

立法會
Legislative Council

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the Administration)

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LegCo Panel on Food Safety and Environmental Hygiene

Minutes of special meeting
held on Tuesday, 10 July 2001 at 4:30 pm
in Conference Room A of the Legislative Council Building

- Members Present** : Hon Fred LI Wah-ming, JP (Chairman)
Hon Tommy CHEUNG Yu-yan, JP (Deputy Chairman)
Hon CHAN Yuen-han, JP
Hon James TO Kun-sun
Hon SIN Chung-kai
Hon WONG Yung-kan
Dr Hon YEUNG Sum
Hon LAU Kong-wah
Hon Abraham SHEK Lai-him, JP
Hon Michael MAK Kwok-fung
Dr Hon LO Wing-lok
Hon WONG Sing-chi
Hon IP Kwok-him, JP
- Member Attending** : Hon Cyd HO Sau-lan
- Members Absent** : Hon David CHU Yu-lin
Hon Albert HO Chun-yan
Hon YEUNG Yiu-chung, BBS
Hon Jasper TSANG Yok-sing, JP
Hon SZETO Wah
Hon LAW Chi-kwong, JP
Hon TAM Yiu-chung, GBS, JP

Public Officers : Mrs Ingrid YEUNG
Attending Acting Deputy Secretary for the Environment and Food (A)

Dr S P MAK
Deputy Director (Food and Public Health)
Food and Environmental Hygiene Department

Mr Kevin CHOI
Acting Assistant Director (Headquarters)
Food and Environmental Hygiene Department

Mr K K LIU
Assistant Director (Agriculture & Administration)
Agriculture, Fisheries and Conservation Department

Item III

Dr Howard WONG
Senior Veterinary Officer (Livestock)
Agriculture, Fisheries and Conservation Department

Clerk in : Mrs Constance LI
Attendance Chief Assistant Secretary (2)5

Staff in : Miss Irene MAN
Attendance Senior Assistant Secretary (2)9

Action

I. Segregation of live quails from live poultry and the requirement for water bird viscera to be packed and sealed for sale
[LC Paper No. CB(2) 2065/00-01(01)]

At the invitation of the Chairman, Acting Deputy Secretary for the Environment and Food (A) (DS(EF)A(Atg)) briefed members on the paper. She said that that in May 2001, there was extensive infection of chickens at retail outlets caused by a reassorted H5 goose-type virus. As water birds, including ducks and geese, were natural carriers of H5 avian flu viruses and could pass on these viruses onto other poultry, a series of improvement measures had been introduced based on expert advice to break the infection cycle of the virus. Additional measures had also been taken to strengthen the segregation of water birds and other live poultry. For example, the cages, trucks and farming utensils for live geese and ducks should not be used for live chickens.

Action

DS(EF)A(Atg) added that cooperation from the Mainland authority had been obtained to implement these measures.

2. DS(EF)A(Atg) advised that as a matter of general public health policy, the farming, transportation, slaughtering and trading of live chickens and of water birds had been segregated at all levels through legislative amendments in early 1998. She further advised that recent scientific research had revealed that the H6 and H9 viruses commonly carried by live quails, if mixed with the H5N1 virus carried by water birds, could form the fatal H5N1 chicken flu virus.

3. DS(EF)A(Atg) said that to better safeguard public health, experts had suggested that live quails should not be sold together with live chickens. Based on expert advice, the Administration proposed to segregate live quails from other live birds at all levels from import to retail for imported quails and from farm to retail for local quails. In order to reduce the possibility of virus infection, the Administration proposed that it would not grant any licence or permission for selling live quail in public markets. Any person who wished to sell live quails in fresh provision shops could continue to do so on successful application for the requisite licences and permission. As the demand for live quails was limited, the Administration did not propose to provide a dedicated wholesale market or central slaughtering facilities just for live quails.

4. DS(EF)A(Atg) further advised that as much of the virus carried by water birds were also found in their offal, the Administration proposed also to amend legislation as soon as possible to require carcasses of water birds to be packed separately from their offal if they were sold in shops where live poultry were kept. She added that at present, the offal of water birds could be sold without being packed and that workers and customers who had handled or touched the offal of water birds at retail outlets might transmit the virus to other poultry. The Administration proposed that the offal of water birds should be packed and sealed before delivering to the retail outlets which also sold other live poultry. However, water birds offal delivered directly from the Western Wholesale Market to the retail outlets where no live poultry was being kept needed not be subject to this requirement.

5. Mr WONG Yung-kan enquired why quails were found to be natural carriers of H6 and H9 viruses only after the avian flu incident in May 2001. He queried that there seemed to be a change in the Administration's stance recently concerning the segregation of live quails from other birds. He asked whether other game birds such as chukars, pheasants and guinea fowls would also be subject to the segregation policy in the near future.

6. DS(EF)A(Atg) clarified that the discovery of quails being natural carriers of H6 and H9 viruses was the result of recent scientific research and was not related to the avian flu incident in May 2001. Deputy Director (Food and Public Health) of Food and Environmental Hygiene Department (DD(FPH)) added that when the new H5N1 avian flu virus that could affect man was isolated in Hong Kong in 1997, the scientific

Action

evidence then was that ducks and geese were natural carriers of H5 virus, and it was proposed at that time that live ducks and geese should be segregated from live chickens to keep the H5 virus away from live poultry. As the 1997 strain of H5N1 virus was dangerous to human beings, experts had started scientific research and conducted genetic analysis on the virus since 1997, and subsequently, new evidence strongly suggested that the 1997 H5N1 virus was derived from a recombination of two other influenza viruses, the H6 and H9 viruses. As these 2 viruses were frequently isolated from quails as revealed by surveillance testing of birds, the Administration accepted the expert advice that quails should also be segregated from other live birds to further safeguard public health.

7. As for other game birds such as chukars, pheasants and guinea fowls, DS(EF)(A)(Atg) advised that there would be continuous scientific researches and the Administration would keep in view of any new discoveries.

8. Mr WONG Yung-kan enquired whether quail operators could continue to sell live quails under the legislative proposal. The Chairman asked whether the proposal would have the effect of "killing" the three remaining quail farms. Assistant Director (Agriculture & Administration) (AD(AA)) said that among the three existing quail farms, one was mainly selling live quails, one selling quail eggs and the other supplying mother birds to the other two farms. He advised that the Administration had approached the quail operators to see whether they needed assistance, for example, in switching to producing only quail eggs or to raise other types of birds.

9. Mr Tommy CHEUNG expressed concern that the proposed legislative amendment would adversely affect the industry. He asked whether the Administration had discussed the impact on the trade with the operators concerned. Acting Assistant Director (Headquarters) of Food and Environmental Hygiene Department (AD(HQ)(Atg)) advised that among the 52 retail outlets selling chickens and quails (including market stalls and fresh provision shops), none of them was solely or mainly selling quails.

10. Mr Tommy CHEUNG said that as far as he knew, the monthly sale figure of quails had dropped from 200,000 before the avian flu incident to only 60,000 recently. He asked whether the Administration would consider rental reduction for quail traders in public markets if they were no longer permitted to sell quails.

11. DS(EF)A(Atg) emphasized that the proposed segregation of live quails from other live birds was not a result of the recent avian flu incident but the discovery of scientific research. The proposal was to minimise the risk of re-assortment of the H5 virus with H6 and H9 viruses which existed in quails, as this might develop into the lethal avian flu virus. As regards the impact on the trade, DS(EF)A(Atg) pointed out that the selling of quails currently represented only a small portion of the business of the operators. She said that whether or not the operators would stay in the business would depend on the market force and the demand. She added that according to the

Action

feedback of some of the retail traders selling quails in public markets, they might consider not selling live quails anymore if the business was not good, as they could not afford to pay the rent for a private fresh provision shop. She further said that frozen quails would still be available for sale in public markets even after the proposed legislative amendments.

12. Referring to paragraph 12 of the paper, Ms Cyd HO sought clarification on the purpose of informing the State General Administration for Quality Supervision and Inspection and Quarantine (AQSIQ) of the legislative proposal which was yet to be enacted. DS(EF)A(Atg) explained that it was only to ascertain the technical feasibility of the proposal because most live quails were imported from the Mainland. She said that the proposal would entail segregation of live quails in the Mainland from other live birds at all levels of transportation and sale, and that trucks delivering quails should not be used for other live birds. The Administration would need to ensure that there were no technical difficulties in implementing the proposal. In response to Ms Cyd HO's concern that the Administration should not compromise on matters relating to food safety, DS(EF)A(Atg) assured members that the Administration would explore other means to achieve the same policy objective if there were technical difficulties in implementing the present legislative proposal and would not give up the pursuit of such objective.

13. Miss CHAN Yuen-han asked whether the Administration had fully consulted the trade on the details of the proposal, as it would affect the operation of the trade. If consultation had not been done, she was worried that the Administration might not be able to enforce the legislation and achieve its goal.

14. In response, AD(AA) said that the Administration had explained to the three quail farmers the reasons for the segregation proposal and analysed the market situation to assist their consideration of alternatives such as changing their mode of business or operation. He added that the operators had yet to come up with a decision, and the Administration would continue to discuss with them.

15. Mr WONG Yung-kan said that FEHD staff should discontinue exerting pressure on the retail traders that they had to stop selling quails in their stalls, as this would kill the trade. He added that the business of selling quails had gone down recently as FEHD had started prosecuting the six stall tenants selling quails at their vegetable stalls, despite the fact that the practice had been tolerated for over 30 years. He expressed grave concern about the livelihood of the quail operators after implementation of the proposal.

16. DS(EF)A(Atg) clarified that FEHD had only consulted the wholesale and retail traders on the proposal and had not exerted pressure on them. She further explained that an Animal Trader Licence issued by Agriculture, Fisheries and Conservation Department (AFCD) was required to sell live animals or birds other than the general ones. As the tenants of the vegetable stalls mentioned by Mr WONG had not obtained

Action

the necessary permit, AFCD had the duty to take appropriate enforcement action against the tenants.

Admin

17. In view of members' concerns about the Administration's consultation with the trade, the Chairman requested the Administration to provide the consultation findings when the legislative proposal was introduced into the Council.

18. Referring to paragraph 10 of the paper, Mr Tommy CHEUNG enquired whether the Administration had consulted the trade regarding sealing the offal of water birds. AD(HQ)(Atg) advised that the Administration had discussed the matter with the trade. He explained that the proposal only required the wholesale traders to pack and seal the offal of water birds for sale at premises with live poultry, and that there should be no breaking or tampering with the packaging and sealing at such premises. He said that the wholesale traders already had the necessary chilling facilities to meet the requirement.

19. Dr LO Wing-lok pointed out that overseas experience revealed that the virus also existed on the carcasses of water birds although they were separated from offal after being slaughtered. He asked whether the Administration had evaluated the risk of permitting the carcasses to be sold together with live chickens. DS(EF)A(Atg) advised that if the slaughtering for water birds was properly conducted, there was little risk of contamination. However, to reduce the chance of cross-contamination from offal of water birds, the Administration had now proposed to require the water bird carcass to be packed separately from offal of water birds.

II. Discovery of H5 virus in Cheung Sha Wan Market
[LC Paper No. CB(2) 2065/00-01(02)]

20. At the invitation of the Chairman, AD(AA) gave an account of the recent discovery of H5 virus in Cheung Sha Wan Poultry Wholesale Market. He informed members that the Administration had enhanced the surveillance system and sampling tests, including testing dead chickens in wholesale markets, after the recent avian flu incident. During a regular test conducted on 5 July 2001, a faecal sample taken from a dead chicken at Cheung Sha Wan Poultry Wholesale Market was found positive of H5 avian flu virus. Since there were several types of H5 virus, further analyses including gene sequencing were required to determine what specific type the virus belonged to. He stressed that avian flu virus existed in the natural environment, and the objective of the control measures implemented by the Administration was to enable early detection of the virus and to prevent it from re-assorting to a type that would affect human. He said that the Administration was currently also monitoring the health condition of live chickens at wholesale and retail markets and breaking the virus cycle through the monthly rest day and thorough cleansing in markets. The public was also reminded to avoid contact with poultry faeces and clean their hands after contact with poultry.

Action

21. In reply to Mr Tommy CHEUNG, AD(AA) explained that chicken deaths were unavoidable during transportation, and that a death rate of 100 out of 100,000 chickens (0.1%) each day was considered acceptable. He said that there were less than 100 chicken deaths in the wholesale market and the death rate was within normal range. He also clarified that so far there was no evidence to suggest that the faecal sample with H5 virus was related to the chicken deaths in Cheung Sha Wan Poultry Wholesale Market. Acting Assistant Director (Headquarters) added that for retail markets, a death rate of 5% was considered normal.

22. Mr WONG Yung-kan commented that the Administration might have over-reacted and had not considered the consequences of releasing prematurely the discovery of H5 virus in only one faecal sample taken from the dead chicken at Cheung Sha Wan Poultry Wholesale Market.

23. DS(EF)A(Atg) advised that the test result was announced for general information because the surveillance system for avian flu virus was highly transparent. She said that before the announcement, the Administration had received media enquiries on the matter, and the Administration considered that a public statement would help allay unnecessary anxiety or fear in the community.

24. In reply to Mr WONG Yung-kan, DS(EF)A(Atg) advised that since the resumption of live chicken supply after the recent avian flu incident, the Administration had increased the number of blood tests at Man Kam To and Cheung Sha Wan Poultry Wholesale Market. Moreover, swabs of dead chickens were taken from Cheung Sha Wan Poultry Wholesale Market and the retail outlets for testing. She added that a new RNA test was adopted to monitor the existence of the virus in the dead chicken. She added that the Administration was still monitoring the accuracy of the new method before extending its use to various levels.

25. The Chairman said that he had received complaints from the trade that the live chickens stayed too long and were not given water in the wholesale market and the ventilation there was poor. He added that the trade also pointed out that the cages in Cheung Sha Wan Poultry Wholesale Market were without bottom plates, and that the chicken faeces had polluted the market, increasing the risk of spreading the virus among chickens.

26. AD(AA) explained that as chickens imported from the Mainland arrived daily at the wholesale market in the afternoon and were despatched for sale early next morning, they would stay in the markets for one night only. The Administration had always reminded wholesale traders not to import and stack too many chickens in the markets, and that they should adjust the supply of live chickens according to the demand in order to minimize loss. Moreover, as the body temperature of chickens was relatively high, the headroom of the wholesale market was built high and electric fans were installed for better ventilation.

Action

27. Regarding the cages used in the wholesale markets, AD(AA) explained that the plastic cages without bottom plates were used during transportation to facilitate ventilation, because cages of chickens had to be stacked during transportation and in the wholesale markets. When the chickens were delivered to the retail markets, trolleys with bottom plates were used so that the faeces would not pollute the place.

28. The Chairman expressed concern that chickens were kept in the wholesale market overnight. AD(AA) said that the time for keeping chickens in the wholesale market had been shortened as far as practicable, by means such as delivering the live chickens by batches in the afternoon. The latest batches would arrive in the evening and all chickens would be sent to the retail outlets early the next morning. He stressed as there were inevitably chicken faeces in the wholesale market, it was important to maintain the cleanliness of market by cleaning the market every day before the chickens arrived and after they were sold. In addition, there was a rest day every 10 days for thorough cleansing of the wholesale market.

29. In response to Mr Tommy CHEUNG, AD(AA) said that the daily stock at the wholesale market was closely monitored, and that the supply and sale quantities of chickens were rather stable. He added that for unsold chickens in the wholesale market, the cages would be changed and the chickens would be fed during their stay in the wholesale market. Moreover, chickens would be sprinkled with water to lower their body temperature after they arrived at the wholesale market.

30. AD(AA) further said that chickens got sick not because of the duration of stay in the markets but because of virus infection. He stressed that it was important to identify and eradicate any of these viruses, and that a surveillance programme was carried out on dead chickens to trace the source of the virus. It was also important to maintain market cleanliness so that the virus could not establish in the market.

31. In reply to Mr Tommy CHEUNG, AD(AA) said that if the death rate of chickens in markets was found higher than normal, the Administration would investigate the cause. However, it was difficult to conclude at the present stage how the dead chicken found in Cheung Sha Wan Poultry Wholesale Market was infected with H5 virus as the virus existed in the natural environment. The Administration would continue to monitor the situation and take appropriate actions to safeguard public health when there were further discoveries on the type and cause of the virus.

32. Mr Tommy CHEUNG asked whether the Administration had traced back to the farm or truck where the dead chicken with H5 virus came from and whether there were unusual chicken deaths in retail markets.

33. DD(FPH) advised that the faecal sample where the H5 virus was isolated was collected from a dead chicken imported from a farm in the Mainland. As a normal practice, the Administration had notified the Mainland authority concerned and it would visit the farm and conduct investigation. Pending the investigation results, no

Action

more chickens of the same farm would be imported to Hong Kong. The Administration was also closely monitoring the retail markets to see if there was abnormal chicken death rate.

34. DD(FPH) reiterated that a comprehensive surveillance system was in place. Blood tests were conducted at the border and wholesale market, and that there were tests on the swabs from dead chickens at wholesale and retail markets. The health conditions of chickens were also closely monitored in the retail markets. She said that these measures were aimed at preventing the virus from establishing in the markets and affecting human.

Admin

35. The Chairman advised that the Administration should make a further report to the Panel when there were further developments. The Administration noted the request.

III. Proposed Legislative Amendments to enhance the Prevention and Control of Veterinary Diseases

[LC Paper No. CB(2) 2065/00-01(03)]

36. Mr WONG Yung-kan expressed support for the proposed legislative amendments. He enquired how the Administration would enforce and monitor the new diseases listed in the Annex of the paper. AD(AA) advised that there was an international organisation known as OIE which was established to monitor veterinary diseases. There was a notification system under OIE to notify member countries of any animal disease identified. Health certificates were required for the import of the animals under surveillance. He said that the system had operated effectively and little problem had been encountered in the enforcement of the system.

Admin

37. Mr WONG Yung-kan asked whether the Administration would only rely on the health or sanitary certificates issued by exporting countries. AD(AA) responded that inspections were also conducted on these animals upon their entry at the control points. As regards the policy on pork imported from Thailand, DS(EF)A(Atg) undertook to provide a response after the meeting.

38. Mr Tommy CHEUNG asked whether Hong Kong could develop its own standards instead of following those of World Health Organisation (WHO) or OIE. He said that the Food and Drug Administration of the United States recently imposed its own requirements on the import of food which were different from those of WHO. He sought the Administration's comments on establishing a similar mechanism in Hong Kong. AD(AA) said that both WHO or OIE were international organisations and the WTO through the SPS agreement had agreed to adopt their health standards and requirements for controlling the import of food. He said that Hong Kong would need to follow these standards to uphold the principle of free trade. Developing Hong

Action

Kong's own health requirements would likely be challenged by other countries and invite retaliatory action against Hong Kong.

39. Mr WONG Yung-kan said that Japan had imposed very stringent hygiene requirements on import of fish and conducted additional sampling checks on such consignments. He asked whether Hong Kong could impose additional requirements instead of only following those of WHO/OIE.

40. Referring to paragraph 13 of the paper, DS(EF)A(Atg) explained that the Administration proposed to empower authorised officers to take samples from any animal, bird, fish or other articles as necessary to establish their disease status. She said that these requirements would have to be consistent with the international OIE requirements, and that any additional requirements imposed only by Hong Kong would be regarded as trade barriers.

41. With regard to Mr Tommy CHEUNG's enquiry about the need to apply for a warrant to enter non-domestic premises after dark, AD(AA) advised that most illegal or smuggling activities would likely be conducted at night, and that it was necessary to empower enforcement officers to enter such premises after dark. He added that the existing legislation already empowered authorized officers to enter non-residential premises during daytime.

IV. Any other business

42. Members agreed to hold the next regular meeting on Tuesday, 17 July 2001 at 2:30 p.m.

43. There being no other business, the meeting ended at 6:10 p.m.

Legislative Council Secretariat

14 November 2001