

立法會

Legislative Council

LC Paper No. CB(2)849/18-19

(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, 11 December 2018, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex**

Members present : Dr Hon KWOK Ka-ki (Chairman)
Hon SHIU Ka-fai (Deputy Chairman)
Hon Tommy CHEUNG Yu-yan, GBS, JP
Prof Hon Joseph LEE Kok-long, SBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Claudia MO
Hon Steven HO Chun-yin, BBS
Hon CHAN Chi-chuen
Hon CHAN Han-pan, BBS, JP
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon Helena WONG Pik-wan
Dr Hon Elizabeth QUAT, BBS, JP
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, SBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Hon HO Kai-ming
Hon Wilson OR Chong-shing, MH
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 Jeremy TAM Man-ho
Hon AU Nok-hin
Hon Vincent CHENG Wing-shun, MH
Hon CHAN Hoi-yan

Member attending : Hon YIU Si-wing, BBS

Members absent : Hon KWOK Wai-keung, JP
Hon SHIU Ka-chun

Public Officers attending : Item V

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

Mr Gilford LAW Sun-on
Principal Assistant Secretary for Food and Health (Food) 2

Miss Diane WONG Shuk-han
Deputy Director (Environmental Hygiene)
Food and Environmental Hygiene Department

Mr Edward CHAN Yiu-keung
Assistant Director (Operations) 2
Food and Environmental Hygiene Department

Ms Rhonda LO Yuet-yee
Coordinator (Hawker Assistance Scheme)
Food and Environmental Hygiene Department

Item VI

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

Mr Gilford LAW Sun-on
Principal Assistant Secretary for Food and Health (Food) 2

Miss Diane WONG Shuk-han
Deputy Director (Environmental Hygiene)
Food and Environmental Hygiene Department

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

Mr LAM Kam-kong
Coordinator (Cleansing Infrastructure)
Food and Environmental Hygiene Department

Item VII

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

Ms Chelsea WONG Wing-chee
Principal Assistant Secretary for Food and Health (Food) 1

Mr Peter MA Wai-chung
Assistant Director (Agriculture) (Acting)
Agriculture, Fisheries and Conservation Department

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

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

Mr Clement HAU
Council Secretary (2) 2

Miss Cally LAI
Legislative Assistant (2) 2

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I. Confirmation of minutes
(LC Paper No. CB(2)346/18-19)

The minutes of the policy briefing held on 22 October 2018 were confirmed.

II. Information papers issued since the last meeting
(LC Paper Nos. CB(2)311/18-19(01), CB(2)343/18-19(01) and CB(2)361/18-19(01))

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

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- (a) Joint letter dated 21 November 2018 from Hon Steven HO, Hon CHAN Han-pan and Dr Hon Elizabeth QUAT regarding the outbreaks of E coli infections in the United States and Canada likely linked to the consumption of contaminated romaine lettuce;
- (b) Administration's response to the joint letter dated 21 November 2018 from Hon Steven HO, Hon CHAN Han-pan and Dr Hon Elizabeth QUAT; and
- (c) Letter dated 30 November 2018 from Dr Hon Helena WONG regarding Chapters 1 and 2 in Report No. 71 of the Director of Audit on the results of value for money audits respectively on the subjects of "Centre for Food Safety: Management of food safety" and "Centre for Food Safety: Import control of foods".

III. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)383/18-19(01) and (02))

3. Members agreed to discuss the following items at the next regular meeting scheduled for Tuesday, 8 January 2019 at 2:30 pm:
- (a) Survey results and control strategy against biting midges; and
 - (b) Establishment of an Agricultural Park (Phase 1) in Kwu Tung South.

(Post-meeting note: Members were informed vide LC Paper No. CB(2)520/18-19 issued on 28 December 2018 that an additional item "Government's strategy towards prevention of African Swine Fever" had subsequently been included in the agenda of the regular meeting in January 2019.)

IV. Joint request from Dr Hon Elizabeth QUAT, Dr Hon CHIANG Lai-wan and Hon Wilson OR that the motion jointly proposed by the three members under the agenda item "Mosquito and rodent control" at the meeting on 13 November 2018 be dealt with at the December meeting
(LC Paper Nos. CB(2)261/18-19(01) and (02))

4. The Chairman recapped that at the last meeting on 13 November 2018, Dr Elizabeth QUAT, Dr CHIANG Lai-wan and Mr Wilson OR had indicated their intention to jointly move a motion under the agenda item "Mosquito and

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rodent control". However, since the three motion movers and a quorum were not present at the meeting when the discussion on the said item was about to end, the proposed motion was not dealt with at the November meeting. After the meeting, Dr QUAT, Dr CHIANG and Mr OR jointly wrote to him, requesting that their proposed motion be dealt with at this meeting.

5. The Chairman advised that in line with the normal practice, if a quorum was not present before a motion was dealt with, he, as the Panel Chairman, might, with members' agreement, defer the handling of the motion or postpone the voting to a later time of the meeting or a future meeting. As the Panel had not made such a decision at the last meeting, the Chairman invited members' views as to whether the joint request from Dr Elizabeth QUAT, Dr CHIANG Lai-wan and Mr Wilson OR should be supported, as an exceptional instance.

6. As no member raised objection to the request, the Chairman put to vote the following motion jointly moved by Dr Elizabeth QUAT, Dr CHIANG Lai-wan and Mr Wilson OR:

(議案中文措辭)

近年本港蚊患與鼠患問題日趨惡化，今年 8 月爆發有紀錄以來最嚴重的本地感染登革熱疫潮，9 月港大醫學院公佈本港發現全球首宗老鼠傳染人類戊型肝炎個案，上述事件引起港人對防治蚊鼠情況的憂慮和關注。就此，本事務委員會促請政府：

- (一) 強化「防治蟲鼠督導委員會」的跨部門協作，積極協調不同部門的防治蚊鼠工作，並加強與各區區議會的聯繫，防範疫症在社區爆發；
- (二) 制訂全面的「綜合蚊患管理策略」，加強防蚊滅蚊工作，杜絕成蚊及其幼蟲的滋生環境，在各區增加誘蚊產卵器的數目，全面監察蚊患情況，並因應蚊患指數的變動適時調整防蚊滅蚊策略；仿照蚊患指數的方式設立監察蠓患的指標，並加強市民對蠓患防治的宣傳，做好社區層面的防治工作；
- (三) 檢討「鼠患參考指數」計算方法，例如引入鼠患投訴數字、捕獲活鼠與收集死鼠數目等多元參考指標，定期因應鼠患指數的變動調整滅鼠策略；加強滅鼠工作，包括

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增加放置毒餌、捕鼠器、毀滅鼠洞及防阻鼠隻設施，並積極引入新的滅鼠措施；

- (四) 加強對外判商承辦商的監督，包括增加監督人員的數目、制訂清晰的督導機制，並要求前線從業員接受專業的訓練；強化區議會對外判服務的監察，包括就承辦商的招標、遴選、合約磋商、制訂監管機制等範疇給予意見，並鼓勵區議會收集公眾人士對外判服務的意見，集中向政府反映，以確保蚊鼠治理工作的成效；及
- (五) 設立由區議會主導的「社區環境衛生改善基金」，讓區議會能自主運作相關撥款，用於社區環境改善工作，積極改善社區內的蟲鼠治理工作，並透過地區官員與區議員的緊密合作，改善社區面對的急切衛生問題。

(English translation of the motion)

In recent years, mosquito and rodent problems in Hong Kong have become increasingly serious. In August this year, Hong Kong experienced the most serious outbreak of locally-transmitted dengue fever on record. The Faculty of Medicine of the University of Hong Kong announced in September that the world's first human case of rat hepatitis E was detected in Hong Kong. The aforesaid incidents have aroused worries and concerns among the people of Hong Kong about the prevention and control of mosquitoes and rodents. In this connection, this Panel urges the Government to:

- (1) step up the inter-departmental collaborative efforts under the Pest Control Steering Committee by actively coordinating the prevention and control of mosquitoes and rodents among different departments as well as strengthening its liaison with various District Councils ("DCs") in preventing the outbreak of epidemic diseases in the community;
- (2) formulate a holistic "integrated mosquito management strategy", step up its anti-mosquito efforts, eliminate the breeding grounds for adult mosquitoes and larvae of mosquitoes, place more ovitraps in various districts for the purpose of comprehensively monitoring mosquito infestation, and adjusting its anti-mosquito strategies according to changes in ovitrap indices in a timely manner; put in place indicators to monitor the infestation of biting midges with reference to the use of ovitrap index for mosquitoes; and step up publicity to raise public awareness of

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the prevention and control of biting midges with a view to enhancing the control work at the community level;

- (3) review the method for calculating the rodent infestation rates ("RIRs") by introducing diversified indicators, such as the number of rodent infestation complaints received, the numbers of live and dead rodents caught etc., so that anti-rodent strategies can be regularly adjusted according to changes in RIRs; step up anti-rodent work by, inter alia, applying poisonous baits and placing rodent traps at more locations, destroying rat holes and installing rat deterrent devices; and actively introduce new anti-rodent measures;
- (4) strengthen its supervision over outsourced service contractors by, inter alia, increasing the number of supervisory staff, putting in place a transparent supervisory mechanism and requiring frontline workers to receive professional training; strengthen the role of DCs in monitoring the provision of outsourced services by, inter alia, inviting DCs to advise on the tendering and selection of contractors, negotiation of contract terms and formulation of monitoring mechanism; encourage DCs to gauge public views on outsourced services, and relay such views to the Government with a view to ensuring the effectiveness of its work in preventing and controlling mosquito and rodent infestation; and
- (5) set up DC-led "Funds for Improving Community's Environmental Hygiene" so that DCs may, at their own discretion, use the funds to improve the community's environment, actively enhance the pest control work in the community and, through close cooperation between district officials and DC members, address the imminent hygiene problems in the community.

7. The Chairman invited members to cast their vote by a show of hands. All the 16 members present at the meeting voted for the motion. No member voted against it or abstained from voting. The Chairman declared that the motion was carried.

V. Review of the Licensed Hawker Assistance Scheme
(LC Paper Nos. CB(2)383/18-19(03) and (04))

8. At the invitation of the Chairman, Under Secretary for Food and Health ("USFH") briefed members on the outcome of the review of the

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five-year assistance scheme for licensed hawkers operating in 43 fixed-pitch hawker areas ("the Hawker Assistance Scheme") and the proposed arrangements for re-allocation of suitable hawker pitches, as set out in the Administration's paper (LC Paper No. CB(2)383/18-19(03)). Members noted the background brief prepared by the Legislative Council ("LegCo") Secretariat on the subject (LC Paper No. CB(2)383/18-19(04)).

Outcome of the Hawker Assistance Scheme

9. Mr HUI Chi-fung expressed concern that only 237 vacant hawker pitches were released for re-allocation, despite the fact that a total of 854 applications for surrender of hawker licences were received under the Hawker Assistance Scheme. He asked how the Food and Environmental Hygiene Department ("FEHD"), following the surrender of 854 hawker licences, took forward stall relocation cum reconstruction or in-situ stall reconstruction to improve the design and fire resisting capability of hawker stalls, resulting in the release of 237 vacant hawker pitches for re-allocation. Mr HUI, Mr CHAN Chi-chuen and Mr Andrew WAN sought information on (a) the number of hawker pitches vacated through natural causes; (b) how the figure of 423 vacant pitches considered as suitable for re-allocation was arrived at after the completion of the Hawker Assistance Scheme; and (c) the number of vacant pitches not going to be re-allocated and the rationale behind.

10. Deputy Director (Environmental Hygiene)/FEHD ("DD(EH)/FEHD") and Coordinator (Hawker Assistance Scheme)/FEHD ("C(HAS)/FEHD") responded that:

- (a) the Hawker Assistance Scheme had closed in June 2018. Among the 4 330 licensed fixed-pitch hawkers, FEHD had received applications from 854 eligible hawkers for ex-gratia payment on surrender of hawker licences. The approval procedures had been completed and the pitches concerned were vacated. Besides, FEHD had received 422 applications for relocation cum reconstruction grant and 3 002 applications for in-situ reconstruction grant. About 98.8% of the licensed hawkers in the 43 hawker areas joined the Hawker Assistance Scheme;
- (b) although 854 eligible hawkers had surrendered their licences, it was worth noting that some pitches so vacated had been (i) earmarked to accommodate stalls that required relocation due to fire safety considerations, (ii) absorbed in the course of rationalization of the overall layout of hawker areas, and (iii) reserved for resite commitments due to other needs. In the end, 237 vacant hawker pitches could be released after the Hawker Assistance Scheme. Added to this, as at

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31 October 2018, there were 186 hawker pitches within or outside the hawker areas which were vacated due to other reasons. Hence, there were now a total of 423 vacant pitches (as enumerated in Annex 2 to the Administration's paper) which had fire safety improved and were suitable for re-allocation; and

- (c) the figure representing the number of pitches suitable for re-allocation had deducted those pitches (i) with a higher risk which were unsuitable for setting up stalls (including pitches located within a radial distance of six metres in front of building staircase discharge points and within 1.5 metres of fire hydrants/located at emergency vehicular access), (ii) earmarked to accommodate stalls that required relocation due to fire safety considerations, absorbed in the course of rationalization of the overall layout of hawker areas as well as reserved for resite commitments due to other needs.

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11. Mr HUI Chi-fung held the view that the Administration should devise measures to facilitate practitioners of traditional crafts to do business. He requested the Administration to provide in writing detailed information (including breakdown of figures) in response to members' enquiries as mentioned in paragraph 9, and to revert on whether any assistance had been provided to unlicensed street tradesmen with characteristics of local culture and heritage (e.g. cobblers and watch repairers) in recent years to facilitate the tradesmen to conduct business at suitable sites as well as the Administration's future position on the preservation of hawking of traditional crafts.

(Post-meeting note: The Administration's response was issued to members vide LC Paper No. CB(2)588/18-19 on 14 January 2019.)

Proposed arrangements for re-allocation of vacant hawker pitches

12. The Deputy Chairman said that he shared the views of the Federation of Hong Kong Kowloon New Territories Hawker Associations on the Administration's proposed arrangements for re-allocation of vacant hawker pitches, as detailed in the Federation's submission to the Panel (LC Paper No. CB(2)435/18-19(01)). In his view, instead of apportioning the vacant pitches equally among four categories of applicants (namely, licensed newspaper hawkers, licensed itinerant hawkers, registered hawker assistants with five years' or more experience and members of the general public satisfying some basic criteria), priority should be accorded to experienced registered assistants (e.g. those with seven years' or more experience) as this group of applicants could apply their experience gained from the past several years of operation more easily in the hawking business, which in turn would help enhance the vibrancy of the hawker areas. The Deputy Chairman further said

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that he had reservations about supporting the proposed re-allocation of vacant pitches to licensed itinerant hawkers as these hawkers might lose their distinctiveness after being relocated to fixed-pitch hawker areas.

(Post-meeting note: The submission from Federation of Hong Kong Kowloon New Territories Hawker Associations tabled at the meeting was issued to members vide LC Paper No. CB(2)435/18-19 on 12 December 2018.)

13. Mr Vincent CHENG expressed appreciation of the Administration's efforts in reducing the fire risks posed by on-street hawking activities through launching the Hawker Assistance Scheme. He said that to his understanding, there were at present more than 5 000 registered hawker assistants and about half of them had five years' or more experience in the hawking trade. In his view, the Administration should consider setting aside more vacant pitches for re-allocation to experienced hawker assistants.

14. The Deputy Chairman, Mr CHAN Chi-chuen and Mr AU Nok-hin suggested that the Administration should consider relaxing the restriction on the types of additional/sideline commodities allowed to be sold by licensed newspaper hawkers at newspaper stands. In these members' views, the relocation of licensed newspaper hawkers to vacant hawker pitches would not help much in improving the business environment of licensed newspaper hawkers. The Deputy Chairman suggested that the Administration should tap the views of newspaper hawkers on the proposed re-allocation arrangements.

15. DD(EH)/FEHD explained the rationale behind the Administration's proposal to re-allocate suitable hawker pitches to four categories of applicants, as detailed in Annex 3 to the Administration's paper, with the following salient points:

- (a) at present, there were 390 licensed newspaper hawkers operating at hawker pitches or on itinerant basis. Although compatible sideline commodities (12 items in total) in addition to printed media were permitted to be sold at newspaper stands, many licensed newspaper hawkers had pointed out that their business was declining. As observed during past enforcement operations, non-permitted items were sold at newspaper stands and these items even dominated the approved commodities in terms of size and volume. This had caused serious street obstruction at locations of heavy pedestrian flow. Permitting more sideline items to be sold at newspaper stands for sustaining business income of licensed newspaper hawkers would not only adversely affect street obstruction problem, but also pose unfair competition to neighbouring retailers. Giving newspaper hawkers an

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opportunity to apply for allocation of suitable hawker pitches would not only relieve the pavement congestion but also alleviate keen competition among newspaper hawkers and reinforce sustainability of the hawking trade. The Administration had consulted the Hong Kong Newspaper Hawker Association and Coalition of Hong Kong Newspaper and Magazine Merchants. They were supportive of the current proposal;

- (b) at present, there were 310 licensed itinerant hawkers in the territory. They usually plied their trade at locations with heavy pedestrian flow and often caused obstruction. Furthermore, itinerant hawkers were getting old and some of them called for a more stable operating environment. Giving an opportunity to licensed itinerant hawkers to apply for allocation of suitable hawker pitches and, if successful, would also improve pedestrian traffic and alleviate environmental problem;
- (c) between March and April 2018, FEHD had reached out to some 7 500 general public applicants who had submitted applications in the 2010 hawker pitch re-allocation exercise but were unsuccessful. Amongst the 3 600 applicants interviewed, over 70% expressed interest in joining the hawking trade if an opportunity arose. This indicated that a critical mass of general public applicants who had participated in the 2010 exercise would likely lodge an application in the upcoming exercise, not to mention others who had not expressed their intention to join the hawking trade before; and
- (d) the current proposal of setting aside one-fourth of the suitable hawker pitches to registered assistants with five years' or more experience would give them a greater chance of being allocated a pitch, when compared with the chance of success of the general public. FEHD would brief DCs in the first quarter of 2019 on the proposed arrangements for re-allocation of suitable hawker pitches before taking forward the re-allocation in the third quarter of 2019. The Administration would consider the views of DCs on relevant issues, including the priorities in allocating the pitches, in working out the final allocation mechanism.

16. Mr POON Siu-ping considered that the Administration should seek to formulate a hawker policy from a "development" perspective which would help support the development of hawking activities, given the social and economic contribution made by the trade to the community over the years. In response to his enquiry, C(HAS)/FEHD said that the age distribution of the 310 licensed itinerant hawkers was as follows: (a) 70 licence holders in the

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age group of 61-70; (b) 148 in the group of 71-80; (c) 81 in the group of 81-90 and (d) 11 in that of 91-100.

17. Mr Andrew WAN suggested that the Administration should, in re-allocating vacant pitches to members of the general public satisfying the required criteria, accord priority to those applicants with low income or financial difficulties. In response, DD(EH)/FEHD explained the underlying principles for the proposed arrangement for re-allocation of suitable hawker pitches, as set out in paragraph 6 of the Administration's paper. She said that it had never been the policy intention to consider issues relating to hawker licence from a welfare perspective. The Administration intended to provide the four categories of applicants referred to in the Administration's paper with a reasonable opportunity to enter the hawking trade by putting in place a fair and impartial pitch allocation mechanism.

18. Dr Helena WONG expressed concern that some existing licensed hawkers might have sub-let their stalls to their registered assistants. If these assistants were allowed to apply for re-allocation of vacant hawker pitches, they would have an advantage to expand their business, thereby creating unfairness to other applicants and existing practitioners. In response, DD(EH)/FEHD and C(HAS)/FEHD emphasized that under the Hawker Regulation (Cap. 132AI), the holder of a fixed-pitch hawker licence was allowed to employ such number of assistants as he/she considered necessary for the purpose of enabling him/her to carry on business. No assistant should, however, engage in hawking during the absence (other than absence for a reasonable cause e.g. taking a meal, visiting the toilet or taking a short rest when being sick) of the licensee from his/her pitch. FEHD would take follow-up actions (including prosecution and cancellation of licences) if subletting of hawker pitch in contravention of the licence conditions was found.

19. Noting the respective numbers of vacant hawker pitches in each of the eight FEHD's districts available for re-allocation as set out in Annex 2 to the Administration's paper, Mr POON Siu-ping sought detailed information on how the Administration would apportion the vacant pitches among the four categories of applicants. DD(EH)/FEHD responded that each applicant would be given an individual application number specific to each category of applicants. Priority of hawker pitch selection was basically determined by a combination of manual ballot and computer random sequencing. The Administration would consider allowing applicants to indicate in their application forms their preference for pitches in specific hawker area or district, in a bid to facilitate the allocation process.

20. Dr Helena WONG and Mr AU Nok-hin were concerned that some vacant hawker pitches might not be suitable for conducting certain kinds of

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business. Existing licensed newspaper hawkers might wish to continue their business in the same area/district where they had been plying their trade. DD(EH)/FEHD and C(HAS)/FEHD responded that to provide flexibility for hawkers in doing their business, "food-related dry goods" and "non-food related dry goods", which covered a wide variety of commodities, were allowed to be sold by licensed fixed-pitch hawkers. Licensed newspaper hawkers might, if and after taking up a fixed pitch, switch to sell other permitted classes of commodities.

21. In reply to the follow-up enquiries from Mr CHAN Chi-chuen and Mr AU Nok-hin, DD(EH)/FEHD said that over the years, in response to the concern of the trade that printed media were facing enormous competition from other forms of media (notably the electronic media) as well as paid newspapers were undercut by free newspapers, and to facilitate shoppers of convenience goods, the Administration had relaxed the restriction on the types of additional commodities allowed to be sold at newspaper stalls. On-street fixed-pitch newspaper hawkers were now allowed to sell 12 additional commodities, mostly convenience goods, at their stalls. If licensed newspaper hawkers were re-allocated a hawker pitch, they had to surrender their newspaper hawker licences and demolish their existing newspaper stalls. It was up to the licensed newspaper hawkers to decide whether to apply for re-allocation of suitable hawker pitches.

Licence operation validity period and licence fee

22. Mr POON Siu-ping queried the justification for specifying a licence operation validity period for new hawker licences, which was tentatively proposed to be five years. The Deputy Chairman was opposed to the proposed introduction of a licence operation validity period. In his view, it would hinder the development of the hawking trade and discourage interested parties from joining the trade. Mr HO Kai-ming and Mr CHU Hoi-dick expressed similar concerns that the proposed five-year licence operation validity period could not give certainty to fixed-pitch hawkers to make long-term investment. Mr HO suggested that in order to promote healthy turnover of hawker licences and allow admission of new entrants, the Administration should consider re-launching the Hawker Assistance Scheme on a regular basis.

23. DD(EH)/FEHD responded that since the land where hawker pitches were situated was a precious public resource, the renewal of hawker licence should not be taken as a matter of course. Hence, FEHD was considering specifying a licence operation validity period for new hawker licences (say five years), thereby facilitating the turnover of hawker pitches and creating more opportunity for anyone interested in hawking to join the trade. As the Hawker Assistance Scheme had already brought about a face-lift to the

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hawker areas, rationalized the overall layout of hawker areas and enhanced the fire safety and electricity supply of hawker stalls/areas, the Administration did not see much room for re-launching the Scheme in the near future.

24. In reply to Dr CHIANG Lai-wan's enquiry, DD(EH)/FEHD said that at present, the annual licence fee cum pitch fee for fixed-pitch (Other Classes) hawker licence ranged from \$4,347 to \$6,715, depending on the area of the pitch. All licensees were required to pay the licence fee and comply with the licence conditions, such as building their hawker stalls at the new pitches in accordance with a set of prescribed fire-resisting specifications for reducing fire risks.

25. Mr Andrew WAN asked whether consideration would be given to lowering the licence fee for fixed-pitch hawker licence. DD(EH)/FEHD replied that the licence fee was already set at a relatively low level, and there was not much room for a fee reduction. It should also be noted that on several occasions, the Budget announced the waiving of licence fees for both fixed-pitch hawker licences and itinerant hawker licences.

26. Mr CHU Hoi-dick suggested that the Administration should make reference to the in-situ redevelopment of market stalls in wet markets under the Market Modernization Programme and consider enlarging the size of hawker pitches so that hawkers could display more commodities within the confines of their stalls. DD(EH)/FEHD responded that since some existing hawker stalls had already caused street obstruction at locations of heavy pedestrian flow, there was not much room for enlarging the size of hawker pitches.

Setting up new hawker areas and hawker bazaars

27. The Chairman and Mr HO Kai-ming expressed concern that only 423 vacant pitches could be made available for re-allocation after the surrender of 854 hawker licences under the Hawker Assistance Scheme. They queried whether it was the Administration's intention to "phase out" the hawking trade. In the Chairman's view, the Administration should proactively consult DCs on the establishment of new hawker areas at suitable sites in various districts and re-issue 431 more hawker licences so as to make up for the reduction in hawker licences after the Hawker Assistance Scheme. USFH responded that while the Administration could not undertake to re-issue more hawker licences at the current stage, it would consider the way forward if a number of pitches were vacated due to various reasons in the future.

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28. Mr CHAN Chi-chuen, Mr POON Siu-ping, Mr HO Kai-ming, Mr HUI Chi-fung, Mr LAU Kwok-fan and Mr Vincent CHENG all considered that the Administration should review the existing policy on hawker control and management, with a view to facilitating the long-term development of the hawking trade and boosting the community economy. They suggested that the Administration should consider the feasibility of re-issuing more hawker licences by setting up in various districts new fixed-pitch hawker areas, hawker bazaars and night markets in collaboration with DCs. Mr AU Nok-hin said that FEHD should promote the establishment of "morning bazaars" in suitable designated locations by issuing temporary hawker licences for the practitioners. Mr CHU Hoi-dick echoed Mr AU Nok-hin's view and suggested that consideration be given to developing new fixed-pitch hawker areas in new towns such as Tin Shui Wai and Tung Chung, so as to diversify customer choices and enhance competition. In Mr CHU's view, the Administration should issue a separate consultation paper to invite DCs' views on the setting up of new fixed-pitch hawker areas or hawker bazaars in various districts. Mr HO Kai-ming made a similar suggestion.

29. DD(EH)/FEHD responded that the Administration would first take forward the re-allocation of vacant hawker pitches among the four categories of applicants to give them an opportunity to enter the hawking trade. FEHD would brief the seven DCs with fixed pitches to be allocated on the proposed arrangements for re-allocation of suitable pitches, and listen to their views on relevant issues. DD(EH)/FEHD further said that taking into account the present-day circumstances in Hong Kong, the Administration was of the view that the local hawker policy should strike a reasonable balance among competing considerations as evolved. The Administration adopted a positive attitude towards specific bottom-up proposals for organizing bazaars. With suitable sites identified by the organizers concerned and support from local communities and respective DCs obtained, as long as the proposals would not compromise law and order, food safety and environmental hygiene and would not cause obstruction to public passageways, the Administration would process the applications for the necessary permits or licences.

30. Mr HO Kai-ming opined that the Administration should consider introducing more types of hawker licences. DD(EH)/FEHD said that since a wide variety of goods were allowed to be sold at fixed pitch stalls, there was no strong call from the trade for introduction of more types of hawker licences.

Motions proposed by members

31. Mr Steven HO, Dr Elizabeth QUAT, Dr CHIANG Lai-wan and Mr Vincent CHENG indicated their intention to jointly move a motion under

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this discussion item. Mr HO Kai-ming, Mr CHU Hoi-dick and Mr HUI Chi-fung also indicated their intention to move motions. The Chairman ruled that all the four motions proposed by the above members were directly related to the agenda item and members present agreed that the motions should be dealt with.

Motion 1

32. The Chairman put the following motion jointly moved by Mr Steven HO, Dr Elizabeth QUAT, Dr CHIANG Lai-wan and Mr Vincent CHENG to vote:

(議案中文措辭)

小販行業在香港有悠久歷史，社會普遍認同小販行業富有特色，並大受市民及遊客歡迎，大有發展價值及貢獻。為推動小販行業的發展，本事務委員會促請政府：

- (一) 制定明確的「小販行業發展藍圖」，重視小販的特色市集文化，支援小販有規劃地經營，並以跨部門協作的方式推出更多措施扶助小販行業的發展，例如按各區的特點將小販區設計成特色的販道或墟市，以吸引更多遊客及市民購物；
- (二) 盡快改善現有墟市及小販區的營運環境，包括簽發新的固定攤位小販牌照、調整預留予小販助手申請檔位的比例，以維持小販區內有足夠攤檔營運，並研究與區議會合作，在區議會支持下設立新的小販區或小販夜市；及
- (三) 研究免收各類小販牌照費用一年，以舒緩檔戶的負擔。

(English translation of the motion)

With a long history in Hong Kong and widely recognized by society as a trade with special characteristics, the hawking trade is immensely popular among members of the public and tourists, revealing huge development value and great contributions. For the purpose of promoting the development of the hawking trade, this Panel urges the Government to:

- (1) formulate a specific "blueprint for the development of the hawking trade", recognize the characteristic market culture displayed by the hawking trade, support the operation of

Action

hawkers in a planned manner, and adopt an inter-departmental collaborative approach in the implementation of additional measures to support the development of the hawking trade, such as turning hawker areas into specially-designed hawking streets or bazaars by blending unique district characteristics into the design, so as to attract more tourists and members of the public to shop around in such hawking streets or bazaars;

- (2) expeditiously improve the business environment of existing bazaars and hawker areas by, inter alia, issuing new fixed-pitch hawker licences, adjusting the proportion of pitches reserved for application by hawker assistants so as to maintain a sufficient number of operating pitches in hawker areas; collaborate with District Councils ("DCs") and explore the setting up of new hawker areas or night markets with the support of DCs; and
- (3) examine the introduction of a one-year fee waiver for various types of hawker licences to alleviate the burden on pitch operators.

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

Motion 2

34. The Chairman put the following motion moved by Mr HO Kai-ming to vote:

(議案中文措辭)

鑒於小販對社區有其獨特的功能及價值，本事務委員會促請政府，在不持續減少小販數目的原則下，重發更多小販牌照，包括設立新固定小販排檔區、研究更多新種類牌照及放寬牌照繼承條件等，並就各項政策的重要更新諮詢各持分者及公眾的意見。

(English translation of the motion)

Given the unique functions and value of hawkers in the community, this Panel urges the Government to, under the principle of not reducing the number of hawkers persistently, re-issue more hawker licences by

Action

setting up new fixed-pitch hawker areas, studying the introduction of more types of hawker licences, relaxing the conditions for succession of hawker licences, etc.; and to consult various stakeholders and members of the public on major changes to various related policies.

35. Twelve 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

36. The Chairman put the following motion moved by Mr CHU Hoi-dick to vote:

(議案中文措辭)

本事務委員會促請政府，在天水圍和東涌發展新的固定小販排檔區，以增加當區居民的消費選擇和為基層市民提供經營小生意的機會。

(English translation of the motion)

This Panel urges the Government to develop new fixed-pitch hawker areas in Tin Shui Wai and Tung Chung so as to offer more shopping choices for local residents and provide the grass roots with the opportunity to operate as small proprietors.

37. The Chairman declared that all members who participated in the voting voted in favour of this motion. The motion was carried.

Motion 4

38. In response to the enquiry of Mr Steven HO, Mr HUI Chi-fung said that his purpose of moving the following motion was to call for the Administration to relax certain regulatory control (e.g. allowing the use of naked flame at cooked food bazaars) and simplify the relevant vetting and approval procedures to facilitate the setting up of bazaars by community groups. After Mr HUI's clarification, the Chairman put his motion to vote:

(議案中文措辭)

本事務委員會促請政府保育小販行業，就空置小販攤位或已收回的小販牌照全數重發，並放寬現行法規管制，鼓勵地區墟市發展，以促進社區經濟。

(English translation of the motion)

This Panel urges the Government to conserve the hawking trade by re-issuing hawker licences for all vacant hawker pitches or for pitches in respect of which the licences have been surrendered, as well as to relax the existing regulatory control so as to promote community economy by promoting the development of district bazaars.

39. Seven members voted for the motion, no member voted against it and five members abstained from voting. The Chairman declared that the motion was carried.

VI. Improving public toilet services and facilities at major tourist spots
(LC Paper Nos. CB(2)383/18-19(05) and (06))

40. At the invitation of the Chairman, USFH briefed members on the Administration's plan to improve the facilities of and cleansing services for public toilets at major tourist spots, as set out in the Administration's paper (LC Paper No. CB(2)383/18-19(05)). Members noted the information note prepared by the LegCo Secretariat on the subject (LC Paper No. CB(2)383/18-19(06)).

Hardware improvements for public toilets

41. While appreciating the efforts made by FEHD in improving the facilities of public toilets in recent months, Mr YIU Si-wing expressed concern that it had been reported in the media that the facilities of some public toilets were sub-standard and dilapidated. Mr YIU, Dr Helena WONG, Dr Elizabeth QUAT, Mr POON Siu-ping and Mr CHU Hoi-dick considered it necessary for FEHD to make immediate noticeable improvements to the facilities and hygiene conditions of public toilets, particularly those with relatively high usage rates. They enquired, apart from improving the facilities of and cleansing services for the 23 public toilets at major tourist spots, whether FEHD had any plan to improve the hygiene conditions of all the 700-odd public toilets across the territory and if yes, the enhancement strategies for other public toilets as well as the timetable for taking forward the improvement plan.

42. DD(EH)/FEHD and Assistant Director (Operations) 3/FEHD ("AD(Ops)3/FEHD") replied that every year, FEHD would shortlist a specific number of public toilets for conducting refurbishment works, having regard to the actual circumstances of individual toilets. The current improvement plan for public toilets at major tourist spots was only the beginning. FEHD would

Action

extend the plan to other public toilets with reference to the experience accumulated. Dr Elizabeth QUAT requested the Administration to provide in writing its response to members' enquiries. At Dr Helena WONG's request, the Administration would also provide information on the estimated expenditure for carrying out hardware improvements/refurbishment work in the 23 public toilets at major tourist spots.

Admin

(Post-meeting note: The Administration's response was issued vide LC Paper No. CB(2)542/18-19 on 7 January 2019.)

43. Mr CHAN Chi-chuen urged FEHD to arrange speedy repairs of public toilet facilities when damages or malfunctions of facilities were reported. Mr Wilson OR considered that FEHD and the Architectural Services Department ("ArchSD") should enhance coordination in taking forward renovation and repair works for public toilets. DD(EH)/FEHD and AD(Ops)3/FEHD responded that to enhance the services for public toilets, FEHD and ArchSD had set up a working group to review from time to time the design and existing sanitary fittings and equipment in public toilets, carry out refurbishment works for dilapidated public toilets and install new facilities of the latest standard. In parallel, FEHD staff were deployed for daily inspection of the conditions of hygiene, cleanliness and facilities of public toilets across the territory. Upon noticing minor faults or consumable items (such as light bulbs or florescent tubes) in need of replacement, the cleansing service contractors would carry out minor repairs or replacement within 24 hours. As for relatively more serious faults, FEHD staff would inform ArchSD for follow-up actions as appropriate.

44. Dr Elizabeth QUAT suggested that FEHD should explore the application of new technologies in public toilets with reference to the practice of the Mainland and overseas countries (e.g. the use of sensor-operated facilities and odour control systems), with a view to enhancing the hygiene conditions and level of services of public toilets in Hong Kong. DD(EH)/FEHD and AD(Ops)3/FEHD advised that in consultation with ArchSD and the Electrical and Mechanical Services Department ("EMSD"), FEHD was taking forward some long-term improvement initiatives for trial at suitable public toilets, which included:

- (a) provision of air-conditioning systems and dehumidifiers to ameliorate the wet floor and odour problems as well as to keep temperature in public toilets at an optimal level;
- (b) one-stop provision of wash hand basin, soap dispenser and hand drier in the form of a Cabinet Wash Hand Basin System to alleviate the problem of wet floor caused by wet hands of toilet users; and

Action

- (c) provision of drinking water dispensers outside public toilets for the convenience of the tourists and toilet users.

DD(EH)/FEHD further advised that FEHD was also exploring the application of new technologies in public toilets with reference to the experience of the Mainland and overseas countries, including the application of advance ozone technology and Nano Confined Catalytic Oxidation technology on a trial basis at some public toilets. FEHD and EMSD would also explore on a pilot basis the use of sensor to detect malfunction of certain equipment at a remote public toilet.

45. In response to Mr POON Siu-ping's enquiry about the timetable for implementing the long-term improvement initiatives at public toilets, DD(EH)/FEHD said that FEHD would take forward the initiatives on a trial basis at several public toilets. If the outcome was satisfactory, there would be justifications for extending the plan to install the facilities at more public toilets.

46. Mr CHU Hoi-dick welcomed the provision of drinking water dispensers outside public toilets. He asked whether FEHD had any plan to install water dispensers for all public toilets under its management. DD(EH)/FEHD replied that FEHD would consider providing drinking water dispensers outside public toilets where it was physically and technically feasible to add such facilities.

47. Mr CHU Hoi-dick further asked whether consideration would be given to providing more public toilets in Tung Chung Town Centre to cater for the influx of visitors from the Mainland after the commissioning of the Hong Kong-Zhuhai-Macao Bridge ("HZMB"). DD(EH)/FEHD said that currently five public toilets were planned to be constructed in the Hong Kong Boundary Crossing Facilities of HZMB. In addition, apart from a public toilet at Tat Tung Road, toilet facilities were available in most commercial buildings or shopping arcades located in Tung Chung Town Centre. That said, FEHD would keep in view the need for toilet facilities in that tourist area and whether any new commercial developments with toilet facilities would be provided in the near future.

Software improvements for public toilets

48. In response to Mr AU Nok-hin's enquiry about the quality standards and hygiene conditions of the 23 public toilets at major tourist spots, AD(Ops)3/FEHD said that service contractors were required to deploy sufficient cleansing workers to perform the cleansing duties. FEHD had stepped up inspections (including conducting surprise inspections) of the conditions of hygiene, cleanliness and facilities of the 23 public toilets.

Action

In the event of any irregularities, defaults or non-compliance with contract provisions in the delivery of public toilet cleansing services, FEHD would take follow-up actions as appropriate, including issuing verbal warnings, written warnings or default notices, deduction of monthly payment and even termination of contracts.

49. The Chairman, Mr Steven HO, Mr YIU Si-wing, Mr HO Kai-ming and Mr AU Nok-hin considered that FEHD's practice of awarding outsourced contracts to the lowest bidder had resulted in inferior cleansing services. They asked whether FEHD would review its existing cleansing contract tendering system, with a view to improving the cleansing services for public toilets provided by outsourced contractors. Mr HO Kai-ming opined that as toilet attendants and cleansing workers had to work in an unpleasant and unfavourable environment, consideration should be given to increasing the remuneration of these workers. To ensure that service contractors provided up to standard services, they should be required to increase the manpower and resources for performing the cleansing work. Mr Steven HO suggested that to facilitate the management of cleansing services, FEHD should specify clearly in outsourced cleansing services tender documents/contracts the service requirements and performance standards as well as the equipment and training to be provided for cleansing workers by contractors.

50. Dr Elizabeth QUAT enquired whether the Administration would consider engaging third-party players, e.g. consultants and non-profit-making organizations, in monitoring cleansing services.

51. DD(EH)/FEHD and AD(Ops)3/FEHD responded that FEHD had stepped up inspections and monitoring of contractor's performance in respect of 83 public toilets with relatively high usage rates (including those at major tourist spots) since September 2018 to ensure that the cleansing services provided were up to standard and deep cleansing was performed on a regular basis. After implementation for over three months, the measures had brought about noticeable improvement to the hygiene conditions of the public toilets concerned. On top of routine cleansing services, FEHD would set up dedicated deep cleansing teams starting from the first quarter of 2019 to perform regular deep cleansing services for public toilets with relatively high usage rates. It was believed that the above measures would bring about noticeable improvements to the hygiene conditions of public toilets.

52. Mr CHAN Chi-chuen enquired about the difference between routine cleansing services and deep cleansing services, and whether both services would be carried out by the same team of cleansing staff. Mr Wilson OR sought information on the staff establishment of each deep cleansing team and the services that had to be delivered by the teams.

Action

53. In response, AD(Ops)3/FEHD advised that service contractors would be required to engage dedicated teams to perform the deep cleansing duties. Each deep cleansing team comprised one supervisor cum driver and four cleansing workers. The dedicated teams would be required to deliver higher standards of cleansing services for public toilets within a designated time period. FEHD's supervisory staff would check the team's performance after each cleansing operation to ensure that the level of cleanliness could meet the required standards. Surprise inspections would also be strengthened to monitor the hygiene conditions of the toilets.

54. Mr Steven HO expressed concern about the cleansing standards set for public toilets by FEHD, which, in his view, were far from acceptable. He strongly urged the Administration to ensure that all service contractors could meet the four performance indicators listed in paragraph 5 of the Administration's paper in their provision of cleansing services for all 700-odd public toilets. Mr YIU Si-wing and Mr Wilson OR asked whether the additional deep cleansing services would be arranged for all public toilets across the territory. DD(EH)/FEHD and AD(Ops)3/FEHD responded that the deep cleansing services would first be arranged for the 83 public toilets with relatively high usage rates. Such dedicated services would be extended to all public toilets upon renewal of street cleansing services contracts in the future.

55. Dr Helena WONG noted with concern that according to a survey conducted by Cleaning Workers Union in 2017, among the 18 public toilets located in Wan Chai, 15 public toilets were not provided with toilet attendants from 5:30 pm to 7:00 am in the next morning. The hygiene conditions of these toilets had got worse and caused public concerns. The Chairman also said that it was reported in December 2018 by the media that half of the 12 toilet compartments in Apliu Street Public Toilet in Sham Shui Po were under maintenance and the flushing toilet facilities in four of the remaining six toilet compartments were running out of order.

56. DD(EH)/FEHD and AD(Ops)3/FEHD responded that after increasing the number of toilet attendants, the hygiene conditions of the public toilets in Wan Chai had largely improved. As for Apliu Street Public Toilet, FEHD would carry out improvement works on 2 January 2019 to replace the aged facilities. The works would be completed in March 2019 tentatively. DD(EH)/FEHD and AD(Ops)3/FEHD further advised that the cleansing frequency of public toilets within the purview of FEHD depended on the public demand and usage of the toilets. Normally, public toilets were thoroughly cleansed two to three times a day. Toilet attendants were deployed in frequently-used public toilets (irrespective of whether they were located near tourist spots) to ensure that the toilets were clean and hygienic. For toilets with lower usage rates, FEHD staff would conduct daily inspection of the facilities and hygiene conditions of the toilets. In the first half of 2018,

Action

the performance pledges set for public toilet cleansing services were generally met.

57. The Chairman said that he had learned from media reports that FEHD had reduced its yearly expenditure on public cleansing services (including public toilet cleansing services) by 1% starting from the 2016-2017 financial year. He expressed concern whether this was really the case. AD(Ops)3/FEHD replied in the negative, stressing that in recent years, the Administration had allocated additional resources for enhancing public cleansing services, including street cleansing services and public toilet cleansing services.

Admin

58. The Chairman and Dr Helena WONG requested the Administration to provide after the meeting the following information: (a) among the 700-odd public toilets, the respective number of toilets which were provided with toilet attendants (i) after 5:30 pm on weekdays and (ii) during weekends; (b) the daily average usage of each of the 700-odd public toilets and the number of workers (including toilet attendants) deployed for the cleansing work in each of the toilets during peak hours and non-peak hours (including after 5:30 pm on weekdays and during weekends); and (c) the service requirements (including staff deployment, working hours and work schedules of toilet attendants, frequency of cleansing) that had to be met by contractors and as laid down in the tender documents and contracts for outsourced public toilet cleansing services.

(Post-meeting note: The Administration's response was issued vide LC Paper No. CB(2)542/18-19 on 7 January 2019.)

Motion proposed by members

59. Mr Steven HO, Dr Elizabeth QUAT, Dr CHIANG Lai-wan and Mr Wilson OR indicated their intention to jointly move a motion under this discussion item. The Chairman ruled that the proposed motion was directly related to the agenda item under discussion and members present agreed that the motion should be dealt with. Since there was a lack of quorum at this point of time, the Chairman ordered that the quorum bell be rung to summon members before proceeding to deal with the motion. A quorum was subsequently present.

Motion

60. The Chairman put the following motion jointly moved by Mr Steven HO, Dr Elizabeth QUAT, Dr CHIANG Lai-wan and Mr Wilson OR to vote:

(議案中文措辭)

本事務委員會促請政府：

- (一) 參考國內或外地經驗，利用新科技或新設備，並參考私人機構管理廁所的模式，整體提升本港的公廁硬件和軟件的水平；
- (二) 引入第三方(如顧問公司、非牟利機構)參與監察外判承辦商的表現，並由第三方提出改善建議，並引入公廁評分制或投訴機制，以改善其清潔服務；及
- (三) 增撥資源提升全港逾七百個食環署公廁的衛生情況，並加強宣傳有關保持廁所清潔衛生和正確使用廁所設施的信息。

(English translation of the motion)

This Panel urges the Government to:

- (1) enhance the overall quality of both the hardware and software of the public toilets in Hong Kong by drawing on Mainland or overseas experiences, applying new technologies or equipment, and drawing reference from the toilet management approaches adopted by private organizations;
- (2) bring in third-party players (such as consultants and non-profit-making organizations) to participate in the monitoring of the performance of service contractors, and invite these third-party players to propose improvement measures; introduce a public toilet marking scheme or a complaints mechanism with a view to improving the cleansing services of public toilets; and
- (3) allocate additional resources to improve the hygiene conditions of more than 700 public toilets across the territory which are under the management of the Food and Environmental Hygiene Department and step up efforts in disseminating messages on the importance of toilet hygiene as well as the proper use of toilet facilities.

61. All 15 members who participated in the voting voted in favour of this motion. The Chairman declared that the motion was carried.

Action

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

VII. Certification system for organic food

(LC Paper Nos. CB(2)380/18-19(01) and CB(2)383/18-19(07))

62. At the invitation of the Chairman, USFH briefed members on the certification system for organic food in Hong Kong, as set out in the Administration's paper (LC Paper No. CB(2)380/18-19(01)). Members noted the background brief prepared by LegCo Secretariat on the subject (LC Paper No. CB(2)383/18-19(07)).

Need to regulate the production and sale of organic food

63. Mr CHAN Chi-chuen and Mr CHU Hoi-dick noted the consultant's recommendation and the Administration's view that there was no pressing need to introduce legislation to specifically regulate organic food products in Hong Kong. Mr CHAN considered that introducing legislation to regulate the sale and production of organic food would not only be beneficial to farmers producing genuine and high quality organic food products, but could also enhance consumers' confidence in local organic produce. He was concerned that in the absence of such legislation, market stall operators selling fake organic food would not be prosecuted as long as they did not abuse the organic certification labels/certificates of the Hong Kong Organic Resource Centre ("HKORC"). Mr CHU enquired whether the Administration would review the need to regulate the production and sale of organic food after successfully implementing the initiatives under the New Agriculture Policy. Observing that a number of members had expressed the view that the production and sale of organic food should be regulated, the Chairman asked whether the Administration would re-consider the matter.

64. USFH responded that all food for sale in Hong Kong for human consumption (whether organic food or ordinary food) must comply with the statutory standards for food safety, quality and labelling to ensure its fitness for human consumption. The Centre for Food Safety ("CFS") took food samples for testing on an ongoing basis in order to safeguard the food safety in Hong Kong. In view of the small scale of the local organic food sector and the fact that the Government's main policy objectives in respect of food were to safeguard food safety and supply stability, the Administration took the view that there was no pressing need to legislate the production and sale of local organic food products, as recommended in the consultancy study in 2011.

Action

65. Dr Helena WONG expressed concern that it would be difficult for consumers to distinguish between organic and non-organic food products, without the Administration's introduction of official standards for organic food. Dr WONG said that she could not subscribe to the explanation given by the Administration for not enacting legislation, simply because there were no internationally applicable and mutually recognized standards for organic food. She pointed out that HKORC's organic certification standards were formulated with reference to the guidelines of the International Federation of Organic Agriculture Movements. To ensure that consumers could purchase genuine organic food products, Dr WONG urged the Administration to set up statutory standards for organic food, instead of simply relying on HKORC's certification system, the participation in which was entirely voluntary.

66. In response, Principal Assistant Secretary for Food and Health (Food) 1 ("PASFH(F)1") explained that there was no significant difference between organic food and ordinary food in terms of food safety, and that the major differences between organic and ordinary food were their ways of production and processing which could not be detected by testing the food products. Taking note of the small scale of the local organic food sector and the consultant's recommendation that there was no pressing need to enact legislation for organic food, the Administration considered that the way forward should be to continue to support HKORC in enhancing consumer education about organic food and publicity on organic food certification, so as to foster consumers' better understanding of organic food products in terms of their underlying concept of organic farming and sustainable agricultural development. Assistant Director (Agriculture) (Acting)/Agriculture, Fisheries and Conservation Department ("AD(A)(Atg)/AFCD") added that consumers could make use of organic certification labels/certificates to identify organic food products, and the Administration and HKORC had been stepping up consumer education through organizing various types of promotional and public relations activities.

Enforcement against the sale of fake organic food

67. Mr Steven HO declared that he was a member of the Sustainable Agricultural Development Fund Advisory Committee of the Agriculture, Fisheries and Conservation Department ("AFCD") and had performed unpaid consultancy work for HKORC. He urged the Administration to step up its efforts in combating the sale of counterfeit organic food or false claim of organic produce. In his view, enforcement actions against such offences should not be solely taken by the Customs and Excise Department ("C&ED") in accordance with the Trade Descriptions Ordinance (Cap. 362) ("TDO"). He asked the Administration to provide the number of operations carried out by C&ED against the sale of counterfeit organic food/false claim of organic produce over the past few years, and the number of prosecutions instituted against contraventions of TDO.

Admin

Action

68. PASFH(F)1 responded that AFCD and HKORC had all along been working together, and would continue to exchange intelligence and follow up on complaints relating to sale of fake organic food products. If warranted, HKORC would provide information of relevant cases to C&ED for further investigation. In the past few years, four successful prosecutions were taken out by C&ED in relation to organic food for contravening the relevant provisions of TDO, and the highest fine imposed by the court among the convicted cases was HK\$10,000. In addition to taking enforcement actions, the Administration had allocated HK\$30 million to HKORC through the Sustainable Agricultural Development Fund to strengthen HKORC's work in conducting inspections of certified units and regular surveys, and in enhancing public education about organic food in the coming few years.

Admin

69. The Chairman enquired whether the Administration would consider tasking AFCD or CFS, instead of HKORC and C&ED, to conduct inspections on certified production units and retailers of organic food products for ensuring compliance with relevant certification standards and labelling requirements in relation to the production and sale of organic food. AD(A)(Atg)/AFCD responded that in general, organic produce could not be distinguished from conventional produce simply from external appearance. The major differences between organic and ordinary food were their ways of production, processing and handling; and such differences could not be detected by testing the food products. Organic certification was actually a process of system certification, not product certification. Under the existing certification system, HKORC conducted surprise inspections to check, review and evaluate the documentary records of all aspects of the husbandry practices adopted in the relevant organic farms under application against its certification requirements and standards.

Admin

70. Dr Helena WONG requested the Administration to provide a written response on whether the Administration would consider putting in place a mechanism for monitoring and reporting cases of selling fake organic food or labelling of certification marks on unauthenticated food.

The work of HKORC

Admin

71. Mr POON Siu-ping and Dr Helena WONG requested the Administration to provide the number of inspections (including regular and spot checks) conducted by HKORC on the 140 food production units that had been certified under HKORC's certification system, and the follow-up actions taken by the Administration or HKORC in case any non-compliance with HKORC's certification standards and requirements was found. Mr POON also enquired whether HKORC would assist retailers in promoting their organic products to consumers. Noting that HKORC awarded certification certificates and monitored certified production units at the same time,

Action

Dr WONG questioned the propriety for tasking the same body for the certification and monitoring works.

72. AD(A)(Atg)/AFCD replied that HKORC conducted inspections on certified units at least once a year. In the past 12 months, HKORC had conducted 166 regular checks and 52 spot checks. Between 2016 and 2018, five farms had been taken out from the HKORC's certification system, owing to failure to keep and produce sales records or intentional violation of principles of organic farming (e.g. using chemical pesticides to grow organic produce). HKORC's certification and monitoring would help enhance the confidence of consumers in local organic food. Since 2013, HKORC had also been organizing the Quality Retailer Programme and the Top Organic Retailer on an annual basis. Retailers of organic food that conformed to a professional operating model were selected and commended under the programmes. Those retailers were also listed on HKORC's website for public access.

73. The Chairman expressed concern that some farmers might be interested in getting their organic produce certified under HKORC's certification system but were deterred to do so by the high cost of participation. He asked whether the Administration would provide more support for farmers in obtaining certification for organic food, in addition to providing funding to HKORC. AD(A)(Atg)/AFCD replied that through the Organic Farming Support Service ("OFSS"), AFCD helped local farmers convert from conventional farming to organic farming in accordance with the HKORC's guidelines on organic farming. It was up to the farmers to decide whether to participate in the voluntary certification system based on their own marketing strategy.

74. Mr CHU Hoi-dick noted with concern that among the crop farms participating in OFSS, only half of the farms had been certified by HKORC. AD(A)(Atg)/AFCD responded that to some small-scale farms which could successfully establish consumers' trust on their vegetables produced under the technical support provided by AFCD, organic certification might be unnecessary as they could already sell all their produce to their consumers directly.

VIII. Any other business

75. Referring to the proposed arrangement for re-allocation of vacant hawker pitches discussed under item V, Mr Andrew WAN suggested that the Panel should arrange a public hearing to receive deputations' views on various issues relating to the Administration's proposed arrangements. As no member raised objection to Mr WAN's suggestion, the Chairman instructed

Action

the Clerk to arrange a special meeting to receive views from deputations.

(Post-meeting note: A special meeting was held on 28 January 2019 from 2:15 pm to 4:45 pm to receive public views on issues relating to the proposed arrangements for re-allocation of vacant hawker pitches.)

76. The meeting ended at 5:15 pm.

Council Business Division 2
Legislative Council Secretariat
21 February 2019