

立法會

Legislative Council

LC Paper No. CB(2)2061/16-17

(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, 11 April 2017, 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 LEUNG Yiu-chung
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 WONG Kwok-kin, SBS, JP
Hon LEUNG Kwok-hung
Hon Michael TIEN Puk-sun, BBS, JP
Hon Steven HO Chun-yin, 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
Hon Christopher CHEUNG Wah-fung, SBS, JP
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 Andrew WAN Siu-kin
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
Dr Hon LAU Siu-lai

Members : Hon Claudia MO
absent Hon LEUNG Che-cheung, BBS, MH, JP
Hon Kenneth LAU Ip-keung, MH, JP
Hon Nathan LAW Kwun-chung

[According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of the Legislative Council, and have vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.]

Public Officers : Item IV
attending

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

Dr Gloria TAM Lai-fan, JP
Controller, Centre for Food Safety
Food and Environmental Hygiene Department

Dr Sarah CHOI Mei-yee, JP
Assistant Director (Food Surveillance and Control),
Centre for Food Safety
Food and Environmental Hygiene Department

Dr Samuel YEUNG Tze-kiu
Consultant (Community Medicine) (Risk Assessment and
Communication) (Acting), Centre for Food Safety
Food and Environmental Hygiene Department

Item V

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

Mrs Avia LAI, JP
Deputy Director of Food and Environmental Hygiene
(Administration and Development)

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

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

Item VI

The Administration

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

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

Dr Henry CHEUNG Siu-ming
Assistant Director (Inspection and Quarantine) (Acting)
Agriculture, Fisheries and Conservation Department

Dr Benedict TSANG Yin-chau
Senior Veterinary Officer (Animal Health) (Acting)
Agriculture, Fisheries and Conservation Department

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

Dr Sarah CHOI Mei-yee, JP
Assistant Director (Food Surveillance and Control),
Centre for Food Safety
Food and Environmental Hygiene Department

BMT Asia Pacific Limited
(Consultant commissioned by the Administration)

Dr Simon SU
Director and Chief Economist

Ms Patsy CHENG
Director, SEE Network

Dr WU Tony
Senior Consultant

Dr CHEUNG Waiman
Professor of the Department of Decision Sciences and
Managerial Economics (Chinese University of Hong
Kong), Director of the Asian Institute of Supply Chains
and Logistics (Chinese University of Hong Kong)

Ms SUEN Nicole
Consultant

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

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

Miss Michelle TANG
Council Secretary (2) 2

Miss Emma CHEUNG
Legislative Assistant (2) 2

Miss Cally LAI
Legislative Assistant (2) 10

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I. Confirmation of minutes
(LC Paper No. CB(2)1139/16-17)

The minutes of the meeting held on 14 February 2017 were confirmed.

II. Information papers issued since the last meeting
(LC Paper Nos. CB(2)1012/16-17(01), CB(2)1108/16-17(02),
CB(2)1112/16-17(01) and CB(2)1174/16-17(01))

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

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- (a) letter dated 9 March 2017 from Hon Michael TIEN concerning the quality of public toilet cleansing services outsourced by the Food and Environmental Hygiene Department ("FEHD") and issues relating to the cleansing contract tendering system;
- (b) letter dated 30 March 2017 from Hon LEUNG Che-cheung on issues relating to rodent infestation problems in Yuen Long district and diseases directly transmitted by rodents;
- (c) Administration's paper on supply of niches and related issues after the enactment of the Private Columbaria Bill; and
- (d) Administration's response to the letter dated 9 March 2017 from Hon Michael TIEN concerning the quality of public toilet cleansing services outsourced by FEHD and the cleansing contract tendering system.

III. Date of next meeting and items for discussion

(LC Paper Nos. CB(2)1141/16-17(01) and (02))

3. Members agreed to discuss the following items at the next regular meeting scheduled for Tuesday, 9 May 2017 at 2:30 pm:

- (a) Implementation of the Food Safety Ordinance; and
- (b) Supply of niches and related issues after the enactment of the Private Columbaria Bill.

4. Noting that the Administration had been promoting green burial in recent years as a more sustainable way for disposal of cremated ashes, the Chairman suggested that a visit be arranged by the Administration to facilitate members' better understanding of green burial facilities and services in Hong Kong. Members agreed with the Chairman's suggestion.

(Post-meeting note: The Panel conducted a site visit to the Garden of Remembrance at Wo Hop Shek Kiu Tau Road Columbarium Phase V on 27 May 2017.)

5. Referring to item 16 on the Panel's list of outstanding items for discussion (LC Paper No. CB(2)1141/16-17(01)), the Chairman said that as members were gravely concerned about issues relating to genetically modified ("GM") food, she suggested that arrangement be made for discussion of the labelling system for GM food and the proposed introduction of pre-market safety assessment on GM food items before the end of July 2017.

(Post-meeting note: The item as referred to in paragraph 5 above was discussed at the Panel's regular meeting held on 11 July 2017.)

IV. Issues relating to the arrangement for import of hairy crabs
(LC Paper Nos. CB(2)1141/16-17(03) and (04))

6. At the invitation of the Chairman, Assistant Director (Food Surveillance and Control), Centre for Food Safety briefed members on issues relating to the import arrangements of hairy crabs, as set out in the Administration's paper (LC Paper No. CB(2)1141/16-17(03)). She advised that the few words "...and dioxin-like PCBs..." in line 6 of paragraph 9 of the English version of the Administration's paper were redundant and should be deleted from that paragraph. Members noted the amendment. Members also noted the background brief on the subject prepared by the Legislative Council ("LegCo") Secretariat (LC Paper No. CB(2)1141/16-17(04)).

Standards and testing on dioxins and dioxin-like polychlorinated biphenyls ("PCBs") in hairy crabs

7. Mr Tommy CHEUNG declared that he owned a company with business in the sale of hairy crabs. The company had imported hairy crabs from the Mainland in 2016 and been affected by the incidents of hairy crabs from two aquaculture farms in Jiangsu Province detected with dioxins and dioxin-like PCBs ("the incidents"). Mr CHEUNG noted that the then Hygiene Division of the Department of Health had adopted an action level of 1 picogram toxic equivalent per gram of the food sample for dioxins since 1999 but the Centre for Food Safety ("CFS") set an action level of 6.5 picograms toxic equivalent per gram for hairy crabs in 2016 for the purpose of food surveillance. He asked whether and why the Administration tightened the standards of the presence of dioxins and dioxin-like PCBs in hairy crabs. Ir Dr LO Wai-kwok raised a similar enquiry.

8. Consultant (Community Medicine) (Risk Assessment and Communication) (Acting)/CFS responded that having considered (a) the advice of the Codex Alimentarius Commission ("Codex") that maximum levels for contaminants in food should be set as low as reasonably achievable and at levels necessary to protect consumers, (b) the fact that other jurisdictions (the European Union and Taiwan) had set statutory maximum levels for dioxins and dioxin-like PCBs detected in hairy crabs, (c) the results of local studies on dioxins in hairy crabs and (d) local dietary habits (i.e. Hong Kong people generally consumed both the brown meat and white meat of hairy crabs), CFS categorically set an action level of 6.5 picograms toxic equivalent per gram of the food sample (wet weight) for dioxins and dioxin-like PCBs in edible portion of hairy crabs for the purpose of food surveillance

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in 2016. When compared with the action level set in 1999 which covered dioxins only, the safety standards in respect of dioxins and dioxin-like PCBs in hairy crabs adopted since 2016 were less stringent.

9. Mr Tommy CHEUNG was concerned that CFS had not communicated with the trade regarding CFS' decision to conduct from 2014 onwards testing on dioxins and dioxin-like PCBs in hairy crabs imported into Hong Kong and the above change in the action level for dioxins in respect of hairy crabs. He asked whether CFS had liaised with the Mainland authorities on the monitoring measures and regulatory arrangements that had been put in place for the import of hairy crabs, including the new standards on dioxins and dioxin-like PCBs in hairy crabs.

10. Ir Dr LO Wai-kyok expressed concern that the relevant authorities of countries/places engaged in hairy crab trading had yet to come up with safety standards on dioxins and dioxin-like PCBs in hairy crabs for compliance by the trade. Controller/CFS explained that as the trading and consumption of hairy crabs mainly took place in the Chinese communities, no international standards on dioxins and dioxin-like PCBs in respect of hairy crabs had been established. Also, Codex had not recommended any standards on dioxins and dioxin-like PCBs in foods. Having regard to the standards set by the European Union (6.5 picograms toxic equivalent per gram for white meat of hairy crabs) and Taiwan (6.5 picograms toxic equivalent per gram for both the brown meat and white meat of hairy crabs), CFS categorically set an action level of 6.5 picograms toxic equivalent per gram for hairy crabs in 2016.

11. The Chairman requested the Administration to provide detailed information on (a) the action levels for dioxins/dioxin-like PCBs in hairy crabs adopted by CFS respectively before and after 2016; and (b) the reasons for CFS' setting categorically an action level of 6.5 picograms toxic equivalent per gram for hairy crabs in 2016 for the purpose of food surveillance, while the taking of food samples for dioxin testing since 1999 had been observing the then Hygiene Division of the Department of Health's action level of 1 picogram toxic equivalent per gram of the food sample.

12. Mr WONG Ting-kyong asked whether the relevant Mainland authorities stipulated the same limit on the level of dioxins and dioxin-like PCBs in hairy crabs and adopted Hong Kong's methodology for testing harmful substances, including dioxin level, in hairy crabs. Controller/CFS advised that most overseas food safety authorities and agencies adhered to the standards set by the Association of Official Agricultural Chemists ("AOAC") for the acceptable level of certain microbiological and chemical substances contained in food for a broad spectrum of safety interests. In general, Hong

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Kong and the Mainland adopted the same standards set by AOAC to ensure food safety.

13. Noting that the limit on the level of dioxins and dioxin-like PCBs in hairy crabs was not prescribed by legislation, the Chairman queried whether there was a legal basis for CFS to adopt the action level of 6.5 picograms toxic equivalent per gram for testing of dioxins and dioxin-like PCBs in hairy crabs for food surveillance purpose. Controller/CFS responded that traders might be liable to commit offences by selling food not of the nature, substance or quality demanded by the purchaser under section 52 of the Public Health and Municipal Services Ordinance (Cap. 132) ("PHMSO"); or selling any food unfit for human consumption under section 54 of PHMSO. While the limits of dioxins and dioxin-like PCBs in foods had not been set out in Hong Kong's food safety legislation, traders selling contaminated hairy crabs exceeding CFS' action level might be prosecuted under section 54 of PHMSO. Importers should be well aware of the relevant requirements.

14. Prof Joseph LEE asked whether consideration would be given to requiring traders to display at retail points health certificates issued by the issuing authorities of the exporting countries/places which proved that the hairy crabs were fit for human consumption. Controller/CFS responded that traders had the responsibility to ensure that the hairy crabs offered for sale were safe and fit for human consumption.

15. Mr WONG Ting-kwong enquired whether CFS had taken any follow-up actions to find out the source of dioxins and dioxin-like PCBs causing the incidents. Controller/CFS replied that investigation into the causes of the incidents and the source of the toxic substances would have to be conducted by the relevant Mainland authorities. The Administration would follow up with the Mainland authorities on the progress of the investigation through established communication channels. Responding to the Chairman's follow-up question, Controller/CFS said that in cases of food safety incidents, the country/place which had imported the problematic food might send representatives to the exporting place to follow up on the case through the arrangement made by the local authorities. The Chairman and Mr WONG considered that the Hong Kong Special Administrative Region ("HKSAR") Government's Offices in the Mainland should render assistance in coordinating liaison between CFS and the relevant Mainland authorities.

Import arrangements for hairy crabs in 2017

16. Mr Tommy CHEUNG asked about the improvement measures to be taken by the Administration to ensure that the import into and sale of hairy crabs in Hong Kong would not be affected in the next season. He suggested that the Administration (a) conduct rapid tests on dioxins and dioxin-like

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PCBs in hairy crabs before the crabs were imported into Hong Kong and (b) collect water and soil samples from registered aquaculture farms for testing of dioxins and dioxin-like PCBs to identify the source of the pollutants. He also urged CFS to conduct studies to find out whether and how the dioxin levels in the water and soil would affect the quality of hairy crabs for the trade's reference.

17. Mr SHIU Ka-fai considered it necessary for the Administration to expedite the analysis process of dioxins and dioxin-like PCBs, in order to facilitate business operation. Echoing Mr SHIU's view, Mr WONG Ting-kwong said that the incidents had dealt a severe blow to the local and Mainland hairy crab traders. In his view, tests on dioxins and dioxin-like PCBs in hairy crabs should be conducted before the hairy crabs were imported into Hong Kong.

18. Controller/CFS responded that while CFS would continue to take hairy crab samples for testing at the import, wholesale and retail levels to monitor food safety, the countries/places supplying hairy crabs to Hong Kong should take appropriate measures to ensure that the crabs for sale in Hong Kong complied with Hong Kong's statutory requirements and were fit for human consumption. The measures included ensuring that the aquaculture farms were free from any environmental pollution and suitable for raising hairy crabs as well as conducting tests on hairy crabs at different growing stages before issuance of health certificates proving that the crabs were fit for human consumption. It should be noted that the Administration had not lifted the suspension of the import into and sale within Hong Kong of hairy crabs from two aquaculture farms in Jiangsu Province, i.e. "吳江萬頃太湖蟹養殖有限公司" and "江蘇太湖水產有限公司".

19. Controller/CFS advised that there were about 60 aquaculture farms (including the two farms as referred to in paragraph 18 above) in the Mainland registered for supplying hairy crabs to Hong Kong. Except the three hairy crab samples taken in 2016 which had exceeded CFS' action level of dioxins and dioxin-like PCBs, the test results of all the remaining samples were satisfactory. As hairy crabs were aquatic products with a higher food safety risk, CFS would discuss with the trade and the Mainland inspection and quarantine authorities before the start of the 2017 hairy crab season to explore the feasibility of importing hairy crabs from the Mainland in smaller quantities at the earlier stage. If the test results of the crab samples were satisfactory, the trade might consider importing hairy crabs in larger batches by phases to meet the market demand.

20. Noting that the health certificates issued by the relevant Mainland authorities for the purpose of exporting hairy crabs to Hong Kong did not certify the non-existence of dioxins and dioxin-like PCBs in the crabs,

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Mr SHIU Ka-fai asked whether the Administration would request the Mainland authorities to state on the health certificates the dioxin level detected in hairy crabs raised at different aquaculture farms in the Mainland registered for supplying to Hong Kong starting from the 2017 hairy crab season. The Chairman opined that it was meaningless to require importers to provide health certificates issued by the issuing authorities of the exporting countries/places for the import of hairy crabs if the certificates did not state that the crabs did not contain dioxins. She also enquired about the progress of CFS' liaison with the Mainland authorities regarding the standards and methodology to be adopted for testing dioxin level in hairy crabs.

21. Mr Andrew WAN said that there were media reports that some hairy crabs did not come from the registered aquaculture farms as stated in the health certificates. Given the doubt over the authenticity of some health certificates, the Chairman and Mr WAN said that CFS should consider sending staff to registered aquaculture farms in the Mainland to conduct inspections and take hairy crab, water and soil samples for testing of harmful substances, instead of merely relying on the Mainland authorities to do the testing work. The Chairman also suggested that testing of dioxins and dioxin-like PCBs in hairy crabs should be conducted by both CFS and the Mainland authorities before and after the import of the crabs into Hong Kong.

22. Controller/CFS responded that the HKSAR Government had to respect the arrangements made by the relevant Mainland authorities, including their system of inspection and enforcement. It should be noted that CFS had, since 2000, paid visits to Mainland registered farms supplying fresh produce to Hong Kong (including aquaculture farms supplying hairy crabs to Hong Kong) to understand their operations. The investigation work, however, was under the jurisdiction of the Mainland authorities. That said, CFS would continue to keep in touch with the Mainland inspection and quarantine authorities on matters relating to the import arrangements for hairy crabs.

23. Prof Joseph LEE enquired about the measures to be taken by CFS to ensure that hairy crabs imported from countries/places other than the Mainland were fit for human consumption. Controller/CFS advised that aquaculture farms in the Netherlands had started exporting hairy crabs to Hong Kong six years ago. CFS had sent representatives to the Netherlands to understand the operation of the aquaculture farms there and the regulatory arrangements for export of hairy crabs. Controller/CFS stressed that irrespective of the source of imports (be they the Mainland or Europe), the import of hairy crabs was subject to the production of a valid health certificate issued by the exporting authorities. In the past few years, no hairy crab sample from the Netherlands had been found to contain dioxins or other toxic substances exceeding CFS' action levels.

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24. In response to the Chairman's and Mr Andrew WAN's enquiries, Controller/CFS said that the Dutch Government had adopted standards similar to Hong Kong for testing of dioxins and dioxin-like PCBs in hairy crabs for exporting crabs to Hong Kong.

V. Proposed creation of a supernumerary directorate post in the Food and Environmental Hygiene Department
(LC Paper No. CB(2)1141/16-17(05))

25. At the invitation of the Chairman, Secretary for Food and Health (Acting) ("SFH(Atg)") briefed members on the proposed creation of a time-limited Administrative Officer Staff Grade C ("AOSGC") post (D2) in FEHD for a period of five years, with details set out in the Administration's paper (LC Paper No. CB(2)1141/16-17(05)).

Main duties and responsibilities of the AOSGC post

26. Expressing concern about the sub-optimal use of market stalls and the operating deficit of public markets under the management of FEHD, Mr Michael TIEN considered that the Administration should improve the modes of operation and management of public markets. He suggested that the Administration should explore the possibility of setting up a statutory body to take up the management of public markets and to revitalize the markets. Noting that the Consultant engaged by the Food and Health Bureau to study ways to improve the operating environment of public markets had made a number of recommendations in its report, including how to improve the management mode of public markets, Mr TIEN asked whether the post holder of the proposed AOSGC post would be required to follow up those proposals during the five-year tenure. He said that he might not support the staffing proposal under discussion if the post holder was only tasked to take forward minor improvement measures.

27. Dr CHIANG Lai-wan said that she had learned from some market stall tenants that FEHD did not promptly follow up on their complaints about the poor design and facilities of public markets (e.g. lack of air-conditioning facilities and water seepage problems). There were also complaints about FEHD's reluctance to consult the Market Management Consultative Committees ("MMCCs") of some public markets on matters relating to the operation of markets. Enquiring about the detailed duties and responsibilities of the proposed AOSGC post, Dr CHIANG, Mr CHAN Chi-chuen and Dr YIU Chung-yim expressed concern whether the Administration had set any performance targets for the post. Dr YIU suggested that effectiveness in reducing the vacancy rates of public market stalls could be used as a performance indicator.

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28. While expressing support for the proposed creation of the AOSGC post, Mr SHIU Ka-fai hoped that the Administration would not propose any rental adjustment for public market stalls before improvements were made to the operating environment of public markets. In his view, the post holder should devise measures to increase patronage to and enhance competitiveness of public markets.

29. Referring to Annex B to the Administration's paper, SFH(Atg) advised that the post holder would be responsible for steering and overseeing the implementation of various measures to improve the facilities and management of public markets. Among others, the post holder would oversee the implementation of those improvement recommendations put forwarded by the Consultant, including (a) following up the specific improvement proposals for the six selected representative markets; (b) reviewing and enhancing the modes of operation and management of public markets including reviewing the market management consultation mechanism and enhancing the engagement with relevant stakeholders; (c) working out implementation plans for revitalization and consolidation of under-utilized markets; and (d) taking forward air-conditioning projects to improve the operating environment of public markets. In view of the diversity and complexity of the work involved, the Administration proposed that a dedicated team be set up and headed by an officer at D2 level to take forward the projects.

30. The Chairman asked whether the post holder would be required to identify suitable locations across the territory for building public markets. SFH(Atg) responded that the Government had initially identified suitable sites in the Tung Chung New Town Extension Area and Hung Shui Kiu New Development Area for building sizable public markets. While priority would be given to new districts where the demand for public markets was keen, the Government would continue to identify other suitable sites for building public markets. The post holder would assess the merits of any proposals for new markets and oversee the implementation of new public market projects.

31. Dr LAU Siu-lai opined that FEHD should take targeted actions to tackle fundamentally the sub-optimal use of market stalls, as it had dampened the vibrancy of public markets. Pointing out that some of the improvement proposals made by the Consultant were not supported by tenants, Dr LAU expressed concern whether the post holder would be given the flexibility in implementing those improvement measures. In her view, the post holder should fully engage tenants and local residents before deciding on how to revitalize public markets. SFH(Atg) responded that while the consultancy report had formed the basis on which improvement plans were made, the post holder would consult all stakeholders and take into account their views before finalizing the improvement measures.

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32. Dr Elizabeth QUAT said that while she would not object to the proposed creation of the AOSGC post, she hoped that the Administration could take forward expeditiously the installation of air-conditioning system in public markets after the creation of the post. She enquired about the timetable for completing the air-conditioning installation work in Tai Wai Market. Deputy Director of Food and Environment Hygiene (Administration and Development) responded that FEHD had completed the technical feasibility study for retrofitting of air-conditioning in Tai Wai Market and would proceed to work out the extent of works and the funding required for carrying out the retrofitting works. The Administration would maintain close liaison with tenants and the relevant MMCC during the process. The Chairman requested the Administration to provide information on its progress in taking forward the installation of air-conditioning in the 10 public markets which had obtained overwhelming support from tenants for the retrofitting of air-conditioning systems and the timetable for completing the installation work in each of the 10 markets.

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Qualification requirements for the AOSGC post

33. Mr CHAN Chi-chuen said that for a number of years, FEHD's focus of daily management of public markets had been placed on maintaining hygiene and basic order for operation, rather than attracting patrons or boosting commercial utilization. While he did not object to the proposed creation of the AOSGC post, he and Dr KWOK Ka-ki hoped that the post holder would bring in new perspectives and innovative ideas to enhance the operation of public markets. They expressed concern that existing staff in FEHD/the civil service might not have the required expertise in unleashing the development potential of public markets.

34. Mr Tommy CHEUNG and Dr YIU Chung-yim expressed concern that civil servants might not have experience and expertise in the management of fresh markets. Mr CHEUNG suggested that the Administration should consider identifying from the Efficiency Unit suitable personnel with relevant management experience and expertise for appointment to the proposed AOSGC post. Dr YIU opined that the Administration should recruit from outside the civil service an appropriate person with substantial experience in facilities management.

35. Dr KWOK Ka-ki suggested that the AOSGC post be created initially for two to three years with extension to be considered afterwards, if required. SFH(Atg) said that the AOSGC post would be filled by a civil servant. The Administration would take into account members' views in determining the qualification requirements for the post.

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Motions proposed by members

36. Mr Michael TIEN and Dr LAU Siu-lai indicated their intention to move motions under this discussion item. The Chairman ruled that the motions proposed respectively by Mr TIEN and Dr LAU were directly related to the agenda item and members present agreed that the motions should be dealt with.

Motion 1

37. Mr Michael TIEN moved the following motion:

(議案中文措辭)

本委員會促請政府當局，研究擬議開設的首長級編外職位及專責隊伍，其職責應包括但不限於在任期內檢討公眾街市的定位、管理模式及架構，並作出具體改善建議，以確保珍貴土地資源得以善用，同時應就全港各區對公眾街市的需求展開調查，並加快在欠缺公眾街市的地區(如天水圍)覓地增建公眾街市，以回應當區市民的需求。

(English translation of the motion)

This Panel urges the Administration to review its proposal to create a supernumerary directorate post and a dedicated team so that their duties, during the tenure of office, may include, but not be limited to, reviewing the positioning of public markets as well as their management mode and framework and putting forward specific improvement recommendations for the better use of the valuable land resources; and that at the same time, a survey on the demand for public markets in various districts across the territory should be conducted, while the process of identifying sites for the construction of public markets in districts without public markets (such as Tin Shui Wai) should be expedited to cater for the needs of local residents.

38. The Chairman put Mr TIEN'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

39. Dr LAI Siu-lai moved the following motion:

(議案中文措辭)

本委員會促請政府當局要求新增的食物環境衛生署首長級編外職位的出任人在決定如何活化公眾街市前，在相關社區對商戶及附近居民作公開諮詢。

(English translation of the motion)

This Panel urges the Administration to require that, prior to deciding on how to revitalize public markets, the post holder of the supernumerary directorate post newly created in the Food and Environmental Hygiene Department must conduct a public consultation exercise in the communities concerned to gauge the views of shop operators and nearby residents.

40. The Chairman declared that nine members voted for the motion and no member voted against the motion. The motion was carried.

VI. Public consultation on the way forward for the live poultry trade

(Consultancy report entitled "Study on the Way Forward of Live Poultry Trade in Hong Kong", LC Paper Nos. CB(2)1121/16-17(01) and CB(2)1141/16-17(06))

41. Members noted the Administration's paper with which an executive summary of the consultancy report on the way forward for the live poultry trade in Hong Kong was enclosed (LC Paper No. CB(2)1121/16-17(01)) and the power-point presentation materials provided by the Administration on the subject. Members also noted the background brief prepared by the LegCo Secretariat (LC Paper No. CB(2)1141/16-17(06)).

(Post-meeting note: The softcopy of the power-point presentation materials was issued to members vide LC Paper No. CB(2)1184/16-17(01) on 11 April 2017.)

Maintaining the local poultry industry

42. The Deputy Chairman and Mr Tommy CHEUNG welcomed the Consultant's recommendation of maintaining the status quo of the live poultry trade (i.e. the sale of live poultry at the retail level should continue and the import of live poultry from the Mainland should not be banned), which was considered important in preserving local culinary culture and minimizing the impact on the trade.

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43. Dr KWOK Ka-ki asked whether the Consultant had, in drawing up its recommendations, sought the views of microbiologists/experts on the way forward for the live poultry trade. Director, SEE Network responded that they had consulted experts of public health and animal health, including microbiologists and veterinary surgeons. While there were divided views among experts on whether the sale of live poultry at retail level should be continued, all the consulted experts supported maintaining the local poultry rearing industry. Trade operators, on the other hand, had expressed concern that cessation of the sale of live poultry at retail level markets would have adverse impact on Hong Kong's entire poultry industry.

44. Mr Steven HO considered that the Administration should draw up short-, medium- and long-term plans conducive to the healthy and sustainable development of the local live poultry industry. Noting that the Consultant had proposed that live poultry retail outlets be upgraded to provide enhanced physical barriers to segregate live poultry from consumers, Mr HO and Dr CHIANG Lai-wan suggested that the Administration should consider providing additional support (including financial subsidies) for live poultry retail operators to implement the upgrading work. Noting that establishments with physical barriers were only realized in a small number of live poultry retail outlets (e.g. in Tuen Mun, Tai Kok Tsui and Yue Wan Estate), Dr CHIANG said that the Administration should promote the initiative further to cover more retail outlets.

45. SFH(Atg) responded that a two-month public consultation exercise had been launched on 3 April 2017 to gauge the views of the public on the recommendations of the consultancy study, including the proposal of upgrading live poultry retail outlets. The Administration would take into account the views collected, in deciding whether and how the proposal could be implemented.

Supply of imported live poultry

46. Mr Tommy CHEUNG considered that importation of live poultry from the Mainland should be maintained to meet the market demand for live poultry and to stabilize the retail price of chickens. He urged the Administration to continue to liaise with the relevant Mainland authorities on the early resumption of supply of live poultry from the Mainland. Mr SHIU Ka-fai said that a survey conducted by the Consultant had revealed that the number of people indicating preference for live poultry (47%) was three times higher than those who preferred other forms of poultry including freshly slaughtered and chilled or frozen ones (14.4%). The lack of concrete evidence showing higher Avian influenza ("AI") risk in live poultry from the Mainland registered farms than those from local farms implied that there was no strong basis for banning importation of Mainland live poultry.

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47. The Chairman and Dr KWOK Ka-ki, however, considered it not necessary to import live poultry from the Mainland if the Administration continued to promote in Hong Kong poultry rearing with a view to meeting the local demand for live poultry. The Chairman noted that there had not been live chickens imported from the Mainland since February 2016 but the retail prices of live poultry had not increased considerably. She said that Members belonging to the Democratic Party were of the view that the importation of live poultry from the Mainland should continue to be banned. In the Chairman's view, the Administration should ensure that local chicken farms complied with the bio-security requirements to minimize AI risk. Consideration should also be given to delivering live poultry from rearing farms to retail outlets direct. As such, there would be no need to maintain a wholesale market for live poultry.

Relocation of the wholesale market

48. Referring to the Consultant's proposal that the Cheung Sha Wan Temporary Wholesale Poultry Market ("CSWTWPM") be located to a site at Fu Tei Au in Sheung Shui, the Deputy Chairman opined that the Administration should first ascertain whether the site had been/would be reserved for other development purposes. He also considered that the Administration should provide more information about the Fu Tei Au site (e.g. the size of the site, the estimated poultry handling capacity of the new facilities and nearby residents' views on the relocation plan) to facilitate members' consideration of the relocation proposal.

49. Pointing out that there had not been any outbreak of AI in CSWTWPM since the establishment of the wholesale market, Mr Tommy CHEUNG and Mr Steven HO disagreed with the views that CSWTWPM had posed health risk to nearby residents and relocation of the wholesale market to a less populated suburban area would reduce the risk of AI virus exposure to the public. Mr HO considered that the Administration should devise measures to facilitate the co-existence of the wholesale poultry market and residential buildings in the vicinity of the market. Mr CHEUNG noted with concern that the proposal of relocating the wholesale market to Fu Tei Au was not supported by the residents living in Sheung Shui. Dr KWOK Ka-ki held the view that the wholesale market should be relocated to a suburban area or a new district.

50. Mr SHIU Ka-fai said that some trade operators had expressed worries that the Fu Tei Au site was too far away from the city centre and might increase their operating costs. Some other operators were also concerned whether the importation of live poultry from the Mainland could be resumed in the future and whether the Administration would explore the feasibility of setting up additional facilities near Fu Tei Au for holding and conducting

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inspections on imported live poultry. He urged the Administration to fully consult the trade on the relocation proposal and relevant issues before deciding on the way forward.

51. The Chairman said that CSWTWPM had been serving as a temporary facility for more than 40 years. Its close proximity to densely populated area had raised concerns of public health from nearby residents. Members belonging to the Democratic Party considered that the Administration should expedite its work in relocating CSWTWPM. SFH(Atg) responded that the Administration would consult the Development Bureau on the relocation plan (including the potential location for the relocation) and consider the public views received during the consultation before taking a decision on the matter. SFH(Atg) added that the Administration would hold a meeting with trade operators on 25 April 2017 to collect their views on the relocation proposal.

52. Mr Steven HO said that some practitioners of the livestock industry had complained that the regulations for compliance by licensed livestock farms (including chicken farms) were not sufficiently precise, making it difficult for livestock farms affected by development plans to identify suitable sites for relocation. He asked whether the Administration would consider amending the relevant legislation to facilitate the relocation of livestock farms. SFH(Atg) said that the Administration did not have plan to review the relevant legislation at the present stage.

53. Mr SHIU Ka-fai suggested that a public hearing be held to receive public views on the outcome of the consultancy study. Members supported his proposal. The Chairman instructed the Secretariat to arrange for a special meeting for this purpose and inform members of the details when they were finalized.

(Post-meeting note: A special meeting was scheduled for 16 May 2017 to receive public views on the above subject.)

VII. Any other business

54. There being no other business, the meeting ended at 4:33 pm.