

立法會
Legislative Council

Ref : CB2/PL/FE

LC Paper No. CB(2) 849/05-06
(These minutes have been seen by
the Administration)

Panel on Food Safety and Environmental Hygiene

Minutes of Meeting
held on Tuesday, 13 December 2005 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 Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Vincent FANG Kang, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki

Member attending : Hon WONG Kwok-hing, MH

Members absent : Hon Bernard CHAN, JP
Dr Hon Joseph LEE Kok-long

Public officers attending : Item IV

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

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

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

Item V

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

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

Mr Kenny WONG
Senior Consultant
Hong Kong Productivity Council

Item VI

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

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

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

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

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

Staff in Attendance : Miss Betty MA
Senior Council Secretary (2)1

Ms Anna CHEUNG
Legislative Assistant (2)5

I Confirmation of minutes of meeting

[LC Paper Nos. CB(2) 462/05-06 and CB(2) 624/05-06]

The minutes of the special meeting held on 17 October 2005 and the regular meeting held on 8 November 2005 were confirmed.

II. Date of next meeting and items for discussion

[LC Paper Nos. CB(2) 625/05-06(01) and (02)]

2. Members noted that the Administration had proposed to discuss the Anti-mosquito Campaign 2006 at the next regular meeting on 10 January 2006.

3. Responding to the Chairman, Deputy Secretary for Health, Welfare and Food (Food and Environmental Hygiene) (DS(FEH)) said that the Administration planned to propose one or two additional items for discussion at the next regular meeting on 10 January 2006, and would inform members early next week.

4. Mr Tommy CHEUNG said that if the Administration did not propose any additional item(s) by 20 December 2005, he would like to suggest some items for discussion at the next regular meeting. Members agreed.

(Post-meeting note: At the request of the Administration and with the concurrence of the Chairman, the next regular meeting has been deferred to 17 January 2006.)

III. Information paper(s) issued since last meeting

[LC Paper Nos. CB(2) 373/05-06(01) and CB(2) 569/05-06(01)]

5. Members noted that the following information papers had been issued to members since the last meeting –

- (a) Information paper provided by the Administration on “Streamlining measures for food business licensing” [LC Paper Nos. CB(2) 373/05-06(01)]; and

Action

- (b) Letter dated 22 November 2005 from the incorporated owners of Chungking Mansions in relation to the previous discussion by the Panel on “Proposed regulatory control of restricted dining place” [LC Paper Nos. CB(2) 569/05-06(02)].

IV Proposed new penalties for repeat cleanliness offenders
[LC Paper Nos. CB(2) 625/05-06(03) and (04)]

6. The Chairman said that a submission from the Public Housing Hotlines on the discussion item was tabled at the meeting.

(Post-meeting note : The submission was circulated to members vide LC Paper No. CB(2) 719/05-06(01) on 16 December 2005.)

7. Referring to the Administration’s proposal, the Chairman asked about the authority for imposing a community service order. DS(FEH) said that it would be for the court to award a community service order and decide on the duration of community service.

8. Concerning the proposed penalty for repeat offenders of unauthorised posting of bills and posters, Mr WONG Kwok-hing said that the vast majority of offenders were employed by companies to post bills and posters. He doubted the effectiveness of imposing heavier fine for repeat offences under this category, as it was the employees who were penalised but not the companies. He considered that the proposed penalty could not deter those companies from hiring workers to post bills and posters.

9. DS(FEH) said that it was sometimes difficult to take prosecution action against those companies which employed workers to carry out illegal posting activities, as the names of such companies might not appear on such bills or posters.

10. The Chairman asked whether prosecution had ever been taken against companies which employed workers to carry out illegal posting activities.

11. Principal Assistant Secretary for Health, Welfare and Food (Food and Environmental Hygiene)2 (PAS(FEH)2) said that under existing legislation, both the person who committed the offence of unauthorised posting of bills and posters and the company which employed him could be prosecuted if there was sufficient evidence. Persons convicted of the offence would be liable to a fine up to \$10,000. As the proposed level of fine for committing the offence repeatedly would increase, it was expected that the workers hired to post such bills and posters would ascertain from his employer whether the latter would be responsible for paying the fine before entering into employment.

Action

12. Mr WONG Kwok-hing suggested that the Administration should convey a clear message to the public that the companies which employed workers to carry out illegal posting activities would be prosecuted. Mr WONG also suggested imposing a lower level of fine to offenders who gave evidence to facilitate prosecution of these companies.

13. PAS(FEH)2 said that it was the policy that both the principal and the person who committed the illegal act would be punished should there be sufficient evidence. On Mr WONG's suggestion of imposing a lower fine on the person who facilitated the prosecution of the principal, DS(FEH) added that the Administration would need to discuss with the Department of Justice.

14. Deputy Director of Food and Environmental Hygiene (Administration and Development) (DD(A&D)) added that in most cases, workers were employed by service companies to post the bills and posters. Sometimes, the beneficiaries of the bills or posters denied that they had knowledge of the illegal posting of bills and posters, or actually employed such workers to post the bills and posters, making it difficult for the Administration to gather sufficient evidence for prosecution in this respect.

15. Mr Tommy CHEUNG said that the Administration should not tolerate service companies employing workers to carry out illegal posting activities. He suggested that the enforcement departments should explore other means to gather evidence to prosecute those service companies which carried out such illegal activities. At the request of Mr CHEUNG, DD(A&D) undertook to provide statistics on prosecutions against these companies in the past few years.

Admin

16. Dr KWOK Ka-ki said that while he had no objection to the proposed penalty against repeat offenders, he doubted the effectiveness of the proposals in reducing the number of repeat offences. He considered that unless the principals and beneficiaries could be successfully prosecuted, the proposed increase in penalty for repeat offences of unauthorised posting of bills and posters would not achieve any deterrence, as the increased fine was simply taken as part of the costs. He urged the Administration to plug the loophole.

17. PAS(FEH)2 explained that the Administration now proposed to increase the fixed penalty for repeat offenders who committed the offence of unauthorised posting of bills and posters for the second and third time within a period of 24 months to \$3,000 and \$5,000 respectively. PAS(FEH)2 further explained that the alternative of issuing summons to the offender under existing legislation remained unchanged. If the offender was brought to court under the summons procedures, the court could impose a fine up to \$10,000 on conviction.

Action

18. Regarding prosecution of the beneficiary or service company, DD(A&D) explained that the prosecution department normally had to provide proof that the beneficiary had knowledge of the illegal acts and other relevant supporting information (such as the employment of workers to carry out such act). DD(A&D) said that illegal posting of bills and posters had caused much nuisance in many districts, and there were complaints from the public and District Councils in this respect. The Administration considered it necessary to adopt more stringent measures against the repeat offenders. Having considered members' views at previous meetings, the Administration now proposed not to impose a community service order for repeat offences of unauthorised posting of bills and posters, but to increase the fixed penalty for this type of repeat offences. The Administration was prepared to consider other measures proposed by members and discuss with the Department of Justice on their viability.

19. Mr WONG Yung-kan asked about the statistics on fixed penalty notices issued to cleanliness offenders who committed the offence two times or more. Mr WONG also asked the Administration to address the problem of unauthorised display of signboards at public places and roads. He said that presently such signboards caused nuisance to people in the districts, but no department apparently was responsible for taking action against such practice. He was worried that the illegal posting activities would soon change into illegal display of signboards, following the increase in fixed penalty for repeat offences of unauthorised posting of bills and posters.

20. DD(A&D) said that from 1 November 2003 to 31 October 2005, 1 323 offenders committed twice or more of the four cleanliness offences. The number of fixed penalty notices issued to these repeat offenders for littering, unauthorised posting of bills and posters, spitting and dog fouling were 2 014, 665, 273 and two respectively. The number of repeat offenders committing twice or more of the three cleanliness offences (i.e. all but illegal posting of bills and posters) was 1 106.

21. On complaints of display of signboards, DS(FEH) said that depending on the location of the signboards, the complaints would be dealt with by the Highways Department, Lands Department, Food and Environmental Hygiene Department (FEHD) or Home Affairs Department (HAD). To his understanding, the respective District Offices of HAD would coordinate the work of different departments in this respect through the District Management Committees.

22. The Chairman said that as there were many complaints about display of signboards, the Administration should look into the problem and take appropriate enforcement actions.

23. Mr Andrew CHENG said that with the increase in fixed penalty for repeat offences of unauthorised posting of bills and posters, it was likely that the workers employed by service companies for posting activities would become "self-employed"

Action

persons. Nevertheless, Mr CHENG considered that increasing the fixed penalty and strict enforcement could provide effective deterrence against unauthorised posting of bills and posters. As such illegal posting activities often occurred in commercial districts during weekends and holidays, the Administration should step up enforcement action at the blackspots.

24. Mr Vincent FANG agreed that unauthorised posting of bills and posters during weekends had caused much nuisance to shops and banks in many districts. However, he doubted whether the proposed increase in fixed penalty could effectively deter unauthorised posting of bills and posters, as it was difficult to prosecute the beneficiary or the service company concerned. He asked whether it was possible for the enforcement department to trace the beneficiary according to the name of the product or company shown on the bills or posters.

25. PAS(FEH)2 said that any person who committed the offence of unauthorised posting of bills and posters should be punished. At present, the Administration could also take prosecution action against the beneficiaries of the bills and posters, and those companies who employed workers to carry out the illegal posting activities, where there was sufficient evidence. PAS(FEH)2 added that the Administration was fully aware of the nuisances caused by unauthorised posting of bills and posters to shopkeepers and people in the districts. The enforcement departments would increase the frequency of patrol where resources permitted, and step up enforcement against unauthorised posting of bills and posters.

26. Mr Tommy CHEUNG asked the Administration to provide information on the number of fixed penalty notices issued before and after the increase in the level of fixed penalty. Mr CHEUNG also asked the Administration to explain the policy objective of imposing heavier penalty and a community service order for repeat cleanliness offenders. Mr CHEUNG suggested that consideration should be given to including unauthorised display of signboards in the fixed penalty system for public cleanliness offences.

27. DS(FEH) explained the background for proposing heavier penalty and a community service order for repeat cleanliness offenders. He said that the outbreak of Severe Acute Respiratory Syndrome in Hong Kong had highlighted the importance of personal and community hygiene. As spitting and littering posed threat to public health, the Administration proposed that for repeat cleanliness offenders, more stringent measures, such as imposing higher fines and community service orders, would be necessary. When the Secretary for Health, Welfare and Food moved the resolution in the Council in 2003 to increase the level of fixed penalty from \$600 to \$1,500, some Members expressed concern that the low-income people could not afford to pay the fine. They also suggested the award of community service orders to provide sufficient deterrence against repeat offenders. DS(FEH) further said that according to the findings of a public opinion survey, the majority of respondents considered the proposal of awarding community service orders for repeat cleanliness

Action

offenders acceptable. DS(FEH) added that the present proposals had taken into account views expressed by Panel members previously.

28. On the number of fixed penalty notices issued, DD(A&D) said that from May 2002 to June 2003 when the fixed penalty was \$600, an average of 1 470 fixed penalty notices were issued monthly. After the level of fixed penalty was increased to \$1,500, an average of 2 140 fixed penalty notices were issued monthly. In the recent months, the monthly number of fixed penalty notices issued ranged from 2 300 to 2 500.

29. PAS(FEH)2 added that the increase in the number of fixed penalty notices issued since 2003 could be a result of the “zero tolerance” approach, as enforcement departments had stepped up actions against cleanliness offences.

30. Mr Tommy CHEUNG said that in view of the increasing number of fixed penalty notices issued since the increase in fixed penalty, Members belonging to the Liberal Party would not have much objection to the present proposals put forward by the Administration. Mr CHEUNG added that the Administration should include unauthorised display of signboards at public places in the present proposal.

31. The Chairman asked about the number of payment default cases under the fixed penalty scheme. PAS(FEH)2 said that about 4% of the fixed penalty notices were issued to non-Hong Kong residents, and half of them had not paid the fixed penalty.

32. In concluding the discussion, the Chairman said that members (including himself) generally had no objection to the proposal to award community service orders to repeat offenders. However, some members had raised concerns about the enforcement of the proposal concerning repeat offences of unauthorised posting of bills and posters.

33. In response to the Chairman, PAS(FEH)2 said that the Administration planned to introduce the bill into the Legislative Council (LegCo) in the next session.

V Quality seawater assurance scheme

[LC Paper Nos. CB(2)625/05-06(05) and (06)]

Scope and operation of the quality seawater assurance scheme

34. Responding to the Chairman, DS(FEH) said that the proposed quality seawater assurance scheme would be operated on a voluntary basis. The Administration would review the operation of the scheme before taking a decision on whether the scheme should be made mandatory.

Action

35. Dr KWOK Ka-ki said that the issue had been discussed by the Panel for a long time. Dr KWOK expressed support for the proposal and urged the Administration to provide a timetable for making the scheme mandatory. Dr KWOK also asked about the implementation details, such as the incentive/demerit system and the availability of appeal mechanism.

36. PAS(FEH)2 advised that the Administration had earlier briefed the Panel on the legislative proposal to prohibit abstraction of seawater from specified areas in order to ensure the quality of seawater supplied for keeping seafood. With the implementation of the proposed accreditation scheme for seawater suppliers and the proposed legislation on prohibition of abstraction of seawater at specified areas, there would be mandatory control, to a large extent, in respect of the assurance of seawater quality. Pending introduction of the said legislation, the accreditation scheme would be implemented on a voluntary basis.

37. PAS(FEH)2 explained that under the proposed demerit points system, demerit points ranging from two to 10 would be deducted from the accredited operator depending on the nature of non-compliance. If the cumulative demerit points amounted to 10 or more during any 12-month period, the accreditation status of the operator concerned would be suspended. PAS(FEH)2 further explained that if E Coli concentration in a seawater sample exceeded the prescribed standard, i.e. more than 610 per 100 ml, six demerit points would be deducted from the accredited operator concerned. If pathogenic *Vibrio Cholerae* was found in the seawater samples, 10 points would be deducted, and this would immediately lead to suspension of the accreditation status. If an accredited operator was aggrieved with the decision and other matters relating to the scheme, he could appeal to an Appeals Board which comprised independent members and representatives from the trade.

38. Mr Andrew CHENG noted that Category I and II seawater suppliers were not allowed to abstract seawater from the Victoria Harbour, typhoon shelters, the coastal area surrounding the Hong Kong Island and in the western side of the New Territories. These suppliers were also required to keep information recorded by Global Positioning System (GPS) showing the locations from which their seawater was abstracted. Mr CHENG asked how enforcement action would be taken against non-compliance and how GPS records should be kept.

39. PAS(FEH)2 said that GPS would record the exact locations from where seawater was abstracted, and the seawater suppliers were required to keep such records for one year and produce them for inspection by the accrediting body, i.e. the Hong Kong Productivity Council (HKPC).

40. Mr WONG Yung-kan said that the seawater in the western side of the New Territories was polluted by the sewerage discharged in that area. The Administration should consider ways to improve the seawater quality there, rather than prohibiting abstraction of seawater at those areas. Mr WONG expressed reservation about the

Action

usefulness of requiring operators to keep GPS records for one year, as this would create extra burden on the trade. Mr WONG added that he had no strong views against the introduction of the accreditation scheme, but the Administration should consider ways to encourage participation by the trade. Mr WONG further said that the Administration should also take action against those people who still abstracted seawater at the coast of Ap Lei Chau. The Administration noted Mr WONG's concerns and undertook to follow up on the problem of abstraction of seawater at Ap Lei Chau.

41. Mr Tommy CHEUNG said that he had no objection to the accreditation scheme if it was operated on a voluntary basis. Mr CHEUNG asked whether taking seawater samples for analysis of E Coli concentration was applicable to Category I and II suppliers only. He was concerned that seafood retailers and restaurant operators would be liable to prosecution in case the seawater supplied to seafood sales outlets was contaminated during transportation. He asked whether seawater samples should also be taken from Category III suppliers. He also asked about the implications on the accreditation status of Category III suppliers if there were problems with the seawater supplied by Categories I and II suppliers.

42. PAS(FEH)2 said that Category III suppliers would not be required to install proper filtration and disinfection systems as the delivery time was relatively short and their suppliers should be accredited seawater suppliers, and HKPC would also check the records of their seawater supply. The accreditation status of Category III operators would not be affected if the accreditation status of their seawater suppliers was suspended, as they could source seawater from other accredited suppliers.

43. Mr Vincent FANG asked why the accreditation scheme could not wait until the legislative proposal on abstraction of seawater was implemented. Mr FANG said that while members of the trade were willing to join the scheme on a voluntary basis, they were concerned that the Administration aimed to make the scheme mandatory. Mr FANG asked whether the Administration had set a target participation rate for the accreditation scheme, below which the Administration would consider making the scheme mandatory.

44. PAS(FEH)2 said that the Administration would encourage as many seawater suppliers to join the scheme as possible. DS(FEH) added that the accreditation scheme was the first step to ensure the quality of seawater used for keeping seafood. He assured members that if the Administration considered it necessary to make the scheme mandatory, the Panel would be consulted.

45. Mr Vincent FANG said that he was surprised that the Administration did not set an indicator on the participation rate for the scheme, as the trade would not know how to meet the Administration's expectation. Mr FANG also asked how the Administration could ensure the quality of seawater throughout the supply chain, i.e.

Action

at sources of abstraction, during transportation and after delivery to the seafood sales outlets.

46. PAS(FEH)2 said that the proposed legislation to prohibit abstraction of seawater from specified areas aimed to ensure the quality of seawater at source. In determining the areas where abstraction of seawater would be prohibited, reference would be made to the water quality statistics provided by the Environmental Protection Department. Senior Consultant, HKPC (SC/HKPC) advised that the proposed accreditation scheme would also emphasize on the importance of an effective filtration and disinfection system at the premises for keeping live seafood. This would help ensure the quality of seawater quality throughout the supply chain.

47. In response to Mr TAM Yiu-chung, DS(FEH) said that the Administration was working with the Department of Justice on the drafting of the proposed legislation on prohibition of abstraction of seawater. It was expected that the legislative proposal would be introduced into LegCo in 2006.

48. Mr Tommy CHEUNG said that to his knowledge, there would only be one Category I seawater supplier, some 20 Category II suppliers and a few thousand Category III operators which included market stall operators and seafood restaurants. Mr CHEUNG considered that as the scheme would be operated on a voluntary basis and the participants had to pay an annual fee, the Administration should provide incentive to the seawater suppliers and seafood outlet operators for joining the scheme. For instance, participation in the scheme would provide a defence for the seafood outlet operators if problems were found with their fish tank water. Mr CHEUNG further said that the Administration should fully brief the seawater suppliers on the scheme. He was concerned that if the response from the seawater suppliers was poor, the Administration would use this as an excuse to make the scheme mandatory.

49. PAS(FEH)2 said that in the past few months, HKPC had consulted the major stakeholders to solicit their views on the proposal. A consultation seminar with seafood suppliers and catering industry members was also held in November 2005. A number of operators, including some large chain restaurants, had already indicated interest to join the scheme. PAS(FEH)2 further said that the demerit points system had already been revised in the light of the trade's comments. PAS(FEH)2 added that seafood sales outlets which acquired seawater from accredited seawater suppliers would be allowed to post a Quality Seawater Logo in their premises, and customers would have more confidence in patronising these food premises. While the scheme sought to regulate the supply of seawater, it could not guarantee the seafood at food premises was completely safe for consumption as the scheme did not cover the source and cleanliness of seafood nor the treatment of the fish tank water and seafood by the food premises. Hence, joining the scheme would not provide a defence for the food premises if problems were found with their fish tank water.

Action

50. SC/HKPC said that HKPC had consulted more than 20 major stakeholders on the proposal, and they welcomed the display of a Quality Seawater Logo in their premises to inform their customers their seawater was quality assured. They also considered that on-site audits conducted by HKPC would be useful for them to seek professional advice on the installation and proper functioning of filtration and disinfection system in their fish tanks.

51. Mr WONG Kwok-hing asked whether the abstraction of seawater from any non-specified areas was permissible under the proposal. PAS(FEH)2 said that there would be no restriction on abstracting seawater from places other than the specified areas.

52. Mr Tommy CHEUNG said that it had been the established practice of seafood operators in Lei Yue Mun and Sai Kung to abstract seawater through long pipes from the sea and supply it to other operators for keeping live seafood. He asked about the classification of these operators under the scheme.

53. PAS(FEH)2 said that abstraction of seawater from Lei Yue Mun and Sai Kung would be allowed as the areas were non-specified areas for seawater abstraction. SC/HKPC added that if the abstracted seawater was treated and supplied for their own use and for other operators, the suppliers would be classified as Category II suppliers. The operators would be regarded as Category I supplier if the treated seawater was only for supply to other operators in the trade.

Accreditation fees

54. Dr KWOK Ka-ki asked about the basis for determining the initial and annual fees for different categories of seawater suppliers, and whether the fees were calculated on a cost recovery basis. Dr KWOK considered that the proposed fee for Category I seawater supplier was on the high side. To provide incentive for the seawater suppliers to join the scheme, the Administration might consider lowering the proposed fee.

55. PAS(FEH)2 said that the accreditation fees were charged annually. For seafood sales outlets, the operators had to pay an initial application fee together with the first year annual fee at \$1,600, followed by an annual renewal fee at \$800. PAS(FEH)2 further said that currently there was only one seawater supplier in Category I, i.e. the Fish Marketing Organisation (FMO) which supplied treated seawater to seafood wholesalers and traders. FMO had indicated that it would join the scheme.

56. As for Category II suppliers, SC/HKPC said that most of them were seafood wholesalers and distributors. Judging from the current supply of treated seawater, it

Action

was estimated that the annual accreditation fee for most Category II seawater suppliers would be below \$6,000. Only one existing Category II seawater supplier would have to pay an accreditation fee above \$10,000.

VI Regulation and monitoring of fish imported from overseas countries and places

[LC Paper No. CB(2) 625/05-06(07)]

57. Dr KWOK Ka-ki sought clarification as to whether live marine fish, shellfish and freshwater fish was not regulated under the law. Dr KWOK noted from paragraph 6 of the Administration's paper that based on a preliminary assessment in mid-2005, compliance with the voluntary Code of Practice by the live marine fish trade was less than satisfactory. He asked whether the Administration had a specific timetable for making the Code of Practice mandatory for better control of coral fish. Dr KWOK said that in the light of the malachite green incident, the Administration should formulate a comprehensive regulatory framework for live freshwater fish, instead of adding new harmful substances to the list of restricted chemicals on each occasion after the occurrence of a food incident.

58. DS(FEH) responded that the Marine Fish (Marketing) Ordinance currently provided for the control of landing, wholesaling and transportation of fresh marine fish. Fresh, chilled and frozen marine fish were required to be landed at designated points, but live marine fish, all shellfish and freshwater fish were not subject to such requirements. As regards the control of live fish, DS(FEH) said that the Administration was formulating a regulatory framework for fishery products. The regulatory components under consideration were laid down in paragraph 9 of the Administration's paper. DS(FEH) further said that as a result of the malachite green incident, the Administration had reached consensus with the Mainland authorities to ensure food safety of freshwater fish at source.

59. Mr WONG Kwok-hing commented that the Administration had not provided a timetable for introducing a comprehensive regulatory regime for all fishery products such as shrimps and crabs. He asked whether the Administration had any plan to add other harmful substances to the list of restricted chemicals in the Harmful Substance in Food Regulations.

60. DS(FEH) said that the Administration planned to introduce the relevant legislation on the regulatory framework for fishery products into LegCo by the end of 2006.

61. Assistant Director of Agriculture, Fisheries and Conservation (AD/AFCD) said that the Administration had already stepped up the regulatory framework for freshwater fish. He pointed out that to ensure food safety at source, the

Action

Administration had reached consensus with the Mainland authorities that only freshwater fish from farms registered by the Mainland authorities and approved by FEHD would be supplied to Hong Kong. Staff from FEHD and AFCD would inspect fish farms in the Mainland supplying freshwater fish to Hong Kong, when necessary. Regarding the use of restricted substances in food fish, AD/AFCD further said that chemicals and drugs such as antibiotics would sometimes be used to cure fish diseases. If the farmers strictly followed the instructions given by veterinarians, the residual chemicals in fish would be within the safety level when the fish were harvested for human consumption.

62. Mr WONG Kwok-hing expressed dissatisfaction that the legislation on regulation of fishery products would only be introduced by the end of 2006. To prevent the recurrence of food incidents and better protect public health, he strongly urged the Administration to expedite the introduction of the legislation.

63. Mr WONG Yung-kan commented that the progress of improving the regulatory framework for fishery products, including live fish and shellfish, was too slow. Mr WONG considered that in addition to regulating the import of fishery products, the Administration should also consider bringing the wholesaling of fish under regulatory control, modelling on the operation at Aberdeen Fish Wholesale Market. Mr WONG asked whether regulation of wholesaling of fish was included in the proposed regulatory framework for fishery products.

64. DS(FEH) explained that under the proposed regulatory framework, imported fishery products would be required to be landed at designated points, i.e. fish wholesale markets.

65. Mr Tommy CHEUNG commented that the requirement for record keeping was not practicable and outdated. He pointed out that with the coming into operation of the Harmful Substance in Food (Amendment) Regulation 2005, fish traders would be liable to committing an offence if malachite green was found in the fish they sold. Mr CHEUNG considered that the Administration should regulate at source and require all fishery products to be imported from approved sources. He also considered Mr WONG Yung-kan's suggestion of requiring all imported fishery products to be inspected and distributed at designated wholesale markets a feasible solution. Noting that the Administration planned to require all import of fishery products to be landed at designated points, he asked how the proposal would be implemented and whether there would be sufficient space for landing at the proposed designated points.

66. DS(FEH) said that it was the Administration's intention to require imports of fishery products, including live fish and chilled fish to be landed at designated points. Details of the proposal would be set out in the legislation.

67. Mr Vincent FANG said that he was not happy with the Administration's handling of the malachite green incident. Mr FANG said that under the present arrangements, the Administration would release the test results even though a small amount of malachite green was found in fish samples, and the import of freshwater

Action

fish would be suspended. He added that since the malachite green incident, the supply of mixed fish from the Mainland had suspended and this had adversely affected the fish trade. This had also encouraged “smuggling” of freshwater fish from unregistered farms into Hong Kong, and such activities posed even greater risk on public health.

68. DS(FEH) said that the Administration had not banned the import of mixed fish from the Mainland fish farms, and AFCD was collecting information on fish supply in recent months. DS(FEH) added that he would convey members’ concern about “smuggling” of fish from unregistered fish farms to the Customs and Excise Department. As far as he was aware, only one batch of freshwater fish without health certificates was seized so far. The Administration would step up enforcement in this respect if necessary.

69. Mr Vincent FANG said that the fish traders considered it unacceptable for the authorities to recall the whole batch of fish if only one problematic fish was found.

70. DS(FEH) said that it was impossible for the Administration to take samples from all fish on sale for testing. It was necessary to recall the batch of fish for destruction if a problematic fish was found in that batch of fish, in order to safeguard public health. DS(FEH) further said that as far as coral fish were concerned, the problem of ciguatera poisoning was mainly due to importation of fish from a few fishing areas. To address the problem, the traders should not source fish from these fishing areas.

71. In concluding the discussion, the Chairman said that members had urged the Administration to introduce the legislation on regulatory control of all fishery products as soon as possible.

VII. Any other business

72. The Chairman reminded members that a joint meeting of the Panel and the Panel on Environmental Affairs was scheduled for 15 December 2005 to meet with deputations and the Administration to continue the discussion on the reorganisation plan for the food safety regulatory framework.

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