

立法會
Legislative Council

LC Paper No. CB(2)1379/18-19
(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 March 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 KWOK Wai-keung, JP
Dr Hon Helena WONG Pik-wan
Dr Hon Elizabeth QUAT, BBS, JP
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Hon Wilson OR Chong-shing, MH
Dr Hon Pierre CHAN
Hon HUI Chi-fung
Hon LAU Kwok-fan, MH
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 CHAN Han-pan, BBS, JP
Dr Hon CHIANG Lai-wan, SBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon HO Kai-ming
Hon SHIU Ka-chun
Hon YUNG Hoi-yan
Hon Kenneth LAU Ip-keung, BBS, MH, JP

**Public Officers : Item IV
attending**

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

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

Mr CHIU Yu-chow
Assistant Director (Grade Management and Development)
Food and Environmental Hygiene Department

Item V

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

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

Ms Teresa CHEUNG Shuk-kau
Senior Principal Executive Officer (Food)
Food and Health Bureau

Item VI

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

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

Mr Eric TSAI Yu-sing
Assistant Director (Operation) 1
Food and Environmental Hygiene Department

Dr Christine WONG Wang
Assistant Director (Risk Management)
Food and Environmental Hygiene Department

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

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

Miss Cally LAI
Legislative Assistant (2) 2

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I. Confirmation of minutes
(LC Paper No. CB(2)849/18-19)

The minutes of the meeting held on 11 December 2018 were confirmed.

II. Information papers issued since the last meeting
(LC Paper Nos. CB(2)860/18-19(01), CB(2)868/18-19(01),
CB(2)891/18-19(01) and CB(2)945/18-19(01))

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

- (a) Referral from the Public Accounts Committee on issues relating to public cooked food markets managed by the Food and Environmental Hygiene Department ("FEHD");
- (b) Administration's information paper on the outcome of the review on the export control of powdered formulae;
- (c) Referral arising from the meeting between Legislative Council ("LegCo") Members and Central and Western District Council members on 4 May 2018 on environmental hygiene issues in Central and Western District; and
- (d) Joint letter dated 6 March 2019 from Hon Vincent CHENG and Hon Steven HO on issues relating to the refurbishment of public toilets.

III. Date of next meeting and items for discussion

(LC Paper Nos. CB(2)923/18-19(01) and (02))

Special meeting on 2 April 2019

3. The Chairman reminded members that a special meeting had been scheduled for Tuesday, 2 April 2019, at 2:30 pm to receive deputations' views on the Administration's proposal to tighten the management of licensed fish rafts and review the licence conditions.

Regular meeting in April 2019

4. Members agreed to discuss the following items at the next regular meeting scheduled for Tuesday, 16 April 2019, at 2:30 pm:

- (a) Creation of directorate posts in the Food and Environmental Hygiene Department for better managing and upgrading municipal infrastructure;
- (b) Provision of columbarium, Garden of Remembrance and related works at On Hing Lane, Shek Mun, Sha Tin; and
- (c) Provision of columbarium and Garden of Remembrance at Sandy Ridge Cemetery (Phase 1 Development).

5. Referring to item (d) in paragraph 2 above, the Chairman said that the Administration had been requested to provide a written response to the issues and concerns raised in the joint letter to facilitate members' consideration of whether the matter should be followed up at a meeting. The Chairman further said that if members considered it necessary to pursue the matter, arrangement could be made for discussing the subject matter at the regular meeting in April 2019.

(Post-meeting note: Members were informed vide LC Paper No. CB(2)1005/18-19 issued on 15 March 2019 that the Chairman had acceded to the Administration's request to replace item (a) in paragraph 4 above with "Refurbishment of public toilets managed by the Food and Environmental Hygiene Department". Members were also informed vide LC Paper No. CB(2)1147/18-19 issued on 3 April 2019 that an additional item "Handling illegal importation of cats and dogs" had been included into the agenda of the regular meeting in April 2019.)

IV. Implementation of the Private Columbaria Ordinance (Cap. 630)
(LC Paper Nos. CB(2)923/18-19(03) and (04))

6. At the invitation of the Chairman, Under Secretary for Food and Health ("USFH") updated members on the implementation of the Private Columbaria Ordinance (Cap. 630) ("PCO"), as set out in the Administration's paper (LC Paper No. CB(2)923/18-19(03)). Members noted the background brief prepared by the LegCo Secretariat on the subject (LC Paper No. CB(2)923/18-19(04)).

Progress in processing applications for specified instrument

7. The Chairman, Mr CHAN Chi-chuen, Dr Helena WONG, Mr CHU Hoi-dick, Mr LAU Kwok-fan and Ms CHAN Hoi-yan expressed concern about the slow progress of the Private Columbaria Affairs Office ("PCAO") in processing applications for specified instrument (i.e. a licence, an exemption or a temporary suspension of liability ("TSOL")) from private columbaria since the implementation of PCO on 30 June 2017. Mr CHAN Chi-chuen and Dr Helena WONG enquired about the latest status of PCAO's work, including the numbers of applications approved and cases pending examination, as well as difficulties encountered during the vetting process. Mr LAU Kwok-fan expressed concern as to whether adequate support had been provided to PCAO in handling the applications.

8. USFH and Head, PCAO ("H/PCAO") made the following responses:

- (a) by the deadline for submission of applications for specified instrument in respect of pre-cut-off columbaria (i.e. 29 March 2018), applications for specified instrument were received from 144 private columbaria. Each type of applications for specified instrument was subject to various requirements. For a licence application, the Private Columbaria Licensing Board ("PCLB") would consider the granting of a licence only if the applicant could prove that the columbarium had complied with all the requirements stipulated in PCO and the requirements specified by PCLB, including those relating to land, planning, buildings, the management plan, the right to use the premises, fire safety, electrical and mechanical safety, etc. PCLB would also give regard to the public interest and other relevant considerations when determining individual applications;
- (b) so far, PCLB had examined the licence applications submitted by three private columbaria (i.e. Filial Park, Shan Yuan and Pu Tong Ta of Chi Lin Nunnery) at open meetings respectively held on 17 January, 31 January and 7 March 2019. PCLB had granted

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licence to Filial Park and would soon grant licence to Pu Tong Ta of Chi Lin Nunnery after going through the remaining procedures. It had also approved in principle the licence application from Shan Yuan. At present, about 340 applications for specified instrument were being processed. A meeting had been scheduled for 11 April 2019 to examine licence applications from two private columbaria;

- (c) the progress in handling applications from pre-cut-off columbaria depended, to a large extent, on whether the applicants had already complied with all the requirements stipulated in PCO and the requirements specified by PCLB at the time of application, and whether the applications were accompanied by all the required documents and information. So far, the majority of the private columbaria had not submitted all the required supporting documents and information. In many cases, clarifications were being sought or provision of supplementary information was required. Furthermore, many complex issues often arose in the course of processing the applications. If the situation warranted, PCAO would arrange meetings with the applicants to explain in detail the relevant requirements and the supporting documents that they had to submit. For long outstanding information and supporting documents, PCAO would repeatedly remind the applicants of the submission. PCAO would continue to maintain close contact with the relevant departments and the applicants in order to complete the vetting work and submit the applications to PCLB for determination as soon as possible; and
- (d) a number of posts had been created after the establishment of PCAO to undertake various areas of work relating to the implementation of PCO, including provision of executive support to PCLB in discharging the latter's statutory functions. PCAO would review from time to time the manpower resources required for discharging its duties.

9. In response to Mr Andrew WAN's enquiries, H/PCAO said that all private columbaria that were in operation before the cut-off time (i.e. 8 am on 18 June 2014) had either submitted applications for specified instrument or had carried out/would carry out ash disposal in accordance with the requirements of PCO. Of the 144 private columbaria which had submitted applications for specified instrument, four private columbaria subsequently withdrew their applications and PCLB returned the application for specified instrument in respect of one columbarium to the applicant as the applicant failed to provide concrete information for the application.

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10. Ms CHAN Hoi-yan expressed concern that since the supply of private niches had been curtailed after the commencement of the licensing regime for private columbaria, the slow progress in processing applications for specified instrument submitted by private columbaria would affect the supply of niches in the market. The Chairman and Ms CHAN Hoi-yan suggested that the Administration should consider setting a deadline for private columbaria's submission of required documents and information, so as to facilitate PCAO's and PCLB's timely vetting and determination of the applications as well as the early resumption of supply of private niches. In the Chairman's view, enforcement actions should be taken against private columbaria which failed to submit the required information after the specified deadline.

11. H/PCAO responded that while PCAO spared no effort to process the applications for specified instrument, reasonably sufficient time should be given to applicants for submission of the required information and taking follow-up/remedial actions in response to the comments made by relevant departments during the vetting process. The Administration believed that private columbaria seeking a licence would have the necessary incentive to complete the application procedures for an early resumption of the supply of niches. In view of some members' concern, PCAO would explore the feasibility of setting a timeline for submission of the required information by applicants.

12. The Chairman enquired about PCAO's work plan in handling the applications for specified instrument received. H/PCAO advised that, for those cases which had not submitted all the required documents and information for TSOL application, PCLB would first look into cases involving private columbaria situated in multi-storey buildings. The handling of such cases was expected to be completed by end of 2019. After that, PCLB would look into other cases. In parallel, where the applicants of any cases had submitted all the required documents and were confirmed to comply with all applicable application requirements, the cases would be submitted to PCLB for determination as soon as possible. The Chairman hoped that PCAO could expedite the processing of applications for specified instrument and update members regularly on the progress.

13. Mr CHAN Chi-chuen said that some Tuen Mun residents had complained that they were not informed of PCLB's open meeting at which the licence application from Filial Park was examined and they were thus unable to submit their opinions to PCAO by the specified deadline. The Chairman asked whether and how PCAO had notified local residents of the relevant consultation arrangements.

14. H/PCAO responded that information on the applications for specified instrument submitted by private columbaria was released by PCLB to the

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public through various channels. On receipt of an application for specified instrument, PCLB would post information about the application on the dedicated website. When PCAO had completed a preliminary check of the application summary submitted by an applicant and confirmed that the applicant had made the application summary in the specified format filling in the required information, it would post a notice of application on the dedicated website and put up a copy at a conspicuous place at the entrance to the columbarium. As stated in the notice of application, one might provide opinion on the application in writing to PCAO within one month from the date of the notice. For a columbarium which was situated in a multi-storey building where there were other users, with the consent of the management staff of the building or relevant persons, the notice of application might also be put up at a conspicuous place of the building for knowledge of other users. The application summaries were also posted on the dedicated website for viewing by the public. Opinions from members of the public on an application for specified instrument submitted by a private columbarium might be submitted in writing to PCLB. All opinions received would be recorded.

15. H/PCAO further said that all applications for licence submitted to PCLB for determination had to meet, among others, the planning-related requirements under the Town Planning Ordinance (Cap. 131) and obtain the prior approval from the Town Planning Board ("TPB"). Members of the public could submit their views on the planning applications submitted to TPB during the specified public consultation period. For a licence application, the columbarium's proposed ash interment capacity submitted to PCLB for approval should not exceed the capacity approved by TPB. In response to the Chairman's follow-up enquiry, H/PCAO said that, according to information on the Development Bureau's "Information on Private Columbaria" webpage, about 30 pre-cut-off columbaria had complied with planning requirements. The Planning Department would further examine the supporting documents and information under its respective purview and give advice on whether an application satisfied with all the relevant requirements. The Chairman urged PCAO and TPB to keep the local residents and stakeholders informed of the consultation arrangements in respect of applications submitted by private columbaria.

Supply and allocation of niches

16. The Deputy Chairman and Ms CHAN Hoi-yan enquired about the estimated number of niches that could be provided by FEHD and pre-cut-off columbaria (if they were granted a licence) in the coming few years. H/PCAO responded that whether all private columbaria which had submitted applications for a licence were successful in their application remained uncertain. Even if a private columbarium could obtain a licence, the

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maximum ash interment capacity that might be allowed could not be foretold at this stage. Assistant Director (Grade Management and Development)/FEHD ("AD(GMD)/FEHD") advised that the construction works for the Tuen Mun Tsang Tsui Columbarium and the Wan Chai Wong Nai Chung Road Columbarium were scheduled for completion in end-2019 and the second quarter of 2019 respectively. FEHD planned to commence the relevant publicity for allocation of public niches in May 2019, and to accept advance applications from the public for some 20 000 niches (Phase I) in Tuen Mun Tsang Tsui Columbarium and all 855 niches in Wan Chai Wong Nai Chung Road Columbarium.

17. USFH added that apart from increasing the supply of public niches, FEHD had implemented a number of measures to cater for the long-term public demand for facilities and services for disposal of cremated ashes. Such measures included promoting green burial, removing the cap on the number of sets of ashes that might be placed in an existing public niche and introducing an extendable arrangement for newly allocated public niches.

18. Ms CHAN Hoi-yan expressed concern that under the existing mechanism whereby public niches were allocated by computer balloting, some applicants might have to wait for a very long time for allocation of a niche. She considered that priority should be given to those applicants who had participated in several ballots but still had not been allocated with a niche. AD(GMD)/FEHD responded that the Administration had proposed to give additional ballot weightings would be given to two categories of applicants (i.e. those who opted for co-location of ashes and those who had failed in previous allocation exercises) in the coming and future allocation exercises, so that these applicants would stand a higher chance of success than first-time applications. One additional "ballot paper" would be given irrespective of the number of previous failure record, for tidiness and broad parity with the additional weighting given for co-location of ashes.

19. In response to Mr Steven HO's enquiry, AD(GMD)/FEHD said that upon completion of three phases of allocation of niches in Wo Hop Shek Kiu Tau Road Columbarium Phase V and Diamond Hill Columbarium Extension in August 2015, all applicants had been invited to select a niche, but 5 069 niches remained unallocated at the end. A supplementary phase ensued to invite new applications, resulting in allocation of all remaining niches by 31 March 2016 and leaving 5 127 applications not entertained. The Administration considered it reasonable to give additional ballot weightings to those unsuccessful applications in the coming and future allocation exercises.

20. The Deputy Chairman, Ms Claudia MO, Mr Steven HO and Ms CHAN Hoi-yan requested the Administration to provide the following

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information in writing:

- (a) the estimated supply of niches in the coming 10 years with a breakdown by source of supply/provider covering (i) public niches provided by FEHD and (ii) private niches provided by private columbaria or (iii) niches provided in columbarium facilities of non-government bodies;
- (b) the number of applicants who were not allocated with a new public niche in the last major allocation exercise completed in 2016, and the estimated average "waiting/queuing" time for these unsuccessful applicants be allocated with a public niche through future allocation exercises; and
- (c) whether the Administration had assessed the overall demand for niches in the coming 10 years and if yes, the projection with relevant details; and whether the projected supply of public and private niches within the same period could meet the demand.

21. Ms Claudia MO asked whether the Administration would consider collaborating with private columbaria in providing niches to cater for the rising demand. Mr CHU Hoi-dick suggested that the Administration should explore the feasibility of providing columbarium facilities in the Guangdong-Hong Kong-Macao Greater Bay Area. USFH responded that the Administration would consider members' suggestions.

Ash disposal and enforcement actions

22. In response to the Deputy Chairman's enquiry about the ash disposal arrangements carried out by private columbaria, H/PCAO advised that under applicable circumstances as specified in PCO, the operator of a columbarium must carry out the "prescribed ash disposal procedures" in accordance with the requirements of PCO and return the ashes properly to those persons eligible for collection of the ashes. According to the information available to FEHD, over 30 private columbaria ceased operation or indicated their intention to cease operation between the commencement of PCO and 31 January 2019, involving over 2 300 sets of ashes. Among them, 23 columbaria had returned the ashes to the eligible persons, completed the "prescribed ash disposal procedures" or implemented the approved alternative ash disposal plans, while the remaining columbaria were carrying out or had undertaken to comply with the ash disposal procedures stipulated in PCO. Private columbaria which failed to obtain a specified instrument must carry out the "prescribed ash disposal procedures". Members of the public might consider co-location of ashes or store the returned ashes in FEHD's temporary storage facilities for cremains.

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23. The Deputy Chairman sought information on the quantity and utilization rates of the temporary storage facilities for cremains provided by FEHD. AD(GMD)/FEHD responded that there were currently about 28 000 vacant storage spaces available in government cemeteries, columbaria and crematoria for temporary storage of ashes. The storage spaces would be increased to around 60 000 in the coming year. Upon completion of the cremation of any human remains in any government crematorium, the cremains might be temporarily stored at such crematorium for any period not exceeding two months free of charge. The storage period was extendable at a monthly charge of \$80. At present, the utilization rates of cinerary urn and cremains bag was respectively about 40% and below 10%.

24. Mr LAU Kwok-fan noted that ashes could not be interred in niches of pre-cut-off private columbaria sold before the enactment date of PCO until a licence was granted to the private columbaria concerned. Mr LAU said that he had received complaints from local residents that they had no choice but to keep the ashes of their descendants at home or store the ashes in FEHD's temporary storage facilities for cremains. Mr Steven HO expressed concern that people who had purchased niches from private columbaria but yet interred therein the ashes of their deceased relatives might suffer loss as a result of cessation of business of some private columbaria. Mr LAU and Mr HO asked how the Administration would safeguard the interests of those who had already purchased niches from private columbaria, and whether consideration would be given to granting compensation to consumers who suffered loss from the cessation of columbarium operations.

25. H/PCAO responded that PCAO did not have any statutory power to resolve contractual disputes between operators of private columbaria and their customers or to make compensation for affected consumers. As in the case of other trades and industries, consumers who felt aggrieved by the arrangements of the columbarium operators might seek remedies through civil legal proceedings. As mentioned earlier, private columbaria which ceased operation or indicated their intention to cease operation were required to comply with the ash disposal procedures stipulated in PCO.

26. The Chairman urged the Administration to conduct decoy operations to collect evidence and take timely enforcement actions against illegal operation (including illegal sale of niches) of private columbaria. Dr Helena WONG and Mr Andrew WAN enquired about the follow-up actions taken by FEHD against complaints about suspected illegal operation of columbaria received since the commencement of PCO.

27. In response, H/PCAO advised that pre-cut-off columbaria were allowed to continue operation provided that: (a) they did not sell or newly let

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out niches; (b) they had submitted applications for TSOL by 29 March 2018; and (c) their TSOL applications were still being processed. Since the commencement of PCO up to 31 January 2019, FEHD had received around 110 complaints against suspected illegal operation of private columbaria, conducted over 1 000 inspections and discovered seven cases of suspected contravention of PCO. FEHD had conducted in-depth investigation into these cases, made arrests in three cases and initiated prosecution against the operator of one columbarium. After investigations, PCAO found that no enforcement action was required in 103 complaints due to insufficient evidence. H/PCAO stressed that FEHD would continue to take stringent enforcement actions to combat illegal operation of private columbaria. Apart from following up on complaints, FEHD would monitor suspected cases reported by the media and take appropriate actions (e.g. decoy operations) to collect evidence.

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28. At Mr Steven HO's request, the Administration would provide supplementary information in writing on the numbers of (a) inspections conducted to private columbaria, (b) enforcement actions taken against illegal operation of private columbaria and (c) prosecution instituted against operators suspected of engaging in illegal operation, since the implementation of PCO.

Promotion of green burial

29. Mr CHAN Chi-chuen said that he had received complaints that FEHD only arranged a few memorial sailings on weekdays before the Ching Ming Festival and the Chung Yeung Festival to facilitate members of the public to pay tribute to their ancestors whose ashes had been scattered at sea. He hoped that improvements could be made in this regard, as it could help enhance the attractiveness of green burial facilities and services.

30. Mr CHU Hoi-dick suggested that the Administration should identify suitable sites in 18 districts (in particular newly developed districts) for constructing "standalone" Gardens of Remembrance ("GoRs") of bigger size to facilitate members of the public who had chosen green burial to handle the ashes of their ancestors to pay tribute to the deceased. AD(GMD)/FEHD said that FEHD would continue to explore with relevant departments the feasibility of providing standalone GoRs in the future.

V. Initiatives on the reduction of salt and sugar in food
(LC Paper Nos. CB(2)923/18-19(05) and (06))

31. At the invitation of the Chairman, USFH updated members on the Government's initiatives to promote territory-wide salt and sugar reduction,

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as set out in the Administration's paper (LC Paper No. CB(2)923/18-19(05)). Members noted the background brief prepared by the LegCo Secretariat on the subject (LC Paper No. CB(2)923/18-19(06)).

Promotion of less salt and sugar in food

32. Dr Helena WONG expressed doubt on whether the Committee on Reduction of Salt and Sugar in Food ("CRSS") had achieved any concrete results since its establishment in March 2015. Noting that the Food and Health Bureau ("FHB") and the Department of Health ("DH") had announced the "Towards 2025: Strategy and Action Plan to Prevent and Control Non-communicable Diseases in Hong Kong" ("Action Plan") in May 2018, she queried whether the continued implementation of existing measures to promote a low-salt-low-sugar dietary culture could help achieve the targets set under the Action Plan. Dr WONG asked whether the Administration would consider drawing reference to and adopting in Hong Kong the "traffic-light" food labelling system implemented by the Government of the United Kingdom, under which the green, amber and red colour coding was used to show the content of four nutrients (i.e. fat, saturated fat, sugar and salt) per 100 g/ml of the food/drink. In her view, it should be made a mandatory requirement for food manufacturers to indicate on the food labels for prepackaged food products the sodium and sugar levels in the product by colour coding to help consumers choose healthier products easily at a glance. Local restaurants should also be encouraged to show in their menus the sodium and sugar levels in the dishes by colour coding.

33. Deputy Secretary for Food and Health (Food) 2 ("DSFH(F)2") responded that the Administration considered that the first and foremost task was to promote a low-salt-low-sugar dietary culture, which would see the public gradually change from a high-salt-high-sugar diet to a relatively healthier one. Such a change would generate the demand for low-salt and low-sugar food and stimulate proactive response from the food trade. Over the years, DH had been promoting healthy eating, including less-salt-and-sugar diets, at kindergartens and child care centres through the "StartSmart@school.hk" Campaign. Since the 2017-2018 school year, DH had launched the Salt Reduction Scheme for School Lunches, with a view to gradually reducing the sodium level of school lunches for primary students. FHB and the Centre for Food Safety ("CFS") had also been actively promoting healthy dietary habits through collaboration with the food trade and the promotional efforts were starting to bear fruits. For instance, since January 2019, more than 500 restaurants involving over 100 brand names had supported the salt and sugar reduction scheme and provided customers with options of reduced salt and/or sugar or tailor-made less-salt-and-sugar dishes. Several large-scale food manufacturers had also reformulated, or undertaken to reformulate, their prepackaged food products, covering various types of

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drinks, instant noodles and soups. All these indicated that healthy eating habits were being built up among local people.

34. In response to the Deputy Chairman's enquiry on the findings of the Population Health Survey 2014-2015 of DH as provided in the Administration's paper, USFH and DSFH(F)2 explained the impact of excessive salt and sugar intake on health as proven by scientific evidence internationally and reaffirmed the Administration's resolution to implement initiatives to promote territory-wide salt and sugar reduction. The Deputy Chairman opined that the consumption of salty and sweet food was a matter of personal choice. While measures could be taken to promote a low-salt-low-sugar dietary culture, consumers should be given sufficient food choices in the market. He was opposed to the suggestion of requiring food manufacturers to highlight, by colour coding, the salt and sugar contents on the food labels of prepackaged food products. In his view, this would add burden to the food manufacturers who already had to comply with various labelling requirements under the existing legislation. Moreover, the cost to be incurred to the trade in providing extra information on food products and changing the presentation format of food labels would inevitably be passed on to the consumers.

35. Mr Steven HO considered that the Administration should first cultivate a healthy dietary culture in Hong Kong through promotion and publicity before resorting to legislative means. In his view, the Administration and CRSS should step up measures to promote the reduction of salt and sugar intake. Mr HO noted with concern that the Director of Audit's Report No. 71 (issued in October 2018) had pointed out that the number of signatories of the "Reduce Salt, Sugar, Oil. We Do" Charter (implemented by CFS) remained low. He enquired about the measures to be taken by the Administration and CRSS for promoting the less-salt-less-sugar culture among the food trade.

36. DSFH(F)2 reiterated that both the Administration and CRSS were of the view that a step-by-step approach should be adopted in promoting a low-salt-low-sugar dietary culture among Hong Kong people. As mentioned earlier, the Administration had enlisted the support of more than 500 restaurants in providing customers with low-salt-low-sugar options or tailor-made less-salt-and-sugar dishes. The Administration would encourage more restaurants to join the salt and sugar reduction scheme.

37. Dr Helena WONG asked whether consideration would be given to launching a food labelling system similar to the "traffic light" food labelling system on a voluntary basis. DSFH(F)2 responded that the voluntary "Salt/Sugar" Label Scheme for Prepackaged Food Products jointly launched by FHB, CFS and CRSS in October 2017 had enabled the trade to display

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labels on all prepackaged food products that were in compliance with the definitions of "low salt", "no salt", "low sugar" and "no sugar" under the Food and Drugs (Composition and Labelling) Regulations (Cap. 132W) ("the Regulations"). The Administration noted that a local university and an Australian institute had jointly launched a mobile application ("mobile app") to show how healthy or unhealthy a product was by highlighting the fat, salt, sugar and energy contents through a colour-coded and star-rated system. The Administration would keep in view the effectiveness and popularity of the use of the mobile app in helping consumers make healthier food choices.

38. Mr Andrew WAN opined that the publicity programmes carried out by the Administration and CRSS in recent years had gradually enhanced public awareness of the merits of reducing dietary intake of salt and sugar. In his view, the Administration should strengthen its collaboration with the food trade to provide the public with healthier food choices. Consideration could be given to providing advice to restaurants on low-salt and low-sugar cooking methods and the amount of salt and sugar to be used for preparation of common dishes. Mr WAN asked whether a logo would be designed for issue to and display on food premises which provided low-salt-low-sugar dishes for the public's easy reference. DSFH(F)2 replied that there were logos for restaurants which provided low-salt-low-sugar dishes to display in their premises and on their menus. He added that FHB, CFS and CRSS jointly held a promotional event "Salt & Sugar Reduction Day" on 23 February 2019. Representatives from some of those 500-plus food premises supporting the salt and sugar reduction scheme had participated in the promotional event.

39. Ms CHAN Hoi-yan noticed that most of the drinks supplied in primary and secondary schools had a sugar content exceeding the children's daily free sugar intake limit recommended by the World Health Organization. She suggested that in carrying out publicity programmes on reduction of salt and sugar, focus should be placed on educating the public on the definitions of "low salt" and "low sugar" and how to apply the concepts in practice to select food products with low content of salt and sugar.

40. DSFH(F)2 said that the Administration and CRSS had been carrying out a wide range of publicity and educational efforts through various channels, including television, social media, the Facebook and Instagram pages on "Hong Kong's Action on Salt & Sugar Reduction", promotional activities and competitions. Educational kits were also developed for primary and secondary schools to facilitate easy understanding of the salt and sugar contents in daily food products. The Administration would consider how to deliver the concepts of "low salt" and "low sugar" in more vivid ways.

41. While expressing support for the promotion of salt and sugar reduction in food, the Chairman criticized that the Administration and CRSS had

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achieved little progress in implementing concrete measures to reduce the dietary intake of salt and sugar by the public. He was particularly concerned that water dispensers were not provided in many government venues and only soft drinks or drinks with added sugar/relatively high sugar content were provided by the vending machines placed in those venues. To facilitate consumers to make wiser choices, the Chairman suggested that a list of (a) prepackaged food products that were in compliance with the definitions of "low salt", "no salt", "low sugar" and "no sugar" under the Regulations; and (b) restaurants and schools that had supported the salt and sugar reduction scheme be posted onto the relevant government websites and included in the relevant publicity materials.

42. DSFH(F)2 responded that CFS had set up a dedicated webpage on "Salt/Sugar Label Scheme for Prepackaged Food Products". More than 230 food products had displayed the relevant labels and CFS had uploaded information on those products onto the dedicated webpage. Moreover, FHB and CFS were encouraging those prepackaged food products that were found in compliance with the definitions of "low salt", "no salt", "low sugar" and "no sugar" under the Regulations but had not participated in the "Salt/Sugar Label Scheme for Prepackaged Food Products" to join the scheme. Besides, FHB had engaged a famous local online dining guide to provide a search function for those restaurants which offered less-salt-and-sugar dishes.

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43. The Chairman requested the Administration to provide information on the resources deployed by government departments and CRSS for promoting territory-wide salt and sugar reduction over the past few years.

Labels on prepackaged food products

44. Mr Steven HO said that according to his observation, consumers seldom made use of the nutrition information displayed on the labels of prepackaged food products to identify healthier products. He suggested that the Administration review the information required to be displayed on the nutrition labels and step up publicity to educate consumers on how to understand or interpret the labels. USFH advised that the mandatory requirement to list the energy content and the seven core nutrients on the nutrition label attached to the prepackaged food products concerned in a standardized format would facilitate consumers to make informed food choices according to their needs.

45. Mr Steven HO enquired about the enforcement actions taken over the past few years against false claims of "low salt", "no salt", "low sugar" and "no sugar" on the packaging labels (including nutrition labels or the specific display labels used under the voluntary "Salt/Sugar" Label Scheme for Prepackaged Food Products) of prepackaged food products. DSFH(F)2

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responded that the terms "low salt", "no salt", "low sugar" and "no sugar" were clearly defined under the Regulations. CFS adopted a risk-based approach in checking the nutrition labels of prepackaged food products. Enforcement actions would be taken against cases involving false claims of labels. The Administration undertook to provide detailed information as requested by Mr HO on the enforcement actions taken over the past few years against false claims of "low salt", "no salt", "low sugar" and "no sugar" on the packaging labels of prepackaged food products.

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VI. Food safety of online food sale

(LC Paper Nos. CB(2)746/18-19(01) and CB(2)923/18-19(07))

46. At the invitation of the Chairman, USFH briefed members on the regulation of online food sale and the surveillance, enforcement and public education efforts made in this regard, as set out in the Administration's paper (LC Paper No. CB(2)746/18-19(01)). Members noted the background brief prepared by the LegCo Secretariat on the subject (LC Paper No. CB(2)923/18-19(07)).

47. Dr Helena WONG said that while some online traders had their own food premises/factories supplying food for purchase online, some online traders were not involved in food production and did not have physical premises. As online food sale might involve different parties in the food manufacturing, packaging and delivery processes, Dr WONG asked how FEHD would ascertain the legal responsibility of the parties concerned in the event of a food incident.

48. Assistant Director (Operation) 1/FEHD ("AD(Ops)1/FEHD") responded that at present, food safety and food trade operations were regulated in various aspects under the laws of Hong Kong. Any person who undertook business relating to manufacturing, trading, importing or distributing food intended for human consumption must meet the requirements of relevant legislation, irrespective of whether the business was conducted in physical premises, or through any means of transactions (including face-to-face, phone, electronic media, etc.). The Public Health and Municipal Services Ordinance (Cap. 132) stipulated that all food for sale for human consumption in Hong Kong, whether imported or locally produced, must be fit for human consumption. The Food Safety Ordinance (Cap. 612), also applicable to online food sale activities, stipulated a registration scheme for food importers and distributors and provided for requirements for them to maintain transaction records, so that in the event of a food incident, the sources and points of sale of the food concerned could be traced.

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49. AD(Ops)1/FEHD further said that regarding the operation of food businesses, the Food Business Regulation (Cap. 132X) ("FBR") stipulated that any person who carried on any business which involved preparation of food for sale for human consumption off the premises, including online sale of the food concerned, must obtain a food factory license issued by FEHD. In addition, depending on the circumstances, modes of operation and the types of food for sale, operators of online food sale business must obtain relevant licenses or permits issued by FEHD. With effect from February 2016, FEHD required operators who did not have physical premises to apply for permits in accordance with FBR if they sold restricted food online. Permits were issued on the conditions that the operators must provide particulars, such as permit number, type(s) of restricted food permitted for sale and business address, on their websites and printed promotional materials for consumers' reference and verification on FEHD's website. In addition, the restricted food must be obtained from lawful sources and prepackaged by the suppliers before delivering to customers, the packages should not be tampered with during transportation to prevent cross-contamination, and the food should be stored at a safe and proper temperature at all times. FEHD would follow up and conduct investigations into each food incident. Depending on the actual circumstances, enforcement actions would be taken against relevant parties for contravening food safety laws. Should there be sufficient evidence, prosecution would be initiated.

50. Ms CHAN Hoi-yan and Mr Steven HO shared similar concerns that in food incidents involving online food sale activities, the food manufacturers/suppliers and online traders might shift their responsibilities to one another. They asked how CFS would follow up food incidents involving online food sale and at which stage(s), e.g. during the cooking, packaging or delivery process, that the food was concluded as having been contaminated. Ms CHAN pointed out that food transaction through mobile apps had gained popularity in recent years. She recalled that there was a food incident in 2018 where the online trader (who acquired food from other food manufacturers/suppliers for re-sale to customers through a mobile app) was only given a warning by CFS after investigation. AD(Ops)1/FEHD responded that in the food incident referred to by Ms CHAN, the source of contamination could not be identified even after CFS' investigation.

51. Mr Steven HO and Ms CHAN urged the Administration to step up the surveillance work over online food sale activities to ensure food safety. Mr HO expressed concern that some online traders convicted for breaching food safety laws might create another online sale platform and start operation again under a new name. AD(Ops)1/FEHD responded that if FEHD suspected that any online food sale activity involved unlicensed business, or had doubts on the source and safety of the food concerned, it would conduct investigations, including decoy operations to collect evidence and

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information, and take appropriate actions. He added that inspections had been conducted to the places of business of 395 online food sale platforms which had obtained permits for online sale of restricted food. FEHD had also purchased food from online platforms for testing and checked against the food suppliers on whether the food concerned was stored at a safe and proper temperature during the transportation/delivery process to customers.

52. The Chairman sought confirmation on whether information about the 395 online food sale platforms which had obtained permits for online sale of restricted food had been listed on FEHD's website for public inspection. AD(Ops)1/FEHD replied in the affirmative, adding that the public could search those online food platforms by district and type of food permitted for sale. The Chairman said that he found that some operators had not provided the required information, such as permit number, on their websites. AD(Ops)1/FEHD said that he would follow up the cases referred to by the Chairman after the meeting.

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53. The Chairman requested the Administration to provide the following information in writing:

- (a) the number of food samples taken for chemical and microbiological tests from food premises/food factories which supplied food to ultimate consumers through online platforms over the past few years, and the actions taken in those cases with food tested to have contained pesticide residue or metallic contamination exceeding the relevant statutory standards; and
- (b) the numbers of (i) inspections/investigations (including decoy operations) conducted over the past few years to the places of business of 395 online food sale platforms which had obtained permits for sale of restricted food online and to the food premises/food factories supplying food for purchase online; (ii) checks against food suppliers on whether the food purchased online was stored at a safe and proper temperature during the transportation/delivery process to customers; and (iii) the enforcement actions taken against cases involving breaches of the food safety laws.

54. AD(Ops)1/FEHD undertook to provide the requested information. He added that FEHD regularly inspected (once every two months) the places of business of the 395 online food sale platforms. FEHD also checked whether the operators concerned had displayed the required information on their websites and printed promotional materials for public inspection. To ensure food safety, CFS took food samples at the import, wholesale and retail levels for testing according to the risk-based approach, covering food products from

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food premises/food factories which supplied food to consumers through online platforms.

55. In response to the Deputy Chairman's enquiry, AD(Ops)1/FEHD said that the unlicensed food premises conducting online food sale activities involved in the 112 convicted cases in breach of FBR had all closed their business. The Deputy Chairman supported the suggestion that CFS should step up the sampling of food sold online for chemical and microbiological tests. He considered that CFS should also strengthen education work to remind the trade and new entrants to apply relevant licences or permits for operating online food sale business. AD(Ops)1/FEHD responded that FEHD had been reminding the trade of the licensing requirements in relation to online food sale through various channels, including the FEHD's website and promotional publications.

56. Mr Steven HO said that the Administration should keep in view the fast changing developments in online food sale market and timely review the regulation over online food sale. DSFH(F)2 responded that CFS had been monitoring the trend of online food sale activities. The Administration would make reference to overseas regulatory practices when it reviewed the control over online food business. Regarding the case quoted by Mr HO in which a traditional food business operator was considered as conducting online food sale after receiving purchase orders from customers via fax, DSFH(F)2 invited Mr HO to refer the case to FEHD for follow-up.

(At this juncture, the Chairman directed that the meeting be extended for five minutes.)

57. Noting that the Canadian authorities had relaxed the control on the sale of recreational cannabis since October 2018, Dr Helena WONG asked whether CFS would enhance the monitoring work over overseas websites which engaged in the trading of food products or drinks containing Tetrahydro-cannabinol ("THC") and increase the testing of food samples at the import level to prevent illegal entry of products or drinks containing THC.

58. DSFH(F)2 responded that THC was a cannabinoid present in cannabis plants and was a dangerous drug controlled under the Dangerous Drugs Ordinance (Cap. 134) ("DDO"). Any products (including any food products and drinks) that contained THC were also controlled under DDO. Under DDO, trafficking in dangerous drugs, or illicitly importing to and exporting from Hong Kong, procuring, supplying, manufacturing, or dealing in or with dangerous drugs, constituted a criminal offence. CFS had reminded the trade not to import any food products or drinks that might likely contain cannabinoids controlled under DDO. Since the Police and the Customs and Excise Department were responsible for taking enforcement actions against

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contravention of DDO, CFS would refer suspected cases to these two law enforcement agencies for follow-up, if necessary. As the subject fell within the purview of the Panel on Security, the Chairman suggested Dr Helena WONG follow up the matter at a meeting of the Panel on Security.

VII. Any other business

59. There being no other business, the meeting ended at 5:01 pm.

Council Business Division 2
Legislative Council Secretariat
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