

**Panel on Food Safety and Environmental Hygiene**

**List of outstanding items for discussion**  
(Position as at 5 December 2012)

<b>Subject</b>	<b>Proposed timing for discussion</b>
<b>1. The business environment of public market stalls, including rental adjustment mechanism, business environment and air-conditioning charges</b>	January 2013

Item proposed by the Administration.

On 14 December 2010, the Administration briefed the Panel on its proposal for the public market stall rental adjustment mechanism. Under the proposal, for stalls paying a rental lower than the actual average rental, their rentals would be increased to the actual average rental level by equal annual increments during a three-year tenancy period. If the open market rental of a stall was lower than the actual average rental, the rental payable by the stall tenant should be set at the open market rental only. Some members considered the proposed mechanism unfair as it failed to take into account different historical considerations.

The Panel was also briefed in December 2010 on the Administration's proposal for the arrangement to recover air-conditioning charges of public markets. According to the Administration, the proposed mechanism for recovery of air-conditioning charges would rectify the existing unfair situation where some air-conditioned market tenants were not required to pay air-conditioning charges.

The Panel received views from deputations on public market rentals and air-conditioning charges at its meeting on 22 February 2011. The Panel passed a motion urging the Government to continue to freeze public market rental and hawker licence fee given its huge fiscal surplus; opposing the Government's adoption of a new rental adjustment mechanism based

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on the actual average rental or market rental; requesting the Government to calculate the air-conditioning charges of stalls according to the actual rental area; and requesting the Government to allocate additional resources to improve the business environment of public markets.

The Panel also passed another motion requesting the Government to withdraw its paper on Public Market Stall Rentals and Air-conditioning Charges, to solicit afresh views of the Legislative Council ("LegCo") and market traders.

In April 2011, the Panel was informed of the Administration's decision to further extend the rental freeze of public market stalls for 18 months until 31 December 2012.

At the meeting on 16 October 2012, the Administration was requested to brief the Panel on the latest situation of tenancy renewal and the progress of the setting of air-conditioning charges of public markets.

At the meeting of Panel Chairman and Deputy Chairman with the Administration on work plan of the Panel for the 2012-2013 session on 22 October 2012, the Chairman proposed to invite deputations/individuals to give views on the business environmental of public market stalls, including rental adjustment mechanism and air-conditioning charges at a meeting in January 2013. The Administration indicated that it would brief the Panel on an interim review on the mechanism for rental adjustment and the sharing of air-conditioning charges in April 2013 and the proposed mechanisms for rental adjustment and air-conditioning charges in July 2013.

On 24 October 2012, the Panel was informed of the Administration's decision to further extend the rental freeze of public market stalls for one year until 31 December 2013.

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<b>2. Promotion of sea scattering, garden of remembrance and internet memorial services</b>	January 2013

Item proposed by the Administration.

The Administration proposes to brief the Panel in the first quarter of 2013 on its efforts to promote green burials, i.e. sea burials and the scattering of cremains at the gardens of remembrance. The Administration would also brief the Panel on efforts to promote the internet memorial service whereby members of the public may pay tribute to the deceased through their computers or mobile devices.

<b>3. Assistance scheme for hawkers in fixed-pitch hawker areas</b>	February 2013
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Item proposed by the Administration.

At its meetings held in December 2011, and February, April and June 2012, the Panel discussed with the Administration its proposed measures to enhance the management of fixed pitch hawker areas and outcome of the public consultation. The Panel also received views from deputations.

Members noted that the hawking trade strongly opposed the proposed mechanism for cancellation of hawker licences. Members considered the proposed mechanism too harsh, and called on the Administration to withdraw the proposal. At its special meeting on 11 April 2012, the Panel passed a motion urging the Government to withdraw its proposal to introduce the mechanism for cancellation of hawker licences.

The Panel was subsequently briefed on the Administration's revised proposal by introducing a mechanism for suspension of hawker licences against repeated offenders. Members generally welcomed

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the revised proposal.	
At its special meeting on 11 April 2012, the Panel passed a motion urging the Government to formulate a comprehensive and consummate hawker policy.	
At the meeting on 16 October 2012, members proposed to follow up the progress of the enhancement of fire safety and design of fixed pitch hawker stalls and the Administration's hawker policy at a future meeting.	
<b>4. Liquor-licensing - Guidelines for upstairs bars</b>	February to March 2013
Item proposed by the Administration.	
At the meeting on 10 January 2012, the Administration briefed the Panel on the outcome of the public consultation on the review of liquor licensing and indicated that the Liquor Licensing Board ("LLB") might consider adopting more stringent criteria in assessing liquor licence application from upstairs bars in order to address the public concern about public order, safety and nuisance. LLB might also consider drawing up a set of guidelines on the vetting of upstairs bar applications. The Administration was requested to further discuss with the Panel the guidelines at a future meeting in which the public would be invited to give views on the subject.	
<b>5. Study on organic food (report after the consultancy study)</b>	February to March 2013
Item proposed by the Administration.	
At the meeting on 10 January 2012, the Panel was briefed by the Administration on the global organic food landscape and the development of the local organic food sector. The Administration indicated	

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<p>that the Food and Health Bureau ("FHB") would commission a consultancy study to assess, taking into account local circumstances, whether and how the production and sale of organic food in Hong Kong should be regulated as well as how to enhance consumer education and information with regard to organic food. Some members urged the Administration to enhance the promotion of organic produce and protection of consumer interest against misleading or false organic claims.</p>	
<p><b>6. Public consultation on the proposed regulatory framework governing veterinary drug residues in food and food animals</b></p>	<p>February to March 2013</p>
<p>Item proposed by the Administration.</p>	
<p>The Administration is considering measures to strengthen control over veterinary drug residues in food and food animals in order to enhance food safety. It plans to launch a public consultation on the proposed regulatory framework in early 2013.</p>	
<p><b>7. Amendments to Cap. 139B - reporting on the outcome of consultation and briefing on the legislative proposals (for better regulating pet trading to enhance animal health and welfare)</b></p>	<p>February to March 2013</p>
<p>Item proposed by the Administration.</p>	
<p>The Administration would brief the Panel on the outcome of a public consultation exercise held in October and November 2012 and the legislative proposals. The public consultation is about better regulating pet trading to enhance animal health and welfare.</p>	

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| <b>8. Amendments to Cap. 529 - reporting on the outcome of consultation and briefing on the legislative proposals (for expanding the membership of the Veterinary Surgeons Board and streamlining its modus operandi)</b> | February to March<br>2013                 |

Item proposed by the Administration.

The Administration is due to brief the Panel at its meeting on 13 November 2012 on a public consultation exercise being conducted to gauge public views on proposals to amend the Veterinary Surgeons Registration Ordinance (Cap. 529). The exercise seeks to strengthen the membership of the Veterinary Surgeons Board of Hong Kong and streamline its modus operandi, thereby enhancing its capacity and efficiency in dealing with complaints and performing its statutory functions. The Administration proposes to brief the Panel in the first quarter of 2013 on the outcome of the consultation exercise as well as the proposed legislative amendments.

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| <b>9. Food surveillance results 2012</b> | February to March<br>2013 |
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Item proposed by the Administration.

The Administration would brief the Panel on the major surveillance results the food surveillance programme of the Centre for Food Safety in 2012 and the follow-up actions taken.

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| <b>10. Label of the source of vegetables</b> | February to March<br>2013 |
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At the meeting on 12 April 2011, in view of the concern raised by Hon WONG Sing-chi, the Chairman suggested that the Panel would discuss the issue of genuine source of vegetable at a future meeting.

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The Administration proposes to discuss the item in the first quarter of 2013.	
<b>11. Review of the moratorium on issuing new fish culture licences - Outcome of consultation and the proposed way forward</b>	April to June 2013
Item proposed by the Administration.	
At the meeting on 11 July 2012, members were briefed on the review on the moratorium on the issue of new fish culture licences. Some members called on the Administration to re-issue new marine fish culture licences, review the management of the existing fish culture zones and provide a timetable for the development of new fish culture zones. The Administration responded that it would consult the trade in the near future.	
The Administration proposes to brief the Panel in the second quarter of 2013 on the way forward.	
<b>12. Fire safety requirements on food premises</b>	April to June 2013
Item proposed by the Administration.	
The Administration proposes to brief the Panel in the second quarter of 2013 on new measures to secure compliance with fire safety requirements of food premises, including -	
(a) taking forward the recommendations of the Ombudsman's Direct Investigation Report on Fire Safety Regulatory Measures released in May 2010; and  (b) taking forward the recommendations of the Efficiency Unit's Management Study on Fire Safety Control and Related Management Issues released in June 2011.	

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| <p><b>13. Progress in assisting fishermen to switch to sustainable fisheries/sea-based operations</b></p> <p>Item proposed by the Administration.</p> <p>At the meeting on 11 July 2012, the Administration was requested to review the strategy and measures which aimed to provide alternative livelihood to fishermen affected by trawl ban.</p> <p>The Administration proposes to brief the Panel in the second quarter of 2013 on its efforts in assisting capture fishermen to switch to sustainable fisheries or sea-based operations.</p>                               | <p>April to June 2013</p>                 |
| <p><b>14. Reprovisioning of Sai Yee Street vehicle depot to Yen Ming Road</b></p> <p>Item proposed by the Administration.</p> <p>The Administration proposes to brief the Panel in the second quarter of 2013 on the proposed reprovisioning of FEHD's Sai Yee Street Vehicle Depot to Yen Ming Road, West Kowloon Reclamation Area. Upon completion of the new vehicle depot, the existing Sai Yee Street Vehicle Depot will be demolished and the site returned to Lands Department. The construction is tentatively scheduled to commence in the fourth quarter of 2013.</p> | <p>April to June 2013</p>                 |
| <p><b>15. Proposed legislative proposals to amend the Liquor Licensing Scheme</b></p> <p>Item proposed by the Administration.</p> <p>At the meeting on 10 January 2012, the Administration briefed the Panel on the outcome of the public consultation on the review of liquor licensing. A few recommendations from the public</p>   | <p>April to June 2013</p>                 |



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consultation exercise will require legislative amendments. The Administration proposes to brief the Panel in the second quarter of 2013 on these legislative proposals.	
<b>16. Complaint management information system</b>	April to June 2013
Item proposed by the Administration.	
The Administration proposes to brief the Panel in the second quarter of 2013 on FEHD's complaint management information system.	
<b>17. Study on wholesale markets (report after the consultancy study)</b>	April to June 2013
Item proposed by the Administration.	
The Administration will brief the Panel in the second quarter of 2013 on the result of the consultancy study on the roles and functions of wholesale markets in Hong Kong as well as the location of five wholesale markets from the perspective of land use and food safety.	
<b>18. Rodent Control</b>	April to June 2013
Item proposed by the Administration.	
The Administration will brief the Panel in the second quarter of 2013 on FEHD's efforts in rodent prevention and control.	
<b>19. Mosquito Control</b>	April to June 2013
Item proposed by the Administration.	
The Administration will brief the Panel in the second	

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quarter of 2013 on FEHD's efforts in mosquito prevention and control.	
<b>20. Labelling of genetically modified food</b>	April to June 2013
At the meeting on 8 July 2008, the Administration briefed the Panel on the findings of the evaluation study on the effectiveness of the "Guidelines on voluntary labelling of genetically modified ("GM") food". The Administration advised that the findings illustrated that there was no pressing need for mandatory labelling. The Panel passed a motion urging the Government to draw reference from other countries' experience and introduce expeditiously a mandatory labelling scheme for GM food.	
At the meeting between LegCo Members and the Eastern District Council ("EDC") members on 12 March 2009, EDC members were of the view that the Government should draw reference experience from other countries, such as New Zealand, on regulating GM food.	
At the meeting on 16 October 2012, Dr Hon Helena WONG suggested to discuss the safety of the consumption of genetically modified food at a future meeting.	
The Administration advised that the item would be discussed in the second quarter of 2013.	
<b>21. Alignment of FEHD fees and charges</b>	July 2013
On 30 November 2001, the Administration briefed the Panel on the way forward to align the fees and charges of FEHD following the dissolution of the former Provisional Urban Council and Provisional Regional Council in 2000. Members noted that the Administration had completed the computation of costs for the provision of 94 items of services	

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<p>inherited from the two former municipal councils, and the initial findings revealed that a majority of the fees and charges might have to be increased. In view of the economic downturn, members supported the Administration's decision to continue to freeze FEHD fees and charges at the existing level up to 31 December 2002.</p> <p>On 24 February 2003, the Administration informed the Panel that it would need more time to work out an alignment proposal for the various FEHD fees and charges.</p> <p>On 31 October 2011, the Administration advised that the item would be discussed in early 2012.</p> <p>At the meeting on 16 October 2012, members expressed concern about the progress of the alignment of FEHD fees and charges. The Administration was requested to brief the Panel on the latest situation of the fees and charges alignment exercise at a future meeting.</p> <p>The Administration proposes to discuss the item in July 2013.</p>	
<b>22. Total diet study</b>	July 2013
<p>Item proposed by the Administration.</p> <p>The Administration proposes to brief the Panel in July 2013 on the Total Diet Study carried out by CFS to analyse dietary data of the population of Hong Kong.</p>	
<b>23. Progress report of the Trap-Neuter-Release trial scheme</b>	July 2013
<p>Item proposed by the Administration.</p> <p>At the meeting on 8 May 2012, members were briefed</p>	

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on the proposed "Trap-Neuter-Release ("TNR")" trial programme for stray dogs. The trial programme would study the effectiveness of TNR in reducing stray dog population within a designated area and its associated nuisance. The Administration planned to roll out the trial programme in end 2012/early 2013. The Administration was requested to report to the Panel the implementation progress of the trial programme in due course.	
<b>24. Proposed permanent food safety laboratory</b>	July 2013
Item proposed by the Administration.	
The Administration will brief the Panel in July 2013 on a proposal to establish a permanent food safety laboratory under the Government Laboratory to further enhance the testing capacity on food safety related analysis.	
<b>25. Recommendations of Team Clean's Final Report on Measures to Improve Environmental Hygiene in Hong Kong</b>	To be confirmed
The Panel agreed at its meeting on 26 September 2003 to follow up the following measures recommended by Team Clean in its Final Report on Measures to Improve Environmental Hygiene in Hong Kong published in August 2003 -	
(a) introducing a demerit points system ("DPS") for tenants of public markets. Under the DPS, tenants who accumulate a certain number of points within a 12-month period will have their tenancy terminated. Tenants whose tenancies have been revoked would also be prevented from bidding for other stalls for one year;  (b) tightening the licensing requirements for food factories;	

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<p>(c) strengthening the sanction regime against licensed food premises, such as revamping the current DPS to make it more stringent, making licensees responsible for hygiene breaches committed by their staff and widely publicizing the business names and photographs of food premises convicted of an offence relating to the sale or preparation for sale of any food for human consumption; and</p> <p>(d) introducing an Open Categorization Scheme for licensed food premises to help consumers make informed choices. Under the Scheme, the hygiene conditions of all food premises will be graded according to set criteria and premises will be required to post the hygiene grading at a conspicuous location in their premises.</p>	
<b>26. Control measures against food businesses operating without licence</b>	To be confirmed

The above subject was discussed by the Panel on two occasions on 14 December 2004 and 8 March 2005. The Administration's proposed control measures against food businesses operating without licence were as follows -

- (a) upon detection of unlicensed food business conducted at any premises, staff of FEHD would take immediate enforcement action against the person/corporation in charge of the business at the time;
- (b) FEHD would stop processing the application for licence filed by that person/corporation in respect of the premises in (a) above; and
- (c) if FEHD proceeded with prosecution action and upon conviction, FEHD might refuse the application and impose a ban on the

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person/corporation convicted to obtain a licence for six months after taking into consideration all relevant factors, counting from the date of conviction; or where FEHD did not proceed with prosecution action or in the case of acquittal, the application process would be reactivated immediately.

Some members considered the proposed measures inadequate to deter the operation of food business without licence and suggested that the Director of Food and Environmental Hygiene should be empowered to make a closure order against unlicensed food establishments, without having to apply to the court. A member, however, pointed out that the measure in (c) above could easily be circumvented as the applicant could always appoint another person to apply for a fresh licence.

The Administration was requested to consider members' views and revert to the Panel.

**27. Hygiene conditions of food premises operating under the food factory licences**

To be confirmed

At the meeting between Members of LegCo and members of Wan Chai District Council ("WCDC") held on 5 May 2005, some WCDC members expressed concern about the lack of enforcement actions by FEHD against the unhygienic operation of food businesses selling takeaway food. The above concern was referred to the Panel for follow-up with the Administration.

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<b>28. Review of the structure of the Food and Environmental Hygiene Department and the Agriculture, Fisheries and Conservation Department</b>	To be confirmed

At its meeting on 17 October 2005, the Panel was briefed on the Administration's plan to re-organize FEHD and the Agriculture, Fisheries and Conservation Department ("AFCD") into the Agriculture, Environmental Hygiene and Conservation Department ("AEHCD") and the Food Safety, Inspection and Quarantine Department ("FSIQD") to enhance food safety and veterinary public health control in Hong Kong. A Centre for Food Safety ("CFS") was also proposed to be set up within FSIQD. Members were generally supportive of the plan to establish a dedicated department to regulate all matters related to food safety and they would wish to see the new department set up as soon as possible.

When the Administration briefed the staff of AFCD and FEHD on its proposal, the majority of AFCD's nature conservation and country/marine parks staff expressed their preference for the direct transfer of their functions and staff to the Environmental Protection Department ("EPD"). As advised by the Administration, the then Secretary for the Environment, Transport and Works also supported the transfer. In the light of this, the Administration had subsequently revised its original proposal. Under the revised proposal, the new AEHCD would be responsible for promoting and facilitating the development of agriculture and fisheries activities in Hong Kong and maintaining environmental hygiene. The Country/Marine Parks and Conservation Branches of AFCD would be merged with EPD.

The Panel held four joint meetings with the Panel on Environmental Affairs on 29 November 2005, 15 December 2005, 6 January 2006 and 17 January 2006 respectively to discuss the revised

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re-organization proposal. The Panel also received views from the relevant trades, experts, academics and staff of the affected departments on 15 December 2005 and 6 January 2006.

Many staff associations in the affected departments expressed strong views against the Administration's proposal of re-organizing AFCD and FEHD, and transferring AFCD's nature conservation and country/marine park staff to EPD. Some members also expressed reservations that the regulatory and facilitation functions in respect of agriculture and fisheries activities should be carried out by two separate departments (i.e. AEHCD and FSIQD).

In view of the concerns expressed by members and staff associations, the Administration's paper subsequently presented to the Panel on 17 January 2006 a proposal to set up CFS under FEHD as the first step to enhance food safety control. The proposals in relation to the separation of regulatory and promotion functions for agriculture and fisheries industries and the transfer of country/marine park functions to EPD were withheld, pending further consultation with stakeholders. The Panel supported the speedy establishment of CFS under FEHD.

When the Panel discussed with the Administration on the work of CFS on 10 July 2007, the Administration advised that it would review the structure of FEHD and AFCD after the enactment of the new Food Safety Bill.

**29. Fees and charges review of the Agriculture, Fisheries and Conservation Department**

To be confirmed

At the request of the Subcommittee on Public Health (Animals and Birds) (Exhibitions) (Amendment) Regulation 2006, the Administration agreed to review the fees for application for an exhibition licence for



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animals and birds and licence renewal fees in the context of the general review of Government's fees and charges, and report the outcome to the Panel in due course.	
<b>30. Regulating and monitoring the activities of oyster culture in Hong Kong</b>	To be confirmed
At the meeting on 9 February 2010, in the light of the concerns raised by Hon WONG Yung-kan, the Chairman suggested that the issue of regulating and monitoring the activities of oyster culture within Hong Kong waters should be discussed by the Panel at a future meeting.	
During the discussion of the implementation of the Food Safety Ordinance (Cap. 612) at the meeting on 11 July 2012, Hon WONG Yung-kan expressed worry about the over-expansion of oyster culture in Shenzhen Bay and the crimes arisen in the area. He urged the Administration to step up the regulatory measures for oyster culture, including the introduction of a licensing mechanism.	
<b>31. Development of agriculture in Hong Kong</b>	To be confirmed
At the meeting of Panel Chairman and Deputy Chairman with the Administration on work plan of the Panel for the 2012-2013 session on 22 October 2012, the Chairman requested the Administration to brief the Panel on its policy on the development of agriculture in Hong Kong at a future meeting.	