attending** : Item VI

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

Mrs Cherry TSE, JP
Permanent Secretary for Food and Health (Food)

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

Dr Sarah CHOI Mei-yee, JP
Assistant Director (Food Surveillance and Control),
Centre for Food Safety
Food and Environmental Hygiene Department

Item VII

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

Mrs Cherry TSE, JP
Permanent Secretary for Food and Health (Food)

Miss Vivian LAU, JP
Director of Food and Environmental Hygiene

Mr Daniel CHENG, JP
Deputy Secretary for Food and Health (Food) 1

Mrs Avia LAI, JP
Deputy Director of Food and Environmental Hygiene
(Administration and Development)

Miss Diane WONG
Principal Assistant Secretary for Food and Health (Food) 2

Item VIII

Professor Sophia CHAN, JP
Under Secretary for Food and Health

Miss Diane WONG
Principal Assistant Secretary for Food and Health (Food) 2

Mr CHIU Yu-chow
Assistant Director (Grade Management and Development)
Food and Environmental Hygiene Department

Item IX

Professor Sophia CHAN, JP
Under Secretary for Food and Health

Mr Bill WONG Kwok-piu
Principal Assistant Secretary for Food and Health (Food) 3

Mr FORK Ping-lam
Assistant Director (Operations) 3
Food and Environmental Hygiene Department

Dr Sarah CHOI Mei-yee, JP
Assistant Director (Food Surveillance and Control),
Centre for Food Safety
Food and Environmental Hygiene Department

Mr MA Yuen-hung
Superintendent (Slaughterhouse)
Food and Environmental Hygiene Department

Dr Jeffrey JAI Man-ho
Senior Veterinary Officer (Slaughterhouse (Veterinary))
Food and Environmental Hygiene Department

Clerk in attendance : Miss Josephine SO
Chief Council Secretary (2) 2

Staff in attendance : Ms Wendy KAN
Assistant Legal Adviser 6 (Item VII only)

Ms Wendy LO
Senior Council Secretary (2) 2

Miss Emma CHEUNG
Legislative Assistant (2) 2

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I. Confirmation of minutes
(LC Paper No. CB(2)82/16-17)

The minutes of the meeting held on 18 October 2016 were confirmed.

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II. Information paper issued since the last meeting

(LC Paper No. CB(2)95/16-17(01))

2. Members noted that a submission dated 2 November 2016 from a deputation ("欽州街布販市場商販關注組") on issues relating to the relocation of Yen Chow Street Temporary Hawker Bazaar had been issued since the last meeting.

III. Date of next meeting and items for discussion

(LC Paper Nos. CB(2)84/16-17(01) and (02))

List of outstanding items for discussion

3. The Chairman informed members that she and the Deputy Chairman had met with the Secretary for Food and Health ("SFH") on 31 October 2016 to discuss the work plan of the Panel for the 2016-2017 legislative session. The list of outstanding items for discussion (LC Paper No. CB(2)84/16-17(01)) had been updated to reflect members' suggestions made at the Panel meeting on 18 October 2016 and the work plan agreed with the Administration during the work plan meeting.

4. The Chairman advised that:

- (a) if the two proposals for appointment of subcommittees on policy issues to be considered under agenda items IV and V below were supported by members, three items on the Panel's list of outstanding items for discussion (i.e. items 11, 12 and 31 respectively on "provision and management of public markets", "retrofitting of air conditioning in public markets" and "issues relating to animal welfare") would be taken up by the relevant subcommittees; and
- (b) at the House Committee ("HC") meeting on 28 October 2016, Members supported the proposal of Dr KWOK Ka-ki to appoint a subcommittee under HC on issues relating to bazaars. Matters relating to bazaars and hawker policies could therefore be pursued at meetings of that Subcommittee.

Members noted and raised no objection to the aforesaid arrangements.

Items for discussion at the December meeting

5. Members agreed to discuss the following items at the next regular

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meeting scheduled for Tuesday, 13 December 2016 at 2:30 pm:

- (a) Issues relating to the relocation of Yen Chow Street Temporary Hawker Bazaar;
- (b) Working environment of outsourced cleansing workers of the Food and Environmental Hygiene Department ("FEHD");
- (c) Site formation and associated infrastructural works for development of columbarium at Sandy Ridge Cemetery; and
- (d) Creation of a directorate post in Food and Health Bureau ("FHB") for handling duties under the food safety portfolio.

6. The Chairman suggested and members agreed that relevant deputations be invited to attend the meeting to give views on item (a) in paragraph 5 above. The Legislative Council ("LegCo") Secretariat would issue invitation letters to deputations suggested by members. In view of the number of items to be discussed at the December meeting, members agreed that the meeting would be extended for half an hour to end at 5:00 pm.

(Post-meeting note: Members were informed of the meeting arrangements vide LC Paper Nos. CB(2)152/16-17 and CB(2)364/16-17 respectively issued on 10 November and 9 December 2016.)

IV. Proposal from Hon Claudia MO for setting up a subcommittee under the Panel to study issues relating to animal rights
(LC Paper Nos. CB(2)39/16-17(1), CB(2)84/16-17(03) and CB(2)1704/15-16)

7. At the invitation of the Chairman, Ms Claudia MO briefed members on her proposal for appointment of a subcommittee under the Panel to study issues relating to animal rights, as detailed in her letter dated 18 October 2016 (LC Paper No. CB(2)39/16-17(01)).

8. Mr KWONG Chun-yu and Mr CHAN Chi-chuen expressed support for Ms Claudia MO's proposal. Referring to the proposed terms of reference ("ToRs"), work plan and time frame of the proposed subcommittee as set out in LC Paper No. CB(2)84/16-17(03), Mr CHAN suggested including the study of relevant measures currently in place that regulated the safety of pet food in the subcommittee's work plan. Mr Tommy CHEUNG said that the trade welcomed the introduction of a regulatory regime for pet food products available in Hong Kong, as it could provide a legal basis for the future

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development of local pet food production industry and create employment opportunities. He supported that the subcommittee should study regulation of pet food in Hong Kong.

9. The Chairman concluded that members agreed to set up the Subcommittee to Study Issues Relating to Animal Rights and endorsed the Subcommittee's ToRs with a revised work plan in the light of members' views expressed above.

(Post-meeting note: The revised work plan of the Subcommittee is attached at the Appendix.)

V. Proposal from Hon Andrew WAN for setting up a subcommittee under the Panel to study issues relating to public markets
(LC Paper Nos. CB(2)99/16-17(01), CB(2)99/16-17(02) and CB(2)2142/14-15(01))

10. At the invitation of the Chairman, Mr Andrew WAN briefed members on his proposal for setting up a subcommittee under the Panel to study issues relating to public markets, as detailed in his letter dated 2 November 2016 (LC Paper No. CB(2)99/16-17(01)).

11. Members raised no objection to the proposal and endorsed the proposed ToRs, work plan and time frame of the Subcommittee as set out in LC Paper No. CB(2)99/16-17(02).

12. The Chairman drew members' attention to the following:

- (a) the maximum number of subcommittees on policy issues appointed by HC and Panels that might be in operation at any one time was 10;
- (b) there were currently six such subcommittees in operation with another one given priority for activation; and
- (c) pursuant to the decision made at the HC meeting on 28 October 2016, if the number of proposed subcommittees on policy issues agreed to be appointed by HC and Panels as at noon of 14 November 2016 exceeded the remaining vacant slots of subcommittees on policy issues (i.e. three), lots would be drawn before the HC meeting on 18 November 2016 to determine the order of activation among the proposed subcommittees.

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VI. Issues relating to the incident of hairy crabs detected with dioxins
(LC Paper Nos. CB(2)124/16-17(01) and CB(2)99/16-17(05) to (06))

13. At the invitation of the Chairman, SFH briefed members on issues relating to the recent incident of hairy crabs detected with excessive level of dioxins and dioxin-like polychlorinated biphenyls ("PCBs"), as detailed in the Administration's paper (LC Paper No. CB(2)124/16-17(01)).

(Post-meeting note: The Administration's paper for this discussion item and a letter from Hon CHAN Han-pan dated 7 November 2016 on the same issue, which had been tabled at the meeting, were issued vide LC Paper No. CB(2)124/16-17 on 9 November 2016.)

Testing of dioxins and dioxin-like PCBs on hairy crabs

14. Mr WONG Ting-kwong said that the incident had dealt a severe blow to local traders of hairy crabs. He sought information as to when the Centre for Food Safety ("CFS") of FEHD had included hairy crabs in its seasonal food surveillance and the analysis of dioxins and dioxin-like PCBs in the testing in respect of hairy crabs. Mr Tommy CHEUNG declared that he owned a company with business in the sale of hairy crabs. He enquired about the reasons for the inclusion of dioxins and dioxin-like PCBs in the tests for hairy crabs. Ms Claudia MO further asked whether the tests on dioxins and dioxin-like PCBs in hairy crabs would be conducted annually and whether other food samples had been/would be collected for tests on such toxic substances.

15. Controller, Centre for Food Safety ("Controller/CFS") responded that:

- (a) CFS adopted a risk-based principle in determining the types of samples to be collected, the frequency and number of samples taken for testing, and the types of laboratory analysis to be conducted. Since 2000, CFS had been collecting hairy crabs samples for testing under the seasonal food surveillance programme;
- (b) in response to the Belgium dioxin crisis, CFS had included the testing of dioxins and dioxin-like PCBs in foods since 1999. In the past three years, around 250 food samples were collected for the tests on dioxins and dioxin-like PCBs and the results of all samples were satisfactory;
- (c) noting overseas reports on detection of dioxins in hairy crabs and the fact that hairy crabs were commonly consumed by Hong Kong people in autumn, CFS had started conducting tests on

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dioxins and dioxin-like PCBs in hairy crabs under its seasonal food surveillance programme since 2014; and

- (d) for the purpose of food surveillance in 2016, CFS had been collecting hairy crab samples for testing of dioxins and dioxin-like PCBs since late September 2016. This was the first time that hairy crab samples were found to contain dioxins and dioxin-like PCBs at a total level exceeding the action level adopted by CFS (i.e. 6.5 picograms toxic equivalent per gram (6.5 parts per trillion) of the food sample (wet weight) for dioxins and dioxin-like PCBs in edible portion of hairy crabs).

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16. In response to Mr Jeremy TAM's enquiry, Controller/CFS said that CFS collected hairy crab samples at both import and retail levels for testing of dioxins and dioxin-like PCBs. At the request of Mr CHAN Han-pan, the Administration undertook to revert to the Panel on the number of hairy crab samples collected and to be collected for tests on dioxins and dioxin-like PCBs by CFS under the seasonal food surveillance programme since late September 2016 and the test results.

17. Responding to Mr CHU Hoi-dick's enquiry about the international trend of regulating dioxins and dioxin-like PCBs in foods, Controller/CFS said that the presence of dioxins in aquatic food products had raised international concern some 10 years ago. Since then, there had been studies on the impact of dioxins and dioxin-like PCBs on human health. After considering international practices and local dietary habits, CFS adopted the current action level for dioxins and dioxin-like PCBs in respect of hairy crabs.

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18. Ms Claudia MO asked about the rationale for adopting the current action level of 6.5 picograms for dioxins and dioxin-like PCBs in edible portion of hairy crabs. She and Ms Tanya CHAN further asked about the scope of testing conducted by CFS in respect of hairy crabs under the seasonal food surveillance programme (e.g. whether and what other contaminants were included in the testing). Controller/CFS responded that CFS also carried out tests on heavy metals, veterinary drugs, etc. in respect of hairy crabs under the seasonal food surveillance programme. The results of these tests conducted in seasonal surveillance programme would be announced. She undertook to provide a written response to the issues raised by Ms MO and Ms CHAN after the meeting.

19. Mr Jeremy TAM asked whether CFS had informed the relevant Mainland authorities of its decision to conduct from 2014 onwards testing of dioxins and dioxin-like PCBs in hairy crabs and whether a notification system had been/would be put in place for CFS to notify the Mainland authorities about any new

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inclusion of contaminants/substances for testing under CFS's surveillance programme. Controller/CFS responded that in determining the types of samples to be collected for testing, CFS would take into account a number of factors including the health risks caused by intake of the relevant food items. She undertook to provide supplementary information in writing after the meeting.

20. Mr Tommy CHEUNG said that he did not understand why it took so long (two to four weeks) for the Government Laboratory to complete the analysis of dioxins and dioxin-like PCBs in hairy crab samples. He asked whether the Administration would consider commissioning local universities to undertake the work so as to expedite the analysis. In response, SFH explained that the analysis of dioxins and dioxin-like PCBs involved very complicated process and high degree of precision, including extraction, multiple clean up steps, instrumental analysis and substantial data analysis. To ensure the accuracy of the analytical result, re-examination would have to be conducted as and when necessary. Also, given that the analytical procedures required high precision work, the work had to be carried out by experienced laboratory personnel and designated laboratories with a controlled environment. In view of the above, it normally took about two to four weeks for the analysis of dioxins and dioxin-like PCBs to be done.

21. Mr CHEUNG Kwok-kwan sought information as to whether local private laboratories or university laboratories had the capability of providing the trade with testing services for dioxins and dioxin-like PCBs. Noting that some university laboratories were equipped with the necessary facilities for conducting such tests, Mr CHAN Han-pan suggested the Administration explore collaboration with the universities concerned with a view to providing apposite testing services for the trade.

22. Permanent Secretary for Food and Health (Food) ("PSFH(F)") and Controller/CFS responded that given that the analytical procedures required high precision work, no private laboratories (including laboratories in universities in Hong Kong) had been accredited for the conduct of tests on dioxins and dioxin-like PCBs in Hong Kong at present. The testing cost per sample was also quite high, at about HK\$10,000, and it took at least two weeks to produce the result. That said, SFH advised that the Administration maintained an open mind on the suggestion of Mr CHAN Han-pan. In response to the Chairman's follow-up question, Controller/CFS said that there were only about 200 laboratories in the world providing testing services for dioxins and dioxin-like PCBs. The Government Laboratory was one of them. She reckoned that some laboratories in the Mainland would have the facilities to conduct the tests.

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The Administration's follow up actions in response to the incident

23. Ms Claudia MO queried whether CFS's decision to suspend the import into and sale within Hong Kong of hairy crabs from two aquaculture farms in Jiangsu Province (i.e. "吳江萬頃太湖蟹養殖有限公司" and "江蘇太湖水產有限公司") was proportionate to the potential health risk posed to the public by tainted crabs, given that only two hairy crabs samples were found to contain excessive dioxins and dioxin-like PCBs in the incident. Controller/CFS said that CFS had made reference to the recommendations of international food safety organizations in conducting the risk assessment. In making the decision to remove the affected products from shelves, stop sale and initiate a recall, CFS had carefully considered the need to strike a balance between maintaining business operation and protecting public health.

24. Mr WONG Ting-kwong asked when the full results of the next round of testing would be available and whether any measures would be taken by the Administration to restore public confidence in consuming hairy crabs supplied by other aquaculture farms. SFH and Controller/CFS responded that while CFS suspended the import into and sale within Hong Kong of hairy crabs from the two aquaculture farms as named in paragraph 23 above, hairy crabs from other registered aquaculture farms the samples of which were not detected with excessive dioxins and dioxin-like PCBs were allowed for import and sale in the market. As part of the follow-up actions, CFS had stepped up surveillance against hairy crabs at the import and retail levels. Since 2 November 2016, CFS had submitted 12 hairy crab samples to the Government Laboratory for testing of dioxins and dioxin-like PCBs. Test results were expected to be available within two weeks after the samples were submitted for testing.

25. In response to Mr CHAN Chi-chuen's enquiry, Controller/CFS advised that since CFS had already suspended the import into and sale within Hong Kong of hairy crabs from the above two aquaculture farms in Jiangsu Province, the 12 hairy crab samples collected since 2 November 2016 were from other registered aquaculture farms. Mr CHAN Chi-chuen further asked whether the Administration would only suspend the import and sale of hairy crabs from the aquaculture farm(s) concerned or otherwise all aquaculture farms in the same province if more samples were found to contain excessive toxic substances in the future. Controller/CFS responded that the Administration had to strike a balance between maintaining business operation and protecting public health in deciding on the scope of suspension. In answer to Mr CHAN's follow-up question of under what circumstances the Administration would consider lifting the ban on hairy crabs from the two aquaculture farms in Jiangsu Province, Controller/CFS said that the Administration would look into the causes of the incident to see whether any

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targeted measures could be taken before taking a decision on whether the ban should be lifted.

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26. The Chairman expressed concern that the Administration had not made a food safety order in accordance with section 30(1) of the Food Safety Ordinance (Cap. 612) to recall all hairy crabs in the market after the incident. She asked whether consideration would be given to setting out in food safety legislation the limit on the level of dioxins and dioxin-like PCBs in foods. The Administration undertook to provide a written response after the meeting.

27. Dr Pierre CHAN suggested the Administration comprehensively setting local food safety standards and action levels for chemical substances in foods by way of legislation to ensure the safety of imported food. The Chairman indicated support for Dr CHAN's suggestion.

Allegations of hairy crab traders in Hong Kong

28. Noting from media reports that "吳江萬頃太湖蟹養殖有限公司" and "江蘇太湖水產有限公司" supplied to Hong Kong up to 70% to 80% of its total consumption of hairy crabs, Ms Tanya CHAN enquired about the total number of aquaculture farms registered with the Mainland authorities for exporting hairy crabs to Hong Kong. SFH advised that at present, some 70 aquaculture farms had registered with the General Administration of Quality Supervision, Inspection and Quarantine of the Mainland to export hairy crabs to Hong Kong but only nine of them had supplied hairy crabs to Hong Kong this autumn.

29. Dr Elizabeth QUAT noted that some traders of hairy crabs claimed that they ran their own aquaculture farms and the hairy crabs on sale in their shops were from their own farms, not the aquaculture farm "江蘇太湖水產有限公司" stated on the health certificates. She expressed concern about the confusion caused to members of the public and the effectiveness of the current mechanism in tracing and verifying the source of tainted hairy crabs.

30. SFH and Controller/CFS made the following responses:

- (a) according to the information on the relevant health certificates, the tainted crabs came from "吳江萬頃太湖蟹養殖有限公司" and "江蘇太湖水產有限公司". The Administration and the Mainland authorities were concerned about the allegations of some local hairy crab traders. In this connection, representatives of the Administration had met with the Mainland authorities on 7 November 2016 to exchange information concerning the incident;

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- (b) upon clarification by the Mainland inspection and quarantine authorities, the allegations of those traders were not correct. Those traders had only obtained the qualification of running registered transit farms for hairy crabs. According to the Mainland law, the hairy crabs of the registered transit farms must come from aquaculture farms registered by the relevant Mainland authorities. In this particular case, "江蘇太湖水產有限公司" was the legitimate aquaculture farm. While those traders alleged that they ran their own aquaculture farms, the fact was that there was only a procurement contract between the traders concerned and the aquaculture farm "江蘇太湖水產有限公司". In other words, a portion of the hairy crabs produced by "江蘇太湖水產有限公司" this year was in fact sold to those traders. The registered transit farms operated by those traders were only responsible for the packaging of the products; and
- (c) to safeguard public health, CFS had decided to suspend the import into and sale within Hong Kong of the hairy crabs from the two aquaculture farms in Jiangsu Province, the samples of which were found to contain an excessive level of dioxins and dioxin-like PCBs.

31. In response to the Chairman's concern about the difference in information provided by the traders and the Mainland officials about the supply source of hairy crabs, SFH stressed that the Administration had understood from the Mainland inspection and quarantine authorities that the hairy crabs of the registered transit farms owned by the traders concerned actually came from "江蘇太湖水產有限公司". Further investigation would have to be carried out by the Mainland authorities. He reminded local hairy crab traders to observe relevant laws and regulatory measures in the Mainland when operating their hairy crab business.

32. PSFH(F) further explained that the official document "Measures for Supervising and Administering the Inspection and Quarantine of Exit Aquatic Animals (出境水生動物檢驗檢疫監督管理辦法)" issued by the General Administration of Quality Supervision, Inspection and Quarantine of the Central People's Government of the People's Republic of China had set out the requirements, terms and conditions that aquaculture farms or transit farms of exit aquatic animals should meet in order to apply for registration. At the request of the Chairman, PSFH(F) undertook to provide a copy of the said document for members' reference.

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Administration's review of its monitoring measures and regulatory arrangements over dioxins in food

Source of pollutants

33. Mr Tommy CHEUNG and Dr Elizabeth QUAT asked whether the source of dioxins and dioxin-like PCBs causing the incident had been identified. Mr CHU Hoi-dick expressed concern about disposal of garbage and waste incineration in areas adjacent to Taihu where the two aquaculture farms under discussion were situated. Mr Steven HO considered that the Administration should discuss with the Mainland authorities to find out whether the water quality of Taihu had been polluted by dioxins and dioxin-like PCBs produced by waste incineration plants in nearby areas.

34. In response, SFH and PSFH(F) made the following points:

- (a) while dioxins were not drugs/additives used for raising crabs, they were ubiquitous in the environment, which arose either naturally (e.g. volcanic eruptions and forest fires), or as by-products of industrial activities (e.g. production of chemicals, chlorine bleaching of paper pulp and metal smelting). Dioxins were fat-soluble and not easily broken down which tended to accumulate in fatty tissues and along the food chain. It was possible that the problematic crabs had been polluted by the toxic substances in the water;
- (b) investigation into the causes of the incident and the source of the toxic substances would have to be conducted by the relevant Mainland authorities. The Administration did not have the relevant information at the moment; and
- (c) there were some factories operating at the east side of Taihu. The Administration would take note of Members' concern about the source of toxic substances when liaising with the Mainland authorities on the issue.

Arrangements on import of hairy crabs

35. Mr CHEUNG Kwok-kwan sought information as to whether the Mainland authorities had conducted tests on dioxins and dioxin-like PCBs in respect of hairy crabs before issuance of health certificates to the registered aquaculture farms for exporting hairy crabs to Hong Kong. Mr Steven HO suggested that to better control and monitor the safety of food products, consideration be given to conducting tests on dioxins and dioxin-like PCBs

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for hairy crabs before they were imported into Hong Kong so as to make available the test results earlier. Mr HO urged the Administration to liaise with the Mainland authorities with a view to improving the surveillance arrangements in this regard.

36. Noting that the two hairy crab samples from the two aquaculture farms were detected with dioxins and dioxin-like PCBs at level of 11.7 and 40.3 picograms toxic equivalent per gram, which had far exceeded CFS' action level, Ms Tanya CHAN asked how the Administration would work with the Mainland authorities to enhance the monitoring over dioxins in hairy crabs to prevent recurrence of similar incidents in the future.

37. SFH, PSFH(F) and Controller/CFS made the following responses:

- (a) the Mainland inspection and quarantine authorities did not include dioxins and dioxin-like PCBs in their routine food surveillance in the past. In view of the incident, the Mainland authorities agreed in principle to include dioxins and dioxin-like PCBs in their future surveillance to enhance food safety;
- (b) it should be noted that overseas countries set different maximum limits for dioxins and dioxin-like PCBs in foods, taking into account the dietary habits of their people. It would take time for experts from Hong Kong and the Mainland to study relevant issues, including the testing methods for dioxins and dioxin-like PCBs to be adopted by the Mainland and whether the Mainland authorities would adopt Hong Kong's standards as the action level in respect of dioxins and dioxin-like PCBs detected in hairy crabs; and
- (c) the Administration would continue to liaise with the Mainland authorities on the monitoring and regulatory arrangements on import of hairy crabs, including the testing methodology of dioxins and dioxin-like PCBs in hairy crabs.

38. As time was running short, the Chairman requested the Administration to provide after the meeting a written response to the following issues respectively raised by Mr CHAN Han-pan and her:

- (a) the measures taken/to be taken by the Mainland inspection and quarantine authorities to monitor and regulate registered aquaculture farms and registered transit farms for exporting hairy crabs to Hong Kong; and

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- (b) the outcome of the review and liaison between the Administration and the Mainland authorities on the monitoring and regulatory arrangements on import of hairy crabs to Hong Kong, e.g. whether the Mainland authorities would adopt Hong Kong's standards on dioxins and dioxin-like PCBs in hairy crabs.

VII. Private Columbaria Bill

(LC Paper Nos. CB(2)84/16-17(05) to (07) and CB(2)1843/15-16))

39. At the invitation of the Chairman, SFH informed members that the Government aimed to re-introduce into LegCo in late November 2016 the Private Columbaria Bill ("the Bill") to provide for a licensing regime for regulating private columbaria. Members noted that the re-introduced Bill would adopt the framework of the licensing regime discussed and generally supported by the Bills Committee on Private Columbaria Bill of the Fifth LegCo ("the former Bills Committee") and incorporate a total of 547 Committee stage amendments ("CSAs") previously proposed by the Administration over which consensus had already been reached. Members also noted the information note on the subject prepared by the LegCo Secretariat (LC Paper No. CB(2)84/16-17(06)).

40. Members including the Chairman, the Deputy Chairman, Mr CHAN Hak-kan, Dr Elizabeth QUAT, Ms Tanya CHAN, Mr CHAN Chi-chuen, Mr SHIU Ka-chun, Ms Alice MAK and Mr LEUNG Kwok-hung expressed support for early introduction and passage of the Bill. The Chairman said that Members belonging to the Democratic Party were also supportive of the early enactment of the Bill. Mr CHAN Hak-kan considered it necessary to form a Bills Committee to study the Bill in detail. The Chairman said that, according to the Administration's paper (LC Paper No. CB(2)84/16-17(05)), the Bill was scheduled for First Reading at the Council meeting of 23 November 2016. As it would be referred to HC in accordance with Rule 54(4) of the Rules of Procedure, Members could then decide the manner in which the Bill should be further dealt with including the need to form a Bills Committee at the HC meeting on 25 November 2016.

Key features of the re-introduced Bill

41. Referring to the report of the former Bills Committee (LC Paper No. CB(2)1843/15-16), Ms Tanya CHAN noted that during the scrutiny of the original Bill, the Administration had made a number of undertakings (e.g. conducting a review of the Private Columbaria Ordinance around three years after enactment and reporting to this Panel on any difficulties encountered in enforcing section 11(1)(b) of Schedule 5) and SFH had agreed to give the undertakings in his speech for resumption of the Second Reading debate on

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the Bill. Ms CHAN asked whether SFH would include those undertakings in his speech for the First Reading on the re-introduced Bill. SFH replied in the affirmative, adding that the Bill would be re-introduced into LegCo on 23 November 2016 for First Reading and commencement of Second Reading debate, following the gazettal of the Bill on 11 November 2016.

42. Mr CHAN Chi-chuen said that Mr Albert CHAN, who was a Member of the Fifth LegCo, had expressed concern that safeguards should be put in to forestall pre-cut-off columbaria (private columbaria that were in operation immediately before the announcement time of the original Bill, i.e. 8:00 am on 18 June 2014) benefitting from waiving short term tenancy ("STT") rents, waiver fees and administrative fees while levying charges on consumers in respect of the relevant niches beyond the agreements entered into before the cut-off time. There was a suggestion that private columbarium operators be required to provide samples of their agreements with consumers, so as to prevent operators from charging consumers extortionate fees. The Administration had advised at that time that given the large number of agreements between operators and consumers, it was impossible to require operators to provide all agreements. Mr CHAN asked about the measures that the Administration would take to prevent abuse of the arrangements for waiving STT rents, waiver fees and administrative fees.

43. PSFH(F) advised that a private columbarium had to fulfill the eligibility requirements for an exemption in all other respects before waiving STT rents, waiver fees and administrative fees would be considered. In this regard, the Director of Lands might consider exercising discretion, depending on the circumstances and merits of each application. A CSA had been incorporated to empower the Private Columbaria Licensing Board ("Licensing Board") to impose conditions on a specified instrument in respect of a pre-cut-off columbarium, disallowing the imposition of fees, charges or other sums beyond the amounts or not in accordance with any mechanism for their future revision, as set out in the agreement entered into before the cut-off time. As regards other consumer protection measures, a columbarium's eligibility for a licence would also depend on its meeting specified requirements, including the requirements that the columbarium premises being held directly from the Government under a lease and a management plan in respect of the columbarium having been approved by the Licensing Board. The Licensing Board could also impose licensing conditions (e.g. restriction on subletting or assignment in a manner inconsistent with the operation of the columbarium) in respect of a licence.

44. Mr CHAN Chi-chuen said that Ms Cyd HO, who was also a Member of the Fifth LegCo, had suggested the inclusion of the same-sex partner of a deceased person in the definition of "relative" of a deceased person so that

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the same-sex partner could claim for the return of the ashes of that deceased person in case licence applications in respect of the existing columbaria were unsuccessful. During the deliberations of the former Bills Committee, the Administration was requested to advise whether a person who was married to a person of the same sex at a place outside Hong Kong had the right to claim for the ashes of his or her same-sex spouse under the Bill. Mr CHAN and Mr SHIU Ka-chun enquired whether the re-introduced Bill would take on board Members' suggestion of amending the definition of "relative" of a deceased person. SFH responded that if a co-habitee, a fiancé or fiancée, or a same-sex partner married at a place outside Hong Kong was the authorized representative, the personal representative or the purchaser, he/she was entitled to claim for the return of the ashes in that capacity.

45. The Chairman considered it necessary to prevent operators from making use of the processing window prior to the enactment of the Bill to mislead or deceive consumers through quick sale of potentially unauthorized niches. She urged the Administration to collect from operators of private columbaria placed in Part B of the "Information on Private Columbaria" published by the Development Bureau such data, including the number of occupied niches, the number of niches already sold but not yet been occupied and the number of niches available for sale as at the announcement time of the original Bill, to ensure their scale of operation had been frozen.

46. SFH and Director of Food and Environmental Hygiene ("DFEH") responded that upon introduction of the original Bill into the Fifth LegCo, a Notification Scheme was launched administratively to collect information about the operation of private columbaria which were made known to the Government. The information collected under the Scheme, which had been carefully verified by FEHD, allowed the Administration to obtain a fuller picture of the overall landscape of private columbaria in operation and would provide the Licensing Board with some reference in assessing the pre-cut-off status of an applicant in future. DFEH said that the original Bill prohibited interment of ashes after the Bill announcement time in niches that were sold before the Bill announcement time if a dated columbarium opted to apply for exemption. Taking into account the views of members of the former Bills Committee, the Administration agreed that a dated columbarium which intended to apply for exemption might inter ashes in such niches (a) after the Bill announcement time but before the enactment date without affecting its eligibility to apply for an exemption; and (b) after obtaining exemption. Operators, however, must properly keep the relevant agreements and records of interment for future examination by the Licensing Board and the enforcement authority. To protect consumers' interests, the Administration would continue to strengthen its publicity and education efforts in this regard.

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47. Mr LEUNG Kwok-hung sought information on what kind of information had to be recorded in respect of niches with ashes interred after the Bill announcement time and the penalties for contravening the requirements. DFEH replied that in the case mentioned above, essential information including date of purchase or sale of interment rights, names of purchasers and dedicated persons, interment date and related information had to be submitted to the Licensing Board for verification upon request. Any operator who failed to submit the required information might render his/her application for exemption unsuccessful.

48. The Deputy Chairman said that according to his understanding, a number of applications for developing columbarium facilities had been lodged with the Town Planning Board ("TPB"). He expressed concern as to whether a licence would be automatically granted to a columbarium should the latter comply with all the land-related, planning-related and building-related requirements. SFH responded that a columbarium would obtain a licence only if it complied with all the statutory requirements. While TPB's approval for the relevant planning application did not necessarily mean the Licensing Board's granting of a licence, the applicant would have a higher chance of getting a licence if all the statutory requirements were met.

Measures for protecting consumers' interests

49. Dr Elizabeth QUAT said that after the commencement of the new legislation, consumers who felt aggrieved by the arrangements of the columbarium operators might seek remedies through civil legal proceedings. She asked whether the Administration would provide assistance to such consumers. Noting that FEHD would be obliged to handle the unclaimed ashes that remained in case of cessation of columbarium operation, Dr QUAT enquired how FEHD would handle the displaced ashes and the procedures involved.

50. SFH said that upon commencement of the new legislation, a columbarium operator would have to obtain a licence before he/she could sell (or offer for sale) interment rights. To tackle undesirable practices observed in some past cases, the re-introduced Bill would have express provisions stipulating that an agreement for sale of an interment right to be entered into on or after the enactment date was not enforceable against the purchaser under certain circumstances and the purchaser might cancel the agreement by giving the seller a written notice of cancellation and might seek from the seller a refund of all money paid under the agreement. SFH added that to protect consumers' interests before the enactment of the Bill, the Administration had been advising consumers not to make decisions on the purchase of private niches rashly prior to the enactment of the Bill through

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various publicity means. The Administration would continue to enhance public education in this regard.

51. Mr LEUNG Kwok-hung expressed concern about the impact on consumers if records of sale of niches/interment rights were not properly kept by private columbarium operators. DFEH said that to protect their own interests, consumers who chose to purchase niches in private columbaria before the commencement of the new legislation should pay attention to the detailed terms in the agreement (e.g. what arrangements would apply in case of cessation of columbarium operation for any reason, non-renewal of the licence, including whether and if so how a refund or compensation would be made to the consumers and how the interred ashes would be properly disposed of).

52. Ms Alice MAK said that there were rumours that the enforcement authority would not be able to take enforcement actions against a large number of non-compliant columbaria after the new legislation had come into operation. She also noted that some consumers were allured to purchase niches before the commencement of the new legislation. She considered that the Administration should step up consumer education to enhance consumers' awareness of the issue. SFH responded that the Administration would draw up a detailed publicity plan on the re-introduction of the licensing regime for private columbaria.

Anticipated issues that needed to be tackled

53. Mr CHAN Hak-kan expressed concern that a large number of private columbaria might cease operation after the passage of the Bill, bringing about displacement of a considerable number of ashes and a serious shortage of supply of private niches in the near future. He sought information from the Administration on the following matters:

- (a) measures to be taken by the Administration to cope with the estimated shortfall of supply of temporary storage spaces (around 30 000 spaces) for the displaced ashes arising from the cessation of operation of some private columbaria after the passage of the Bill;
- (b) measures to be adopted for increasing the supply of niches in the coming few years to meet the strong public demand; and
- (c) whether any initiatives would be taken by the Administration to facilitate the provision of medium-priced niches in the market to provide more choices for consumers (e.g. by waiving land

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premium for private columbaria with prospect for regularization and setting a cap on the prices of the niches to be sold by these columbaria).

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54. SFH said that under the proposed licensing regime, private columbaria with prospect for regularization would be given time to seek regularization/rectification, with a view to ensuring a sustainable and orderly provision of niches by private columbaria. While the operation of some private columbaria might have been affected since the announcement of the original Bill, it was envisaged that the implementation of the new legislation would not bring adverse impact on the supply of private niches in the market. SFH undertook to provide a written response to issues raised by Mr CHAN Hak-kan after the meeting.

55. In response to the Deputy Chairman's enquiry, SFH said that issues relating to the Administration's provision of temporary storage facilities for displaced ashes would be dealt with administratively. The Deputy Chairman expressed concern that under the existing niche allocation system, some applicants had to wait for years for allocation of public niches. He suggested that consideration be given to according priority in allocating niches to those applicants who had participated in several ballots but still had not been allocated niches. SFH responded that the Administration would consider the suggestion.

VIII. Public columbarium project at Shek Mun

(LC Paper No. CB(2)84/16-17(08))

56. At the invitation of the Chairman, Under Secretary for Food and Health ("USFH") briefed members on the Administration's plan to pilot a totally smoke-free columbarium at Shek Mun for testing public acceptability of columbaria without any facilities for and adopting complete restriction on the burning of offerings and joss sticks, as detailed in the Administration's paper (LC Paper No. CB(2)84/16-17(08)).

(At this juncture (i.e. at around 4:22 pm), Mr LEUNG Kwok-hung drew the Chairman's attention that a quorum was not present at the meeting. At the request of Mr LEUNG, the Chairman directed the Clerk to ring the quorum bell to summon members to the meeting. The meeting resumed at 4:27 pm when a quorum was present.)

The Shek Mun columbarium project

57. Ms YUNG Hoi-yan said that it was her understanding that many local

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residents had indicated opposition to the Shek Mun columbarium project. She was concerned whether the Administration had consulted the local community on the proposed project. Noting that the Administration had conducted a Traffic Impact Assessment ("TIA") Study to assess the additional traffic/pedestrian volume arising from the operation of the columbarium, Ms YUNG sought details of the TIA Study, including the anticipated pedestrian flow at On Hing Lane (an existing road connecting the columbarium site with the adjacent area) during the grave-sweeping periods and the preliminary location of the proposed subway to be built underneath the Tate's Cairn Highway as the major access to the columbarium site.

58. In response, USFH advised that the Administration started consulting the Sha Tin District Council ("STDC") as early as 22 July 2010 and secured its support for the columbarium project on 12 May 2016. In designing the project, the Administration had taken into account the suggestion of some DC members that the Government should consider going for a totally smoke-free columbarium at Shek Mun. Principal Assistant Secretary for Food and Health (Food) 2 added that at the meeting with STDC's Health and Environment Committee on 12 May 2016, the Administration briefed STDC members on the relevant findings of the TIA Study and undertook to keep STDC members posted on any updated developments in respect of STDC members' suggestion to construct the proposed subway. At a further meeting with STDC's Development and Housing Committee on 3 November 2016, STDC members did not have specific concerns about the rezoning in respect of the columbarium site when the amendments to the Sha Tin Outline Zoning Plan were discussed. The preliminary location of the proposed subway was depicted at Appendix 3 to the Administration's paper.

59. Mr CHAN Chi-chuen enquired about the objective of piloting a totally smoke-free columbarium at Shek Mun, and expressed concern as to whether the smoke-free arrangements would be adopted for all public columbarium projects in the pipeline if the pilot scheme was proved to be successful. Mr CHAN said that he might not support the adoption of totally smoke-free arrangements as a general policy as it ran counter to the principle of providing the public with an option to burn offerings and joss sticks at public columbaria. Sharing a similar concern, the Chairman said that due to religious reasons, some members of the public who were emotionally attached to the burning of offerings and joss sticks in paying tribute to their ancestors might still wish to have a choice. The extension of smoke-free arrangements to other columbarium projects might constitute discrimination against people with different religious beliefs and give rise to controversy within the community.

60. USFH responded that during the consultation exercise on the proposed

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project, there had been strong views in the community requesting the Administration to go for a totally smoke-free columbarium at Shek Mun. Having regard to local sentiments, the prevailing concern for environmental protection and the geographical location of the site of the Shek Mun Columbarium, the project in question was selected for piloting the totally smoke-free arrangements. USFH added that the Administration assessed that it was now premature to embrace totally smoke-free columbaria as a general policy applicable to all columbaria. In the future, the question of whether and how restriction on the burning of offerings and joss sticks should be adopted for other public columbarium projects in the pipeline would be considered on a case-by-case basis.

61. In response to Ms YUNG Hoi-yan's enquiry about the criteria to be used for assessing the effectiveness of the pilot scheme, USFH advised that the Administration would take into account the take-up rate of smoke-free niches in the Shek Mun Columbarium. Past allocation results, however, indicated that members of the public, if and when given a choice, tended to prefer niches on non-smoke-free floors over those on smoke-free floors.

62. Mr CHAN Chi-chuen said that he was supportive of the launch of pilot schemes to test if the public accepted the adoption of new practices/measures in public columbaria, including the proposed restriction of burning of offerings and joss sticks. He, however, considered that the take-up rate of smoke-free niches should not be the sole indicator for assessing the effectiveness of the pilot scheme. He surmised that given the limited supply of niches in the market, all niches in the Shek Mun Columbarium would probably be taken up, even if they were smoke-free. USFH responded that apart from assessing the allocation results of the pilot scheme at Shek Mun, FEHD would take into account whether and how visitors of the columbarium would observe the restriction, when there were no facilities at all for burning offerings and joss sticks in the columbarium.

63. Noting that successful allocatees would be required to sign an undertaking to observe the restriction on the burning of offerings and joss sticks on all floors of the Shek Mun Columbarium, the Chairman, Ms YUNG Hoi-yan and Mr CHAN Chi-chuen asked what penalties would be imposed on columbarium visitors for non-compliance with the requirement.

64. USFH advised that to manage public expectation, FEHD had proposed, among others, to require niche allocates to sign an undertaking to observe the restriction on the burning of offerings and joss sticks at the columbarium. To ensure compliance with the restriction, banners for publicizing the restrictions would be put up and FEHD staff as well as security staff would

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conduct patrol frequently, especially during peak grave sweeping periods, to remind visitors of the restriction. The Administration had no plan at this stage to resort to the issuing of fixed penalty tickets to visitors violating the requirement. Assistant Director (Grade Management and Development)/FEHD added that when smoke-free floors were first introduced in 2009, FEHD encountered considerable resistance against the restriction on the burning of offerings and joss sticks on the smoke-free floors. Through continuous efforts made by FEHD staff over the years, there had been significant improvement to the situation. He further advised that from the stage of invitation of application onwards, through measures outlined in Annex 2 to the Administration's paper, prospective applicants for niches in Shek Mun Columbarium would be advised of the smoke-free arrangements there for their compliance.

Promotion of green burial

65. Mr Wilson OR expressed support for the Administration's adoption of the three-pronged strategy to implement the columbarium policy to address the long term demand for facilities and services related to the disposal of cremated ashes. Noting that the number of green burial cases handled by FEHD in 2015 accounted for only 8.7% of the total number of deaths in Hong Kong, he asked whether further measures would be introduced to promote green burial. He suggested that a registration scheme be established for members of the public to indicate their willingness to adopt green burial, similar to the existing registration scheme for organ donation.

66. USFH responded that the Administration recognized the need for proactive and sustained efforts to fortify the necessary mindset changes so as to turn green burial into the mainstream mode for handling human ashes. On the educational front, the Administration had been promoting green burial through various publicity channels such as broadcasting Announcement in the Public Interest and producing booklets, posters and banners for publicity purpose. The Administration had also collaborated with non-governmental organizations to promote green burial when the latter provided advisory and information services to the elderly on after-death arrangements. USFH further gave an account of the Administration's work in improving the attractiveness of green burial facilities and services, including introducing new Gardens of Remembrance at public columbaria, enhancing ferry services for scattering ashes at sea and improving the Internet memorial service. To strengthen strategy formulation, the Administration would set up under the Advisory Committee on Food and Environmental Hygiene a working group focusing on green burial and related issues. This would provide a dedicated platform for tapping the views from a wide cross-section of the community.

IX. The incident of pigs tainted with prohibited veterinary drugs

(LC Paper Nos. CB(2)84/16-17(09) to (10) and CB(2)99/16-17(03) to (04))

67. At the invitation of the Chairman, USFH and Assistant Director (Operations) 3/FEHD ("AD(Ops)3/FEHD") briefed members on the incident of live pigs tainted with prohibited veterinary drug in early August 2016 and the measures taken by the Administration to improve the food safety control at slaughterhouses, as set out in the Administration's paper (LC Paper No. CB(2)84/16-17(09)). Members noted the information note on the subject prepared by the LegCo Secretariat (LC Paper No. CB(2)84/16-17(10)). Members also noted the referral from the Public Complaints Office of the LegCo Secretariat on issues relating to the procedures for testing and slaughtering pigs (LC Paper No. CB(2)99/16-17(03)) and the submission dated 3 November 2016 from Federation of Hong Kong Agricultural Associations on the tainted pigs incident (LC Paper No. CB(2)99/16-17(04)).

The Administration's follow up actions in response to the tainted pigs incident

68. Ms YUNG Hoi-yan said that as reported in the media, the 319 live pigs found to contain residues of beta-agonist came from two registered farms in Jiangxi Province but the Mainland authorities could not identify the source/any trace of veterinary drug in the farms concerned. She expressed concern as to whether the live pigs in question had been mixed with other pigs supplied by other Mainland registered farms during the transportation process. She and the Chairman sought information on the investigation progress of the incident.

69. USFH responded that investigation into the incident on the Mainland side was under the jurisdiction of the relevant Mainland enforcement agencies and no information on the latest position of their investigation had been received by the Administration. As the concentration level of veterinary drug found in relevant urine samples was abnormal, the Food and Health Bureau ("FHB") had reported the case to the Police on 22 August 2016 for the latter's investigation. The Police had commenced its investigation including the transportation process of live pigs in Hong Kong and the work flow of the slaughterhouses. So far, there was no evidence confirming whether the live pigs were drugged after they had been imported into Hong Kong. The Police would continue its investigation should there be any new clues and would notify FHB if any new findings were to be revealed.

70. In response to Dr Pierre CHAN's enquiry, AD(Ops)3/FEHD advised that to offset the loss of retailers affected in the incident, FEHD had granted a

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one-off ex-gratia payment to the retailers concerned for the disposal of pork and offal (which were either confiscated by FEHD or surrendered by retailers), based on the retail price of pork announced by the Census and Statistics Department. The total amount of ex-gratia payment made was about \$310,000.

71. The Chairman expressed concern about the problems revealed and the Administration's responsibilities in the incident. USFH and AD(Ops)3/FEHD made the following responses:

- (a) the Administration had announced the results of its investigation at the press conference held on 19 August 2016 and acknowledged its responsibility for the incident. In gist, owing to the failure on the part of its staff at the Sheung Shui Slaughterhouse ("SSSH") in strictly observing the established procedures and guidelines and inadequate communication between staff, FEHD could not prevent part of the pigs among the two batches in question from being slaughtered at SSSH and released to the market on 5 August 2016;
- (b) regarding the tracing of the pork released to the market, FEHD found that Ng Fung Hong, the operator of SSSH, had not kept entirely accurate information on retail outlets concerned. In addition, different importers imported pigs from one of the farms concerned on 3 and 4 August 2016 and some of the pigs from the two batches were slaughtered at SSSH together on 5 August. Since the computer system of the operator did not keep the records that could distinguish the two batches of pigs, this made it more difficult for FEHD to trace the distribution of the affected pork; and
- (c) on following up on the list of the retail outlets, the pig buying agents in this particular case had provided their transaction records to FEHD upon requests. During verification, FEHD found that some of the transaction records were incomplete. Further investigation revealed that all of the 27 affected retail outlets announced on 5 August 2016 had been supplied with pigs imported from the affected farms and slaughtered at SSSH on the same day. Among them, 11 outlets were supplied with the affected pigs imported on 4 August. The remaining 16 outlets were supplied with pigs imported on 3 August which had passed the urine test. FEHD had issued a letter of apology to each of them.

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72. Noting that for identification purpose, bodies of live pigs were tattooed with an identification number and applied with a "Government Inspected" stamp, Ms YUNG Hoi-yan asked whether consideration would be given to adding more information to the stamp so as to facilitate the tracing of pigs in the future.

73. AD(Ops)3/FEHD replied that under the current arrangements, live pigs from Mainland registered farms had to be tattooed with a unique farm code before entering the slaughterhouses. After the pigs had been slaughtered, the pig carcasses passed the inspection were tattooed with a retailer code showing the individual retail outlets to which the pigs would be delivered. AD(Ops)3/FEHD said that in addition to the measures set out in the Administration's paper for improving the operation of the slaughterhouses, FEHD had established a working group ("the working group"), chaired by him and comprised relevant stakeholders, with a view to establishing a reliable record keeping system to ensure the accuracy of information of the distributors and retail outlets involved in the transaction and facilitating the tracing of pigs released to the market. As agreed by all live pig importers at the working group meeting on 26 September 2016, an additional importer code would be tattooed on the bodies of live pigs showing the name of live pig importer and the date of import. This measure had subsequently been adopted by importers as a standard practice, with a view to enhancing the tracing of the distribution of pigs when need arose in the future.

74. Noting that food traders were required under the Food Safety Ordinance (Cap. 612) to maintain proper transaction records to facilitate CFS's tracing of the source and movement of food in the event of food incidents, the Deputy Chairman expressed concern that FEHD had failed to trace accurately the distribution of the affected pork in the incident under discussion. In his view, the incident had undermined public confidence in the existing food tracing mechanism. He was also concerned whether any loopholes had been identified in the mechanism.

75. Assistant Director (Food Surveillance and Control)/CFS ("AD(FSC)/CFS") explained the current requirements of keeping transaction records by food traders under the Food Safety Ordinance. She and AD(Ops)3/FEHD said that in view of the tight time frame for releasing slaughtered pigs (normally, pig carcasses had to be released to the market within one to two hours after the slaughtering process), it was difficult to collect transaction records from buying agents and retailers within a short time span for the purpose of tracing the distribution of pigs. While the current food tracing mechanism had been functioning smoothly, it might not be applicable to the operation of slaughterhouses and the tracing of fresh food produce like pig carcasses. USFH and AD(Ops)3/FEHD reiterated that to

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improve the food tracing mechanism, the working group would strive to establish a reliable record keeping system in consultation with stakeholders. An emergency contact list would also be compiled and regularly updated for enhancing communication among parties concerned.

76. Dr Pierre CHAN expressed concern that improper and excessive use of agricultural chemicals and veterinary drugs in food animals would have adverse impact on human health. He was worried that the use of such chemicals and drugs might not be detected by CFS or the Agriculture, Fisheries and Conservation Department ("AFCD") if farmers stopped the medication somewhat before discharging the food animals (pigs as in the present case) for slaughtering in order to reduce the chance of detection. Dr CHAN suggested that to ensure food safety, the Administration should adopt the following measures: (a) establishing local food safety standards in light of international practices and banning the import of foods not meeting the standards; (b) enacting legislation to regulate the use of antimicrobial compounds in food animals and animal husbandry; (c) making it a mandatory requirement that the use of antimicrobial compounds in food animals had to be prescribed by veterinary surgeons and establishing guidelines on such use in consultation with relevant stakeholders; and (d) providing financial subsidies to farmers affected by the regulatory measures where necessary.

77. USFH responded that CFS and AFCD had made reference to international practices in determining the types of food samples to be collected and the types of laboratory analysis to be conducted to ensure food safety. CFS and AFCD had also maintained close liaison with the Mainland and overseas regulatory bodies on food safety matters. A high-level steering committee had been set up to tackle the threat of antimicrobial resistance ("AMR") to public health. The Expert Committee on Antimicrobial Resistance formed under the steering committee was chaired by Professor YUEN Kwok-yung. The Expert Committee had convened its first meeting on 1 November 2016 to discuss the overview of AMR surveillance and other relevant issues.

Procedures for testing and slaughtering live pigs

78. The Chairman said that some Duty Roster Members had met with the representatives of the Federation of Hong Kong Agricultural Associations ("the Federation") on 1 November 2016 to follow up on a complaint lodged by the Federation about the procedures for testing and slaughtering pigs. She requested the Administration to provide written responses to the issues raised in the referral from the Public Complaints Office of the LegCo Secretariat and the submission from the Federation.

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79. Mr Steven HO said that he learnt from the Federation that when the Government established in 1999 a testing system for agricultural chemicals and veterinary drugs residues in imported live pigs supplied from the Mainland, FEHD collected urine samples from each and every consignment of live pigs entering the slaughterhouses for screening tests for beta-agonist. At that time, no pig could be put up for bidding, relocated to waiting/holding lairages nor slaughtered unless the concerned consignment had passed the screening tests conducted by the veterinary laboratory of AFCD. However, after the number of live pig importers had increased from one to three in 2007, the Administration established a new testing system under which buying agents were allowed to bid for live pigs and transfer the pigs to waiting/holding lairages for slaughtering, even the urine test results were yet made available. Mr HO and the Chairman expressed concern that the transferring of pigs out of the auctioning lairages after the bidding process could cause difficulties to FEHD in tracing the right batch(es) of pigs for conducting a second screening test when any consignment failed the first screening test. Mr HO was of the view that the relocation of live pigs to waiting lairages might bring about the risk of cross-transmission of infectious diseases among pigs. Mr HO was also concerned whether the result of the second screening test could only be admissible as evidence in legal proceedings.

80. Mr Steven HO further requested the Administration to provide the number of consignment of live pigs found to contain prohibited veterinary drugs, the number of live pigs involved and the follow-up actions taken by the Administration in these cases (including the number of prosecutions initiated by FEHD and the number of successful prosecutions taken out), respectively for the periods (i) from 1999 to 2007 and (ii) from 2007 up to present. AD(FSC)/CFS responded that since the implementation of the Public Health (Animals and Birds) (Chemical Residues) Regulation (Cap. 139N) in 2001, 36 urine samples from imported live pigs were found to contain residues of beta-agonists (Clenbuterol/Salbutamol) between 2002 and 2006. Through the publicity efforts made over the years and the collaboration between Government departments and the trade, the number of urine samples of live pigs tested positive for beta-agonists had reduced in recent years. From 2007 to October 2016, only four urine samples of live pigs were detected with beta-agonist residues. AD(FSC)/CFS undertook to provide other information sought by Mr HO after the meeting.

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81. Echoing the views of the Chairman and Mr Steven HO on the current procedures for testing and slaughtering pigs, Ir Dr LO Wai-kwok opined that the testing arrangements adopted before 2007 enabled the trade to timely distinguish the pigs in question for conducting a second screening test. He asked whether consideration would be given to restoring the original testing system.

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82. In response, USFH and AD(FSC)/CFS made the following points:
- (a) in response to the incident of tainted pigs, FEHD had explored with stakeholders, including AFCD, the slaughterhouse operators, live pig importers and pig buying agents, on possible improvements to the operation of the slaughterhouses, with a view to ensuring that all stakeholders would be fully engaged to prevent recurrence of similar incidents in the future. The measures that had been/would be taken were set out in paragraph 12 of the Administration's paper;
 - (b) FEHD had reminded all staff at the slaughterhouses that the overarching principle was to ensure food safety and thus no pig could be slaughtered and released to the market unless the concerned consignment had passed the beta-agonist screening tests conducted by AFCD's veterinary laboratory;
 - (c) in the event that a consignment failed a screening test, it would be of paramount importance to allow sufficient buffer time to take remedial actions including conducting further screening tests and transferring the pigs concerned to isolation lairages. To this end, AFCD's veterinary laboratory had made efforts to advance the completion of the first screening test and notification of the negative results to the stakeholders concerned. Broadly speaking, since early October 2016, notification of the results for over 80% of the daily turnover had been made at least six hours before the slaughter production line commenced operation, while less than 20% of the daily turnover had been made at least two and a half hours before the slaughter production line commenced; and
 - (d) as the bidding of live pigs was commercial activities between live pig importers and buying agents which did not involve food safety issues at slaughterhouses, the Administration would not interfere with the business operation of the trade. The current bidding arrangements had been operating smoothly over the years. FEHD would continue to perform its gatekeeping role in screening out pigs that did not meet the statutory requirements on beta-agonist usage.
83. Superintendent (Slaughterhouse)/FEHD and AD(Ops)3/FEHD further advised that the bidding of live pigs normally started at about 10 am every morning. Pigs that would be slaughtered at night would be transferred to waiting lairages after the bidding process. Due to the trade's operation where

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pigs arrived at slaughterhouses at different times of a day, urine samples collected by FEHD were tested in three periods on each day, and test results of the urine samples were released by AFCD's veterinary laboratory in stages. FEHD would ensure that no pig could be slaughtered and released to the market unless the concerned consignment had passed the beta-agonist screening tests conducted by AFCD's veterinary laboratory.

84. Regarding the tracing and picking out of implicated pigs from the lairages in the slaughterhouses, AD(Ops)3/FEHD advised that it was an established practice of pig buying agents to put marks on the bodies of the pigs for identification purpose after the bidding process. At the working group meeting held in September 2016, it was agreed among members of the trade that the picking out of implicated pigs could be done if pig buying agents were given at least two hours' notification before the slaughter production line commenced operation. Past cases also revealed that buying agents had no difficulty in tracing the implicated pigs in their lairages.

(To allow sufficient time for discussion, the Chairman directed that the meeting be extended for 15 minutes.)

85. Ir Dr LO Wai-kiwok opined that the tainted pigs incident had revealed that there were loopholes in the current testing system. He maintained his view that consideration should be given to restoring the original testing system to facilitate timely identification of pigs in question. Senior Veterinary Officer (Slaughterhouse (Veterinary))/FEHD responded that FEHD had all along upheld the principle that only pigs with their urine samples tested negative would be dispatched for slaughtering at the production line and released to the market, irrespective of the change to the bidding arrangements of live pigs among importers and buying agents in 2007.

86. Principal Assistant Secretary for Food and Health (Food) 3 supplemented that with improvements made to the testing procedures, notification of testing results for over 80% of the daily turnover had been made at least six hours before the slaughter production line commenced. Buying agents would have sufficient time to distinguish live pigs in question, if needed, for conducting a second screening test. The Administration had no plan to interfere with the current bidding arrangements which were commercial activities of the trade. It should be noted that the operation of SSSH described by the Federation in its submission did not reflect accurately the actual situation. At the request of the Chairman, USFH undertook to provide the Panel with details of the established operational procedures of slaughterhouses for preventing tainted pigs from being slaughtered and released to the market.

Action

87. Mr CHAN Chun-ying was of the view that the current arrangements of segregating live pigs in different lairages after the bidding process made it difficult for FEHD to distinguish live pigs imported by different importers and hold the relevant importer(s) responsible for importing tainted pigs. Senior Veterinary Officer (Slaughterhouse (Veterinary)/FEHD said that the established practice among the trade for live pig importers and buying agents to screen out the problematic pigs upon FEHD's request was effective and efficient. FEHD would ensure that the pig production line would not commence operation unless it could be confirmed that pigs in question were successfully relocated to the isolation lairages for detention purpose.

Admin

88. Mr Wilson OR said that the Administration's paper did not elaborate on the work of the working group established by FEHD. He requested the Administration to provide supplementary information on the measures to be adopted for enhancing communication among relevant stakeholders to ensure accuracy of information of the distributors and retail outlets involved in the transaction, with a view to facilitating the tracing of pigs released to the market.

Admin

89. Mr Steven HO hoped that the working group would consider members' suggestion of restoring the original testing system for agricultural chemicals and veterinary drugs. USFH said that FEHD had discussed the improvement measures with stakeholders at its meeting held in September 2016. The working group would convene another meeting in late November 2016 to examine the established work flow of slaughterhouses. At the Chairman's request, USFH undertook to revert to the Panel on the recommendations of the working group on how to further enhance the entire work flow of the slaughterhouses.

X. Any other business

90. There being no other business, the meeting ended at 5:47 pm.

Panel on Food Safety and Environmental Hygiene
Subcommittee to Study Issues Relating to Animal Rights
Proposed terms of reference, work plan and time frame

Proposed terms of reference

To study and follow-up on policies and measures relating to animal rights, and to put forward recommendations where necessary.

Proposed work plan

The subcommittee will focus on studying and making recommendations on the following major issues :

- (a) the Administration's policies on handling and combating animal cruelty cases;
- (b) concrete details and timetable for establishing animal police teams;
- (c) work progress of and codes of operation adopted by animal rights-related units currently within the Government structure;
- (d) measures to promote among members of the public animal adoption;
- (e) reviewing the policies on import and export control of animal skin and fur as well as products with ingredients of animals of endangered species;
- (f) reviewing the Administration's efforts in handling community animals;
- (g) monitoring the impact of large-scale infrastructural projects on endangered wild animals;
- (h) examining animal rights-related traffic ordinances and other relevant legislation;
- (i) examining relevant measures currently in place that regulate the safety of pet food; and
- (j) other subject matters relating to animal rights.

Proposed time frame

The Subcommittee will complete work within 12 months of its commencement and report to the Panel.