



中華人民共和國香港特別行政區政府總部食物及衛生局
Food and Health Bureau, Government Secretariat
The Government of the Hong Kong Special Administrative Region
The People's Republic of China

31 August 2018

Ms Josephine SO
Clerk to the Panel on Food Safety and Environmental Hygiene
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Ms SO,

Panel of Food Safety and Environmental Hygiene

List of follow-up actions

Thank you for your letter dated 18 July 2018. Our response concerning the list of follow-up actions is appended below:

<u>Subject</u>	<u>Our Response</u>
1. Work on the review of export control on powdered formulae	Our response is set out in <u>Annex A.</u>
2. Safety control for imported fruits and vegetables	Our response is set out in <u>Annex B.</u>
3. New allocation arrangement for public niches	Our response is set out in <u>Annex C.</u>
4. The “Trap-Neuter-Return” (“TNR”) trial programme for stray dogs	Our response is set out in <u>Annex D.</u>
5. Proposal to amend the relevant provisions of the	Our response is set out in <u>Annex E.</u>

<u>Subject</u>	<u>Our Response</u>
Road Traffic Ordinance (Cap. 374) to include “dog” and “cat”	
6. Issues relating to the proposed establishment of the Agricultural Park (“the Agri-Park”)	Our response is set out in <u>Annex F</u> .
7. Rehabilitation of fallow farmland	Response will be provided by the Development Bureau separately.

Yours sincerely,



(Gilford LAW)
for Secretary for Food and Health

c.c.

Secretary for Development (Attn: Mr. LAM Chi-man, David)

**Information on Powdered Formula and
the Work on Breastfeeding Promotion**

In 2016, the volume of powdered formula imports was 59 million kilogrammes (kg); the volume of retained imports was 42 million kg; the volume of re-exports was 17 million kg; while the volume of re-exports to China was 9 million kg.

Regarding the nutritional needs of infants and young children between the age of 12 and 36 months, the Food and Health Bureau set up the Committee on Promotion of Breastfeeding in 2014, providing specific recommendations on strategies and action plans to strengthen the promotion, protection and support for breastfeeding. The aim is to promote breastfeeding as the norm for baby care widely accepted by the community. Thereby, the public will then turn their support into action and create a breastfeeding friendly environment, which will boost the rate and sustainability of breastfeeding.

Safety Control for Imported Fruits and Vegetables

The laws of Hong Kong stipulate that all food for sale must be fit for human consumption. The Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department takes food samples at the import, wholesale and retail levels for testing.

In the view of the Investigation Report published by the Ombudsman in November last year, the CFS has increased the number of fruit samples at Man Kam To Food Control Office (MKTFCO) from 340 in 2016, to more than 470 in 2017. The target for 2018 is to further enhance the number of fruit samples to 600. In September 2017, the CFS started to take fruit samples for testing from the warehouses/cold storages of the importers, and has planned to take approximately 120 fruit samples in 2018. The CFS has gradually enhanced the sampling of fruits imported by sea from wholesale markets, from more than 640 samples in 2016, to 790 samples in 2017, and is planning to take 900 samples in 2018.

The details of inspecting lorries carrying fruits and vegetables at MKTFCO are as follows. When a lorry carrying fruits and vegetables arrives at MKTFCO, CFS staff would check if the seal on the vehicle remains intact, examine the accompanying documents, and adopt a risk-based approach in taking samples for quick tests for pesticide residues and comprehensive chemical analysis. In view of the Ombudsman's Investigation Report, the CFS has issued guidelines to frontline staff on the collection of samples of fruits and vegetables in the storage compartments of lorries, adopting a random sampling plan for lorry inspection, including the use of forklifts to take vegetable samples from the inner parts of the vehicle near the driver's seat. Also, the CFS has enhanced the relevant training and on-site guidance, for the effective implementation of the procedures and ensuring the occupational safety of the frontline staff. The numbers of samples taken from different parts of the vehicle storage compartments would be adjusted in a risk-based approach when necessary.

As for the vegetable inspection conducted by the Vegetable Marketing Organization (VMO), it has set up a Pesticide Residue Testing

Laboratory at the Cheung Sha Wan Wholesale Vegetable Market (CSWWVM) to collect samples of vegetables marketed through CSWWVM (including vegetables produced locally and imported from the Mainland) daily for quick tests for pesticide residues and comprehensive chemical analysis, with a risk-based approach and according to the past pesticide residue test results. The main purpose is to effectively manage the quality of vegetables for sale and attract more customers to purchase vegetables at CSWWVM by providing the said service. Once the pesticide residue level of vegetable samples in regular tests is found to be exceeding the legal limit¹ currently imposed by the CFS, no matter the vegetables concerned are produced locally or imported from the Mainland, VMO will undertake corresponding administrative measures to address the issue and refer the suspected cases to the FEHD for follow-up.

¹ Pesticide Residues in Food Regulation (Cap. 132CM).

New Allocation Arrangement for Public Niches

Further to our interim reply of 17 April 2018, please note that the supplementary information sought by the Panel at the 10 April 2018 meeting is covered by our response to written submissions on the captioned subject vide our letter to the Panel dated 8 June 2018 (LC Paper No. CB(2)1567/17-18(01)).

To introduce the extendable arrangement for the use of public niches including the fees of such niches, we would propose amendment to the Public Health and Municipal Services (Fees) Regulation, which is subject to negative vetting by the Legislative Council.

Supplementary Information on the “Trap-Neuter-Return” (“TNR”) Trial Programme for Stray Dogs

- (a) In 2017, the number of stray dog nuisance complaints received by the Agriculture, Fisheries and Conservation Department (AFCD) by the different Animal Management Centres (AMCs) is as follows:

AMC	Number of complaints related to stray dog nuisance
Hong Kong	569
Kowloon	1 496
New Territories South	948
New Territories North	1 255
Total	4 268

Most of the complaints received were related to concerns over public health (such as infection) and safety (such as biting) caused by stray dogs. Others were related to noise nuisance and environmental hygiene (e.g. droppings) problems. AFCD does not have the breakdown on the nature and follow-up actions of these complaints.

Generally speaking, AFCD aims at reducing the nuisance of stray dogs at source. Upon receipt of a complaint against stray dog, AFCD will try to locate the dog, and put it in an AMC for observation. For a dog with microchip, the AMC concerned will try to contact the owner according to the records available. In general, microchipped stray dogs will stay in AMCs temporarily for about 10 to 20 days while non-microchipped ones will stay for at least four days, pending reclaim by their owners.

Dogs left unclaimed and in good health and assessed by a veterinary surgeon as having a gentle temperament and suitable for adoption are transferred to animal welfare organisations (AWOs) for adoption by members of the public. Only dogs that remain unclaimed or assessed as not suitable for adoption due to health or temperament will be euthanised.

- (b) Under Section 22 of the Rabies Ordinance (Cap. 421), a keeper of any animal who abandons that animal without reasonable excuse is liable to a maximum fine of \$10,000 and imprisonment for six months. In adducing evidence to substantiate a case, it is sometimes difficult for the prosecution to prove beyond reasonable doubt that a person abandons an animal without reasonable excuse, particularly in those cases where there is no witness.

To tackle cases involving dogs, the prosecution may press charges against the dog owners concerned for failing to take proper control of their dogs in public places pursuant to Section 23 of the Rabies Ordinance. AFCD may also lay charges against the dog owners for not vaccinating, microchipping and licensing their dogs pursuant to Section 20 of the Rabies Regulation (Cap. 421A).

Information on the number of such convictions over the past three years is appended below.

Calendar year	Number of convicted cases	
	Prosecution against improper control of dogs	Prosecution against keeping dog without a valid licence
2015	246	466
2016	174	306
2017	192	342

- (c) The TNR trial programme did not achieve the designated performance targets. This notwithstanding, AFCD is open-minded to assisting AWOs in carrying out this type of programme in other specific locations. AFCD will share with the proponents the experience of implementing the trial programme, and assist in liaising with and introducing the programme to the relevant District Councils and local stakeholders, with a view to soliciting their support for running the programme. We will also seek the necessary legislative exemption from the Legislative Council.

Supplementary Information on
Provisions of the Road Traffic Ordinance (Cap. 374)

At present, Section 56(1) of the Road Traffic Ordinance (Cap. 374) provides that a driver of a vehicle shall stop if an accident involving that vehicle occurs whereby damage is caused to, amongst others, an animal. Sections 56(2) and 56(2A) provide that the driver is required to give his/her particulars to a police officer or any person having reasonable grounds for so requiring such information, otherwise he/she has to report the incident to the nearest police station as soon as practicable, and no later than 24 hours after the accident. Contravention of Section 56(1) is liable to a fine of \$10,000 and imprisonment for 12 months, whereas that of 56(2) or 56(2A) is liable to a fine of \$15,000 and imprisonment for six months. Currently, “animal” is defined under Section 56(4) as any horse, cattle, ass, mule, sheep, pig or goat.

The Prevention of Cruelty to Animals Ordinance (Cap. 169) provides that any person who, by wantonly or unreasonably doing or omitting to do any act, causes any unnecessary suffering to any animal commits an offence and shall be liable on conviction to a fine of \$200,000 and imprisonment for three years. In other words, if a driver intentionally causes suffering to an animal (including cats and/or dogs) by knocking it down and leaving the scene, he/she might be liable to prosecution under this Ordinance, subject to the evidence available. The Government has no plan to make the knocking down or killing of an animal in a traffic accident per se as an offence under the law.

We have researched into the practices and related legislation in other highly urbanised places, namely Singapore, the United Kingdom (UK), Australia, New Zealand, and California and New York, the United States (US). It is noted that, similar to Hong Kong, the UK, New York and Singapore have legislation regarding the duty of a driver to stop when hitting an animal and give their particulars if required by a police officer or any person having reasonable grounds to require such information. Having regard to the relevant laws in these jurisdictions, the Government proposes to expand the coverage of animals under Section 56(4) of the Road Traffic Ordinance to include dogs and cats. A public consultation on this proposal is currently being conducted. The Government will finalise the legislative proposal having regard to the views collected in the public consultation.

**Supplementary Information on
the Agricultural Park (“the Agri-Park”)**

- (a) Households or persons affected by land resumption or clearance of government land will be duly compensated under the prevailing compensation and rehousing arrangements as set out in relevant policies and legislation. Farmers operating within the site of the Agri-Park will be accorded priority for renting farmland in the Agri-Park if they wish to continue farming.

Farmers outside the boundary of the Agri-Park will not be affected by the land resumption for this Project. This notwithstanding, the Government stands ready to provide assistance to all farmers (no matter inside or outside the land resumption/clearance limit) in identifying suitable farmland for rehabilitation through on-going initiatives such as the Agricultural Land Rehabilitation Scheme. The Government will provide technical support to help farmers rehabilitate as soon as possible after the relocation to a new site.

- (b) The proposed road works is necessary for the logistics and transportation need for the operation of tenants in Phase 1. The road works and construction of other infrastructure are essential to the commissioning of Phase 1, which will enable the partial commissioning of the Agri-Park for use by farmers as early as possible. Aside from building a new road, some existing footpaths and Tsiu Keng Road will be improved.

The Government has consulted the North District Council (NDC) and the corresponding rural committee as well as landowners, local villagers, farmers and interest groups on the road works and land resumption for Phase 1 since 2017 and obtained the support of the NDC.

In addition, the Consultant will comprehensively review and make recommendations in respect of the transportation network and other infrastructure in Phase 2 to complement the infrastructure in Phase 1.

- (c) The Agri-Park farmland will mainly be made available to the public through open applications, with a view to encouraging and nurturing new agro-businesses to invest and explore new agricultural production methods on a commercial scale. Rent for the farmland

will be set to attain these objectives. The standard tenancy period is 5 years. Existing farmers operating within the area of the Agri-Park may, upon production of valid tenancy agreements or supporting documents, enter into the first tenancy agreement with the Agri-Park at the same rent and tenancy period, up to a maximum of five years. Upon expiry of such period, the farmers concerned will be offered the standard tenancy agreement like other tenants.

- (d) The Government received more than 50 submissions from stakeholders and the public on the proposed road works. Relevant stakeholders including green groups, representatives of landowners, local farmers/ villagers and the public gave their views on issues such as (i) the necessity for, and the alignment of, the road, (ii) the impact of the construction works on existing farmers, farmland, traffic and environment, (iii) clearance compensation and rehousing arrangements to affected persons as well as (iv) the planning of the Agri-Park.