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LC Paper No. CB(2) 361/04-05
(These minutes have been seen by
the Administration)

Panel on Food Safety and Environmental Hygiene

Minutes of Meeting
held on Tuesday, 9 November 2004 at 2:30 pm
in Conference Room A of the Legislative Council Building

Members Present : Hon Fred LI Wah-ming, JP (Chairman)
Hon WONG Yung-kan, JP (Deputy Chairman)
Hon Bernard CHAN, JP
Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Vincent FANG Kang, JP
Hon WONG Kwok-hing, MH
Dr Hon Joseph LEE Kok-long
Dr Hon KWOK Ka-ki

Public Officers Attending : Item III

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

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

Mr Gregory LEUNG
Director of Food and Environmental Hygiene

Dr S F LEUNG
Assistant Director (Fisheries)
Agriculture, Fisheries and Conservation Department

Item IV

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

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

Mr Gregory LEUNG
Director of Food and Environmental Hygiene

Mr Donald TONG
Deputy Director (Administration and Development)
Food and Environmental Hygiene Department

Item V

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

Mr Wallace LAU
Acting Principal Assistant Secretary
(Food & Environmental Hygiene) 1
Health, Welfare and Food Bureau

Mr Gregory LEUNG
Director of Food and Environmental Hygiene

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

Dr Thomas CHUNG
Assistant Director (Food Surveillance and Control)
Food and Environmental Hygiene Department

Clerk in Attendance : Miss Betty MA
Chief Council Secretary (2)5 (Acting)

Staff in : Ms Anna CHEUNG
Attendance Legislative Assistant (2)5

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I. Date of next meeting and items for discussion

[LC Paper Nos. CB(2) 149/04-05(01) and (02)]

Members agreed to discuss the following items proposed by the Administration at the next regular meeting on 14 December 2004 at 2:30 pm -

- (a) Public Health and Municipal Services (Amendment) Bill; and
- (b) mandatory scheme to regulate coral reef fish.

2. The Chairman said that Mr WONG Kwok-hing proposed to discuss the administration of urn grave cemeteries at the next meeting. Mr WONG said that in the light of recent reports on the maladministration of urn grave cemeteries, the Administration should be invited to brief members on the remedial actions taken to rectify the situation and the improvement measures to be taken. Members agreed to include this in the agenda.

II. Information paper(s) issued since last meeting

3. Members noted that no information paper had been issued since the last meeting.

III. Proposed accreditation scheme for seawater suppliers

[LC Paper Nos. CB(2) 149/04-05(03) and (04)]

4. Principal Assistant Secretary for Health, Welfare and Food (Food and Environmental Hygiene) 2 (PAS(FEH)2) briefed members on the Administration's proposal of establishing a voluntary accreditation scheme for seawater suppliers with a view to enhancing the quality of fish tank water. PAS(FEH)2 said that the proposed accreditation scheme would cover all four types of seawater suppliers, viz. suppliers operating a seawater treatment plant, seafood wholesalers, suppliers operating water delivery vehicles or boats and seafood traders. To attain an accreditation status, the seawater suppliers should meet the criteria detailed in paragraphs 10 to 16 of the Administration's paper. PAS(FEH)2 further said that all accredited suppliers were subject to surprise visits by the accrediting body each year, and that a de-merit point system would be devised. PAS(FEH)2 added that the participation of the accreditation scheme would be on a voluntary basis.

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5. PAS(FEH)2 informed members that to enhance the quality of fish tank water, the Administration intended to prohibit the abstraction of seawater from designated areas for keeping live seafood, and that the proposal required amendment to the Food Business Regulation. The Administration planned to introduce the legislative proposal into the Legislative Council (LegCo) next year.

Prohibition of abstraction of seawater from specified areas

6. Mr WONG Kwok-hing asked whether the abstraction of seawater from non-specified areas was permissible under the proposal. He was concerned how the Administration's proposal would be enforced.

7. PAS(FEH)2 said that there would be no restriction on abstracting seawater from places other than the specified areas. PAS(FEH)2 further said that the Food and Environmental Hygiene Department (FEHD) would conduct periodic inspection and take samples of fish tank water from stalls and premises selling live marine seafood for E Coli testing. FEHD would take prosecutions against parties concerned if samples were found to exceed the prescribed standard.

8. In response to the Chairman, PAS(FEH)2 said that details of the legislative proposal to prohibit abstracting seawater from specified areas adjacent to the coast would be provided to the Panel before introduction into LegCo.

9. Mr WONG Kwok-hing pointed out that the Administration had previously informed the former Urban Council that Siu Chung Lam in Sai Kung was the only area in the eastern side of the New Territories (NT) where the seawater quality was suitable for keeping live fish. Mr WONG asked whether the Administration was now of the view that the quality of seawater in any part of the eastern side of NT and other non-specified areas was suitable for keeping live fish.

10. Director of Food and Environmental Hygiene (DFEH) explained that reference had been made to the water quality statistics provided by the Environmental Protection Department (EPD) in the past few years when proposing the prohibition of seawater abstraction from the three specified areas. EPD published the water quality statistics on a regular basis, and the statistics showed that the water quality in areas other than the specified areas was acceptable. DFEH undertook to provide details of the water quality statistics in various areas when detailed legislative proposals were presented to the Panel.

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11. PAS(FEH)2 assured members that FEHD would take water samples from seafood stalls and premises for testing, irrespective of the source of seawater.

12. Mr TAM Yiu-chung asked whether there were any fish farms located at the western side of NT, if seawater abstraction was to be prohibited in the area.

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13. Assistant Director (Fisheries)/Agriculture, Fisheries and Conservation Department (AD/AFCD) said that the fish farms in western NT were located at Ma Wan, and were not within the boundary of specified area under the current proposal. Mr TAM Yiu-chung said that to avoid misunderstanding, the Administration should spell out clearly the delineation of areas where seawater abstraction was prohibited.

14. Mr Tommy CHEUNG pointed out that it had been the established practice of seafood operators in Lei Yue Mun to abstract seawater through long pipes from the centre of the Victoria Harbour (i.e. some 200 metres distant from the coast), and so far the seawater quality was acceptable. He expressed reservation about the proposal to prohibit seawater abstraction from the Victoria Harbour and asked about the relevant water quality statistics.

15. Deputy Secretary for Health, Welfare and Food (Food and Environmental Hygiene) (DS(FEH)) said that seawater abstraction from these specified areas was prohibited because the water quality statistics showed a high level of E Coli in waters in those areas. The Administration considered that keeping control of the quality of water at source would be the best way to ensure the water quality for keeping live fish.

16. PAS(FEH)2 added that according to the water quality statistics provided by EPD in 2004, the E Coli level in water samples collected from the Victoria Harbour ranged from 1 800 per 100ml to over 10 000 per 100 ml, which was much higher than the acceptable level of less than 610 per 100 ml.

17. Mr Tommy CHEUNG requested the Administration to provide more information on the exact locations in the Victoria Harbour where EPD took water samples for testing and the number of samples taken. The Chairman asked about the areas within the Victoria Harbour where seawater abstraction would be prohibited. DS(FEH) agreed to provide the requested information after the meeting. He added that the proposal to prohibit abstraction of seawater from specified areas adjacent to the coast was to facilitate the implementation of the proposed accreditation scheme for seawater suppliers.

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(Post-meeting note : The Administration has subsequently advised that under EPD's routine marine water quality monitoring programme, there are 10 monitoring stations around Victoria Harbour, extending from Lei Yue Mun in the east to Rambler Channel in the west. A map showing the locations of the stations is at the Annex. Water samples are taken from three water depths (i.e. surface, mid-depth and bottom) at each of the 10 monitoring stations every month. The reported data are the means of the three depths.)

18. Mr WONG Yung-kan said that while he agreed that seawater abstraction from areas adjacent to the coast should be prohibited, he expressed reservation about prohibition of seawater abstraction from the entire Victoria Harbour. He considered that the proposal would have significant adverse impact on the seafood wholesalers,

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restaurants and retailers. He pointed out that the Advisory Committee on Agriculture and Fisheries was previously advised that the water quality in the Victoria Harbour was acceptable. He suggested that the Administration should look into ways to improve the water quality in the area. Mr WONG Yung-kan added that the Administration should list out the specific areas where seawater abstraction would be prohibited. Mr Andrew CHENG shared the view.

19. Mr Andrew CHENG doubted whether the waters along the coast of Aberdeen was suitable for keeping live fish, since water samples drawn from the live fish wholesalers operating at the Aberdeen Promenade were found to contain *Vibrio Cholerae*. Mr CHENG said that in order not to leave out any areas that were unsuitable for seawater abstraction, the Administration should provide statistics on the E Coli levels in different seawater abstraction spots, when introducing the legislative proposal into LegCo.

Supply of seawater

20. Noting that the Fish Marketing Organisation (FMO) was supplying treated seawater to seafood wholesalers and traders, Mr WONG Kwok-hing asked whether the Administration would consider supplying treated seawater to all seafood wholesalers and traders to ensure the quality of seawater for keeping seafood.

21. PAS(FEH)2 said that the supply of seawater from FMO was unable to meet the full demand of the trade. If the Government was to centralise the supply of treated seawater to seafood wholesalers and traders, it would mean a monopoly situation. He believed that most seafood wholesalers and traders would not be in favour of the arrangement.

22. Mr Vincent FANG asked whether the Administration would explore the feasibility of providing more seawater treatment plants, so as to instil public confidence in the quality of fish tank water.

23. DS(FEH) said that the supply of treated seawater to seafood wholesalers/traders was a commercial decision of FMO, which was a statutory organisation operating most of the wholesale fish markets in Hong Kong. DS(FEH) further said that if the Administration was to take part in seawater supply, it had to invest a huge amount for the procurement of land and infrastructure. DS(FEH) stressed that the proposed accreditation scheme of seawater suppliers was to encourage self-regulation of seawater suppliers and to ensure the availability of reliable seawater supply.

24. Mr Vincent FANG asked about the cost for providing treated seawater. AD/AFCD responded that the construction of a 150-tonne seawater treatment plant by FMO and the installation of filtration and disinfection system cost about \$250,000. At

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present, FMO sold treated seawater to seafood wholesalers and retailers at cost, i.e. about \$15 a tonne.

25. Mr WONG Yung-kan asked whether consideration could be given to increasing the supply of treated seawater by FMO to cover all seafood wholesalers and traders in the territory.

26. AD/AFCD said that at present, FMO had two 150-tonne and one 120-tonne seawater treatment plants, at Aberdeen Wholesale Fish Market and Kwun Tong Wholesale Fish Market respectively. FMO was constructing another 120-tonne seawater treatment plant at Cheung Sha Wan Wholesale Fish Market. While FMO could not supply the treated seawater to meet the full demand from the trade, other private seawater suppliers could draw on FMO's experience if they wanted to enter the business. PAS(FEH)2 added that the daily transaction of treated seawater of FMO at present was 60 tonnes only.

Proposed accreditation scheme

27. Dr KWOK Ka-ki supported the proposed accreditation scheme. As seawater suppliers would be encouraged to join the scheme on a voluntary basis, he asked what course of actions would the Administration take if the response from seawater suppliers was unsatisfactory.

28. DS(FEH) stressed that the proposed accreditation scheme was to encourage seawater suppliers to exercise self-regulation to further enhance the quality of seawater. DS(FEH) said that all the seafood restaurants and retail shops were subject to FEHD's regular inspections, irrespective of whether they sourced seawater from accredited suppliers. However, customers would have more confidence in patronising food premises which sourced seawater from accredited suppliers. DS(FEH) further said that should the response from the trade in participating the accreditation scheme be poor and the quality of seawater show no improvement, the Administration would consider making the accreditation scheme mandatory.

29. Referring to the Administration's proposal to exempt suppliers operating water delivery vehicles and boats from the requirement to install proper filtration and disinfection equipment in their vehicles, Dr KWOK asked about the basis on which the Administration made such proposal. Dr KWOK suggested that surprise visits to all accredited suppliers should be made by FEHD or FMO.

30. PAS(FEH)2 explained that most of the water delivery vehicles abstracted seawater along the coast at present. After the introduction of the legislation to prohibit abstraction of seawater from specified areas adjacent to the coast, these vehicles were expected to obtain seawater from seafood wholesalers (or seawater treatment plants) who would be required, under the proposed accreditation scheme, to install proper filtration and disinfection equipment to treat the abstracted seawater. In

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the circumstances, the Administration considered it unnecessary to require seawater delivery vehicles to be installed with filtration and disinfection equipment.

31. Mr Tommy CHEUNG said that he was not in favour of introducing legislation to regulate commercial activities. As regards the proposed accreditation scheme, Mr CHEUNG said that since participation of the accreditation scheme was voluntary, there would still be no guarantee of the quality of seawater. He considered that the proposal failed to look after the interests of the operators of seafood restaurants and retail stalls, as they had to destroy all the fish in the fish tank if there were problems with the fish tank water. Moreover, if presence of highly infectious cholera bacteria was detected, the food premises concerned could be closed by FEHD on public health grounds. Mr CHEUNG was of the view that the Administration should place emphasis on how to ensure the quality of seawater. Apart from prohibiting seawater abstraction from specified areas, the Administration should consider providing land to the trade for establishing a new treatment plant to provide centralised seawater supply. Alternatively, the Administration should consider requiring the installation of advanced model of filtration and disinfection system in water delivery vehicles. In addition, FEHD should extend its surveillance and sample taking system to water delivery vehicles.

32. DS(FEH) reiterated that it was of utmost importance to control the quality of seawater for keeping live fish at source. PAS(FEH)2 added that the accrediting body would take water samples from the accredited suppliers, including water delivery vehicles and boats, during surprise visits for laboratory tests.

33. Mr TAM Yiu-chung said that sometimes the test results for fish tank water samples showed that it was the seawater, not the fish, which was contaminated. Mr TAM further asked whether the Administration would consider allowing the fish retailers to store the fish concerned instead of destroying them immediately after reports of food poisoning incidents, until the test results of water samples were available.

34. PAS(FEH)2 responded that according to expert advice, if the seawater for keeping live fish was contaminated, the fish would possibly be contaminated as well. To safeguard public health and to prevent cross-contamination of food in the seafood stalls/ premises, it was necessary to apply a stringent hygiene standard and destroy the affected fish.

35. Mr Andrew CHENG enquired about the enforcement of the de-merit point system and under what circumstances would accredited suppliers lose the status of accreditation. PAS(FEH)2 said that the details of the de-merit point system were yet to be drawn up. Mr Andrew CHENG said that the Administration should strike a balance between safeguarding public health and protecting the interests of the trade in devising the de-merit point system.

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36. Mr Tommy CHEUNG said that the proposed accreditation scheme would be successful only if the Administration was to provide incentive to encourage the trade to source seawater from accredited suppliers. Mr CHEUNG reiterated that under the existing legislation, if *Vibrio Cholerae* was found in fish tank water, the food premises concerned would be closed by FEHD. However, the food premises concerned had no control over the quality of seawater supplied. Mr CHEUNG considered that FEHD should trace the source of the contaminated seawater, instead of penalising the restaurant operators. He believed that if the Administration undertook to do so, seafood restaurants and retail shops would actively participate in the scheme.

Admin 37. In concluding the discussion, the Chairman requested the Administration to take note of members' views when drafting the relevant legislative proposal to prohibit seawater abstraction.

38. DS(FEH) said that the Administration would take note of members' views and consider all possible ways to encourage participation in the accreditation scheme.

IV. Proposed new penalties for repeat cleanliness offenders
[LC Paper Nos. CB(2) 149/04-05(05) and (06)]

39. Mr Andrew CHENG said that while he did not oppose to increasing the penalties for repeat cleanliness offences, he had doubts on whether the proposed new penalties for cleanliness offences were proportionate to the gravity of the offences. He pointed out that when a car ran a red light, the driver concerned was subject to a fine of \$450 and a deduction of three points. However, while littering posed no threat to the personal safety of third parties, repeat cleanliness offenders would be awarded with a community service order under the Administration's proposal. To his understanding, the Court would only award a community service order to an offender who was convicted of an offence punishable with imprisonment. Mr CHENG further said that members should be prudent in examining the level of penalties for different types of offences before supporting the proposal. Mr CHENG considered that increasing the fixed penalty level was sufficient to tackle the problem of repeat offenders. Mr CHENG also questioned the need for imposing more stringent penalty, given that only 555 out of the 32 000 fixed penalty notices issued as at end September 2004 were repeat offenders.

40. DS(FEH) said that the outbreak of the Severe Acute Respiratory Syndrome (SARS) in Hong Kong had highlighted the importance of personal and community hygiene. The community generally supported the "zero tolerance" approach to tackle the environmental hygiene problems and the increase of fixed penalty from \$600 to \$1,500 for four types of public cleanliness offences. DS(FEH) pointed out that at a previous meeting held in the last term, some Panel members suggested that to increase the deterrence, community service orders should be imposed on repeat cleanliness

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offenders. DS(FEH) added that given the high population density of Hong Kong, it would be most difficult for an offender to be caught the second time. The Administration therefore considered it fair and appropriate that a repeat offender should be dealt with seriously. DS(FEH) further said that the Court would also look at the background of the offender and the circumstances of the case before passing a sentence on the repeat offender.

41. In response to the Chairman, DS(FEH) said that to implement the proposal of awarding community service order to repeat cleanliness offenders, the Administration would need to amend the Community Service Orders Ordinance. The Panel would be consulted again on the legislative proposal before it was introduced into LegCo.

42. Mr Andrew CHENG pointed out that while the general public would express support for increasing penalty for cleanliness offences in order to improve the environmental hygiene in Hong Kong, they might not be aware of the implications of awarding a community service order to an offender. He stressed that the Administration should give due consideration as to whether the proposed penalty was proportionate to the gravity of the offence. Mr CHENG said that as the problem of repeat offenders was not very serious, the Administration should consider amending the definition of repeat cleanliness offenders as those who committed a second offence within a period of six or 12 months.

43. Dr KWOK Ka-ki shared Mr Andrew CHENG's view that the penalties for cleanliness offences should be proportionate to the gravity of the offences and consistent with that for other offences. He urged the Administration to provide such information when introducing the relevant legislative proposal into LegCo. Dr KWOK said that as shown from the statistics provided by the Administration, the number of repeat cleanliness offenders represented a very small proportion to the total number of cleanliness offenders. This proved that the existing level of fixed penalty at \$1,500 already provided sufficient deterrence. Dr KWOK considered it inappropriate to impose a uniform penalty for all repeat offenders regardless of the type of cleanliness offences involved. For instance, there would be no excuse for committing unauthorised posting of bills and posters for more than once. Dr KWOK further said that it would be more reasonable to award a community service order to those who committed cleanliness offences several times within a very short period.

44. DS(FEH) pointed out that the Administration was not proposing the award of a community service order as the only form of penalty for repeat cleanliness offenders. Under the proposal, the enforcement department would withdraw the fixed penalty notice issued to an offender and replace it with a summons, if he was subsequently identified to have committed a second offence within a period of 24 months. At the Court hearing, it would be for the Court to decide whether a penalty higher than \$1,500 or a community service order should be awarded. DS(FEH) stressed that the Administration would seriously consider all the views in taking forward the proposal.

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45. Mr Joseph LEE said that the purpose of proposing a higher penalty for repeat cleanliness offenders was to improve the environmental hygiene in Hong Kong. He considered that apart from imposing higher penalties for repeat cleanliness offenders, the Administration should also step up educational programmes in this respect.

46. Mr WONG Yung-kan said that when the proposal of increasing fixed penalty for public cleanliness offences was discussed at previous meetings, there were concerns as to whether the offenders could afford to pay the fine. It was against this background that suggestion was made to require offenders to perform social service in lieu of a fine. He believed that the type of social service referred to was different from the award of the community service order. Mr WONG further said that it would be more appropriate if different penalties would be imposed on offenders who committed cleanliness offences two times or more. Mr WONG asked about the types of cleanliness offences committed by repeat offenders.

47. DFEH said that according to the statistics for the issue of \$1,500 fixed penalty notices, the nature of offences committed by repeat offenders was as follows –

	<u>First-time offenders</u> <i>(from August to September 2004)</i>	<u>Second-time offenders</u> <i>(from mid-2003 to September 2004)</i>	<u>Third-time offenders</u> <i>(from mid-2003 to September 2004)</i>
Littering	85%	64%	11%
Spitting	12%	5%	72%
Unauthorised posting of bills and posters	2.4%	17%	-----

48. Noting that majority of the repeat cleanliness offences was unauthorised posting of bills and posters, the Chairman said that it was not appropriate to award a community service order to these offenders, as they were employed to post such bills and posters.

49. Mr TAM Yiu-chung asked whether the Administration would consider taking enforcement actions against the employers of those who displayed posters and bills without authorisation at public places instead. Mr TAM further said that since the introduction of the fixed penalty system in June 2002, a total of about 26 100 fixed penalty notices were issued. After the fixed penalty was increased from \$600 to \$1,500, about 32 000 fixed penalty notices were issued. Judging from the figures, he could not see a positive relationship between increasing the penalty and the deterrence effect.

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50. DS(FEH) said that any person should not engage in illegal activities and offenders should be punished for committing offences. DS(FEH) further said that stepping up enforcement actions against unauthorised posting of bills and posters would convey a clear message to the community that such activities would not be tolerated.

51. Referring to the increase in the number of fixed penalty notices issued after the fixed penalty was increased from \$600 to \$1,500, DFEH explained that enforcement actions had been stepped up during and after the SARS outbreak.

52. Mr Tommy CHEUNG agreed that the increase in the number of fixed notices issued was a result of enhanced enforcement. He considered that the environmental hygiene in Hong Kong had much improved, and the number of fixed penalty notices issued would drop eventually. It was therefore not necessary to introduce a new penalty system at the moment.

53. The Chairman said that members expressed reservations about imposing a higher penalty and a community service order to second-time offenders. Members also expressed reservations that a uniform penalty should be applied to all repeat offenders regardless of the type of cleanliness offences involved. The Chairman was of the view that among the four types of cleanliness offences, spitting was the most serious as it posed threat to public health. The Chairman urged the Administration to consider members' views in taking forward the proposal.

V. Lifting the ban on importation of beef from countries infected with Bovine Spongiform Encephalopathy

[LC Paper No. CB(2) 149/04-05(07)]

54. The Chairman informed members that a letter dated 9 November 2004 from the Consul General of the United States of America (US) was tabled at the meeting.

(Post-meeting note : The letter from the US Consul General was issued to members vide LC Paper No. CB(2)187/04-05 on 10 November 2004.)

55. DS(FEH) briefed members on the latest position on the discussion with the relevant authorities of Canada, US and Japan regarding the progress of implementation of the Bovine Spongiform Encephalopathy (BSE) management programme in their countries. DS(FEH) informed members that FEHD officers had visited Canada in October 2004 to conduct on-site inspection of the slaughtering plants supplying beef to Hong Kong and observe the actual operation of these slaughterhouses. The response from the Canada authorities was encouraging, and the discussion was approaching its end.

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56. Mr Tommy CHEUNG asked about the specific timetable for lifting the ban on importation of beef from Canada. Referring to the letter from the US Consul General, Mr CHEUNG said that the US authorities were very keen about lifting the ban on beef import to Hong Kong. He asked about the reasons for the slow progress in the discussions with the US and Japan authorities.

57. DS(FEH) said that as a new BSE case was reported in Japan recently, he believed the ban on importation of beef from Japan might not be able to be lifted in the near future.

58. Regarding the progress of discussions with the Canada and US authorities, DFEH said that the Administration was studying the information obtained from the Canada authorities during the recent visit. He expected that the Administration would be able to decide shortly when the importation of beef from Canada would be resumed.

59. Assistant Director (Food Surveillance and Control), Food and Environmental Hygiene Department (AD/FEHD) added that the Administration was in close contact with the US authorities regarding the latest BSE situation. The US authorities had provided further information in October 2004, and the Administration was studying the information. AD/FEHD expected that the Administration would discuss with the US authorities again on issues relating to feed for livestock, BSE surveillance and monitoring system, cattle identification system and which parts of cattle could be imported if the ban was to be partially lifted.

60. Mr Tommy CHEUNG said that he was given to understand that the US authorities were not very cooperative in providing information regarding the BSE situation in the past. He asked whether this was the reason for the slow progress. Mr CHEUNG further asked whether the Administration would consider lifting the ban on importation of beef from US on a state by state basis, without having to wait for the whole country to meet the import requirements.

61. AD/FEHD said that on some occasions, the US authorities had advised that some of the requested information was readily available on the website. AD/FEHD further said that the Administration was now studying the recent information provided by the US authorities, and it would take note of Mr CHEUNG's suggestion when considering lifting the import ban on US.

62. Mr TAM Yiu-chung asked whether import requirements of Hong Kong were more stringent than the international guidelines, and whether consumption of meat-and-bone meal in cattle was the reason for the import ban on beef.

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63. AD/FEHD said that Hong Kong made reference to international guidelines, including those from the World Organisation for Animal Health (OIE) on import control against BSE. According to OIE, the BSE agent should be prevented from entering the human food chain. AD/FEHD further said that although US and Canada had enacted legislation to prohibit the use of meat-and-bone meal to feed ruminants, the European Commission had imposed a ban on the feeding of mammalian meat-and-bone meal to all animals. The Administration was obtaining information as to whether the US and Canada authorities would impose stringent control on the consumption of animal feed.

64. Dr KWOK Ka-ki said that he supported imposing stringent import control of beef from countries which had reported case(s) of cattle with BSE. Dr KWOK asked about the criteria for lifting the ban on importation of beef from countries with BSE cases and under what circumstances the Administration would review the criteria.

65. AD/FEHD explained that the OIE provided general recommendation but there were no specific criteria for import control against BSE. The Administration would take into account individual circumstances of each BSE case. For instance, in considering lifting the temporary ban on import of beef from US, the US authorities were requested to provide further information on its timetable and plan as to whether it would impose a more stringent feed ban to prevent the BSE agent from entering the animal food chain.

66. Referring to the letter from US Consul General, Dr KWOK pointed out that it was apparent that the US authorities had prohibited the use of most mammalian protein in the manufacture of animal feed intended for cattle. In addition, over 99 000 animals were tested under the enhance surveillance program, and no positive cases were identified. Dr KWOK asked whether such measures taken by the US authorities met Hong Kong's import requirements. Dr KWOK also noted from US Consul General's letter that the European Union (EU) countries, which opened to selected US beef and beef products, would change their import policies. He enquired whether the Administration was aware of the changes, and if so, whether the EU countries were going to impose a ban on import of beef from US.

67. AD/FEHD said that the Administration was aware of the information provided in the US Consul General's letter. The Administration had in fact requested for more information on the methodology for the tests conducted, such as the types of cattle tested and the population of cattle included in the expanded surveillance programme. AD/FEHD further said that EU countries had imposed restrictions on the import of US beef instead of total ban. If EU was to revise its restrictions regarding the import of beef from US, the Administration would obtain further information on the matter and consider what follow up actions should be taken.

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68. Mr WONG Yung-kan said that consumption of meat-and-bone meal in cattle was the major factor for BSE occurrence. He asked whether many countries still permitted the use of meat-and-bone meal to feed cattle and whether the Administration would consider permitting import of “herbivorous beef” only.

69. AD/FEHD said that it was specified in the legislation that each consignment of imported beef must be accompanied by an official health certificate stating the meat was fit for human consumption. FEHD would require special health attestation from countries with BSE cases.

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70. The Chairman requested the Administration to report to the Panel once it decided that the ban on the importation of beef from Canada would be lifted.

VI. Any other business

71. There being no other business, the meeting ended at 4:30 pm.



Location map showing the exact locations of 10 EPD monitoring stations around Victoria Harbour