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Secretary for Health, Welfare and Food
(Attn : Miss Vivian Ko, PAS (FEH) 1)
Health, Welfare and Food Bureau
Food and Environmental Hygiene Division
20/F, Murray Building
Garden Road
Hong Kong

3 November 2005

BY FAX

Fax No. : 2136 3281

Total no(s) of page(s) : 5

Dear Miss Ko,

Harmful Substances in Food (Amendment) Regulation 2005 (L.N. 137)

Hon Tommy CHEUNG Yu-yan intends to move the attached draft motion to amend the Harmful Substances in Food (Amendment) Regulation 2005 (L.N. 137 of 2005). The legal effect of the amendment is that regulations 3 (Prohibition of import and sale of food containing certain substances in excessive concentrations) and 5 (Offence and penalties) of the Principal Regulations will not apply to live fish sold by retail containing malachite green.

We would be grateful if you could let us know whether you have any comment on the draft resolution, in particular whether the proposed amendment is within the power to amend under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1). Your reply by **4 November 2005** is appreciated.

Yours sincerely,

(Stephen Lam)
Assistant Legal Adviser

Encl

c.c. Hon Tommy CHEUNG Yu-yan (Fax 2390 4487)
DoJ (Attn: Mr W S YIP, SALD) (Fax: 2180 9966)
DoJ (Attn: Ms Grace LEUNG, GC) (Fax: 2869 1302)
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INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

(Under section 34(2) of the Interpretation and
General Clauses Ordinance (Cap. 1))

HARMFUL SUBSTANCES IN FOOD (AMENDMENT) REGULATION 2005

RESOLVED that the Harmful Substances in Food (Amendment) Regulation 2005, published in the Gazette as Legal Notice No. 137 of 2005 and laid on the table of the Legislative Council on 12 October 2005, be amended, in section 1, in new Item 26A, in Column D, by adding “(except for live fish sold by retail)” after “live fish”.