

**立法會**  
**Legislative Council**

LC Paper No. CB(2)266/06-07  
(These minutes have been  
seen by the Administration)

Ref : CB2/SS/9/05

**Subcommittee on  
Food Business (Amendment) Regulation 2006**

**Minutes of meeting  
held on Monday, 16 October 2006, at 9:00 am  
in Conference Room B of the Legislative Council Building**

- Members present** : Hon Tommy CHEUNG Yu-yan, JP (Chairman)  
Hon WONG Yung-kan, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon Vincent FANG Kang, JP  
Hon WONG Kwok-hing, MH  
Hon Alan LEONG Kah-kit, SC
- Member absent** : Hon Fred LI Wah-ming, JP
- Public Officers attending** : Mr Vincent LIU  
Principal Assistant Secretary (Food & Environmental Hygiene) 2  
Health, Welfare and Food Bureau
- Ms Rhonda LO  
Assistant Director (Operations)3  
Food and Environmental Hygiene Department
- Dr Thomas CHUNG  
Assistant Director (Food Surveillance and Control)  
Food and Environmental Hygiene Department
- Mr Vidy CHEUNG

Senior Government Counsel  
Department of Justice

**Clerk in attendance** : Miss Flora TAI  
Chief Council Secretary (2)2

**Staff in attendance** : Mr Stephen LAM  
Assistant Legal Adviser 4

Ms Alice LEUNG  
Senior Council Secretary (2)1

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**I. Confirmation of minutes**

[LC Paper No. CB(2)33/06-07]

The minutes of the meeting held on 26 September 2006 were confirmed.

**II. Meeting with the Administration**

[LC Paper Nos. CB(2)71/06-07(01) and CB(2)2878/05-06(02)]

2. The Subcommittee deliberated (index of proceedings attached at **Annex**).
3. The Administration briefed the Subcommittee on its responses to members' concerns and suggestions raised at the last meeting, as detailed in the paper [LC Paper No. CB(2)71/06-07(01)]. In response to members' concern on the coverage of the definition of "meat" in section 3 of the Food Business Regulation, the Administration advised that the Director of Food and Environmental Hygiene was empowered under relevant provisions of the Regulation to issue licence/permit for the sale of other types of meat such as game or reptile for human consumption in Hong Kong.
4. Members expressed concern that the parallel use of "冷凍" and "冰鮮" as the Chinese rendition of "chilled" in the legislation and the licensing requirements and conditions for fresh provision shops (FPSs)/market stalls that were endorsed/permited to sell chilled meat respectively might cause difficulties in prosecutions and the enforcement actions taken might be subject to legal challenge. They also considered that it would be misleading to the consumers. In order to dispel any confusion to the public and avoid any adverse impact on the trade, members suggested that the Administration should consider -

- (a) adding ("冰鮮") after "冷凍" where the Chinese rendition "chilled" was

Action

used in the licensing requirements and conditions for FPSs/market stalls that were endorsed/permitted to sell chilled meat, including in the notice put up by the FPS licensees/market tenants selling chilled beef, mutton or pork; and

- (b) allowing for a grace period for the trade to comply with the revised requirements and conditions and subsidising the trade for any additional cost for the installation of new signs.

Admin 5. After consideration of members' concerns and suggestions, the Administration had undertaken that, unless there was strong objection from the trade, they would amend the licensing requirements and conditions for FPSs/market stalls that were endorsed/permitted to sell chilled meat so that both the term "冰鮮" and "冷凍" would be used for "chilled" upon renewal of existing licences or tenancies as well as granting of new licences and tenancies. If there was strong objection from the trade, the Administration would revert to the Panel on Food Safety and Environmental Hygiene.

6. Mr Alan LEONG remarked that while he would not raise further queries about the Administration's justification for not providing a definition of "chilled" in the legislation, he remained of the view that there might be difficulties in future prosecution actions if the word "chilled" was not clearly defined in the legislation.

Admin 7. Referring to a recent case where a tenant of a public market stall in Tsuen Wan contravened the Amendment Regulation by selling chilled pork as fresh pork, the Administration informed the Subcommittee that the relevant market tenancy had been terminated in two weeks' time after the contravention was detected. The Administration had explained that the Food and Environmental Hygiene Department could not terminate the tenancy of the market stall immediately as time was required for the necessary procedures and for the tenant to make representations against the decision of the Department. At members' suggestion, the Administration agreed to enhance their publicity effort on enforcement actions taken against the malpractice of selling chilled meat as fresh meat.

8. The Chairman concluded that the Subcommittee was in support of the Food Business (Amendment) Regulation 2006 and would not move any amendments to the Amendment Regulation. The Subcommittee would report to the House Committee on 20 October 2006.

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**III. Any other business**

9. There being no other business, the meeting ended at 10:16 am.

Council Business Division 2  
Legislative Council Secretariat  
6 November 2006

**Proceedings of the meeting of Subcommittee on  
Food Business (Amendment) Regulation 2006  
on Monday, 16 October 2006, at 9:00 am  
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
000000 -000430	Chairman	Confirmation of minutes	
000431 - 001925	Chairman Admin	Administration's responses to member's suggestions raised at the last meeting	
001926 - 002632	Mr WONG Kwok-hing Chairman ALA4 Admin	(a) Definition of "meat"  (b) Legal responsibility of the employees of FPSs/market stalls for contravention of the Amendment Regulation	
002633 - 004306	Mr WONG Yung-kan Chairman Admin ALA4	(a) Inconsistency in the use of "冷凍" and "冰鮮" as the Chinese rendition of "chilled" in the legislation and in the licensing requirements and conditions for the FPSs/market stalls that were endorsed/permitted to sell chilled meat  (b) Suggestion to amend the licensing requirements and conditions	
004307 - 004918	Mr Vincent FANG Admin Chairman	(a) Continuation of the discussion on the suggestion to amend licensing requirements and conditions  (b) Definition of "chilled meat"  (c) Enforcement action taken by the Food and Environmental Hygiene Department (FEHD) against a tenant of a public market stall in Tsuen Wan for contravention of the Amendment Regulation  (d) FEHD's publicity effort on enforcement actions taken against the malpractice of selling chilled meat as fresh meat	<b>Admin to enhance their publicity effort on enforcement actions taken against the malpractice of selling chilled meat as fresh meat (para. 7 of the minutes)</b>

<b>Time marker</b>	<b>Speaker</b>	<b>Subjects</b>	<b>Action required</b>
004919 - 005116	Mr TAM Yiu-chung Chairman Admin	Continuation of the discussion on the suggestion to amend the licensing requirements and conditions	
005117 -005716	Mr Alan LEONG Admin Chairman	(a) Dictionary meaning of the word "chilled" and the meaning of "chilled meat" as provided in the licensing requirements and conditions  (b) Difficulties in future prosecution actions	
005717 - 010000	Mr Vincent FANG Chairman Admin	Definition of fresh, chilled and frozen meat	
010001 - 010451	Chairman Mr WONG Yung-kan Admin	Timetable for amending the licensing requirements and conditions	<b>Admin to amend the licensing requirements and conditions upon renewal of existing licences/tenancies as well as granting of new licences and tenancies</b> (para. 5 of the minutes)
010452 - 010806	Mr Alan LEONG Admin	Clarification on the regulation of meat below freezing point and above minus 18 <sup>0</sup> C	
010807 - 011126	Mr WONG Yung-kan Admin	Meaning of chilled and frozen fish in terms of temperature	
011127 - 011203	Mr Vincent FANG	Timetable for amending the licensing requirements and conditions	
011204 - 011243	Chairman	Conclusion of the meeting - Subcommittee's support of the Food Business (Amendment) Regulation 2006	