

立法會 *Legislative Council*

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Report of the Panel on Food Safety and Environmental Hygiene for submission to the Legislative Council

Purpose

This report gives an account of the work of the Panel on Food Safety and Environmental Hygiene ("the Panel") during the 2016-2017 Legislative Council session. It will be tabled at the Council meeting of 5 July 2017 in accordance with Rule 77(14) of the Rules of Procedure.

The Panel

2 The Panel was formed by resolution of the Council on 8 July 1998 and as amended on 20 December 2000, 9 October 2002, 11 July 2007 and 2 July 2008 for the purpose of monitoring and examining Government policies and issues of public concern relating to food safety, environmental hygiene and agriculture and fisheries. The terms of reference of the Panel are in **Appendix I**.

3 The Panel comprises 43 members, with Dr Hon Helena WONG and Hon LAU Kwok-fan elected as Chairman and Deputy Chairman respectively. The membership list of the Panel is in **Appendix II**.

Major work

Food safety and supply

Way forward for the live poultry trade

4 The Panel was consulted on the recommendations of the consultancy study on the way forward for the live poultry trade in Hong Kong. Members in general welcomed the consultant's recommendation of maintaining the status quo of the live poultry trade, which was considered

important in preserving local culinary culture and minimizing the impact on the trade. Some members were of the view 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, e.g. increasing the numbers of local poultry farms and retail points so as to create business opportunities for the industry.

5. Regarding the source of supply, some members 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. In these members' view, it could help reduce the risk of Avian Influenza ("AI") outbreak in Hong Kong since there had not been AI outbreaks in recent years in local chicken farms despite occasional outbreaks in the Mainland. Some other members, however, considered that importation of live poultry from the Mainland should be maintained as many Hong Kong people still preferred live poultry imported from the Mainland due to the perceived better meat texture and taste, freshness as well as the competitive price. They urged the Administration to follow up with the relevant Mainland authorities on the resumption of live poultry supply from the Mainland.

6. The Administration advised that according to the consultancy study, there was no concrete evidence showing that imported live poultry carried higher risk of AI than local live poultry. Historically, about 70% of live poultry were imported and the rest were from local supply. Following AI incidents in imported live chickens in 2014, the relevant Mainland authorities had strengthened their safeguarding measures on registered farms. Since February 2016, there had not been live chickens imported from the Mainland notwithstanding that the Hong Kong Government had not imposed any ban against the importation of live poultry from the Mainland. The Administration was given to understand that the current supply situation was primarily a commercial decision on the part of the Mainland farms. It would continue to liaise with the relevant Mainland authorities on the supply of live poultry.

7. There was a view that the Government should expedite its work in relocating the Cheung Sha Wan Temporary Wholesale Poultry Market ("CSWTWPM") as its close proximity to densely populated area had raised public health concerns from nearby residents. Some other members, however, expressed reservations about the consultant's proposal of relocating the wholesale market to Fu Tei Au, in view of its distance from the city centre and accessibility and hence, the possible impact on the trade and the live poultry supply chain. The Administration advised that it would consult stakeholders including trade operators, the relevant District

Councils ("DCs") and the Legislative Council before deciding on the way forward.

8. The Administration informed the Panel in June 2017 that having carefully considered the views collected during the public consultation exercise on the consultant's recommendations, it agreed with the broad direction that the status quo should be maintained, i.e. sale of live poultry at retail level should continue and import of live poultry from the Mainland should not be banned. While appreciating the Government's position, members were concerned how the Administration would proceed with the enhancement measures, i.e. upgrading live poultry retail outlets to improve the segregation between consumers and live poultry as well as relocating CSWTWPM. The Administration advised that it would proceed to identify options and in doing so, continue to engage the trade so that the options developed would be pragmatic and feasible.

Bio-security measures implemented in local chicken farms

9. When the Panel was briefed on the preventive and control measures against AI adopted in local chicken farms, some members expressed concern that the number of AI cases reported in the Mainland had not decreased, even with the use of the new bivalent vaccine (developed by the National Avian Influenza Reference Laboratory of Harbin Veterinary Research Institute) in Mainland registered poultry farms. There was a suggestion that the Administration should collaborate with local tertiary institutions to develop locally-produced vaccines, with a view to providing more timely protection to local chicken farms against AI viruses.

10. The Administration advised that it was willing to explore collaboration with local research institutions to strengthen the support to local chicken farmers. Although the new bivalent vaccine had been proven to be effective against multi-clades of H5 AI viruses, the rearing environment of live poultry and at what stages that the vaccine was used might affect its efficacy. Besides, different regions might have different predominant strains of AI viruses. The appropriate vaccine needed to match the clade of AI viruses prevalent in the whole region. The Administration would keep track of the circulating strain of AI virus in the region and choose the appropriate vaccine that best matched the prevailing clade. The Administration further advised that the Centre for Health Protection of the Department of Health, the Agriculture, Fisheries and Conservation Department ("AFCD") and relevant government departments had been maintaining close communication with the Mainland authorities to get hold of all information on the latest situation of AI outbreaks in the Mainland. Apart from introducing in local chicken farms the bivalent vaccine since November 2016, the Administration had ensured that a series

of preventive and control measures were implemented in local chicken farms to minimize the risk of AI outbreaks.

Hairy crabs detected with dioxins

11. The Panel followed up with the Administration on the food safety incidents associated with the detection of dioxins and dioxin-like polychlorinated biphenyls ("PCBs") in hairy crabs imported from two aquaculture farms in Jiangsu Province. Noting that dioxins had never been made a mandatory test item for issuance of health certificates for hairy crabs exported to Hong Kong, members enquired whether the Centre for Food Safety ("CFS") had communicated with the trade and the Mainland authorities regarding CFS' decision to conduct testing of dioxins and dioxin-like PCBs in hairy crabs under its seasonal food surveillance programmes from 2014 onwards. An enquiry was also raised about the rationale for adopting the current action level of 6.5 picograms for dioxins and dioxin-like PCBs in edible portion of hairy crabs.

12. According to the Administration, CFS had been maintaining close liaison with the Mainland authorities on food safety issues. Section 54 of the Public Health and Municipal Services Ordinance (Cap. 132) ("PHMSO") required that all foods for sale in Hong Kong, locally produced or imported, should be fit for human consumption. The health certificates issued by the relevant Mainland authorities had clauses stating that the foods exported to Hong Kong were fit for human consumption. Given that the presence of dioxins and dioxin-like PCBs in aquatic food products had raised international concern about their impact on human health, CFS adopted, after considering international practices and local dietary habits, the current action level for dioxins and dioxin-like PCBs in respect of hairy crabs.

13. In response to members' calls for enacting legislation to regulate the levels of dioxins and dioxin-like PCBs in foods as well as promulgating clearer guidelines governing the import and sale of hairy crabs (including testing method adopted and substances tested), the Administration advised that at present, the Codex Alimentarius Commission ("Codex") had not recommended any standards on dioxins and dioxin-like PCBs in foods. The current action level for dioxins and dioxin-like PCBs in respect of hairy crabs adopted by CFS did not apply to other food items, and overseas countries set different maximum limits for dioxins and dioxin-like PCBs in foods, taking into account the dietary habits of their people and other relevant considerations. While importing authorities might require food imports to be accompanied by health certificates proving that the imported foods did not contain harmful substances and veterinary drugs, the General Administration of Quality Supervision, Inspection and Quarantine of the

Central People's Government of the People's Republic of China did not require health certificates to cover the existence or non-existence of dioxins and dioxin-like PCBs in hairy crabs. The Administration would keep in view and continue to liaise with the Mainland authorities on the monitoring and regulatory arrangements for the import of hairy crabs to Hong Kong as well as measures over dioxins in foods in the international arena. At the present stage, the Administration had no plan to set standards for dioxins and dioxin-like PCBs in foods by way of legislation. Some members, however, urged the Administration to set the standards by legislation and to ensure that the Mainland authorities would observe the standards set by CFS.

Quality of frozen and chilled meat and poultry meat imported from Brazil

14. Following widespread media coverage since mid-March 2017 on product quality issues of 21 meat plants in Brazil, the Panel received the Administration's briefing on follow-up actions taken by CFS in response to the incident concerning the quality of frozen and chilled meat and poultry meat from Brazil. In response to members' queries as to whether the Administration had a good grasp of the situation and whether the amount of problematic products supplied by the meat plants under investigation that had entered the market was far more than CFS assessed, the Administration explained that an import licence issued by the Food and Environmental Hygiene Department ("FEHD") was valid for six weeks starting from the issue date. According to the Administration's records, import licences had been issued to six of the 21 plants under investigation in the six weeks since early February 2017. The products covered by the import licences issued to those six plants only accounted for less than 1% of all Brazilian meat products covered by the import licences issued by FEHD over the same period of time. The Administration was confident that the movement of all meat products imported from the meat plants under investigation by the Brazilian authorities during the six-week period immediately preceding the import ban had been tracked down by FEHD for follow-up actions.

15. Some members expressed concern that unscrupulous traders might fraudulently change/alter the place of origin on food labels so as to sell frozen and chilled meat and poultry meat imported from Brazil to avoid financial loss. The Administration stressed that if traders continued to sell meat products supplied by the 21 meat plants under investigation, they might be liable to commit offences by (a) applying a false trade description under the Trade Descriptions Ordinance (Cap. 362) ("TDO"); (b) selling food not of the nature, substance or quality demanded by the purchaser under section 52 of PHMSO; or (c) selling any food unfit for human consumption under section 54 of PHMSO. To prevent the restricted meat

products from entering the local market, the Administration would continue to maintain liaison with the Brazilian authorities, conduct reassessment and enhance surveillance of Brazilian frozen and chilled meat and poultry meat at the import, wholesale and retail levels for testing of meat deterioration and other food safety indicators in response to the developments of the incident.

Pigs tainted with prohibited veterinary drugs

16. Members were informed that owing to the failure on the part of its staff at the Sheung Shui Slaughterhouse ("SSSH") in strictly observing the established procedures and guidelines as well as inadequate communication between staff, FEHD could not prevent some of the live pigs tainted with prohibited veterinary drug from being slaughtered and released to the market in early August 2016. Some members were concerned that the current arrangements of segregating live pigs in different lairages after the bidding process had made it difficult for FEHD to timely distinguish live pigs imported by different importers and hold the relevant importer(s) responsible for importing tainted pigs and to identify accurately the pigs in question for conducting a second screening test. There was a suggestion that the Administration should restore the testing system adopted before 2007 under which no pig could be put up for bidding, relocated to waiting/holding lairages nor slaughtered unless the concerned consignment had passed the beta-agonist screening tests conducted by AFCD's veterinary laboratory.

17. The Administration stressed that FEHD had all along upheld the principle that only pigs with their urine samples tested negative for veterinary drugs would be dispatched for slaughtering at the production line and released to the market, irrespective of the change to the bidding arrangements of live pigs among importers and buying agents in 2007 which were commercial activities of the trade. In response to the incident, FEHD had explored with stakeholders including AFCD, slaughterhouse operators, live pig importers and pig buying agents on improvements to the operation of the slaughterhouses, with a view to ensuring that all stakeholders would be fully engaged to prevent recurrence of similar incidents. With improvements made to the testing procedures, notification of testing results for over 80% of the daily turnover had been made at least six hours before the slaughter production line commenced. Buying agents would have sufficient time to distinguish live pigs in question, if needed, for conducting a second screening test. While the Administration had no plan to interfere with the current bidding arrangements, FEHD had established a working group to work out a reliable record keeping system to ensure the accuracy of information of the distributors and retail outlets involved in the transaction, facilitating the tracing of pigs released to the

market. As a follow-up to the discussion, the Panel conducted a visit to SSSH in January 2017 to facilitate members' better understanding of the operation of slaughterhouses.

Proposals to enhance the regulation of metallic contamination in food

18. Members in general supported the Administration's proposals to enhance and update the Food Adulteration (Metallic Contamination) Regulations (Cap. 132V) ("the Regulations") with a view to aligning with the Codex principle and modern international regulatory trends of specifying metallic contamination standards for individual food/food groups of significant dietary exposure. Many members, however, expressed concern about the proposed revision to the maximum level ("ML") for cadmium in cereals (including polished rice, husked rice and wheat) from 0.1 mg/kg to 0.2 mg/kg, which in their view suggested a relaxation of standards that might be dangerous or prejudicial to public health. Questioning the rationale behind this specific proposal, some members considered that the existing ML for cadmium in cereals under the Regulations should remain unchanged.

19. According to the Administration, when setting the proposed MLs, factors including the local dietary practice, the risk assessment results of CFS, recent food incidents in Hong Kong and other jurisdictions as well as the Codex principle that contaminant levels in food should be "as low as reasonably achievable" had been taken into account. Regarding ML for cadmium in "rice, polished", Codex had established an ML of 0.4 mg/kg. Having regard to the dietary habit of the Hong Kong population and the relevant standards adopted by various jurisdictions (i.e. the European Union, Korea, the Mainland and Singapore had adopted MLs of 0.2 mg/kg for cadmium in polished rice), a proposed ML for cadmium in "rice, polished" at 0.2 mg/kg, which was more stringent than Codex, was considered justified to protect public health in Hong Kong. Notwithstanding the Administration's explanation, many members still objected to the proposed revision in relation to ML for cadmium in cereals.

20. Some members noted with concern that of the 145 proposed MLs targeting individual food/food groups, 90 of them were more stringent than the existing maximum permitted concentrations under the Regulations. An enquiry was raised as to whether the enhancement would have an adverse impact on the supply and prices of food in Hong Kong. The Administration advised that according to the results of the routine food surveillance programme and additional studies conducted by CFS, the levels of metallic contamination in food in the local market could generally comply with the proposed MLs. Even though most of the proposed MLs were more stringent than before, the Administration expected that they

would have minimal impact on the supply of food. The Administration had kicked start a public consultation exercise and would take into account the views received before finalizing the amendments to the Regulations. The Panel would conduct a public hearing in July 2017 to solicit public views.

Regulating the production of organic food

21. During the discussion on matters relating to the regulation of organic food production which included the support provided by AFCD to local farms on organic farming and the work of the Government/relevant organizations on promoting organic food labelling, some members suggested that, in view of the growing consumption of organic food in Hong Kong, the Administration should put in place a regulatory regime for the production and sale of organic food. Some other members, however, considered that the Administration should encourage the trade to comply with the established standards and guidelines on organic farming and production through promotion and publicity instead of resorting to legislative means. There were also views that the Administration should step up enforcement against counterfeit organic products and enhance public knowledge of organic food including the relevant certification standards and labelling requirements. Information was sought on the scope of work of the Hong Kong Organic Resource Centre ("HKORC") in promoting organic food labelling and monitoring the use of organic certification labels.

22. In the Administration's view, there was no significant difference between organic food and ordinary food in terms of food safety. The major differences were their ways of production, processing and handling. The Administration commissioned a consultancy study in 2011 to assess the need for regulating the production and sale of local organic food products (including organic agricultural products). Owing to the small scale of the local organic food sector and the fact that the Government's main policy objectives in respect of food were to safeguard food safety and supply stability, the Administration accepted the recommendation of the consultant that there was no pressing need to introduce legislation to regulate the production and sale of local organic foods products. The Administration advised that at present, more than 140 units were certified under HKORC's certification system, covering organic food products such as vegetables, cultured fish and other processed food. HKORC conducted regular surveys to monitor the market situation. Any person who, in the course of any trade or business, made false claims or misleading statements in respect of the goods (including organic food) he/she supplied, committed an offence under TDO.

23. The Panel attached great importance to food safety issues and discussed with the Administration also the implementation of the Nutrition Labelling Scheme, the Food Surveillance Programme for 2016 and the implementation of the Food Safety Ordinance.

Public markets and bazaar

Provision and management of public markets

24. As announced in the Chief Executive's 2017 Policy Address, the Government would build sizable public markets in new development areas ("NDAs") and had initially identified suitable sites for such purpose in the Tung Chung New Town Extension Area and Hung Shui Kiu NDA. While welcoming the proposals, members called on the Administration to build public markets in other NDAs or developed districts, such as Tin Shui Wai, Tseung Kwan O and Ma On Shan. The Administration advised that it was exploring the feasibility of building large-scale public markets at locations well-connected by public transport and easily accessible to the public, so that the markets could serve the mass population in the neighbouring districts. While priority was given to Tung Chung New Town Extension Area and Hung Shui Kiu NDA where the demand for public markets was keen, the Government would continue to identify suitable sites in other NDAs to build public markets.

25. Concern was raised about the slow progress of the Administration in taking forward the installation of air-conditioning facilities in existing public markets where sufficient tenants' support had been obtained for the retrofitting works. The Administration advised that FEHD would work closely with the Architectural Services Department and the Electrical and Mechanical Services Department to roll out, in batches, the preliminary technical feasibility studies on the relevant works. The installation works would first be implemented in Tai Wai Market and Shui Wo Street Market Cooked Food Centre where sufficient tenants' support had been obtained.

Public market stall rentals after 30 June 2017

26. The Panel was informed that pending a comprehensive review of the market rental adjustment mechanism, which might take some more time, upon expiry of the current rental freeze on 1 July 2017, the rental of public market stalls would be adjusted annually to catch up with inflation upon renewal of tenancy agreement or on the due date for rental adjustment as to be specified in the tenancy agreement, as the case might be, in line with the average of the year-on-year rates of change in Consumer Price Index(A) ("CPI(A)") in the 12-month period six months before renewal of tenancy agreement or preceding the due date for rental adjustment. As an example

to illustrate, for tenancy agreements to be renewed on 1 July 2017, market rental would be adjusted by 2.9% in line with the average of the year-on-year rates of change in CPI(A) for each of the 12 months of 2016.

27. While expressing objection to the above market rental adjustment arrangements, members were of the view that the Administration should improve the operating environment of public markets before adjusting the rentals. The Panel passed three motions urging the Administration to, inter alia, shelve the plan of effecting rental increase after 1 July 2017 and maintain the rental freeze for public markets so as to alleviate the difficulties faced by stall tenants. The Administration advised that the public market rental had been frozen since 1998 after an across-the-board reduction by 30% by the two former Municipal Councils in the light of the then economic situation. The rental freeze had been extended for a number of times until 30 June 2017. In the view of the Administration, the financial impact on the tenants would be mild, with an increase in monthly rental of about \$69 on average for a non-cooked food stall and about \$168 for a cooked food stall for the first year of the renewed tenancy. It was thus reasonable to proceed with the rental adjustment arrangements.

28. The Administration informed the Panel that some quarters of the community had raised questions about the existence, if any, of factors that might affect the pricing of fresh food items sold in different fresh food retail channels, namely public markets managed by FEHD, Link REIT markets ("Link markets"), supermarkets and other fresh food retail outlets in the neighbourhood. In order to find out, in particular, whether there was any relationship between the prices of fresh food items and market rentals, FEHD had commissioned a survey. In briefing members on the survey findings, the Administration advised that the assumption that items sold at FEHD markets were necessarily cheaper than those sold at other retail outlets was not supported by facts nor data. Despite the low rentals paid by the tenants of public markets, no significant price difference had been observed in the public markets when compared to Link markets, supermarkets and neighbourhood fresh food retail outlets. While no simple, causal relationship between rent and price levels was observed, rent was only one of the components of operating costs. It was not the determinant of retail price. Other factors were also at play, such as costs of goods, staff costs, transportation costs, supply and demand in the vicinity (especially the availability or otherwise of substitute outlets/products), market positioning, established consumer relationship, reputation, etc. Notwithstanding the above findings, members challenged the sampling method and argued that the survey coverage was far from comprehensive and its conclusion being misleading. A request was put to the Administration that a follow-up survey be conducted, the scope and coverage of which should be expanded to include areas/housing estates

where public markets were not provided and fresh food markets were being monopolized by Link REIT or private enterprises.

Yen Chow Street Temporary Hawker Bazaar

29. During the discussion on the relocation of the Yen Chow Street Temporary Hawker Bazaar ("cloth bazaar") to the new Tung Chau Street cloth market, members expressed concern that the Administration had yet to reach a consensus with the 33 registered unlicensed operators on the exit arrangement. Members in general considered that the Administration should preserve the original characteristics of the cloth bazaar after its relocation and seriously study the proposals put forward by the community on the future development of the cloth bazaar. The Panel passed three motions urging the Administration to, inter alia, withdraw the deadline for the removal of the cloth bazaar and discuss afresh with the cloth hawkers issues relating to the relocation/resettlement of the cloth bazaar (including re-examining the cases of the 17 persons whose cloth hawker status had been denied ("17 claimants")).

30. According to the Administration, FEHD found that all stalls claimed to be occupied by the 17 claimants overlapped with those claimed by the licensees/registered unlicensed operators. As their partners, i.e. licensees/registered unlicensed operators of the stalls concerned, had already been offered an exit plan, those 17 claimants would not be offered the same separately. The Administration stressed that the relocation of the cloth bazaar was more than a removal plan. 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 solicit their views. Individual institutions had already indicated interests in participating in the development of the new cloth market.

Environmental hygiene

Keeping Hong Kong clean

31. The Administration informed members that FEHD had launched a six-month pilot scheme under which Internet Protocol ("IP") cameras had been installed at six refuse dumping/fly-tipping black spots in the Central & Western, Sham Shui Po and Yuen Long Districts to facilitate the monitoring of illegal dumping activities and planning of more effective enforcement actions. Members were supportive of the pilot scheme and requested that consideration be given to extending the scheme to cover all 18 districts across the territory. The Administration explained that in selecting sites for installation of IP cameras, FEHD's primary consideration

was whether the site was technically suitable for installing IP cameras. Individual DCs could put up requests for installation of IP cameras at hygiene black spots in their districts for FEHD's consideration. Subject to positive outcome and DCs' endorsement of the scheme, FEHD would consider extending the pilot scheme in a timely manner if circumstances and resources permitted.

32. Some members were concerned that the installation of IP cameras at public places might give rise to privacy concerns. According to the Administration, FEHD had sought legal advice from the Department of Justice ("DoJ") and DoJ's advice was that the pilot scheme basically did not contravene relevant legislation. FEHD would install the cameras in accordance with the Guidance on CCTV Surveillance Practices issued by the Office of the Privacy Commissioner for Personal Data. FEHD would also formulate clear guidance notes and operational guidelines in order to comply with the provisions on the manner of collecting personal data under the Personal Data (Privacy) Ordinance (Cap. 486). All footage recorded would be kept and destroyed in accordance with the Ordinance.

Monitoring the infestation of biting midges

33. When following up with the Administration on mosquito control work in face of threats from Zika virus infection, members also expressed concern about the infestation of biting midges in Hong Kong. The Administration was called on to formulate relevant indicators for monitoring biting midges, announce regularly the surveillance results and take targeted measures to control midges in areas where the infestation problem was particularly serious. Information was also sought on the measures to be taken by the Administration to address the problem of biting midges.

34. The Administration advised that according to its understanding, the Mainland, Taiwan, Singapore, Malaysia as well as some countries in America and Europe had not formulated any index for the surveillance of biting midges. FEHD had invited, from the Mainland, a renowned expert in studying biting midges to visit Hong Kong in June 2016 for conducting studies and providing guidance on how to monitor the infestation of biting midges. It was discovered that biting midges found in Hong Kong were not vectors of mosquito-borne diseases such as dengue fever, Japanese encephalitis and Zika virus infection. FEHD had taken heed of the expert's advice as well as experiences of other countries/areas in monitoring the infestation of biting midges in Hong Kong.

Rodent prevention and control measures

35. Concern was raised about the worsening rodent infestation problem in various districts, e.g. Sham Shui Po, Mong Kok, Central & Western and Yuen Long, and places bustling with human activities such as public markets, public rental housing estates close to construction sites and piers. Members strongly requested the Administration to strengthen rodent disinfestation operations in districts and areas where rodent problem was acute. Information was also sought on how FEHD monitored the situation of rodent infestation in public markets and the targeted measures taken by FEHD to control the rodent problem therein.

36. According to the Administration, FEHD had carried out specific anti-rodent work in districts recorded with relatively high rodent infestation rates. Apart from strengthening FEHD's rodent prevention and control measures, inspections were made by staff of the Pest Control Advisory Section of FEHD to review the work and measures in place. Target areas mainly included markets/municipal services buildings, hawker bazaars, typhoon shelters and rear lanes adjacent to food premises, and other rodent-infested locations and their vicinity. Given the high adaptability and reproductive rate of rodents, the state of rodent infestation in individual districts often varied with changes in the environmental hygiene conditions and the level of public participation in rodent prevention and control work. Apart from organizing anti-rodent campaigns, FEHD would continue to undertake more intense rodent prevention and control operations in districts jointly with relevant stakeholders.

Cleansing contract tendering system

37. In the course of discussing issues relating to environmental hygiene including the working environment of outsourced cleansing workers of FEHD and the Demerit Points System for licensed food premises, some members held the view that FEHD's practice of awarding cleansing service contracts under the existing service contract tendering mechanism to the lowest bidder was the root cause for inferior cleansing services. Enquiry was raised as to whether the Administration would consider revamping the service contract awarding system so as not to award cleansing service contracts merely on account of tender price. Noting that FEHD was reviewing the tendering system, members sought information on its work progress and timetable for completing the review.

38. The Administration advised that FEHD let out its cleansing service contracts through open tender in accordance with the procurement requirements and procedures of the Government and evaluated the tenders using the standard marking scheme ("SMS") approved by the Government's

Central Tender Board. Under SMS, the relative weightings of technical score and price score were 30% and 70% respectively. The assessment criteria for technical score comprised, among others, the contractors' service experience and past performance track records for relevant government contracts. The Administration further advised that FEHD was reviewing its cleansing contract tendering system, guided by the needs to uphold the requirements on service quality and to observe the principle of value for money. In the meantime, FEHD would strengthen its supervision of outsourced street cleansing services to ensure that the contractors delivered services in accordance with the contract requirements.

Columbarium facilities

Supply of niches after the enactment of the Private Columbaria Ordinance

39. Noting from media reports that there might be a lack of supply of private niches in the 12 to 18 months after the enactment date of the Private Columbaria Ordinance ("PCO") as private columbaria were not allowed to sell interment rights before/during their applications for the issue of a licence, members expressed worries that the restriction imposed on sale of niches or interment rights by private columbaria between the enactment date and the issue of a licence or an exemption might lead to speculative activities and cause a surge in the prices of private niches. In some members' view, since private columbaria listed in Part A of the Development Bureau's "Information on Private Columbaria" had been confirmed to be compliant with the user restrictions in the land leases and town planning requirements and were not illegally occupying Government land, the Private Columbaria Licensing Board ("the Licensing Board") to be set up under PCO should accord priority to processing licence applications submitted by private columbaria which were currently listed in Part A, such that the supply of private niches could be resumed as early as possible.

40. The Administration advised that all private columbaria would have to obtain a licence in order to sell interment rights. Within six months after the enactment of PCO, the Licensing Board would carry out the necessary preparatory work. As pre-cut-off columbaria would be required to submit applications for specified instruments (a licence, an exemption or a temporary suspension of liability) from the 7th month to the 9th month after the enactment of PCO, the supply of private niches within the first nine months after the enactment of PCO would inevitably be affected. The Administration would invite the Licensing Board to, in processing applications for various specified instruments, consider the feasibility of according priority to applicants who were found to be compliant with the statutory requirements, thereby enabling a quick resumption of supply of private niches.

41. The Administration also advised that to protect consumers' interests and forestall speculative activities, FEHD would further step up its publicity and public education efforts on the new licensing scheme. Consumers had all along been advised not to make hasty decision on the purchase of private niches, since whether or not a private columbarium would be able to obtain a licence or an exemption was uncertain. Members of the public might consider other alternatives for interment of ashes, such as placing additional sets of ashes in niches allocated by FEHD or the Board of Management of the Chinese Permanent Cemeteries, making use of the short-term facilities for temporary storage of ashes provided by FEHD and adopting green burial that could be in the forms of scattering ashes in Gardens of Remembrance or at sea. To facilitate members' better understanding of green burial facilities and services in Hong Kong, the Panel conducted a site visit to the Garden of Remembrance at Wo Hop Shek Kiu Tau Road Columbarium Phase V in May 2017.

Public columbarium projects at Shek Mun and Sandy Ridge Cemetery

42. When the Panel was consulted on the Administration's plan to pilot a totally smoke-free columbarium at Shek Mun, an enquiry was raised about the criteria to be used for assessing the effectiveness of the pilot scheme. Some members expressed reservations about the proposed adoption of totally smoke-free arrangements as a general policy as it ran counter to the principle of providing the public with an option to burn offerings and joss sticks at public columbaria and might constitute discrimination against people with different religious beliefs, thereby giving rise to controversy within the community.

43. The Administration advised that whether and how restriction on the burning of offerings and joss sticks should be adopted for other public columbarium projects in the pipeline should be considered on a case-by-case basis, having regard to the geographical locations of the subject columbaria, the planned land uses of the nearby areas, local sentiments including the views of the concerned DCs as well as the results of the pilot scheme at Shek Mun. In the Administration's view, it was premature to embrace totally smoke-free columbaria as a general policy applicable to all columbaria.

44. While expressing support for the site formation and associated infrastructural works for columbarium development at Sandy Ridge Cemetery, members were concerned about the impact on traffic flow arising from the operation of the columbarium. The Administration advised that the completed traffic impact assessment study concluded that the additional traffic and pedestrian volume arising from the operation of

the columbarium and related facilities during the Ching Ming and Chung Yeung festive periods should be manageable with the implementation of special traffic and transport measures. After the commissioning of the columbarium facilities at Sandy Ridge, FEHD would work closely with the relevant departments to ensure that effective traffic and crowd control measures were implemented during the grave sweeping seasons.

Subcommittee to Study Issues Relating to Animal Rights

45. At the meeting held on 8 November 2016, the Panel decided to set up a subcommittee to study and follow up on policies and measures relating to animal rights. The Subcommittee commenced work in December 2016 under the chairmanship of Dr Hon CHIANG Lai-wan. Since the commencement of its work, the Subcommittee had held six meetings to examine various issues including policy and measures on handling and combating animal cruelty cases, review of the definition of cruelty to animals and the relevant penalty under the Prevention of Cruelty to Animals Ordinance, promotion of responsible pet ownership, efforts in management of stray animals, issues relating to the safety of pet food products in Hong Kong and handling of illegal sale of dogs on the internet. The Subcommittee would continue its work in the 2017-2018 session.

Meetings held

46. Between October 2016 and June 2017, the Panel held a total of 14 meetings, including one joint meeting with the Panel on Welfare Services to discuss the policies on street sleepers and the relevant support services and measures. The Panel was also consulted on two staffing proposals before their submission to the Establishment Subcommittee and Finance Committee.

Legislative Council

Panel on Food Safety and Environmental Hygiene

Terms of Reference

1. To monitor and examine Government policies and issues of public concern relating to food safety, environmental hygiene and agriculture and fisheries.
2. To provide a forum for the exchange and dissemination of views on the above policy matters.
3. To receive briefings and to formulate views on any major legislative or financial proposals in respect of the above policy areas prior to their formal introduction to the Council or Finance Committee.
4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.
5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.

Panel on Food Safety and Environmental Hygiene

Membership list for the 2016-2017 session*

Chairman Dr Hon Helena WONG Pik-wan

Deputy Chairman Hon LAU Kwok-fan, MH

Members

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 Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon Steven HO Chun-yin, BBS
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
Hon LEUNG Che-cheung, BBS, MH, 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 Kenneth LAU Ip-keung, MH, JP
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho
Hon Nathan LAW Kwun-chung
Dr Hon YIU Chung-yim
Dr Hon LAU Siu-lai

(Total : 43 members)

Clerk Miss Josephine SO

Legal adviser Ms Wendy KAN

* Changes in membership are shown in Annex.

Annex to Appendix II

Panel on Food Safety and Environmental Hygiene

Changes in membership

Member	Relevant date
Hon Kenneth LEUNG	Up to 25 October 2016
Hon Abraham SHEK Lai-him, GBS, JP	Up to 8 November 2016
Hon MA Fung-kwok, SBS, JP	Up to 8 November 2016
Hon Jimmy NG Wing-ka, JP	Up to 8 November 2016
Hon Charles Peter MOK, JP	Up to 10 November 2016
Hon Holden CHOW Ho-ding	Up to 10 November 2016
Hon LAM Cheuk-ting	Up to 23 November 2016
Hon YUNG Hoi-yan	Up to 29 November 2016
Hon CHAN Chun-ying	Up to 29 November 2016
Hon IP Kin-yuen	Up to 30 November 2016
Hon Jeffrey LAM Kin-fung, GBS, JP	Up to 5 December 2016
Hon WU Chi-wai, MH	Up to 7 December 2016
Hon Dennis KWOK Wing-hang	Up to 3 January 2017
Hon YIU Si-wing, BBS	Up to 15 January 2017
Hon Mrs Regina IP LAU Suk-yee, GBS, JP	Up to 17 January 2017
Hon James TO Kun-sun	Up to 5 February 2017
Hon Alvin YEUNG	Up to 8 March 2017