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LC Paper No. CB(2) 2812/03-04
(These minutes have been seen by
the Administration)

Panel on Food Safety and Environmental Hygiene

Minutes of meeting
held on Tuesday, 27 April 2004 at 10:45 am
in the Chamber of the Legislative Council Building

Members present : Hon Fred LI Wah-ming, JP (Chairman)
Hon Tommy CHEUNG Yu-yan, JP (Deputy Chairman)
Hon WONG Yung-kan
Hon Andrew CHENG Kar-foo
Hon Michael MAK Kwok-fung
Hon LEUNG Fu-wah, MH, JP
Dr Hon LO Wing-lok, JP

Member absent : Hon YEUNG Yiu-chung, BBS

Public officers attending : Items II to V

Mr Eddy CHAN
Deputy Secretary for Health, Welfare and Food
(Food & Environmental Hygiene)

Mr Vincent LIU
Principal Assistant Secretary (Food & Environmental Hygiene)
Health, Welfare and Food Bureau

Ms Annette LEE
Deputy Director (Environmental Hygiene)
Food and Environmental Hygiene Department

Mr HUNG Chi-pai
Assistant Director (Operations) 1
Food and Environmental Hygiene Department

Item VI

Mr Eddy CHAN
Deputy Secretary for Health, Welfare and Food
(Food & Environmental Hygiene)

Mr Vincent LIU
Principal Assistant Secretary (Food & Environmental Hygiene)²
Health, Welfare and Food Bureau

Ms Annette LEE
Deputy Director (Environmental Hygiene)
Food and Environmental Hygiene Department

Mr HUNG Chi-pai
Assistant Director (Operations) 1
Food and Environmental Hygiene Department

Dr Samuel YEUNG
Senior Medical Officer (Risk Assessment) 1
Food and Environmental Hygiene Department

Clerk in attendance : Mrs Constance LI
Chief Council Secretary (2)5

Staff in attendance : Ms Joanne MAK
Senior Council Secretary (2)2

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I Confirmation of minutes of meetings

[LC Paper Nos. CB(2) 1989/03-04, CB(2)2090/03-04, CB(2)2069/03-04 and CB(2)2114/03-04]

The minutes of the meetings held on 2 February, 25 February, 3 March and 19 March 2004 were confirmed.

II Date of next meeting and items for discussion

[LC Paper Nos. CB(2) 2115/03-04(01) and (02)]

2. Referring to item 14 on the list of outstanding items for discussion, Mr WONG Yung-kan proposed to discuss the control of drugs and chemicals for food animals and fish at the next regular meeting to be held on 25 May 2004 at 10:45 am. Mr WONG said that although some fish and meat looked good, they were of poor quality or had

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actually gone bad, and similar cases had been found on the Mainland. Mr WONG said that the Administration should explain whether this was due to the use of chemicals. Members agreed to Mr WONG's proposal.

3. The Chairman said that members could forward to the Clerk their suggestions of discussion items for the next regular meeting.

[*Post-meeting note* : Following discussion with the Administration, the agenda for the regular meeting on 25 May 2004 was subsequently revised as follows -

- (a) Follow-up discussion on resumption of importation of Mainland chickens;
- (b) Harmful substances in food; and
- (c) Monitoring of chemical levels in green bean vermicelli and other food products.]

III Information paper(s) issued since last meeting

4. Members noted that two Government press releases had been issued on 19 March 2004 about the resumption of import of live poultry from places not affected by avian influenza [LC Paper No. CB(2) 1807/03-04].

IV Matters arising

Resumption of importation of live chickens

[LC Paper No. CB(2) 2144/03-04(01)]

5. Deputy Secretary for Health, Welfare and Food (Food & Environmental Hygiene) (DS(FEH)) said that the Administration had resumed importation of Mainland live chickens on a pilot basis starting from 20 April 2004. During Phase I of the pilot scheme, i.e. 20 to 22 April, 6 000 chickens were imported from the Mainland each day. Clinical examination of the chickens showed that the imported live chickens were in good health conditions. The laboratory test results for the consignments also showed that all faecal samples were negative for avian influenza H5 virus and the antibody test results of all blood samples were satisfactory.

6. DS(FEH) said that the Administration had reviewed the results of the Phase I arrangements and had decided that the daily quantities of imported live chickens could be increased to 12 000 starting from 25 April (after the wholesale market rest days on 23 and 24 April), for a five-day period until 29 April. DS(FEH) further said that the test results for the consignments imported from 25 April had been found satisfactory.

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The Administration would further review the daily quantities of live chickens to be imported in the light of the latest experience. DS(FEH) added that an announcement would be made on 28 or 29 April as to whether the daily quantities could be further increased gradually.

7. Mr WONG Yung-kan asked whether the Administration would discuss with the Mainland authorities on resuming the importation of live chickens at the normal level, if the test results of Phase I of the pilot scheme were found satisfactory. Mr WONG requested the Administration to explain the conditions and criteria for full resumption of importation of chicken.

8. DS(FEH) responded that it was necessary for the Administration to adopt a cautious approach in dealing with the importation of live chicken. He said that the Administration considered it undesirable for our retail markets and outlets to accommodate large quantities of live chickens, having regard to the crowded conditions of wet markets and the contact between the public and live chickens.

9. DS(FEH) further said that the World Organisation for Animal Health (OIE) had recommended a three-month period before resuming import of live poultry from an infected zone after slaughter in the last avian influenza case. Nevertheless, the Administration had mentioned previously about the possibility of advancing the date of resumption of importation of chickens, if the hygiene standards of individual farms in the Mainland were exceptionally good. DS(FEH) said that officers of the Food and Environmental Hygiene Department (FEHD) had visited several Mainland registered farms supplying live chickens to Hong Kong. They noted that these registered farms had adopted the necessary precautionary measures to prevent the occurrence of avian influenza and instituted appropriate surveillance programme to detect the presence of the H5N1 virus. The Administration had therefore decided to resume the importation of Mainland live chickens on a pilot basis, starting from 20 April instead of 12 May. The Administration had decided to gradually increase the daily quantities on a step-by-step basis, having regard to the experience. The Administration would maintain close liaison with the Mainland authorities on the inspection/surveillance systems and the additional measures adopted during the pilot scheme, to ensure that all imported live chickens were healthy.

10. Mr WONG Yung-kan asked about the progress of the importation of day-old chickens and whether this would be discussed during the coming duty visit to Beijing by the Health, Welfare and Food Bureau officials. DS(FEH) said that the Administration also agreed that the importation of day-old chickens should resume as soon as possible. There was no plan to restrict the importation of day-old chickens into Hong Kong or to impose any limit on the import quantities, and discussion was being held with the Mainland authorities on the detailed arrangements for resumption of imports.

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11. Mr WONG Yung-kan pointed out that the existing stock of live chickens at local farms was less than 300 000. He urged the Administration to expedite the importation of day-old chickens or else the poultry trade would have to cease operation. Mr WONG asked whether the Administration had assessed the loss suffered by the poultry trade due to the ban on imports. He said that the trade itself estimated that the loss was about \$2 million a day.

12. DS(FEH) responded that the loss was caused by the avian influenza epidemic in the region, and the Administration had granted ex-gratia payments to the affected trades. DS(FEH) reiterated that discussions with the Mainland authorities on the importation of day-old chickens had started, and details of the arrangement would be announced in due course.

13. The Chairman asked whether the Administration had planned to resume the importation of Mainland live chickens at a normal level on 12 May. DS(FEH) responded that at the present moment he was unable to assess the level of importation for 12 May, as the Administration had to review the test results of each phase of the pilot scheme before deciding on the daily import quantities in the next phase. The Chairman asked whether any flexibility would be allowed in the import quantities when all local live chickens were consumed and there was a shortage of supply. DS(FEH) responded that the Administration would have to look at the actual situation and decide on the appropriate course of action.

14. Referring to recent press reports that some farms had exported fertile eggs posing as fresh eggs to Hong Kong, Dr LO Wing-lok asked whether these farms had breached the law of Hong Kong. DS(FEH) responded that he had not heard about these reports. He said that he understood that while fertile eggs for hatching purpose would likely be subject to administrative control if used by local licensed farms, there was no regulation governing the importation of fresh eggs for consumption purpose as these were not considered as "high risk" food category. DS(FEH) agreed to follow up the cases and report at the next meeting.

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15. Dr LO Wing-lok requested the Administration to brief members on the progress of the implementation of short-term improvement measures for markets. Deputy Director (Environmental Hygiene) (DD(EH)) of FEHD said that to improve the conditions at poultry retail outlets, special conditions and requirements had been added to the licensing conditions/tenancy agreements since 21 April. Many of the retail outlets had already installed acrylic panels to segregate cages holding live poultry from customers. FEHD would give the retailers a grace period of one more week, and would strictly enforce this requirement from 28 April. DD(EH) further said that other measures, such as requiring the retailers not to allow customers to touch live poultry, were also being implemented.

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16. Mr WONG Yung-kan said that if the concern was about the hygiene conditions at markets, the Administration should expedite the implementation of improvement projects for markets. It was unfair to sacrifice the poultry trade in solving the problem of avian influenza. Following up on Mr WONG's question, the Chairman asked whether the Administration's decision of not fully resuming the importation of live chickens had to do with the unsatisfactory hygiene conditions of markets.

17. DS(FEH) responded that the Administration had been taking measures to improve the crowded conditions and hygiene standards of markets. He appealed to members for their support when the funding proposals on market improvement projects were submitted to the Finance Committee for approval.

18. Mr LEUNG Fu-wah criticised the Administration for being over-cautious in the resumption of importation of live chickens. He queried whether there was any scientific basis for importing only 12 000 Mainland live chickens each day. Mr LEUNG pointed out that there were 800 poultry stalls and each of them would only be supplied with about 10 live chickens each day. Mr LEUNG considered that it was more important for the Administration to control the quality and hygiene standards of the farms which supplied chickens to Hong Kong, rather than the daily import quantities. He pointed out that should any imported chicken be found to have problems, the Administration could ban the importation immediately. Mr LEUNG urged the Administration to have regard to the livelihood of workers in the relevant trades.

19. DS(FEH) explained that public health was the prime consideration in deciding when to resume the importation of live poultry. He said that the magnitude of the recent epidemics of avian influenza in Asia was unprecedented and alarming. Given the close contact between human and live poultry and the crowded environment in Hong Kong, it was necessary for the Administration to adopt a prudent approach to safeguard the public health. DS(FEH) further said that the present resumption of importation was a pilot scheme, and the daily quantities could be increased if the results were very satisfactory.

20. Mr LEUNG Fu-wah reiterated that he did not understand why such a long observation period was necessary, since there had not been any further outbreak in the Mainland for more than two months. Mr WONG Yung-kan asked whether the Administration had any information comparing Hong Kong with Vietnam and Thailand in terms of hygiene conditions in poultry farms and citizens' knowledge of avian influenza. Mr WONG also asked for information on the causes of deaths of those died in the recent epidemics in Vietnam and Thailand, as there were reports that these people might have other diseases.

21. DS(FEH) responded that according to the investigation reports issued by the World Health Organization (WHO), the victims in the confirmed cases of H5N1 infection during the recent outbreaks in Vietnam and Thailand had died of the disease.

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DS(FEH) said that WHO's reports on the avian influenza outbreaks in Vietnam and Thailand were available on its website.

22. In concluding the discussion, the Chairman said that Members hoped that the Administration could exercise some flexibility in increasing the daily import quantities, having regard to the test results and the effectiveness of the additional precautionary measures. The Chairman considered that more live chickens should be imported around the Mothers' Day on 9 May 2004, in anticipation that there would be great demand for live chickens during such period. The Chairman also urged the Administration to look into whether there was market manipulation as the wholesale price for live chickens had gone up despite the increase in daily import quantities. DS(FEH) agreed to look into these matters and take appropriate follow-up actions.

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V. Control of ice-making plants

[LC Paper No. CB(2) 1708/03-04(03)]

23. Referring to paragraph 3 of the Administration's paper, DD(EH) said that there was an addition of one plant, making a total of six plants for the manufacture of edible ice in Hong Kong.

24. Mr WONG Yung-kan asked whether there were any ice-making plants using seawater for ice-making and how FEHD would monitor the operation of these plants after the proposed regulatory framework came into force. DD(EH) said that FEHD staff had inspected all the six plants and all of them used water from the mains supply for making edible ice. The hygiene conditions of the equipment/machinery in these plants were also satisfactory.

25. The Chairman asked whether restaurants which made ice from their own ice-making equipment would also be regulated. DD(EH) replied that during the regular inspections to food premises, FEHD officers also took ice samples from restaurants for testing. In 2003, 68 samples of ice and 79 samples of food with ice had been taken for laboratory examination, and the test results were satisfactory.

26. The Chairman said that the Panel supported the Administration's proposal of introducing a regulatory framework for ice-making plants as outlined in the paper. He urged the Administration to proceed with the proposal expeditiously.

VI Control of live fish wholesalers and fish tank water quality

[LC Paper No. CB(2) 2115/03-04(03)]

27. At the Chairman's invitation, DS(FEH) briefed members on the existing and enhanced measures for monitoring the quality of fish tank water, such as the implementation of a new risk-based surveillance programme. DS(FEH) also briefed

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members on the progress made in introducing licensing control to cover live fish wholesalers through the issue of permits under the Food Business Regulation (Cap. 132 sub. leg. X).

28. On the longer term-measures, DS(FEH) informed members that after review, the Administration considered it inappropriate to make the use of synthetic seawater mandatory for reasons set out in paragraph 14 of the paper. However, the Administration would continue to promote the use of synthetic seawater on a voluntary basis. The Administration also considered that the licensing of vehicles used for transportation of seawater would pose many problems. The Administration was considering amending section 10A of the Food Business Regulation in 2004-05 to prohibit abstraction of seawater from areas adjacent to the coast as specified in the schedule. Such locations could include typhoon shelters and other areas. The Administration considered this a more pragmatic approach in terms of enforceability than specifying suitable locations for abstraction of seawater.

29. The Chairman said that he accepted that it would not be practicable to designate locations for drawing seawater for keeping live fish, and he supported the proposed legislative approach for prohibition of abstraction of seawater from areas adjacent to the coast. The Chairman said that to facilitate compliance and enforcement, the Administration should specify very clearly in the legislation those areas where abstraction of seawater would be prohibited.

30. Referring to the regulatory control of live fish wholesalers, the Chairman asked how the Administration could regulate itinerant marine fish wholesalers who had no fixed venues for unloading their consignments, and such consignments would immediately be uploaded to trucks for delivery to retail outlets/restaurants. DS(FEH) explained that the Administration's paper focused on measures to ensure the quality of fish tank water. There was currently no legislation imposing control on live fish or the landing of live fish in Hong Kong, as "live fish" was not included in the definition of "food" under Cap. 132. However, the Administration agreed that the existing regulatory framework and control of live fish should be reviewed, so that live fish could be brought under regulatory control under the appropriate legislation. The Administration would report its review findings to the Panel in due course.

31. Mr WONG Yung-kan urged the Administration to improve the control of the quality of seawater for keeping live seafood. He said that many seafood were eaten raw and it was necessary to ensure a high hygiene standard of the seawater used for keeping such seafood. Mr WONG suggested that the Administration should make reference to the experience of Japan in where vehicles used for transportation of seawater were installed with advanced filtration facilities. Referring to the proposed prohibition of abstraction of seawater from specified areas, Mr WONG expressed concern how the enforcement problems could be tackled, for example, whether enforcement action could be taken against fishing vessels berthing at a typhoon shelter to abstract seawater.

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32. DS(FEH) responded that the proposal to prohibit abstraction of seawater from specified areas was formulated having regard to the resource implications and the enforcement and other practical considerations. He said that the Administration would further consult members on the details when these were worked out. He explained that the policy intent of the proposal was to prohibit people from blatantly using water pipes or buckets to abstract seawater from areas just adjacent to the coast. For those seawater suppliers operating on a large scale, they were often willing to travel far away from the coast to abstract seawater, and usually there was no serious problem with the seawater supplied by them.

33. Mr Andrew CHENG expressed support for introducing legislative amendments to prohibit abstraction of seawater from areas adjacent to the coast. Mr CHENG asked how the Administration would define "areas adjacent to the coast". He expressed concern that there would be enforcement difficulties if the proposed legislation would require proof that the seawater abstracted was to be used for keeping seafood. He suggested that the legislation should stipulate that a person who abstracted seawater from the prohibited areas would have committed an offence, regardless of the purpose for drawing the seawater.

34. DS(FEH) said that the Administration would consider specifying in the schedule to the Food Business Regulation those seriously polluted areas where abstraction of seawater would be prohibited. He explained that as the Administration intended to introduce the legislative amendment under the Food Business Regulation, it would not be appropriate to extend the scope of the proposed amendment to purposes outside the Regulation.

35. Mr Andrew CHENG suggested that the Administration should explore the feasibility of making the legislative amendment under another suitable ordinance in order to overcome the possible enforcement difficulties. He pointed out that the seawater abstracted from prohibiting areas would first be stored in the fishing vessel or the vehicle, and it would be difficult to prove that the seawater was abstracted for the purpose of keeping live fish.

36. The Chairman requested the Administration to explain how it would implement the prohibition as currently proposed. DS(FEH) explained that the Administration would post up notices at the prohibited areas and FEHD officers would track down any persons or vehicles found abstracting seawater from these areas. FEHD would also act on complaints. FEHD would track down people who abstracted water from the prohibited areas and delivered the water to a seafood stall/shop for keeping live seafood, and would collect water samples from the premises for testing. At present, if the water samples were found not exceeding the specified standard, FEHD could not take any prosecution actions against parties concerned under existing legislation. With the proposed legislative amendment, FEHD would be able to take prosecutions against abstraction of seawater at prohibited areas under the above circumstances irrespective of the test results.

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37. Referring to Mr Andrew CHENG's concern, Mr Tommy CHEUNG said that it would be very difficult to find a place large enough to store up seawater for days before delivering it to retail outlets. Mr CHEUNG considered that it was possible that people might abstract a small amount of seawater from polluted sources for certain uses which would not pose any serious problem. He therefore had doubts about the need to completely prohibit abstraction of seawater from areas adjacent to the coast irrespective of the intended use of the seawater.

38. Mr Tommy CHEUNG said that he could support the Administration's proposal if there were more concrete details. He suggested that the Administration should pinpoint those people using water pipes to pump water from the polluted areas because people abstracting such a large quantity of seawater were probably seawater suppliers. Mr CHEUNG agreed with Mr WONG Yung-kan that it would help safeguard the quality of fish tank water if vehicles for transportation of seawater were installed with disinfection facilities. He suggested that the Administration should encourage the installation of such facilities, such as ozone equipment, on these vehicles. He stressed that the Administration should consult the seawater suppliers when drawing up its legislative proposal.

39. Referring to paragraph 8 of the paper, Mr WONG Yung-kan asked about the details of the new risk-based surveillance programme and the actions taken to follow up the 99 samples found to contain E. coli exceeding the action level of 180 per 100 ml. Mr WONG also asked whether any retailers had been found using flushing water for keeping live fish.

40. DD(EH) responded that since the implementation of the new risk-based surveillance programme in January 2004, a total of 2 024 samples had been taken by the end of March, and 99 samples had been found to contain E. coli exceeding the action level of 180 per 100 ml. DD(EH) said that in these cases, FEHD officers had revisited the premises within three days after taking the samples and advised the operators concerned on the necessary remedial actions. Follow-up samples were taken within one week from the same premises for further testing. FEHD officers would keep on taking samples from the premises for testing, until the quality of the fish tank water proved to be satisfactory. DD(EH) further said that none of the follow-up samples had been found to contain pathogenic Vibrio cholerae. However, two of them had been found to contain E. coli of more than 610 per 100 ml and prosecutions had been taken against the operators concerned. One of the premises had already rectified its problems, while the other one was still in the process of rectifying its disinfection system and had stopped selling live fish.

41. DD(EH) further said that in recent years there had not been any retailers found using flushing water for keeping live fish. DD(EH) added that none of the cases set out in paragraph 4 of the paper involving the issue of verbal/written warnings had to do with the use of flushing water for keeping live fish.

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42. Mr Tommy CHEUNG pointed out that sometimes it was not the disinfection system that had affected the quality of fish tank water of food premises, but the sources of the fish tank water was polluted. In the circumstances, even if the premises operator kept checking the disinfection system or changing the fish tank water, it could not improve the water quality. DS(FEH) explained that the surveillance programme aimed to alert the premises operators that the quality of their fish tank water was deteriorating so that they could take remedial actions as early as possible. This would prevent further deterioration of the water quality to a level below the prescribed standard. If the problem had nothing to do with the disinfection facilities, the operators should check with their seawater suppliers as to the sources of the seawater and ask the suppliers to look into the problem. He said that the surveillance programme aimed to be educational and preventive.

43. In response to Mr Tommy CHEUNG, DS(FEH) said that the Administration had no intention to lower the statutory standard on the level of E. coli in fish tank water from the present 610 per 100ml to 180 per 100 ml. In reply to the Chairman, DD(EH) said that the statutory standard was set in 1994, drawing reference to the findings of a study on the E. coli level in Hong Kong's beaches which categorized the beaches into four levels. The cut off point of 610 per 100ml was used to depict the highest level.

44. Mr Tommy CHEUNG asked whether it was possible that fish's excreta alone could contaminate the fish tank water to an E. coli level of 180 per 100 ml, even though there were no other factors causing contamination to the water. Senior Medical Officer (Risk Assessment) 1 responded that E. coli was mainly found in intestines of human and warm-blooded animals. As E. coli did not normally multiply in large quantity in the fish intestines, the fish's excreta alone should not cause a high level of E. coli in the fish tank water.

45. Mr WONG Yung-kan said that the importation control of live seafood delivered to Hong Kong by air was very loose as the Administration had just relied on the health certificates issued by the places of origin. Mr WONG urged the Administration to take measures to prevent further occurrence of ciguatera poisoning incidents by strengthening regulatory control of coral reef fish. Mr WONG also asked whether the Administration had imposed any regulatory control of freshwater fish imported from other places including the Mainland. Mr WONG said that to safeguard public health, the Administration should conduct inspections and sampling tests of freshwater fish upon importation.

46. Principal Assistant Secretary (Food & Environmental Hygiene)2 (PAS(FEH)2) said that as far as coral reef fish was concerned, FEHD had put in place a voluntary reporting system under which the live fish importers were encouraged to report to FEHD if they imported coral reef fish from a new locale. In this way, FEHD would have information on the sources of supply of the coral reef fish, and FEHD officers

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would collect samples of the fish for testing of the presence of toxic. In addition, FEHD would keep information on the distribution of the consignments to retail outlets. PAS(FEH)2 said that as this was a voluntary system, the Administration was considering whether the reporting system should be made mandatory, so that importers could be ordered to stop selling problematic coral reef fish found.

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47. Mr WONG Yung-kan asked when the Administration would provide an investigation report on the recent ciguatera poisoning incidents. PAS(FEH)2 said that when the subject was last discussed at the meeting on 2 April 2004, the Administration had undertaken to provide a review report on live fish control in three to four months' time.

48. DS(FEH) said that the Administration was considering how live fish, which included freshwater fish, marine fish and cultured fish, could be brought under regulatory control, as there was currently no legislation regulating the landing or sale of live fish in Hong Kong.

49. In response to Mr WONG Yung-kan, DD(EH) said that in Lau Fau Shan, there were 37 live fish operators. So far, FEHD had issued permits to ten stalls. DD(EH) said that the remaining stalls' applications for permits were being processed. Mr WONG suggested that the Administration should strengthen communication with the sector on matters relating to the issue of permits.

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50. In concluding the discussion, the Chairman said that the Panel supported the Administration's paper and requested the Administration to take note of members' views and comments.

VII Any other business

Report on the duty visit to study the food regulatory systems in Japan [LC Paper No. CB(2) 2115/03-04(04)]

51. The Chairman said that the report on the duty visit to Japan would be submitted to the House Committee at its meeting on 30 April 2004.

52. There being no other business, the meeting ended at 12:30 pm.