

立法會
Legislative Council

LC Paper No. CB(2)501/01-02

(These minutes have been
seen by the Administration)

Ref : CB2/SS/13/00

**Subcommittee on Public Health (Animals and Birds) (Chemical Residues) Regulation
& Harmful Substances in Food (Amendment) Regulation 2001**

**Minutes of the 6th meeting
held on Saturday, 20 October 2001 at 9:00 am
in Conference Room B of the Legislative Council Building**

Members Present : Dr Hon LO Wing-lok (Chairman)
Hon Cyd HO Sau-lan
Hon Fred LI Wah-ming, JP
Hon WONG Yung-kan
Hon TAM Yiu-chung, GBS, JP
Hon Tommy CHEUNG Yu-yan, JP

Member Absent : Hon Michael MAK Kwok-fung

Public Officers Attending : Mrs Ingrid YEUNG
Principal Assistant Secretary for the Environment and Food (A) 1

Dr Les SIMS
Assistant Director (Agriculture, Quarantine and Inspection)
Agriculture, Fisheries and Conservation Department

Ms Ronda LO
Assistant Director (Operations) 3
Food and Environmental Hygiene Department

Dr Mabel YEUNG
Acting Assistant Director (Food Surveillance and Control)
Food and Environmental Hygiene Department

Action

Ms Betty CHEUNG
Acting Senior Assistant Law Draftsman
Department of Justice

Mr CHEUNG Wai-sun
Senior Assistant Director of Public Prosecutions
Department of Justice

Ms Vinci LAM
Government Counsel
Department of Justice

Clerk in Attendance : Ms Doris CHAN
Chief Assistant Secretary (2) 4

Staff in Attendance : Ms Bernice WONG
Assistant Legal Adviser 1

Ms Dora WAI
Senior Assistant Secretary (2) 4

The Subcommittee deliberated (Index of proceedings attached at **Annex**).

2. Members other than Mr Tommy CHEUNG agreed that no amendment should be made to sections 3(1), 5(1), 6, 11(1) and (2), 12(1) and (2), 17(4) and (5) of the Regulation. Mr Tommy CHEUNG tabled his proposed amendments to those sections and consequential amendments to sections 3(2), 11(3) and (4), 17(6), (7) and (8) of the Regulation.

3. Mr Tommy CHEUNG's proposal to repeal section 21 of the Regulation was discussed at the meeting, but no consensus was reached. As suggested by Mr TAM Yiu-chung, the Administration undertook to consider the proposal and give a written reply on 22 October 2001. If the Administration did not accept the proposal, members' views would be sought by circulation on whether section 21 should be repealed. If a majority of members supported the proposal, an amendment to repeal section 21 of the Regulation would be moved by the Chairman on behalf of the Subcommittee; otherwise Mr Tommy CHEUNG would move the amendment in his name.

4. The Administration would move amendments to the following provisions -

Action

(a) Schedule 4 of the Regulation

to revise the tattoo mark requirement for pig under paragraph (a) from “comprising 5 separate alphanumeric characters” to “comprising at least 5 separate alphanumeric characters” to allow more flexibility and cater for future change; and

(b) Section 4 of the Amendment Regulation

to add “import” in Regulation 3A of Cap. 132 sub. leg. to prohibit both the import and sale of fish, meat and milk containing prohibited substances.

5. There being no other business, the meeting ended at 10:40 am.

Legislative Council Secretariat

26 November 2001

**Proceedings of the meeting of the Subcommittee on
Public Health (Animals and Birds) (Chemical Residues) Regulation
& Harmful Substances in Food (Amendment) Regulation 2001
on Saturday, 20 October 2001 at 9:00 am
in Conference Room B of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
0001-0119	Chairman	a) Order of issues to be discussed at the meeting; and b) Members' dissatisfaction with late submission of Admin's papers for the meeting	
0120-0318	Admin	a) Apology for the late submission of papers for the meeting; and b) Number of fresh provision shops and public market stalls selling fresh and chilled meat	
0319-0326	Chairman	Number of fresh provision shops and public market stalls selling fresh and chilled meat	
0327-0504	Admin	Circumstances where strict liability was imposed in other ordinances under the purview of the Environment and Food Bureau	
0505-0520	Chairman	Legislation with provisions for holding the management strictly liable	
0521-1012	ALA1	a) Legislation with provisions for holding the management strictly liable b) Liability for offences by body corporate (section 21 of the Regulation)	
1013-1048	Mr Tommy CHEUNG	Liability for offences by body corporate (section 21 of the Regulation)	
1049-1114	ALA1	Liability for offences by body corporate (section 21 of the Regulation)	
1115-1206	Mr Tommy CHEUNG	Liability for offences by body corporate (section 21 of the Regulation)	
1207-1353	Admin	Liability for offences by body corporate (section 21 of the Regulation)	
1354-1403	Chairman	Liability for offences by body corporate (section 21 of the Regulation)	

Action

1404-1438	Admin	Liability for offences by body corporate (section 21 of the Regulation)	
1439-1533	Mr Tommy CHEUNG	Liability for offences by body corporate (section 21 of the Regulation)	
1534-1540	Chairman	Liability for offences by body corporate (section 21 of the Regulation)	
1541-1655	Ms Cyd HO	Liability for offences by body corporate (section 21 of the Regulation)	
1656-1809	Admin	Liability for offences by body corporate (section 21 of the Regulation)	
1810-1845	Ms Cyd HO	Liability for offences by body corporate (section 21 of the Regulation)	
1846-1902	Chairman	Liability for offences by body corporate (section 21 of the Regulation)	
1903-2035	Admin	Liability for offences by body corporate (section 21 of the Regulation)	
2036-2109	Chairman	Liability for offences by body corporate (section 21 of the Regulation)	
2110-2224	Admin	Liability for offences by body corporate (section 21 of the Regulation)	
2225-2328	ALA1	Liability for offences by body corporate (section 21 of the Regulation)	
2329-2336	Chairman	Liability for offences by body corporate (section 21 of the Regulation)	
2337-2355	Mr TAM Yiu-chung	Liability for offences by body corporate (section 21 of the Regulation)	
2356-2400	Chairman	Liability for offences by body corporate (section 21 of the Regulation)	
2401-2408	Mr TAM Yiu-chung	Liability for offences by body corporate (section 21 of the Regulation)	
2409-2513	Mr Tommy CHEUNG	Liability for offences by body corporate (section 21 of the Regulation)	
2514-2523	Chairman	Liability for offences by body corporate (section 21 of the Regulation)	
2524-2634	Admin	Liability for offences by body corporate (section 21 of the Regulation)	
2635-2726	Ms Cyd HO	Liability for offences by body corporate (section 21 of the Regulation)	

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2727-3213	Admin	Liability for offences by body corporate (section 21 of the Regulation)	
3214-3258	Mr Tommy CHEUNG	Liability for offences by body corporate (section 21 of the Regulation)	
3259-3359	Chairman	Taking a vote on Mr Tommy CHEUNG's proposal to repeal section 21 of the Regulation	
3400-3421	ALA1	Legislative timetable for the scrutiny of the Regulations	
3422-3429	Admin	Proposal to repeal section 21 of the Regulation	✓
3430-3455	Chairman	Proposal to repeal section 21 of the Regulation	
3456-3503	Ms Cyd HO	Proposal to repeal section 21 of the Regulation	
3504-3513	Mr TAM Yiu-chung	Proposal to repeal section 21 of the Regulation	
3514-3518	Ms Cyd HO	Proposal to repeal section 21 of the Regulation	
3519-3530	Mr TAM Yiu-chung	Proposal to repeal section 21 of the Regulation	
3531-3548	Mr Fred LI	Proposal to repeal section 21 of the Regulation	
3549-3557	ALA1	Proposal to repeal section 21 of the Regulation	
3558-3603	Chairman	Proposal to repeal section 21 of the Regulation	
3604-3648	Mr Tommy CHEUNG	Proposal to repeal section 21 of the Regulation	
3649-3659	Chairman	Proposal to repeal section 21 of the Regulation	
3700-3713	Mr Tommy CHEUNG	Proposal to repeal section 21 of the Regulation	
3714-4014	Chairman	Clause by clause examination of the Regulations	
4015-4020	Mr Tommy CHEUNG	Section 3 of the Regulation	
4021-4034	Chairman	Section 3 of the Regulation	
4035-4116	Mr Tommy CHEUNG	Section 3 of the Regulation	
4117-4121	Chairman	Section 3 of the Regulation	
4122-4311	Mr Tommy CHEUNG	His proposed amendments to section 3(1) of the Regulation	
4312-4321	Chairman	Inviting Admin to respond to the above proposed amendments	
4322-4637	Admin	Response to the proposed amendments	
4638-4643	Chairman	Proposed amendments to sections 3(1) and 17(4) of the Regulation	
4644-4735	Admin	Proposed amendments to section 3(1) of the Regulation	
4736-4822	ALA1	Proposed amendments to sections 3(1) and 17(4) of the Regulation	
4823-4901	Mr WONG Yung-kan	Proposed amendments to section 3(1) of the Regulation	

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4902-4916	Chairman	Proposed amendments to section 3(1) of the Regulation	
4917-5128	Admin	Proposed amendments to section 3(1) of the Regulation	
5129-5315	Mr WONG Yung-kan	Proposed amendments to section 3(1) of the Regulation	
5316-5442	Mr Tommy CHEUNG	Proposed amendments to section 3(1) of the Regulation	
5443-5808	Admin	Proposed amendments to section 3(1) of the Regulation	
5809-010010	Mr Tommy CHEUNG	Proposed amendments to section 3(1) of the Regulation	
010011-010026	Chairman	Proposed amendments to section 3(1) of the Regulation	
010027-010211	Mr WONG Yung-kan	Proposed amendments to section 3(1) of the Regulation	
010212-010319	Mr Fred LI	Proposed amendments to section 3(1) of the Regulation	
010320-010502	Mr TAM Yiu-chung	Proposed amendments to section 3(1) of the Regulation	
010503-010542	Chairman	Taking a vote on Mr Tommy CHEUNG's proposed amendments to sections 3(1) and 17(4) of the Regulation	
010543-010627	Mr Tommy CHEUNG	His proposed amendment to section 3(2) of the Regulation	
010628-010641	Chairman	Section 4 of the Regulation	
010642-010716	Mr WONG Yung-kan	Section 4 of the Regulation	
010717-010753	Admin	Section 4 of the Regulation	
010754-010811	ALA1	Section 4 of the Regulation	
010812-010815	Admin	Section 4 of the Regulation	
010816-010828	Mr WONG Yung-kan	Section 4 of the Regulation	
010829-010834	Chairman	Section 4 of the Regulation	
010835-010836	Admin	Section 4 of the Regulation	
010837-010850	Chairman	Section 5 of the Regulation	
010851-010901	Mr Tommy CHEUNG	His proposed amendment to section 5(1) of the Regulation	

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010902-010904	Chairman	Section 6 of the Regulation	
010905-010915	Mr Tommy CHEUNG	His proposed amendment to section 6 of the Regulation	
010916-010947	Chairman	Sections 7 and 8 of the Regulation	
010948-011022	Mr WONG Yung-kan	Section 8(a) of the Regulation	
011023-011139	Admin	Section 8(a) of the Regulation	
011140-011151	Mr WONG Yung-kan	Section 8(a) of the Regulation	
011152-011230	Admin	Section 8(a) of the Regulation	
011231-011234	Mr WONG Yung-kan	Section 8(a) of the Regulation	
011235-011244	Chairman	Section 8(a) of the Regulation	
011245-011340	Mr Tommy CHEUNG	Section 8(a) of the Regulation	
011341-011419	Chairman	Sections 9 and 10 of the Regulation	
011420-011450	ALA1	Enquiry on whether compensation would be payable under section 10 of the Regulation	
011451-011507	Admin	Reply to ALA's enquiry on compensation	
011508-011529	Mr TAM Yiu-chung	Compensation (section 10 of the Regulation)	
011530-011612	Admin	Compensation (section 10 of the Regulation)	
011613-011640	Mr Tommy CHEUNG	Compensation (section 10 of the Regulation)	
011641-011645	ALA1	Compensation (section 10 of the Regulation)	
011646-011700	Mr Tommy CHEUNG	Compensation (section 10 of the Regulation)	
011701-011719	Chairman	Compensation (section 10 of the Regulation)	
011720-011955	Admin	Compensation (section 10 of the Regulation)	
011956-012012	Chairman	Compensation (section 10 of the Regulation)	
012013-012200	Mr WONG Yung-kan	Compensation (section 10 of the Regulation)	
012201-012320	Admin	Compensation (section 10 of the Regulation)	
012321-012333	Mr Tommy CHEUNG	Compensation (section 10 of the Regulation)	
012334-012344	Admin	Compensation (section 10 of the Regulation)	
012345-012347	Chairman	Section 11 of the Regulation	
012348-012401	Mr Tommy CHEUNG	His proposed amendments to section 11(1), (2), (3) and (4) of the Regulation	
012402-012403	Chairman	Section 12 of the Regulation	
012404-012415	Mr Tommy CHEUNG	His proposed amendments to section 12(1) and (2) of the Regulation	
012416-012435	Chairman	Section 13 of the Regulation	
012436-012511	ALA1	Seeking Admin's clarification that section 13 was not a strict liability provision	
012512-012655	Admin	Response to ALA1's question on section 13	
012656-012740	Chairman	Sections 14 to 17 of the Regulation	

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012741-012807	Mr Tommy CHEUNG	His proposed amendments to section 17(4), (5), (6), (7) and (8) of the Regulation	
012808-012838	Chairman	Sections 18 to 21 of the Regulation	
012839-012854	Mr Tommy CHEUNG	His proposed amendment to section 21 of the Regulation	
012855-013009	Chairman	Schedules 1 to 4 of the Regulation	
013010-013119	Admin	Its proposed amendment to paragraph (a) for pig in Schedule 4 of the Regulation	
013120-013127	Mr Tommy CHEUNG	Proposed amendment to paragraph (a) for pig in Schedule 4 of the Regulation	
013128-013516	Chairman	a) Proposed amendment to paragraph (a) for pig in Schedule 4 of the Regulation; b) Clause by clause examination of the Amendment Regulation; and c) Section 21 of the Regulation	
013517-013545	Admin	Section 17(4) of the Regulation	
013546-013600	Chairman	Completion of scrutiny of the Regulations	

Note : The audio records of the above proceedings are kept at the LegCo Library

Legislative Council Secretariat
26 November 2001