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LC Paper No. CB(2)593/06-07

(These minutes have been seen by
the Administration)

Panel on Food Safety and Environmental Hygiene

Minutes of meeting
held on Tuesday, 14 November 2006, at 2:30 pm
in Conference Room A of the Legislative Council Building

Members present : Hon Tommy CHEUNG Yu-yan, JP (Chairman)
Hon Fred LI Wah-ming, JP (Deputy Chairman)
Hon WONG Yung-kan, JP
Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Hon Vincent FANG Kang, JP
Hon WONG Kwok-hing, MH
Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki

Member absent : Dr Hon Joseph LEE Kok-long, JP

Public officers attending : Item IV

Mr W H CHEUK
Acting Permanent Secretary for Health, Welfare and Food (Food
& Environmental Hygiene)

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

Dr MAK Sin-ping
Controller, Centre for Food Safety
Food and Environmental Hygiene Department

Dr Philip HO
Consultant (Community Medicine)
(Risk Assessment and Communication)
Food and Environmental Hygiene Department

Item V

Mr W H CHEUK
Acting Permanent Secretary for Health, Welfare and Food
(Food & Environmental Hygiene)

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

Miss Vivian KO
Principal Assistant Secretary (Food & Environmental Hygiene)
Special Duties
Health, Welfare and Food Bureau

Dr MAK Sin-ping
Controller, Centre for Food Safety
Food and Environmental Hygiene Department

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

Item VI

Mr W H CHEUK
Acting Permanent Secretary for Health, Welfare and Food
(Food & Environmental Hygiene)

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

Mrs Stella HUNG
Director of Agriculture, Fisheries and Conservation

Mr Thomas SIT
Assistant Director (Inspection and Quarantine)
Agriculture, Fisheries and Conservation Department

Dr Eric TAI
Senior Veterinary Officer (Animal Management)
Agriculture, Fisheries and Conservation Department

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

Staff in attendance : Ms Alice LEUNG
Senior Council Secretary (2)1

Ms Anna CHEUNG
Legislative Assistant (2)2

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I. Confirmation of minutes

[LC Paper No. CB(2)264/06-07]

The minutes of the meeting held on 12 October 2006 were confirmed.

II. Information paper(s) issued since last meeting

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

III. Date of next meeting and items for discussion

[Appendices I and II of LC Paper No. CB(2)304/06-07]

3. Members noted that the Administration had proposed to discuss the following items at the next regular meeting on 12 December 2006 -

- (a) Preparing for the peak season of avian influenza outbreak; and
- (b) Microbiological quality of pre-cut fruits for sale or serving in retail outlets.

4. The Chairman informed members that, since the Panel on Health Services (HS Panel) at its meeting on 13 November 2006 had agreed to hold a special meeting in December to discuss measures to prevent avian influenza outbreak, the Chairman of HS Panel proposed that a joint meeting should be held for the discussion item referred to in paragraph 3(a) above. In reply to the Chairman's enquiry, Acting Permanent Secretary for Health, Welfare and Food (Food & Environmental Hygiene)

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(PS(FEH)(Ag)) said that the Administration respected the decision of the Panel and had no objection to deferring the proposed item of "Microbiological quality of pre-cut fruits for sale or serving in retail outlets" to a future meeting or withholding the item until a suitable time in future.

[Post-meeting note : at request of the Administration, the proposed item of "Microbiological quality of pre-cut fruits for sale or serving in retail outlets" has been taken out from the list of outstanding items for discussion.]

5. At the Chairman's suggestion, Members agreed that the Panel would make use of the discussion time for the next regular meeting to hold a joint meeting with HS Panel to discuss the item of "Preparing for the peak season of avian influenza outbreak".

[Post-meeting note : The joint meeting has been scheduled to commence at around 2:45pm immediately after the regular meeting of the Panel to be held at 2:30 pm on 12 December 2006.]

IV. Review of the preservatives in food regulations

[LC Paper No. CB(2)304/06-07(01)]

6. The Chairman informed members that, due to a prior important commitment, he was unable to chair the meeting. The Deputy Chairman took over the chair of the meeting at this juncture.

7. With the aid of powerpoint, Consultant (Community Medicine) (Risk Assessment and Communication) of the Food and Environmental Hygiene Department (Consultant(CM)(RAC)/FEHD) briefed members on the Administration's paper on the background, objective and proposed direction of the amendments to the Preservatives in Food Regulations ("the Regulations"). Consultant(CM)(RAC)/FEHD said that, through the amendments, the Government aimed to continue protecting public health at a level which could be justified against internationally recognised risk assessment and management standards and enhance consumer confidence in food safety. It was also aimed that the proposed amendments would allow consumers to have more food varieties to choose in the market, and improve the user-friendliness of the Regulations that the stakeholders would find it easier to find out the information about a food item under a food category system.

[Post-meeting note : The powerpoint presentation materials tabled at the meeting were issued to members vide LC Paper No. CB(2) 373/06-07(01) on 15 November 2006.]

8. Consultant(CM)(RAC)/FEHD said that the Advisory Council on Food and Environmental Hygiene (ACFEH) was consulted on the proposed direction of the

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amendments in late 2005 and generally supported the proposal. The Expert Committee on Food Safety, established under the Centre for Food Safety (CFS), had also discussed and agreed to the proposed direction of the amendments at its meeting held in October 2006. A more extensive consultation on the details of the proposed amendments with the trade and the public would be conducted in end 2006/early 2007. The Administration planned to introduce the proposed legislative amendments in 2007.

9. Mr WONG Kwok-hing said that, while he welcomed the Administration to undertake a comprehensive review on the Regulations, he was concerned about the difficulties of the consumers in comprehending the names of preservatives and antioxidants. He asked how would the Administration ensure that the information as appeared on the labels of food was readable and easy to understand after the Regulations had been amended as proposed. He wondered whether CFS would consider introducing a certification scheme similar to the "Q-Mark" quality certification scheme that could be easily comprehended by the customers and gave them confidence in the products/services. Mr WONG asked whether the labelling requirements would apply to non-pre-packaged food in retail sale such as fermented bean curd, salty pickled cabbages and duck eggs. He said that he was concerned about the recent media reports that Sudan dye was found in Hebei duck eggs and sought clarification as to whether Hong Kong imported duck eggs from Hebei. Mr WONG further asked whether the Administration would consider requiring the retailers to put a notice listing out the information on the names of the preservatives if the labelling requirements only applied to pre-packaged food.

10. Controller of the Centre for Food Safety (Controller/CFS) said that the existing legislation did not impose specific requirements on labelling of ingredients or additives which might cause allergy to some individuals. However, under the Food and Drugs (Composition and Labelling) (Amendment) Regulation 2004 ("the (Amendment) Regulation"), which would come into operation in July 2007, food labels should specifically indicate the name or code of the food additive used and also declare the presence of substances, which were known to cause allergy in some individuals. Consumers would be able to know the detailed information of additives used in food as such information would be provided and displayed on the labels affixed to the pre-packaged food. To complement the coming into operation of the Amendment Regulation in July 2007, CFS would enhance its efforts in educating the public about food safety in respect of the use of preservatives and antioxidants in food.

11. As regards non-pre-packaged food in retail sale, Controller/CFS said that the labelling requirements under existing legislation only applied to pre-packaged food. She explained that there were practical difficulties in implementing the labelling requirements to non-pre-packaged food in retail sale. Controller/CFS stressed that regular inspection and testing of food samples of both pre-packaged and non-pre-packaged food in retail sale would be conducted under the food surveillance

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programme. Although the labelling requirements only applied to pre-packaged food, food containing preservatives or antioxidants was under the control of the Regulations, irrespective of whether they were pre-packaged or not.

12. Regarding Mr WONG Kwok-hing's suggestion, Controller/CFS said that the "Q-Mark" quality certification scheme was initiated by the industry to assure that products/services had met the standards and quality according to the criteria of "Q-Mark" scheme. She said that the Administration would not object the trade to introduce such a scheme for food quality assurance. The Government would continue to fulfil its responsibility for safeguarding public safety and health and enhancing food safety.

13. As regards Hebei duck eggs, Controller/CFS said that the State General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) had confirmed that no affected batches of Hebei duck eggs contaminated with Sudan dye had been exported to Hong Kong.

14. Mr WONG Kwok-hing asked whether CFS would actively take duck egg samples for testing at retail level to ensure that no Hebei duck eggs were imported into Hong Kong through illicit channels. Controller/CFS responded that AQSIQ had confirmed that no affected batches of duck eggs from the concerned Hebei food supplier were exported to Hong Kong. Having regard to public concern on the food safety of the Mainland duck eggs, CFS had taken duck egg samples at retail outlets for laboratory tests on 13 November 2006.

15. Noting that the existing legislation was not in line with the General Standard on Food Additives (GSFA) of the Codex Alimentarius Commission (Codex) in some areas, Mr WONG Yung-kan asked what were the areas that were not in line with the standards and how long would it take to conduct a comprehensive review of the Regulations. He further asked whether there would be more preservatives permitted to use after the review. Referring to Consultant(CM)(RAC)/FEHD's presentation, he asked whether members of ACFEH were unanimously supportive of the proposal and, if not, what were the areas that they had difference in views. Mr WONG said that he was concerned about the food safety of food products imported from the Mainland and that there were incidents in the Mainland where a large amount of preservatives residues was detected in chilled fish. He asked how the Administration would step up its efforts in regulating the use of preservatives/antioxidants in food, pending the introduction of amendments to the Regulations.

16. Controller/CFS said that, as briefly presented by Consultant(CM)(RAC)/FEHD, the existing Regulations were not in line with the Codex standards in several major areas including categorisation of food and multifunctional properties of additives etc. Under the existing Regulations, permitted preservatives and antioxidants were a combination of the permitted additives and the specified food items. Similar specified foods were not grouped together to form

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major food categories. In a broad sense, the existing legislation was considered as rather conservative when compared to international standards. With the introduction of amendments to the Regulations, the trade would find it easier and clearer to follow the standards which would help improve food standards eventually. Controller/CFS said that there would be more preservatives allowed to use after the Regulations were amended as proposed.

17. Controller/CFS said that ACFEH was in general supportive of the proposed direction of the amendments and their difference in views was mainly on the technical details such as whether a new set of standards be developed if there was an absence of corresponding standards in the Codex standards for some indigenous Asian food. The Administration would carefully consider the need to set up new standards and would take into account the needs and interests of the public. She stressed that any new standards for food would be made on the basis of scientific evidence and risk assessment.

18. On the time required for the whole exercise, Controller/CFS said that the process of consultation and drafting the amendments was rather complex. Having regard to the purpose of reviewing the Regulations was to enhance the existing legislation to better protect public health and facilitate the trade, CFS would not conduct the review and draft the amendment proposals in a hasty manner. Apart from consultation with the trade and concerned parties, CFS would hold a series of technical meetings with the trade during the stage of drafting the legislative amendments. It was planned that consultation would be made by end 2006/early 2007.

19. The Deputy Chairman said that the labels affixed to red wine in Australia would show the preservatives contained. He asked whether red wine was regarded as food and regulated under the Regulations. In response, Controller/CFS said that, when the Amendment Regulation came into operation in July 2007, the labelling requirements would also apply to alcoholic drinks but with some exemptions. The Administration would revert to the Panel on the details of the exemption in respect of alcoholic drinks.

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20. The Deputy Chairman expressed concern about some media reports that some unscrupulous traders in the Mainland had deceived consumers by applying carbon monoxide to food e.g. sashimi to conceal its staleness. There were also media reports that food colour was applied to fruits, e.g. oranges and citrus, to make them look fresh. He asked whether the use of carbon monoxide and food colour were regulated in Hong Kong.

21. Controller/CFS responded that it was an offence under the existing legislation to add preservatives to fresh meat. However, there was at present no specific regulation on the use of carbon monoxide in respect of food. Controller/CFS said that carbon monoxide per se in food would not pose health risk. The main concern was

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that it might mask the freshness of the food. Different countries adopt different practices in regulating the application of carbon monoxide to food. She said that the Administration would consider this issue when reviewing the Regulations.

22. As regards the use of colouring matter, Controller/CFS said that there was a separate regulation under the Public Health and Municipal Services Ordinance (Cap. 132) regulating the use of food colour in Hong Kong. The list of the permitted colouring matters was set out in the schedule to the regulation.

23. Mr WONG Yung-kan said that he supported the amendment proposal. However, he was concerned about the food safety of chilled fish and hoped that the Administration would take actions to combat the "smuggling" of fish into Hong Kong from unregistered fish farms in the Mainland. In his view, the Administration should continue to enhancing its communication with the Mainland authorities as it would help exert a positive influence to the Mainland authorities in stepping up their efforts to educate fish farmers about food safety.

24. Controller/CFS said that there was a regular food surveillance programme operated on a risk based approach. Given that there were so many kinds of food on sale in Hong Kong, it was not possible to inspect and test every sample of food imported. Inspections would be stepped up to assure that it would not pose any threat to public health and safety when there was an occurrence of food incident. Controller/CFS said that, like the media in Hong Kong, the media in the Mainland was also very concerned about food safety and the Mainland authorities attached great importance to the food safety of food for local sale and consumption.

25. In concluding the discussion, the Deputy Chairman urged the Administration to expedite the process of drafting the amendments and introduce the legislative amendments to LegCo as soon as possible.

V. Regulation of shellfish and detection of malachite green in aquatic products

[LC Paper Nos. CB(2)304/06-07(02)&(03)]

26. Controller/CFS said that, under the Public Health and Municipal Services Ordinance (Cap. 132), food for sale including aquatic food products should be fit for human consumption and that according to the Harmful Substances in Food Regulations (Cap. 132AF), no food including live fish should contain malachite green, while no shellfish should contain certain prohibited substances. The Food Adulteration (Metallic Contamination) Regulations (Cap. 132V) stipulated the maximum permitted concentration of metals. With a view to enhancing food safety in Hong Kong, the Administration had reached administrative agreements with the Mainland authorities to regulate the importation of freshwater fish from the Mainland.

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27. As regards the recent incidents related to consumption of raw oysters and the discovery of malachite green in the samples of eel products, Controller/CFS briefed members on the actions taken by the Administration, as detailed in the paper. She said that the Administration was studying ways to enhance the safety of aquatic food products. However, she stressed that, given that about 70% of aquatic food products consumed in Hong Kong were imported from other source countries, the Administration must take into account the need for effective enforcement and maintaining the choices of aquatic food products for consumers in formulating any regulatory framework. The Administration would consult the Panel when concrete proposals were available.

28. The Deputy Chairman said that the Administration had promised to introduce a regulatory framework to enhance the safety of aquatic food products when the Panel discussed the incidents related to the discovery of malachite green in fish on sale in Hong Kong. He asked about the progress in this respect.

29. PS(FEH)(Ag) responded that the Administration planned to consult the Panel on the proposed regulatory framework for aquatic food products during February to April 2007. The Administration would consult the trade on the proposed regulatory framework before introducing the legislative proposals to LegCo in 2007.

30. On the legislative timetable, Mr TAM Yiu-chung said that the progress of improving the regulatory framework for aquatic food products was much slower than the original plan. As he recalled, the Administration had promised to introduce the relevant bill on the regulatory framework for aquatic food products into LegCo by end 2006.

31. PS(FEH)(Ag) said that the Administration would carefully consider the scope of the regulatory framework, the regulatory components and the impact on the affected trade in drawing up an effective regulatory mechanism that could facilitate effective enforcement and balance the interests of the trade and the public.

32. Mr WONG Kwok-hing commented that the Administration's paper was too brief and did not provide any details on the proposal, e.g. the scope and direction of the regulatory framework and the legislative timetable. He considered that it was not possible for members to discuss and comment without any details of the proposal.

33. PS(FEH)(Ag) explained that details of the proposal were not yet available. He said that concrete proposals would be worked out after the comprehensive review on the existing food safety regulatory regime in respect of aquatic food products and consultation with the trade and the concerned parties. Members were invited to note and comment on the direction for reviewing the framework to enhance the safety of aquatic food products, as described in paragraph 5. PS(FEH)(Ag) added that the

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purpose of the paper was to update members on the actions taken by the Administration in response to the incidents related to the consumption of raw oysters and detection of malachite green in eel products.

34. Mr WONG Kwok-hing said that members were concerned about the proposed regulatory framework for aquatic food products. On the recent food poisoning incidents related to the consumption of raw oysters, Mr WONG said that, as the results of the tests on the raw oysters samples collected from the supplier did not show any irregularities, the public's confidence in CFS and the Government might be undermined. He hoped that CFS would consider carefully in deciding on whether to make public the name of supplier suspected to be associated with the food poisoning incident.

35. Mr WONG Yung-kan said that the recent food incidents related to the consumption of raw oysters revealed that the Government should accord high priority to food surveillance and inspection of aquatic food products imported, particularly shellfish. He considered that the source management should be enhanced to prevent the recurrence of food incidents and better protect public health. Mr WONG said that, according to his source, CFS had held up their inspections to the Mainland registered fish farms due to insufficient resources. He sought clarification from the Administration as to whether this was the case. Mr WONG further said that, if the number of registered fish farms in the Mainland could be increased, the problem of "smuggling" of freshwater fish from unregistered fish farms in the Mainland would be eliminated.

36. Controller/CFS said that, in the case of food poisoning incidents associated with the consumption of raw oysters, the Administration had decided to make public the name of the supplier for the sake of public health and safety and the decision was made on the basis of epidemiological information and other information gathered during the course of investigation. Controller/CFS stressed that epidemiological study played a significant part in investigating and identifying the source of food poisoning incidents. She explained that laboratory tests on food samples were only part of the course of investigation and would take time, particularly the culture of bacteria.

37. As regards the food safety of aquatic food products, Controller/CFS said that administrative agreements were reached with the Mainland authorities in respect of the importation of freshwater fish under which freshwater fish was imported from the registered fish farms in the Mainland and they must be accompanied with health certificates. She said that CFS was studying the overall food safety regulatory regime in Hong Kong.

38. Controller/CFS also clarified that resources had been allocated to the inspection of registered fish farms in the Mainland. However, CFS had to take into account the resources constraints in according priority of work.

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39. Dr KWOK Ka-ki said that he supported the Administration's decision in making public the name of the supplier of raw oysters suspected to be related to the food poisoning incidents on the grounds of public interest and protection of public health. However, he agreed that improvements could be made on the actions taken by Administration during the course of investigation. For example, when the raw oysters samples collected from the supplier were tested negative, the results of the laboratory tests should be made public as soon as possible. Noting that 61 samples of fish and aquatic food products taken for testing between August 2005 and October 2006 were found to contain malachite green, Dr KWOK asked whether there were any wholesalers/retailers who were found repeatedly associated with the sale of aquatic food products containing malachite green. He further asked whether there were any channels for the public to get such information and what was the percentage of the imported food taken for testing each year. To prevent the recurrence of incidents where malachite green was found in eel products, Dr KWOK asked if the Administration would consider issuing separate licences for selling eel products including live eels and processed eels.

40. Controller/CFS said that the Administration would strike a balance between public health and safety and the trade interests in considering whether the names of suppliers/food premises associated with food poisoning incidents should be made public. The Administration would make public the names when there was an immediate threat to public health and safety.

41. PS(FEH)(Ag) reiterated that the disclosure action was appropriate, having regard to epidemiological study and other clinical information gathered in the investigations, to protect public health and safety interests. He clarified that the raw oyster samples taken from the supplier for laboratory testing were not the same batch of raw oysters consumed by the patients at the four premises.

42. Controller/CFS also explained that most of the 61 samples of aquatic food products that were found to contain malachite green were taken in Cheung Sha Wan Wholesale Fish Market and were mostly freshwater fish without health certificates. After the coming into operation of the Harmful Substances in Food (Amendment) Regulation in August 2005, the number of samples of aquatic food products that were found to contain malachite green had dropped.

43. As regards the number of samples of aquatic food products taken for testing each year, Controller/CFS said that more than 60 000 food samples were taken by CFS for testing each year under the regular food surveillance programme and that out of the 60 000 samples, more than 2 000 samples were aquatic products. Controller/CFS said that, given that live eels imported from the Mainland were required to be accompanied with health certificates under the existing administrative agreements with the Mainland and that all aquatic products including live fish were

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regulated by the Harmful Substances in Food (Amendment) Regulation with regard to the use of malachite green, there was no need to issue separate licences for the purpose of regulating the sale of eel products.

44. Controller/CFS said that, although there was no specific legislation to regulate the import of live fish and fish products, prosecutions against the wholesalers/retailers would be taken if their fish/fish products were found unfit for human consumption.

45. The Deputy Chairman said that he was concerned about some media reports on the incidents of unloading and distributing fish without manifests or health certificates at Cheung Sha Wan Wholesale Fish Market at midnight, and asked about the actions taken by the Administration to combat the "smuggling" of aquatic food products. As regards the 61 samples of aquatic food products found to contain malachite green, he asked about the amount of malachite green contained in these samples and the types of fish that were found to contain malachite green e.g. freshwater fish or eels. He further asked about the number of registered fish farms that was registered in the Mainland and approved by the Food and Environmental Hygiene Department (FEHD) to supply freshwater fish to Hong Kong and whether the public would have access to the list of registered fish farms.

46. Principal Assistant Secretary (Food & Environmental Hygiene)1 (PAS(FEH)1) said that the Administration had already enhanced the security measures in Western and Cheung Sha Wan Wholesale Fish Markets and did not find any imports of aquatic food products that were not accompanied with health certificates. Agriculture, Fisheries and Conservation Department, FEHD and Customs and Excise Department would also step up their joint enforcement actions against illegal activities of importation of aquatic food products.

47. PAS(FEH)1 further said that most of the 61 samples collected for testing in local markets and food outlets were taken immediately after the recall of eel products destined for exports by the Guangdong Entry-Exit Inspection and Quarantine Bureau in the Mainland in August 2005. Since then, there was only one case of fish samples found to contain malachite green, namely the one stated in paragraph 4 of the paper.

48. On the registered fish farms, Assistant Director (Food Surveillance and Control) of the Food and Environmental Hygiene Department (AD(FSC)/FEHD) said that there were at present around 60 freshwater fish farms registered with the Mainland authorities and approved by FEHD. The trade was welcome to contact FEHD for information on the list of registered farms to facilitate their sourcing of freshwater fish.

49. Referring to paragraph 3 of the paper, Mr WONG Yung-kan expressed concern about the length of time for CFS to conduct investigation and laboratory tests. He said that CFS had taken too long to conduct investigation and laboratory tests. Noting that CFS had seized some 1 500 kilogrammes of eel products found in the eight

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premises, including restaurants and suppliers' premises, that were inspected by CFS during its blitz operations conducted in September 2006, Mr WONG said that he was concerned about the lack of regulation for eel products and registration system of suppliers of eel products and asked if the wholesalers/retailers selling problematic eel products should be punished. On the food poisoning incidents associated with the consumption of raw oysters, he was of the view that, to avoid the recurrence of such incidents, it was important to find out the cause contributed to food poisoning incident, for example, whether it was caused by mishandling of raw oysters during transportation, processing or storage.

50. Controller/CFS explained that it would take some time to conduct microbiological tests. However, CFS would take necessary actions if epidemiological study and information gathered during the course of investigation indicated that the food poisoning incidents were related to specific food. She reiterated that, in deciding on the course of actions to be taken in respect of food poisoning outbreaks, epidemiological study was more important than the results of laboratory tests. Controller/CFS said that, in the case of the food poisoning incidents related to the consumption of raw oysters, the investigation into the clinical and food history of the patients revealed that the cases might be related to the consumption of raw oysters from a common source. The stool sample of one of the patients was also tested positive for Norovirus. Based on the information gathered and in order to protect public health and in the public interest, CFS made an announcement to alert the trade and the public to the situation. Controller/CFS stressed that the actions taken were considered appropriate, having regard to the result of epidemiological study and information gathered during the investigation and on the grounds of public safety and health.

51. As regards the 1 500 kilogrammes of eel products seized, AD(FSC)/FEHD said that FEHD tried to gather information on the source/supplier from the food premises concerned but no health certificates could be provided nor the consignment documents provided could prove that the eel products seized were actually the food items listed in the documents. FEHD would follow up the cases and would take appropriate prosecution actions if there was sufficient evidence.

52. The Deputy Chairman said that he wondered if the Administration would be able to intercept all fishery products that were supplied from unregistered fish farms in the Mainland and not accompanied with health certificates. He asked whether malachite green was one of the harmful substances that were tested under the regular food surveillance programme. In response, Controller/CFS said that CFS would act upon their information and complaints received from the public to conduct blitz inspection operations to safeguard public health and safety. She confirmed that the testing of malachite green was included in the regular food surveillance programme. The Administration would revert to the Panel on the amount of malachite green contained in the 61 food samples.

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53. Mr WONG Yung-kan maintained his view that inspection and surveillance of imported food products was important and it was also important to find out the cause contributed to food. The Deputy Chairman shared his view.

54. AD(FSC)/FEHD said that CFS would follow up and conduct investigation of all cases of food poisoning incidents notified by the Centre for Health Protection.

55. Controller/CFS supplemented that, when the staff of CFS conducted inspection and investigation in relation to food poisoning incidents related to food premises, they would educate the employees of the food premises about the correct procedures and steps in handling, processing and storage of food. Education on food safety was considered important as it would help preventing the occurrence of food poisoning.

VI. Control of stray cattle

[LC Paper Nos. CB(2)304/06-07(04),(05)&(06)]

Relocation of stray cattle/buffaloes

56. Assistant Director (Inspection and Quarantine) of Agriculture, Fisheries and Conservation Department (AD(IQ)/AFCD) briefly presented the paper, particularly the way forward on the control of stray cattle/buffaloes. He said that although stray cattle/buffaloes did not have conservation value, the Administration would continue to work through the working groups on Lantau Island to reduce the number of stray cattle/buffaloes and maintain it at a sustainable level. The working groups comprised representatives from the Islands District Council, LegCo members, local rural committees, governmental departments and a number of local environmental organisations and animal welfare groups. According to the agreement reached at by the working groups, the Administration would continue to remove stray cattle/buffaloes which were sick, old or aggressive upon receipt of complaints from the public. These operations would also include stray cattle/buffaloes found along main highways to prevent traffic hazards.

57. As regards the complaint on the operation taken by AFCD on 22 September 2006 that caused injury to the cattle, AD(IQ)/AFCD explained the difficulties in capturing and removing cattle to another location. He said that AFCD would observe strictly to the standards set down in respect of capturing and removing animals. When removing cattle/buffaloes, they would be sedated before the relocation exercise and the staff of AFCD would be stationed around to ensure that the cattle/buffaloes darted with sedatives were rested calmly in a safe position and that the sedatives had taken effect. AD(IQ)/AFCD explained that a member of the public yelled when the cattle was being round up and it caused agitation in the herd. When cattle darted with sedatives were under stress, they would generate hormones that would act against sedatives. He said that the unfortunate death of the "escaped" cow was due to stress.

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58. Senior Veterinary Officer (Animal Management) of the Agriculture, Fisheries and Conservation Department (SVO(AM)/AFCD) informed members that the Administration had a meeting with the members of the Mui Wo and South Lantau working groups on 11 October 2006 and a mutual consensus had been reached. In order to protect the safety of the public and cattle, residents/NGO members would not be present at the vicinity in future relocation exercises and only the staff of AFCD would be present to carry out the duties.

59. Director of Agriculture, Fisheries and Conservation (DAFC) said that there were some misunderstandings in regard to the actions taken by AFCD during the course of the relocation exercise conducted on 22 September 2006. Regarding the two photos taken by an NGO which were published in the press, she clarified that the horn of the "escaped" cow, which had been darted with sedatives earlier, was injured when it pumped onto a fence suddenly due to agitation caused by the yelling of a member of the public. It later stumbled into the nearby catchwater. In respect of another photo showing that the legs of the cattle were protruding from the side of the vehicle, she explained that the cattle darted with sedatives had fallen inside the vehicle. Since the side board of the vehicle was broken, the legs of the cattle were therefore protruded from the side of the vehicle. The Veterinary Officer in charge of the operation had examined the cattle and found that there was no injury to the cattle. She said that it was regretted that the photos might have disturbed some members of the public and concerned parties.

60. DAFC stressed that AFCD had always put public safety and animal welfare as top priorities while conducting any exercises involving animals. As such, she hoped that the detailed report on the operation taken on 22 September 2006 at the Appendix of the Paper could explain clearly the actions and steps taken by the staff of AFCD and illustrate that every step taken was in the interests of the cattle and on safety grounds. In the light of the potential danger in relocating cattle, AFCD had urged the public and NGO members not to come near to the vicinity and would inform them in writing of the dates of future relocation exercises. DAFC said that there was another relocation exercise of removing buffaloes taken on 1 November 2006 and the operation was conducted smoothly. The entire operation had been filmed and could be released for viewing by Members if necessary.

61. Mr WONG Kwok-hing said that he hoped that the Administration would provide an environment where the residents and stray cattle/buffaloes could live harmoniously. To achieve this, it was very important to avoid any injury to the public by stray cattle. He further said that, during the course of relocation, cattle should be treated in a safe and humane manner so as to avoid any injury caused by struggling. He asked the Administration how to avoid the injury of cattle during the course of relocation exercise.

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62. DAFC said that the Administration also shared the wish of providing an environment that the residents and stray cattle/buffaloes could live harmoniously. The Administration had set up working groups to discuss ways to deal with the problems of stray cattle/buffaloes and maintain cattle/buffalo population at a sustainable level. In line with the agreement reached at by the working groups, cattle/buffaloes which were sick, old or aggressive would continue to be removed upon receipt of complaints from the public.

63. DAFC said that, to protect public from injuries caused by stray cattle/buffaloes, the District Officer would step up its publicity efforts and put up fences in certain places to keep the stray cattle/buffaloes from contact with the public.

64. Dr KWOK Ka-ki asked whether there was any control on the number of stray cattle/buffaloes in Hong Kong like those stray cattle/buffaloes on Lantau Island and whether the Administration would consider finding a site suitable for setting up a reserve for stray cattle/buffaloes. He suggested that the Administration could consider designating some parts of country parks for such purpose.

65. AD(IQ)/AFCD said that most of stray cattle/buffaloes scattered around in remote places in the New Territories like, Sai Kung, Yuen Long and Lantau Island and that were mostly the offspring of cattle/buffaloes left behind by farmers when the farmers abandoned farming in the past decades. The Administration would conduct operations to capture these cattle/buffaloes once they received complaints from the public. Regarding Dr KWOK's suggestion, AD(IQ)/AFCD said that in considering the location for a reserve site for cattle/buffaloes, site area, food and source of water were important. Mr WONG Yung-kan said that stray cattle also scattered in many places in the New Territories e.g. Kat O and Yuen Long.

Sterilization of stray cattle/buffaloes

66. Mr WONG Kwok-hing said that, as advised by the Administration earlier, the Administration would study ways to sterilize cattle, he asked about the progress on the study. AD(IQ)/AFCD said that given that cattle were ruminants, it would endanger their lives if anaesthetics were applied during the sterilization operation. Application of vaccination, which was a rather new way of sterilization for cattle, was being considered. The Administration was obtaining more information on the use of vaccination from overseas and considering importing vaccination for testing.

67. In response to Dr KWOK Ka-ki's enquiry, AD(IQ)/AFCD explained that the reproductive cycle of cattle was very short and non-seasonal, it would therefore difficult to induce birth control.

68. The Deputy Chairman and Mr WONG Yung-kan shared the views of Mr WONG Kwok-hing that sterilization was a way to reduce the number of stray

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cattle/buffaloes.

Tracking of stray cattle/buffaloes

69. On Dr KWOK Ka-ki's question on the tracking of stray cattle/buffaloes, AD(IQ)/AFCD said that AFCD would use helicopters to conduct a systematic count on the number of stray cattle/buffaloes scattering in various places in New Territories every year. Considering that basic information on the locations of stray cattle/buffaloes was already available, it was considered not necessary to put ear tags or marks on the cattle to trace their whereabouts. He added that the application of anaesthetics for the purpose of fixing ear tags might endanger the lives of cattle.

VII. Any other business

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

Council Business Division 2
Legislative Council Secretariat
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