

立法會
Legislative Council

LC Paper No. CB(2)1873/18-19
(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, 14 May 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
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Claudia MO
Hon Steven HO Chun-yin, BBS
Hon CHAN Chi-chuen
Hon CHAN Han-pan, BBS, JP
Hon 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 CHU Hoi-dick
Hon HO Kai-ming
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan
Dr Hon Pierre CHAN
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 attending : Hon CHAN Hak-kan, BBS, JP
Dr Hon CHENG Chung-tai
Hon KWONG Chun-yu

Members absent : Hon Andrew WAN Siu-kin
Hon SHIU Ka-chun
Hon HUI Chi-fung

Public Officers attending : Item IV

Professor Sophia CHAN Siu-chee, JP
Secretary for Food and Health

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

Dr SO Ping-man, JP
Deputy Director
Agriculture, Fisheries and Conservation Department

Dr Kenny HO Chin-ho
Assistant Director (Inspection and Quarantine) (Acting)
Agriculture, Fisheries and Conservation Department

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

Item V

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

Miss Irene CHEUNG Hoi-ying
Assistant Secretary for Food and Health (Food) 7
Food and Health Bureau

Ms Karyn CHAN Ching-yuen
Deputy Director (Administration and Development)
Food and Environmental Hygiene Department

Mr Damian CHAN Kwok-wai
Assistant Director (Market Special Duties)
Food and Environmental Hygiene Department

Ms Carol CHEUNG Shuk-tuen
Chief Executive Officer (Planning)
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)1379/18-19)

The minutes of the meeting held on 12 March 2019 were confirmed.

II. Information papers issued since the last meeting
(LC Paper Nos. CB(2)1299/18-19(01), CB(2)1326/18-19(01) and CB(2)1400/18-19(01))

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

- (a) Administration's response to Hon SHIU Ka-chun's two letters dated 11 April 2019 respectively concerning the Government's policy on bazaar activities and provision of public markets;
- (b) Letter dated 29 April 2019 from Hon Andrew WAN suggesting discussion of the Government's Hawker Policy together with issues relating to bazaar activities; and

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- (c) Letter dated 7 May 2019 from Hon Jeremy TAM regarding the assistance provided by non-government organizations to members of the public in applying for allocation of public niches or extension of the deposit period of ashes in niches.

III. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)1381/18-19(01) and (02))

Regular meeting in June 2019

3. Members noted that the Administration proposed to discuss the following items at the next regular meeting scheduled for Tuesday, 11 June 2019 at 2:30 pm:

- (a) Food safety management and import control of the Centre for Food Safety;
- (b) Food Surveillance Programme and food safety of food groups of concern; and
- (c) Improvements to the information technology systems of the Centre for Food Safety.

4. The Chairman said that the detection on 10 May 2019 of the first case of African Swine Fever ("ASF") in Hong Kong (in which virus was found in a pig sample from Sheung Shui Slaughterhouse ("SSSH")) had aroused considerable public concern. The Deputy Chairman expressed appreciation of the joint efforts made by the Administration and the trade in minimizing the impact of ASF on the supply chain of live pigs. He hoped that the operation of SSSH and the supply of live pigs could resume normal as early as possible. Principal Assistant Secretary for Food and Health (Food) 3 said that in view of members' and the public's concerns about the outbreak of ASF, the Administration was assessing its readiness to brief members on the response actions and follow-up work taken in response to ASF detected in Hong Kong. If the Administration was ready and members were agreeable to the suggestion, the Panel could discuss relevant issues (including the proposed creation of a financial commitment for culling of pigs and the Administration's follow-up work due to ASF) at the regular meeting in June 2019. The discussion of the item "Improvements to the Information Technology Systems of the Centre for Food Safety" would then be deferred to a future meeting.

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5. Mr Steven HO hoped that in briefing members on its follow-up work due to ASF, the Administration would provide detailed information on (a) inspection and quarantine measures adopted; (b) the operation and management of the two slaughterhouses in Hong Kong; and (c) issues relating to the supply chain of live pigs.

6. The Chairman sought members' views on the Administration's proposal to discuss ASF-related issues at the June meeting. Mr Tommy CHEUNG expressed support. The Chairman said that he would liaise with the Administration after the meeting and decide on the timing for discussing the item.

(Post-meeting note: Members were informed of the finalized arrangements and items to be discussed at the regular meeting scheduled for 11 June 2019 vide LC Paper No. CB(2)1474/18-19 issued on 17 May 2019.)

Regular meeting in July 2019

7. The Chairman said that Mr Andrew WAN had written to him suggesting discussion of the Government's hawker policy (including the proposed arrangements for re-allocation of vacant hawker pitches and issuance of new hawker licences) in July 2019 (LC Paper No. CB(2)1326/18-19(01)). The Administration had undertaken to revert to the Panel at the regular meeting in July 2019 the outcome of the consultation with the District Councils ("DCs") concerned and the finalized arrangements for re-allocating the vacant pitches. Members had no objection to the proposed arrangement.

IV. Public consultation on the proposals to enhance animal welfare

(Consultation document entitled "Proposals to enhance animal welfare in Hong Kong" and LC Paper Nos. CB(2)1381/18-19(03) and (04))

8. At the invitation of the Chairman, Secretary for Food and Health ("SFH") briefed Members on the salient points of the Administration's proposals to enhance animal welfare, as set out in the Administration's paper (LC Paper No. CB(2)1381/18-19(03)) and the consultation document entitled "Proposals to enhance animal welfare in Hong Kong" issued by the Food and Health Bureau and the Agriculture, Fisheries and Conservation Department ("AFCD") in April 2019. Members noted the information note prepared by the Legislative Council ("LegCo") Secretariat on the subject (LC Paper No. CB(2)1381/18-19(04)).

Administration's proposals to enhance animal welfare

9. The Chairman, Mr CHAN Hak-kan, Dr Elizabeth QUAT, Mr LAU Kwok-fan, Mr Jeremy TAM and Ms CHAN Hoi-yan expressed support for the Administration's proposals to introduce amendments to the Prevention of Cruelty to Animals Ordinance (Cap. 169) ("the Ordinance") to take forward the proposed enhanced measures on animal welfare, including imposing a "duty of care" on persons responsible for animals. Members noted that the responsible person must take steps to ensure that the following welfare needs of the animal were met to the extent required by good practice: (a) the need for suitable nutrition; (b) the need for a suitable environment; (c) the need to be able to exhibit normal patterns of behaviour (including social needs); and (d) the need to be protected from pain, suffering, disease and injury.

10. Mr CHAN Hak-kan, Dr CHENG Chung-tai and Mr KWONG Chun-yu expressed concern that if the terms "duty of care" and "persons responsible for animals" were not clearly defined, animal welfare organizations ("AWOs") and volunteers as animal carers might, in rescuing or taking care stray/wild animals, be caught by the law inadvertently due to some unintentional acts. Dr CHENG pointed out that it was common for pet owners to arrange hospice care services for their pets suffering from terminal or serious illnesses. He wondered whether the owner/keeper of the animal concerned would be regarded as contravening the "duty of care" requirement. Dr CHIANG Lai-wan considered that the Administration should provide clear guidelines on the steps which the responsible person needed to take to provide for the welfare needs of an animal.

11. SFH and Deputy Director, AFCD ("DD/AFCD") gave the following responses:

- (a) the Administration attached great importance to animal welfare. Along with the proposed introduction of the concept of "duty of care", the Administration would promulgate Codes of Practice ("CoPs") to give practical and realistic guidance on how good animal welfare could be achieved (such as providing constant access to a sufficient quantity of clean water and a balanced diet, providing a safe, clean and comfortable environment with suitable temperature and ventilation, etc.). As the first priority, CoPs would be issued for those types of animals which were commonly kept in Hong Kong, starting with pet animals. Examples of good-practice requirements would be further expanded in CoPs taking into account the needs of individual species. CoPs were not meant to be part of the legislation and contravention of which

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would not constitute an offence *per se*, although it might be cited as a piece of evidence in court proceedings initiated for contravening the legislation;

- (b) the "duty of care" only applied when a person was responsible for an animal. Therefore, animals living in a wild or feral state not under the control of any person were excluded from any requirement under the "duty of care" as no person was considered directly responsible for them. However, when wild or feral animals were in the custody or under the control of a person, then the "duty of care" would apply. The steps which the responsible person needed to take to provide for the welfare needs of an animal would vary depending on the type of animal and the circumstances in which it was kept. The duty of care was not a requirement to treat all animals in exactly the same way or in an unrealistic fashion but to meet an acceptable standard of welfare based on good practice; and
- (c) when assessing whether there was contravention of the "duty of care" in a case, the Administration would consider the actual situation and evidence, including the type of animal and the circumstances under which it was kept. AWOs/volunteers which/who took care of animals in a genuine manner for the animals' benefit needed not worry too much about the new requirements.

12. Mr CHAN Chi-chuen referred to a case recently reported by the media in which a considerable number of dogs and cats were found unattended, and died eventually, in an animal shelter in Ta Kwu Ling due to lack of food and water. This case indicated that some AWOs or volunteers might have difficulties in taking care of a large number of stray animals received due to a lack of resources and manpower. Mr CHAN expressed concern whether the Administration would take into consideration of the operational difficulties of these organizations/volunteers when applying the concept of "duty of care". He enquired whether guidelines would be provided in CoPs on the maximum number of stray animals that could be kept by an AWO/animal shelter run by volunteers with different operational scales. Mr KWONG Chun-yu hoped that AFCD could arrange adoption or re-homing of the dogs/cats that had survived in the case referred to by Mr CHAN.

13. DD/AFCD responded that as a general principle, the persons responsible for the animal, irrespective of whether they were paid to perform the duty or working on a voluntary basis, needed to take steps to ensure that the welfare needs of the animal were met to the extent required by good

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practice. The Administration understood that AWOs and animal lovers might have concerns about the positive actions required for fulfilling the "duty of care". It should be noted that the Administration's primary intention of introducing the concept of "duty of care" was to encourage persons responsible for animals to take positive actions to look after animals well, rather than to penalize contravention of the "duty of care" in cases which people were willing and able to rectify. CoPs would set out specific good-practice requirements for those types of animals which were commonly kept in Hong Kong.

14. DD/AFCD further advised that to cater for situations in which the degree of the contravention of the "duty of care" presented a relatively lower risk to the welfare of the animal, the Administration proposed to empower a public officer to issue an improvement notice which would specify what the responsible person was required to do in order to improve and meet the welfare needs of the animal within a specified amount of time. This ensured action could be taken to improve a situation before an animal actually suffered. The authorized officer would follow up the case and ensure that proper steps had been taken in accordance with the improvement notice.

15. The Chairman considered it necessary for the Administration, in formulating CoPs, to fully consult animal concern groups and relevant stakeholders. He asked whether a timetable would be set for the consultation work and the implementation of CoPs. SFH responded that subject to the views received during the public consultation period on the specific proposal concerning the concept of "duty of care", the Administration would kick-start the consultation with stakeholders on the content of CoPs.

16. Dr CHENG Chung-tai expressed concern whether the proposed new regulatory requirements would be binding on the Government. Dr Elizabeth QUAT and Mr LAU Kwok-fan asked whether AFCD would review its existing policies on animal welfare to better safeguard the interests of the animals after the implementation of the proposed enhancement measures.

17. In response, SFH stressed that in handling matters relating to animal welfare, AFCD and relevant government departments had all along been complying with the statutory requirements under the Ordinance. AFCD would review whether any enhancement should be made to its animal management practices after the implementation of the new measures. DD/AFCD added that AFCD had consulted the Animal Welfare Advisory Group ("AWAG") (which was established to advise the Director of Agriculture, Fisheries and Conservation on matters concerning animal welfare) on policies and practices relating to animal management, covering

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the handling of stray animals and provision of services and facilities at AFCD's four Animal Management Centres.

18. The Chairman expressed concern that some pet owners affected by redevelopment projects had no choice but to abandon their pets, since they were not allowed to keep pets after they had moved to their new home. In the Chairman's view, the Administration should have anticipated the problem and worked out measures to assist the pet owners. DD/AFCD responded that AFCD would consider providing AWOs with additional resources for rolling out initiatives which aimed at reducing the number of stray animals in the community, particularly in districts to be affected by redevelopment projects.

19. Mr CHAN Hak-kan asked whether AFCD would stop adopting euthanasia or consider abating the use of euthanasia in handling stray animals, in order to complement the Government's policy direction of promoting animal welfare. Mr Steven HO, Dr Elizabeth QUAT and Mr LAU Kwok-fan considered that AFCD should step up promotion of responsible pet ownership, as it could significantly reduce the number of stray animals in the community.

20. DD/AFCD responded that many other countries adopted euthanasia in handling stray animals. AFCD had been actively deploying the control measures as recommended by the World Organisation for Animal Health, and euthanasia was deployed as the last resort. That said, AFCD would continue to strengthen its efforts on management of stray animals, such as the promotion of responsible pet ownership and animals re-homing as well as taking enforcement action against abandonment of animals by irresponsible owners, with a view to reducing the number of stray animals that needed to be euthanized. It was noteworthy that the number of stray animals euthanized had significantly decreased from about 5 000 in 2014 to around 1 000 in 2018.

21. Mr KWONG Chun-yu considered that the maximum penalty for the offence of cruelty to animals under the Ordinance should be substantially increased (e.g. from three years' imprisonment to 10 years' imprisonment as proposed by some animal concern groups), so as to reflect the gravity of the offence and to achieve the desired deterrent effect. Dr Elizabeth QUAT and Mr LAU Kwok-fan shared a similar view. They were concerned that in recent years, the penalties imposed by the court on convicted animal cruelty cases were too lenient, not adequate enough to reflect the gravity of the offence.

22. DD/AFCD responded that public views were invited on the appropriate maximum level of penalty (amount of fine and length of imprisonment) for

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contravening the "duty of care" and committing an act of cruelty to animals convicted on indictment during the public consultation exercise underway. Meanwhile, AFCD would keep in view the level of penalty handed down by the court in convicted cases, for the purpose of considering whether a review of the sentence should be sought. It would seek the advice of the Department of Justice where necessary.

23. Mr Tommy CHEUNG expressed concern that setting a high standard of animal welfare needs or imposing a heavy penalty for contravention of the "duty of care" might affect people's willingness to keep pets. He wondered whether, in an extreme scenario, members of the public had to obtain licences for keeping animals to ensure that they possessed the required skills to take good care of animals.

24. Dr CHIANG Lai-wan suggested that the Administration should consider requesting animal owners to sign a "lifelong undertaking" to indicate their clear understanding about the requirements and responsibilities of being "animal keepers" and mandatorily requiring members of the public who were first-time animal keepers to attend training courses on animal care before they could keep animals. SFH responded that training on how to properly take care of their dogs was being provided to dog owners, and more such training could be organized in the future.

Impact of the Administration's proposals on the food trade

25. Mr Tommy CHEUNG and Mr Steven HO expressed concern about the impact of the Administration's proposals for enhancing animal welfare on the general public as well as people engaging in the food and farming trades, particularly those involving slaughtering, defeathering and butchering of live fish, poultry or livestock in the daily operations. Mr HO said that some mariculturists operating fish farms in the vicinity of Mai Po Nature Reserve had complained that their fishes were often attacked by migratory birds. These fish farmers were worried that they would contravene the "duty of care" requirement should they fail to protect their fishes from the attacks of the migratory birds. In his view, the Administration should define clearly the elements that constituted "cruelty to animals" and explain to the relevant trades the possible impact of the Administration's proposals on their daily operations. The Chairman asked whether practitioners of certain trades would be exempted from the proposed amendment legislation.

26. In response, SFH stressed that the Administration's proposals focused on promoting animal welfare and enhancing deterrent effect against acts of cruelty to animals, rather than imposing control on current trade practices. DD/AFCD added that as advised earlier, the Administration would, after

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consulting stakeholders including AWAG, issue CoPs to give practical guidance on how to provide for the welfare needs of animals to the extent required by good practice. The Administration, however, considered it inappropriate to exempt a particular group of people or a specific trade from the proposed amendment legislation.

27. Mr Tommy CHEUNG, Mr CHAN Hak-kan, Mr Steven HO and Dr CHIANG Lai-wan noted with concern that there were media reports that AFCD was planning to provide guidelines/recommendations on fish butchering for reference by the trade operating in wet markets. According to the media reports, it was suggested that fishes should be made unconscious by electrical stunning before butchering. This had caused grave concern among fish stall operators and members of the public. Mr HO considered that the Administration should first conduct education programmes on animal welfare for the trade and put on hold the formulation of any guidelines that might affect the operations of the trade. In his view, the Administration should consider exempting certain trades from the proposed new requirements.

28. Mr Jeremy TAM provided the following background information on the case as referred to by Mr Steven HO: (a) he had received a complaint earlier on from a fish stall operator in a wet market that some other live fish stall operators butchered eels and frogs in an inhumane manner; (b) he then sought clarification from the Administration as to whether there were guidelines on the butchering of eels and frogs; (c) in its reply letter to Mr TAM, the Administration advised that AWAG was studying matters relating to the promotion of animal welfare, including fish butchering; and (d) it was subsequently reported by the media that AFCD was considering issuing guidelines on fish butchering for the trade's reference. DD/AFCD supplemented that on 9 May 2019, AFCD did clarify that it had not made any recommendation in relation to fish butchering, specifically requiring live fish stall operators to make fish unconscious by electrical stunning before butchering. DD/AFCD reiterated that AFCD would engage stakeholders, including the trade, in formulating relevant guidelines on the promotion of animal welfare.

29. Mr Tommy CHEUNG asked whether horse racing activities would be subject to more stringent control after the introduction of the concept of "duty of care". Mr CHU Hoi-dick also expressed concern whether the application of the positive "duty of care" would have any implications on the following acts/activities: (a) Hong Kong Jockey Club ("HKJC")'s euthanizing horses after they got hurt in racing activities; (b) Ocean Park's training of marine mammals, e.g. whales and dolphins, for the purpose of staging performance; and (c) live pig buyers' putting pigs in cages in the hot sun over a long period

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of time to protest against the Government's pig culling arrangements in response to ASF.

30. DD/AFCD advised that Ocean Park was accredited by the Association of Zoos and Aquariums ("AZA"). Its aquatic conservation work complied with international standards on animal husbandry and relevant guidelines on animal welfare issued by AZA. AFCD also conducted regular visits to the Park to observe its operation. As for HKJC, it was a renowned world-class racing club with very high standard in terms of equine health status. Racehorses were provided with high quality veterinary services. In response to the Chairman's question, DD/AFCD said that since 2004, the Government had stopped processing applications from circuses for importing wild animals for performing animal shows in Hong Kong.

Law enforcement for safeguarding animal welfare

31. Many Members including the Chairman, Mr CHAN Chi-chuen, Dr Elizabeth QUAT, Mr LAU Kwok-fan, Mr Jeremy TAM, Ms CHAN Hoi-yan, Mr CHAN Hak-kan, Dr CHENG Chung-tai and Mr KWONG Chun-yu expressed concern whether AFCD and the Police had sufficient manpower and resources to carry out law enforcement work, after the implementation of the enhancement measures as set out in the consultation document for safeguarding animal welfare. Dr CHENG Chung-tai envisaged that the threshold of prosecution would be increased after the introduction of an indictable offence for more severe acts of cruelty to animals. He asked whether the Administration would consider setting up an "animal police" team dedicated to investigating animal cruelty cases.

32. SFH and DD/AFCD responded that AFCD and the Police would suitably deploy resources for carrying out duties related to safeguarding animal welfare. The Administration would finalize the proposals in light of the views received during the consultation period and review whether additional manpower and resources were required for stepping up enforcement under the Ordinance. SFH and DD/AFCD also advised that AFCD had all along been working with the Police and AWOs in combating acts of animal cruelty. Dedicated investigation teams had been set up in the 22 police districts across the territory to strengthen their efforts in combating cases of animal cruelty. In addition, the Police would enlist the support of AWOs and animal lovers to implement the Animal Watchers Scheme starting from the financial year 2019-2020.

Assistance provided to AWOs and public education on animal welfare

33. Ms CHAN Hoi-yan said that some pet owners abandoned their pets suffering from illness or injury because they could not afford the consultation fees and charges for veterinary services. She called on AFCD to step up promotion of animal adoption. In her view, the allocation of \$1.5 million in 2019-2020 to support AWOs' work in promoting animal welfare and adoption was far from adequate.

34. Dr Elizabeth QUAT, Mr LAU Kwok-fan, Mr KWONG Chun-yu and Ms CHAN Hoi-yan expressed concern that many AWOs (including voluntary animal rescue organizations) were facing operational difficulties due to lack of financial and land resources (e.g. lack of space for keeping animals and funding for providing veterinary services). They enquired whether AFCD would consider increasing the recurrent subvention to AWOs. SFH responded that the Government had increased its subvention to AWOs in supporting their work on promotion of animal welfare and adoption of animals in recent years. AFCD would review every year the resources required for this area of work.

35. Mr KWONG Chun-yu called on the Administration to liaise with the Education Bureau to explore the feasibility of including the topic of animal welfare in the school curriculum and to examine the practice of allowing pet owners to board public transport with their pets.

36. Ms CHAN Hoi-yan noted with concern the results of a sample test on dry pet food products conducted by the Consumer Council in 2014, which revealed that harmful substances (including carcinogen aflatoxin B1, contaminants of melamine or cyanuric acid) were present in some of the tested samples. In 2015, the Consumer Council tested 17 models of raw and undercooked pet food and further found that three frozen raw pet food samples contained Salmonella, which posed potential health risks to pets and could be transmitted to pet owners. Ms CHAN asked whether any measures had been/would be taken by AFCD to monitor the safety of pet food sold in the market.

37. DD/AFCD responded that in general, pet food sold in Hong Kong was compound formula food imported from major pet food producing countries or regions. Different jurisdictions had their own regulatory regimes for the production, quality control and description of ingredients of pet food. AFCD had commissioned a study in October 2017 to conduct a test on sampled pet food products commonly available in the local market. The study was expected to be completed in about three years. Upon completion of the study, AFCD would analyse the findings to assess the safety of pet food in Hong Kong and map out the way forward.

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(At this juncture (3:52 pm), the Chairman ordered that the meeting be suspended for 10 minutes, in order to allow members to take part in the voting at the Public Works Subcommittee ("PWSC") meeting held concurrently in Conference Room 1 upon PWSC's ringing of the voting bell. The Panel meeting resumed at 4:02 pm.)

Public consultation on the Administration's proposals

38. Mr CHAN Chi-chuen and Mr KWONG Chun-yu expressed concern that AFCD only organized four consultation forums on weekdays during the consultation period to collect public views on its proposals to enhance animal welfare. They asked whether additional consultation sessions could be held on weekends. DD/AFCD responded that subject to the availability of venues, AFCD would consider holding an additional consultation forum. Members of the public could also submit their views by post, facsimile or email.

39. Mr KWONG Chun-yu suggested that the Panel should hold a public hearing to receive deputations' views on the Administration's proposals to enhance animal welfare. Mr CHAN Chi-chuen and Dr Elizabeth QUAT expressed support for Mr KWONG's suggestion. The Chairman instructed the Clerk to arrange a special meeting to receive views from deputations.

(Post-meeting note: Given the serious damage caused by the storming of the Legislative Council Complex by some protestors on 1 July 2019 and due to safety and security reasons, the special meeting originally scheduled for Friday, 5 July 2019, at 9:15 am was cancelled.)

40. SFH said that the Administration noted Members' views on the proposed measures for enhancing animal welfare. She believed that the Administration's proposals would trigger heated discussion in the community on how to promote animal welfare. The Administration would continue to carry out education and publicity programmes to promote public awareness of animal welfare.

Motions proposed by members

41. Dr CHIANG Lai-wan and Mr Steven HO indicated their intention to move motions under this discussion item. The Chairman ruled that the motions proposed respectively by Dr CHIANG and Mr HO were directly related to the agenda item and members present agreed that the motions should be dealt with.

Motion 1

42. The Chairman put the following motion moved by Dr CHIANG Lai-wan to vote:

(議案中文措辭)

就討論事項"就促進動物福利建議進行公眾諮詢"，本事務委員會促請政府：

- (一) 要求飼養動物的主人簽署"一生承諾書"，表示其清楚明白作為"飼養者"的要求及責任；及
- (二) 強制首次飼養動物的市民參與有關照顧動物的培訓班，才能飼養動物。

(English translation of the motion)

Regarding the discussion item "Public consultation on the proposals to enhance animal welfare", this Panel urges the Government to:

- (1) request animal owners to sign a "lifelong undertaking" to indicate their clear understanding about the requirements and responsibilities of being "animal keepers"; and
- (2) mandatorily require members of the public who are first-time animal keepers to attend training courses on animal care before they could keep animals.

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

Motion 2

44. The Chairman then put the following motion moved by Mr Steven HO and seconded by Mr Tommy CHEUNG to vote:

(議案中文措辭)

由於政府突然宣布將為屠宰魚類訂立指引，引起行業及部分市民極大憂慮，建議先暫緩制訂指引。反之，政府應先了解問題，於行業中進行諮詢，商討改善方法，以及進行行業及公眾教育，於適當時候才進行下一步行動。

(English translation of the motion)

Since the sudden announcement made by the Government to formulate guidelines on fish slaughtering has aroused grave concern of the trade and some members of the public, it is suggested that the formulation of such guidelines be put on hold first, and the Government should instead look into the issue, consult and discuss with the trade about improvement measures, as well as conduct education programmes for the trade and the public before taking further actions at an appropriate juncture.

(Post-meeting note: The Administration's response to the above two motions was issued vide LC Paper No. CB(2)1604/18-19 on 5 June 2019.)

45. As all members present voted in favour of the motion, the Chairman declared that the motion was carried.

V. Creation of directorate posts in the Food and Environmental Hygiene Department for better managing and upgrading municipal infrastructure

(LC Paper No. CB(2)1381/18-19(05))

46. At the invitation of the Chairman, Under Secretary for Food and Health ("USFH") briefed Members on the proposal to create two directorate posts in the Food and Environmental Hygiene Department ("FEHD"), i.e. a permanent Administrative Officer Staff Grade C ("AOSGC") (D2) post to take forward measures on market modernization and development of new public markets and a supernumerary post of Senior Principal Executive Officer ("SPEO") (D2) for a period of three years with immediate effect upon the approval of the Finance Committee ("FC") to strengthen the planning and management of municipal infrastructure projects, as detailed in the Administration's paper (LC Paper No. CB(2)1381/18-19(05)).

Proposed creation of a permanent AOSGC post

47. Noting that a five-year supernumerary directorate AOSGC post (designated as Assistant Director (Market Special Duties) ("AD(MSD)")) upon creation and proposed to be retitled as Assistant Director (Market Review) ("AD(MR)")) under the current exercise) was already created in January 2018 to take forward a fundamental review and oversee the implementation of various measures for improving the facilities and management of public markets, the Chairman, Mr Steven HO, Mr HO Kai-ming, Mr Wilson OR,

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Mr AU Nok-hin, Mr Vincent CHENG and Ms CHAN Hoi-yan queried the need for creating a permanent AOSGC post (to be designated as Assistant Director (Market Development) ("AD(MD)")) to take forward measures on market modernization and development of new public markets. These members expressed dissatisfaction with the little progress made by the Administration in formulating development plans and improving the business environment for public markets since the creation of the existing AD(MSD) post in January 2018. In their views, there were inadequate justifications for the Administration to create a permanent AOSGC post to deliver market-related tasks which should be followed up by the existing AD(MSD) given the progress of the various tasks so far.

Admin

48. Mr Wilson OR, Mr Vincent CHENG and Ms CHAN Hoi-yan enquired about the major differences in job duties of AD(MR) and AD(MD) and the proposed delineation of work and responsibilities between the two posts, as well as the performance indicators to be adopted for evaluating the performance of the two post holders.

49. Dr CHIANG Lai-wan asked whether the holder of the AD(MD) post would be responsible for overseeing the design of new market projects and help bring in new design ideas and concepts (e.g. providing a creative outlook for new/existing markets and suitable facilities to cater for different needs of shoppers, such as breastfeeding facilities for mothers and recreational and catering facilities for the general public.)

50. USFH and Deputy Director (Administration and Development)/FEHD ("DD(A&D)/FEHD") made the following responses:

- (a) FEHD had embarked on a reform with a view to enhancing the operating environment of public markets. In addition to the review and improvement of the existing management mode, FEHD was proceeding full steam ahead with the refurbishment and improvement works of varying scales in the existing public markets covered by the Market Modernization Programme ("MMP"); implementation of new public market projects; and review and consolidation of existing markets. At present, the above tasks were followed up by a dedicated team led by AD(MSD). Having considered that MMP and the construction of new markets were long-term and ongoing tasks, the Administration considered that a permanent dedicated directorate officer was required to ensure that the fundamental overhaul, refurbishment and minor improvement works of existing markets as well as the new public market projects could be carried out timely and smoothly. Hence, the Administration proposed to

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create the AD(MD) post, and reshuffle the duties of AD(MSD) to take forward MMP and development of new public markets in a holistic manner;

- (b) in the 2017 Policy Agenda, the Government pledged to study the need and feasibility of providing new public markets in districts where relevant facilities were alleged to be insufficient. So far, the Administration had announced its plan to build two new public markets in Tin Shui Wai and Tung Chung Town Centre, and also initially identified suitable sites for public markets in the east of the Tung Chung New Town Extension Area and the southwest of Hung Shui Kiu New Development Area ("NDA"). Moreover, the Administration was looking for locations in Tseung Kwan O and Kwu Tung North NDA to build new markets. These projects were at different stages of planning. New design ideas and concepts would be adopted as appropriate. The proposed AD(MD) would oversee the planning, implementation and management of these projects;
- (c) after the preliminary assessment of existing markets under the 10-year MMP, 20 markets had been assessed to have the potential for giving priority for inclusion in MMP. After gathering views from the Subcommittee on Issues Relating to Public Markets ("the Subcommittee") formed under the Panel, the Administration proposed that, in the first phase of MMP, a fundamental overhaul for four markets and refurbishment and minor improvement works for at least another three would be carried out. AD(MD) would assist in taking forward MMP, including co-ordinating the fundamental overhaul or refurbishment and minor improvement works for MMP markets and identifying suitable existing public markets for inclusion in MMP;
- (d) AD(MD) would also co-ordinate with relevant departments, consult stakeholders and seek the support of LegCo and DCs concerned in relation to the arrangements for MMP and new public market projects. He/she would oversee the preliminary planning, technical feasibility studies, detailed design, funding arrangement, implementation of works and other associated works of such projects; and
- (e) after reshuffling the duties, AD(MR) would focus on the software improvements and oversee and implement the management reform of public markets, which would complement the improvement of markets' hardware facilities. In gist, AD(MR) would be mainly responsible for conducting a comprehensive

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review of the existing FEHD markets, proposing and implementing various management reform initiatives, as well as examining and consolidating existing markets to optimize land uses (i.e. software improvements), while the proposed AD(MD) would be responsible for developing new public markets and taking forward the MMP projects concerning existing public markets (i.e. hardware improvements). The two post holders would co-ordinate and work closely as a team under the supervision of DD(A&D).

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51. Mr Steven HO, Mr HO Kai-ming and Mr Wilson OR enquired about the work progress of the dedicated team led by the existing AD(MSD) in respect of taking forward the review of the facilities as well as management of public markets and the implementation of enhancement measures for revitalizing and modernizing the operation and management of markets (including the progress of the improvement works at the six representative markets selected by the consultant for detailed study and specific improvement recommendations).

52. DD(A&D)/FEHD responded that a preliminary assessment of existing markets had been conducted by the dedicated team, and 20 markets had been assessed to have the potential for giving priority for inclusion in MMP. As mentioned earlier, a fundamental overhaul for four markets and minor improvement works for at least another three would be taken forward in the first phase of MMP. The dedicated team had also drawn up initial directions for management reform, including the rental policy, rental adjustment mechanism, cost recovery, stall tenancy renewal, trade mix and daily management. The Administration had reported the progress of the above work to the Subcommittee. DD(A&D)/FEHD further said that the improvement works for the six markets recommended by the consultant had already commenced at four of the markets after consultation with the relevant Market Management Consultative Committees ("MMCC"), while that for the remaining two would be considered in the context of MMP.

53. Ms CHAN Hoi-yan expressed concern that the duties of the existing AD(MSD) might overlap with those of the proposed AD(MD). She asked whether the Administration would consider making the existing AD(MSD) post permanent, so as to handle the additional workload arising from MMP and the development of new public markets. In response, DD(A&D)/FEHD reiterated that as the development of new public markets and the implementation of MMP projects were long-term and ongoing tasks which required continuous directorate support, the Administration considered it necessary to create a permanent AD(MD) post for improving and maintaining the operating environment of public markets on a sustainable basis. The

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existing supernumerary AD(MSD) post would be retitled as AD(MR) to undertake the fundamental review and management reform for public markets.

Admin

54. Mr Steven HO suggested that the Administration should consider creating the AD(MD) post on a supernumerary basis (say, for three or five years) and examine the need for extending the post or converting it into permanent basis before the expiry of the initial period taking into account the work progress of the tasks concerned.

55. In response to the Chairman's enquiry, DD(A&D)/FEHD provided information on the number of AOSGC posts created under different branches of FEHD, as shown in Annex 1 to the Administration's paper. The Chairman opined that compared with the staff force dedicated to implementing other municipal facility projects, the workload arising from MMP and development of new public markets did not justify the creation of a permanent AOSGC post. The Chairman further said that he observed that many Members were not convinced that the creation of an additional directorate post would help much in speeding up the market-related works projects.

(To allow sufficient time for discussion, the Chairman extended, with members' agreement, the meeting for 30 minutes beyond the appointed ending time.)

Management and improvement works for public markets

56. Mr AU Nok-hin enquired about the progress of the overhaul of Aberdeen Market. He recalled that the Administration had once advised that it aimed to complete the technical feasibility study and work out the detailed overhaul arrangements for Aberdeen Market in 2019, with a view to submitting the funding proposal to FC for approval in 2020. Mr AU said that to his understanding, many stall tenants in Aberdeen Market and local residents had grave concern whether the Aberdeen Market project lagged behind the schedule. In his view, the Administration should, for the smooth commencement of the improvement works, offer suitable concessionary packages to the stall tenants operating in Aberdeen Market.

57. DD(A&D)/FEHD responded that FEHD had met with the MMCC of the Aberdeen Market in the latter half of 2018 to discuss the overhaul arrangements. The technical feasibility study was being conducted, and the Administration was actively liaising with the tenants there and other stakeholders with a view to reaching a consensus on the way forward. The overhaul arrangements for Aberdeen Market would set a model for future similar projects. After the details of the Aberdeen Market project were

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finalized, the Administration would kick-start other first phase projects progressively from 2019 onwards. As public funds would be involved, the Administration had to balance the interests of stall tenants and the general public in working out the concessionary packages.

58. Mr HO Kai-ming said that some stall tenants were reluctant to support the installation of air-conditioning ("A/C") systems because they could not afford the A/C charges which included electricity charges and general maintenance costs. He called on the Administration to consider shouldering the A/C charges for common areas in public markets as well as the maintenance costs of A/C systems. In Mr HO's view, if the Government could adopt a more flexible approach in terms of the A/C charges, stall tenants would welcome overhaul/improvement projects and it might not be necessary for the Administration to create a permanent AOSGC post to take forward the hardware enhancement for existing public markets.

59. DD(A&D)/FEHD and AD(MSD)/FEHD responded with the following points:

- (a) it was the Government policy to adopt the "user-pays" principle in setting fees and charges, and the high capital costs of retrofitting of A/C facilities and major maintenance were already borne entirely by the Government;
- (b) as tenants in public markets were in fact engaging in commercial operations, further Government subsidy in the form of A/C charges might give rise to unfair competition between stalls in public markets and similar retail operators in private commercial retail premises, especially those in areas nearby; and
- (c) in response to the recommendations made in the Ombudsman's direct investigation reports released in August 2018 respectively on FEHD's regulation of market stalls and rental management of market stalls, AD(MSD) was examining issues relating to the new running models for public markets, which covered the rental policy, trade mix and daily management. The review was ongoing and FEHD would propose various management measures to meet the overall interests of the community.

60. Mr Vincent CHENG expressed concern that some FEHD-managed public markets, in particular those situated in old districts, were poorly managed. Many facilities were archaic, dilapidated and sub-standard. Despite repeated requests from local residents, FEHD failed to arrange timely repair/replacement of the damaged facilities/equipment. DD(A&D)/FEHD responded that as some public markets were built a long time ago, the

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facilities thereof might not be able to meet the present-day public expectations. FEHD had been working closely and would enhance its communication with relevant works departments with a view to expediting the replacement of faulty/aged facilities (e.g. lifts and escalators) to better serve the public.

61. Mr Jeremy TAM said that he had received complaints from some stall tenants of Tai Shing Street Market that the cargo lifts newly-installed did not match their expectations and could not help facilitate the movement of goods. He enquired about the latest development of the lift replacement works. DD(A&D)/FEHD said that FEHD would follow up the case with Mr TAM after the meeting.

Proposed creation of a supernumerary SPEO post

62. Ms CHAN Hoi-yan said that she had no particular view on the Administration's proposal to create a supernumerary SPEO post (designated as Assistant Director (Planning) ("AD(P)")) to strengthen the planning and management of municipal infrastructure projects.

63. Mr Jeremy TAM noted with concern that many part-time toilet attendants and cleansing workers were not provided with meal breaks. Since one of the duties of the proposed AD(P) was to coordinate and monitor the progress of various works under the Public Toilet Refurbishment Programme, he asked whether the post holder would also review the Government's policies concerning the provision of meal breaks for toilet attendants and cleansing workers. DD(A&D)/FEHD responded that the holder of the proposed AD(P) post would mainly be responsible for overseeing the hardware improvement works for public toilets under the Public Toilet Refurbishment Programme, among other duties. That said, the Administration noted Mr TAM's concern and would relay the same to relevant bureau/department for consideration.

Conclusion

64. Concluding the discussion, the Chairman said that while Members had no objection to the proposed creation of the supernumerary SPEO post, they in general had reservations about the proposed creation of the permanent AOSGC post. The Administration was requested to consider members' views expressed at this meeting and provide the Panel with supplementary information to address various issues of concern raised by Members as set out in paragraphs 47, 48, 51 and 54 above. The Administration was also requested to provide a written response to the questions raised in Mr SHIU Ka-chun's letter dated 14 May 2019 (LC Paper No. CB(2)1440/18-19(01)), which was tabled at the meeting.

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VI. Any other business

65. There being no other business, the meeting ended at 4:55 pm.

Council Business Division 2
Legislative Council Secretariat
21 August 2019