

立法會
Legislative Council

LC Paper No. CB(2)1481/18-19
(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, 12 February 2019, 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
Hon Claudia MO
Hon Steven HO Chun-yin, BBS
Hon CHAN Chi-chuen
Hon CHAN Han-pan, BBS, JP
Hon KWOK Wai-keung, JP
Dr Hon Helena WONG Pik-wan
Dr Hon Elizabeth QUAT, BBS, JP
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 SHIU Ka-chun
Hon Wilson OR Chong-shing, MH
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

Members absent : Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon YUNG Hoi-yan

Public Officers attending : Item III

Professor Sophia CHAN Siu-chee, JP
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 LEE Ming-wai
Pest Control Officer-in-charge
Food and Environmental Hygiene Department

Item IV

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

Mr Mickey LAI Kin-ming
Assistant Director (Fisheries)
Agriculture, Fisheries and Conservation Department

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

Mr Mickey LAI Kin-ming
Assistant Director (Fisheries)
Agriculture, Fisheries and Conservation Department

Dr Jim CHU Chun-wa
Senior Fisheries Officer (Aquaculture Fisheries)
Agriculture, Fisheries and Conservation Department

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

Staff in attendance : Mr Michael YU
Chief Council Researcher 1

Miss Samantha LAU
Senior Council Researcher 3

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. Information papers issued since the last meeting

(LC Paper Nos. CB(2)692/18-19(01) and CB(2)746/18-19(01))

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

- (a) Joint submission dated 17 January 2019 from 34 organizations on issues relating to animal rights; and
- (b) Administration's information paper on the food safety of online food sale.

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II. Date of next meeting and items for discussion

(LC Paper Nos. CB(2)748/18-19(01) and (02))

2. At the suggestion of the Chairman, members agreed to discuss "Food safety of online food sale" at the next regular meeting to be held on Tuesday, 12 March 2019, in addition to the following two items proposed by the Administration:

(a) Implementation of the Private Columbaria Ordinance (Cap. 630); and

(b) Initiatives on the reduction of salt and sugar in food.

3. Members agreed to extend the March meeting by half an hour to end at 5:00 pm to allow sufficient time for discussion of all items on the agenda.

III. Application of new technologies in enhancing environmental hygiene and pest control

(LC Paper Nos. CB(2)748/18-19(03)&(04) and FS04/18-19)

4. At the invitation of the Chairman, Secretary for Food and Health ("SFH") briefed members on the measures explored by the Administration for application of technologies in enhancing environmental hygiene and pest control, as set out in the Administration's paper (LC Paper No. CB(2)748/18-19(03)). Members noted the information note prepared by the Legislative Council ("LegCo") Secretariat on the contract tendering system for public cleansing services (LC Paper No. CB(2)748/18-19(04)).

5. The Chairman advised that the Research Office of the Information Services Division of the LegCo Secretariat had prepared a fact sheet setting out the application of innovation and technologies for improving environmental hygiene in selected places (FS04/18-19) for members' reference. At the Chairman's invitation, Senior Council Researcher 3 briefed members on the fact sheet.

Environmental hygiene technologies

6. Mr KWOK Wai-keung, Mr Wilson OR, Mr CHAN Han-pan and Dr CHIANG Lai-wan welcomed the Administration's introduction of various technologies in enhancing environmental hygiene. Mr KWOK, Mr CHAN and Dr Elizabeth QUAT considered that the Administration should explore and adopt new technologies which could help enhance the quality and efficiency of public cleansing and pest control services, in addition to ensuring the work safety of frontline workers of outsourced service

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contractors. Dr QUAT, Dr CHIANG and Mr Steven HO suggested that the Administration should conduct trial of new technologies on a larger scale, i.e. conducting the trial use of different technologies in various districts concurrently, so as to save time on the studies and tests on various technologies to ascertain if they were suitable for applying in Hong Kong.

7. SFH and Deputy Director (Environmental Hygiene), Food and Environmental Hygiene Department ("DD(EH)/FEHD") responded that:

- (a) FEHD had been actively exploring the application of suitable technologies in collaboration with the Hong Kong Science and Technology Parks Corporation and technology companies, as well as studying the use of technologies to enhance the quality and efficiency of public cleansing and pest control services. In order to apply technologies in a more effective and timely manner, FEHD planned to assign designated staff to keep abreast of the development of various technologies and assess the feasibility of applying them in Hong Kong. The Administration would also make reference to recommendations from the World Health Organization ("WHO") for its pest control efforts; and
- (b) if suitable technologies were identified, the Administration would first conduct preliminary tests and make adjustments in the light of the local environment and actual conditions, and then assess the feasibility, effectiveness and suitability of the technologies. FEHD would extend to all districts in Hong Kong the use of technologies which had been proven effective. Technologies that could enhance the cleansing and pest control services would be extended to applicable environments across the territory.

8. Dr Helena WONG opined that FEHD should improve its communication with relevant departments, e.g. the Environmental Protection Department, in the application of technologies in enhancing environmental hygiene. In her view, consideration should be given to improving the design of rubbish bins and making use of mechanical equipment to remove stubborn stains on slab-paved pavements.

9. DD(EH)/FEHD responded that FEHD maintained close collaboration with relevant departments in enhancing environmental hygiene. Representatives from FEHD joined the meetings of the Steering Group on the Modification of Recycling and Refuse Collection Facilities in Public Places set up under the Environment Bureau to review the provision and design of recycling and refuse collection facilities in public places. To streamline

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manual cleaning procedures and remove stubborn stains in a short time, FEHD had introduced pressure washer surface cleaners which were well received by the community. Since July 2018, clauses requiring contractors to provide pressure washer surface cleaners had been incorporated into street cleansing services contracts upon renewal. Since December 2018, additional cleansing service contractors had been hired to provide street cleansing services with the use of pressure washer surface cleaners in all districts.

10. Ms Claudia MO and Mr CHU Hoi-dick both expressed concern about the use of Internet Protocol ("IP") cameras at illegal refuse deposit blackspots over the territory to curb illegal deposits of refuse. Ms MO asked whether the 96 illegal refuse deposit blackspots installed with IP cameras were made known to the public, as offenders might try to evade monitoring by dumping refuse at other locations not under camera surveillance. Mr CHU was concerned whether the IP cameras were supported with facial recognition technology to facilitate the identification of fly-tippers and subsequent prosecution.

11. DD(EH)/FEHD and Assistant Director (Operations) 3, FEHD ("AD(Ops)3/FEHD") responded that FEHD launched a six-month pilot scheme on installation of IP cameras in late December 2016, under which IP cameras were installed at a total of six illegal refuse dumping blackspots in Central and Western, Sham Shui Po and Yuen Long districts, to step up surveillance on illegal dumping of refuse and to facilitate the planning of more effective law enforcement actions. Given the encouraging result, in consultation with District Councils ("DCs"), FEHD extended in the second quarter of 2018 the pilot scheme to all districts progressively on a trial basis for one year and installed IP cameras at 96 illegal refuse deposit blackspots over the territory to curb illegal deposits of refuse. All the 96 blackspots installed with IP cameras were made known to the public, pursuant to the advice of the Office of the Privacy Commissioner for Personal Data. The IP cameras were not supported with facial recognition technology. FEHD made use of the footage captured to go through artificial intelligence image analysis whereby illegal acts of refuse deposit could be identified. As the accuracy rate of artificial intelligence was over 99%, FEHD could rely on the footage captured to collect evidence and institute prosecution against fly-tippers. Moreover, officers could analyze the timing and patterns of the illegal acts to formulate more effective enforcement operations.

12. AD(Ops)3/FEHD further said that FEHD also closely monitored the targeted locations and suitably adjusted action plans, including changing the location of the IP cameras to enhance the effectiveness of enforcement actions. From the time of introduction of the IP cameras until December 2018, FEHD had issued 295 fixed penalty notices against offenders for illegal

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dumping of waste at blackspots, and instituted 93 prosecutions against owners of vehicles used for illegal dumping of refuse based on the footage captured. At the request of Ms Claudia MO, the Administration undertook to provide supplementary information about the penalties imposed by the court on the convicted cases among the 93 prosecutions.

(Post-meeting note: The Administration's response was circulated vide LC Paper No. CB(2)922/18-19 on 5 March 2019.)

13. Mr CHU Hoi-dick was concerned about the effectiveness of using solar-powered aluminium refuse collection points ("RCPs") in improving the hygiene condition in rural areas. He enquired whether cleansing service contractors were required to be equipped with grab lorries for collecting large-sized refuse such as furniture, so as to reduce the chance of cleansing workers getting injured from carrying such heavy refuse. AD(Ops)3/FEHD responded that clauses requiring contractors to provide grab lorries had been incorporated into street cleansing service contracts. DD(EH)/FEHD added that FEHD was considering the introduction of solar-powered aluminium RCPs in rural areas for collection of household waste on a trial basis, which would include installation of solar panels for energy supply and sensor-operated openings of RCPs. Ventilation, illumination, fly-killing and deodorization facilities would also be installed to improve the hygiene condition at RCPs. The trial scheme was expected to be carried out from April to June 2019. If DCs reflected that the new design could improve refuse dumping situation in rural areas, consideration would be given to its wider use at other RCPs in rural areas. Mr Steven HO hoped that the Administration would continue to improve the design of RCPs upon receiving feedback from DCs and the community.

14. Mr Wilson OR asked whether the Administration would consider engaging third-party players, e.g. consultants, academics and professional organizations, in assessing the effectiveness of applying technologies in enhancing environmental hygiene. AD(Ops)3/FEHD responded that FEHD would take into account the feedback of users, including members of the relevant DCs and the local community, in assessing the effectiveness of various environmental hygiene technologies. Taking the solar-powered compacting refuse bins ("compacting bins") as an example, the deficiencies of compacting bins raised by users would be addressed by a more effective waste compaction system and an enhanced inlet design. A new design of compacting bins would be put on trial between April and June 2019. At the request of Ms Claudia MO, the Administration would provide the total expenditure incurred for conducting the trial use of 24 compacting bins in 2018, and the estimated expenditure for putting on trial the new design of compacting bins as above mentioned.

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(*Post-meeting note: The Administration's response was circulated vide LC Paper No. CB(2)922/18-19 on 5 March 2019.*)

15. In view of the limited progress and overall planning made by the Administration in improving public cleansing and pest control services, the Chairman, Dr Elizabeth QUAT and Mr Jeremy TAM considered that the Administration should formulate a comprehensive blueprint on enhancing environmental hygiene and pest control through the application of new technologies. The Chairman added that in formulating the blueprint, the Administration could make reference to successful overseas experience such as that of Singapore. SFH responded that the Administration attached great importance to environmental hygiene matters. The Food and Health Bureau and FEHD would continue to explore the feasibility of applying technologies in improving environmental hygiene.

Pest control technologies

16. Mr KWOK Wai-keung sought details about the technologies used for rodent surveillance. He asked whether those technologies would be widely adopted in public housing estates and public markets. DD(EH)/FEHD and Pest Control Officer-in-charge, Food and Environmental Hygiene Department ("PCOic/FEHD") responded that FEHD had engaged a contractor to conduct studies on the use of night vision or thermal imaging cameras to capture video images with the use of artificial intelligence to monitor the extent of rodent activities:

- (a) for the night vision camera surveillance programme, a trial test would be conducted at municipal services buildings, public markets and rear lanes in early 2019 to test its feasibility and actual operation in indoor and outdoor settings. The test would also assess the accuracy of the artificial intelligence system in identifying rodents under different environments, and study how to make use of the information to strategically assist actual rodent prevention and control work. The three-month trial test was expected to be completed in June 2019. FEHD would, thereafter, assess the technology and consider launching a pilot scheme to extend it to other areas; and
- (b) FEHD had also engaged a technology company to use thermal imaging cameras and to develop an artificial intelligence system for rodent surveillance. A three-month trial would be conducted in the first quarter of 2019 to have a preliminary test on the system operation and make adjustments for assessing the feasibility and effectiveness of the technology.

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17. Noting that the A24 rodent trapping devices driven by pressurized gas had been put to test in several public markets, Dr Helena WONG enquired about the initial test results. PCOic/FEHD advised that the preliminary findings and observations had revealed that the A24 rodent trapping devices did not perform better than traditional rat traps. PCOic/FEHD explained that certain habits of rodents in overseas environment might be different from the habits of rodents living in a highly urbanized environment. Some rodent trapping devices that were found to be effective in controlling rodents in overseas environment might not be applicable in Hong Kong. Therefore, it was necessary to conduct field tests to ascertain the effectiveness of technologies in rodent prevention and control, as well as to make necessary adjustment in their application to suit the local environment. FEHD would conduct further tests to assess the suitability of new rodent trapping devices driven by pressurized gas for local use.

18. In response to the enquiry of Mr CHAN Han-pan on the ovitrap indices and FEHD's mosquito control work, DD(EH)/FEHD said that FEHD had been conducting studies to improve the design of the ovitrap with a view to obtaining real-time quantitative data on *Aedes albopictus* through the collection of information of egg-laying adult mosquitoes. This would help avoid a time lag in reporting the findings due to the time needed for incubation of the eggs into larvae. With the use of the technology, direct surveillance of the adult mosquito density was also made possible. Control work could then be stepped up at targeting locations with high adult mosquito density. The field trial of the technology on gravitrap was expected to be carried out in August 2019.

19. Regarding mosquito control, DD(EH)/FEHD and PCOic/FEHD further said that FEHD was testing a new mosquito trapping device which involved the carrying of an insect growth regulator ("IGR") by female mosquitoes to other water bodies where they laid eggs. IGR prevented larvae in those water bodies from developing into adult mosquitoes, thereby facilitating mosquito prevention and control. FEHD was conducting laboratory tests to evaluate the effectiveness of the new mosquito trapping device in preventing larvae from developing into adult mosquitoes as well as the ability of dissemination by female mosquitoes. Field tests would also be conducted in suitable environments in due course to evaluate the device's impact on the density of adult mosquitoes. If the technology was found to effectively reduce the density of adult mosquitoes, its use would be extended to suitable environments across the territory.

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Pest control work

20. The Chairman, Mr HO Kai-ming and Mr Wilson OR considered that the Administration failed to tackle the pest problem in the community owing to a lack of coordination among various departments in their pest control efforts. They urged the Administration to enhance the inter-departmental coordination in implementing pest control measures. Mr HO considered it necessary for FEHD to take a leading role in coordinating the pest control work of different departments.

21. SFH and DD(EH)/FEHD responded that the Pest Control Steering Committee ("PCSC"), chaired by the Under Secretary for Food and Health ("USFH"), aimed to synergize the efforts of various bureaux and departments in pest control work. At the meeting held in January 2019, PCSC had discussed how to enhance the Administration's overall surveillance and response mechanism and mapped out the focus of pest control work and the work plan for 2019. PCSC had set objectives in three areas, namely strengthening prevention, coordination and surveillance. Under the coordination of PCSC, a number of departments had been allocated additional resources to enhance pest control work.

22. Ms CHAN Hoi-yan and Mr KWOK Wai-keung echoed the view that the Administration should step up pest (especially rodent) control work. They were concerned whether the Administration had deployed sufficient manpower to carry out duties in this regard. Ms CHAN added that FEHD should strengthen the supervision of outsourced cleansing and pest control services.

23. DD(EH)/FEHD and PCOic/FEHD responded that FEHD had launched a special operation at hygiene blackspots at rear lanes in various districts between December 2018 and January 2019, targeting hygiene problems caused by illegal disposal of food waste and refuse by food premises at rear lanes. The operation began with a two-week education and publicity programme, followed by enhanced enforcement actions and prosecutions in the ensuing three weeks so as to sustain the results of anti-rodent operations at designated target areas. To enhance its pest control work, FEHD had increased the manpower resources for pest control services and strengthened its supervision of outsourced services through sustained efforts to keep the service performance of contractors under close monitoring.

24. Expressing dissatisfaction with the performance of the Housing Department ("HD") in tackling the rodent problem in public housing estates, Mr HO Kai-ming enquired whether FEHD would coordinate and actively participate in rodent control work in public housing estates. DD(EH)/FEHD

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responded that to curb rodent infestation in public housing estates, HD had, in collaboration with FEHD, launched a three-month anti-rodent operation targeting areas in two public housing estates on a trial basis in December 2018. The operation aimed at coordinating the anti-rodent efforts of HD, the Link Real Estate Investment Trust and FEHD as well as carrying out rodent prevention and control work through the adoption of multi-pronged strategies (including stepping up cleansing work, rodent disinfection and enforcement action). After examining the effectiveness of the trial scheme and consolidating relevant experience gained, HD might extend this mode of rodent disinfection to other public housing estates.

25. The Chairman and Mr CHAN Chi-chuen were concerned how the Administration would assess the quality of outsourced cleansing and pest control services. Mr CHAN asked whether FEHD had taken any measures to monitor the performance of service providers and to assess the quality and effectiveness of the equipment and pesticides used by them.

26. AD(Ops)3/FEHD and PCOic/FEHD responded that there were clauses in the service contracts stipulating the requirements that must be met by the contractors in carrying out cleansing/pest control operations, and contractors were required to use equipment and pesticides which would satisfy the standard specified by FEHD. Also, FEHD had allocated additional resources to enhance the supervision of contractors. If the performance of contractors was not up to the required standard, FEHD would take action against the contractors in accordance with its sanction system. Any breach of contractual obligations by the contractors would lead to the issuance of verbal warnings, written warnings and default notices as well as withholding/deducting monthly payment of service charge to contractors. Unsatisfactory performance would affect the contractors' future bidding for FEHD's outsourced service contracts.

27. Noting that under the standard marking scheme, the Administration adopted the relative weightings of technical score and price score (respectively at 30% and 70%) in evaluating cleansing service contracts, Mr CHAN Chi-chuen considered that the technical score should be given a heavier weighting, as so doing could help enhance the quality and efficiency of public cleansing services and pest control work.

28. In response, DD(EH)/FEHD advised that as announced in the Chief Executive's 2018 Policy Address, the Administration had completed a review of the employment terms and conditions of government service contracts, and come up with improvement measures applicable to service contracts that relied heavily on the deployment of non-skilled employees. Under the improvement measures that would take effect from 1 April 2019, the

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technical weighting in tender evaluation for the above-mentioned service contracts could be increased to the range of 50% to 70%. The technical weighting must not fall below 50% in any case, while a technical weighting higher than 70% might be adopted if the procuring department saw fit. To provide bidders with an incentive to increase the wages for non-skilled employees, the weighting of wage level as an assessment criterion would be increased to at least 25% in the technical assessment.

29. Mr SHIU Ka-chun expressed concern whether contractors' staff engaged to carry out pest control work would properly dispose of dead rodents, and how the Administration would assist "three-nil" buildings (i.e. buildings without Owners' Corporations, residents' organizations or property management companies) in their collection and disposal of refuse.

30. AD(Ops)3/FEHD responded that while contractors' frontline staff should receive training on pest control, the cleansing service contracts required the contractors to dispose of dead rodents found in the public areas they were responsible for in accordance with FEHD's relevant guidelines. Contractors' frontline staff would apply disinfectant to the location where the dead rodents were found and put dead rodents into sealed plastic bags before disposal. Regarding the assistance provided to "three-nil" buildings in refuse collection and disposal, AD(Ops)3/FEHD said that the Administration would look for possible solutions with relevant departments.

31. Noting that an expert from WHO would visit Hong Kong in February 2019 and offer advice/recommendations on the Government's pest control strategies and technologies, Mr SHIU Ka-chun requested the Administration to provide the Panel with a copy of the report to be prepared by the expert, once it was available.

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Motion proposed by a member

32. Mr Jeremy TAM indicated an intention to move a motion. The Chairman ruled that the motion was directly related to the agenda item under discussion and members present agreed that the motion should be dealt with. The Chairman put the following motion moved by Mr TAM to vote:

(議案中文措辭)

本事務委員會要求食物及衛生局，盡快訂立全面的工作藍圖及時間表，利用新科技改善環境衛生及加強防治蟲鼠，以提升清潔人員的工作效率；並改善香港的衛生情況，防止蟲鼠散播細菌，保障市民健康。

(English translation of the motion)

This Panel requests the Food and Health Bureau to expeditiously formulate a comprehensive blueprint and a timetable on enhancing environmental hygiene and pest control through the application of new technologies, thereby increasing the work efficiency of cleansing workers; and to improve hygiene conditions in Hong Kong, prevent the spread of germs by pests and safeguard public health.

33. All the 11 members who participated in the voting voted in favour of this motion. The Chairman declared that the motion was carried.

Concluding remarks

34. The Chairman invited members' views on whether the Research Office of the LegCo Secretariat should be requested to conduct a more in-depth study on Barcelona's, Australia's and Singapore's application of innovation and technologies in improving environmental hygiene, so as to facilitate the Panel's consideration of whether to conduct a duty visit to these places to study their experience in utilizing innovation and technologies in environmental hygiene. As no members made any particular views or comments, the Chairman said that the matter might be followed up in the future, if necessary.

IV. Registration of fishing vessels under the Fisheries Protection Ordinance (Cap. 171)

(LC Paper Nos. CB(2)748/18-19(05) and (06))

35. At the invitation of the Chairman, USFH briefed members on the legislative proposal for amending the Fisheries Protection Ordinance (Cap. 171) ("the Ordinance") to empower the Director of Agriculture, Fisheries and Conservation ("DAFC") to exercise discretion to consider registering local fishing vessels that failed to meet the requirement of possessing a valid operating licence issued by the Marine Department ("MD") on 15 June 2012, as set out in the Administration's paper (LC Paper No. CB(2)748/18-19(05)). Members noted the information note on the subject prepared by the LegCo Secretariat (LC Paper No. CB(2)748/18-19(06)).

Local fishing vessel registration scheme

36. Mr Steven HO said that according to his understanding, due to some justifiable reasons rather than faults or negligence on the part of the concerned fishermen, some vessel owners had failed to register with the Agriculture, Fisheries and Conservation Department ("AFCD") their fishing

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vessels that had all along been used for fishing before the commencement of the Fisheries Protection (Amendment) Ordinance 2012 ("Amendment Ordinance"), i.e. 15 June 2012 ("the commencement date"). One of the reasons was that the vessels concerned did not possess a valid operating licence issued by MD under the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) on the commencement date in accordance with section 14(1)(a) of the Ordinance. Although most of the rejected applications for registration had lodged appeals with the Administrative Appeals Board ("AAB") against DAFC's refusal, AAB had no choice but to dismiss all appeals that failed to meet the statutory requirement of possessing a valid operating licence on the commencement date, given the fact that DAFC did not have any discretionary power to consider registration of such vessels. In Mr HO's view, it was necessary to amend the Ordinance for accommodating those vessels' registration. He recalled that soon after the implementation of the Amendment Ordinance, many vessel owners had reflected to the Administration their difficulties in obtaining from MD before the commencement date a valid operating licence in order to be eligible for registration. Mr HO questioned why the Administration had taken so long to amend the law to plug the loophole.

37. Assistant Director (Fisheries), AFCD ("AD(F)/AFCD") responded that application for registration could be made within 12 months from the commencement of the Amendment Ordinance. During the registration period, 4 474 fishing vessels were registered. A total of 494 applications for registration were rejected, among which 319 were turned down on the ground that the vessels concerned did not possess a valid operating licence on the commencement date in accordance with section 14(1)(a) of the Ordinance. Under the existing mechanism, vessel owners who were not satisfied with the application results could lodge appeals with AAB. Given the large number of appeal cases received, AAB needed time to hear the cases. In handing down the rulings, some AAB panel chairpersons had expressed sympathy towards the appellants who had failed to register their fishing vessels that had all along been used for fishing before the commencement date due to some justifiable reasons rather than faults or negligence on the part of the concerned fishermen. Under the Ordinance, DAFC, however, did not have any discretionary power to consider registration of such vessels. Against this background, the Administration had conducted a review and considered it necessary and justifiable to amend the Ordinance for accommodating the registration of such vessels.

38. Mr Steven HO said that before introducing the relevant amendment bill in 2012 and setting a cut-off date requiring fishing vessels to register within a finite period, AFCD should have understood how MD handled and the time required for processing an application for operating licence and whether

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fishing vessel owners could timely submit application for registration of their vessels. He hoped that AFCD and MD would learn from this experience and foster better communication in the future.

39. Mr Steven HO asked, after the completion of this amendment exercise, how AFCD would notify all affected vessel owners (including those (a) whose applications for registration had been refused; (b) whose appeals against DAFC's refusal had been rejected by AAB; (c) who had not lodged appeals with AAB; and (d) who had not even submitted applications in the first place during the registration period as they might have assumed that their applications would in any event be refused in view of the clear operating licence requirement) of the re-opening of application for registration of local fishing vessels. Mr CHU Hoi-dick made a similar enquiry, and asked whether any remedial support would be made available to fishermen who might have sold their vessels and left the trade in the past few years for failure to register their fishing vessels.

40. AD(F)/AFCD responded that upon amendments to the Ordinance, AFCD would re-open the registration scheme for application for the above-mentioned 319 cases, and also to those vessel owners who did not submit their applications during the registration period as their vessels did not possess a valid operation licence. Apart from issuing a press release, AFCD would notify the vessel owners of those 319 rejected cases of the new arrangements through the contact information last provided in their applications. For vessel owners who had not submitted any applications during the registration period, AFCD would work with MD to reach out to them through available contact means.

41. In response to Dr Helena WONG's enquiries, AD(F)/AFCD said that according to the annual survey conducted by AFCD, most of the 4 491 existing vessels registered under the Ordinance were active fishing vessels that had been carrying out fishing operations in Hong Kong waters. The registration would remain valid throughout the life span of the fishing vessel and no renewal of registration would be required. Under the Ordinance, fishing vessels could continue to be used for fishing during the appeal process in respect of registration.

42. Mr CHU Hoi-dick queried the need for AAB to continue to handle the remaining appeal cases, given the fact that the Administration now proposed to amend the Ordinance to empower DAFC to exercise discretion to consider registering local fishing vessels that failed to meet the requirement of possessing a valid operating licence issued by MD on 15 June 2012. AD(F)/AFCD responded that a total of 219 rejected applications had lodged appeals against DAFC's refusal with AAB, of which some 40 cases were

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subsequently withdrawn by the appellants. So far, AAB panels had altogether heard 177 appeal cases and handed down rulings on 175 of them. Under the existing appeal mechanism, AAB would handle all the appeal cases in accordance with the statutory requirements.

43. Dr Helena WONG noted that to cater for former trawler owners who wished to operate in Hong Kong waters by non-trawling methods after the implementation of a ban on trawling activities in Hong Kong waters ("trawl ban"), application for a Certificate of Eligibility for Registration had been opened to these owners, by giving them a right to register a non-trawler in the future, provided that, among others, there was a valid operating licence for the former trawler on the commencement date. She enquired how AFCD could ensure that former trawler owners would switch to non-trawling operation in Hong Kong waters after the registration.

44. AD(F)/AFCD advised that a former trawler owner would be given an option of registering a non-trawler by modifying his/her existing trawler or by acquiring a new fishing vessel. AFCD would register the vessel if it was satisfied, upon inspection, that the vessel concerned was designed and equipped to be used primarily for other modes of fishing operations than trawling.

Illegal fishing activities in Hong Kong

45. The Chairman, Dr Helena WONG and Mr CHU Hoi-dick expressed concern that it was reported in recent years that many Mainland fishermen often entered Hong Kong waters for illegal fishing. This would defeat the purpose of implementing the trawl ban to restore the fisheries resources. They enquired about the enforcement actions taken in Hong Kong waters against illegal fishing and the respective numbers of cases in which Mainland fishermen were prosecuted and convicted for illegal fishing. AD(F)/AFCD advised that most of the illegal fishing activities in Hong Kong involved Mainland fishing vessels. In 2018, AFCD initiated prosecution in seven cases involving a total of 27 Mainland fishermen for illegal fishing activities in Hong Kong waters.

46. The Chairman and Mr CHU Hoi-dick opined that the enforcement and prosecution figures were on the low side. Mr CHU asked whether the Administration had assessed the effectiveness of its enforcement actions in combating Mainland fishermen's illegal fishing activities in Hong Kong. The Chairman said that he had received complaints from local fishermen that Mainland fishing vessels often made unauthorized entry into Yan Chau Tong Marine Park near Sai Kung to collect sea urchins in early mornings. He

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called on the Administration to step up enforcement actions against these illegal activities.

47. AD(F)/AFCD responded that AFCD had been conducting joint operations with the Marine Police to intercept fishing vessels suspected of engaging in illegal fishing. AFCD also conducted daily patrols in Hong Kong waters covering Yan Chau Tong Marine Park. In recent years, AFCD conducted over 1 700 patrols each year. It would continue to work closely with the Marine Police and the Mainland law enforcement agencies to strengthen enforcement actions against cross-boundary illegal fishing activities.

V. Development of mariculture

(LC Paper Nos. CB(2)748/18-19(07) and (08))

48. At the invitation of the Chairman, USFH briefed members on the proposals to lift the mariculture moratorium to facilitate sustainable development of the fisheries sector, as detailed in the Administration's paper (LC Paper No. CB(2)748/18-19(07)). Members noted the background brief entitled "Government's efforts to assist the development of the fisheries industry" prepared by the LegCo Secretariat (LC Paper No. CB(2)748/18-19(08)).

(Post-meeting note: The speaking note of USFH (Chinese version only) was issued vide LC Paper No. CB(2)790/18-19 on 13 February 2019.)

Operation situation of licensed fish farms

49. Ir Dr LO Wai-kwok expressed support for the Administration's proposals to:

- (a) designate new fish culture zones ("FCZs") in four priority sites (i.e. Wong Chuk Kok Hoi, outer Tap Mun, Mirs Bay and Po Toi (Southeast));
- (b) issue new marine fish culture licences ("MFCLs") for operation in the new FCZs to fish farmers for business expansion and new entrants interested in venturing into modernized fish farming; and
- (c) issue new MFCLs for the six existing FCZs which had been identified as having surplus carrying capacity so as to better utilize their production capacity.

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50. Noting that there were 931 licensed fish farms operating in the 26 existing designated FCZs as at end-December 2018 and about 850 tonnes of live marine fish valued at \$71 million were produced in 2018, Ir Dr LO expressed concern that the average annual production of each fish farm seemed to be not high. He sought details about the operation situation of fish farms in the existing FCZs. The Deputy Chairman and Dr Helena WONG made similar enquiries.

51. AD(F)/AFCD responded that statistics showed that there had been a steady decline in the volume of live marine fish produced by licensed fish farms over the last few decades, dropping from around 3 000 tonnes in 1990s to 850 tonnes in 2018. While factors such as water quality, availability of fry, cost of fish feed and occurrence of fish disease might affect the operation of fish farms, some fish farmers might no longer be willing to invest in their farms and put the rearing capacity of their rafts to full use. As stipulated in the Marine Fish Culture Ordinance (Cap. 353), all marine fish culture activities were required to operate under licence. At present, the licence conditions required that licence holders should actively engage in marine fish culture activities. According to the Administration's observation, the median level of production of fish rafts that were in active use could reach a level of 20 kg/m². However, at present, about 70% to 80% of fish rafts in the existing FCZs were not put to optimal use (the production of some fish rafts was as low as 1 to 2 kg/m² and some others were even left idle). In response to the Deputy Chairman's enquiry, AD(F)/AFCD said that the annual licence fee for a fish farm was \$7.8/m² (i.e. about \$2,000 for a fish farm of size less than 300 m²).

52. In response to members' enquiry about the rationale behind the proposals under discussion, AD(F)/AFCD said that by designating new FCZs and issuing new MFCLs, the Administration hoped to provide existing fish farmers with opportunities to expand their business and new entrants to venture into modernized fish farming. To ensure that the fish farms would be actively used for sustainable mariculture, AFCD would at the same time step up its management and inspection of all 26 FCZs to make sure that existing licensed areas were fully utilized for mariculture purpose and the production of each raft must reach a minimum level for licence renewal. The Administration believed that the proposals could significantly increase the capacity of local marine fish production, which would help meet the local demand for fresh and quality seafood.

53. Mr Steven HO cautioned that the Administration should strike a balance between facilitating the sustainable development of the mariculture industry and conserving the fishing grounds in Hong Kong waters, when designating new FCZs. AD(F)/AFCD responded that to meet the statutory

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requirements under the Environmental Impact Assessment Ordinance (Cap. 499), environmental impact assessments would be conducted for designating the four priority sites as FCZs. AFCD would take into account the impact on the marine environment as well as the capture fisheries industry in the process.

54. Ir Dr LO Wai-kwok asked how the Administration would, apart from stepping up the management and inspection of all 26 FCZs, ensure that the mariculture sector would utilize the production capacity of FCZs and fish farms adopt an optimal stocking density.

55. In reply, AD(F)/AFCD advised that the Administration had all along been implementing a number of supportive measures as detailed in Annex C to the Administration's paper to help the mariculture industry develop towards high-value operations. These measures included: (a) providing free and tailor-made training courses and seminars to assist fishermen in developing sustainable fisheries and related operations; (b) launching the real-time water quality monitoring system and the trials on real-time phytoplankton imaging and computer modelling tools to detect water quality changes and red tides, so as to give timely alerts to fish farmers and reduce the risks of red tides; (c) conducting adaptive studies on fish husbandry practices and new culture species and transferring the technology and skills to fish farmers; (d) working with the fisheries industry to develop and promote the brand of local quality fisheries products; and (e) establishing the \$500 million Sustainable Fisheries Development Fund to provide financial assistance for carrying out research and development programmes that would help improve the operating environment and enhance the overall competitiveness of the industry.

Proposal to tighten the management of licensed fish rafts and to review the licence conditions

56. Ms CHAN Hoi-yan asked whether attracting new entrants to join the mariculture industry by issuing new MFCLs was the main reason behind the review of the licence conditions for renewal of MFCLs. AD(F)/AFCD clarified that the Administration did not intend to revoke the licences issued to existing fish farmers and to re-issue the same number of licences to new entrants. The proposed tightening of the management of licensed fish rafts and the issuance of new MFCLs in new or existing FCZs were two separate issues. The Administration hoped that by granting new MFCLs for operation in the new or existing FCZs, people interested in venturing into modernized fish farming could be attracted to join the industry.

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57. While indicating support for the designation of new FCZs, the Chairman, Mr Steven HO, Dr Elizabeth QUAT, Mr CHU Hoi-dick and Mr LAU Kwok-fan expressed concern about the Administration's proposal to tighten the management of licensed fish rafts and to review the licence conditions for renewal of existing MFCLs. They said that to their understanding, many existing MFCL holders were opposed to the proposed mariculture standards which suggested that: (a) raft area should be the same as licensed area; (b) cage area should not be less than 70% of the raft area; and (c) fish farm should achieve a minimum production of 10 kg/m².

58. Pointing out the challenges faced by fish farmers in their daily operations, Mr Steven HO, Dr Elizabeth QUAT and Mr LAU Kwok-fan considered that the Administration should enhance the support provided to the mariculture industry, before exploring the feasibility of setting mariculture standards. They suggested that consideration should be given to: (a) implementing a natural disasters protection mechanism for the industry; (b) expanding the sales channels; (c) improving the red tides alert system; (d) improving the quality of water used for fish culture; (e) refining and simplifying various subsidy programmes for the development of the industry; (f) increasing the competitiveness of the industry through brand-building; and (g) proactively supporting the mariculture industry in the adoption of technologies for increasing production value.

59. Mr CHU Hoi-dick expressed dissatisfaction that the Administration had not mentioned in its paper details of the proposal to tighten the management of licensed fish rafts and to review the licence conditions for renewal of existing MFCLs. Ms Claudia MO considered the proposed mariculture standards too stringent. She expressed worries that the Administration's proposal would throttle the room for survival of fish farmers. Given the dissenting views among a large number of fish farmers, Mr CHU and Ms MO considered that the Administration should withdraw its proposal to tighten the mariculture standards for licensing first and thoroughly consult the trade before setting any new standards.

60. Principal Assistant Secretary for Food and Health (Food) 3 ("PASFH(F)3") and AD(F)/AFCD responded that AFCD was currently consulting the trade on the proposed criteria for tightening the management of licensed fish rafts and would only implement the new standards after thorough discussion with the trade. AFCD would continue to implement various supportive measures to assist the trade in adopting new and modern technologies and management practices, with a view to minimizing the risk posed by inclement weather and red tides. Regarding the proposed mariculture standards, PASFH(F)3 and AD(F)/AFCD advised that some fish farmers in existing FCZs had put their fish rafts into active use for sustainable

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mariculture, achieving a production of 20 kg/m² or above. In drawing up the proposed standards, which were used as the starting point for discussion, AFCD had taken into consideration the existing mariculture practices adopted by fish farmers, environmental factors and cost analyses. The proposed stocking density for fish rafts was benchmarked against the median of the production level of active fish rafts. The Administration believed that the production of fish rafts could reach such level if the rafts were better utilized for mariculture purpose.

61. The Deputy Chairman asked whether a certain level of production was set for fish farms operating on the Mainland or in other neighbouring regions. Senior Fisheries Officer (Aquaculture Fisheries)/AFCD replied in the negative. AD(F)/AFCD stressed that the licence conditions required that licence holders should actively engage in marine fish culture activities. Marine fish culture involved the use of water areas which were public resources. As the licensing authority, AFCD had the responsibility to ensure effective use of such resources. To ensure that the existing licensed fish farms were fully used for mariculture purpose and to improve the current idling situation of some fish rafts, AFCD would formulate an objective and appropriate mariculture standard proposal to strengthen the management of existing mariculture activities.

62. The Deputy Chairman and Ms CHAN Hoi-yan considered that the Administration should continue to engage the trade to forge a consensus and to appeal for fish farmers' appreciation of the need to tighten the mariculture standards. In response to Ms CHAN's enquiry concerning the consultation progress with stakeholders, AD(F)/AFCD said that AFCD had held a number of consultation sessions on the proposed mariculture standards in the past two months. AFCD would continue to listen to the views of the trade, and would meet with stakeholders to collect views on strengthening the management of existing mariculture activities.

63. Mr LAU Kwok-fan said that fish farmers who operated recreational fishing activities on fish rafts might find it difficult to meet the proposed mariculture standards. He and Mr Steven HO also pointed out that fish farmers who made a huge investment in their farms to achieve a high production (e.g. 20 kg/m² or above) would suffer a great loss in case of natural disasters. Mr LAU asked whether consideration would be given to providing subsidy for fish farmers to improve the business environment and to facilitate their compliance with any new requirements.

64. PASFH(F)3 responded that members of the World Trade Organization had been negotiating about reducing subsidies to the agriculture and fisheries sectors. Hong Kong had undertaken not to provide subsidy to the local

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fisheries sector. That said, the Administration would continue to support the trade through other measures.

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

65. Mr CHU Hoi-dick suggested that the Panel should hold a public hearing to receive deputations' views on the Administration's proposal to tighten the management of licensed fish rafts and to review the licence conditions. As no member raised objection to Mr CHU's suggestion, the Chairman instructed the Clerk to arrange a special meeting to receive views from deputations.

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66. The Administration was requested to provide the Panel with the following information timely before the special meeting scheduled for receiving views from deputations on the Administration's proposal:

- (a) the proposed conditions (i.e. mariculture standards), with details, for renewal of existing MFCLs which had been put forward for consultation with the mariculture sector and relevant stakeholders; and
- (b) the rationale for reviewing and tightening the mariculture standards as well as the considerations behind the proposed licence conditions.

(Post-meeting note: The special meeting was scheduled for, Tuesday, 2 April 2019, at 2:30 pm to receive deputations' views on the Administration's proposal.)

Motions proposed by members

67. Mr Steven HO and Dr Elizabeth QUAT indicated an intention to jointly move a motion under this discussion item. Mr CHU Hoi-dick also indicated an intention to move a motion. The Chairman ruled that the two motions proposed by the above members were directly related to the agenda item under discussion and members present agreed that the motions should be dealt with.

Motion 1

68. The Chairman put the following motion moved by Mr Steven HO and Dr Elizabeth QUAT to vote:

(議案中文措辭)

本事務委員會促請政府支援本港養魚業發展，應優先：落實行業天災保障機制、拓展銷售渠道、完善紅潮預警機制、改善養殖水質、優化及簡便資助發展計劃、為業界建立品牌加強競爭力、積極支援業界提升養殖技術及產值。在綜合以上各項推行情況的因素，再對養殖標準的可行性作出審慎研究、繼續諮詢及尋找共識，以協助行業進一步改善經營環境，善用養殖空間。

(English translation of the motion)

This Panel calls on the Government to support the development of the mariculture industry, and priorities should be given to: implementing a natural disasters protection mechanism for the industry, expanding the sales channels, improving the red tides alert system, improving the quality of water used for fish culture, refining and simplifying various subsidy programmes for the development of the industry, increasing the competitiveness of the industry through brand-building, and proactively supporting the industry in upgrading mariculture technologies and increasing production value. Having consolidated experiences from implementing the above initiatives, the Government could carefully explore the feasibility of setting mariculture standards by conducting further consultation to help forge a consensus, thereby assisting the industry to further improve its operating environment and optimize the use of mariculture zones.

69. The Chairman invited members to vote for or against the motion by a show of hands. All 11 members who participated in the voting voted in favour of this motion. The Chairman declared that the motion was carried.

Motion 2

70. The Chairman put the following motion moved by Mr CHU Hoi-dick, as amended by Ms CHAN Hoi-yan and further amended by Ms Claudia MO to vote:

(議案中文措辭)

由於大量海魚養殖戶有不同意見，本事務委員會要求政府正視養魚戶的實際營運情況，先撤回收緊牌照中"養殖標準"的建議，必須與業界討論，並預留充足時間充分諮詢及聽取業界意

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見，才制定新標準；另外，政府應強化各項支援海魚養殖業的措施。

(English translation of the motion)

Given the dissenting views among a large number of mariculturists, this Panel requests the Government to take note of the actual operating environment of fish farmers, withdraw its proposal to tighten the "mariculture standards" for licensing first, and hold discussions with the trade; and to allow sufficient time to thoroughly consult and receive views from the trade before setting any new standards. In addition, the Government should strengthen various support measures for the mariculture industry.

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

VI. Any other business

72. There being no other business, the meeting ended at 5:13 pm.

Council Business Division 2
Legislative Council Secretariat
21 May 2019