

立法會
Legislative Council

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Panel on Food Safety and Environmental Hygiene

Minutes of meeting
held on Tuesday, 21 April 2020, at 4:30 pm
in Conference Room 3 of the Legislative Council Complex

- Members present** : Hon Tommy CHEUNG Yu-yan, GBS, JP (Chairman)
Dr Hon Helena WONG Pik-wan (Deputy Chairman)
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
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung, JP
Hon Elizabeth QUAT, BBS, JP
Dr Hon CHIANG Lai-wan, SBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Hon HO Kai-ming
Hon SHIU Ka-fai, JP
Hon SHIU Ka-chun
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan, JP
Dr Hon Pierre CHAN
Hon LAU Kwok-fan, MH
Hon Vincent CHENG Wing-shun, MH, JP
Hon CHAN Hoi-yan
- Member attending** : Hon CHAN Hak-kan, BBS, JP
- Members absent** : Hon HUI Chi-fung
Hon Kenneth LAU Ip-keung, BBS, MH, JP

**Public Officers : Item III
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

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

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

Mr LEE Ming-wai
Pest Control Officer-in-charge
Food and Environmental Hygiene Department

Item IV

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

Mr 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

Ms Harriet WONG May-san
Assistant Director (Private Columbaria)
Food and Environmental Hygiene Department

Mr Eric TSAI Yu-sing
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 Amor WONG Yiu-tuen
Principal Assistant Secretary for Food and Health (Food) 3

Dr Thomas SIT Hon-chung
Assistant Director (Inspection and Quarantine)
Agriculture, Fisheries and Conservation Department

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

Dr BENTON Steven David
Veterinary Officer (Animal Management) Development 2
Agriculture, Fisheries and Conservation Department

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

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

Mr Clement HAU
Council Secretary (2) 2

Miss Cally LAI
Legislative Assistant (2) 2

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I. Information papers issued since the last meeting

(LC Paper Nos. CB(2)751/19-20(01), CB(2)765/19-20(01),
CB(2)777/19-20(01), CB(2)767/19-20(01), CB(2)790/19-20(01),
CB(2)834/19-10(01) and CB(2)848/19-20(01))

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

- (a) letter dated 17 March 2020 from the Chairman of the Environment, Climate Change, Agriculture and Fisheries Committee under the Yuen Long District Council ("DC") regarding a motion passed by the Committee at its meeting on 9 March 2020;
- (b) Administration's response to the letter from the Chairman of the Environment, Climate Change, Agriculture and Fisheries Committee under Yuen Long DC dated 17 March 2020;

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- (c) Clerk's reply letter to the Chairman of the Environment, Climate Change, Agriculture and Fisheries Committee under Yuen Long DC;
- (d) letter dated 26 March 2020 from Dr Hon KWOK Ka-ki regarding the Administration's proposal to introduce legislation to temporarily prohibit the sale and supply of alcoholic drinks by restaurants, bars and clubs with liquor licences in Hong Kong;
- (e) letter dated 2 April 2020 from Hon Steven HO regarding bird predation in fish ponds and issues relating to the sustainable development of pond fish culture industry;
- (f) Administration's response to Hon Steven HO's letter dated 2 April 2020; and
- (g) Administration's response to Dr Hon KWOK Ka-ki's letter dated 26 March 2020.

II. Date of next meeting and items for discussion

(LC Paper Nos. CB(2)832/19-20(01) and (02))

2. Members agreed to discuss the following items at the next regular meeting scheduled for Tuesday, 12 May 2020 at 2:30 pm:

- (a) Implementation of measures to reduce salt and sugar in food; and
- (b) Implementation of the Market Modernization Programme and development of new public markets.

III. Mosquito control work

(LC Paper Nos. CB(2)592/19-20(03) and (04))

3. At the invitation of the Chairman, Under Secretary for Food and Health ("USFH") briefed Members on the effectiveness of the mosquito control work carried out by relevant departments in 2019 and the work focus for 2020, details of which were set out in the Administration's paper (LC Paper No. CB(2)592/19-20(03)). Members noted the background brief prepared by the Legislative Council ("LegCo") Secretariat on the subject (LC Paper No. CB(2)592/19-20(04)).

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Mosquito prevention and control

4. Mr Wilson OR expressed concern that the infestation of mosquitoes in the territory would get more serious in the upcoming summer. In his view, the Pest Control Steering Committee ("PCSC") should enhance inter-departmental coordination in implementing pest (including mosquito) control measures.

5. USFH advised that under the coordination of PCSC, additional resources had been allocated to a number of departments for carrying out enhanced pest control work in areas under their respective purview. Relevant departments had also made concerted efforts in conducting routine pest control operations in the districts and shared among themselves techniques and experience in pest control work. For instance, upon completion of internal testing, the Food and Environmental Hygiene Department ("FEHD") had provided some new mosquito traps to the relevant departments and organizations (including the Leisure and Cultural Services Department, Housing Department, Department of Health and Hospital Authority) for trial use in Ma On Shan and Sheung Shui since September 2019. The new mosquito traps had been effective in eliminating mosquitoes, resulting in a substantial reduction in the number of adult mosquitoes. Directed by PCSC, various departments would use the new device more extensively.

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6. At Mr Wilson OR's request, the Administration would provide written responses on (a) whether additional measures would be taken by PCSC to strengthen inter-departmental coordination and liaison with various bureaux/departments in carrying out pest control work and (b) whether performance standards would be set for monitoring and evaluating the pest control work carried out by various bureaux/departments under the coordination of PCSC; and if yes, the details.

7. Ms YUNG Hoi-yan sought information on the effectiveness of the new mosquito traps and whether these traps would be first installed at existing mosquito breeding blackspots. Pest Control Officer-in-charge, FEHD ("PCOic/FEHD") responded that the new mosquito traps could attract female mosquitoes to lay eggs and allowed the dissemination of the insect growth regulator with which they came into contact to other water bodies where they might land. The regulator could prevent the mosquito larvae in the water bodies from developing into adult mosquitoes. FEHD had conducted internal testing on the new mosquito traps at various places including villages in the rural areas. Test results showed that activities of adult mosquitoes had decreased substantially. According to the feedback from local residents, the number and frequency that they got bitten by mosquitoes had also reduced significantly after the installation of the new mosquito traps. Since the new mosquito traps had been effective in eliminating mosquitoes, around 2 700 new traps would be installed for prevention of mosquito breeding by various

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departments within the areas/venues under their management. Hillside and shrubby areas were suitable places for placing these traps.

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8. Mr Wilson OR requested the Administration to provide information on the total expenditure incurred for installing the some 2 700 new mosquito traps by various departments and the distribution and exact locations of the areas where new mosquito traps had been placed.

9. Ir Dr LO Wai-kwok asked how FEHD would tackle the mosquito problem on hillsides and the green belt as well as in rural areas. USFH responded that apart from strengthening inter-departmental coordination in carrying out pest control work, FEHD would step up mosquito surveillance. The existing ovitrap index was the percentage of ovitraps that were found to have positive larval breeding result. It only indicated the extensiveness of the distribution of *Aedine* mosquitoes. From June to November 2019, FEHD had conducted field trials in Wong Tai Sin, Cheung Chau and Yau Tong on a newly-designed gravidtrap which was mounted with a sticky trap inside for collecting adult mosquitoes directly. FEHD had finalized the design of the gravidtrap. In April 2020, around 5 000 gravidtraps would be placed in the territory to calculate the density of adult mosquitoes directly. By then, apart from the new gravidtrap index which would replace the existing ovitrap index, FEHD would release the adult mosquito density index which might better reflect the effectiveness of mosquito control work and facilitate relevant departments to formulate more targeted anti-mosquito measures.

10. The Deputy Chairman and Mr Andrew WAN enquired about the distribution and locations of the areas where the gravidtraps would be placed. PCOic/FEHD responded that to enhance the surveillance of dengue vector, FEHD had, since July 2018, increased the number of surveyed areas under the mosquito surveillance programme to 57. Gravidtraps would be placed at the 57 surveyed areas to replace the existing ovitraps. The exact locations of the surveyed areas had been listed on FEHD's website. Around 3 000 gravidtraps would be placed in urban areas and more than 1 000 gravidtraps in 33 port areas.

11. The Deputy Chairman asked whether there were guidelines on selecting locations for placing gravidtraps. PCOic/FEHD responded that gravidtraps would be placed by FEHD at selected locations according to the recommendations given by the World Health Organization ("WHO") for the dengue vector surveillance programme. To ensure representativeness of the surveillance results, gravidtraps would mainly be set up in areas where local dengue fever ("DF") cases had been reported, as well as densely populated housing estates, schools, and so on. Gravidtraps would be placed at a distance of about 100 m from each other so that the same mosquito would not oviposit in two different gravidtraps. At present, about one-sixth of the residential areas in the territory were covered under the dengue vector surveillance

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programme. FEHD would take into account new developments (e.g. the establishment of new housing estates) and emerging public health needs in deciding the coverage of the mosquito surveillance programme and the locations for placing gravidtraps.

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12. The Deputy Chairman was of the view that gravidtraps should be placed in every public rental housing estate, as statistics so collected could better reflect the situation of mosquito infestation in the community. She requested the Administration to provide information on the number of gravidtraps placed in public rental housing estates and whether gravidtraps, and if yes, the number of such gravidtraps, had been placed in Kai Ching Estate and Tak Long Estate situated at the Kai Tak Development Area.

13. Ms CHAN Hoi-yan asked whether FEHD had assessed the risk of DF outbreak in Hong Kong, having regard to the latest DF situation in neighbouring countries and whether additional measures would be put in place to control mosquito infestation. Ms CHAN also expressed concern that the construction sites at the Kai Tak Development Area would easily become mosquito breeding grounds. She asked whether targeted operations would be conducted to control mosquito breeding in those sites.

14. USFH said that as DF had become endemic in Southeast Asian regions, FEHD would remain vigilant in sustaining anti-mosquito work. After the local DF outbreak in the summer of 2018, FEHD invited an expert in mosquito prevention and control from WHO to visit Hong Kong in 2019 to provide advice on mosquito control work. Having consolidated the experience gained in the past, relevant departments would commence and strengthen targeted operations to prevent mosquito breeding before the rainy season and conduct fogging operations since the start of the rainy season to eliminate adult mosquitoes. Relevant departments would also collaborate with the local communities to avoid extensive mosquito breeding after the rainy season.

15. Deputy Director (Environmental Hygiene)/FEHD ("DD(EH)/FEHD") added that in addition to the some 700 departmental staff deployed to perform pest control work, FEHD engaged service contractors to provide pest control services across the territory through 329 roving teams with a workforce of about 1 970 (representing a 5% increase when compared with 2018). Since 2017, FEHD had set up four pest control inspection teams to step up inspections on construction sites and enforcement actions against persons in charge of premises with unattended mosquito breeding sites. In 2019, FEHD initiated 173 prosecutions for mosquito breeding, and 162 of them involved construction sites. On the educational front, FEHD had published guidelines on mosquito prevention for the reference of contractors and workers working in construction sites.

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16. Mr KWOK Wai-keung expressed concern that the disposal of waste or articles along pavements/on roadsides in various districts (e.g. North Point) by shops or vendors had hindered sanitation, environmental hygiene and orderliness. He requested the Administration to revert in writing on the measures/enforcement actions taken/to be taken by FEHD against this problem.

Admin

17. Ms CHAN Hoi-yan considered that relevant departments should provide advice to the public on mosquito prevention and control, including the proper use of insect repellents. PCOic/FEHD responded that members of the public were advised to properly use insect repellents according to WHO's guidelines. Tips for using insect repellents could be found on the websites of both the Centre for Health Protection and FEHD.

Monitoring the performance of outsourced service contractors

18. Mr SHIU Ka-chun said that it was recommended in Report No. 63 of the Director of Audit on the results of value for money audits (published in October 2014) that FEHD should strengthen the monitoring of the performance of pest control services contractors engaged under outsourced service contracts. He enquired about the follow-up actions taken by FEHD to address this issue. He specifically requested the Administration to provide information on (a) the weightings assigned to different criteria for evaluating the service performance of FEHD's contractors; (b) the number of contractors against which FEHD had, in recent years, taken punitive actions for substandard performance specifically, in connection with mosquito control; and (c) measures taken/to be taken by FEHD to strengthen the supervision of outsourced cleansing/pest control services.

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19. DD(EH)/FEHD responded that FEHD would conduct routine and surprise inspections to monitor contractors' performance to ensure that they met the service standard as stipulated in the contract provisions. Punitive actions (e.g. issuance of verbal and written warnings to contractors) would be taken against substandard performance in relation to pest control services.

20. Mr Wilson OR noted that relevant departments had been incorporating standard terms on pest control in their cleansing service contracts upon contract renewal. He asked how FEHD and relevant departments could ensure the contractors' compliance with the service requirements as stipulated in the contract provisions. DD(EH)/FEHD responded that the contractors' performance would be reflected in the assessment reports prepared by FEHD and the relevant departments. The results might affect the contractors' chance of success in bidding for Government service contracts.

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Risk of DF amid the outbreak of the coronavirus disease 2019 ("COVID-19")

21. Mr Andrew WAN said that there were speculations that COVID-19 might be transmitted between humans through mosquito bites. He sought clarifications from the Administration in this regard. USFH responded that the main mode of transmission of COVID-19 was through respiratory droplets. The virus could also be transmitted through contact. So far, there was no scientific evidence suggesting that COVID-19 could be transmitted between humans through mosquito bites.

22. Mr SHIU Ka-chun said that it was reported on 15 April 2020 that an old man living in Yuen Long was infected with DF. As at 16 April 2020, a total of 20 DF cases had been recorded (19 imported cases and one local case). He expressed worries that Hong Kong's public healthcare system might not be able to cope with additional medical needs arising from DF cases amid the COVID-19 outbreak. Ms CHAN Hoi-yan said that it was reported that there were cases in Thailand and Singapore in which the same patient was diagnosed of having contracted COVID-19 and DF at the same time. She urged the Administration to liaise with relevant health authorities in Thailand and Singapore for more information about such cases.

23. USFH said that after the first local DF case in 2020, FEHD had conducted vector investigation and carried out mosquito prevention and control work (including conducting fogging operations and placing additional new mosquito traps) in areas within a 500-metre radius of the patient's residence in Sung Shan New Village in Yuen Long. PCSC also held a special meeting on 17 April 2020 to review the actions taken to tackle the case and inter-departmental collaboration in respect of enhanced mosquito prevention and control work.

24. USFH further said that with the Government's implementation of a series of stringent border control and social distancing measures, there were preliminary signs that the COVID-19 outbreak situation in Hong Kong was stabilizing. This had, to a certain extent, alleviated the pressure on the public healthcare system. USFH stressed that while COVID-19 was a highly infectious disease, DF was transmitted by the bite of infected mosquito and could not be spread directly from human to human. Compared with COVID-19 infections, the level of medical treatment and surveillance required was less demanding for DF cases. While it was important to ensure that a patient suffering from DF would not be bitten by vector mosquitoes so as to prevent the spread of the disease, the patient concerned was not required to undergo isolation in negative pressure wards as in the case of COVID-19 infection. It was believed that the recently reported DF cases would not exert a heavy burden on the public healthcare system.

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Prevention and control measures against biting midges

25. Mr Wilson OR and Ms YUNG Hoi-yan asked whether new measures/methods would be adopted to control the infestation of biting midges across the territory. Ms YUNG suggested that FEHD should strengthen collaboration with the local communities on the prevention and control of mosquitoes and biting midges.

26. PCOic/FEHD responded that FEHD conducted a territory-wide survey on biting midges between July 2017 and July 2018. No biting midges were found to be of species that were capable of transmitting diseases to humans. With reference to the habitual behaviours as well as the seasonal and localized activity patterns of biting midges as revealed in the survey, FEHD had formulated technical guidelines on the prevention and control of biting midges for relevant departments' reference. With the adoption of enhanced measures to eliminate the potential breeding sites of biting midges, complaint figures relating to biting midges received by relevant departments had significantly dropped over the past few years. This showed that the nuisances caused by biting midges in public places had been alleviated.

IV. Implementation of the Private Columbaria Ordinance (Cap. 630)

(LC Paper Nos. CB(2)832/19-20(03), CB(2)665/19-20(04) and CB(2)826/19-20(01))

27. At the invitation of the Chairman, USFH updated Members on the implementation of the Private Columbaria Ordinance (Cap. 630) ("PCO"), as detailed in the Administration's paper (LC Paper No. CB(2)832/19-20(03)). Members noted the background brief prepared by the LegCo Secretariat on the subject (LC Paper No. CB(2)665/19-20(04)).

28. Members also noted the submission from the Alliance for the Concern Over Columbarium Policy ("the Alliance") (LC Paper No. CB(2)826/19-20(01)).

Progress of processing applications for specified instruments

29. The Deputy Chairman, Mr CHAN Hak-kan, Mr Wilson OR and Mr LAU Kwok-fan expressed concern about the slow progress of the Private Columbaria Affairs Office ("PCAO") in processing applications for specified instruments (i.e. a licence, an exemption or a temporary suspension of liability ("TSOL")) from private columbaria. They noted that the Private Columbaria Licensing Board ("PCLB") had only granted five licences, and approved in principle two licence applications and one application for TSOL. Mr OR and Mr LAU called on the Administration to explore what measures could be taken to speed up the processing of applications for specified instruments.

30. USFH and Head, PCAO ("H/PCAO") made the following responses:
- (a) the progress in handling applications for specified instruments from private 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 applicants had submitted all the required documents and information. Each type of application for specified instrument was subject to various requirements stipulated in PCO and the requirements specified by PCLB. For a licence application, PCLB would give consideration to the granting of a licence only if the applicant could prove that the columbarium had complied with the requirements in various areas including those relating to land, planning, buildings, management plan, right to use the premises, fire safety, electrical and mechanical safety, environmental protection, etc.;
 - (b) if the applicant concerned had provided all the required documents and the application was confirmed to comply with all applicable application requirements, PCAO would submit the case to PCLB for determination as soon as possible. While PCAO spared no effort to process the applications for specified instruments, 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;
 - (c) so far, all applications that complied with all applicable requirements and submitted with the required documents and information had been considered by PCLB. PCLB had up to now granted five licences, and approved in principle two licence applications and one TSOL application, involving about 133 000 sold niches which roughly made up around one-fourth of the total sold niches of private columbaria in the territory. As at 8 April 2020, PCLB had refused 15 sets of applications which failed to meet the application requirements. On the other hand, 12 private columbaria had withdrawn their applications; and
 - (d) to speed up the processing of applications for specified instruments, PCLB had implemented a number of new measures in 2019. To increase the transparency of the progress of processing applications, the status of submission of documents by the applicants in respect of some major domains of the application requirements had been published on a dedicated website since late July 2019 and the information was updated on a quarterly basis.

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On 30 August 2019, PCLB also promulgated the implementation of three other measures and arrangements, i.e. (i) granting exemption without requiring applicants to restore the ash interment quantity first; (ii) setting 31 December 2019 as the deadline for submission of documents/information in respect of TSOL applications; and (iii) making administrative arrangements for "Approval-in-principle for TSOL Application". With these efforts, PCLB had achieved significant progress in the scrutiny of the applications for specified instruments.

31. Mr LAU Kwok-fan asked whether PCLB had determined the order of priority for processing applications for specified instruments from private columbaria. To his understanding, some private columbaria had already paid a substantial amount of land premium for lease modification before the enactment of PCO. In his view, since private columbaria listed in Part A of the Development Bureau's "Information on Private Columbaria" ("DEVB's List") (including columbaria which had paid the land premium) had been confirmed to be compliant with the user restrictions in the land leases and town planning requirements and were not illegally occupying Government land, PCLB should accord priority to processing licence applications submitted by private columbaria in Part A of DEVB's List, such that the supply of private niches could be resumed as early as possible.

32. Mr CHAN Hak-kan shared a similar view. He expressed concern that the suspension of supply of private niches in the market might lead to a surge in the price of private niches. He asked whether the Administration would implement initiatives (e.g. by reducing the land premium for private columbaria with prospect for regularization and setting a cap on the price of the niches to be sold by these columbaria) to facilitate the provision of medium-priced niches in the market to provide more choices for consumers.

33. H/PCAO stressed that an applicant seeking a licence had to meet a number of requirements other than those relating to land and planning. Once the applicant concerned had submitted all the required documents and was confirmed to be compliant with all applicable application requirements, PCAO would submit the case to PCLB for determination as soon as possible. In general, the Administration had been taking a pragmatic and sympathetic approach towards the handling of applications in respect of pre-cut-off columbaria. In November 2017, the Administration announced the initiative to extend the waiving of relevant payments for regularization in respect of pre-cut-off sold niches and pre-cut-off religious ash pagoda fulfilling certain requirements from pre-cut-off columbaria eligible for an exemption in all other respects to pre-cut-off columbaria eligible for a licence in all other respects. The PCLB's arrangement of giving approval in principle to licence applications from pre-cut-off columbaria would facilitate the Lands Department ("LandsD")'s consideration of administratively regularizing, in

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respect of the pre-cut-off sold niches, breaches of lease conditions and/or unlawful occupation of unleased land, by way of a waiver and/or a short term tenancy ("STT"), and waiving the relevant waiver fees, STT rentals and administrative fees before and during the licence period. Shortly after PCLB had approved in principle a licence application, PCAO would inform LandsD and urge it to process the relevant application for land regularization as soon as possible.

34. The Deputy Chairman sought details of PCLB's progress of handling applications for specified instruments in hand and the operational status of the private columbaria concerned. H/PCAO responded that PCLB was now processing 278 applications for specified instruments submitted by 110 pre-cut-off columbaria. For the 15 columbaria that had not submitted documents in one or more domains of the application requirements for their TSOL applications by the specified deadline, PCLB had decided to cease the vetting of their TSOL applications. PCLB would arrange open meetings to determine these TSOL applications by batches and would continue to process the applications from the remaining 95 pre-cut-off columbaria.

35. H/PCAO added that for a columbarium with cessation of operation, PCAO would explain to the operator the requirements of PCO regarding the disposal of ashes, monitor the ash disposal work done by the operator to see if it complied with the requirements of PCO and to ensure the proper return of the ashes to persons eligible for collection of the ashes. According to the information available to the Administration, about 61 private columbaria (some of them had never submitted applications for specified instruments) had ceased operation since the implementation of PCO. Among these columbaria, 46 had completed ash disposal and 12 were still carrying out the relevant procedures. PCAO was following up on the ash disposal arrangement in respect of three other cases.

36. The Deputy Chairman sought information on the number of private columbaria operating in multi-storey buildings in Hung Hom or other districts. H/PCAO responded that PCLB was processing applications for specified instruments submitted by six private columbaria situated in multi-storey buildings in Hung Hom. Based on the available information, other private columbaria situated in multi-storey buildings in Hung Hom had ceased operation or were carrying out the ash disposal procedures. As a matter of fact, PCAO would take prompt actions against any suspected contravention of PCO that it was aware of.

Coordination with bureaux/departments during the vetting process

37. Mr Wilson OR and Mr LAU Kwok-fan asked whether and what assistance would be provided by PCAO to applicants to strengthen their liaison and communication with the relevant bureaux and departments, with a view to

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speeding up the processing/vetting of applications for specified instruments from private columbaria.

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38. H/PCAO responded that PCAO had all along played a coordination role in the processing of applications for specified instruments and would continue with this coordination work. It had already streamlined work procedures and provided various templates to facilitate the applicants in making applications. PCAO had assigned a case manager to follow up each application, answer enquiries from the applicant and assist the applicant to liaise and communicate with the relevant departments. Where necessary, PCAO would convene inter-departmental meetings to discuss how to address the problems encountered during the vetting of the applications. Mr Wilson OR requested the Administration to provide a written response to issues raised by him and Mr LAU Kwok-fan after the meeting.

39. Mr Wilson OR further asked about the manpower resources deployed by PCAO for handling applications for specified instruments and whether PCAO had estimated the average time spent on assisting applicants to liaise with relevant departments during the vetting process. Mr CHAN Hak-kan enquired about the average time taken to process a licence application. H/PCAO responded that at present, more than 10 case managers had been assigned to handle applications for specified instruments submitted by 110 private columbaria. The time required for processing applications for specified instruments varied from case to case, depending on when the applicants responded to the comments from the relevant departments, when they took follow-up actions and submitted the supporting documents, etc.

Supply of public niches

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40. Referring to the submission from the Alliance, the Deputy Chairman said that she was also concerned about issues relating to the supply of public niches as mentioned in the submission. She considered that the Administration should work with DCs to press ahead with various public columbarium projects under the district-based columbarium development scheme to increase the supply of public niches. She noted that FEHD had consulted relevant DCs on 14 columbarium projects and obtained funding approval from the Finance Committee ("FC") for taking forward five projects. She enquired about the progress of the remaining columbarium projects. She also requested the Administration to provide a written response to the issues and questions raised in the submission from the Alliance.

41. Assistant Director (Grade Management and Development)/FEHD ("AD(GMD)/FEHD") responded that the Administration had been actively following up on various columbarium projects. The Administration had consulted the Public Works Subcommittee on the projects in Sandy Ridge and Shek Mun, involving about 54 000 and 40 000 new niches respectively.

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The Administration was going to seek funding approval from FC for taking forward these two projects. The Administration understood that other religious bodies and operators of private cemeteries (e.g. the Board of Management of the Chinese Permanent Cemeteries) also planned to provide new niches in their cemeteries/columbarium facilities within the next few years.

42. Mr Wilson OR enquired about the future supply of public niches, including the number of niches to be made available by columbarium projects under planning. AD(GMD)/FEHD responded that the 14 columbarium projects, to which relevant DCs had indicated support or no-objection, would altogether provide around 590 000 new niches to meet the demand in the coming 10 years. In late 2019, FEHD completed the niche allocation exercise for two new public columbaria, namely Tsang Tsui Columbarium (first phase) in Tuen Mun (providing around 20 000 niches) and Wong Nai Chung Road Columbarium (providing 855 niches). FEHD had also announced details of application for a total of 44 950 extendable niches in Tsang Tsui Columbarium and Wo Hop Shek Columbarium Phase VI.

V. Proposals to enhance animal welfare - Report on the outcome of public consultation

(LC Paper Nos. CB(2)832/19-20(04) and (05))

43. At the invitation of the Chairman, USFH briefed Members on the outcome of the public consultation conducted on the Administration's proposals to enhance animal welfare through legislative amendments to the Prevention of Cruelty to Animals Ordinance (Cap. 169) ("the Ordinance"), as detailed in the Administration's paper (LC Paper No. CB(2)832/19-20(04)). Members noted the background brief prepared by the LegCo Secretariat on the subject (LC Paper No. CB(2)832/19-20(05)).

Proposed measures to be implemented

Introducing a positive "duty of care"

44. Mr CHAN Chi-chuen said that as the majority of respondents were supportive of the Administration's proposed measures to enhance animal welfare, the Administration should expeditiously review and make amendments to the Ordinance to implement the proposed enhancement measures. He hoped that the Agriculture, Fisheries and Conservation Department ("AFCD") and relevant departments would also review their existing policies and practices in relation to animal management to better safeguard the interests of the animals after the implementation of the proposed enhancement measures. Regarding the proposed introduction of the concept of responsible pet ownership by imposing a positive "duty of care" on persons responsible for animals, Mr CHAN considered that the Administration should

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clearly define "duty of care" and "persons responsible for animals". In his view, the coverage of the term "persons responsible for animals" should be broad enough to include various categories of persons taking care of animals. He was particularly concerned as to whether persons working in the Ocean Park and other parks/zoological gardens (e.g. the Hong Kong Zoological and Botanical Gardens) would be covered under the definition of "persons responsible for animals" to whom the "duty of care" would apply.

45. Assistant Director (Inspection and Quarantine), AFCD ("AD(IQ)/AFCD") cited examples to explain whether the management of a park/zoological garden or the animal attendant/trainer concerned had committed animal cruelty acts would depend on the actual circumstances of each case. Since the Ocean Park and other parks/zoological gardens in Hong Kong had good facilities and maintained high standards on animal husbandry, no prosecution had been instituted against these parks/zoological gardens so far for contravention of the Ordinance.

46. Ms Claudia MO asked whether feeders of stray animals and people working in wet markets or slaughterhouses would be exempted from the "duty of care". AD(IQ)/AFCD responded that while the Administration intended to exclude animals living in a wild or feral state not under the control of any person from any requirement under the "duty of care", the Administration proposed that persons who had obtained a dog licence (including the "feeders" who had obtained a dog licence and subsequently released the dog to live at large) would not be exempted from the proposed regulatory requirement, to avoid creating a loophole for enforcement against abandonment and other existing legislative provisions for control of dogs. The Administration also proposed that the "duty of care" should apply to situations in which food animals were kept in wet markets/slaughterhouses or being transported to the wet markets/slaughterhouses.

47. Mr Steven HO said that the food and farming trades (in particular people engaging in slaughtering, defeathering and butchering of live fish and poultry in wet markets) were concerned about the impact of the introduction of the "duty of care" requirement on their daily operation. He considered that AFCD should clarify whether the existing slaughtering/defeathering/butchering methods adopted by trade practitioners would be in contravention of the proposed "duty of care" requirement. In his view, AFCD should provide clear and practical guidelines on how to provide for the welfare needs of food animals so that trade practitioners would not be caught by the law inadvertently when performing their jobs. The Chairman shared a similar view. He urged the Administration to thoroughly consult the food and farming trades on any guidelines that might affect the operation of the trades.

48. AD(IQ)/AFCD responded that to complement the "duty of care", AFCD planned to promulgate Codes of Practice ("CoPs") to give practical and

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realistic guidance on how good animal welfare could be achieved. As the first priority, CoPs would be issued for those types of animals which were commonly kept in Hong Kong, starting with pet animals. AFCD would make reference to overseas practices and consult stakeholders, including the food and farming trades, before finalizing the relevant CoPs. In response to Mr Steven HO's follow-up enquiry, AD(IQ)/AFCD said that AFCD planned to develop and issue CoPs for different kinds of animals by phases after making amendments to the Ordinance.

49. Mr Steven HO expressed concern whether the import of food animals into Hong Kong from overseas places (where the legislative control relating to animal protection was less stringent) would be affected after the implementation of the proposed enhancement measures. AD(IQ)/AFCD responded that as different countries might have adopted different animal welfare policies and implementation standards, the World Organisation for Animal Health had advised that animal welfare issues should not pose a barrier to international trade.

Enhancing the provisions for prevention of cruelty

50. Ms Claudia MO expressed concern whether "mercy release" would be regulated under the proposed amendment legislation. AD(IQ)/AFCD responded that in light of the views received, the Administration planned to take forward the proposal to specify that the release of an animal into an unsuitable environment (e.g. putting a sea turtle in fresh water), which caused it to suffer, was an act of cruelty to animals.

51. Mr CHAN Hak-kan and Ms Elizabeth QUAT expressed support for the direction of enhancing animal welfare and urged the Administration to take forward as soon as possible those proposals which had obtained general support from the public. Ms QUAT noted that the Administration proposed to empower the courts to disqualify a person convicted of an animal cruelty offence from keeping animals within a specified period or permanently and to seize from him/her animals currently kept by him/her. She expressed concern how AFCD could ensure that the convicted person could not keep/deal with animals in the future. She also enquired about the division of work between AFCD and the Police when carrying out law enforcement work after the implementation of the proposed enhancement measures.

52. AD(IQ)/AFCD responded that in taking forward the proposal to empower the courts to disqualify offenders from keeping animals, the Administration intended to explore the possibility of maintaining a register of persons to whom a disqualification order applied for access by relevant parties (e.g. animal welfare organizations ("AWOs") or animal traders) whilst having regard to requirements on personal data protection. Regarding law enforcement, AFCD had all along been working with the Police and AWOs in

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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 animal cruelty cases. In addition, the Police had enlisted the support of AFCD, AWOs and animal lovers to implement the "Animal Watchers" Scheme starting from the financial year 2019-2020. AFCD and the Police would work out law enforcement arrangements in due course for implementing the proposed enhancement measures.

53. Ms Elizabeth QUAT considered that the penalties imposed by the courts on convicted animal cruelty cases in recent years were too lenient, not adequate enough to reflect the gravity of the offence. She expressed support for increasing the maximum penalty for the offence of cruelty to animals under the Ordinance in order to achieve sufficient deterrent effect.

Scope of legislative amendments to the Ordinance

54. The Deputy Chairman enquired about the proposals to be taken forward by the Administration after considering the views received during the public consultation. AD(IQ)/AFCD and Senior Veterinary Officer (Animal Management) Development/AFCD ("SVO(AM)D/AFCD") advised that the Administration intended to take forward those proposals listed in Parts A, B and C of the summary table as set out in the Annex to the Administration's paper. Apart from the proposals mentioned in the consultation document, the Administration received additional suggestions related to the scope of the consultation, which were listed in Part D of the summary table. The Administration would further study these suggestions having regard to the local situation and practices of other jurisdictions.

55. The Chairman and Ms Claudia MO enquired about the Administration's timetable for amending the Ordinance to implement various enhancement measures and the expected commencement date of the amended Ordinance. The Deputy Chairman enquired about the main difficulties encountered by the Administration in taking forward the legislative amendment exercise.

56. USFH responded that upon finalizing the legislative proposals after considering the public views received, the Administration would commence the drafting work of the legislation. As the law drafting process would inevitably involve complex issues which required careful examination, the Administration would not be able to complete the law drafting work within the current legislative session. The Administration planned to introduce into LegCo the relevant amendment bill in the next legislative session. As there was broad agreement on the Administration's proposals to enhance animal welfare, the Administration considered it unnecessary to conduct afresh a public consultation exercise after the start of the next LegCo term. Mr CHAN Hak-kan, Ms Claudia MO and Ms Elizabeth QUAT called on the

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Administration to kick start the legislative amendment work as early as possible.

Other suggestions for enhancing animal welfare

57. Mr CHAN Hak-kan expressed concern that the Trap-Neuter-Return ("TNR") trial programme for stray dogs had only been conducted in Cheung Chau and Tai Tong. He asked whether AFCD would consider consulting relevant DCs again on the introduction of the TNR programme for stray dogs with a view to promoting a wider implementation of the programme in various districts. AD(IQ)/AFCD responded that the three-year TNR trial programme for stray dogs was completed in 2018. While the trial programme did not achieve the predetermined performance targets, AFCD kept an open mind towards rendering assistance to AWOs in conducting similar programmes in other specific locations. If a suitable location was found, AFCD would facilitate the implementation of such a programme by assisting the coordinating AWOs to liaise with DCs concerned and seeking approval from LegCo for the relevant legislative exemption.

58. Mr CHAN Hak-kan asked whether AFCD would stop performing euthanasia and adopting a "zero euthanasia" policy in handling stray animals. AD(IQ)/AFCD responded that euthanasia was still adopted by many countries as the last resort for handling stray animals. To minimize the number of animals being euthanized, AFCD had strengthened collaboration with AWOs in providing rehoming services and implemented public education and publicity programmes to promote responsible pet ownership. It was noteworthy that the number of stray animals euthanized had significantly decreased in the past five years, from about 5 000 to around 1 000 each year.

59. Mr CHAN Hak-kan suggested incorporating animal welfare into school curriculum to promote responsible pet ownership and proper management of animals among the youth. AD(IQ)/AFCD and SVO(AM)D/AFCD responded by giving an account of the public education and publicity initiatives being conducted and to be carried out by AFCD for promoting responsible pet ownership and proper care and respect for animals.

VI. Any other business

60. There being no other business, the meeting ended at 6:45 pm.