

LCQ3: Noise nuisance caused by music performances in parks

Following is a question by the Hon Kwong Chun-yu and a written reply by the Secretary for Home Affairs, Mr Lau Kong-wah, in the Legislative Council today (May 8):

Question:

It has been reported that from time to time, quite a number of people stage music performances without permission in the parks under the Leisure and Cultural Services Department (LCSD), and some performers generate loud noise by using amplifiers during their performances. For many years, Tuen Mun Park has been a black spot of music performances causing noise nuisance. Notwithstanding that LCSD has set up, at corners in the Park that are far away from residential areas, two self-entertainment zones for registered music activities without the use of amplifiers, very few music performers have applied for the use of the zones. They continue to use amplifiers to stage performances elsewhere in the Park, thereby causing noise nuisance to visitors and nearby residents. In this connection, will the Government inform this Council:

(1) of the respective numbers of persons staging music performances in the parks under LCSD who were (i) issued warning letters by LCSD under the Noise Control Guidelines and (ii) prosecuted by the Noise Control Authority under the Noise Control Ordinance (Cap. 400), in the past three years for generating excessive noise; the number of convictions and, among them, the number of cases of repeated offences;

(2) whether the persons who stage performances, (i) with or (ii) without permission respectively, in the parks under LCSD and receive rewards or remunerations contravene the Pleasure Grounds Regulation (Cap. 132BC) or other legislation; and

(3) of the respective numbers of applications received and approved by LCSD in the past three years for staging performances in the self-entertainment zones in Tuen Mun Park; given that the authorities have recently proposed that Cap. 132BC be amended for more effective control of the noise nuisance problem in the parks under LCSD, whether LCSD has assessed if such measure can eradicate the noise problem caused by music performers staging performances in Tuen Mun Park?

Reply:

President,

My reply to the Hon Kwong Chun-yu's question is as follows:

(1) The noises referred to in the "Noise Control Guidelines" fall under the regulation of the Noise Control Ordinance (Cap. 400), the provisions of which are enforced by the Director of Environmental Protection and the Commissioner of Police. The Leisure and Cultural Services Department (LCSD) takes enforcement actions in its public pleasure grounds (PPGs) to step up regulation of noise nuisance primarily under section 25 of the Pleasure Grounds Regulation (Cap. 132BC).

Section 25 of the Pleasure Grounds Regulation stipulates that "Save where the Director has, in writing, permitted the operation or playing of, or the making of any sounds by means of, any such instrument or the singing of any song, no person shall, in any pleasure ground, to the annoyance of any other user thereof operate or play, or make any sounds on, any musical or other instrument, including any gramophone or radio apparatus or sing any song."

Under normal circumstances, members of the public who play music instruments or sing songs in parks for self-entertainment will not be interfered by park keepers as long as these activities do not cause nuisance to other venue users. However, when excessive noise is generated from the activities and a complaint of annoyance is lodged to LCSD, management staff of the venue will advise the person concerned to lower the volume. If the advice is ignored, the management staff will, having regard to the actual circumstances, consider instigating prosecution against the person(s) in breach of the regulation under section 25 of the Pleasure Grounds Regulation when there is a venue user who had been annoyed willing to act as prosecution witness and there is sufficient evidence. There were two successful prosecutions involving Tuen Mun Park in the past three years.

(2) At present, the Pleasure Grounds Regulation and other legislation do not prohibit members of the public from tipping others in the form of "lai see" in parks. Hence, performers who accept "lai see" from members of the public in parks are not in breach of the legislation. However, it is up to the court to adjudicate each prosecution case with regard to the circumstances of the case and evidences found.

LCSD will issue a letter of approval to the successful group applicant for using a LCSD venue for non-designated activities (e.g. performance activities). The letter will set out the conditions for hiring the leisure venue for non-designated use. For example, the hirer shall not allow any distribution or sale of refreshments or commodities, or charge admission fees or solicit donations from participants in the activity, or accept any form of pecuniary reward except prior permission has been given by LCSD. LCSD may demand the hirer to surrender the venue if the hirer breaches any of the department's conditions of use.

(3) Two self-entertainment zones and one Amphitheatre in Tuen Mun Park are available for application by groups for singing activities, etc. The numbers of applications received and approved regarding the above-mentioned self-entertainment zones and Amphitheatre in the past 3 years (May 2016 to April 2019) are set out in the table below:

Year	Number of applications		Total	Number of approved applications		Total
	Self-entertainment zone	Amphitheatre		Self-entertainment zone	Amphitheatre	
May 2016 to April 2017	423	745	1 168	370	304	674
May 2017 to April 2018	382	699	1 081	372	297	669
May 2018 to April 2019	390	812	1 202	370	279	649
Total	1 195	2 256	3 451	1 112	880	1 992

LCSD has been monitoring closely the noise nuisance problem and implemented a number of noise control measures such as designating suitable areas for activities by singing groups, conducting joint operation with the Police, strengthening manpower to monitor singing activities and drawing up house rules to regulate the use of speakers in designated parks, so as to mitigate and regulate the noise nuisance in parks. At present, if enforcement action is taken by LCSD under section 25 of the Pleasure Ground Regulation, it has to be established that a "venue user" had been annoyed, and the venue user has to be willing to serve as a prosecution witness. To address public demand for proper and effective regulation of noise nuisance in parks, we propose a simple legislative amendment to section 25 of Cap. 132BC by replacing "user thereof" with "person". The amendment will help promote responsible and respectful behaviours in PPGs and deter the irresponsible use of loudspeakers and similar equipment which cause annoyance to other park users, nearby residents or park keepers. Under the proposed amendment, LCSD park keepers and any other persons (in particular the nearby residents) who are annoyed by the noise may act as prosecution witnesses in LCSD's enforcement action. For more effective regulation of noise nuisance in PPGs, we aim to table the amendment regulation at meeting of the Legislative Council for negative vetting within this year.

LCQ2: Prevention and control of ants

Following is a question by Dr Hon Helena Wong and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (May 8):

Question:

It has been reported that a scholar in biology and ecology found ants belonging to the species of *Brachymyrmex patagonicus* in Hung Hom in November last year. The scholar pointed out that such species of ants was non-native to Hong Kong and would build nests in buildings. It would be difficult to eradicate the species if its population was to proliferate. In this connection, will the Government inform this Council:

- (1) whether it found any *Brachymyrmex patagonicus* ants in Hong Kong last year; if so, set out the relevant details by district;
- (2) whether it will regularly monitor if ants of such species are found in various districts and publish the relevant data; if so, of the details; if not, the reasons for that;
- (3) of the measures in place to assist the public in dealing with the situation in which ants of such species are found at home and the community;
- (4) of the measures in place to enable the public to grasp more information on whether the various species of ants are harmful to human being; and
- (5) whether it will draw reference from overseas countries' quarantine work carried out on inbound aircraft and vessels, with a view to preventing the invasion of non-native pests; if so, of the details; if not, the reasons for that?

Reply:

President,

(1) and (2) *Brachymyrmex patagonicus* is a general nuisance pest originated from South America. Like other ant species, *Brachymyrmex patagonicus* is not a vector for transmission of human diseases and poses no threat to public health, building structures or ecological environment. The Government therefore does not regularly monitor its whereabouts. The Agriculture, Fisheries and Conservation Department (AFCD) received a report of *Brachymyrmex patagonicus* at an estate in Hung Hom in mid-December last year. Apart from that, the Government did not receive any other report of such species of ant in other places of Hong Kong.

(3) and (4) Handling of *Brachymyrmex patagonicus* is no different from that of ants in general. As sweet food attracts ants, keeping homes clean and

storing sweet food in tightly sealed containers can avoid inviting ants. If ants are found at home, control measures targeted on household ants may be used, and appropriate registered pesticides may be applied when necessary. Professional pest control companies may be hired to provide ant control services.

The Food and Environmental Hygiene Department has provided on its website [information on ants and ant control measures](#) as well as [information on selecting a pest control company](#) for easy reference.

(5) Currently, plant quarantine measures implemented in Hong Kong aim at controlling plant pests. According to the Plant (Importation and Pest Control) Ordinance (Cap. 207), no person shall import any plant pest or any plant infected by or infested with a plant pest unless authorised by the Director of Agriculture, Fisheries and Conservation. AFCD is responsible for the enforcement of the Ordinance with the assistance of the Customs and Excise Department. Plant Health Inspectors of AFCD stationed at entry points inspect consignments of imported plants, plant products and growing medium to ensure that they are accompanied by valid import documents and free from plant pests. If pests are found in a consignment, AFCD will reject its import and order to carry out quarantine treatment or destroy the consignment. The Government will continue to keep abreast of studies on prevention of non-native pest invasion, draw reference from other places and take appropriate measures as and when required.

Red flags hoisted at some beaches

Attention TV/radio announcers:

Please broadcast the following as soon as possible:

Here is an item of interest to swimmers.

The Leisure and Cultural Services Department announced today (May 8) that the Environmental Protection Department has classified the water quality at Clear Water Bay First Beach in Sai Kung District and Anglers' Beach and Hoi Mei Wan Beach in Tsuen Wan District as Grade 4, which means the beaches are not suitable for swimming. The red flags have been hoisted. Beach-goers are advised not to swim at the beaches until further notice.

The red flag was hoisted at Clear Water Bay First Beach earlier due to big waves.

LCQ16: Food safety and descriptions of sashimi and sushi

Following is a question by the Hon Cheung Kwok-kwan and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (May 8):

Question:

Last month, the Consumer Council published the test results of 50 sashimi samples taken at the retail level, which included that: 98 per cent of the samples contained a heavy metal compound of methylmercury (of a level exceeding the limit by nearly two-folds at the most), some samples carried parasites and worm eggs, and some samples were actually rainbow trout and low-priced tuna although the species shown on their descriptions were salmon and high-priced bluefin tuna respectively. Regarding the food safety and descriptions of sashimi and sushi, will the Government inform this Council:

(1) whether it received, in the past three years, reports on members of the public having been found to have (i) parasites or worm eggs and (ii) a high level of methylmercury in their bodies after consuming sashimi or sushi; if so, of the respective numbers of such cases;

(2) of the quantity of fish imported in each of the past three years for making sashimi or sushi (with a breakdown by species); the respective numbers of samples of such fish taken in each of the past three years at the (i) wholesale and (ii) retail levels by the Centre for Food Safety under the Food and Environmental Hygiene Department (FEHD) for testing microorganisms and heavy metals, and the respective numbers and percentages of such samples found to contain (a) parasites or worm eggs and (b) methylmercury;

(3) of the number of surprise inspections conducted in each of the past three years by law enforcement officers of FEHD on food premises selling sashimi or sushi; the number of prosecutions instituted against the operators of those food premises which were found, during such inspections, to have breached the Food Business Regulation (Cap 132 sub. leg. X) (with a breakdown by type of offences), and the number of those food premises the food business licences of which were cancelled as a result;

(4) whether the Customs and Excise Department, for the purpose of enforcing the Trade Descriptions Ordinance (Cap 362) in each of the past three years, (i) deployed law enforcement officers to take sashimi and sushi samples from food premises for tests to ascertain if the species to which they belonged tallied with those shown on the descriptions; if so, of the number of the relevant prosecutions, and (ii) provided training for its law enforcement officers on the identification of fish species; if so, of the number of officers who received such training; and

(5) whether it has put in place new measures to enhance the food safety of sashimi and sushi, in order to protect public health; if so, of the details; if not, the reasons for that?

Reply:

President,

The Public Health and Municipal Services Ordinance (Cap 132) stipulates that all food for sale for human consumption in Hong Kong must be fit for human consumption.

The maximum permitted concentration levels of metallic contaminants in food are stipulated in the Food Adulteration (Metallic Contamination) Regulations (Cap 132V). Fish contains various nutrients (e.g. omega-3 fatty acid and high quality proteins) essential for the human body, but certain types of fish, including the larger species such as shark, swordfish, alfonso and some tuna species, may contain higher levels of methylmercury. The Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department (FEHD) always advises that pregnant women, women planning pregnancy and young children should avoid eating these types of fish. CFS also encourages the public to maintain a balanced and diversified diet.

Good aquaculture practices and/or freezing treatment can reduce the risk of parasites in aquatic products. The Code of Practice for Fish and Fishery Products issued by the Codex Alimentarius Commission states that freezing fish at -20°C or below for seven days or at -35°C for about 20 hours can kill parasites. Even though the dead parasites will remain in the meat of the fish, the risk of parasitic infection can still be effectively minimised. FEHD has been educating and reminding the trade to obtain from importers an official health certificate issued by the place of origin, so as to ensure that the food concerned has been properly handled (e.g. by good aquaculture practices and/or freezing treatment).

The Food Business Regulation (Cap 132X) stipulates that anyone involved in the sale of restricted foods (including sashimi, sushi, and oysters and meat to be eaten raw, etc.) or the provision of sashimi for consumption in a restaurant is required to obtain permission from the Director of Food and Environmental Hygiene. According to the licensing conditions, ingredients for preparing sashimi dishes in food premises should be properly stored and handled. FEHD conducts inspections to licensed food premises based on their risk levels to examine the hygiene conditions of the premises and check their compliance with the licensing conditions and the relevant statutory requirements.

CFS has been reminding the public through various channels of the risks of consuming raw fish and the various points to note, including patronising reliable food premises and shops which are licensed or issued with a permit for selling the food concerned.

To safeguard food safety, CFS takes samples at the import, wholesale and retail levels under a risk-based approach for testing.

Reply to the various parts of the question is as follows:

(1) The Department of Health does not keep the relevant statistics.

(2) CFS does not keep statistics on the quantities and types of sashimi products imported into Hong Kong each year.

From January 2016 to March 2019, CFS collected about 1 000 samples of different types of sashimi for chemical (including metallic contaminants) and microbiological testing. Only three samples were detected with the total mercury levels exceeding the legal standard, and the rest all passed the tests. The overall satisfactory rate was 99.7 per cent. CFS has made public the test results of the unsatisfactory samples and taken follow-up actions, which included instructing the relevant vendors to stop selling the sashimi products concerned, and tracing the sources and distribution of the incriminated sashimi.

(3) The numbers of inspections to food premises conducted by FEHD and prosecutions against food premises for selling restricted foods without permission, and the numbers of food premises with licence suspended or cancelled over the past three years are as follows:

	2016	2017	2018	2019 (up to March 31)
Number of inspections to food premises	247 422	248 452	230 254	54 896
Number of prosecutions against sale of restricted foods without permission	21	18	22	7
Number of food premises with licence suspended	109	103	93	19
Number of food premises with licence cancelled	11	2	6	0

FEHD does not have breakdown of the above statistics concerning food premises selling sushi and sashimi.

(4) According to the Commerce and Economic Development Bureau, under the Trade Descriptions Ordinance (Cap 362) (TD0), any person who applies a false or misleading description to goods supplied in the course of any trade or business commits an offence. The Customs and Excise Department (C&ED) has

proactively handled complaints or referrals from relevant government departments in accordance with the TD0, including test purchases, sending samples to laboratories for testing and seeking advice from experts in identification of fish species. C&ED will take appropriate enforcement actions for violation of the TD0.

Between 2016 and 2018, C&ED received a total of 46 complaints involving fish products with false claims on product species (including six complaints involving sashimi and sushi). After consolidating these complaints, 14 detailed investigation cases were established by C&ED. During the same period, there were seven successful prosecution cases with imposition of fine ranging from \$3,000 to \$18,000. Besides, six cases were concluded with acceptance of undertaking from the traders.

(5) FEHD will continue to carry out inspections to licensed food premises in accordance with their risk levels. CFS will continue to remind the public through various channels about the risks of consuming raw fish and the relevant points to note. It will also continue to adopt a risk-based approach in taking food samples at the import, wholesale and retail levels for testing.

LCQ19: Financial support for patients of end-stage renal failure

Following is a question by the Hon Holden Chow and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (May 8):

Question:

Patients of end-stage renal failure need to receive dialysis treatment in order to stabilise their medical conditions and maintain their lives. Some patients who receive peritoneal dialysis treatment at home have said that the monthly medical and relevant expenses (including those on buying sterilisation products and medicines as well as on delivering dialysis solutions) have imposed a heavy financial burden on them. In this connection, will the Government inform this Council:

(1) whether it has compiled statistics on the respective numbers of persons who (i) received peritoneal dialysis treatment at home and (ii) received haemodialysis treatment at public hospitals, private hospitals and dialysis centres established by charitable organisations, in each of the past five years; if so, of the numbers;

(2) whether it has compiled statistics on the average monthly related

expenses on dialysis treatment of the two types of persons mentioned in (1); if so, of the details; and

(3) whether it will provide financial support through the Community Care Fund for patients receiving dialysis treatment; if so, of the details; if not, the reasons for that?

Reply:

President,

My reply to the various parts of the question raised by the Hon Holden Chow is as follows:

(1) The Hospital Authority (HA) provides renal replacement therapy services, including haemodialysis (HD) treatment, peritoneal dialysis (PD) treatment and kidney transplant, for patients with end-stage renal failure. The respective numbers of patients receiving HD treatment at public hospitals or PD treatment at home in the past five years are tabulated as follows:

Year	2014-15	2015-16	2016-17	2017-18	2018-19*
No. of patients receiving HD treatment #	1 302	1 358	1 428	1 486	1 570
No. of patients receiving PD treatment at home	3 979	4 031	4 311	4 397	4 543

* Provisional figures

The figures include clinically suitable patients, as assessed by Nephrologists of HA to join the Haemodialysis Public-Private Partnership Programme (HD PPP). The HD services are procured from 12 qualified community HD centres, while HA renal units would continue to provide regular clinic follow-up, drug prescriptions and investigations. The numbers of patients participating in the HD PPP in the past five years are set out below:

Year	2014-15	2015-16	2016-17	2017-18	2018-19*
No. of patients who received HD treatment under the HD PPP	203	208	236	253	278

* Provisional figures

Apart from participants of the HD PPP, the Food and Health Bureau and the Department of Health do not have figures on the number of patients receiving HD treatment in private hospitals and charitable organisations.

(2) and (3) At present, HA provides renal replacement therapy services for public hospital patients under standard fees and charges, including the provision of general drugs such as dialysis solutions. In general, patients receiving renal replacement therapy services are only required to additionally pay for treatment-related consumable items, including sterile supplies. The expenditure involved is about \$1,000 to \$3,000 per month. Medical social workers will, as far as possible, help needy and eligible patients to apply for financial assistance provided by the Social Welfare Department or other charitable funds to purchase the necessary consumable items. There are also charitable organisations subsidising patients in using the medical devices for renal replacement therapy at home.

Patients under the HD PPP are required to pay the community HD centres a co-payment which is equivalent to that charged by HA for its day procedure and treatment at Renal Clinic. Currently the fee for each session is \$96. If the patient is a recipient of Comprehensive Social Security Assistance, a holder of a valid full or partial medical fee waiver certificate issued by an authorised government or HA social worker (except the "Certificate of Old Age Living Allowance Recipients (for Medical Waivers)"), or a Level 0 Voucher Holder of the Pilot Scheme on Residential Care Service Voucher for the Elderly, the corresponding waiver would apply.

HA provides assistance through the Community Care Fund (CCF) Medical Assistance Programmes for patients with financial difficulties, in particular those who fall outside the social safety net or those who are within the safety net but have special needs that are not covered. CCF Medical Assistance Programmes currently include the First Phase Programme (specific self-financed cancer drugs), Subsidy for Eligible Patients to Purchase Ultra-expensive Drugs (Including Those for Treating Uncommon Disorders), and Subsidy for Eligible Patients of Hospital Authority to Purchase Specified Implantable Medical Devices for Interventional Procedures.

As the medical equipment and consumables for renal replacement therapy do not involve implantable medical devices for interventional procedures, they are not covered by the above CCF medical assistance programmes.

HA will continue to review the coverage of CCF Medical Assistance Programmes under the established mechanism, and will regularly recommend suitable drugs and medical devices to the relevant committees for consideration of inclusion in the relevant programmes, in order for the CCF to plug the gaps in the existing system.