

立法會

Legislative Council

LC Paper No. CB(2)1609/17-18

(These minutes have been seen
by the Administration)

Ref : CB2/PL/FE

Panel on Food Safety and Environmental Hygiene

Minutes of meeting held on Tuesday, 8 May 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 LEUNG Yiu-chung
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 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
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Hon SHIU Ka-fai
Hon SHIU Ka-chun
Hon YUNG Hoi-yan
Dr Hon Pierre CHAN
Hon HUI Chi-fung
Hon LAU Kwok-fan, MH
Hon Kenneth LAU Ip-keung, BBS, MH, JP
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho
Hon AU Nok-hin

Members absent : Hon CHAN Han-pan, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Hon HO Kai-ming
Hon Wilson OR Chong-shing, MH
Hon Tanya CHAN

Public Officers attending : Item IV

The Administration

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

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

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

Dr Mary CHOW Ka-wai
Senior Veterinary Officer (Animal Management) Development
Agriculture, Fisheries and Conservation Department

Dr Esther TO Man-wai
Senior Veterinary Officer (Animal Management) Operations
Agriculture, Fisheries and Conservation Department

Ecosystems Ltd. ("the Consultant")

Mr Vincent LAI Chi-sing
Managing Director

Dr Klinsmann CHEUNG Kwok-leung
Senior Ecologist

Item V

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

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

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

Dr Mary CHOW Ka-wai
Senior Veterinary Officer (Animal Management) Development
Agriculture, Fisheries and Conservation Department

Dr Esther TO Man-wai
Senior Veterinary Officer (Animal Management) Operations
Agriculture, Fisheries and Conservation Department

Mr Martin CADMAN
Chief Superintendent, Traffic Branch
Hong Kong Police Force

Item VI

The Administration

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

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

Dr Samuel YEUNG Tze-kiu
Consultant (Community Medicine) (Risk Assessment
and Communication), Centre for Food Safety
Food and Environmental Hygiene Department

Ms Joey KWOK
Scientific Officer (Total Diet Study), Centre for Food Safety
Food and Environmental Hygiene Department

Policy 21 Limited

Mr YIP Hak-kwong
Project Manager
The Second Hong Kong Population-based Food
Consumption Survey

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)1316/17-18)

The minutes of the meeting held on 13 March 2018 were confirmed.

II. Information papers issued since the last meeting

(LC Paper Nos. CB(2)1195/17-18(01), CB(2)1267/17-18(01), CB(2)1341/17-18(01) and CB(2)1343/17-18(01))

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

- (a) letter dated 10 April 2018 from Hon Steven HO on issues relating to the reprovisioning of livestock farms affected by development plans and the rehabilitation of fallow farmland;
- (b) Administration's response to the letter dated 10 April 2018 from Hon Steven HO;
- (c) joint letter dated 21 April 2018 from Hon Steven HO and Hon CHAN Han-pan regarding the outbreak of Escherichia coli infections likely linked to consumption of contaminated romaine lettuce; and
- (d) Administration's response to the joint letter dated 21 April 2018 from Hon Steven HO and Hon CHAN Han-pan.

III. Date of next meeting and items for discussion

(LC Paper Nos. CB(2)1318/17-18(01) and (02))

3. Members agreed to discuss the following items at the next regular meeting scheduled for Tuesday, 12 June 2018 at 2:30 pm:

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- (a) Update on import control on Japanese food; and
- (b) The use of modern technology in keeping Hong Kong clean.

4. Dr CHIANG Lai-wan suggested that arrangement be made for the Panel to discuss one more item selected from the Panel's list of outstanding items for discussion (e.g. "Issues relating to the relocation of Yen Chow Street Temporary Hawker Bazaar to Tung Chau Street Market") at the June or July regular meeting. The Chairman said that he would liaise with the Administration after the meeting on its readiness to discuss the above item in June/July.

IV. Outcome of the "Trap-Neuter-Return" trial programme for stray dogs

(LC Paper Nos. CB(2)1318/17-18(03) and (04), CB(2)1353/17-18(01) and (02))

5. At the invitation of the Chairman, Under Secretary for Food and Health ("USFH") briefed members on the outcome of the three-year "Trap-Neuter-Return" ("TNR") trial programme for stray dogs ("the trial programme"), as detailed in the Administration's paper (LC Paper No. CB(2)1318/17-18(03)). With the aid of power-point presentation, Mr Vincent LAI, Managing Director of Ecosystems Ltd. elaborated on the findings and observations of the trial programme. Members noted the background brief prepared by the Legislative Council ("LegCo") Secretariat on the subject (LC Paper No. CB(2)1318/17-18(04)).

(Post-meeting note: The softcopy of the power-point presentation materials was issued to members vide LC Paper No. CB(2)1369/17-18(01) on 8 May 2018.)

The Consultant's findings and proposed way forward

6. Mr CHAN Hak-kan, Ms Claudia MO, Dr Elizabeth QUAT, Ir Dr LO Wai-kwok, Mr LAU Kwok-fan and Mr KWONG Chun-yu expressed concern about the findings that the three performance targets set out in the protocol for the trial programme were not achieved in both the Cheung Chau and Tai Tong trial sites. The performance targets were: (a) neutering at least 80% of stray dogs in the trial sites during the first six months of the programme; (b) achieving an average of 10% annual decrease in the population of stray dogs in the sites during the trial period; and (c) complaints received should be matching with, or lower than, the territory-wide average during the trial period. In these members' views, it was not reasonable to assess the effectiveness of the trial programme

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primarily by the trend of change in the population of stray dogs and the number of complaints received concerning nuisance caused by stray dogs. Taking into account the average lifespan of dogs (around 10-12 years or more for pet dogs), the three-year study period was too short to draw a conclusion. The lack of concrete support from the Agriculture, Fisheries and Conservation Department ("AFCD") to the Society for the Prevention of Cruelty to Animals ("SPCA") and the Society for Abandoned Animals ("SAA"), which acted as the Programme Coordinators ("PCs"), in implementing the trial programme, could significantly impact on the outcome of the trial programme. These members considered that the TNR trial programme should be continued and extended to other districts, as TNR could help slow down the continuous reproduction of stray dogs in the long run and hence, abating the use of euthanasia in handling stray dogs. Mr CHU Hoi-dick enquired about the position taken by the Administration in implementing TNR programme for stray dogs.

7. USFH and Principal Assistance Secretary for Food and Health (Food) 3 ("PASFH(F)3") made the following responses:

- (a) the Administration acknowledged that the study had its limitations. According to the Consultant, the target of an average annual reduction of 10% in the stray dog population was not achieved in the two trial sites. It was probably due to the following reasons: (i) difficulty in recording accurately the number of dogs in the sites as they could move around the vast site areas; (ii) new dogs entering the sites; and (iii) the relatively short period of study when compared to the average lifespan of dogs, as well as the improved health conditions of stray dogs under the caring of and medical treatment given by PCs;
- (b) since the result of a TNR programme might vary from one site to another, the Administration was open-minded about conducting further the TNR programme if animal welfare organizations ("AWOs") or other parties were interested in running such a programme to manage stray dogs at specific locations. Any proposal for conducting a TNR programme at other location(s) would be considered individually, taking account of factors such as population density, proximity to community facilities, and traffic conditions, etc. Support of the local community was also essential before exemption of relevant legislative provisions under the Dogs and Cats Ordinance (Cap. 167) and the Rabies Ordinance (Cap. 421) could be granted to PC(s) and their carers to facilitate their implementation of a TNR programme. AFCD would assist proponents and facilitate the implementation of such a programme, including sharing experience gained in the

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trial programme, helping liaise with the relevant District Councils ("DCs") and local stakeholders, and seeking legislative exemption from LegCo; and

- (c) meanwhile, AFCD would continue with its current multi-pronged approach towards the management of stray animals in line with international standards set by the World Organisation for Animal Health, including fostering responsible pet ownership and proper caring for animals through publicity and education as well as promoting neutering and rehoming of animals with the support from AWOs. The reduction in the number of complaints related to stray dog nuisance territory-wide (from 6 060 in 2015 to 4 268 in 2017) showed that the current strategy in stray animal management was by and large bearing fruit.

8. Mr CHAN Chi-chuen and Dr Helena WONG believed that the stray dog population would gradually reduce under TNR. They both considered that the trial programme should be continued and extended to other districts. Expressing support for the continued implementation of the TNR programme, Dr CHIANG Lai-wan and Dr Elizabeth QUAT said that according to their understanding, residents in Cheung Chau were very supportive of the TNR programme. Mr CHU Hoi-dick and Mr KWONG Chun-yu requested the Administration to advise in writing on whether it had any plan to continue with the implementation of and extend the TNR trial programme across the territory.

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9. Ir Dr LO Wai-kwok sought information on the number of cases involving dog abandonment at the Cheung Chau trial site and the health conditions of the dogs under the care of SPCA over the past three years. Mr Vincent LAI, Managing Director of Ecosystems Ltd. responded that a baseline survey was adopted for evaluating the trial programme carried out at the two trial sites in the first three months (i.e. the start ~~of the trial~~ ^{of TNR}), followed by a monthly survey till the end of the trial period. For identification purpose, stray dogs were assigned with a code and a photo identity inventory of such dogs was prepared. New dogs were found entering the Cheung Chau trial site nearly every month. At the end of the trial programme, some 110 new dogs were found at the Cheung Chau trial site. As the dogs were given proper care by SPCA, they generally were in good health. Only six died of natural causes.

10. In response to Mr CHAN Chi-chuen's enquiries, Senior Veterinary Officer (Animal Management) Development/AFCD ("SVO(AM(D))/AFCD") said that if stray dogs neutered and returned to the wild under the trial programme were later caught by AFCD in response to complaints, they

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would be passed to the respective PC for follow-up. As the Administration had not specified any expiry date for the exemption of the relevant provisions under the Dogs and Cats Ordinance and the Rabies Ordinance granted to the two PCs and their carers, they might continue to take care and monitor the numbers of stray dogs at the trial sites. If the TNR programme were to be extended to other districts or implemented by other AWOs, legislative exemption would need to be made.

11. Mr POON Siu-ping enquired about the criteria for selecting sites(s) for conducting the TNR programme in the future. Assistant Director (Inspection and Quarantine)/AFCD ("AD(IQ)/AFCD") advised that an appropriate trial site should be one with an existing stable colony of stray dogs. To minimize the risk of rabies introduction, dog bites and traffic accidents caused by these stray dogs, the trial site must not be located around hospitals, schools, homes for the elderly, busy roads, etc. AWOs participating in the programme should recruit sufficient carers to properly take care of the dogs. If a proposal to conduct the TNR programme was put forward, AFCD would consult the relevant DCs and the local communities. Mr SHIU Ka-fai considered it vital for the Administration and the relevant AWOs to obtain support from the local communities and respective DCs before rolling out the TNR programme.

Support to animal welfare organizations

12. Mr CHU Hoi-dick asked whether AFCD had provided any financial support for the two PCs to implement the trial programme. PASFH(F)3 and AD(IQ)/AFCD responded that in a proactive spirit to respond to calls for trying out TNR as one of the ways to tackle the problems posed by stray dogs and associated nuisance, AFCD had assisted SPCA and SAA in identifying suitable trial sites, consulting the relevant DCs and local communities on the proposals and seeking legislative exemption from LegCo to conduct the trial programme.

13. Mr CHU Hoi-dick sought information on the expenses respectively incurred on the part of SPCA and SAA for carrying out the programme in the trial sites in Cheung Chau and Tai Tong. SVO(AM(D))/AFCD responded that the Administration did not have such information, but explained that the two PCs were responsible for recruiting carers to take care of (including feeding, deworming, neutering and also vaccinating) the stray dogs within the trial sites while AFCD commissioned an independent consultant to monitor progress and assess the effectiveness of the trial programme.

14. Noting that SPCA and SAA had agreed to continue to monitor the numbers of stray dogs recorded for the TNR trial programme and to provide AFCD with the information on changes of the population and the average

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lifespan of these dogs in the coming years, Mr POON Siu-ping asked whether any support would be provided to the two PCs for conducting the follow-up work. Dr Elizabeth QUAT said that some AWOs had successful experience in operating voluntary TNR programmes (which were not permitted under existing Legislation) in some districts with their own limited resources. Apart from taking care of the stray dogs, these AWOs had arranged rehoming or adoption for dogs which were in good health and assessed as having a gentle temperament. Dr QUAT, Mr CHAN Hak-kan, Ms Claudia MO, Mr CHAN Chi-chuen, Dr Helena WONG, Mr CHU Hoi-dick, Mr LAU Kwok-fan and Mr KWONG Chun-yu called on the Administration to provide the necessary financial and manpower support to AWOs to facilitate their implementation of TNR programmes.

15. AD(IQ)/AFCD responded that AFCD had been providing financial resources to SPCA and SAA to support their work in various aspects, including the provision of neutering and medical services to animals at their veterinary clinics. The two AWOs were allowed to flexibly deploy the allocated resources. If any AWOs or parties were interested in conducting TNR programmes, the Administration would assist the proponents and facilitate the implementation of such a programme, including sharing experience gained in the trial programme, helping liaise with the relevant DCs and local stakeholders, and seeking legislative exemption from LegCo. All proposals would be considered on their own merits.

Management of stray dogs

16. Noting that the number of complaints related to stray dogs nuisance territory-wide fell from 6 060 in 2015 to 4 268 in 2017, Mr POON Siu-ping requested the Administration to provide a breakdown by (a) nature, (b) districts and (c) follow-up actions taken by the Administration of the 4 268 complaints received in 2017. While the Administration undertook to provide the requested information after the meeting, Senior Veterinary Officer (Animal Management) Operations/AFCD advised that the majority of complaints were related to dog attack, noise nuisance and environmental hygiene problems caused by dogs.

Admin

17. The Chairman and Mr SHIU Ka-fai called on the Administration to step up public education against dog abandonment, while actively promoting responsible pet ownership. AD(IQ)/AFCD responded that with the continued efforts made in promoting animal welfare, the number of stray dogs caught by AFCD per annum territory-wide had significantly reduced from more than 20 000 in early 1990s to 1 566 in 2017. Under the Rabies Regulation (Cap. 421A), all dogs over the age of five months kept by any person were required to be licensed, microchipped and vaccinated against rabies. Any person who contravened any one of these requirements was liable to a fine of

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\$10,000. Under the Rabies Ordinance, a keeper of any animal who, without reasonable excuse, abandoned that animal committed an offence and was liable on conviction to a maximum fine of \$10,000 and to imprisonment for up to six months. Between 2015 and 2017, AFCD had instituted about 1 700 prosecutions against contravention of the relevant requirements on licensing, implantation of microchips and vaccination against rabies for dogs, as well as failure to take proper control of dogs in public places. The heaviest penalty imposed by the Court on convicted cases was a fine of \$4,000.

Admin

18. The Chairman requested the Administration to provide the respective number of prosecutions taken out by AFCD against persons for (a) abandoning animals (including dogs) without reasonable excuse, (b) failing to take proper control of dogs in public places or (c) contravening the requirements under the Rabies Ordinance and its subsidiary legislation on licensing, implantation of microchips and vaccination against rabies for dogs in the past three years.

19. Ms Claudia MO opined that the Administration should consider implementing as early as possible the "trap-neuter-vaccinate-return" programme for stray dogs in all the 22 police districts with designated teams to carry out investigation of cases of cruelty to animals. She also suggested that AFCD should liaise with the Housing Department to explore whether the Temporary Permission Rule implemented to allow tenants in public rental housing estates to continue keeping small dogs that had been kept in their flats before August 2003 could be relaxed/extended.

Motions proposed by members

20. Mr CHAN Hak-kan, Ms Claudia MO and Mr CHU Hoi-dick indicated their intention to move motions under this discussion item. The Chairman ruled that the three motions proposed respectively by Mr CHAN, Ms MO and Mr CHU were directly related to the agenda item and members present agreed that the motions should be dealt with.

Motion 1

21. The Chairman put the following motion moved by Mr CHAN Hak-kan and seconded by Dr Hon CHIANG Lai-wan to vote:

(議案中文措辭)

本事務委員會促請政府當局：

- (i) 採納「捕捉、絕育、放回」計劃的理念，摒棄過往以「先捕後殺」的被動政策處理社區動物，積極推動社區動物與社區共融的理想；及

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- (ii) 增撥資源推行「捕捉、絕育、放回」計劃，積極與區議會及地區居民溝通與協調，盡力緩解市民對「捕捉、絕育、放回」計劃的憂慮；以及增撥資源推動「領養代替購買」和宣揚盡責寵物主人。

(English translation of the motion)

This Panel urges the Administration to:

- (i) embrace the concept of the "Trap-Neuter-Return" ("TNR") programme and discard the previous passive approach of "catch and kill" in the handling of community animals, while actively promoting the vision of integration of community animals in society; and
- (ii) increase resource allocation for implementing the TNR programme, actively communicate and co-ordinate with the District Councils and local residents in order to alleviate the public's worries about the TNR programme, as well as increase resource allocation for promoting the idea of "adopt and not buy" and publicizing responsible pet ownership.

22. The Chairman invited members to vote for or against the motion by a show of hands. Eleven members voted for the motion, one member voted against it and no member abstained from voting. The Chairman declared that the motion was carried.

Motion 2

23. Ms Claudia MO moved the following motion:

(議案中文措辭)

政府當局應考慮盡快於全港 22 個設有動物案件專隊的警區推行狗隻的「捕捉、絕育、防疫、放回」計劃；而當有動物福利機構或團體申請在特定地區推行「捕捉、絕育、防疫、放回」計劃，食物及衛生局及漁農自然護理署應全面協助及支持，並就過去推行「捕捉、絕育、防疫、放回」計劃時遇到的困難尋求解決方法，及更積極地協調各區議會、鄉事團體及地區人士等，讓「捕捉、絕育、防疫、放回」計劃能切實推行，成為有效控制社區狗隻數目的可持續措施，進一步建立人狗共融的社區。

(English translation of the motion)

The Administration should consider implementing as soon as possible "trap-neuter-vaccinate-return" ("TNVR") programmes for dogs in all the 22 police districts with designated animal cases investigation teams. Moreover, whenever animal welfare organizations or groups apply for implementing TNVR programmes in particular districts, the Food and Health Bureau as well as the Agriculture, Fisheries and Conservation Department should provide them with comprehensive assistance and support, including identifying solutions to the problems encountered in the past in the course of implementing TNVR programmes and making more proactive co-ordinating efforts among various District Councils, rural bodies and community persons, etc., so that TNVR programmes could be taken forward in a practical manner and become an effective and sustainable measure in controlling the number of community dogs, thereby further promoting the integration of human beings and dogs in the communities.

24. Ten members voted for the motion, no member voted against it and one member abstained from voting. The Chairman declared that the motion was carried.

Motion 3

25. Mr CHU Hoi-dick moved the following motion:

(議案中文措辭)

本事務委員會對政府當局就是日會議提供的資料及態度表示極度遺憾，促請食物及衛生局及漁農自然護理署於半年內，提交整全資料後再就流浪狗「捕捉、絕育、放回」計劃及未來推展舉行會議。

(English translation of the motion)

This Panel expresses grave regret towards the Administration regarding the information it provided to the Panel for this meeting and its attitude, and urges the Food and Health Bureau as well as the Agriculture, Fisheries and Conservation Department to provide the Panel with comprehensive information within six months before holding another meeting to discuss the "Trap-Neuter-Return" programme for stray dogs and its way forward.

26. Seven members voted for the motion, one member voted against it and four members abstained from voting. The Chairman declared that the motion was carried.

V. Proposed amendments to the Road Traffic Ordinance (Cap. 374) (incidents involving cats and dogs)

(LC Paper Nos. CB(2)1318/17-18(05) and (06), and CB(2)1346/17-18(01))

27. At the invitation of the Chairman, USFH briefed members on the legislative amendment proposal to enlarge the scope of "animal" under section 56 of the Road Traffic Ordinance (Cap. 374) ("RTO") to require a driver to stop in case of a traffic incident involving damage to a dog or cat, as set out in the Administration's paper (LC Paper No. CB(2)1318/17-18(05)). Members noted the background brief prepared by the LegCo Secretariat entitled "Driver's duty in traffic incidents causing injury to animals" (LC Paper No. CB(2)1318/17-18(06)).

Proposed amendments to the Road Traffic Ordinance

28. Ir Dr LO Wai-kiwok noted from Mr Kenneth LAU's letter dated 3 May 2018 which enclosed a submission from Sai Kung Rural Committee (LC Paper No. CB(2)1346/17-18(01)) that some residents living in the rural areas of the New Territories had much concern about the legislative proposal to require a driver of a vehicle to stop where a traffic incident occurred causing damage to a cat or dog. It was because animals (including dogs and cats) wandering in rural areas was commonplace, and it was difficult for drivers to see moving cats and dogs clearly particularly at night time. These residents were worried that the legislative amendment proposal would add extra liabilities on drivers or impose a new duty on them.

29. Mr CHAN Hak-kan welcomed the Administration's proposal to bring dogs and cats within the scope of section 56 of RTO, as it would afford better protection to these animals. Mr CHAN, Ms Claudia MO and Dr Helena WONG sought clarification on whether the definition of "animal" under section 56(4) of RTO covered wild boar, monkey and stray cattle. In their view, for conservation of migratory species of wild animals (such as wild boar), the Administration should further review and enlarge the scope of "animal" under section 56 of RTO.

30. PASFH(F)3 responded that the Administration had studied the relevant practices and related legislation in other highly urbanized places as Hong Kong, including Singapore, the United Kingdom ("UK") and New York State of the United States of America. The Administration found that the relevant legislative provisions in Singapore and UK were similar to the present section 56 of RTO, except that their scope covered dogs as well. The relevant legislation in New York, on the other hand, covered both dogs and cats, among others. Having regard to the international trend, the Administration

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saw merits to update RTO by bringing cats and dogs under the coverage of section 56 thereof.

31. PASFH(F)3 and AD(IQ)/AFCD further said that at present, "animal" was defined to mean any horse, cattle, ass, mule, sheep, pig or goat under section 56(4) of RTO. As such, stray cattle was covered but not wild boar. AD(IQ)/AFCD explained that horse, cattle, ass, mule, sheep, pig and goat were classified as "domestic animals" having high economic value to the owners in the old days when Hong Kong had not yet undergone rapid development and urbanization and its economic activities yet transformed from agricultural to industrial. If any of those seven types of animal was involved in a traffic incident resulted in injury to or death of the animal, the driver concerned had to give his/her particulars if required by a police officer or any person having reasonable grounds for so requiring (e.g. the owner of the animal concerned) or report the incident to the nearest police station as soon as practicable, and in any case no later than 24 hours after the incident. This facilitated, among others, the settling of compensation claims arising from the incident. It should be noted that cattle (including brown cattle and buffalo) were formerly owned and tended by farmers in Hong Kong before the 1970s when the agricultural industry was still thriving. Since the 1970s, however, with rapid urbanization and economic developments, farmlands and cattle were abandoned by the farmers and the cattle were released to fend for themselves. They continued to reproduce and populate, becoming stray animals now roaming in different townships of Hong Kong. Wild boars and monkeys, however, were not kept as domestic animals and not covered under the same provision of RTO. That said, the Administration noted the different views in local communities on the scope of "animal" defined in RTO, in particular whether certain wild animals, such as wild boar, should be covered.

32. Mr CHAN Chi-chuen and Dr Helena WONG expressed support for the legislative amendment proposal to enlarge the scope of "animal" under section 56(4) of RTO to include cats and dogs. They considered that the Administration should enhance publicity on the new requirements and AFCD should work with relevant departments to ensure effective handling of traffic incidents involving damage to animals (e.g. securing timely and appropriate veterinary treatment for the animals). PASFH(F)3 responded that subject to the passage of the legislative amendment, the Administration would launch a series of publicity activities including distributing posters and leaflets and publicizing on the web through relevant departments such as AFCD, the Transport Department, the Hong Kong Police Force and the Home Affairs Department, and making announcement at the Road Safety Council ("RSC")'s Road Safety Bulletin for all road users' information, before the amendment took effect. Chief Superintendent, Traffic Branch, Hong Kong Police Force ("CSP(T)") supplemented that as a usual practice, the Police would contact AFCD for assistance if there were traffic incidents involving animals.

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33. While expressing support for the legislative proposal, the Chairman said that the concern raised by Mr Kenneth LAU and Sai Kung Rural Committee as set out in LC Paper No. CB(2)1346/17-18(01) should also be addressed. Since the number of cases reported to the Police concerning traffic incidents involving injury to cats and dogs might increase after the passage of the legislative amendment, the Chairman called on the Administration to critically assess the resources requirements for the Police to enforce the proposed new provision(s). CSP(T) responded that the existing legislation did not require drivers to stop their vehicles or report to the Police on traffic incidents involving cats and dogs. As the Police did not keep statistics on cases of such a nature, it was unable to make an assessment on additional resources needed. PASFH(F)3 stressed that the Administration was mindful that additional resources might be required for the Police to provide services for reported cases of traffic incident involving damage to a dog or cat. Where necessary, it would submit bids for additional manpower according to the standing procedures.

34. Mr KWONG Chun-yu asked about the Administration's timetable to introduce the relevant amendment bill. USFH and PASFH(F)3 advised that AFCD would consult relevant stakeholders on the legislative proposal, such as the Animal Welfare Advisory Group and RSC. Views from various sectors of the community were also welcomed. It was the Administration's plan to finalize and introduce into LegCo the amendment bill within the 2018-2019 legislative session.

Drivers' legal responsibility in traffic incidents involving animals

35. Mr CHU Hoi-dick and Dr Helena WONG enquired about the legal responsibility of a driver of a vehicle in a traffic incident involving knocking down or killing of an animal (including cats and/or dogs) under the existing legislation. PASFH(F)3 and CSP(T) advised that at present, section 56(1) of RTO provided that a driver of a vehicle should stop if an incident involving that vehicle occurred whereby damage was caused to, amongst others, an animal. Sections 56(2) and 56(2A) provided that the driver was required to give his/her particulars to a police officer or any person having reasonable grounds for so requiring such information, otherwise he/she had to report the incident to the nearest police station as soon as practicable, and no later than 24 hours after the incident. Contravention of section 56(1) was liable to a fine of \$10,000 and to imprisonment for 12 months, whereas that of 56(2) or 56(2A) was liable to a fine of \$15,000 and to imprisonment for six months. CSP(T) said that the proposal under discussion meant to require drivers to stop and report to the Police in case of a traffic incident involving damage to a dog or cat. The knocking down or killing of a cat or dog, per se, was not an offence. He, however, stressed that acts of cruelty to animals and negligence in taking care of the animals would amount to an offence under the

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Prevention of Cruelty to Animals Ordinance (Cap. 169) ("PCAO"). Under PCAO, any person who cruelly beat, kicked, ill-treated, over-rode, over-drove, over-loaded, tortured, infuriated or terrified any animal, or by wantonly or unreasonably doing or omitting to do any act, caused any unnecessary suffering to any animal committed an offence and should be liable on conviction to a fine of \$200,000 and imprisonment for three years. If a driver intentionally caused suffering to an animal by knocking it down and leaving the scene without reporting the incident to the Police, subject to the evidence available, he/she might be liable to prosecution under PCAO.

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36. The Chairman requested the Administration to explain in writing, with illustrative examples, the legal responsibility of a driver of a vehicle in case of a traffic incident involving knocking down or killing of an animal (including cats and/or dogs) under various pieces of existing legislation.

37. Mr CHAN Hak-kan, Dr Elizabeth QUAT and Ir Dr LO Wai-kwok expressed concern that if a driver was allowed to report a traffic incident involving animals (including cats and dogs) no later than 24 hours after the incident, the animals concerned might be left unattended at the scene for quite a long time before the Police came. In their views, the Administration should make it a mandatory requirement for drivers to report traffic incidents involving animals immediately after the incident, such that the animals concerned could receive timely and appropriate veterinary treatment. They suggested that consideration be given to setting up a 24-hour reporting hotline for members of the public to report such incidents.

38. PASFH(F)3 reiterated that the main purpose of the proposal was to impose a duty on the driver to stop in case of a traffic incident involving knocking down or killing of a cat or dog and to report the matter to the Police as soon as practicable, and in any case no later than 24 hours after the incident, such that the animal concerned could receive proper attention by the Police and/or AFCD. AD(IQ)/AFCD added that drivers could report such incidents to AFCD via the government hotline "1823", in addition to the Police hotline "999".

39. Mr CHAN Hak-kan said that the problem of speeding was quite serious on some roads, resulting in the knocking down or killing of animals by vehicles from time to time. In his view, the Administration should consider further measures, such as erecting purpose-designed road signs and/or installing speed enforcement cameras, to reduce the number of incidents involving damage to animals at traffic blackspots.

40. Mr Michael TIEN suggested that the Police should set up a database on traffic incidents involving animals. Expressing support for the proposed amendments to RTO, he asked whether the Administration would draw

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reference to animal protection laws of other jurisdictions (e.g. the Animal Protection Act of Taiwan) and consider making it an offence for a driver of a vehicle to knock down an animal in a road incident, in contravention of traffic regulations or failure to pay attention to road conditions when driving, causing injury to or even death of any animal. The Administration undertook to provide a written response after the meeting.

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Motion proposed by a member

41. Ms Claudia MO indicated an intention to move a motion under this discussion item. The Chairman ruled that the motion was directly related to the agenda item and members present agreed that the motion should be dealt with. Since, at this point of time, there was a lack of quorum, the Chairman ordered that the quorum bell be rung to summon members before proceeding to deal with the motion. A quorum was subsequently present.

42. The Chairman put the following motion moved by Ms Claudia MO to vote:

(議案中文措辭)

本事務委員會要求政府當局將猴子及(非家畜)野豬等本港常見的社區動物亦一併納入《道路交通條例》(第 374 章)第 56 條第(4)款的涵蓋範圍，以進一步保障本港社區動物的安全。

(English translation of the motion)

This Panel requests the Administration to also include common community animals in Hong Kong such as monkeys and non-domesticated wild boars under the scope of section 56(4) of the Road Traffic Ordinance (Cap. 374), so as to enhance the protection of local community animals.

43. The Chairman invited members to vote for or against the motion by a show of hands. Eight members voted for the motion, two members voted against it and no member abstained from voting. The Chairman declared that the motion was carried.

VI. The Second Hong Kong Population-based Food Consumption Survey and its relevance to the food safety regulatory regime
(LC Paper Nos. CB(2)1318/17-18(07) and (08))

44. At the invitation of the Chairman, USFH briefed members on the Second Hong Kong Population-based Food Consumption Survey ("the

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Second FCS") being conducted by the Centre for Food Safety ("CFS") and the significance of the survey to the food safety risk assessment and regulatory work, as detailed in the Administration's paper (LC Paper No. CB(2)1318/17-18(07)). Members noted the background brief prepared by the LegCo Secretariat entitled "Hong Kong Population-based Food Consumption Survey" (LC Paper No. CB(2)1318/17-18(08)).

Application of the survey findings

45. Noting that the First Hong Kong Population-based Food Consumption Survey ("the First FCS") was conducted between 2005 and 2007, Dr Helena WONG enquired about the areas of work relating to food safety and diet-related health to which the Administration had applied the survey findings. Dr CHIANG Lai-wan asked about the actions taken by the Administration to improve the food consumption patterns and food safety of the people of Hong Kong in light of the findings of the First FCS.

46. Consultant (Community Medicine) (Risk Assessment and Communication), CFS ("C(CM)(RAC)/CFS") responded that CFS conducted the First FCS to collect food consumption information (including the types and amount of food consumed) among individuals. The survey findings had been applied in CFS' food safety risk assessment work and food regulatory measures development, including daily risk assessments, the First Hong Kong Total Diet Study and various topical risk assessment studies. The results of the risk assessments provided scientific basis for CFS to formulate and deploy appropriate risk management measures, and prepare appropriate food safety messages (e.g. dietary advice to women of childbearing age on the potential health risks to foetus upon methylmercury exposure during pregnancy). The survey findings also provided scientific information for further assessment on the priorities for legislative work and the prevailing local food safety standards.

47. The Chairman enquired whether the Administration would consider regulating salt and sugar contents in food by legislation or fiscal measures (e.g. "sugar tax") if the food consumption pattern of the population moved towards an increased or excessive intake of salt and sugar. Sharing a similar concern, Dr CHIANG Lai-wan urged the Administration to follow up the results of the Second FCS with the Committee on Reduction of Salt and Sugar in Food ("CRSS") so as to devise and implement strategic plan/measures for encouraging reduced intake of salt and sugars in food to promote a healthy diet.

48. C(CM)(RAC)/CFS responded that the Administration had applied various findings of the First FCS in the promotion of balanced diet, e.g. the identification of major sources of salt in the local diet had contributed to

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targeted salt reduction strategies and public education. USFH added that the Administration attached much importance to the reduction of salt and sugar intake of Hong Kong people. It would work closely with CRSS and give consideration to measures suggested for salt and sugar reduction appropriate to Hong Kong's context.

Survey details

49. Noting that the Second FCS only covered the local population aged 18 or above, Dr CHIANG Lai-wan hoped that the Administration would conduct a separate FCS targeting students and younger age groups. C(CM)(RAC)/CFS agreed that the food consumption pattern of and associated food risks posed to younger age groups were different from the adults'. CFS had conducted a FCS for secondary school students in 2000, and would consider conducting another FCS for younger age groups after the completion of the Second FCS.

50. The Chairman sought information about the timetable and the estimated cost for conducting the Second FCS. USFH responded that CFS had commissioned Policy 21 Limited to conduct the survey. The contract was awarded to the above consultant at a price of \$3.9 million. The main fieldwork of the survey had started on 13 April 2018 and would last for approximately a year. The survey report was expected to be completed for publication in 2020. In response to Dr Helena WONG's further enquiry, USFH advised that CFS would review the scope and frequency of conducting the next FCS after the completion of the current exercise.

51. Dr Helena WONG referred to the questionnaires used in the First FCS. In her opinion, respondents might have difficulty in providing answers in a precise manner to some of the questions (e.g. the amount of certain food items consumed which were measured in serving/gram/tael). She also noted that some of the food items in the questionnaires were described in specific cooking methods (e.g. "marinated chicken feet"). She doubted whether the findings drawn from the corresponding consumption data of these food items could give a complete picture of the overall food consumption pattern of the population. In Dr WONG's view, there was room for improvement regarding the design of the questionnaires used for obtaining food consumption data in the First FCS.

52. In response, C(CM)(RAC)/CFS advised that:

- (a) respondents selected for the Second FCS would be invited to attend two interviews for collecting information on (a) foods and drinks consumed in two specific 24-hour periods ("24-hour diet recall") and (b) the consumption of certain foods in the past 12

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months ("food frequency questionnaire"). Prior to data collection, to minimize reporting errors and ensure data quality, the survey interviewers were extensively trained to guide the respondents to provide the required information. The interviewers would bring along sample bowl, plate, cup, spoon as well as photos of utensils in other sizes and show them to the respondents to help the latter estimate the amount of food taken. Besides, a food photo booklet showing various food items in specific quantities and their relevant weight was available to help the respondents estimate the consumed amount of each item relative to the photo; and

- (b) while the 24-hour diet recall captured the most common types of food consumed by the population, items less likely to be captured in the 24-hour diet recall interviews, such as festive foods or items of special interest for risk assessment were also included in the food frequency questionnaire.

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53. At Dr Helena WONG's request, the Administration would provide more detailed information on:

- (a) the methodology and survey/interview arrangements adopted for conducting the Second FCS and a copy of the Food Frequency Questionnaire as well as the 24-hour Diet Recall Questionnaire; and
- (b) the criteria for selecting food items/dishes (in particular, those items of special interest for risk assessment such as "marinated chicken feet") for inclusion in the Food Frequency Questionnaire.

VII. Any other business

54. There being no other business, the meeting ended at 4:52 pm.