

**Advisory Council on Food and Environmental Hygiene**

**Minutes of the 79<sup>th</sup> Meeting  
held at 2:30 p.m. on Thursday, 19 January 2023,  
in Room 1801, East Wing, Central Government  
Offices, 2 Tim Mei Avenue, Tamar, Hong Kong**

Prof Kenneth LEUNG Mei-ye, J.P. (Chairman)

Hon CHAN Hak-kan, S.B.S., J.P.

Mr CHEUNG Ki-tang

Ms CHIANG Lai-yuen, J.P.

Ms Catherine CHING Siu-yi

Dr Jill CHIU Man-ying

Dr Dennis IP Kai-ming

Prof Terence LAU Lok-ting

Dr Peter LEE Wai-man

Dr Stanley TAM Kui-fu

Mr Richard TSANG Lap-ki

Prof WONG Man-sau

Ms Vivian LAU Lee-kwan, JP

Permanent Secretary for Environment  
and Ecology (Food)

Dr LEUNG Siu-fai, JP

Director of Agriculture, Fisheries and  
Conservation

Ms Irene YOUNG Bick-kwan, JP

Director of Food and Environmental  
Hygiene

Dr Rita HO Ka-wai

Head, Non-Communicable Disease  
Branch, Department of Health

Ms Anna CHOR Kin-lan

Principal Assistant Secretary for  
Environment and Ecology (Food) 3  
(*Secretary to ACFEH*)

### **Absent with Apologies**

Dr Olivia CHAN Sinn-kay

Prof CHEN Sheng

Dr CHEN Xue-ping

Dr Crystal FOK Lo-ming

Ms Sandy KEUNG Yurk-nam

### **In Attendance**

#### **Environment and Ecology Bureau (EEB)**

Miss Diane WONG Shuk-han, JP

Under Secretary for Environment and Ecology

Ms Ivy LAW Chui-mei

Deputy Secretary for Environment and Ecology (Food) 1

Mr Parson LAM Chun-wah

Principal Assistant Secretary for Environment and Ecology (Food) 2

Mr Jodan FU Ka-shing

Assistant Secretary for Environment and Ecology (Food) 4

Mr Kelvin WONG Chun-hin

Assistant Secretary for Environment and Ecology (Food) 10

#### **Food and Environmental Hygiene Department (FEHD)**

Mr Arsene YIU Kai-cheuk

Deputy Director (Environmental Hygiene)

Mr LEUNG Yat-king

Assistant Director (Operations) 3

Mr TSE Yu-cheung

Coordinator (Pest Control)

Mr LAU Chi-keung

Senior Superintendent (Hawker & Market)

Mr WONG Wai-leung

Senior Superintendent (Cleansing & Pest Control) 1

Mr Wilson NG Kwok-lun

Senior Superintendent (Cleansing & Pest Control) 2

Mr LEE Ming-wai

Pest Control Officer in-charge

## **Environmental Protection Department (EPD)**

Mr Andy CHAN Siu-wing

Assistant Director (Env Compliance)

Mr Philip LEE Sui-on

Principal Environmental Protection  
Officer (Territorial Control)

### **Opening Remarks**

The Chairman welcomed members and Government representatives to the 79<sup>th</sup> meeting of the Advisory Council on Food and Environmental Hygiene (ACFEH).

### **Agenda Item 1: Confirmation of the Minutes of the Last Meeting**

2. The minutes of the last meeting on 17 May 2022 were confirmed.

### **Agenda Item 2: Matters Arising from the Last Meeting**

3. There was no matter arising from the last meeting.

### **Agenda Item 3: Public Consultation on Proposal to Raise the Level of Fixed Penalty for Public Cleanliness and Obstruction Offences (ACFEH Paper 1/2023)**

4. Miss Diane WONG said that the new term Government attached great importance to environmental hygiene. With the use of PowerPoint slides, Mr Parson LAM briefed the Meeting on the Government's preliminary proposal of raising the level of fixed penalty for public cleanliness and obstruction offences.

5. Dr Peter LEE considered that whilst the proposed increase in fixed penalty level to \$3,000 should be an adequate deterrent for individuals, the proposed fixed penalty level at \$6,000 against illegal disposal of construction or large amount of waste might not be sufficient. He suggested correlating the level of fixed penalty with the weight of waste illegally disposed. Similarly, Prof WONG Man-sau suggested determining the level of fixed penalty according to the cost of handling such waste.

6. Hon CHAN Hak-kan recognised the positive outcome of Government's enforcement efforts against shopfront extension (SFE). To sustain the outcome, he suggested FEHD to keep up its liaison work with shops and the joint operation with the Police to remove and seize obstructive goods. He supported in principle the introduction of progressive fixed penalty for SFE while noting the potential implementation difficulty.

7. Concerning illegal dumping of construction waste / large quantity of waste, Miss Diane WONG and Mr Andy CHAN pointed out that apart from issuing fixed penalty notices, EPD could prosecute the offenders by summons under the Waste Disposal Ordinance (Cap. 354) where circumstances warranted, e.g. where the amount of waste disposed was of a larger quantity. The maximum penalty the court could impose was a fine of \$200,000 and 6-month imprisonment for first conviction and a fine of \$500,000 and 6-month imprisonment for second or subsequent conviction. Concerning the introduction of progressive fixed penalty for SFE, Miss Diane WONG explained that the Government planned to first increase the level of fixed penalty to achieve a prompt deterrent effect, and would continue to examine the proposal on progressive fixed penalty in detail. She supplemented that currently, the Police was empowered under section 32 of Summary Offences Ordinance (Cap. 228) to remove and seize unclaimed goods that obstructed public places. FEHD had been conducting joint operations with the Police.

8. Ms Irene YOUNG added that if obstruction of public places and SFE involved illegal hawking, the concerned goods could be seized by FEHD. While the Government had already stepped up enforcement actions against SFE which had achieved positive results, it was considered necessary to also raise the fixed penalty level to sustain the results. Besides, the Government could issue multiple fixed penalty notices to repeated offenders over a short period of time so as to achieve a greater deterrent effect.

9. Dr Dennis IP enquired on the enforcement against fouling of street by dog faeces. Miss Diane WONG responded that enforcement officers would issue fixed penalty notices to offenders under the Fixed Penalty (Public Cleanliness and Obstruction) Ordinance (Cap. 570). The penalty level was proposed to be raised from \$1,500 to \$3,000. Where circumstances warranted, enforcement officers might prosecute offenders by summons under section 13 of the Public Cleansing and Prevention of Nuisances Regulation (Cap. 132BK). The current maximum penalty was \$5,000 for first conviction and \$10,000 for second or subsequent conviction. The Government proposed to raise the penalty level to \$10,000 for first conviction and \$25,000 for second or subsequent conviction.

10. Mr Richard TSANG enquired on the legislative timetable for the proposal to raise the level of fixed penalty. He also enquired on the public engagement plan (in particular for elderly persons) and whether there would be any grace period before the increased fixed penalty level was in force. Prof WONG Man-sau highlighted the importance of public engagement, in particular for targeted groups such as the elderly, before the proposed raise took effect.

11. Mr CHEUNG Ki-tang enquired on the considerations behind the magnitude of proposed increase in the level of fixed penalty. He suggested that there should be a grace period for educating the public, during which warnings

would be issued in lieu of fixed penalty notices with the increased penalty level. He also enquired if the Government would put in place any measure to tackle the problem of illegal disposal of waste at refuse collection points managed by Housing Authority (HA).

12. Miss Diane WONG replied that the Government had taken into account a number of considerations in proposing the increase. For example, the cumulative consumer price index had increased by 60% since the last increase of fixed penalty level from \$600 to \$1,500 back in 2003. Moreover, it was important to ensure that the increased level could achieve sufficient deterrent effect as some of the operators had treated the \$1,500 fixed penalty as operating costs for using the space outside their shops illegally or dumping construction waste conveniently. On public engagement, she explained that apart from conducting the public consultation, the Government had consulted the Legislative Council and would do so again on the findings of the public consultation exercise. The Government also touched base with certain trade associations. There should be enough time and opportunities for the public to learn about the proposal. Before the increased level of fixed penalty came into effect, the Government would also step up its public engagement and education efforts, in particular for targeted groups such as the elderly. Concerning the problem of illegal disposal of waste at refuse collection points managed by HA, Miss Diane Wong advised that FEHD and Housing Department (HD) had discussed handling the matter under the established mechanism, such as meetings between the Deputy Directors of the two Departments. IP cameras had also been installed to monitor the blackspots at relevant locations of certain public housing estates. In tackling illegal disposal of waste, HD officers were empowered to issue fixed penalty notices under Cap. 570 as well as issue summons under Cap 132BK pursuant to section 8A(1) and Schedule 4 to the Magistrates Ordinance (Cap 227).

*[Post-meeting note: Having considered members' views about public engagement and education, the Government had included in the relevant Amendment Bill that the proposal for raising the fixed penalty level would only take effect three months after the bill was passed and gazetted. The Government would step up public education during the three-month period.]*

13. The Meeting indicated support to the Government's proposal to raise the level of fixed penalty for public cleanliness and obstruction offences.

#### **Agenda Item 4: Cross-sectoral Territory-wide Anti-rodent Action (ACFEH Paper 2/2023)**

14. Miss Diane WONG provided an overview of the Cross-sectoral Territory-wide Anti-rodent Action (the Action). With the use of PowerPoint slides, Mr TSE Yu-cheung briefed the Meeting on details of the Action and anti-rodent measures taken by FEHD.

15. Mr CHEUNG Ki-tang appreciated the efforts of the Government in enhancing environmental hygiene and rodent control. He considered that continuous efforts would be needed to ensure long-term effectiveness.

16. Prof WONG Man-sau said that more efforts should be made to educate the public in the handling of food waste at source. She quoted the example of Canada where waste sorting was practised in each household and considered that public education in this regard, say starting from primary schools, should be introduced in Hong Kong.

17. Prof Terence LAU appreciated the increased number of rodents caught during intensified anti-rodent operations and under the Government's multi-pronged approach in tackling the rodent problem. He enquired whether there would be any measure to reduce the number of rodents at source in the longer term, such as cleaning out their habitats and food sources.

18. Miss Diane WONG emphasised that recycling and proper handling of food waste was a key to tackling rodent problem in the long run. The Government had all along been liaising with stakeholders from markets, catering trade and recycling industries, etc., and had introduced various pilot schemes, such as providing food waste bins in certain refuse collection points for use by restaurants and providing smart bins for food waste in some public housing estates for use by tenants. Besides, the Government was committed to tackling the rodent problem and would make continuous efforts to implement effective anti-rodent solutions.

19. Ms Vivian LAU pointed out that anti-rodent measures had already been included in the overall design of new FEHD markets, and the Government had also provided guidelines on anti-rodent design for construction of new buildings. Mr LEE Ming-wai quoted the example of the overhauled Aberdeen Market where rodent proofing features had been adopted in designing the drainage system and stall structure. The Government had also invited a rodent control expert via the World Health Organization to visit Hong Kong and sought his advice on tackling rodent problem at source in different environments. Ms Vivian LAU added that FEHD had introduced a new licensing condition in fresh provision shop licences, requiring that all meat or poultry had to be directly delivered into the premises or properly kept to prevent invasion or contamination by any kind of animals or the ambient environment.

20. Dr Jill CHIU noted that there were shops on the street selling fresh meat or fish outside the premises and without any cover. She enquired whether the new licensing condition could tackle such acts.

21. Ms Irene YOUNG clarified that the new fresh provision shop licensing condition concerned the delivery of meat or poultry to the shops. There were separate and existing laws and licensing conditions governing the arrangements for selling meat at fresh provision shops. Ms Vivian LAU supplemented that the

business area of each fresh provision shop was stipulated in its respective licence, and FEHD would step up enforcement actions against breach of licensing conditions such as illegal extension of business.

22. The Chairman enquired whether the Government had/would set up any KPI on rodent control. The Chairman and Mr Peter LEE asked how the Government was deploying glue traps in rodent control, against the claims by some that the use of such traps was inhumane and might lead to public health risks.

23. Miss Diane WONG replied that on KPI, the Government had committed in the 2022 Policy Address to reducing the number of priority rodent blackspots at least by half by end-2023. Concerning the usage of glue traps, she explained that FEHD would only use glue traps in suitable indoor venues, such as its wet markets and refuse collection points, and at appropriate timing, such as after operating hours of markets. FEHD and its contractors would check the traps promptly and dispose of caught rodents in the first possible instance. She added that when properly used, the glue traps would be effective in handling serious rodent infestation, and not cause any unnecessary suffering on rodents. FEHD had also issued guidelines on the use of glue traps.

#### **Agenda Item 5: Any other business**

24. The Chairman suggested that the Government could arrange members to visit the Organic Resources Recovery Centre (O Park), a facility handling food waste, within 2023.

*[Post meeting note: The Secretariat will arrange a visit to O Park in the second half of 2023.]*

25. There being no further business, the meeting was adjourned at 4:15 p.m.

**Secretariat**

**Advisory Council on Food and Environmental Hygiene**

**June 2023**