

立法會
Legislative Council

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LC Paper No. CB(2) 2355/01-02
(These minutes have been seen by
the Administration)

LegCo Panel on Food Safety and Environmental Hygiene

Minutes of meeting
held on Monday, 27 May 2002 at 8:30 am
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)
Dr Hon David CHU Yu-lin, JP
Hon CHEUNG Man-kwong
Hon WONG Yung-kan
Hon Jasper TSANG Yok-sing, JP
Hon Andrew CHENG Kar-foo
Hon Michael MAK Kwok-fung
Hon LEUNG Fu-wah, MH, JP
Dr Hon LO Wing-lok
Hon WONG Sing-chi
- Member Attending** : Hon Mrs Selina CHOW LIANG Shuk-ye, JP
- Members Absent** : Hon James TO Kun-sun
Dr Hon YEUNG Sum
Hon CHOY So-yuk
- Public Officers Attending** : Items II to IV
Mrs Stella HUNG
Deputy Secretary for the Environment and Food (A)
Mr David LAU
Principal Assistant Secretary for the Environment and Food (A) 2

Mr W H CHEUK
Deputy Director (Environmental Hygiene)
Food and Environmental Hygiene Department

Mr K K LEE
Assistant Director (Operations) 2
Food and Environmental Hygiene Department

Item V

Mr Thomas CHAN
Chairman of the Investigation Team
(Director of Agriculture, Fisheries and Conservation)

Mr K K LIU
Member of the Investigation Team
(Deputy Director of Agriculture, Fisheries and Conservation)

Mrs Stella HUNG
Deputy Secretary for the Environment and Food (A)

Mrs Ingrid YEUNG
Principal Assistant Secretary for the Environment and Food (A) 1

Mr W H CHEUK
Deputy Director (Environmental Hygiene)
Food and Environmental Hygiene Department

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

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

Staff in Attendance : Ms Joanne MAK
Senior Assistant Secretary (2)2

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I. Confirmation of minutes of meeting
(LC Paper No. CB(2)2030/01-02)

The minutes of the meeting on 22 April 2002 were confirmed.

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II. Date of next meeting and items for discussion

(LC Paper Nos. CB(2)1973/01-02(01) and (02))

Regular meeting scheduled for 24 June 2002

2. Members agreed to discuss at the next regular meeting scheduled for 24 June 2002 the following items proposed by the Administration -

- (a) Obstruction and nuisances caused by on-street promotional stands; and
- (b) The new Food Research Laboratory of the Food and Environmental Hygiene Department (FEHD).

3. The Chairman suggested to include in the agenda the Cooked Food Hawker Licence Policy at the next regular meeting, as referred by the Complaints Division.

4. As regards the position of the consultancy report on developing an offshore fishing industry in Hong Kong, Deputy Secretary for the Environment and Food (A) (DS(EF)(A)) said that the consultant had yet to provide its revised report.

Adm

5. The Administration noted the request of Mr LEUNG Fu-wah to provide information on the option to allowing more vending of frozen confections as discussed at the meeting on 22 April 2002.

Adm

6. Mr Tommy CHEUNG said that there had been increasing concern about the lack of regulatory control of unlicensed food establishments (私房菜) operating in residential premises. The Chairman requested the Administration to provide an information paper on the subject before the next meeting.

Regular meeting scheduled for 15 July 2002

7. The Chairman suggested and the Panel agreed to schedule the regular meeting in July for 15 July 2002. The Panel agreed to include the following items at the meeting-

- (a) Importation of chilled chickens from the Mainland; and
- (b) Follow-up discussion on the report of the investigation team on the recent avian flu incident.

Adm

The Chairman also requested the Administration to provide a report on the enforcement of the Fixed Penalty System for minor public cleanliness offences.

III. Information paper(s) issued since the last meeting

8. Members noted that no information paper had been provided since the last regular meeting.

IV. Obstruction and nuisances caused by illegal shop extensions

(LC Paper No. CB(2) 1973/01-02(03) and (04))

9. At the Chairman's request, Assistant Director (Operations) 2 (AD(Ops)2) briefed members on the Administration's paper. He said that illegal occupation of public pavement and extensions was an offence and enforcement was taken under the relevant legislation.

10. The Chairman commented that the three different forms of illegal shop extensions given in paragraph 2 of the paper were not exhaustive, for example, cleansing of air-conditioners on the pavements by cleansing companies was not included in the list.

11. Mr LEUNG Fu-wah asked which district had the most serious problem of illegal shop extensions. Deputy Director (Environmental Hygiene) (DD(EH)) responded that places like Shui Wo Street in Kwun Tong and Bowrington Road in Wan Chai were examples of black spots of illegal shop extensions. He said that the problem existed in many districts in Hong Kong particularly in areas where shop rental was high. Moreover, many operators preferred to place their goods on the pavement in front of their shops to attract customers.

12. Also in response to Mr LEUNG Fu-wah, DD(EH) said that both FEHD and the Police were empowered under Section 4A of the Summary Offences Ordinance (Cap. 228) to take enforcement action against stallholders who caused obstruction or inconvenience to pedestrians. For effective enforcement, FEHD often consulted the District Management Committees (DMCs) and District Councils (DCs) and obtained their agreement in prioritising actions to be taken in different black spots within their districts. He said that some DCs had a higher level of tolerance for illegal shop extensions, and it was necessary to discuss with the respective DCs the strategies of enforcement actions. For example, Tai Po DC and Wong Tai Sin DC accepted extensions into the pavement not exceeding one metre beyond the shop front.

13. Mr LEUNG Fu-wah further asked whether FEHD frontline staff took enforcement action against shops, other than food premises, which had caused obstructions in a public place. DD(EH) responded that the primary objective of FEHD's enforcement actions was to ensure food and environmental hygiene, and the enforcement strategy would focus on those illegal extensions which had given rise to environmental or food hygiene problems.

14. Mr Michael MAK considered that the problem of illegal extensions of newspapers stalls, fruit stalls and snack shops was serious. He queried whether FEHD had relaxed its enforcement in this respect by shifting responsibility to the DMCs. He further asked whether the FEHD's internal instructions issued to frontline staff at the end of 2001 to adopt a relaxed enforcement approach was applicable to these cases.

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15. DD(EH) clarified that the internal instructions referred to by Mr MAK only applied to illegal hawking activities which did not involve cooked food. He disagreed that FEHD had shifted its responsibility to the DMCs in the enforcement against illegal extension of shops. In fact, being the major enforcement department against illegal shop extensions, FEHD had taken 11 316 prosecutions in this respect in 2001. He explained that community support was necessary for such enforcement actions, as different districts had different levels of tolerance in relation to obstruction and nuisances caused by illegal extensions of shops and stalls. He said that it was reasonable to issue warnings to the offenders in the first instance before taking prosecution actions.

16. Referring to the 11 316 prosecutions taken by FEHD in 2001, Mr Michael MAK asked about the number of cases involving repeated offenders and the penalties imposed. The Chairman also asked whether there had been an increase in prosecutions as compared to 2000.

17. DD(EH) replied that the number of prosecutions in 2001 had slightly decreased by about 100 cases when compared to that in 2000. He also pointed out that the court would make reference to the conviction record of the offenders in deciding the level of penalties. In 2001, the level of fine imposed on convicted cases under Section 4A of Cap. 228 was between \$10 to \$5,000, and the average was about \$500. For convicted cases under Section 34C of the Food Business Regulation, the level of fine imposed was in the range of \$100 to \$9,000 and the average was about \$2,000. He said that there were different levels of maximum penalties under the various ordinances as described in paragraph 3 of the paper. Generally speaking, penalties imposed on food businesses were in the range of \$50 to \$10,000.

18. Referring to paragraph 3 of the Administration's paper, Mr CHEUNG Man-kwong expressed concern that there were altogether six different pieces of legislation which set out different penalties on offences of illegal occupation of public pavement and obstructions, and three departments were involved in the enforcement. He queried whether this would give rise to inconsistency in enforcement.

19. DD(EH) explained that different legislation applied to different circumstances. Section 6 of the Land (Miscellaneous Provisions) Ordinance (Cap. 28) governed the unlawful occupation of unleased land and was only enforced by the Lands Department (LD). This applied to cases where floor slabs of shops were extended to the road illegally. As regards FEHD, it was mainly concerned with the enforcement of Section 4A of the Summary Offences Ordinance (Cap. 228) or Section 83B and section 22(1)(a) of the Public Health and Municipal Services Ordinance (Cap. 132), to deal with obstructions caused by snack shops selling fish balls at the shop front.

20. Mr CHEUNG Man-kwong remained concerned that offences governed by the six different pieces of legislation were all of a similar nature and could cause confusion to the public and the enforcement departments. The Chairman asked whether there were clear guidelines on which legislation should be used to address certain kinds of offences and which department was responsible for the enforcement.

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21. DD(EH) clarified that the Police, FEHD and LD were empowered under the different legislation to take enforcement against obstructions and illegal extensions under different circumstances. The division of work among these enforcement departments was clear. He said that of the six different legislation mentioned in paragraph 3 of the Administration's paper, FEHD mainly enforced Cap. 132 and the Regulation under Cap. 132, and the Police only enforced Section 4A of Cap. 228. In response to the Chairman, DD(EH) said that the police prosecution figures under Section 4A of Cap. 228 had been included under its "miscellaneous prosecutions" and was not readily available.

22. In response to Mr WONG Yung-kan, DD(EH) said that illegal extensions hanging above and extending beyond shops above the pavements were offences as they also caused obstructions in a public place.

23. Mr Tommy CHEUNG considered that the existing legislation was adequate to address the problem of illegal shop extensions. Noting that five out of the six relevant pieces of legislation could be used to prosecute food premises with illegal extension, he queried that it was unfair to target prosecution on food businesses.

24. DD(EH) responded that Sections 13 and 34C of the Food Business Regulation under Cap. 132 would be invoked to prosecute food businesses for committing the offence of illegal shop extensions. He pointed out that in 2001, only a few cases involving the preparation/storage of food at the alleys of food shops, and 440 cases in which food premises had illegally extended their licensed area were prosecuted under Section 13 and Section 34C respectively of the Regulation.

25. DD(EH) further said that snack shops which occupied pavements for display and sale of food were prosecuted by FEHD under Section 83B of Cap 132. As regards those non-food business-shops with illegal shop extensions, they were prosecuted under Section 4A of Cap. 228, and some 5,400 cases were prosecuted by FEHD in 2001. At the Chairman's request, DD(EH) agreed to provide -

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- (a) a breakdown of the 11,316 prosecutions by type of offences;
- (b) the number of prosecutions (by type of offences) taken by FEHD in 2000; and
- (c) the respective number of prosecutions instituted by the Police and LD against illegal shop extensions in 2000 and 2001.

26. Mr Tommy CHEUNG said that he had attended the LegCo Members' meeting with Wan Chai District Council (WCDC) members on 23 May 2002, and the latter had raised the subject of environmental hygiene problems caused by food shops selling fish balls and other cooked food. He said that these food shops were operated under food factory licences but they actually engaged in retail business. He said that WCDC members had suggested that patrons of these snack shops should be required to purchase and consume such food inside the shops, but not on the pavements, to

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avoid causing obstructions and environmental hygiene problems. Mr CHEUNG pointed out, however, that these snack shops were generally of small area and they might not have enough space for customers to purchase food inside the shop. He asked what actions the Administration would take to deal with those shops posing environmental hygiene problems but did not involve illegal shop extensions.

27. DD(EH) responded that when FEHD approved the layout plans of these shops, the layout plans actually required preparation and sale of food within an area inside the shops. DD(EH) said that to prosecute people eating at the shop front for causing obstructions would be controversial, as the situation was no different from people buying and eating ice-cream in front of shops.

28. DD(EH) added that with the coming into effect of the fixed penalty system for minor public cleanliness offences on 27 May 2002, people who committed littering offences, such as throwing away bamboo sticks, were liable to a fixed penalty of \$600.

29. Mr WONG Sing-chi asked the Administration to explain its policy on illegal shop extensions occupying private land which was specified as "public passage" in the relevant lease. He said that an example of such "public passage" was the walkway extended from a shopping mall. These walkways were zoned as private land but were accessible by the public. Mr WONG said that to his knowledge, FEHD did not take enforcement actions against illegal shop extensions on such land but left these cases to the management company of the building. He requested the Administration to provide information on actions taken by FEHD. DD(EH) agreed to provide the information.

Adm

30. DD(EH) said that government departments were generally not empowered to take enforcement actions against shop extensions on private land. He would take advice as to whether enforcement actions could be taken by the Administration against illegal shop extensions on private land which was for public passage.

31. Mr LEUNG Fu-wah said that many newspapers stalls were also selling snacks, telephone cards, tissues, etc. Many such stalls occupied a large area in busy streets causing obstruction and nuisance to pedestrians. He asked the Administration to explain the licensing and regulatory control of newspapers stalls.

32. AD(Ops)2 responded that the Administration had not issued any new licence for newspapers stalls. He said that the size of newspapers stalls (6 feet by 1.5 feet) and the commodities they could sell were specified in the licence. The Administration could take enforcement actions against those stalls which exceeded the permitted size. These licences could not be cancelled, but the stalls could be relocated to other suitable places if they were found causing obstruction to fire exit or entrance of a shopping mall.

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V. Report of the investigation team on the recent avian flu incident
(LC Paper Nos. CB(2)1973/01-02(05) and (06))

Delay in the submission of the report to the Panel

33. The Chairman and the Deputy Chairman expressed strong dissatisfaction that the Environment and Food Bureau (EFB) had delayed providing the Report of the Investigation Team to the Panel. The Chairman said that the Investigation Team had formally submitted the Report to EFB on 18 May 2002 and held a press conference on 24 May 2002. However, EFB only provided the Executive Summary of the Report and one copy of the English version of the full Report to the Panel after 3 p.m. on 24 May, after repeated requests by the Deputy Chairman and himself. He considered it extremely inappropriate for the Administration to have briefed the media on the Report before providing it to the Panel. He said that this was very disrespectful to the Legislative Council (LegCo). He pointed out that the Panel had requested the Administration to provide the Report for discussion at the meetings on 18 March and 22 April 2002. As the Administration had not been able to provide the Report earlier, the Panel had to defer the discussion of the Report to 27 May 2002.

34. Mr Tommy CHEUNG, Deputy Chairman, said that he and other Members, such as Mr WONG Yung-kan and Mrs Selina CHOW, who were representatives of the relevant industries, were also not provided with a copy of the full Report. He said that he saw no reason why the Administration had such urgency to brief the media on the Friday preceding this meeting, and for treating this Report with such confidentiality that even the Panel was not informed of the content of the Report prior to the press conference. He stressed that EFB should have briefed the Panel on the Report before releasing it to the media. He expressed strong dissatisfaction with the Administration's arrangements which were disrespectful to LegCo.

35. Mr Andrew CHENG pointed out that in the cases of the recent Report on the Review of Payments to Contractors for the West Rail Project and the Report of the Sports Policy Review Team, the relevant bureaux and departments had briefed the Panels concerned before holding press conferences. He said that the Administration should give an explanation on the arrangement for the Report of the Investigation Team on the Recent Avian Flu Incident.

36. Mr WONG Yung-kan said that he managed to obtain a copy of the Report after much effort. He said that he was upset by the Administration's arrangements, as he had no knowledge of the Administration's press conference until a member of the agriculture sector informed him just before the press conference started.

37. DS(EF)(A) apologised for not being able to provide bilingual copies of the full Report before the media briefing on 24 May 2002 due to shortage of time. She explained that the Chinese translation of the Report was completed only on 23 May. The full Report was placed on the Government website in the afternoon of 24 May 2002 to save the use of paper. She said that the Administration had originally planned to provide three copies of the full Report to the LegCo Secretariat in the

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morning of 24 May 2002 for Members' reference. She undertook to provide each Panel member with a copy of the full Report after the meeting.

38. DS(EF)(A) further said that as many enquiries had been received from the public and the trade, a press conference was arranged on 24 May 2002. DS(EF)(A) added that as there would be a three-month period for public consultation on the Report, it was considered that the Panel would have sufficient time to discuss the Report in detail. The Administration welcomed any views from Panel members in finding a solution to the problem of avian flu.

39. Mr Tommy CHEUNG was not satisfied with the Administration's response. He said that the public consultation on the Report of the Sports Policy Review Team would also last for a few months, but the relevant bureau and department had arranged to brief the Panel on Home Affairs prior to holding a press conference. He reiterated that the Administration should have consulted the Panel first before briefing the media on the Report of the Investigation Team on the recent Avian Flu Incident. He considered it unacceptable that Members representing the relevant industries were not informed beforehand of the Report and of the press conference. He considered that the Administration should at least have provided photocopies of the Report to members immediately after the Investigation Team had submitted its Report to EFB.

40. The Chairman said that he was most dissatisfied that the Executive Summary was only provided to the Panel after the press conference had been held. He added that the relevant bureau had provided the full Report on the Review of Payments to Contractors for the West Rail Project to the Panel on Planning, Lands and Works for discussion before releasing it to the media. He pointed out that the Administration should provide adequate copies of the Report to the Panel for discussion in the first instance, as the Panel had already requested discussion of the Report two months ago. He strongly criticised the Administration for failing to provide the Report and brief the Panel before the press conference, as this was very disrespectful to LegCo.

Presentation on the Report of the Investigation Team

41. Deputy Director of Agriculture, Fisheries and Conservation (DD(AFC)) gave a PowerPoint presentation on the Report. He said that on 1 February 2002, H5N1 avian influenza broke out in a chicken farm in Kam Tin. By the end of March, confirmed infection had occurred in 22 local farms in Kam Tin, Pak Sha and Hung Shui Kiu. On 26 February, the Secretary for the Environment and Food (SEF) appointed an Investigation Team to investigate the causes of the outbreak and recommend measures to reduce its recurrence.

42. DD(AFC) further said that the investigation work of the team included conducting studies on the following five aspects -

- (a) previous events relating to avian influenza in Hong Kong including the 1997 and 2001 outbreaks;

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- (b) the local chicken raising industry;
- (c) the surveillance and control measures in place in Hong Kong;
- (d) epidemiology of the outbreak; and
- (e) consultation with the live bird trade and experts.

DD(AFC) highlighted that the following studies had been conducted on the local chicken raising industry -

- (a) studies on the genes of H5N1 viruses from farms and markets;
- (b) on-site farm investigations; and
- (c) a case-control study jointly conducted by the Microbiology Department of the University of Hong Kong (HKU) and the Massey University EpiCentre in New Zealand.

43. On the H5N1 viruses, DD(AFC) said that all the different H5N1 genotypes isolated in Hong Kong since 1997 were derived from an H5N1 virus originally detected in geese from Guangdong province in 1996 (called GD-96). The H5N1 viruses had undergone genetic changes through reassortment and five different genotypes of H5N1 virus had been found in 2001. Another six different H5N1 virus genotypes had been detected in 2002. Some of these genotypes indicated adaptation to land-based poultry. However, none of these viruses isolated in 2002 or in 2001 shared the same combination of genes as the 1997 H5N1 virus that had caused serious disease in both poultry and humans.

44. DD(AFC) said that H5 avian influenza was part of nature and could not be eliminated. He said that in the recent outbreak, of the 22 infected farms, 13 were infected by genotype "Z" virus, eight by genotype "Z1" virus and one by genotype "X" virus. A total of six different H5N1 virus genotypes ("X", "X1", "X2", "X3", "B" and "Z") were detected in samples collected from retail markets between 9 and 16 January 2002.

45. DD(AFC) further explained that according to the results of the farm investigations conducted, spread of the viruses between farms possibly played a very important role in the dissemination of disease. He presented a map showing the farms affected. He also briefed members on the case-control study in which owners of 16 infected farms and 30 uninfected farms had been interviewed for comparison purposes.

46. DD(AFC) said that the Investigation Team had come to the following conclusions -

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- (a) the GD-96 H5N1 virus that was stable for several years in its natural host (the goose) had changed genetically and adapted to chicken and other land-based poultry;
- (b) the outbreak of disease on local farms was probably caused by a small number of introductions of H5N1 virus onto farms, followed by local spread between farms;
- (c) spread between farms was likely to be due to the movement of people or items associated with the poultry trade and, for some farms in close proximity, might have been the result of airborne spread of virus via contaminated dust;
- (d) direct sales of poultry to retail markets and the movement and transport cages used to hold birds in the markets were believed to play a significant role in the spread of avian influenza; and
- (e) other factors including day old chicks, livestock feed, faecal waste collection bins, wild birds, overstocking and smuggled birds, were unlikely to have played a significant role in the outbreak in February 2002.

47. DD(AFC) said that the Investigation Team supported measures already taken to prevent wild birds from entering poultry sheds and to limit the number of poultry that could be raised on individual farms. It also endorsed the enhancements of bio-security that had already been put in place, including the prohibition of sale of poultry direct to retail.

48. As regards new measures, DD(AFC) said that the Investigation Team had recommended -

- (a) improving farm bio-security (paragraph 24 of the Executive Summary of the Report);
- (b) enhancing measures relating to transport cages (paragraph 26 of the Executive Summary of the Report);
- (c) reducing the volume of trade in live poultry (paragraph 27 of the Executive Summary of the Report);
- (d) breaking virus cycles in markets (paragraph 28 of the Executive Summary of the Report);
- (e) enhancing surveillance tools and monitoring for emergence of new viruses (paragraph 29 of the Executive Summary of the Report); and

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- (f) reviewing the vaccination programme before establishing the role of vaccines in overall avian flu control (paragraph 30 of the Executive Summary of the Report).

49. DD(AFC) said that the Investigation Team concluded that as long as there was a demand for freshly slaughtered poultry in Hong Kong, there would continue to be trade in live poultry. As a consequence, there would always be a risk of further outbreaks of H5N1 avian influenza with the accompanying potential risk to public health. The package of measures recommended could only minimise the risk of avian flu infecting poultry in markets and farms. It was essential that the Government should start consulting the stakeholders as soon as possible in order to implement the proposed measures.

Discussion

Proposed bio security measures

50. Mr CHEUNG Man-kwong said that as the recommended measures could not totally eliminate the risk of avian influenza infecting poultry in markets or farms, he wanted to know whether the Administration had considered introducing an insurance scheme for the industry to share the costs of compensation to farmers and stallholders in future outbreaks.

51. Director of Agriculture, Fisheries and Conservation (DAFC), who was the Chairman of the Investigation Team, said that the Team acknowledged the fact that the risk of recurrence of H5N1 avian influenza could not be totally eliminated. The Team had therefore explored ways to minimise the risk of avian influenza infecting poultry in farms and markets, and to make the task more manageable when it occurred. The Team had stressed that it was essential to consult the stakeholders on the proposed measures. DAFC further said that the Administration had not ruled out the possibility of introducing an insurance scheme, and had been in discussion with the trade on the matter.

52. Mr CHEUNG Man-kwong criticised that many of the recommended bio-security measures were impracticable, as it was unrealistic to prohibit movements of people between farms or to avoid contacts with markets. DAFC explained that the Investigation Team did not recommend that movements between farms should be totally prohibited. He said that the Team was only of the view that farmers should adjust their mindset to critically assess the risk they were being exposed to and take appropriate precautionary measures. For example, they should have their protective clothing changed before and after going to another farm and prevent the entry of equipment and vehicles onto their farms unless properly disinfected.

53. Mrs Selina CHOW said that while she agreed that the hygiene condition of farms should be improved, she had doubts on the practicability of the recommended bio-security measures on the farms. She asked what actions AFCD would take to help the farms to seek improvements to their hygiene conditions as soon as possible.

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She asked whether the Investigation Team had also explored preventive measures such as the use of vaccine, and whether there was new development in medication for control of the disease which had taken many human lives in 1997.

54. DAFC responded that the proposed farm bio-security measures were actually less harsh than those implemented in some developed countries. He acknowledged that there were constraints in local farms, and therefore the Investigation Team recommended that the Administration should discuss with the trade. He said that the recommendations on farm bio-security were included in the Report because it was within the terms of reference of the Investigation Team. He added that one of these recommendations was related to the operation of retail markets.

55. DAFC further said that the Team did not rule out the possibility of using vaccination as a long-term preventive measure. At present, the Agriculture, Fisheries and Conservation Department (AFCD) was trying out vaccination as an adjunct to its control strategy in the Pak Sha area, and it was too early to establish the role of vaccination in the control of H5N1 avian influenza in Hong Kong at the present stage.

56. As regards vaccination for the control of human avian influenza, Deputy Director (Food and Public Health) said that the World Health Organisation had also been very concerned whether a vaccine could be developed for application in human beings since the 1997 outbreak. However, so far there had not been any breakthrough in the development. She said that the Administration would continue to closely monitor the development.

57. DAFC responded that since the outbreaks in 1997 and 2001, AFCD had already made much efforts to improve the conditions of local farms. He said that the main task of the Investigation Team was to minimise the risk of the virus infecting the poultry in farms and markets, but not to establish whether it was the responsibility of AFCD or farmers for the unsatisfactory conditions of the farms.

Resource implications for implementing the proposed bio security measures

58. Mr Andrew CHENG said that implementation of the proposed measures would have serious financial implications for chicken farmers and yet such measures could not totally eliminate the risk of avian influenza infection. He added that there was concern whether chilled poultry products would be an alternative to live poultry and their impact on the live chicken industry. In this connection, he requested the Administration to put in more resources to explore this and other options, and provide the following information to facilitate members' consideration -

- (a) what assistance (and the resources implications) would be required for members of the trade to find new jobs; and
- (b) to what extent the risk of avian influenza infection could be reduced with the importation of chilled chickens.

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59. DAFC responded that there was concern in the community as to whether Government should continue to bear all the costs incurred for compensating the industry each time when the outbreak occurred. There had been suggestion that the trade should also make efforts to reduce the risk of avian influenza infection. He said that it was necessary for the Administration to balance the interests of the community and the trade on this matter. The Investigation Team had therefore proposed the Administration to conduct full consultation with the trade concerned.

60. DAFC further said that avian influenza would not be eradicated just by importation of chilled chickens. He said that the level of community acceptance of chilled chickens would directly affect the volume of trade in live chickens. It was still too early at the present stage for the Administration to give an accurate assessment of the market demand for chilled chickens and its impact on the live chicken industry. He said that the Administration would provide further information to the Panel when this was available.

61. To facilitate the Panel to consider the merits or otherwise of the proposed measures, the Chairman requested the Administration to provide the following information -

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- (a) assessment of the estimated financial loss caused to the trade (e.g. chicken retailers/wholesalers/transporters) for introducing an additional Rest Day for markets;
- (b) assessment of the estimated financial implications for chicken farmers to implement the bio-security measures (paragraph 24 of the Executive Summary of the Report); and
- (c) assessment of the impact on the livelihood of the 5,000 members of the live chicken trade if the demand was shifted to chilled chickens in the future, and the costs on the Government (e.g. employment assistance and social security payments for farmers/workers forced out of job).

Follow-up to the Report

62. Mr WONG Sing-chi asked whether the Administration had studied the long-term implications on Hong Kong and the follow-up actions required, now that the Investigation Team had come to a conclusion that avian influenza could not be eradicated in Hong Kong. He added that other countries were also concerned about such conclusion.

63. DS(EF)(A) responded that in the following two to three months, the Administration would solicit views from the trade, experts, LegCo Members and the public on the recommendations of the Investigation Team. She agreed with Mr Andrew CHENG that the resources implications would need to be addressed. She said that each year about \$40 million was already spent on the surveillance system to detect avian flu. The Administration would carefully assess the impact on the live

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chicken trade, and take into full account the views and comments received in the course of the public consultation. She added that as SEF had said at the special meeting of the Panel on 8 February 2002, the Administration would take the following factors into account in considering the actions required to tackle the problem of avian flu -

- (a) the need to protect human lives and maintain a good standard of veterinary health;
- (b) the impact of any proposed measures on the poultry trade in the midst of the current economic situation; and
- (c) the public resources involved in monitoring and controlling avian influenza.

She called on the public and the trades to give their views and comments on the Report during the consultation period.

64. As regards the suggestion of reducing the volume of live chicken stocks in Hong Kong, DS(EF)(A) said that this would affect the availability of live chickens for consumption and would have an impact on the live chicken industry. She said that the Administration would balance all factors and try to devise an option in the best interests of Hong Kong. Mr WONG Sing-chi reminded the Administration that it must consult the Panel first before implementing any new measures.

Overseas experience and impact on the poultry trade

65. Mr WONG Yung-kan asked whether the genotypes of H5N1 detected in Hong Kong were also found in the aquatic birds and land-based poultry in other countries, and if so, what actions were taken by these countries to control the viruses. He said that since the recent outbreak, the Administration and the trade had agreed on a number of improvement measures, and the trade had made efforts to comply with these additional requirements. However, he doubted that it might be the Administration's ultimate aim to wipe out the live poultry industry in Hong Kong by permitting importation of chilled poultry from the Mainland. He expressed concern that the livelihood of members of the industry would be adversely affected and he urged the Administration to carefully assess such impact.

66. DAFC stressed that it had never been the intention of the Investigation Team to make use of the Report to wipe out the live poultry industry in Hong Kong. The Investigation Team was only concerned with improving the sustainability of the industry and balancing the interests of various stakeholders. DAFC informed members that all of the H5N1 viruses identified in Hong Kong since 1997 were classified as highly pathogenic viruses. He explained that in deciding whether a particular influenza virus was highly pathogenic, scientists inoculated it into young chickens for signs of death and disease for ten days. Any virus that could kill 75% of inoculated chickens within ten days was regarded as being highly pathogenic for

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poultry. As the 1997 virus and recent Hong Kong strains were found to have killed chickens within 24 hours of inoculation, these were amongst the most pathogenic avian influenza viruses ever found.

67. DD(AFC) added that highly pathogenic avian influenza viruses, which mainly belonged to the H5 or H7 sub-types, had also been reported in some overseas countries. For example, there had been outbreaks in Mexico (H5N2), Italy (H5N2, H7N1) and Australia (H7N7, H7N3). However, H5N1 viruses had only been identified in Hong Kong so far.

68. Mr WONG Yung-kan said that ten years ago, the poultry trade had already expressed concern that disease in poultry might be caused by influenza viruses. He considered that the present situation was attributable to the lack of assistance provided by the Administration in the past to enhance the standard of the farming industry. He was dissatisfied that the recommendations would only add costs to the trade, and there was no mention of what assistance the Administration would render to the trade to reduce the risk of recurrence of avian influenza, for example, by providing air-conditioning in public markets.

Additional "Rest Day" proposed for the retail markets

69. Mr Tommy CHEUNG gave an account of the operational problems faced by the chicken retailers in complying with the Rest Day each month. He asked whether the Administration had formulated a safety threshold which could be achieved by the introduction of an additional Rest Day to the retail market. He also asked how the Administration would address the differences in hygiene standards between local poultry farms and those in Shenzhen, and also the problem of poor ventilation in public markets. He said that as vaccine was being used by many overseas countries for controlling avian influenza, the Administration could shorten the one-year trial period for the vaccine being used in Pak Sha area, so that vaccine could be used in other farms.

70. DAFC replied that the Administration would try to review the effectiveness of the vaccine being used in Pak Sha area as early as possible. He explained that as the vaccine had only been used in the control of low to medium pathogenic avian influenza viruses in overseas countries, its effectiveness in the control of highly pathogenic avian influenza viruses had yet to be established. DAFC said that the Investigation Team had never undermined the difficulties that would be created to the trade by introducing an additional Rest Day. He agreed to provide more scientific data to justify the need for the additional Rest Day.

71. In response to Mr Tommy CHEUNG's enquiry about the life cycle of the avian influenza identified in Hong Kong, DAFC said that recent findings revealed that after the Rest Day on the 25th day of a month, avian influenza viruses had been found in the market as early as on the 9th day of the following month. Therefore, the Investigation Team proposed introducing an additional Rest Day to break the cycle of any virus that might have established in the market.

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72. Dr LO Wing-lok said that he had pointed out half a year ago that H5N1 avian influenza had become an epidemic disease in Hong Kong. He considered that if a disease could not be eradicated, the only way to deal with it was to control it. He was of the view that adequate measures had already been implemented in the retail markets to control the disease. He shared the concern of Mr Tommy CHEUNG that the Administration should provide information and data to justify the need for the additional Rest Day. He pointed out that the situation in 1997 was rare, as the virus circulation was exceptionally intense at that time, i.e. one out of five chickens was shedding H5N1 virus. The high intensity of viruses had therefore posed an acute risk to human health at that time, while in normal circumstances, it was not so easy for humans to contract the disease. He said that with the experience gained from the 1997 outbreak, and given the measures which had been put in place, it was very unlikely that the same intensity of H5N1 virus circulation as in 1997 would recur in the retail markets.

73. Dr LO further said that unless the Administration could justify and quantify the additional benefits that could be brought about by the additional Rest Day, the proposal would have the consequence of wiping out the live chicken industry. He said that the Administration should make clear its policy intention as early as possible to enable members of the industry to make adjustments.

74. Dr LO further said that he had visited the farms in Yuen Long where H5N1 avian influenza viruses had been detected in the recent outbreak. He agreed that the conditions of the farms were far from satisfactory. He said that most farms in fact had not put in place adequate bio-security measures. For example, most farms had no requirement of disinfection for vehicles or visitors entering the farms, and the cages for carrying local birds to and from the retail markets had led to cross-contamination between markets and farms in the recent outbreak. Dr LO agreed that it was necessary to enhance the bio-security measures in farms, and the Administration should assist these farms in bringing their conditions up to standard. Those farms which could not be brought up to the standard should be phased out, and only those which were capable of implementing adequate bio-security measures should remain. Nevertheless, he considered that the Administration should obtain more scientific data and information to support the proposed measures. If there were insufficient justifications, the Administration should simply not impose such measures on the trade.

Surveillance and control measures to be implemented by the Administration

75. Mr Michael MAK expressed disappointment with the Executive Summary as it had failed to identify the sources, or the more important factors, of the recent avian influenza outbreak. He also expressed doubt about the practicability of the proposed bio-security measures. He asked what monitoring work was being done by the frontline staff of AFCD to prevent another avian influenza outbreak in Hong Kong. He also requested the Administration to make an assessment on the number of farms which could not implement the proposed bio-security measures and would have to be closed, and the number of people who would lose their jobs as a result.

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76. DD(AFC) responded that AFCD and FEHD were both responsible for the surveillance at the import level, in wholesale and retail markets, and at farms. At the import level, all poultry exported to Hong Kong could only come from farms registered with the Inspection and Quarantine Bureau in the Mainland. They were quarantined before exported to Hong Kong. On arrival, FEHD staff inspected the birds at the Border Control Point. Blood samples were collected for testing before they were distributed to the retail markets.

77. DD(AFC) further said that at local farms, AFCD staff conducted inspections and chickens were tested before they were released to the market. At the Wholesale Market, blood samples were collected from both local and imported chickens to reconfirm their negative antibodies status. In addition, HKU performed gene sequencing on the H5N1 viruses isolated from the infected farms and markets. The Investigation Team had reaffirmed its support for all these measures in place which would help monitor the situation and the epidemiology of the viruses.

78. In response to Mr Michael MAK, DD(AFC) said that training had been arranged for farmers on the required precautionary measures. AFCD staff conducted inspections to each farm and provided advice to the farmers on the spot. He added that some of these new requirements had already been incorporated as the licensing requirements for chicken farms. As regards the prevention of entry of wild birds to farms, DD(AFC) said that experience in overseas countries had shown that it was possible for infected birds to spread influenza viruses from farm to farm. He said that AFCD was testing out methods for preventing wild birds from entering farms, and would introduce those effective methods to farmers.

79. Mrs Selina CHOW suggested that the Administration should provide information on the standard to be required of the improvement measures to enhance the hygiene standards in the farms and in the retail and wholesale markets. She stressed that measures to improve the hygiene standard should be implemented as quickly as possible, without having to wait for completion of the public consultation. The Chairman requested the Administration to provide an information paper on the improvement measures being implemented to enhance hygiene standards in farms and in the retail/wholesale markets, and to reduce the risk of recurrence of avian influenza outbreak. He said that the Administration should also explain the actions to be taken to deal with the problem of some local farms occupying government land illegally, as requested by Mrs Selina CHOW.

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80. The Chairman suggested and members agreed that the Panel should further discuss the Report and to consider views from the trade in July. Mr Tommy CHEUNG suggested that Mr WONG Yung-kan and himself would solicit the views of the trade and request them to provide written submissions to the Panel.

81. There being no other business, the meeting ended at 10:35 am.