

# **立法會**

## ***Legislative Council***

LC Paper No. CB(2)943/16-17

(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, 13 December 2016, at 2:30 pm  
in Conference Room 3 of the Legislative Council Complex**

**Members present** : Dr Hon Helena WONG Pik-wan (Chairman)  
Hon LAU Kwok-fan, MH (Deputy Chairman)  
Hon James TO Kun-sun  
Hon Tommy CHEUNG Yu-yan, GBS, JP  
Prof Hon Joseph LEE Kok-long, SBS, JP  
Hon WONG Ting-kwong, SBS, JP  
Hon Starry LEE Wai-king, SBS, JP  
Hon CHAN Hak-kan, BBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon Mrs Regina IP LAU Suk-yee, GBS, JP  
Hon LEUNG Kwok-hung  
Hon Claudia MO  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon Steven HO Chun-yin, BBS  
Hon YIU Si-wing, BBS  
Hon CHAN Chi-chuen  
Hon CHAN Han-pan, JP  
Hon Alice MAK Mei-kuen, BBS, JP  
Dr Hon KWOK Ka-ki  
Hon KWOK Wai-keung  
Dr Hon Fernando CHEUNG Chiu-hung  
Dr Hon Elizabeth QUAT, JP  
Hon Martin LIAO Cheung-kong, SBS, JP  
Dr Hon CHIANG Lai-wan, JP  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP  
Hon Alvin YEUNG  
Hon CHU Hoi-dick  
Hon HO Kai-ming  
Hon SHIU Ka-fai  
Hon SHIU Ka-chun

Hon Wilson OR Chong-shing, MH  
Dr Hon Pierre CHAN  
Hon Tanya CHAN  
Hon CHEUNG Kwok-kwan, JP  
Hon HUI Chi-fung  
Hon LUK Chung-hung  
Hon KWONG Chun-yu  
Hon Jeremy TAM Man-ho  
Dr Hon YIU Chung-yim

**Member attending** : Hon WU Chi-wai, MH

**Members absent** : Hon LEUNG Yiu-chung  
Hon WONG Kwok-kin, SBS, JP  
Hon LEUNG Che-cheung, BBS, MH, JP  
Hon Dennis KWOK Wing-hang  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Hon Andrew WAN Siu-kin  
Hon Kenneth LAU Ip-keung, MH, JP  
Dr Hon LAU Siu-lai  
Hon Nathan LAW Kwun-chung

**Public Officers attending** : Item III

Professor Sophia CHAN, JP  
Under Secretary for Food and Health

Miss Diane WONG  
Principal Assistant Secretary for Food and Health (Food) 2

Ms Maisie CHAN  
Deputy Director of Food and Environmental Hygiene  
(Environmental Hygiene)

Mr LAM Wing-hong  
Assistant Director (Operations) 2  
Food and Environmental Hygiene Department

Mr Damian LEE Kwok-hung, JP  
District Officer (Sham Shui Po)  
Home Affairs Department

Mrs Helen KWOK LI Mung-yee  
District Social Welfare Officer (Sham Shui Po)  
Social Welfare Department

Item IV

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

Mr Kenneth CHAN Siu-yum  
Principal Assistant Secretary for Food and Health (Food) 1

Ms Winnie LAU Wing-han  
Senior Principal Executive Officer  
Food and Environmental Hygiene Department

Item V

Miss Diane WONG  
Principal Assistant Secretary for Food and Health (Food) 2

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

**Attendance : Item III**  
**by invitation**

欽州街布販市場商販關注組

Mr HO Ying-hoi  
Chairman

Individual  
Mr LI Man-sang

Individual

Mr SO Tsang-hong

Individual

Ms MUI Sheung-fong

深水埗布藝市集參與規劃平台

Mr TSANG Chiu-man  
Volunteer

Individual

Mr Charles LAI Chun-wai

Individual

Ms YIP Fung-to

Individual

Professor NG Mee-kam, Department of Geography  
Resource Management, The Chinese University of  
Hong Kong

Individual

Dr LEUNG Chi-yuen, Teaching Fellow, Department of  
Applied Social Sciences, The Hong Kong  
Polytechnic University

手作市集及藝墟政策關注組

Mr LEUNG Ming-yu  
Convenor

United Hawkers Development Platform

Mr CHAN Chiu-hang  
Member

Supporting Grassroot's Bazaar Alliance

Miss NG Ching-yan  
Community Organizer

棚仔關注組

Miss LO Tsz-kwan  
Volunteer

Individual

Mr SO Wing-hei

Everyone is lost until they are found

Miss Irving CHEUNG Yee-man  
Film Art Director and Costume Designer

Hong Kong Women Workers' Association

Ms WU Mei-lin  
Executive Director

S.S.P. Residents' Livelihood Concern Group

Mr WAI Woon-nam  
Deputy Chairman

Federation of Building Organization in Sham Shui Po

Mr Calvin HO Kai-ming  
President

Society for Community Organization

Mr NG Wai-tung  
Community Organizer

Item V

Hong Kong Environmental Services, Logistics and  
Cleaning Employees Association

Mr LAM Yau-kwai  
President

Hong Kong Women Workers' Association

Ms WU Mei-lin  
Executive Director

Cleaning Workers Union

Ms CHEUNG Po-lai  
Union Board Member

外判清潔工權益關注組

Mr WONG Sung-chi  
Member

外判清潔工關注組

Mr HUEN Tak-kai  
Member

外判清潔工之友

Mr Samuel NGAI Kei-shun  
Member

Catholic Diocese of Hong Kong Diocesan - Pastoral  
Centre for Workers (Kowloon)

Mr HO Tin-lok  
Programme Officer

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

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

Mr Roger CHUNG  
Council Secretary (2) 2

Miss Emma CHEUNG  
Legislative Assistant (2) 2

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**I. Information paper issued since the last meeting**

Members noted that no information paper had been issued since the last meeting.

Action

**II. Date of next meeting and items for discussion**

(LC Paper Nos. CB(2)337/16-17(01) and (02))

2. Members agreed to discuss the following items at the next regular meeting scheduled for Tuesday, 10 January 2017 at 2:30 pm:

- (a) Enhanced mosquito prevention and control measures in face of threats from Zika Virus Infection;
- (b) Annual report regarding the dialogue between the Secretary for Food and Health and the Environmental Hygiene Committees under District Councils on matters related to keeping Hong Kong clean; and
- (c) Implementation of the Demerit Points System for licensed food premises.

**III. Issues relating to the relocation of Yen Chow Street Temporary Hawker Bazaar**

(LC Paper Nos. CB(2)337/16-17(03) and (04))

3. With the aid of power-point presentation, Under Secretary for Food and Health ("USFH") and Assistant Director (Operations) 2, Food and Environmental Hygiene Department briefed Members on the follow-up actions taken by the Food and Environmental Hygiene Department ("FEHD") regarding the relocation of the eligible operators of the Yen Chow Street Temporary Hawker Bazaar ("cloth bazaar") to the new Tung Chau Street cloth market, as set out in the Administration's paper (LC Paper No. CB(2)337/16-17(03)). Members noted the information note on the subject (LC Paper No. CB(2)337/16-17(04)) prepared by the Legislative Council ("LegCo") Secretariat.

*(Post-meeting note: The softcopy of the power-point presentation materials was issued to members vide LC Paper No. CB(2)402/16-17(01) on 14 December 2016.)*

Presentation of views by deputations/individuals

4. The Chairman reminded the deputations/individuals attending the meeting that they were not covered by the protection and immunity provided under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) when addressing the Panel.

Action

5. At the invitation of the Chairman, a total of 19 deputations/individuals presented their views on issues relating to the relocation of the cloth bazaar. A summary of the views of these deputations/individuals is in **Appendix I. Members** also noted that two written submissions from organizations not attending the meeting were received by the Panel.

The Administration's response to deputations' views

6. At the invitation of the Chairman, USFH gave the following response:
- (a) the Administration recognized the contributions made by the operators of the cloth bazaar to the clothing, tailoring and related industries of Hong Kong. It appreciated the proposals put forward by deputations for revitalizing the cloth bazaar and promoting the fashion design and clothing industries. As the matter straddled across different policy areas, the Food and Health Bureau ("FHB") had to liaise with the relevant bureaux/departments before deciding on whether the proposed initiatives should be implemented. Nevertheless, it was the aim of the Administration to turn the market at Tung Chau Street into a cloth market with thematic features. Apart from relocating the existing eligible cloth hawkers to the site, space would be reserved for persons who were interested in joining the fabric/fashion design/clothing and related industries with a view to developing the new Tung Chau Street cloth market collaboratively; and
  - (b) there were 21 licensed hawkers operating in the cloth bazaar. From December 2013 to January 2014, FEHD had conducted six on-site surveys to ascertain the number of persons operating in the cloth bazaar without a licence. Eventually, a total of 33 unlicensed operators were registered ("registered unlicensed operators"). In February 2016, another 17 persons approached FEHD claiming that they had been operating in the cloth bazaar ("claimants"), but they were not on the lists of registered licensed operators and registered unlicensed operators;
  - (c) it was the Government's responsibility to ensure the proper use of public fund and resources. After meetings and careful verification of the supplementary information provided by the claimants, FEHD, in the absence of sufficient supporting evidence, was unable to accept those 17 claimants' claims regarding their bona fide status as independent operators who had been operating in the cloth bazaar for a long period of time.



Action

FEHD found that all stalls claimed to be occupied by the claimants overlapped with those claimed by the licensees/registered unlicensed operators. As there was no credible evidence to prove that the claimants had been operating independently in the cloth bazaar, FEHD could not treat them like the other 33 registered unlicensed operators and offer them the same exit plan; and

- (d) the relocation exercise would not affect the current employment and working relationship of the claimants. They could continue to assist in the operation in the capacity of a family member or assistant upon relocation of the relevant licensed operators or registered unlicensed operators. They could also participate in the open bidding exercise for vacant stalls in the new cloth market at the Tung Chau Street Market if they wished to continue their business.

Discussion

*Unregistered unlicensed operators*

7. Noting from Annex I to the Administration's paper that some claimants had close relationship with other operators in the bazaar, Ms Claudia MO asked whether this was the reason for FEHD not to register them as unlicensed operators.

8. Mr Steven HO expressed concern that the Administration and the 33 registered unlicensed operators had yet to reach a consensus on the exit arrangement. Referring to the joint submission from 欽州街布販市場商販關注組 and 棚仔關注組 concerning the status of the 17 claimants (LC Paper No. CB(2)483/16-17(01)), Mr HO noted with concern these two deputations' criticisms about the verification process of FEHD in confirming persons to be eligible for registration. He sought responses from the Administration to the issues raised in the joint submission, in particular the claims of some claimants regarding their bona fide status as independent operators who had been operating in the cloth bazaar for a long period of time.

9. In response, USFH said that as explained earlier, FEHD found that all stalls claimed to be occupied by the claimants overlapped with those claimed by the licensees/registered unlicensed operators. As their partners (licensees/registered unlicensed operators of the stalls concerned) had already been offered an exit plan, such claimants would not be offered the same separately. USFH stressed that the relationship between claimants and licensed operators

Action

was referred to in the context of double claims for the same stall, rather than as a determining factor on its own.

10. Mr SHIU Ka-fai opined that the Administration should make special arrangement for the claimants on compassionate ground, having regard to the fact that they had been operating in the cloth bazaar for many years and had made contributions to the design and clothing industries. In his view, the Administration should explore measures to assist the cloth hawkers in continuing their business.

*Relocation of the cloth bazaar*

11. Dr KWOK Ka-ki said that he did not support the relocation of the cloth bazaar to the new Tung Chau Street cloth market. He criticized the Administration for not having fully consulted the operators regarding the relocation arrangement and coming up with a detailed plan for converting the Tung Chau Street Market into a venue suitable for fabrics and clothing trades. In Dr KWOK's view, FEHD merely focused on the removal and demolition of the cloth bazaar, and ignored the aspiration of Hong Kong people for the continued and healthy development of the cloth bazaar to support the design and clothing industries. He asked whether the Government would consider shelving the relocation plan. He suggested that the Administration should establish an inter-departmental task force involving relevant bureaux/departments and related organizations, such as the Home Affairs Bureau, the Commerce and Economic Development Bureau ("CEDB") and the Hong Kong Tourism Board, to re-examine the project.

12. Dr Fernando CHEUNG thanked the cloth hawkers attending the meeting for their contributions to Hong Kong's clothing and fashion design industries and putting forward proposals to develop the cloth bazaar into a fabric and fashion hub. In his view, issues relating to the conservation of the cloth bazaar and its future development could not be handled by FEHD alone. He urged the Government to shelve the relocation of the cloth bazaar and set up immediately an inter-departmental task force to conserve and develop the cloth bazaar from the perspectives of culture, economic and community development.

13. The Deputy Chairman asked whether the Administration would take into account the proposals put forward by the community in designing the new Tung Chau Street cloth market. He also enquired about the Administration's progress of works in converting the Tung Chau Street Market into the new cloth market, including how publicity would be carried out to promote the new Tung Chau Street cloth market.

Action

14. USFH and Deputy Director of Food and Environmental Hygiene (Environmental Hygiene) ("DDFEH(EH)") responded that:

- (a) the Administration had started engaging the cloth hawkers to discuss the relocation arrangement some 10 years ago. It had also consulted the Sham Shui Po District Council on the relocation of the cloth bazaar to the new Tung Chau Street Market and obtained its support for the proposal;
- (b) in order to allow eligible cloth hawkers of the cloth bazaar to move in and continue their business in the Tung Chau Street Market, where the overall facilities were better and compliant with fire safety requirements, FEHD had vacated the stalls in Blocks 1 to 3 of the Tung Chau Street Market and arranged with relevant departments to commence the improvement works. The Architectural Services Department commenced the improvement works at the end of October 2016. The Administration hoped that eligible operators could move into the new cloth market to continue their business after the 2017 Lunar New Year. Meanwhile, those who were interested in participating in the development of the new cloth market could also start their business therein through open bidding;
- (c) FEHD had also started working on the exit arrangement for the tenants of Blocks 4 and 5 of the Tung Chau Street Market to cater for further development of the cloth market. FEHD would start the renovation work after the tenants moved out; and
- (d) it should be stressed that the relocation of the cloth bazaar was more than a removal plan. The Administration had taken on board the views of stakeholders in designing the project. In order to turn the Tung Chau Street Market into a cloth market with thematic features, FEHD had started contacting universities and fashion design schools of tertiary institutions to listen to their views. Individual institutions had already indicated interests in participating in the development of the new cloth market.

15. The Chairman said that she had visited the cloth bazaar and the Tung Chau Street Market. According to her observation, the customer flow in the vicinity of the Tung Chau Street Market was very low. Besides, there were public security and environmental hygiene issues including the street sleepers problem. The Chairman was concerned about the measures to be taken by the Administration to improve the surroundings of the Tung Chau Street Market so as to make the venue suitable for fabric trade. She invited USFH

Action

to visit the cloth bazaar and the Tung Chau Street Market so as to better understand the current operating environment of the cloth hawkers and the challenges and difficulties they might have to face. USFH said that she would visit both places.

16. Mr Steven HO said that it was understandable that cloth hawkers and practitioners of the fashion design industry had reservation about the relocation of the cloth bazaar. In his view, the Administration should explain to stakeholders how the Administration would preserve the original characteristics of the cloth bazaar after its relocation to the Tung Chau Street Market.

17. Dr Priscilla LEUNG expressed appreciation for the contributions made by the cloth hawkers to Hong Kong's clothing, tailoring and related industries. She was concerned that the Administration had yet to reach a consensus with the 33 registered unlicensed operators regarding the exit arrangement. She hoped that FEHD could resolve the matter with both the registered unlicensed operators and the claimants. In her view, the Administration should preserve the original characteristics of the cloth bazaar after its relocation and enhance its operating environment to facilitate cloth hawkers' continuous provision of quality service to the fashion design and clothing industries.

18. Mr KWOK Wai-keung expressed concern as to whether the Tung Chau Street Market would be equipped with better facilities as compared to the existing cloth bazaar on Yen Chow Street. He also enquired whether the Administration had conducted any surveys or studies to identify the factors contributing to the success of the cloth bazaar, with a view to formulating targeted measures to promote the new cloth market.

19. Ms Claudia MO said that she had learned from some government officials that FHB had planned to develop the Tung Chau Street cloth market into a characteristic cloth market comparable to the Dongdaemun Market in Seoul. She asked whether the Administration really wanted to do so. USFH clarified that it was in fact a proposal of some LegCo Members. In response to Ms MO's further enquiry, DDFEH(EH) explained that the cloth bazaar under discussion was not categorized as fixed-pitch hawker area. It was therefore not covered under the Hawker Assistance Scheme which was implemented in 43 fixed-pitch hawker areas to reduce the fire risks posed by on-street hawking activities.

20. Ms Tanya CHAN said that due to Government's redevelopment projects in the past, many shops in retail links and open-air bazaars with special characteristics, such as Lee Tung Street (also called the "Wedding Card Street"), had closed down or dispersed after their relocation. She

Action

considered that the Administration should preserve the original characteristics of the cloth bazaar and seriously study the proposals put forward by the community on the future development of the cloth bazaar. Mr KWONG Chun-yu echoed her views, adding that the cloth hawkers had made great contributions to Hong Kong's clothing and fashion design industries. In his view, as the Administration had yet to reach a consensus with the registered unlicensed operators on the exit arrangement, it should withdraw the deadline for the relocation of the cloth bazaar.

Admin

21. Mr SHIU Ka-chun said that some street sleepers had been living in the vicinity of the Tung Chau Street Market for a long time. He expressed concern that the reprovisioning of the cloth bazaar to the Tung Chau Street Market might create tension and conflicts between the cloth hawkers and the street sleepers. District Officer (Sham Shui Po), Home Affairs Department responded that the Administration noted that people chose to sleep on streets due to different reasons. The Sham Shui Po District Office and the relevant government departments were seeking ways to resolve the issue in the long run. Follow-up actions would be taken according to the individual needs of the street sleepers. At the Chairman's request, the Administration undertook to provide information on how it would address the needs and concerns of street sleepers in the vicinity of the Tung Chau Street arising from the Administration's plan to improve the surroundings of the Tung Chau Street Market.

*Rental for the stalls of the Tung Chau Street cloth market*

22. Noting that the 33 registered unlicensed operators of the cloth bazaar would be invited to participate in the restricted auction with the upset prices to be fixed at 80% of the open market rental of the vacant stalls of the Tung Chau Street Market, Mr KWOK Wai-keung said that it was his understanding that many cloth hawkers were worried about the high rental for the stalls in the new Tung Chau Street cloth market. He asked how FEHD would address cloth hawkers' concerns in this regard. Ms Claudia MO expressed a similar concern, saying that the rental for the new stalls would still be high even though the upset prices were fixed at 80% of the open market rental. USFH responded that the suggested upset prices for stalls in the Tung Chau Street cloth market were in fact lower than the average open market rental of non-food related dry goods stalls in other markets in the Sham Shui Po District.

Motions proposed by members

23. Ms Claudia MO, Mr KWONG Chun-yu and Dr Fernando CHEUNG respectively indicated their intention to move motions under this discussion

Action

item. As the motions were directly related to the agenda item and members present agreed that the motions should be dealt with, the Chairman ordered that the voting bell be rung for five minutes to notify Panel members of the voting.

24. USFH stressed that FEHD had reached a general consensus with the 21 licensed hawkers regarding the exit arrangement. While the Sham Shui Po District Office and the relevant government departments would continue to reach out to the street sleepers concerned to address their needs, the accommodation of street sleepers was not considered as a prerequisite for the relocation exercise.

*Motion 1*

25. Ms Claudia MO moved the following motion:

(議案中文措辭)

本事務委員會促請政府當局重新與欽州街臨時小販市場(俗稱"棚仔")的布販商討搬遷安置事宜，具體工作包括：

- (一) 以有系統、合理及統一的標準，重新審理17位被拒絕承認身份的布販；
- (二) 設有適當搬遷過渡安排補償，包括合理的免租期、搬遷津貼、凍租等；
- (三) 詳細交代通州街街市第四及五座之未來發展；以及
- (四) 盡快妥善安置通州街街市附近的無家者。

(English translation of the motion)

This Panel urges the Administration to discuss afresh issues relating to the relocation and resettlement arrangements with the cloth hawkers of the Yen Chow Street Temporary Hawker Bazaar (commonly known as "Pang-tsai"), with specific tasks include:

- (a) to re-examine, by adopting systematic, reasonable and consistent standards, the cases of the 17 persons whose cloth hawker status have been denied;

Action

- (b) to provide suitable compensation for the relocation of hawkers during the transitional period, including a reasonable rent-free period, a relocation allowance, rent freezing arrangements, etc.;
- (c) to explain in detail the future development of Blocks 4 and 5 of the Tung Chau Street Market ("TCS Market"); and
- (d) to expeditiously provide proper resettlement for the homeless in the vicinity of TCS Market.

26. The Chairman put Ms Claudia MO's motion to vote. Members present at the meeting unanimously voted in favour of the motion. The Chairman declared that the motion was carried.

*Motion 2*

27. Mr KWONG Chun-yu moved the following motion:

(議案中文措辭)

由於現時政府與欽州街臨時小販市場(俗稱"棚仔")的布販在搬遷安置補償上仍未達成共識，本事務委員會促請政府當局必須撤回清拆棚仔之期限。

(English translation of the motion)

As the Government has yet to reach a consensus with the cloth hawkers of the Yen Chow Street Temporary Hawker Bazaar (commonly known as "Pang-tsai") on the compensation for relocation and resettlement, this Panel urges the Administration to withdraw the deadline for the removal of "Pang-tsai".

28. The Chairman put Mr KWONG Chun-yu's motion to vote. Fourteen members voted in favour of the motion, 10 members voted against it, and three members abstained from voting. The Chairman declared that the motion was carried.

*Motion 3*

29. Dr Fernando CHEUNG moved the following motion:

(議案中文措辭)

深水埗欽州街臨時小販市場(俗稱"棚仔")是香港布藝及時裝設計

Action

的重要搖籃，亦是重要的社區資產。本事務委員會促請政府立即成立跨部門專責委員會，從文化、經濟及社區發展的角度保育及發展"棚仔"。該專責委員會應吸納學者、專業人士、布販、學生及相關持份者，詳細考慮民間提出的方案，並且立即擱置清拆"棚仔"的計劃。

(English translation of the motion)

As the Sham Shui Po Yen Chow Street Temporary Hawker Bazaar (commonly known as "Pang-tsai") is an indispensable cradle for Hong Kong's clothing industry and fashion design industry, as well as an important community asset, this Panel urges the Government to set up immediately an inter-departmental task force to conserve and develop "Pang-tsai" from the perspectives of culture, economic and community development. The task force should engage academics, professionals, cloth hawkers, students and relevant stakeholders, and give careful consideration to proposals put forward by the community, and immediately shelve the removal plan of "Pang-tsai".

30. The Chairman put Dr Fernando CHEUNG's motion to vote. Fourteen members voted in favour of the motion, 13 members voted against it, and one member abstained from voting. The Chairman declared that the motion was carried.

*(Post-meeting note: The Chinese version of the Administration's consolidated response to the motions was issued to members vide LC Paper No. CB(2)683/16-17(01) on 23 January 2017.)*

**IV. Proposed creation of supernumerary directorate posts in the Food and Health Bureau and the Centre for Food Safety**  
(LC Paper No. CB(2)337/16-17(06))

31. At the invitation of the Chairman, Deputy Secretary for Food and Health (Food) 2 ("DSFH(F)2") briefed Members on the proposed creation of the following posts, as detailed in the Administration's paper (LC Paper No. CB(2)337/16-17(06)):

- (a) a supernumerary post of Senior Principal Executive Officer ("SPEO") (D2) in the Food Branch of FHB, to be designated as Principal Assistant Secretary (Food) Special Duties ("PAS(F)SD"), for a period of two and a half years with immediate effect upon the approval of the Finance Committee ("FC"); and



Action

- (b) a supernumerary post of SPEO (D2) in the Centre for Food Safety ("CFS") of FEHD, to be designated as SPEO (Corporate and System Management) ("SPEO(CSM)"), with immediate effect upon the approval of FC for about seven years up to 31 March 2024.

32. While expressing support for the proposal of allocating more resources to enhance CFS' food safety control work, the Chairman sought explanation from the Administration on the need to create the SPEO(CSM) post in CFS for a period of seven years.

33. DSFH(F)2 responded that CFS was suffering from the limitations of the existing 17 IT systems, which were made up of discrete and isolated databases developed and enhanced with user requirements worked out on an ad-hockery basis from time to time with a lot of interface problems. The IT systems had affected the efficiency of CFS in data management and data analysis for risk profiling, hindered the rationalization of CFS' workflows and posed difficulties for CFS to capitalize the benefits of the Trade Single Window ("SW"). There was an urgent need to upgrade the IT systems in CFS for better interfacing and for enhancing the overall IT capability, in order to cope with the present day challenges in food safety control. Furthermore, CFS needed to re-visit its existing operational arrangements for streamlining and re-casting certain workflows, and for revamping the IT systems to support interface with the SW project to capitalize the benefits of this new initiative. DSFH(F)2 further explained that under the SW project to be spearheaded by CEDB, a one-stop IT platform would be set up for the lodging of all trade documents from the trading community, in fulfilling all import/export regulatory requirements, to the Government to facilitate trade declarations and customs clearance. To provide the necessary input and see through the IT-enabled transformation in CFS, and to time in with its participation in the various phases of the SW project, the SPEO(CSM) post was required for seven years.

34. Noting the stipulated declaration period of 14 days for imported food products and the current requirement on submission of declaration documents for food items imported by sea, land and air, the Chairman expressed concern on whether the declaration system for imported food products would be enhanced after the creation of the SPEO(CSM) post to revamp CFS' IT systems to support interface with the SW project. The Chairman considered that declarations and relevant information should be lodged with the authorities concerned prior to the arrival or departure of goods, so that FEHD would know what types of goods were to be imported into Hong Kong and have sufficient time to arrange/conduct prior checks before the products enter into the local market.

Action

35. DSFH(F)2 responded that CEDB was considering the views collected during the public consultation exercise on the development of SW in Hong Kong. A dedicated Project Management Office ("PMO") had been set up within CEDB to take forward the SW project. CFS would work closely with PMO on the interface between CFS' IT systems and the SW project.

36. Referring to past cases where some food products from the five specified prefectures of Japan most affected by the Fukushima nuclear power plant incident were illegally imported into Hong Kong despite the import ban imposed by the Director of Food and Environmental Hygiene, the Chairman expressed concern on whether the SPEO(CSM) post holder would assist in drawing up new measures to prevent recurrence of similar incidents.

37. DSFH(F)2 responded that CFS had been exercising strict import control over high-risk foods. CFS took food samples at the import, wholesale and retail levels and adopted a risk-based approach when determining the types of food samples to be collected, the frequency and number of samples taken for testing, and the types of laboratory analysis to be conducted, taking into account such factors including intelligence, past food surveillance results, and food safety incidents in neighbouring areas and overseas countries. In response to the Fukushima nuclear power plant incident in Japan in 2011, CFS imposed import ban on certain food items from the five most affected prefectures of Japan, and also conducted tests on radiation levels of every consignment of food products imported from Japan to ensure food safety. The test results of all samples taken after the import ban had come into effect were satisfactory, with only a few samples detected with low radioactivity levels not exceeding the relevant guideline levels of the Codex Alimentarius Commission, which would not pose any adverse health effects. CFS had also taken prompt actions to follow up on cases involving illegally imported Japanese food products from entering into the local market.

Admin

38. The Chairman reiterated her view that traders should be required to submit declaration documents to the authorities concerned before the arrival or departure of goods (pre-shipment) to facilitate surveillance of imported foods. She requested the Administration to explain, in its paper to be submitted to the Establishment Subcommittee ("ESC"), (a) how the proposed implementation of the SW project, with which CFS' IT systems were prepared to have interface, would benefit the food import regulatory and surveillance work of CFS; and (b) the support/input to be provided by the SPEO(CSM) post holder in taking forward the overhaul of IT systems for effective data management in CFS in order to ensure a smooth interface with SW.

*(Post-meeting note: The Administration's response was set out in its paper submitted to ESC for discussion at its meeting on 18 January 2017 (EC(2016-17)25).)*

Action

39. Mr Steven HO recalled that one permanent post of Administrative Officer Staff Grade B ("AOSGB") (D3), designated as DSFH(F)2, had been created since 2013 in the Food Branch of FHB to cope with the increasing workload in relation to food safety. He queried the justifications for the Administration's proposed creation of the two supernumerary posts of SPEO, one each in the Food Branch of FHB and CFS, to enhance food safety control work. Mr HO said that while he was not opposed to the staffing proposal, he considered that the Administration should be prudent in manpower planning to avoid duplication of resources.

40. In response, DSFH(F)2 explained that to strengthen the senior directorate support in the Food Branch of FHB to cope with the increasing workload, the Administration had consulted the Panel in November 2013 and obtained its support for the proposed creation of one permanent AOSGB post (D3) in the Food Branch of FHB. It was noteworthy that since 2005, the Food Branch had introduced or amended 14 pieces of food-related legislation, including updating the standards for preservatives and antioxidants in food to align with international standards, updating the list of sweeteners for regulation of their use, introducing a nutrition labelling scheme for pre-packaged food, enacting the Pesticide Residues in Food Regulation to facilitate effective regulatory control of pesticide residues in food, etc. As food safety policy was a huge portfolio and there was a need to start work on various major public consultation/legislative amendment exercises and other initiatives as set out in paragraphs 7 and 8 of the Administration's paper, the Administration considered it necessary to create a supernumerary SPEO post in the Food Branch of FHB, to be designated as PAS(F)SD, for a period of two and a half years. The Administration also proposed to create a supernumerary SPEO post in CFS, to be designated as SPEO(CSM), up to 31 March 2024 to take forward the overhaul of IT systems for effective data management in CFS in order to ensure a smooth interface with SW.

Admin

41. In response to the further enquiry of Mr Steven HO on the manpower plan of FHB, DSFH(F)2 said that having regard to the operational needs, the Administration proposed to create the above-mentioned supernumerary posts for the respective periods as explained earlier. To facilitate Members' consideration of the proposed establishment proposal, Mr Steven HO requested the Administration to provide, in its paper to be submitted to ESC, more information on the following: (a) given that one permanent post of AOSGB (D3) had been created since 2013 in the Food Branch of FHB, the justifications for the proposed creation of an additional supernumerary post of SPEO (D2) in the Food Branch for a period of two and a half years and the long-term manpower planning, requirement and resources allocation for the Food Branch, with information on workload and division of work among different directorate officers; and (b) whether the Administration anticipated

Action

any need for the two supernumerary posts to be extended or turned into permanent posts in the future.

*(Post-meeting note: The Administration's response was set out in its paper submitted to ESC for discussion at its meeting on 18 January 2017 (EC(2016-17)25).)*

42. Concluding the discussion, the Chairman said that Panel members raised no objection to the Administration's submission of the proposals to ESC and FC for consideration and approval.

**V. Working environment of outsourced cleansing workers of the Food and Environmental Hygiene Department**  
(LC Paper Nos. CB(2)337/16-17(07) and (08))

Presentation of views by deputations

43. The Chairman reminded the deputations attending the meeting that they were not covered by the protection and immunity provided under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) when addressing the Panel. At the invitation of the Chairman, seven deputations presented views on the subject matter. A summary of these deputations' views is in **Appendix II**. Members noted that one written submission from an organization not attending the meeting was received by the Panel.

*(To allow sufficient time for discussion and with the consent of all members present, the Chairman extended the meeting for 30 minutes beyond the appointed ending time.)*

The Administration's response to deputations' views

44. At the invitation of the Chairman, Principal Assistant Secretary for Food and Health (Food) 2 ("PASFH(F)2") made the following points:

- (a) under the service contracts entered into between FEHD and its contractors, it was stipulated that the contractors should comply with all legislation, including the Occupational Safety and Health Ordinance (Cap. 509) ("OSHO") and its subsidiary regulations, in relation to the execution of the service contracts. According to OSHO, employers had a duty to ensure, as far as reasonably practicable, their employees' safety and health at work, which included, inter alia, providing sufficient drinking water and toilets for employees. FEHD had, in December 2016,

Action

inspected the working environment of outsourced cleansing workers to ensure that its contractors had provided sufficient drinking water for their workers;

- (b) there were no specific requirements in OSHO for the provision of fixed locations for changing clothes and lockers, etc. Taking into account the area of roll-call points and other relevant considerations, FEHD would provide suitable changing facilities and toilets for the employees of its contractors. If changing facilities and toilets were available for members of the public and/or FEHD staff in the vicinity of the roll-call points concerned, the employees of contractors could generally make use of those facilities. Many FEHD venues had changing rooms and toilets which could normally be used by the employees of contractors. Some roll-call points could not provide permanent changing and storage facilities owing to space constraints. In this connection, FEHD would allow contractors to provide temporary changing and storage facilities for the convenience of their employees where circumstances permitted;
- (c) as many government service contracts (including those for street cleansing services) were outcome based, procuring departments (i.e. FEHD in the present case) did not specify the number of workers required for delivering the services in general. Contractors should, however, provide daily work programmes which specified the time and service locations for cleansing services to meet the work schedules and service requirements in such frequency, order, at such times and such locations as laid down in the contracts. Contractors should review and, if necessary, revise the work schedules from time to time to ensure adequate provision of the services. Workload of the cleansing workers would depend on their working hours as agreed between the contractors and the workers; and
- (d) toilet attendants might not be deployed to station at some public toilets at night because of the low usage rate of these toilets. To suit the actual needs, contractors would assign roving teams to perform the cleansing work during the nighttime.

Discussion

45. Members noted the Administration's paper and the information note prepared by the LegCo Secretariat on the subject (LC Paper Nos. CB(2)337/16-17(07) and (08)).

Action

*FEHD's regulatory measures on the working environment of outsourced cleansing workers*

46. The Chairman and Ms Claudia MO noted with concern whether outsourced cleansing workers were provided with proper and adequate gear, such as gloves or reflective clothing, for performing the jobs. The Chairman said that it was her understanding that some outsourced cleansing workers were facing with the problems of long working hours and insufficient rest. Querying the effectiveness of inspections and random checks conducted by FEHD for the purpose of monitoring contractors' performance and compliance, the Chairman and Ms MO urged the Administration to devise measures to better protect the interests of outsourced cleansing workers. Mr SHIU Ka-chun considered that there was a need for representatives of the Administration to make site visits to obtain first-hand information about the working environment of outsourced cleansing workers, with a view to identifying areas for improvement.

47. PASFH(F)2 and Assistant Director (Operations) 3/FEHD responded with the following points:

- (a) if FEHD found that any contractor failed to comply with the requirements in the outsourced service contracts, FEHD would issue a warning to the contractor and require the contractor to make improvement within a specified time frame, failing which a notice of default would be issued to the contractor. For the period from 2015 to September 2016, FEHD had issued a total of 1 464 notices of default;
- (b) apart from monitoring the performance of the contractors in provision of daily services, FEHD had set up the Central Investigation Team to follow up on complaints against contractors' non-compliance with employment requirements;
- (c) district offices under FEHD also, on a regular basis, conducted random checks, held interviews with workers on employment issues, and posted notices at roll-call points with telephone hotlines shown for workers to make enquiries/complaints to the authorities concerned; and
- (d) FEHD inspected and reviewed the working environment of outsourced cleansing workers to ensure that its contractors had provided a reasonable and safe working environment for their employees and observed the relevant legal and contractual requirements at all times.

Action

*(As the Chairman had to leave the meeting for other commitments, the Deputy Chairman took over the chair at this juncture.)*

*Outsourcing arrangements of cleansing service*

48. Citing the practice of the Airport Authority in engaging outsourced services as an example, Mr HO Kai-ming suggested that FEHD should consider feasible measures for improving its outsourcing arrangements. Among others, consideration might be given to paying wages direct to outsourced workers. Mr HO and Mr KWOK Wai-keung said that the Hong Kong Federation of Trade Unions was strongly opposed to the Administration's policy of outsourcing its services as the outsourcing arrangements had adverse impact on occupational safety and failed to provide adequate protection for outsourced workers. Mr KWOK held the view that the Administration should adopt measures to ensure the health of workers undertaking cleansing services, as they were facing high health risks in performing obnoxious duties. Expressing concern about the adequacy of manpower resources allocated by contractors for performing the street cleansing work, Mr CHU Hoi-dick suggested the Administration setting salary standard for outsourced cleansing workers in order to improve their remuneration packages.

49. In response, PASFH(F)2 made the following points:

- (a) in the delivery of public services through outsourcing arrangement, FEHD had, with a view to strengthening the monitoring of its contractors, implemented a series of measures to safeguard the lawful rights and interests of non-skilled workers;
- (b) the Administration issued a circular in May 2016 on revised guidelines concerning the marking scheme for government service contracts that relied heavily on deployment of non-skilled workers. If procuring departments opted to adopt a marking scheme for tender evaluation, they should include in the marking scheme by default assessment criteria on tenderers' proposed wage rates and working hours for non-skilled workers, unless otherwise agreed by the relevant authorities. All other things being equal, the tenderer who proposed the highest monthly wage to his/her non-skilled workers would get more marks under the technical score. This was in turn translated into the combined score after applying the weighting factor for the technical score. For FEHD's marking scheme for tender evaluation, the weightings for the technical score and the price score were 30 to 70 respectively; and

Action

- (c) FEHD did not award service contracts simply on the basis of tender price. This was evidenced by the fact that about 40% of service contracts awarded by FEHD between 2013 and 2015 were not given to the tenderer offering the lowest price.

50. In response to Mr CHU Hoi-dick's enquiry, PASFH(F)2 advised that the outsourcing arrangement enabled the Government to maintain a small and efficient civil service, stimulated the creation of jobs and business opportunities in the private sector, increased the flexibility in service delivery, made better use of technology and experience in the market, and focused resources on providing core services and tackling priorities.

*Motion proposed by a member*

51. Mr KWONG Chun-yu had, before the appointed ending time of the meeting, indicated an intention to move a motion urging the Administration to enhance the protection for and safeguard the interests of cleansing workers who were engaged under government service contracts. The wording of the motion proposed by Mr KWONG was attached in **Appendix III**. However, the motion was not dealt with as Mr KWONG was not present at the meeting after all the Members had spoken and when the Deputy Chairman decided to proceed to see whether and how to deal with the motion.

**VI. Any other business**

52. There being no other business, the meeting ended at 6:00 pm.

Council Business Division 2  
Legislative Council Secretariat  
13 March 2017



**Panel on Food Safety and Environmental Hygiene  
Meeting on Tuesday, 13 December 2016, at 2:30 pm  
in Conference Room 3 of the Legislative Council Complex**

**Item III - "Issues relating to the relocation of  
Yen Chow Street Temporary Hawker Bazaar"**

**Summary of views and concerns expressed by deputations**

No.	Name of deputation	Submission / Major views and concerns
1.	欽州街布販市場商販關注組	<ul style="list-style-type: none"> <li>● LC Paper Nos. CB(2)409/16-17(01) and CB(2)483/16-17(01)</li> </ul>
2.	Mr LI Man-sang	<ul style="list-style-type: none"> <li>● There was evidence showing that the 17 claimants had been operating in the cloth bazaar for a long time. The Food and Environmental Hygiene Department ("FEHD") should accept their claims, register them as unlicensed cloth hawkers and offer them an exit plan.</li> </ul>
3.	Mr SO Tsang-hong	<ul style="list-style-type: none"> <li>● The rental for the stalls in the new Tung Chau Street cloth market should be set at a level affordable to the cloth hawkers.</li> <li>● FEHD should provide hawkers with suitable compensation for the relocation, including a reasonable rent-free period and a relocation allowance.</li> </ul>
4.	Ms MUI Sheung-fong	<ul style="list-style-type: none"> <li>● There was evidence showing that the 17 claimants had been operating in the cloth bazaar for a long time. FEHD should register them as unlicensed cloth hawkers and offer them an exit plan.</li> </ul>
5.	深水埗布藝市集參與規劃平台	<ul style="list-style-type: none"> <li>● The new Tung Chau Street cloth market should be developed into a community fabric and fashion hub, providing one-stop services to facilitate the connection among the community, the fabric market and fashion practitioners. The proposed development plan for Blocks 1 to 5 of the new cloth market was set out in the booklet "Pang Jai Community Fabric &amp; Fashion Hub".</li> </ul>
6.	Mr Charles LAI Chun-wai	<ul style="list-style-type: none"> <li>● LC Paper No. CB(2)409/16-17(02)</li> </ul>
7.	Ms YIP Fung-to	<ul style="list-style-type: none"> <li>● LC Paper No. CB(2)409/16-17(03)</li> </ul>
8.	Professor NG Mee-kam, Department of Geography Resource Management, The Chinese University of Hong Kong	<ul style="list-style-type: none"> <li>● LC Paper No. CB(2)354/16-17(01)</li> </ul>

No.	Name of deputation	Submission / Major views and concerns
9.	Dr LEUNG Chi-yuen, Teaching Fellow, Department of Applied Social Sciences, The Hong Kong Polytechnic University	<ul style="list-style-type: none"> <li>● LC Paper No. CB(2)409/16-17(04)</li> </ul>
10.	手作市集及藝墟政策關注組	<ul style="list-style-type: none"> <li>● LC Paper No. CB(2)409/16-17(05)</li> </ul>
11.	United Hawkers Development Platform	<ul style="list-style-type: none"> <li>● LC Paper No. CB(2)409/16-17(06)</li> </ul>
12.	Supporting Grassroot's Bazaar Alliance	<ul style="list-style-type: none"> <li>● The Administration should consider the proposals put forward by the community on the future development of the cloth bazaar.</li> <li>● The Administration should review the hawker policy and consider reissuing hawker licences. All the operators in the cloth bazaar should be provided with an exit plan and reasonable compensation for the relocation.</li> <li>● The Administration should consider reducing the rental for public market stalls. The rental for the stalls in the new Tung Chau Street cloth market should be set at a level affordable to the cloth hawkers.</li> </ul>
13.	棚仔關注組	<ul style="list-style-type: none"> <li>● LC Paper No. CB(2)483/16-17(01)</li> </ul>
14.	Mr SO Wing-hei	<ul style="list-style-type: none"> <li>● LC Paper No. CB(2)409/16-17(07)</li> </ul>
15.	Everyone is lost until they are found	<ul style="list-style-type: none"> <li>● The operators of the cloth bazaar had made great contributions to the clothing, tailoring and related industries of Hong Kong. They should be allowed to continue their business.</li> </ul>
16.	Hong Kong Women Workers' Association	<ul style="list-style-type: none"> <li>● LC Paper No. CB(2)409/16-17(08)</li> </ul>
17.	S.S.P. Residents' Livelihood Concern Group	<ul style="list-style-type: none"> <li>● There was evidence showing that the 17 claimants had been operating in the cloth bazaar for a long time. FEHD should review its criteria for confirming persons to be eligible for registration and consider accepting the claims of the 17 claimants and offering them an exit plan.</li> <li>● The relevant government departments should address various issues in relation to the street sleepers living in the vicinity in its endeavours to improve the surroundings of the Tung Chau Street Market.</li> </ul>
18.	Federation of Building Organization in Sham Shui Po	<ul style="list-style-type: none"> <li>● FEHD should review its criteria for confirming persons to be eligible for registration and consider accepting the claims of the 17 claimants and offering them an exit</li> </ul>

No.	Name of deputation	Submission / Major views and concerns
		plan. <ul style="list-style-type: none"><li>● The Government should set up an inter-departmental task force to re-examine the relocation of the cloth bazaar.</li></ul>
19.	Society for Community Organization	● LC Paper No. CB(2)378/16-17(01)
<b><i>Written submissions from organizations not attending the meeting</i></b>		
20.	Homeless Right Association	● LC Paper No. CB(2)378/16-17(01)
21.	Good Lab	● LC Paper No. CB(2)409/16-17(09)

Council Business Division 2  
Legislative Council Secretariat  
13 March 2017

**Panel on Food Safety and Environmental Hygiene  
Meeting on Tuesday, 13 December 2016, at 2:30 pm  
in Conference Room 3 of the Legislative Council Complex**

**Item V - "Working environment of outsourced cleansing workers  
of the Food and Environmental Hygiene Department"**

**Summary of views and concerns expressed by deputations**

No.	Name of deputation	Submission / Major views and concerns
1.	Hong Kong Environmental Services, Logistics and Cleaning Employees Association	<ul style="list-style-type: none"> <li>● Outsourced cleansing workers of the Food and Environmental Hygiene Department ("FEHD") worked under poor working environment. Their salary level was only slightly higher than the Statutory Minimum Wage rate.</li> <li>● The Administration should adopt measures to ensure that its contractors provided a reasonable and safe working environment for outsourced cleansing workers, and complied with the relevant legislation and guidelines.</li> </ul>
2.	Hong Kong Women Workers' Association	<ul style="list-style-type: none"> <li>● Outsourced cleansing workers were under heavy work pressure due to substantial increase in workload and inadequate manpower in recent years.</li> <li>● The Administration should consult outsourced cleansing workers and the relevant trade unions if it planned to review the outsourced service contracts.</li> <li>● Under the existing outsourcing arrangement which required regular re-tendering, contractors and outsourced cleansing workers could not maintain long term employer-employee relationship. Many outsourced cleansing workers encountered difficulties in receiving long service payment upon expiry of employment contracts.</li> <li>● The Administration should arrange translation of their outsourced service contracts in different languages for cleansing workers who were from the ethnic minorities.</li> </ul>
3.	Cleaning Workers Union	<ul style="list-style-type: none"> <li>● LC Paper No. CB(2)409/16-17(10)</li> </ul>
4.	外判清潔工權益關注組	<ul style="list-style-type: none"> <li>● Contractors should provide their employees (cleansing workers) with adequate gear to ensure the latter's safety.</li> <li>● The Administration should not award service contracts simply on the basis of tender price.</li> <li>● Low salary level and poor working environment affected the recruitment and retention of outsourced cleansing workers.</li> </ul>
5.	外判清潔工關注組	<ul style="list-style-type: none"> <li>● Contractors should provide their employees (cleansing workers) with adequate gear to ensure the latter's safety.</li> </ul>

No.	Name of deputation	Submission / Major views and concerns
		<ul style="list-style-type: none"> <li>Some service contractors did not provide facilities for staff to change their uniforms. As a result, female cleansing workers had to change their clothes in outdoor areas.</li> </ul>
6.	外判清潔工之友	<ul style="list-style-type: none"> <li>The Administration should not award service contracts simply on the basis of tender price.</li> <li>Low salary level and poor working environment affected the recruitment and retention of outsourced cleansing workers. Outsourced cleansing workers had to face the problems of long working hours and insufficient rest.</li> <li>FEHD should ensure that the rights and benefits of outsourced cleansing workers were well protected.</li> </ul>
7.	Catholic Diocese of Hong Kong Diocesan - Pastoral Centre for Workers (Kowloon)	<ul style="list-style-type: none"> <li>Under the existing outsourcing arrangement which required regular re-tendering, contractors and outsourced cleansing workers could not maintain long term employer-employee relationship. Many outsourced cleansing workers encountered difficulties in receiving long service payment upon expiry of employment contracts. The Administration should adopt measures to ensure that its contractors complied with the relevant legislation and guidelines.</li> <li>The Administration should not award service contracts simply on the basis of the tender price.</li> <li>Low salary level and poor working environment affected the recruitment and retention of outsourced cleansing workers.</li> </ul>
<b><i>Written submissions from organizations not attending the meeting</i></b>		
8.	Hong Kong Catholic Commission for Labour Affairs	<ul style="list-style-type: none"> <li>LC Paper No. CB(2)378/16-17(02)</li> </ul>

2016 年 12 月 13 日

食物安全及環境衛生事務委員會

本人謹提出如下動議：

鑑於食物環境衛生署外判清潔工人的工作環境惡劣，本委員會促請署方重新檢視外判合約制度下對清潔工人的保障，以確保承辦商為其僱員提供合理及安全的工作環境，包括讓僱員可以在履行職務時，有足夠的時間休息和用膳，體現尊嚴。

動議人：鄭俊宇