

立法會
Legislative Council

LC Paper No. CB(2)1155/17-18

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by the Administration)

Ref : CB2/PL/FE

Panel on Food Safety and Environmental Hygiene

Minutes of meeting

**held on Tuesday, 13 February 2018, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon Steven HO Chun-yin, BBS (Chairman)
Dr Hon KWOK Ka-ki (Deputy Chairman)
Hon Tommy CHEUNG Yu-yan, GBS, JP
Prof Hon Joseph LEE Kok-long, SBS, JP
Hon Starry LEE Wai-king, SBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
Hon Alice MAK Mei-kuen, BBS, JP
Hon KWOK Wai-keung, JP
Dr Hon Helena WONG Pik-wan
Dr Hon Elizabeth QUAT, BBS, JP
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, JP
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Hon HO Kai-ming
Hon SHIU Ka-fai
Hon SHIU Ka-chun
Hon YUNG Hoi-yan
Dr Hon Pierre CHAN
Hon LAU Kwok-fan, MH
Hon Kenneth LAU Ip-keung, BBS, MH, JP
Hon Jeremy TAM Man-ho

Member attending : Hon WU Chi-wai, MH

Members absent : Hon LEUNG Yiu-chung
Hon LEUNG Che-cheung, SBS, MH, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Wilson OR Chong-shing, MH
Hon Tanya CHAN
Hon HUI Chi-fung
Hon KWONG Chun-yu

Public Officers attending : Item IV

Dr CHUI Tak-yi, JP
Under Secretary for Food and Health

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

Mr Kenneth CHAN Siu-yum
Principal Assistant Secretary for Food and Health (Food) 1

Dr HO Yuk-yin, JP
Controller, Centre for Food Safety
Food and Environmental Hygiene Department

Dr Tony CHOW Chor-yiu
Principal Medical Officer (Risk Management) (Acting),
Centre for Food Safety
Food and Environmental Hygiene Department

Item V

Dr CHUI Tak-yi, JP
Under Secretary for Food and Health

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

Mrs Avia LAI WONG Shuk-han, JP
Head, Private Columbaria Affairs Office
Food and Environmental Hygiene Department

Item VI

Dr CHUI Tak-yi, 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

Mr Edward TSE Cheong-wo
Project Director 3
Architectural Services Department

Mr Tony LEE Cheuk-ming
Chief Project Manager 301
Architectural Services Department

Item VII

Dr CHUI Tak-yi, JP
Under Secretary for Food and Health

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

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

Mr David WONG Fuk-loi
Deputy Director (Administration and Development)
Food and Environmental Hygiene Department

Mr CHIU Yu-chow
Assistant Director (Grade Management and Development)
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

Miss Michelle TANG
Council Secretary (2) 2

Miss Cally LAI
Legislative Assistant (2) 2

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I. Confirmation of minutes
(LC Paper No. CB(2)830/17-18)

The minutes of the meeting held on 12 December 2017 were confirmed.

II. Information papers issued since the last meeting
(LC Paper Nos. CB(2)691/17-18(01) and CB(2)721/17-18(01))

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

- (a) joint letter dated 10 January 2018 from Dr Hon KWOK Ka-ki, Hon Tanya CHAN and Hon Jeremy TAM on the implementation progress of the New Agricultural Policy, the construction of the Agricultural Park and the designation of Agricultural Priority Areas; and
- (b) Administration's response to the joint letter dated 10 January 2018 from Dr Hon KWOK Ka-ki, Hon Tanya CHAN and Hon Jeremy TAM on the implementation progress of the New Agricultural Policy, the construction of the Agricultural Park and the designation of Agricultural Priority Areas.

III. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)832/17-18(01) and (02))

3. Members agreed to discuss the following items at the next regular meeting scheduled for Tuesday, 13 March 2018 at 2:30 pm:

- (a) Provision of columbarium at Cape Collinson Road in Chai Wan (Item 3023NB);

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- (b) Installation of air-conditioning system at Tai Wai Market (Item 3034NM); and
- (c) Upgrading of the telecommunications system for Hawker Control Teams of the Food and Environmental Hygiene Department.

4. Members also agreed that the meeting be extended to end at 5:00 pm to allow sufficient time for discussion of all items on the agenda.

(Post-meeting note: Members were informed vide LC Paper No. CB(2)926/17-18 issued on 23 February 2018 that at the request of the Administration, the title of the agenda item as referred to in paragraph 3(c) above was rephrased as "Replacement of the radio communications system of the Food and Environmental Hygiene Department".)

IV. Report on the Food Surveillance Programme for 2017 and follow-up measures in response to The Ombudsman's investigation report on "Food and Environmental Hygiene Department's System of Safety Control for Imported Fruits and Vegetables"

(LC Paper Nos. CB(2)832/17-18(03) and (04), CB(2)642/17-18(01), the Direct investigation report entitled "Food and Environmental Hygiene Department's System of Safety Control for Imported Fruits and Vegetables" issued by the Office of The Ombudsman on 13 November 2017 and the executive summary of the direct investigation report)

5. At the invitation of the Chairman, Under Secretary for Food and Health ("USFH") briefed members on (a) the work of the Centre for Food Safety ("CFS") of the Food and Environmental Hygiene Department ("FEHD") in respect of the Food Surveillance Programme for 2017 and (b) the Administration's response to the Office of The Ombudsman's direct investigation report on FEHD's system of safety control for imported fruits and vegetables ("direct investigation report"), as detailed in the Administration's paper (LC Paper No. CB(2)832/17-18(03)). Members noted the updated background brief prepared by the Legislative Council ("LegCo") Secretariat on CFS' Food Surveillance Programme ("FSP") (LC Paper No. CB(2)832/17-18(04)).

Food Surveillance Programme and matters relating to food safety

6. Dr Elizabeth QUAT enquired about the measures taken by the Administration to monitor online food selling activities (e.g. direct sale of

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vegetables through websites). Controller/CFS advised that FEHD introduced on 22 February 2016 a new set of licensing conditions for regulation of operators without physical premises and selling restricted foods via the Internet or social media platforms, and started accepting applications for the relevant permits on the same day. The licensing conditions mainly required that restricted foods must be obtained from lawful sources and not be tampered with during transportation to prevent cross-contamination, and that the food products should be stored at a safe and proper temperature at all times. FEHD had been closely monitoring the safety of food sold online. It would conduct investigations and take follow-up actions as and where appropriate (e.g. conducting "covert operations") against unlicensed food premises conducting online food selling activities in breach of the Food Business Regulation (Cap. 132X). In 2017, more than 4 000 food samples purchased online were collected for chemical and microbiological tests. Deputy Secretary for Food and Health (Food) 2 ("DSFH(F)2") assured members that the Administration would keep in view the latest development of online food shopping trend and regulation of online food selling activities on the international front.

7. Ms Claudia MO expressed concern that minute plastic beads (known as "microbeads" commonly found in beauty and skin care products) discharged into the sea/water might be eaten by fishes and enter the food chains. She asked whether CFS would test the existence of microbeads in aquatic products intended for human consumption under its routine FSP. Controller/CFS responded that the potential ecological impact of microbeads was an emerging environmental topic, and there was very limited research on related impacts of microbeads on food safety. There was also no universal testing standard for microbeads in food products. That said, the Administration would closely monitor overseas development and research on microbeads.

8. Ms Claudia MO suggested that CFS should step up publicity on the adverse effects of mercury on pregnant women, women planning pregnancy and young children and advise them to avoid the consumption of those types of fish which might contain high levels of mercury. Controller/CFS and DSFH(F)2 said that the Administration had conducted a comprehensive review on the Food Adulteration (Metallic Contamination) Regulations (Cap. 132V) and come up with various proposed amendments to the Regulations, with a view to better protecting public health. As about 11% of women of childbearing age in Hong Kong had dietary exposure to methylmercury (the most toxic form of mercury) exceeding the relevant health-based guidance value and studies had revealed that foetal exposure to methylmercury could adversely affect a baby's growing brain and nervous system, the Administration had proposed to, among others, adopt a maximum

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level ("ML") of 0.5 mg/kg for methylmercury in fish (including predatory fish such as large tuna) to replace the existing ML of 0.5 mg/kg for total mercury in fish, which was more stringent than the standard of 1 mg/kg for predatory fish adopted by the Codex Alimentarius Commission ("Codex"). CFS had been advising the public through its website to avoid excessive exposure to mercury. The Administration would explore other publicity channels apart from its website to disseminate the advice to the public.

9. Dr Helena WONG noted with concern that according to the results of a risk assessment study on phthalates in food announced by CFS on 2 February 2018, among the 317 food samples collected for testing of the existence and if so, the levels of seven phthalates, 98% of the samples were detected with at least one phthalate. As phthalates might be leached from food contact materials ("FCMs") used in packaging materials, CFS had reminded the trade to choose the right food packaging and FCMs to minimize the transfer of plasticisers to food. Dr WONG asked whether the Administration would consider introducing legislation to control phthalates in food or in FCMs, by drawing reference from overseas jurisdictions. In her view, CFS should provide concrete advice to the trade on how to choose the correct food packaging and FCMs.

10. DSFH(F)2 responded that Codex had yet to establish any standards for phthalates in food or in FCMs. The Administration noted that in the European Union ("EU"), substances used in the manufacture of plastics FCMs were regulated, and specific migration limits and other use restrictions were set for phthalates. In the United States of America ("USA"), the Food and Drugs Administration specified in its regulations that a number of phthalates could be used as a component of FCMs (e.g. adhesives, paper and paperboard components). However, EU and USA did not establish any standards on phthalates in food. The risk assessment study recently conducted by CFS revealed that phthalates detected were at a low level. The study also revealed that the levels of phthalates existed in food and dietary exposure to those phthalates would not cause health problems. Studies in other countries also came up with similar findings.

11. Regarding the safety aspects of food containers/FCMs, DSFH(F)2 said that under the Public Health and Municipal Services Ordinance (Cap. 132), the Director of Food and Environmental Hygiene was authorized to make regulations to regulate the use of materials in the manufacture of apparatus or utensils intended for the preparation or preservation of food for human consumption. Furthermore, the licensing conditions for licensed food factories supplying lunch boxes also stipulated that food containers must be made of heat- and acid-resistant materials that did not release toxic chemical substances. FEHD would keep in view overseas development on regulation over phthalates in food/FCMs.

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12. Noting that a relatively high level of Diisononyl phthalate was found in a sample of minced pork, Dr Helena WONG suggested CFS conduct further studies on the plasticizer level that might be transferred to minced meat from those thin transparent plastic bags provided by meat stalls/supermarkets for containing the meat. DSFH(F)2 advised that in the case mentioned by Dr WONG, the phthalate detected was at a low level and would not pose adverse health effects to consumers upon normal consumption. This notwithstanding, CFS would consider giving more detailed advice to the trade on the selection of food packaging and FCMs.

Administration's follow-up actions in response to the direct investigation report

Inspection of vegetables and fruits at Man Kam To Food Control Office ("MKTFCO")

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13. The Deputy Chairman noted that among the 29 900 samples of vegetables, fruits and related products collected by CFS for testing in 2017, only 33 unsatisfactory samples (i.e. 0.11% unsatisfactory rate) were found. He queried the accuracy and reliability of the overall satisfactory rate (i.e. over 99.8%) for vegetables and fruits, and asked whether CFS had any plan to collect more samples of vegetables, fruits and related products imported by land/sea for testing under its FSP and if yes, the anticipated increase in the number of samples to be collected for testing in 2018. The Administration undertook to provide supplementary information in this regard.

14. DSFH(F)2 responded that vegetables and fruits were not high-risk foods. It was noteworthy that the number of samples of vegetables, fruits and related products accounted for a rather high percentage of the annual total number of food samples tested by CFS in recent years. In response to the recommendations made in the direct investigation report, CFS had arranged to increase the number of fruit samples taken at MKTFCO. The Administration would continue to give due and holistic consideration to the risks of different food types, and actively explore improvements to the sampling arrangement.

15. Noting that CFS had issued guidelines instructing officers how to conduct more effective collection of samples of fruits and vegetables in storage compartments of lorries (including those placed deep inside) at MKTFCO, the Deputy Chairman sought details of the new sampling procedure to be adopted by CFS and the respective percentages of samples planned to be taken at different parts of storage compartments of lorries (e.g. near the door of the compartment; at the middle, inner and higher part of the compartment).

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16. Controller/CFS and DSFH(F)2 undertook to provide the relevant information after the meeting. They informed members that frontline staff members of CFS followed the principle of random sampling when collecting vegetables from lorries for inspection and testing. In addition to taking vegetables near the door of the storage compartment, they would collect vegetables placed at the inner part of the compartment using elevating work platforms if necessary.

17. The Chairman and Mr LAU Kwok-fan expressed concern that during peak hours, it often took a long time for lorries carrying vegetables to undergo customs clearance if a large number of lorries were selected for inspection. They suggested that consideration be given to extending the opening hours of MKTFCO to, say, 24 hours to allow greater flexibility for CFS to conduct inspections and testing on imported vegetables. In their views, the Administration should make it a mandatory requirement for all imported vegetables to be transported to the Cheung Sha Wan Wholesale Vegetable Market of the Vegetable Marketing Organization ("VMO") for centralized wholesaling, as this would facilitate CFS' collection of samples for testing. The Chairman considered that the Administration should set up a new fresh food wholesale market for inspection and distribution of imported vegetables in the long run.

18. In response to the Chairman's enquiry about CFS' current inspection work on imported vegetables at MKTFCO, DSFH(F)2 and Controller/CFS said that on average, about 300 lorries carrying vegetables entered Hong Kong from the Mainland via MKT each day. CFS officers inspected the lorries when they arrived at MKTFCO, and collected vegetables from lorries for inspection and testing at random, to check whether the seal on the vehicle remained intact and whether the consignments tallied with the accompanying documents. CFS adopted a risk-based approach in taking vegetable samples for quick tests for pesticide residues and comprehensive chemical analysis. It would take CFS staff members more time to unload the items from the lorries in order to take vegetables placed at the inner part of the storage compartment for testing. DSFH(F)2 further said that the opening hours of the border crossing points had to be agreed to by both sides. Vehicle drivers were advised to take note of the operating hours of the MKT border control point and allow sufficient time for customs clearance. That said, the Administration would keep in view the situation and consider the case for improving the clearance arrangements.

19. The Chairman said that some local vegetable farmers had expressed dissatisfaction that the surveillance work on local vegetables was more stringent than that on imported vegetables. While vegetables imported from the Mainland were randomly inspected by CFS at MKT Food Control Point,

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local vegetable farmers pointed out that samples were collected for inspection from each consignment of local vegetables by VMO at wholesale markets. The Chairman considered it unfair to local farmers.

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20. In response, DSFH(F)2 and Controller/CFS stressed that CFS adopted a risk-based principle in taking vegetable samples for quick tests for pesticide residues and comprehensive chemical analysis at the import level. CFS also collected vegetable samples, be they local vegetables or imported vegetables, at the wholesale and retail levels for relevant tests under FSP using a risk-based approach. At the Chairman's request, the Administration undertook to provide the details of the testing and inspections (e.g. steps and procedures included) conducted by CFS and/or VMO on (i) local vegetables and (ii) vegetables imported from the Mainland.

Inspection of fruits imported by sea

21. The Deputy Chairman and Dr Helena WONG enquired about the improvement measures to be taken by the Administration in response to The Ombudsman's recommendations concerning the collection of more samples of fruits imported by sea for testing. Controller/CFS and DSFH(F)2 advised that apart from the sampling of fruits imported by sea at the import level at the Food Control Checkpoint at Kwai Chung Customhouse ("KCCH"), CFS had taken initiative to take fruit samples from the importers' warehouses/cold storages and had increased the number of fruit samples so collected for testing. CFS had also conducted surveys at the Cheung San Wan Wholesale Food Market, the Western Wholesale Food Market and the Kowloon Wholesale Fruit Market in Yau Ma Tei to further understand the approximate proportion of fruits which were imported by sea at the wholesale level, and had stepped up the surveillance programme for fruits collected from wholesale markets.

22. Dr Helena WONG asked whether CFS would consider sending inspection officers to station at KCCH to carry out the surveillance and inspection work on food (including fruits) imported by sea. She opined that CFS staff should station at KCCH to conduct more such inspections. Controller/CFS replied that CFS adopted the risk-based principle in selecting containers conveying food via the sea route for inspection, taking into account such factors as intelligence, food safety incidents in different places, types of food subject to import control, etc. Apart from sending staff to KCCH to inspect food products imported by sea as selected by CFS and detained by the Customs and Excise Department, CFS would also conduct inspection at warehouses and collect samples at retail level for testing.

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V. Creation of a supernumerary post of Senior Principal Executive Officer in the Private Columbaria Affairs Office of the Food and Environmental Hygiene Department for the regulation of private columbaria

(LC Paper No. CB(2)832/17-18(05))

23. At the invitation of the Chairman, USFH briefed members on the Administration's proposal to create a supernumerary directorate post of Senior Principal Executive Officer ("SPEO") rank (D2), designated as Assistant Director (Private Columbaria) ("AD(PC)"), in FEHD for a period of four years to support the Head, Private Columbaria Affairs Office ("H/PCAO") in leading PCAO to implement the regulatory regime under the Private Columbaria Ordinance (Cap. 630) ("the Ordinance"), as detailed in the Administration's paper (LC Paper No. CB(2)832/17-18(05)).

Proposed creation of the supernumerary post

24. Dr Helena WONG enquired about the division of work between H/PCAO and the proposed AD(PC). H/PCAO responded that while she herself would provide overall strategic direction to PCAO and oversee all aspects of its work, the post holder of AD(PC) would provide important directorate support to her in formulating and closely driving the implementation of numerous systems, mechanisms, guidelines, procedures and operation manuals covering a wide spectrum of aspects including licensing of private columbaria, enforcement, ash disposal, administrative, financial, personnel, complaint handling, information databases and processing systems, public education and publicity as well as staff training.

25. Mr SHIU Ka-chun said that he had received a complaint from the Alliance for the Concern Over Columbarium Policy ("the Alliance") that PCAO refused to send representatives to attend a forum organized by the Alliance to explain to the public the new licensing requirements and how PCAO would handle applications for specified instruments. Mr SHIU asked whether this was the case and sought information on publicity work carried out by PCAO to enhance public awareness of the statutory requirements under the Ordinance. Noting that one of the job duties of AD(PC) was to support H/PCAO in overseeing the implementation of public education and publicity programmes, Dr Helena WONG hoped that the post holder of AD(PC) would attend forums/briefing sessions organized by district offices of LegCo Members and non-governmental organizations ("NGOs") on matters relating to the implementation of the Ordinance.

26. H/PCAO responded that PCAO had launched a series of publicity and public education initiatives to publicize the enactment of the Ordinance and

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promote the awareness of the public and the private columbarium operators about the major legal requirements under the Ordinance. Such publicity work included (a) distributing leaflets for consumers at various public locations and to all LegCo Members, District Councils ("DCs"), Area Committees, owners' corporations and mutual aid committees as well as hospitals and NGOs; (b) publicizing key messages and information on the dedicated "Regulation of Private Columbaria" website and broadcasting an animated video on FEHD's website and at FEHD venues providing services relating to post-death arrangements; and (c) conducting briefing sessions for private columbarium operators, NGOs and other relevant practitioners. H/PCAO added that subject to availability of manpower and resources, PCAO would, where feasible, participate in publicity programmes organized by/for different stakeholders.

27. Members including the Deputy Chairman, Mr SHIU Ka-fai and Mr LAU Kwok-fan expressed support for the proposed creation of the supernumerary SPEO post in PCAO. The Chairman said that the Panel supported the Administration submitting the proposal to the Establishment Subcommittee for consideration.

The work of PCAO

28. Mr SHIU Ka-chun sought information on inspections conducted by PCAO on private columbaria and enforcement actions taken against operators of private columbaria who contravened the provisions in the Ordinance. He said that he could not find on FEHD's website complete information on private columbaria which had been provided under Part A and Part B of the Information of Private Columbaria published by the Development Bureau.

29. H/PCAO said that since 30 June 2017, PCAO had conducted more than 400 inspections on and received 35 complaints against private columbaria. So far, PCAO had completed investigation into 30 complaint cases and no evidence of offence was found in any of the cases for instituting prosecution. PCAO would continue to follow up on the remaining five cases. H/PCAO added that the dedicated "Regulation of Private Columbaria" website had a hyperlink directing users to Part A and Part B of the Information on private columbaria shown on the website of the Development Bureau. PCAO would explore how to make the information available online more accessible to the public.

30. The Deputy Chairman asked under what circumstances PCAO would take enforcement actions against private columbaria failing to comply with the statutory requirements but continued to operate without the specified instruments. H/PCAO responded that all applications in respect of

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pre-cut-off columbaria had to be submitted on or before 29 March 2018 for specified instruments (a licence, an exemption or a temporary suspension of liability ("TSOL") (as the case might be)) in order to continue to operate. Within the validity period of TSOL, a columbarium might continue operation (without selling interment rights) whilst action was being taken by the operator to seek regularization/rectification for obtaining a licence or an exemption. Depending on the actual circumstances of individual cases, the Enforcement Team of PCAO would undertake enforcement work against the operators of private columbaria who contravened the provisions in the Ordinance.

31. Mr LAU Kwok-fan expressed concern about PCAO's capacity in coping with the initial influx of applications for specified instruments upon the implementation of the regulatory regime under the Ordinance. H/PCAO responded that after the three-year validity period of a TSOL during which pre-cut-off columbaria should seek regularization/rectification in respect of breaches of statutory requirements, PCAO would have a clearer picture of the outstanding number of pre-cut-off columbaria seeking a licence or an exemption. Upon receipt of applications and the required documents, the Licensing Team of PCAO would coordinate with relevant bureaux and departments in checking individual private columbaria's compliance with various requirements, including planning, land use, building safety, fire safety and environmental protection, and would schedule meetings for consideration of the applications.

32. Mr LAU Kwok-fan considered that prior to the issue of a licence/TSOL, PCAO should follow up and resolve disputes between consumers and pre-cut-off columbarium operators concerning interment of ashes in niches already sold before the enactment date (i.e. 30 June 2017). Referring to the scenario mentioned by Mr LAU, Principal Assistant Secretary for Food and Health (Food) 2 ("PASFH(F)2") responded that for ashes in respect of niches sold before the enactment date that had not yet been interred by the enactment date, if a pre-cut-off columbarium operator who planned to seek a licence/TSOL wished to allow such ashes to be temporarily kept in the columbarium during the grace period, the operator would have to make clear the relevant arrangements to the consumers concerned (i.e. the need to relocate such ashes from the columbarium before the issue of TSOL and the other avenues for handling the ashes concerned).

33. The Deputy Chairman noted that the Government had decided to extend the waiving of relevant payments for regularization in respect of the pre-cut-off sold niches ("the waiving arrangement") from pre-cut-off columbaria eligible for an exemption in all other respects to pre-cut-off columbaria eligible for a licence in all other respects. He enquired about the

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land premium arrangement for post-cut-off columbaria not covered by the waiving arrangement. PASFH(F)2 responded that post-cut-off sold niches in a columbarium (be this pre-cut-off columbarium or post-cut-off columbarium) would be subject to payment of land premia, waiver fees for short-term waivers or rentals of short-term tenancies at full market value/rental as well as administrative fees for lease modification or regularization (as applicable). The operator concerned could lodge appeals against the Lands Department's assessment on land premia according to the existing mechanism. Relevant bureaux and departments would join hands to work on the details of the land premium issues for post-cut-off sold niches in private columbaria referred to in paragraph 19 of the LegCo Brief issued by the Food and Health Bureau on 22 November 2017 (File Ref: FH CR 2/3751/07).

VI. Expansion of Wo Hop Shek Crematorium (Item 3026NB)
(LC Paper No. CB(2)832/17-18(06))

34. At the invitation of the Chairman, USFH briefed Members on the Administration's plan to expand the Wo Hop Shek Crematorium ("WHSC") by providing therein two additional body cremators and one new service hall, details of which were set out in the Administration's paper (LC Paper No. CB(2)832/17-18(06)).

Cremation service in Hong Kong and the proposed works project

35. Dr Helena WONG supported the proposed expansion of WHSC as the provision of two new body cremators could help shorten the waiting time for cremation service. Noting that there might be shortfall of cremation sessions from 2023 to 2026 due to the reprovisioning of cremators in Kwai Chung Crematorium and Fu Shan Crematorium, the Chairman enquired as to whether the overall cremation capacity of government crematoria upon the commissioning of the two new body cremators at WHSC would help ease the shortfall and meet the public demand for cremation service.

36. PASFH(F)2 responded that:

- (a) according to the Administration's projection, the overall cremation capacity of existing crematoria could still meet the service needs until 2022, but there might be shortfall of cremation sessions from 2023 to 2026 due to the two reprovisioning projects for cremators in Kwai Chung Crematorium and Fu Shan Crematorium. Given the increasing demand and the need for reprovisioning, the Administration considered it an appropriate time to take forward the proposed

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expansion project to provide two new body cremators at WHSC for commissioning in 2023, adding about 3 800 cremation sessions per annum. The Administration would consider adjusting the operation hours of other crematoria as and when necessary to cope with the public demand for cremation service;

- (b) as the serviceable life span of cremators was generally 15 to 20 years (or about 30 000 to 40 000 cremation cycles), planning was in place to take forward crematorium projects in a paced manner to ensure that the provision of cremation service would remain stable; and
- (c) the time taken for cremation service varied, as bereaved families might have preference over the date for cremation of the deceased (e.g. on an auspicious day of the Lunar Calendar). This notwithstanding, it was FEHD's pledge that an applicant could be offered a cremation session at one of the government crematoria within the next 15 days from the date an application was made.

37. Mr SHIU Ka-fai asked when the Administration started planning the proposed expansion of WHSC. PASFH(F)2 replied that the proposal first emerged in 2008 with the Administration exploring the construction of eight technologically advanced new body cremators to replace in phases four old ones. Following the Finance Committee's approval in 2009, six cremators had been constructed and the existing WHSC was reprovisioned in February 2013 as the first phase of the expansion. The current proposal under discussion was to take forward the construction of the remaining two body cremators and one service hall, for which areas had been reserved at the design stage.

38. In response to Dr Helena WONG's enquiry, PASFH(F)2 advised that normally, the two new body cremators could each perform six cremation sessions daily. Discounting the time reserved for repair and maintenance, the two cremators could operate for about 318 days each year.

39. Noting that the proposed works project was expected to complete for commissioning in 2023, Mr SHIU Ka-fai urged the Administration to expedite the construction process and to shorten the construction lead time. Project Director 3, Architectural Services Department responded that the Administration would kick start the construction works of the new Service Hall 4 first, to be followed by the two new cremators. He explained that as the construction site of the two new cremators was in close proximity to the existing Service Hall 3, limited construction works of the two body cremators

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could be carried out at the initial stage (for about three to four hours a day) to avoid disruption to its operation. When the proposed new Service Hall 4 commenced service, Service Hall 3 would be temporarily closed for the works of the two new cremators to proceed in full swing. The entire project was expected to complete by the first quarter of 2023, and a period of nine months had been reserved for conducting various commissioning tests.

Impact on traffic and pedestrian flow

40. The Chairman expressed concern about the resultant increase in traffic and pedestrian flow arising from the proposed expansion of WHSC. He asked whether the Administration would introduce traffic improvement measures, such as providing more car parking spaces and widening the roads in the vicinity, to relieve the additional traffic and pedestrian flow upon the commissioning of the new cremators at WHSC.

41. PASFH(F)2 and Assistant Director (Grade Management and Development), FEHD responded that:

- (a) the Administration had conducted a Traffic Impact Assessment study for the reprovisioning project of WHSC in the first phase, which concluded that the capacity of the road network was sufficient to accommodate the additional traffic and pedestrian volume to be generated by the new facilities; and
- (b) unlike a new columbarium which provided new niches and generated an upsurge in the number of grave sweepers during Ching Ming and Chung Yeung Festivals, the traffic and pedestrian flow arising from a new crematorium was more steady and expected to be spread out evenly throughout the year. The traffic impact to be brought about by the new cremators was not expected to be significant.

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42. The Chairman requested the Administration to provide, in writing, information on the traffic impact (including the existing and anticipated pedestrian and traffic flow) arising from the proposed expansion project. Concluding the discussion, he said that members present were generally supportive of the proposal.

VII. New allocation arrangement for public niches (including advance allocation and time-limited leases) and green burial initiatives
(LC Paper Nos. CB(2)832/17-18(07) and (08))

43. At the invitation of the Chairman, USFH briefed members on the Administration's proposals to (a) introduce a time limit for use of public

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niches, (b) expedite the allocation of new niches in government columbaria and (c) step up the promotion of green burial, as detailed in the Administration's paper (LC Paper No. CB(2)832/17-18(07)). Members noted the background brief on the subject (LC Paper No. CB(2)832/17-18(08)) prepared by the LegCo Secretariat.

Proposed introduction of a time limit for use of public niches

44. Dr Helena WONG said that she was opposed to the proposal of setting a time limit for use of new public niches starting from the coming allocation exercise tentatively scheduled for end-2018. She pointed out that under current practice, public niches were allocated for permanent use. The above proposal would attract wide public concern and might lead to a surge in the demand for and hence the price of private niches which were not subject to restrictions or conditions on the length of occupation. In Dr WONG's view, the Administration should conduct a consultation exercise to gauge the public's views and acceptance before implementing the measure.

45. Deputy Secretary for Food and Health (Food) 1 ("DSFH(F)1") advised that while the Administration had been stepping up promotional efforts to encourage the public to make fuller use of existing public niches, there were suggestions from the community and Members that the Administration should consider introducing a time limit for use of newly allocated public niches. It was also recommended in Director of Audit's Report No. 65 issued in October 2015 that the Administration should examine the feasibility of this suggestion with a view to improving the sustainability of public niche supply. It should be noted that under the proposed arrangement, new public niches would be allocated upon application based on an initial interment period of 20 years, after which the interment might be renewed every 10 years on payment of a fee. In other words, the Administration did allow perpetual use of public niches upon renewal of interment by descendants of the deceased. DSFH(F)1 stressed that the Administration welcomed views from Members on how best to work out a technically feasible scheme to introduce a time limit for use of public niches that was generally acceptable to the community, with due regard to traditional local burial practices and sentiments. It would consider Dr WONG's suggestion of collecting public views on the proposed arrangement.

46. Dr Helena WONG called on the Administration to increase the supply of public niches in the long run to meet the rising demand. DSFH(F)1 said that up to 31 December 2017, relevant DCs had given support or raised no objection to 14 columbarium development projects which would provide around 590 000 new niches in total. Given the challenges the Administration faced in seeking to build columbaria in individual districts, it was opportune

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to introduce measures to optimize the use of new public niches coming on stream in the years ahead.

47. Mr WU Chi-wai said that Members belonging to the Democratic Party considered it premature to introduce a time limit for use of new public niches starting from the coming allocation exercise. If the Administration decided to pursue the proposal, it should set aside only a certain percentage of niches for allocation under a time-limited occupation lease as a trial exercise to assess the public's acceptance. Consideration should also be given to providing incentives to encourage the public to surrender vacated niches for re-allocation (e.g. according priority to people who had surrendered niches in the use of green burial services/facilities).

48. Mr LAU Kwok-fan expressed support for the proposed introduction of a time limit for use of public niches, as it helped achieve optimal use of columbarium facilities and land resources. In his view, since the proposed arrangement did not rule out perpetual use of public niches upon renewal of interment, all newly allocated public niches should be subject to a time-limited lease for the sake of consistency and management convenience. The Administration should ensure that the public would be well informed of the new allocation arrangements.

49. Mr CHAN Chi-chuen and Mr SHIU Ka-fai indicated support for the general direction of the Administration's proposal to introduce a time limit for use of new public niches to be allocated in the future. Mr CHAN, however, considered that the Administration should first assess the public's acceptance by launching a pilot scheme on the new measure.

50. Dr CHIANG Lai-wan asked about the fees respectively for standard and large niches in government columbaria if they were to be allocated under a time-limited occupation lease (including the fees for the initial 20 years' interment period and the 10 years' renewal periods thereafter). DSFH(F)1 and Deputy Director (Administration and Development)/FEHD ("DD(AD)/FEHD") said that the current fees for standard and large niches provided by FEHD were \$2,890 and \$3,690 respectively for permanent allocation. If the proposal of setting a time limit for use of public niches was to be implemented, amendments would have to be made to the relevant subsidiary legislation, i.e. Schedule 6 to the Public Health and Municipal Services (Fees) Regulation (Cap. 132CJ), to specify the fees as applicable to finite interment periods and niches of different sizes. The legislative amendments would be subject to negative vetting by LegCo.

51. In response to Mr POON Siu-ping's enquiry as to whether consideration would be given to imposing a time limit for occupation of

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public niches which had become unattended to by descendants with the passage of time, DSFH(F)1 said that as those niches were allocated prior to the current proposal on time-limited niches, the Administration currently had no plan to look into the introduction of a time limit for niches already occupied even though they might have left unattended to by descendants.

Interment period

52. Members noted the Administration's proposal that before the initial 20 years' interment period (or such 10-year renewal periods thereafter) came to expire, the Administration would contact the niche allocatees or their representatives as nominated in the application form through their last known contact details to ascertain their wish to renew the interment. The Chairman, Mr CHAN Chi-chuen and Mr SHIU Ka-fai enquired whether other relatives/friends of the deceased not nominated in the application form would be allowed to apply for renewal of interment in the event that the niche allocatees or representatives could not be contacted or refused to follow up the matter with FEHD. Mr POON Siu-ping also asked whether organizations or community bodies could be nominated as niche allocates or representatives. USFH and DSFH(F)1 responded that the Administration would consider members' views and suggestions in this regard and the possibility of exercising flexibility in handling applications for renewal of interment.

53. Ms Alice MAK said that allocatees or nominated representatives might miss the deadline for filing renewal applications. She and Mr HO Kai-ming considered that FEHD should make endeavour to contact the niche allocatees or their nominated representatives to ascertain their wish to renew the interment. Mr HO suggested that FEHD might, say once every two years, remind the niche allocatees or their representatives of the expiry date of the leases through electronic means or letters. In the event that the niche allocatee or his/her nominated representative could not be contacted after repeated attempts and that the ashes placed in a niche had to be disposed of, FEHD should keep proper record of the ash disposal arrangement. Mr SHIU Ka-fai made a similar suggestion.

54. USFH responded that while FEHD would make every effort to contact the niche allocatees or their representatives, it was incumbent upon the allocatees/nominated representatives to update FEHD of contact details from time to time and to take the initiative to file an application for renewal of interment. DSFH(F)1 added that the Administration noted that there were diverse views on the proposed arrangements for renewal of interment (e.g. FEHD maintaining regular contacts with the niche allocatees or their representatives). All these suggestions would be taken into account in refining and developing the Administration's proposals for implementation.

Allocation arrangement for public niches

Computer balloting

55. The Chairman, Ms Alice MAK, Dr CHIANG Lai-wan and Mr SHIU Ka-fai expressed concern that under the existing mechanism whereby public niches were allocated by computer balloting, some applicants might have to wait for a very long time for allocation of niches. In their view, it was more appropriate for FEHD to allocate the niches on a first-come-first-served basis. The Chairman suggested that to ensure fairness and efficiency, FEHD should assign, on a random basis, a computer-generated priority number to eligible applications for new niches. Applicants would then be invited to select niches according to their priority numbers. Mr SHIU said that although computing balloting might be useful in assigning those niches located at relatively less favoured positions (e.g. on the rows of niches close to the floor level), since demand nowadays outstripped supply as evidenced by the successful allocation of all niches in the last major allocation exercise in 2016, he did not see the reason why the Administration continued to allocate niches by computer balloting. Dr CHIANG shared a similar view.

56. DD(AD)/FEHD responded that FEHD had all along been upholding the principles of fairness, openness and impartiality in the allocation of public niches to eligible persons in need. The existing allocation method by computer balloting was in line with a previous recommendation of the Independent Commission Against Corruption from corruption prevention, fairness and transparency perspectives. He and DSFH(F)1 further advised that the Administration proposed that niche allocation should continue to be determined by computer balloting as this would better meet the actual needs of the population, including those who passed away in later years. Since the number of deaths in Hong Kong had been increasing steadily in the last few decades with the demand for public niches outstripping the supply in recent years, it was very likely that those who passed away in later years would be denied access to public niches if "first-come-first-allocated" approach was adopted and a registration and queuing system was established.

57. DSFH(F)1 further said that to expedite the allocation process and enhance efficiency, the Administration proposed a new arrangement for all future allocation exercises under which applications which were successful in the balloting would be given a specific public niche generated by the computer and thus assigned. The applicant would be invited to decide whether to take up that specific niche, and if so to complete the niche allocation formality according to the scheduled date and time. If the applicant decided not to take up the said niche or did not show up as

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scheduled, the application would be considered to have been processed and the niche given up. In response to Ms Alice MAK's follow-up question, DD(AD)/FEHD said that the new allocation arrangement could help shorten the processing time and was more manageable, as the applicants were only required to complete the formality of niche allocation at a specified time without waiting for his/her turn to allow those in front of him/her to select a niche first. It was estimated that the number of niches to be allocated on each working day might be increased by at least 50% when compared with previous arrangements. Notwithstanding the foregoing, Mr WU Chi-wai maintained the view that applicants should be given a choice to select niches according to the priority number assigned to them by computer balloting.

Giving additional ballot weightings to specified groups of applications

58. Mr WU Chi-wai said that he supported the proposal to give additional ballot weightings to specified groups of applications, as set out in paragraphs 17 to 20 of the Administration's paper. While expressing support for the direction of the proposal, the Chairman and Mr LAU Kwok-fan suggested that the Administration should accord heavier weighting to those applicants who had participated in several ballots but still had not been allocated niches.

59. In response, DD(AD)/FEHD advised that upon completion of three phases of allocation of niches in Wo Hop Shek Kiu Tau Road Columbarium Phase V and Diamond Hill Columbarium Extension in August 2015, all applicants had been invited to select a niche, but 5 069 niches remained unallocated at the end. A supplementary phase ensued to invite new applications, resulting in allocation of all remaining niches by 31 March 2016 and leaving 5 127 applications not entertained. The Administration considered it reasonable to give additional ballot weightings to those unsuccessful applications in the coming and future allocation exercises, so that they would stand a higher chance of success than first-time applications in subsequent allocation exercises, should fresh applications be made.

Promotion of green burial

60. Dr Helena WONG and Mr POON Siu-ping appreciated the work of the Administration in promoting green burial as a sustainable way of disposal of ashes. Mr POON enquired about the Administration's plan regarding the provision of Gardens of Remembrance ("GoRs"). DSFH(F)1 replied that to encourage wider use of GoRs, GoRs would be included in the planning stage of new columbarium facilities as part of the projects. Dr CHIANG Lai-wan considered that the Administration should make reference to the experience of other places in promoting green burial and consider promoting other alternatives of handling ashes, e.g. allowing users to bury ashes of the deceased under the plants in GoRs or turning ashes into synthetic diamond.

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61. The Chairman opined that GoRs should be provided at convenient and easily accessible locations with sufficient space for mounting plaques of the deceased on memorial walls to facilitate descendants to pay tribute to their ancestors. Mr CHU Hoi-dick hoped that the Administration would identify suitable sites in newly developed districts for constructing "standalone" GoRs of bigger size and explore the feasibility of co-locating existing GoRs to government facilities such as country parks, so as to enable the public to pay tribute to their lost loved ones in a scenic and tranquil environment.

62. USFH and DSFH(F)1 responded that at present, apart from FEHD, only the Board of Management of the Chinese Permanent Cemeteries and the Hong Kong Chinese Christian Churches Union provided GoRs in their cemeteries. FEHD would liaise with various religious bodies and operators of private cemeteries to solicit their support in providing more GoRs as far as practicable. The above apart, the Administration would continue to explore other initiatives for promoting green burial.

VIII. Any other business

63. There being no other business, the meeting ended at 5:29 pm.

Council Business Division 2
Legislative Council Secretariat
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