

# 立法會

## *Legislative Council*

LC Paper No. CB(2)1310/16-17

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by the Administration)

Ref : CB2/PL/FE

### **Panel on Food Safety and Environmental Hygiene**

#### **Minutes of meeting**

**held on Tuesday, 24 January 2017, at 4:30 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 LEUNG Yiu-chung  
Hon Tommy CHEUNG Yu-yan, GBS, JP  
Prof Hon Joseph LEE Kok-long, SBS, 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 LEUNG Kwok-hung  
Hon Claudia MO  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon Steven HO Chun-yin, BBS  
Hon CHAN Chi-chuen  
Hon LEUNG Che-cheung, BBS, MH, JP  
Hon Alice MAK Mei-kuen, BBS, JP  
Dr Hon KWOK Ka-ki  
Hon KWOK Wai-keung  
Dr Hon Fernando CHEUNG Chiu-hung  
Dr Hon Elizabeth QUAT, JP  
Hon Martin LIAO Cheung-kong, SBS, JP  
Dr Hon CHIANG Lai-wan, JP  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP  
Hon Alvin YEUNG  
Hon CHU Hoi-dick  
Hon SHIU Ka-fai  
Hon Wilson OR Chong-shing, MH  
Dr Hon Pierre CHAN

Hon Tanya CHAN  
Hon Kenneth LAU Ip-keung, MH, JP  
Hon Jeremy TAM Man-ho  
Dr Hon YIU Chung-yim  
Dr Hon LAU Siu-lai

**Members  
absent** : Hon WONG Kwok-kin, SBS, JP  
Hon CHAN Han-pan, JP  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Hon Andrew WAN Siu-kin  
Hon HO Kai-ming  
Hon SHIU Ka-chun  
Hon CHEUNG Kwok-kwan, JP  
Hon HUI Chi-fung  
Hon LUK Chung-hung  
Hon KWONG Chun-yu  
Hon Nathan LAW Kwun-chung

**Public Officers  
attending** : Item I

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

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

Mr Daniel CHENG Chung-wai, JP  
Permanent Secretary for Food and Health (Food) (Acting)

Mr Eugene FUNG Kin-yip, JP  
Deputy Secretary for Food and Health (Food) 2

Miss Vivian LAU Lee-kwan, JP  
Director of Food and Environmental Hygiene

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

Dr LEUNG Siu-fai, JP  
Director of Agriculture, Fisheries and Conservation

Dr LEE Wai-on  
Government Chemist (Acting)  
Government Laboratory

Item II

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

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

Mr LI Ka-kei  
Assistant Director (Operations) 1  
Food and Environmental Hygiene Department

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

**Staff in attendance** : Ms Wendy LO  
Senior Council Secretary (2) 2

Mr Roger CHUNG  
Council Secretary (2) 2

Miss Emma CHEUNG  
Legislative Assistant (2) 2

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- I. Briefing by the Secretary for Food and Health on the Chief Executive's 2017 Policy Address**  
(LC Paper No. CB(2)659/16-17(01), The 2017 Policy Address booklet and The 2017 Policy Agenda booklet)

Secretary for Food and Health ("SFH") briefed members on the new initiatives set out in the Chief Executive's 2017 Policy Address relevant to the policy portfolio of the Food and Health Bureau ("FHB") and the major ongoing initiatives undertaken by FHB, as detailed in the Administration's paper (LC Paper No. CB(2)659/16-17(01)).

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(*Post-meeting note:* The speaking note of SFH (Chinese version only) tabled at the meeting was issued vide LC Paper No. CB(2)702/16-17 on 25 January 2017.)

Provision and management of public markets

2. Members including Mr Michael TIEN, Ms Alice MAK, Mr LEUNG Che-cheung, Mr LEUNG Yiu-chung, Mr Wilson OR and Dr Fernando CHEUNG welcomed the Administration's proposal to build public markets in the Tung Chung New Town Extension Area and Hung Shui Kiu New Development Area ("NDA").

3. Mr Michael TIEN expressed concern that as the existing population in Tin Shui Wai had already reached 300 000, and the population in Hung Shui Kiu NDA was expected to exceed 200 000 by 2024, building a public market at Hung Shui Kiu NDA alone could not cope with the demand of residents living in these two areas. He pointed out that there were five public markets in Yuen Long to serve about 300 000 local residents, but there was only one public market in Tin Shui Wai. Many residents living in Tin Shui Wai had to travel to Yuen Long to purchase fresh foods, for more choices and diversity as well as lower prices. In his view, the Administration should identify other suitable sites in Tin Shui Wai (e.g. the existing site of the Food and Environmental Hygiene Department ("FEHD")'s Yuen Long Vehicle Depot in Tin Tan Street) for building public markets to specifically serve the residents there. His view was echoed by Ms Alice MAK.

4. Director of Food and Environmental Hygiene ("DFEH") responded that the site of the vehicle depot had already been reserved for phase 3 extension of Tin Shui Wai Hospital. That said, FEHD had endeavoured to identify suitable sites in Tin Shui Wai for the provision of public markets but to no avail. At Mr Michael TIEN's request, DFEH undertook to provide information on other suitable sites identified/proposed for development of new public markets (including the number and respective location of the sites) that were purported to serve the residents living in NDAs, such as Tin Shui Wai, and the considerations behind respective proposals.

5. Ms Alice MAK said that Members belonging to the Hong Kong Federation of Trade Unions had requested the Development Bureau ("DEVB") to reserve land in Tung Chung New Town Extension Area and Hung Shui Kiu NDA for provision of public markets. She and Dr Elizabeth QUAT asked whether the Administration would build public markets in other NDAs, such as Tseung Kwan O and Ma On Shan, where most of the existing markets were operated by the Link Real Estate Investment Trust ("the Link"). Dr QUAT hoped that the Administration would provide public markets in

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new towns, in particularly at residential areas with high population such as Lohas Park in Tseung Kwan O.

6. SFH advised that FHB had worked with relevant bureaux and departments to identify sites for building public markets in developed districts but had encountered considerable difficulties in doing so. As an alternative, the Government was exploring the feasibility of building large-scale public markets at locations well-connected by public transport and easily accessible to the public, so that the markets could serve the mass population in the neighbouring districts. SFH further said that while priority was given to Tung Chung New Town Extension Area and Hung Shui Kiu NDA where the demand for public markets was keen, the Government would continue to identify suitable sites in other NDAs to build public markets.

7. Citing the case of Tai Po Hui Market as an example, Ir Dr LO Wai-kwok pointed out that large-scale public markets with good design could provide a greater variety of choice of fresh food to attract patronage. He suggested that parking spaces be provided in new public markets to make the markets more accessible to the public. SFH responded that the proposal of providing parking spaces would depend on the actual circumstances of individual sites identified for building public markets.

8. Noting that some organizations/concern groups had proposed a number of sites in various districts throughout the territory for building public markets, Mr LEUNG Yiu-chung urged FHB to discuss the proposals at the earliest opportunity with these organizations/concern groups. Mr CHAN Chi-chuen asked whether consideration would be given to building public markets in existing Government buildings, e.g. multi-purpose community complex, as suggested by some organizations/concern groups. SFH said that there were cases where public markets and other public facilities were housed in the same building. While the Administration welcomed suggestions from community groups, it needed to first conduct an internal assessment on individual proposals before taking any decisions.

Retrofitting air-conditioning facilities in public markets

9. Noting that FEHD was taking forward the follow-up work in 10 markets/cooked food centres/cooked food markets where sufficient tenants' support had been obtained for the retrofitting of air-conditioning facilities, Mr KWOK Wai-keung and Ms Starry LEE enquired about the timetable for completing the installation work in each of the 10 markets. Dr Fernando CHEUNG expressed concern about the slow progress of the Administration in taking forward the initiative. Stressing the imminent need to install air-conditioning in some of the public markets, e.g. the Aberdeen Market,

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to improve their poor ventilation, Ms LEE enquired about the criteria adopted by the Administration in determining the priorities for retrofitting air-conditioning in those 10 markets. In her view, consideration should be given to seeking a one-off funding from the Government to expedite the retrofitting works. Mr CHAN Chi-chuen made a similar suggestion.

10. SFH responded that according to the established mechanism, if a preliminary consensus on retrofitting air-conditioning facilities in a particular public market was reached at the relevant Market Management Consultative Committee's meeting, FEHD would conduct a survey to gauge the views of all tenants. Subject to there being sufficient support from the tenants (i.e. no less than 80% of tenants expressed support) for retrofitting air-conditioning, FEHD would conduct a technical feasibility study. Taking into account the findings of the study and other relevant factors, FEHD would decide whether there was a case for seeking funds to carry out the retrofitting works.

11. DFEH supplemented that due to the old design of some existing public markets, FEHD faced considerable technical difficulties in taking forward the air-conditioning retrofitting works. This notwithstanding, FEHD would work closely with the Architectural Services Department and the Electrical and Mechanical Services Department to roll out, in batches, the preliminary technical feasibility studies on the relevant works. The installation works would first be implemented in Tai Wai Market and Shui Wo Street Market Cooked Food Centre where sufficient tenants' support had been obtained before the threshold of tenants' support for retrofitting air-conditioning was lowered from 85% to 80% with effect from 1 July 2015. DFEH further gave an account of the progress of the retrofitting works in Tai Wai Market and Shui Wo Street Market Cooked Food Centre. She said that despite the technical difficulties encountered, FEHD would continue to liaise with the tenants concerned with a view to reaching a consensus on the projects.

12. Mr Wilson OR expressed dissatisfaction that bureaux and departments involved had been shifting responsibility to one another in handling the installation of air-conditioning system in Shui Wo Street Market where tenants' support for the project had been obtained back in 2010. He strongly suggested that a dedicated task force be set up to take forward the retrofitting works in various public markets and to expedite the process.

13. The Chairman requested the Administration to provide information on (a) FEHD's progress in taking forward the installation of air-conditioning in the 10 public markets which had obtained overwhelming support from tenants for the retrofitting of air-conditioning systems and (b) the timetable for completing the installation work in each of the 10 markets.

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14. Mr KWOK Wai-keung expressed concern that it was quite difficult to secure sufficient support from tenants, even with the lowering of the threshold from 85% to 80%. He asked whether consideration would be given to further lowering the threshold. SFH replied that while the Administration would not rule out the possibility, it would focus on the installation works in the 10 public markets at the present stage. Regarding the case mentioned by Mr KWOK in which a tenant operating in Quarry Bay Market requested for FEHD's assistance in the installation of air-conditioning system, SFH invited Mr KWOK to refer the case to FEHD for follow-up.

15. Mr CHAN Chi-chuen was of the view that the Administration should improve the operating environment of public markets before reviewing the rentals for public market stalls. He enquired about the Administration's proposed way forward for the public market rental adjustment arrangements. SFH advised that the rental freeze for public market stalls had been extended for a number of times until 30 June 2017. It was the plan of the Administration to brief the Panel on the way forward in due course, having considered the recommendations of the Consultancy Study on Ways to Improve the Operating Environment of Public Markets. In response to Dr Fernando CHEUNG's enquiry, SFH said that FEHD had not outsourced the operation of public markets to contractors.

Proposals for setting up bazaar and night markets

16. Mr LEUNG Yiu-chung considered that the Administration should work out interim measures to address public demand for shopping facilities before new public markets were built and opened for use. The Deputy Chairman said that the North District Council ("DC") had completed a feasibility study on the setting up of bazaars and night markets in North District. He hoped that the Administration could provide support to the projects proposed by North DC. SFH advised that the Administration had been proactively liaising with the Home Affairs Department as well as the 18 DCs and rendering support for bazaar development in various districts. To his understanding, the relevant departments were exploring suitable sites for setting up bazaars in the North District and some progress had been made in this regard.

17. Mr LEUNG Che-cheung was concerned that it would take quite a long time for the Government to build a large-scale public market in Hung Shui Kiu NDA. He noted that some organizations had applied for setting up bazaars in public housing estates in Tin Shui Wai. As the proposals had obtained strong support from the relevant mutual aid committees, he hoped that the Administration could streamline the application procedures and expedite the consultation for early implementation of the proposed projects.

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SFH advised that the Administration needed to consult the relevant DC to ensure that there was support for the projects from the community.

18. Dr LAU Siu-lai said that she had received complaints from some organizations that the application procedures for setting up bazaars were cumbersome. She suggested that a one-stop service gateway be introduced for the setting up of bazaars, under which FHB should be the sole recipient of all application documents and should make referrals to relevant departments for follow-up actions. In her view, the Administration should proactively identify vacant land for establishing bazaars and consider relaxing restrictions in respect of using "naked flame" in bazaars for cooking or heating food.

19. SFH responded that FHB had been following up with government departments and parties concerned on various bazaar proposals. For instance, FHB was liaising with the Housing Department and the Link on the use of a site in a public housing estate in Tin Shui Wai for organizing a bazaar and FEHD was handling applications for operating stalls in the two bazaars proposed to be set up during the Lunar New Year in Sham Shui Po. FHB would examine with the relevant departments in detail the sites proposed by certain organizations for setting up bazaars.

Environmental hygiene issues

20. The Deputy Chairman opined that FEHD's practice of awarding cleansing service contracts under the existing service contract tendering mechanism to the lowest bidder was the root cause for inferior cleansing services. He enquired about FEHD's progress of reviewing the tendering system. SFH replied that the Administration issued a circular in May 2016 on revised guidelines concerning the marking scheme for government service contracts that relied heavily on deployment of non-skilled workers. FEHD would take into account the effectiveness of the revised guidelines, in reviewing its cleansing contract tendering system.

21. The Deputy Chairman, Mr Wilson OR and Mr LEUNG Kwok-hung were concerned that only three districts were selected by FEHD for launching a six-month pilot scheme on installation of Internet Protocol ("IP") cameras ("pilot scheme") to facilitate the monitoring of offences at refuse dumping black spots. They enquired whether the Administration would consider extending the pilot scheme to cover all 18 districts across the territory and if yes, the timetable for extending the pilot scheme. Expressing strong dissatisfaction that the pilot scheme did not cover all 18 districts, Ms Starry LEE cast doubt on how the annual provision of an additional funding of \$119 million and the setting up of dedicated teams could help improve district environmental hygiene.



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22. SFH responded that as installation of IP cameras might give rise to privacy concerns, the Administration decided to launch the pilot scheme at three districts as a trial. The Administration would ride on the experience gained in the pilot scheme and consider extending the scheme to other districts, subject to positive outcome and DCs' endorsement of the scheme. To address district environment hygiene problems, the Government would provide an additional funding of \$119 million annually to enhance the cleansing of the environment, including the installation of IP cameras. DFEH added that while the Administration would examine the effectiveness of the pilot scheme upon its completion before deciding on the way forward, respective DCs could put up to FEHD in the meantime their proposals for installation of IP cameras at hygiene black spots in their districts.

23. The Deputy Chairman asked whether consideration would be given to providing additional funding to DCs for setting up "Funds for Improving Community's Environmental Hygiene" so that individual DCs might make use of the additional resources to address environmental hygiene problems unique to their districts. SFH said that the Administration would follow up with other relevant bureaux and departments, e.g. the Home Affairs Bureau, on this suggestion of members.

24. Dr CHIANG Lai-wan expressed concern that the environmental hygiene condition in many districts was getting worse. Highlighting the rodent problem in West Kowloon, she urged the Administration to take measures to improve the situation. In her view, the Administration should consider delegating FEHD's cleansing work to the 18 DCs as DC members fully appreciated the environmental hygiene problems in their districts and could assist in monitoring the cleansing services. SFH responded that the Administration would allocate additional resources, step up law enforcement and prosecution efforts and enhance civic education to provide a clean and hygienic environment. He would bring up the rodent problem at the regular meeting mechanism with the Chairmen and Vice-chairmen of the Food and Environmental Hygiene Committees of DCs.

25. Mr CHU Hoi-dick enquired about the measures to be taken by FEHD in tandem with the implementation of the municipal solid waste ("MSW") charging to be introduced by the Environment Bureau. He was particularly concerned as to whether there would be changes to the functions of FEHD's refuse collection points ("RCPs") and the duties of outsourced cleansing contractors after the implementation of MSW charging and whether consequential amendments would be made to relevant legislation, e.g. the Public Cleansing and Prevention of Nuisances Regulation (Cap. 132BK). SFH replied that FEHD would discuss with the Environment Bureau

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arrangements to complement MSW charging at the Steering Group on the Modification of Recycling and Refuse Collection Facilities in Public Places, chaired by the Secretary for the Environment. DFEH said that while it might not be possible to separate recyclables for recycling at existing RCPs as suggested by some green groups due to the limited size of the existing RCPs, the Administration kept an open mind towards proposals to be put forward by the consultant engaged by the Environment Bureau to study, among others, the modification of RCPs to complement MSW Charging.

New Agriculture Policy

26. Dr YIU Chung-yim enquired about the implementation progress of the New Agriculture Policy ("NAP"). Mr Steven HO expressed concern about the Administration's timetable for implementing the initiative of setting up Agricultural Priority Areas ("APAs") under NAP which aimed to preserving land for long-term agricultural uses.

27. SFH said that in the first quarter of 2015, the Administration conducted a consultation exercise seeking public views on adopting a more proactive approach towards the modernization and sustainable development of local agriculture. In the 2016 Policy Address, the Chief Executive announced that the Government would implement NAP to promote the local agricultural industry. Under NAP, an Agricultural Park would be established, and the engineering feasibility study on its establishment would be completed soon. In addition, FHB and DEVB would jointly commission a consultancy study to identify the location of relatively large areas of quality agricultural land as APAs. The Administration envisaged that there would be divergent views on the proposed locations as APAs. It would study the views of stakeholders carefully.

28. Mr Steven HO said that some farmers who were not owners of agricultural land were affected by the Government's development plans but had not been provided with any compensation. He asked whether any measures and financial support were in place to assist the farmers concerned. Director of Agriculture, Fisheries and Conservation ("DAFC") said that farmers operating on the affected farmland had expressed their concerns to DEVB. As there were established rules and practices relating to resumption of land for public purposes, FHB would follow up with DEVB, the responsible Bureau on land resumption matters, on how to better provide assistance to these farmers.

29. Dr Elizabeth QUAT said that some non-governmental organizations ("NGOs") hoped to make use of fallow farmland to set up leisure farms to provide educational and recreational opportunities for city dwellers. She

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asked whether the Sustainable Agricultural Development Fund ("SADF") would provide funding support to NGOs for promoting leisure farming. DAFC responded that while SADF was tailored to accommodate projects, schemes or research work that would help farmers enhance their productivity and output, it might provide funding support to NGOs for carrying out educational projects that were conducive to agricultural development.

30. Dr YIU Chung-yim enquired whether a self-sufficiency target would be set for local agricultural production under NAP to ensure food safety and stable food supply. SFH responded that given the relatively modest scale of local agriculture, Hong Kong had to rely heavily on fresh food imported from the Mainland. The Administration would review the effectiveness of NAP, before setting any targets for local agricultural production. He advised that the relevant Mainland authorities attached great importance to the safety of food supplied to Hong Kong and had devised measures to ensure stable supply of food.

31. Mr LEUNG Kwok-hung held the view that in implementing NAP, the Administration should take into account the development of rural villages and the livelihood of farmers. SFH said that modern agriculture might differ from the traditional mode of agricultural production. The Administration would take into consideration the needs of some young people who aspired to develop a career in modern agriculture under NAP.

Issues relating to animal welfare

32. Ms Claudia MO expressed concern that the Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2016 ("Amendment Regulation"), which would come into operation on 20 March 2017 to strengthen control over animal trading and dog breeding activities through enhanced licensing control measures, might produce an unintended effect of legalizing private breeding of dogs. She asked whether the processing progress of applications for licences/one-off permits and the application results would be made available on the website of the Agriculture, Fisheries and Conservation Department ("AFCD") for public inspection. She also enquired about the timetable for the Administration's review of the effectiveness of the Amendment Regulation.

33. DAFC responded that AFCD would upload onto its website relevant information for public reference, including guidelines on submission of documents by licence/permit applicants, information on licensed premises and exemption granted from holding a licence. The Administration would keep in view the effectiveness of the Amendment Regulation and report progress to the Panel in about two years' time after the implementation of the enhanced licensing regime.

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34. Dr CHIANG Lai-wan considered that the Administration should take on board the suggestions made by the Subcommittee to Study Issues Relating to Animal Rights formed under the Panel and consider enacting specific legislation on animal welfare to afford better protection to animals. Dr Elizabeth QUAT echoed her view, saying that the Administration should, for this purpose, study relevant legislation of overseas jurisdictions, e.g. the Animal Welfare Act of the United Kingdom. SFH responded that the Administration would make reference to animal protection legislation in overseas countries, in considering the need to enact such legislation in Hong Kong.

35. Ms Claudia MO asked about the implementation progress of the "Trap-Neuter-Return" ("TNR") trial programme for stray dogs by animal welfare organizations. DAFC replied that AFCD was assisting the Society for the Prevention of Cruelty to Animals and the Society for Abandoned Animals in implementing their three-year TNR trial programme in Cheung Chau and Yuen Long, with a view to assessing the effectiveness of TNR as a means to reduce the stray dog population and associated nuisances. AFCD would closely monitor the progress of the trial programme and reflect on the experience upon completion of the programme, before deciding on the way forward.

Food safety issues

36. Dr CHIANG Lai-wan strongly requested the Centre for Food Safety ("CFS") to proactively follow up on food incidents which had caused wide public concern, as CFS had done in the case of the recent "fake" rice incident. SFH said that CFS would continue to follow up food incidents promptly and keep the public informed of the situation.

37. The Chairman opined that the food safety standards adopted in Hong Kong were far lenient than the standards adopted by overseas countries. She enquired about the Administration's timetable for reviewing the relevant legislation for regulating edible fats and oils and the levels of metallic contamination in food. SFH and Controller, CFS advised that the Administration was reviewing the Food Adulteration (Metallic Contamination) Regulations (Cap. 132V). CFS was soliciting views from the Expert Committee on Food Safety and its working group on the proposed amendments to the Regulations. The Administration planned to launch a public consultation on the proposed regulation of metallic contamination in food within 2017. The Chairman urged the Administration to expedite its work.

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Supply of niches

38. Mr LEUNG Yiu-chung suggested that consideration be given to introducing time-limited leases for the use of public niches so as to facilitate re-allocation of niches to alleviate the strong public demand. SFH said that the Administration was considering the proposal, but there seemed to be some strong opposition to this suggestion in the community.

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

**II. Implementation of the Demerit Points System for licensed food premises**

(LC Paper Nos. CB(2)531/16-17(07) and (08))

39. At the invitation of the Chairman, Under Secretary for Food and Health ("USFH") updated members on the implementation of the Demerit Points System ("DPS") for licensed food premises by FEHD, details of which were set out in the Administration's paper (LC Paper No. CB(2)531/16-17(07)). Members noted the background brief prepared by the Legislative Council LegCo Secretariat on the subject (LC Paper No. CB(2)531/16-17(08)).

Effectiveness of the Demerit Points System

40. Dr KWOK Ka-ki noted the statistics in Table 1 of the Administration's paper on food premises with licences suspended/cancelled due to the accumulation of demerit points under the existing DPS. Since 2013, there had been a gradual decrease in the number of cases involving licence suspension and cancellation and a majority of the offences involved in those suspension and cancellation cases were related to unauthorized extension of food business outside the licensed area. He enquired about the number of suspension and cancellation cases involving food business operators breaching provisions in relation to food safety and environmental hygiene under the Public Health and Municipal Services Ordinance (Cap. 132) ("PHMSO") and its subsidiary legislation. He was concerned about the effectiveness of DPS in providing incentives for food establishments to improve their hygiene conditions.

41. Assistant Director (Operations) 1, Food and Environmental Hygiene Department ("AD(Ops)1/FEHD") responded that the fewer number of offences reflected the outcome of the current application of enforcement strategy coupled with the administration sanction under DPS, which were

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effective tools that the trade was conversant with to deter food business operators from breaching offences in relation to food safety and environmental hygiene. The decrease in the number of complaints relating to illegal outside seating accommodation ("OSA") and food poisoning outbreak in licensed food premises in the past few years, as shown in Tables 2 and 3, bore testimony to the effectiveness of DPS. At the request of Dr KWOK Kaki, AD(Ops)1/FEHD undertook to provide (a) the number and percentage of suspension and cancellation cases involving contravention of food safety requirements and (b) a breakdown of these cases by the nature of offences, among all the food premises with licences suspended/cancelled in the past five years due to the accumulation of demerit points under the extant DPS.

42. The Chairman and Mr Wilson OR suggested that to increase transparency, information about food premises against which demerit points had been registered should be made available on FEHD's website for public inspection. AD(Ops)1/FEHD responded that FEHD encouraged food business operators to exercise self-discipline to comply with the requirements under PHMSO and its subsidiary legislation, as well as to improve and upgrade their standards. DPS provided food premises with an opportunity to rectify the breach in case demerit points were allotted. Disclosure of demerit points registered/accumulated against individual licensed food premises might affect the business of the food premises concerned. That said, the Administration would announce all suspension and cancellation cases on FEHD's website.

#### Need to review the Demerit Points System

43. The Chairman and Mr Steven HO considered that some offences under DPS were outdated and unclear, for example, failing to maintain spittle receptacles in the proper manner and to display no spitting notices. The Chairman also held the view that the relevant penalties should be raised in order to enhance the deterrent effect. They suggested that the Administration should review and amend the offence schedule of DPS to bring the offences up to date.

44. USFH and AD(Ops)1/FEHD advised that the offences included in the schedule of demerit points were stipulated in PHMSO and its subsidiary legislation. Demerit points would be accorded to offences only upon conviction in court. Noting the views and suggestions made by members, the Administration had plans to conduct a review of the food safety-related penalties under PHMSO and its subsidiary legislation as well as the Food Safety Ordinance (Cap. 612), with a view to assessing whether the deterrent effect of the penalties could meet the present day need.

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45. Ms Starry LEE said that it was her understanding that in recent years, many tour guides of inbound group tours arranged meals for the tourists in food premises situated in old districts such as Eastern District, Kwun Tong and North Point, thereby bringing additional traffic and pedestrian flow to these districts. Such activities had also attracted extensive public complaints about traffic congestion, street obstruction and hygiene problems in the relevant districts. She asked whether the Administration would consider improving DPS so that traffic problems, street obstruction and environmental nuisance caused by licensed food premises could be addressed under DPS. Sharing a similar concern, Mr Steven HO and Mr Wilson OR considered that the Administration should coordinate the efforts of relevant departments to formulate measures to tackle the problems.

46. In response, AD(Ops)1/FEHD advised that regulation and enforcement against traffic infringements were policy issues not within the purview of existing food safety-related legislation and DPS. While the Police would take enforcement actions whenever reports of traffic problems were received and implement temporary traffic arrangement to alleviate any possible traffic problems, FEHD would closely liaise with the Police in case the operation of any food business caused traffic problems.

Measures to ensure food safety

47. Dr KWOK Ka-ki expressed concern about the increase of food poisoning cases in recent years which involved large catering groups and licensed food premises in hotels. He cast doubt on whether FEHD had conducted adequate inspections to these catering establishments. AD(Ops)1/FEHD responded that there had been a decrease in the number of food poisoning outbreaks in licensed food premises in the past few years. FEHD conducted inspections to licensed food premises on a regular basis according to their risk types under the Risk-based Inspection System. High, medium and low risk food premises were inspected at intervals of once every four, 10 and 20 weeks respectively. FEHD would step up inspections to food premises when there was an occurrence of food poisoning incident to ensure that public health and safety would not be posed at risk.

48. In response to the Chairman's enquiry, AD(Ops)1/FEHD explained that ISO 22000 was the certification or registration issued by an accredited body in respect of a licensed food premises that planned, implemented, operated, maintained and updated a food safety management system which aimed at providing products that were safe for the consumer and demonstrated compliance with applicable statutory and regulatory food safety requirements in accordance with the requirements specified by the International Organization for Standardization. The trade was encouraged to

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obtain ISO 22000 certification, thereby improving food safety and hygiene standard. FEHD had since 2007 implemented a policy whereby licensed food premises that had fully implemented the food safety management system under ISO 22000 and obtained the ISO 22000 certification from an accreditation body ("the Scheme") would be excluded from DPS and be subject to an alternative inspection regime. Food premises recognized under the Scheme would be inspected by FEHD at intervals of at least once every five months. As at November 2016, some 120 licensed food premises had voluntarily applied to join the Scheme and with approval granted by FEHD.

49. The Chairman noted with concern that some major catering groups and fast food chains (e.g. Maxim's Group) were found to have breached food safety and environmental hygiene requirements repeatedly. She queried the effectiveness of the Scheme in ensuring major catering groups' and fast food chains' compliance with applicable statutory and regulatory food safety requirements. AD(Ops)1/FEHD responded that licensees/operators of food premises recognized under the Scheme would still need to comply with all applicable legislation and licence requirements and conditions. Where a breach of any legislation, licensing requirements or conditions was detected, FEHD would take appropriate enforcement actions and also consider disqualifying the food premises concerned from the Scheme. Besides, ISO 22000-certified food premises were also subject to audits by independent accreditation body every six to 12 months. Any deviation from the food safety management system detected would be recorded by the accreditation body and referred to the certified food premises for rectification. If any major deviation likely to affect food safety was detected, the accreditation body might withdraw the certification issued to the food premises immediately.

Application for setting up outside seating accommodation

50. Mr Steven HO and Mr Wilson OR considered that the Administration should put in place measures to facilitate food premises operators in obtaining OSA approval and to expedite the processing of OSA applications. Mr OR sought details on (a) the respective number of applications approved and rejected by FEHD in the past two years; (b) the average processing time (i.e. from the receipt of an OSA application to the granting of approval/deciding on rejection); (c) the major reasons for the long processing time required for some applications; and (d) the main reasons of rejection (with a breakdown by category and number of cases).

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51. AD(Ops)1/FEHD responded that FEHD was the focal point to receive and process OSA applications, and would arrange for the necessary referrals to the departments concerned and following through the whole process. The



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requirements and procedures for obtaining OSA approval in connection with a restaurant were set out in "A Guide to Application for Outside Seating Accommodation", which was available at FEHD's website. Applications for an OSA would be subject to an assessment of local public opinion. Provided that the departments and the local community did not object to the OSA application, FEHD would inform the applicant the specific measures required to be taken and grant an approval for setting up OSA upon compliance with the requirements. The list of food premises with OSA approval granted was also available on FEHD's website. AD(Ops)1/FEHD further advised that the processing time might vary. In the event that there were, for whatever reasons, impediments to the application, the applicant would be so informed and advised on feasible remedies. It should be noted that the normal processing time was applicable to simple and straightforward cases without public objection or complicated land issues, and it did not include the time spent by applicants in taking actions to comply with the licensing requirements.

**III. Any other business**

52. There being no other business, the meeting ended at 6:49 pm.

Council Business Division 2  
Legislative Council Secretariat  
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