

# 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 2023 legislative session. It will be tabled at the meeting of the Legislative Council (“LegCo”) on 6 December 2023 in accordance with Rule 77(14) of the Rules of Procedure.

#### **The Panel**

2. The Panel was formed by resolution of LegCo on 8 July 1998 and as amended on 20 December 2000, 9 October 2002, 11 July 2007, 2 July 2008 and 26 October 2022 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 1**.

3. The Panel comprises 17 Members, with Hon CHAN Hoi-yan and Hon Judy CHAN elected as Chairman and Deputy Chairman respectively. The membership list of the Panel is in **Appendix 2**.

#### **Major work**

##### Food safety and supply

##### *Food Surveillance Programme*

4. When receiving the Administration’s report on the implementation of the Food Surveillance Programme (“FSP”) 2022, members expressed concern over a wide range of issues including how to enhance the safety of food put up for sale online, how to guard against food safety risks arising from cross-boundary meal purchase and delivery services provided by agents, and the Administration’s work on combating the illegal sale of chilled chickens.

5. The Administration advised that given the growing popularity of the sale of food via the Internet, mobile applications or social media platforms, the Centre for Food Safety (“CFS”) of the Food and Environmental Hygiene Department (“FEHD”) had gradually increased the number of online food samples collected for testing under FSP from around 1 500 in 2015 to about 7 300 in 2022. In particular, CFS had enhanced sampling checks on food purchased through online delivery platforms in Hong Kong, with the number of samples collected increasing from about 570 in 2021 to about 1 040 in 2022, and all the samples were tested satisfactory. CFS planned to further increase the number of online food samples collected for testing under FSP 2023. In addition, FEHD already released a Practical Guide on Take-away Meal and Meal Delivery Services in 2022, setting out the general hygiene and food safety guidelines on the handling and delivery of meals ready for consumption for reference and observance by food premises and food delivery agents. As for cross-boundary meal purchase and delivery services provided by agents, the Administration explained that the food safety risks were mainly related to the delivery time and temperature control of the food (if the delivery distance was long and the storage temperature was not proper, the food would spoil easily). The Administration would continue to step up publicity and education to remind the public of the issues concerned.

6. The Administration advised that FEHD had been committed to combating the illegal sale of chilled chickens and would continue to enhance enforcement efforts. FEHD would conduct regular inspections at licensed fresh provision shops and public market stalls, proactively investigate suspected non-compliant cases and initiate investigation based on complaints received, and would arrange blitz inspections and enforcement actions on a need basis.

*Food safety measures implemented in response to the discharge of nuclear-contaminated water from Fukushima Nuclear Power Station*

7. Members expressed strong dissatisfaction over the Government of Japan (“Japanese Government”)’s disregard for the grave concern of the international community and discharged contaminated water generated in the process of cooling nuclear reactors at the Fukushima Nuclear Power Station into the ocean after treatment (“the nuclear-contaminated water discharge plan”). The Panel held three meetings with the Administration during this session to actively follow up the Government’s preparations made and corresponding measures adopted in response to the discharge of nuclear-contaminated water by Japan. Members noted that since the Fukushima nuclear incident, the Government of the Hong Kong Special Administrative Region (“the HKSAR Government”) had imposed import control measures and stepped up radiological testing on certain Japanese food products. Some members expressed grave concern that the continuous discharge of a large quantity of nuclear-contaminated water into the ocean by Japan for at least 30 years would bring adverse impact to the marine ecology, food chain and food safety, and as a result, the HKSAR Government might need to

continuously step up radiological testing on imported food products (e.g. by extending the scope of testing to cover imported food products from places other than Japan), spend more resources on the relevant work, as well as consider further tightening the import control measures on Japanese food products, and even imposing a total ban on the import of Japanese food products into Hong Kong.

8. The Administration responded that in response to the official commencement of the nuclear-contaminated water discharge plan by the Japanese Government on 24 August 2023, and based on the precautionary principle, the Director of Food and Environmental Hygiene had issued a Food Safety Order<sup>1</sup> (“the Order”) on 23 August 2023 to prohibit from 24 August 2023 onwards the import of aquatic products (including live, chilled, frozen, dried or otherwise preserved aquatic products, sea salt, and raw or processed seaweeds) originating from 10 metropolis/prefectures in Japan<sup>2</sup>. Meanwhile, the Government maintained the import control measures targeting certain other food products from Japan.<sup>3</sup> CFS would enhance testing on food products imported from Japan to achieve dual protection for the safety of imported Japanese food products. For Japanese aquatic products that were not prohibited from being imported into Hong Kong, CFS would conduct comprehensive radiological tests and the supply of such products would be allowed in the market only after verification that they did not exceed the radiation levels. According to the Administration, no testing results were found to have exceeded the guideline levels of the Codex Alimentarius Commission (“Codex”)<sup>4</sup> so far. The Administration considered that the measures taken at this stage were adequate to safeguard food safety and public health in Hong Kong. Given that the discharge of nuclear-contaminated water by Japan would last for 30 years or more, the HKSAR Government would closely monitor the situation, step up testing, keep an eye on monitoring data from various sources and maintain close liaison with the Japanese Government. Should anomalies be detected, the Administration would not preclude further tightening the scope of the import ban.

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<sup>1</sup> G.N. (E.) 76 of 2023.

<sup>2</sup> The 10 metropolis/prefectures in Japan included Tokyo, Fukushima, Ibaraki, Miyagi, Chiba, Gunma, Tochigi, Niigata, Nagano and Saitama.

<sup>3</sup> The import control measures maintained included the following: (a) all vegetables, fruits, milk, milk beverages and dried milk originating from Fukushima were prohibited from being imported into Hong Kong; (b) vegetables, fruits, milk, milk beverages and dried milk originating from the four prefectures near Fukushima (namely Ibaraki, Tochigi, Chiba and Gunma) were allowed to be imported on the condition that they were accompanied by a radiation certificate and an exporter certificate issued by the competent authority of Japan; and (c) all chilled or frozen game, meat and poultry, as well as poultry eggs originating from the above five prefectures were prohibited from being imported into Hong Kong unless they were accompanied by a radiation certificate issued by the competent authority of Japan.

<sup>4</sup> Codex was established by the Food and Agriculture Organization of the United Nations and the World Health Organization in 1960s. Codex was recognized by the World Trade Organization as the standard setting body for food safety.

9. Members were concerned that owing to the impact of the nuclear-contaminated water discharge plan, the prices of some local marine fish had dropped significantly, affecting the livelihood of local fishermen, and the business volume of Japanese restaurants in Hong Kong had also been on a downward trend in recent months. In some members' views, in addition to implementing a number of measures to safeguard food safety, the Administration should formulate a more comprehensive plan to tackle the nuclear-contaminated water discharge plan, including offering support to the affected trades (e.g. providing financial support on a need basis), enhancing public confidence in local aquatic products and food products imported from Japan, as well as promoting the sustainable development of the fisheries industry.

10. The Administration responded that it had all along maintained close contact with local fishermen's organizations, importers and catering operators of Japanese food products in respect of the nuclear-contaminated water discharge plan and the HKSAR Government's corresponding measures, and explained relevant information as well as provided support to the trades to help the trades formulate corresponding measures. The Administration would continue to communicate with the fisheries trade and the relevant stakeholders and explore assisting the trade to achieve sustainable development on various fronts (including implementing upgrading and transformation measures, assisting in brand building and providing support through the Sustainable Fisheries Development Fund). On the other hand, to enable members of the public to have a better grasp of the latest safety information on imported Japanese food products and to maintain public confidence in local aquatic products, since the commencement of the nuclear-contaminated water discharge plan by the Japanese Government, the Environment and Ecology Bureau had been issuing press releases every working day announcing the radiological testing results of food products imported from Japan, the radiological levels of local catch and the radiation measurement results of sea water samples in Hong Kong waters. At the same time, the Administration would offer timely explanation to the public via different social media platforms, and make clarifications in respect of misunderstandings the public might have about the discharge of nuclear-contaminated water.

11. Some members held the view that the Administration should consider requiring all imported Japanese food products to be affixed with labels on the packaging to indicate clearly the metropolis/prefectures from which the food products originated, thereby facilitating members of the public to make informed decisions when purchasing Japanese food products. As advised by the Administration, considering that at present, only Japanese food products complying with the requirements of the Order could be imported into Hong Kong and supplied within the territory, and that CFS would conduct comprehensive radiological testing on Japanese aquatic products not prohibited from being imported, and allow the supply of such products in the market only after verification that they did not exceed the radiation levels, the practical effect of affixing the proposed labels was rather limited. The Administration added that

under the existing mechanism, CFS could identify food products' prefectures of origin from the radiation certificates issued by the Japanese authorities and other relevant documents, and, if necessary, might request importers to provide the necessary information for food source tracing.

*Proposed amendments to the Preservatives in Food Regulation*

12. The Administration proposed amending the Preservatives in Food Regulation (Cap. 132BD) to the effect that the local standards of preservatives and antioxidants in food would be aligned with the international standards. Members in general supported the relevant proposal but they were of the view that the updated standards of preservatives and antioxidants as proposed should not be more stringent than relevant standards of the Mainland or the General Standard for Food Additives ("GSFA") formulated by Codex, lest it would impede the import of food from the Mainland and other places into Hong Kong. Furthermore, some members suggested that the Administration should provide a longer transitional period (e.g. 24 months)<sup>5</sup> so as to allow the food trade more sufficient time to make adjustments.

13. The Administration advised that it had referred to the latest Codex GSFA and relevant commodity standards, as well as relevant standards adopted by Hong Kong's major food trading partners (especially the Mainland), before proposing to update/stipulate the maximum permitted levels of permitted preservatives and antioxidants for specified food. It was noteworthy that as shown by test data on food additives in CFS's Food Surveillance System, most of the foods covered by the System would meet the updated standards of preservatives/antioxidants as proposed. The Administration expected that the proposal would not have any substantive impact on trade and food supply in Hong Kong. The Administration had launched a public consultation exercise from 29 May to 30 September 2023 to receive views from stakeholders on the relevant proposal before finalizing the details of the proposal (including the transitional period arrangement). Subject to the progress of the relevant work, the Administration planned to introduce the proposed legislative amendments to LegCo in late 2023 or early 2024.

*Food consumption survey in primary and secondary schools 2021-2022*

14. CFS conducted a two-phase Food Consumption Survey ("FCS")<sup>6</sup> on primary and secondary school students during the period from July 2021 to November 2022 with a view to carrying out more focused and reliable food safety risk assessments for the younger population. When receiving the Administration's briefing on the major findings of the FCS, members noted with

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<sup>5</sup> The Administration proposed that a transitional period of 18 months be given after the passage of the amendment regulation.

<sup>6</sup> CFS conducted two population-based FCSs between 2005 and 2007 and between 2018 and 2020 respectively. Both FCSs were household surveys targeting the adult population (i.e. persons aged 18 or above).

concern that during the period when the survey was conducted, face-to-face classes in local schools were intermittently suspended due to the Coronavirus Disease 2019 epidemic. Moreover, the dietary and living habits of the students interviewed in different age groups could vary greatly. The aforesaid situations might affect the analysis and application of the relevant survey data. In the light of the full resumption of face-to-face classes in all schools in Hong Kong, members suggested that CFS should consider conducting FCSs on secondary and primary school students respectively again in the short term and collaborate with the Education Bureau and departments such as the Department of Health to increase the number of interviewees and collect more data.

15. The Administration advised that the FCS in primary and secondary schools was conducted in accordance with internationally recognized standard methodologies. The data collected would help enhance the risk assessment capability of CFS, particularly in assessing the health risk posed by different chemical substances present in the diet of the younger population, thereby assisting CFS in assessing the food safety risks associated with individual chemical substances present in food, crafting corresponding risk communication messages and setting food safety standards in Hong Kong. The relevant government departments would take into consideration the relevant impact of the epidemic in analyzing and applying the data collected from the FCS.

### Environmental hygiene

#### *Government Programme on Tackling Hygiene Black Spots*

16. Appointed by the Chief Executive and led by the Deputy Chief Secretary for Administration, the District Matters Co-ordination Task Force (“Task Force”)<sup>7</sup> steered the efforts of various policy bureaux and departments to launch the Government Programme on Tackling Hygiene Black Spots (“the Programme”) in mid-August 2022. In this session, the Panel continued to follow up the implementation progress of the Programme. As mentioned by many members, they noticed that under the “standard modes of operation” established by the Task Force, the environmental hygiene and street management problems in many districts caused by shopfront extension (“SFE”) and abandoned vehicles in rear lanes had improved significantly. To sustain and further enhance the effectiveness of the Programme, members suggested that the Administration should encourage the public to monitor the improvement in hygiene black spots and report hygiene black spots via the thematic website of the Programme. Moreover, the Administration should increase the coverage of green spaces and enhance local characteristics in various districts to improve the living environment and quality of life of the general public.

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<sup>7</sup> On 2 May 2023, the Chief Executive announced the Government’s proposals on improving governance at the district level, which included the establishment of a Task Force on District Governance (chaired by the Deputy Chief Secretary for Administration) to replace the District Matters Co-ordination Task Force.

17. According to the Administration, the relevant government departments had gradually commenced various cityscape improvement work under the Programme, including beautifying public space, improving street furniture, enhancing landscape architecture and streetscape. The Task Force would continue to enhance publicity and education, and encourage the various sectors of the community to participate in the Programme, so as to raise public awareness of maintaining environmental hygiene. On the other hand, the Task Force would ensure that the relevant departments would maintain their cleaning and law enforcement momentum to consolidate the improvements achieved in environmental hygiene in various districts. To enhance the efficiency, effectiveness and deterrent effect of the Government's efforts in addressing various thorny environmental hygiene problems, the Task Force would coordinate the efforts of the Environment and Ecology Bureau and other relevant departments to comprehensively review environmental hygiene-related legislation in two stages, so as to explore raising the penalties for behaviours causing environmental hygiene nuisance and revising the authority of law enforcement officers.

*First-stage legislative review: proposal to raise the levels of fixed penalties for public cleanliness and obstruction offences*

18. The Administration proposed in the first-stage legislative review to raise the fixed penalties from \$1,500 to \$3,000 for seven scheduled offences (e.g. littering, disposal of waste, spitting in public places) under the Fixed Penalty (Public Cleanliness and Obstruction) Ordinance (Cap. 570) ("Fixed Penalty Ordinance") which mainly involved the conduct of individual members of the public; and raise the fixed penalties from \$1,500 to \$6,000 for the other two scheduled offences which mainly targeted SFE (i.e. obstruction of public places) and unlawful depositing of a large amount of construction or other waste (i.e. unlawful depositing of waste) respectively.<sup>8</sup>

19. Members were generally supportive of the Administration's proposed legislative amendments. As regards the problem of SFE which had persisted for years, members were concerned how the Administration would strike a balance between effective law enforcement and facilitating the business activities of merchants (e.g. occupying public places temporarily while loading and unloading goods). Some members considered that the Administration's proposal to raise the level of fixed penalty for the scheduled offence mainly targeting SFE from \$1,500 to \$6,000 might affect the business and operation of some shops.

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<sup>8</sup> The Administration consulted the Panel on the preliminary proposed legislative amendments to raise the levels of fixed penalties for offences such as littering, SFE and disposal of waste under the Fixed Penalty Ordinance at the Panel meeting in December 2022. It then conducted a one-month public consultation exercise. In March 2023, the Administration reported to the Panel the outcome of the public consultation exercise and consulted members on the latest proposed amendments.

Members suggested that to tackle the SFE problem in the long run, relevant policy bureaux and departments (such as the Development Bureau, the Environment and Ecology Bureau and the Housing Bureau) should communicate closely in the course of the Government's planning for New Development Areas, and provide facilities such as parking spaces, loading bays and temporary warehouses in the light of the business needs of merchants. Moreover, members considered that the Administration should also step up efforts to educate the public and promote the Clean Hong Kong message in parallel with raising the levels of fixed penalties.

20. The Administration advised that it had taken into account the reasonableness and proportionality in determining the proposed increases in the levels of fixed penalties. As for the handling of temporary depositing of goods in public places for loading and unloading which involved the purview of different departments, whether there was non-compliance would depend on various factors such as the location, time and specific circumstances. As far as FEHD was concerned, its relevant officers had the experience in handling situations concerning the loading and unloading of goods by shops, and they would continue to arrange inspections and law enforcement work based on the actual circumstances and needs of various districts. Furthermore, the Administration would enhance publicity and education through various channels to raise the public's law-abiding awareness.

21. The Fines and Fixed Penalties (Public Cleanliness and Obstruction) (Miscellaneous Amendments) Bill 2023 which sought to implement the above amendments received First Reading at the LegCo meeting of 17 May 2023. After the Bills Committee formed to study the Bill had completed its scrutiny work, the Bill resumed Second Reading debate and was passed at the LegCo meeting of 12 July 2023. The amended Ordinance came into operation on 22 October 2023.

*Second-stage legislative review: proposed amendments to environmental hygiene-related legislation*

22. At the meeting in July 2023, the Panel received the Administration's briefing on the outcome of the second-stage review on environmental hygiene-related legislation, the preliminary proposals to amend the Public Health and Municipal Services Ordinance (Cap. 132) ("PHMSO") and other related ordinances ("preliminary proposed legislative amendments"), and the preliminary proposals on relevant administrative measures ("preliminary proposed administrative measures"). Members generally supported the above-mentioned preliminary proposals with a view to improving a number of "long-standing, big and difficult" environmental hygiene and street management problems in the long run, such as SFE, water seepage in buildings, "garbage apartments" and occupation of public places by miscellaneous articles causing obstruction to scavenging operations.



23. In the light of members' suggestion made during their discussion on the first-stage legislative review, the Administration thoroughly examined the feasibility of implementing a progressive fixed penalty for SFE offences. The Administration said that upon examination from various perspectives, the Administration considered it inappropriate to implement a progressive fixed penalty for SFE at the current stage. That said, the Administration proposed amending PHMSO to add a new provision against SFE, and raise the maximum fine and the term of imprisonment which might be imposed by the court on the second or subsequent convictions. The initial proposal was to impose a maximum fine at level 4 (\$25,000) and a term of imprisonment of three months on the first conviction; and a maximum fine at level 5 (\$50,000) and a term of imprisonment of six months on the second or subsequent convictions. Moreover, the Administration stressed that at present, law enforcement officers might issue multiple fixed penalty notices on the same day to shops that kept obstructing the streets, and remove their goods under the existing mechanism, which could substantially increase their cost of non-compliance. Members were of the view that if the situation of repeated SFE offences did not improve after the implementation of the proposed legislative amendments, the Administration should consider afresh the implementation of a progressive fixed penalty.

24. A number of members were concerned whether the preliminary proposed legislative amendments and the preliminary proposed administrative measures targeting water seepage problems in buildings would be conducive to enhancing the effectiveness of the Joint Office for Investigation of Water Seepage Complaints ("JO") set up by the Buildings Department and FEHD in handling water seepage cases in buildings and enable more complainants to receive assistance. The Administration said that in order to more effectively handle water seepage cases in buildings, the Administration proposed to combine certain investigation work in some districts on a trial basis in the third quarter of 2023 to try out whether the investigation time required for applicable cases could be reduced from 90 working days to some 60 working days. Meanwhile, JO would review the procedures for result checking after completion of onsite investigation with a view to further shortening the investigation time. Regarding cases of water seepage in buildings which could not be dealt with under PHMSO, the Administration would explore offering facilitation to the complainants and complainees concerned by providing them with free copies of JO's water seepage investigation reports for reference, so that they might consider pursuing other means (e.g. by way of seeking opinions from loss adjusters) and resolve disputes arising from water seepage by civil means.

25. Members were also concerned that under the existing legislation, various government departments and property management companies were unable to effectively deal with the problem of "garbage apartments". In their views, the Administration should provide the necessary services taking into account the actual circumstances and personal problems faced by the persons concerned in order to tackle the problem at root. The Administration responded that the

problem of “garbage apartments” often involved the elderly, persons with mental disabilities or the financially disadvantaged. Therefore, apart from the proposed amendments to PHMSO to enable FEHD to clear articles in “garbage apartments” more effectively, the Administration also planned to implement measures to strengthen the provision of the necessary support to the persons concerned. The relevant departments would also strengthen inter-departmental collaboration on formulating the “standard operation mode” for conducting joint operations in a bid to thoroughly address the problem.

26. A number of members suggested that the Administration should consult relevant stakeholders such as LegCo Members from different sectors and members of various District Councils on various preliminary proposals in batches according to the type of environmental hygiene problems involved, and report the work progress to the Panel in due course. The Administration responded that it planned to further deepen the proposed legislative amendments and consult the public and relevant trades in the second half of 2023. The Administration would report to the Panel the consultation outcome and further details of the proposed legislative amendments in due course. Depending on the work progress, the Administration would strive to introduce a relevant bill to LegCo in the second half of 2024.

#### *Rodent control work*

27. The Administration’s rodent control work was high on the agenda of the Panel. Expressing concern about the persistent rodent problem found in some food premises and public markets, members enquired about the progress and results of the three-month rodent infestation assessment and anti-rodent work implemented in three selected markets<sup>9</sup> by three pest control service contractors engaged by the Administration. Members were pleased to note that the Administration would extend in phases the trial scheme under which restaurants were allowed to place large-size waste containers in rear lanes so that restaurants could store their waste properly and temporarily until collection by cleaning workers hired by relevant food premises, hence improving environmental hygiene and mitigating the problem of rodent infestation in rear lanes. Members considered that FEHD should update its rodent control guidelines in a timely manner to strengthen the promotion of effective rodent trapping technologies and tools.

28. The Administration advised that the number of live rodents caught and dead rodents collected by the three pest control service contractors engaged by FEHD at the three selected markets was one to three times higher than the relevant figures recorded in the routine anti-rodent work conducted by FEHD. Upon completion of the scheme in May 2023, FEHD would comprehensively review the results and

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<sup>9</sup> The three selected markets were namely Shek Tong Tsui Market in the Central and Western District, Shui Wo Street Market in Kwun Tong and Heung Che Street Market in Tsuen Wan.

costs of the work, and examine in a timely manner the feasibility of extending the scheme to other markets. In the meantime, FEHD would continue to carry out deep cleansing operations in public markets, and extend the intensive anti-rodent operations to all markets and fixed-pitch hawker areas. On the other hand, given the satisfactory results of the trial scheme under which licensed food premises were allowed to place large-size waste containers in their connected rear lanes if they met specific conditions, FEHD extended the trial scheme which had been fine-tuned to another nine districts in April 2023, and would consider extending the scheme to more rear lanes. The Administration undertook that more resources would be deployed to improve the rodent infestation situation in various districts across the territory in a comprehensive and continuous manner.

*Proposed construction of a refuse collection point and a recycling store at Anderson Road Quarry*

29. The Administration consulted the Panel on the proposed works project to construct a three-storey joint-user building with a refuse collection point (“RCP”) and a recycling store at the Development of Anderson Road Quarry Site, Sai Kung. Members generally supported the works project but were concerned about whether the design capacity of the proposed RCP and the service capacity of the recycling store would be enough to meet the need arising from future community development. Members enquired whether the Administration would consider providing food waste collection service and/or setting up food waste collection bins in the proposed joint-user building to help instil a green living culture in the community.

30. According to the Administration, the Development of Anderson Road Quarry Site would provide around 12 hectares of land for housing development, which was expected to accommodate a population of around 30 000. Upon the intake of residents to the area, the RCP on Anderson Road would need to handle around one to two tonnes of refuse daily. The maximum capacity of the proposed RCP was 3.8 tonnes, which would be enough to meet the demand. The Administration advised that it would keep in view the demand for food waste collection service in the area, as well as the development of food waste collection and processing technologies, and consider in a timely manner the need for such service and the ways to enhance it.

31. The proposed works project was subsequently endorsed by the Public Works Subcommittee and approved by the Finance Committee on 26 April and 19 May 2023 respectively.

Proposal of designating new fish culture zones and setting up deep sea cages

32. To promote and assist fishermen in switching to modernized and sustainable fisheries operations, the Agriculture, Fisheries and Conservation Department (“AFCD”) planned to (a) designate four new fish culture zones (“FCZs”) in Wong Chuk Kok Hoi, outer Tap Mun, Mirs Bay and Po Toi

(Southeast), and (b) set up several new steel truss cages and other types of deep sea cages in phases for renting to fishermen organizations/associations (“proposed new measure”). Members generally supported the proposed new measure but were concerned about the preferential policies the authorities had in place to assist capture fishermen (accounting for around 70% of local fishermen) to transform their business into a modernized and sustainable mode of fisheries operation as well as the cost-effectiveness of the new measure.

33. The Administration advised that it would continue rolling out various measures in stages to assist capture fishermen to transform their business into a sustainable and modernized mode of fisheries operation. As deep sea mariculture was a trend in sustainable fisheries development on the Mainland and in the world, the Administration planned to fund the adoption of deep sea cages in new FCZs (with the whole project involving a non-recurrent cost of around \$74 million and a recurrent cost of \$5 million per year) to reduce the start-up cost and investment risks borne by fishermen and promote the transformation of capture fishermen’s operation and the upgrading of conventional fish farmers’ operation to modernized mariculture. According to the preliminary estimate of the Administration, using deep sea cages for deep sea mariculture might generate a net income of up to \$3 million to \$4 million per year and the payback period would be around five years at the earliest (on the basis of the cost of around \$15 million per steel truss cage and one mariculture production cycle per year). However, the actual effectiveness and return of deep sea mariculture would be directly affected by various factors such as the respective operations and mode of operation.

34. Members noted that through the implementation of the proposed new measure, local mariculture production was expected to double in five years and could reach 5 000 tonnes each year in the long run. They suggested that the Administration should expeditiously study how to expand and optimize the sales channels of local fisheries produce to avoid oversupply that would drag down wholesale prices. The Administration responded that AFCD would continue stepping up the promotion of local quality fisheries produce in collaboration with the Fish Marketing Organization to establish a quality brand name for local produce and continuously explore the local and Mainland markets. In addition, the Environment and Ecology Bureau would work hand in hand with the agriculture and fisheries industries to formulate a “blueprint for the sustainable development of agriculture and fisheries”, which would cover various measures relating to the development of agriculture and fisheries, including issues concerning the sale of fisheries produce. The Administration advised that it would seek funding approval from LegCo for the procurement of deep sea cages and associated facilities in accordance with the established procedures.

35. The Fish Culture Zone (Designation) (Amendment) Order 2023, which sought to designate four new FCZs, was published in the Gazette on 20 October 2023 and tabled at LegCo on 25 October 2023 for negative vetting.

## Proposed construction of a joint-user complex in Area 67 of Tseung Kwan O

36. Members generally supported the Administration's proposal to construct a joint-user complex with a market ("JUC") in Area 67 of Tseung Kwan O, and were pleased to note that the public market attached to the proposed JUC was expected to provide about 140 stalls, including two live poultry stalls. However, some members were concerned about the potential impact of the operation of the proposed public market on a number of neighbouring housing estates, as well as the environment and traffic in the vicinity. According to the Administration, to enhance the environmental hygiene standard of public markets and reduce the impact on the surrounding environment, the proposed public market would adopt a series of features that would reduce the risk of transmission of bacteria and virus, including the use of an advanced air purification system to eliminate odour, bacteria and gaseous pollutants, as well as the introduction of greasy fume and odour treatment equipment at cooked food stalls. Moreover, the two live poultry stalls would be equipped with independent ventilation and sewage systems. On the other hand, all vehicles delivering goods to the market would have to load and unload goods at the loading/unloading area at the basement of JUC in the future. Suitable freight management measures and traffic arrangements would be in place to expedite the loading and unloading process and shorten the time required so as to avoid affecting the nearby traffic.

37. Members noted that apart from the public market, the proposed JUC would also provide a number of public service facilities such as a Maternal and Child Health Centre, a Dermatological Clinic, a Neighbourhood Elderly Centre and a District Support Centre for Persons with Disabilities. To facilitate the use of the above services by the public, members considered that the design of the entrances/exits of the proposed JUC and the public market had to take into account the needs of the relevant groups, and be easily accessible. Some other members enquired whether the project time could be compressed so that the public could use the relevant facilities and services earlier. The Administration advised that according to the preliminary design concept, the public market and other government facilities in the complex would have their respective dedicated entrances/exits. Upon funding approval by LegCo, the works would commence immediately, and taking into account the excavation works for the construction of the basement and other foreseeable factors, the whole project was expected to be completed in about 4.5 years.

## Policies and measures on bazaars

### *Policies on bazaars*

38. In this session, the Panel discussed with the Administration issues relating to bazaars. Members generally supported the Administration's effort to step up promotion of bazaar activities and were pleased to note that the relevant policy

bureaux and departments<sup>10</sup> were updating the Resource Handbook for Bazaar Application. Members expected the Administration to take this opportunity to establish a set of clear and simple guidelines on application for holding bazaar activities and to simplify the relevant procedures (including local consultation exercise) as well as the application procedures and criteria for the relevant temporary licences, so as to encourage more interested organizations to apply for holding bazaar activities and increase their chance of success.

39. Members suggested that the Administration should draw reference from successful examples of establishing bazaars or markets in individual Mainland cities and identify suitable venues in Hong Kong to organize music bazaars, cooked food night bazaars or other community-based bazaar activities. The Administration advised that as the nature and positioning of bazaars varied from one to another, and bazaars could be held in different forms, it would be more flexible for proponents to find venues suitable for holding bazaars having regard to the situation, development, culture and planning characteristics of the local areas concerned. That said, the Administration was reviewing the venues under its purview and planned to offer, on a trial basis, some venues on specified days for interested organizations to apply for holding bazaars.

#### *Operation and management of Lunar New Year Fairs*

40. FEHD resumed Lunar New Year Fairs (“LNYFs”) in 2023<sup>11</sup>. Taking the then development of the Coronavirus Disease 2019 epidemic into account, it was decided that arrangements would be made for the LNYFs to focus only on selling New Year flowers. In view of the failure of the service contractor for the LNYF at Shek Wu Hui Playground in North District to provide additional illumination and power supply for individual stalls as required by the contract, members requested the Administration to brief the Panel on FEHD’s operation of and monitoring arrangements for the 2023 LNYFs. The Administration emphasized that FEHD would seriously follow up the Shek Wu Hui incident. Apart from issuing a warning letter to the contractor concerned, FEHD was considering recovering the relevant costs from the contractor concerned according to the contract given the need to engage another new contractor in accordance with procedures, as well as considering not to accept the contractor’s bids for relevant service contracts in the coming year.

41. Members expressed views on various issues relating to LNYFs, such as ways to improve crowd management, regulating the structures in LNYF stalls, and enhancing the arrangements for providing illumination and power supply for

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<sup>10</sup> The relevant policy bureaux and departments include: Environment and Ecology Bureau, Home and Youth Affairs Bureau, Culture, Sports and Tourism Bureau, Commerce and Economic Development Bureau, Home Affairs Department, Housing Department, Leisure and Cultural Services Department, Transport Department and Fire Services Department.

<sup>11</sup> In view of the development of the Coronavirus Disease 2019 epidemic, FEHD cancelled LNYFs in 2021 and 2022, and set up points of sale of New Year flowers in 2021.

LNYP stalls. Members also called on the Administration to seriously consider the return of dry goods and fast food stalls in the 2024 LNYPs on the premise of ensuring safety and meeting public health-related requirements so as to spice up the bustling festive atmosphere of the Lunar New Year in the community. The Administration said that although preparation for and the holding of the 2023 LNYPs had more or less been affected by the epidemic, the 15 LNYPs set up throughout the territory had still attracted a total of over 1.14 million visitors. FEHD would sum up the experience, take into consideration the views of various parties and discuss in a timely manner with the relevant departments the arrangements for the coming year's LNYPs, with a view to further refining the related work.

### Meetings held

42. During the period between January and November 2023, the Panel held a total of nine meetings. The Panel has scheduled another meeting on 12 December 2023 to discuss: (a) blueprint for the sustainable development of agriculture and fisheries; and (b) implementing a smart public toilet system at public toilets managed by FEHD.

Council Business Division 2  
Legislative Council Secretariat  
29 November 2023

**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 2023 session\***

<b>Chairman</b>	Hon CHAN Hoi-yan
<b>Deputy Chairman</b>	Hon Judy CHAN Kapui, MH, JP
<b>Members</b>	Hon Tommy CHEUNG Yu-yan, GBM, GBS, JP Hon Steven HO Chun-yin, BBS, JP Hon SHIU Ka-fai, JP Hon CHAN Chun-ying, JP Hon Vincent CHENG Wing-shun, MH, JP Hon Tony TSE Wai-chuen, BBS, JP Hon Stanley LI Sai-wing, MH, JP Hon LAM So-wai Hon LEUNG Man-kwong, MH Hon JoePHY CHAN Wing-yan Ir Hon Gary ZHANG Xinyu Hon Benson LUK Hon-man Hon YANG Wing-kit Hon TANG Ka-piu, BBS, JP Hon YIM Kong  (Total : 17 members)
<b>Clerks</b>	Miss Josephine SO (up to 30 June 2023) Miss Connie AU (since 3 July 2023)
<b>Legal advisers</b>	Ms Wendy KAN (up to 10 July 2023) Miss Emily MOK (since 11 July 2023)

\* Change in membership is shown in Annex to Appendix 2.

**Annex to Appendix 2**

**Panel on Food Safety and Environmental Hygiene**

**Change in Membership**

<b>Member</b>	<b>Relevant date</b>
Hon LAM So-wai	Since 17 January 2023