

**立法會**  
**Legislative Council**

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LC Paper No. CB(2)1256/06-07

(These minutes have been seen by  
the Administration)

**Panel on Food Safety and Environmental Hygiene**

**Minutes of meeting**

**held on Tuesday, 13 February 2007, 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  
Dr Hon Joseph LEE Kok-long, JP  
Dr Hon KWOK Ka-ki

**Member absent** : Hon Alan LEONG Kah-kit, SC

**Public officers attending** : Item IV

Mr CHEUK Wing-hing  
Deputy Secretary for Health, Welfare and Food (Food and  
Environmental Hygiene)  
Health, Welfare and Food Bureau

Miss Vivian KO Wai-kwan  
Principal Assistant Secretary (Food and Environmental  
Hygiene)<sup>2</sup>  
Health, Welfare and Food Bureau

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

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Ms Wendy KO Wan-chi  
Senior Agricultural Officer (Regulatory)  
Agriculture, Fisheries and Conservation Department

Item V

Mr CHEUK Wing-hing  
Deputy Secretary for Health, Welfare and Food (Food and  
Environmental Hygiene)  
Health, Welfare and Food Bureau

Miss Kay KWOK Kar-bo  
Principal Assistant Secretary (Food and Environmental  
Hygiene)<sup>1</sup> (Acting)  
Health, Welfare and Food Bureau

Dr Constance CHAN Hon-ye  
Assistant Director (Food Surveillance and Control)  
Food and Environmental Hygiene Department

**Clerk in attendance** : Miss Flora TAI  
Chief Council Secretary (2)<sup>2</sup>

**Staff in attendance** : Ms Alice LEUNG  
Senior Council Secretary (2)<sup>1</sup>

Ms Anna CHEUNG  
Legislative Assistant (2)<sup>2</sup>

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**I. Confirmation of minutes**  
[LC Paper No. CB(2)1074/06-07]

The minutes of the meeting held on 9 January 2007 were confirmed.

**II. Information paper(s) issued since last meeting**

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

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**III. Date of next meeting and items for discussion**

[Appendices I and II of LC Paper No. CB(2)1079/06-07]

3. Members agreed to discuss the following two items proposed by the Administration at the next regular meeting scheduled for 13 March 2007 -

- (a) scattering of cremated human ashes at sea; and
- (b) outcome of the invitation for expression of interest exercise for the poultry slaughtering and processing plant.

**IV. Proposed amendments to the Pesticides Ordinance**

Presentation by the Administration

4. With the aid of powerpoint, Senior Agricultural Officer (Regulatory) of Agriculture, Fisheries and Conservation Department (SAO(Regulatory)/AFCD) briefed members on the background, the problems with the existing pesticide control system and the proposals to amend the Pesticides Ordinance (Cap. 133) and its subsidiary regulations for improving the control of pesticides, with details as set out in the Administration's paper [LC Paper No. CB(2)1079/06-07(01)]. SAO(Regulatory)/AFCD pointed out that, under the existing legislation, there was limited control over pesticides in several aspects including inert ingredients of pesticide products and brand names available in the market, and on the use and availability of pesticides.

5. SAO(Regulatory)/AFCD advised members that the Central Government had ratified two international conventions, namely the Stockholm Convention on Persistent Organic Pollutants ("Stockholm Convention") and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade ("Rotterdam Convention"). While the Stockholm Convention had been extended to the People's Republic of China including the Hong Kong Special Administrative Region (HKSAR) since August 2004, the Rotterdam Convention had come into force in the Mainland since June 2005 with a declaration that it being applicable to the Macau Special Administrative Region but not HKSAR. As the two Conventions required control of transshipment and transit operations of the pesticides identified for regulation, the Administration intended to incorporate the necessary measures in the Pesticides Ordinance to fulfil the convention requirements.

6. As regards the proposals for improving the control of pesticides, SAO(Regulatory)/AFCD said that the Administration proposed to replace the current "active ingredient" approach with a "product" approach and to re-structure the existing Pesticide Register into four parts (i.e. Part I, II, III and IV) to reflect differences in

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toxicity, persistence, use pattern, and potential environmental and health hazards of pesticide products. The restricted pesticides (i.e. Part III and IV pesticide products under the future "four-part" Pesticide Register) would only be available to trained individuals with authorisation from the Agriculture, Fisheries and Conservation Department (AFCD). She pointed out that, under the proposed registration system, the safety of pesticide products and the accuracy of labels of pesticide products would be assessed before they were registered and placed on the market. To ensure the safe use of pesticides, the Administration proposed to introduce a licensing system for pesticide application service provider and a registration system for pesticide applicators.

7. SAO(Regulatory)/AFCD further said that, to streamline control procedures for domestic application, the Administration proposed to repeal the current licensing requirement for pesticide retailers who only sold Part I domestic pesticides in a ready-to-use form. With a view to facilitating trading activities, the Administration intended to introduce a new type of single permit to allow traders to trade more than one type of pesticides that were presently registered but without brand names and their registration status would be affected by the change in registration system.

8. Regarding the transitional arrangements, SAO(Regulatory)/AFCD advised that there would be a transitional period of six months for re-registration of pesticides on a product basis and for all trading activities which were already on operation prior to the enactment of the amendment legislation. The Administration also proposed to provide a two-year grace period to license pesticide application service providers, to register pesticide applicators and to authorise individuals for getting access to restricted pesticides. She added that the Administration had consulted the Advisory Council on Food and Environmental Hygiene (the Advisory Council) on the proposals and the Advisory Council had no objection to the proposals.

The Administration's proposals to improve the control of pesticides

9. Referring to the letter from the Pest Control Personnel Association of Hong Kong (the Association) [LC Paper No. CB(2)1079/06-07(02)], the Deputy Chairman said that he noted that, though the Association raised no objection to the Administration's proposals to amend the legislation to improve the control over pesticides, it considered that the proposed amendment legislation could not elevate the trade's standard in respect of its daily operation effectively. As the Food and Environmental Hygiene Department (FEHD) had contracted out most of its pest and mosquito control work, the provision of mosquito and other pest prevention and control services by contractors' workers would be affected when the amendment legislation came into operation. He wondered whether AFCD had communicated and consulted FEHD on its proposals. The Deputy Chairman pointed out that, according to the Administration's information, the Stockholm Convention had been extended to the HKSAR since August 2004, so the amendment legislation should take effect as soon as it was enacted. However, he noted that there would be a two-year grace

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period for the licensing of pesticide application service providers and for the registration of pesticide applicators. He commented that it had taken too long for the Administration to carry out the necessary legislative work for the sake of fulfilling the convention requirements.

10. Deputy Secretary for Health, Welfare and Food (Food and Environmental Hygiene) (DS(FEH)) said that, although the Pesticides Ordinance was under the purview of AFCD, AFCD had close communication with FEHD regarding the proposals to amend the legislation. He added that the Administration planned to introduce the legislative proposals to the Legislative Council (LegCo) in 2007. On the transitional arrangement prior to the enactment of the amendment legislation, DS(FEH) clarified that the provisions that concerned the two Conventions would come into immediate effect upon enactment of the amendment legislation. As regards the proposed provision of a two-year grace period, he explained that there were about 3 000 pesticide workers in the trade and about 1 000 of these workers had already obtained the necessary qualifications for registration. The remaining 2 000 pesticide workers would be required to complete approved training courses provided by local training institutes prior to registration. In the light of this, the Administration considered it reasonable to allow a two-year grace period to license pesticide application service providers and to register pesticide applicators. He further said that there were 483 pesticides registered in Hong Kong at present and about 180 of them were Part I pesticide products under the proposed "four-part" pesticide registration system.

11. Mr WONG Yung-kan said that he was supportive of the Administration's proposals to amend the existing legislation and considered that the Administration should expedite its process of drafting the legislative amendments and introduce the legislative proposal to LegCo as early as possible. He asked the following questions -

- (a) how long it would take for the remaining 2 000 pesticide workers to be qualified for registration under the new registration system;
- (b) what would be the fees for the relevant training courses provided for pesticide applicators; and
- (c) what would be the fines and charges for the contravention of the provisions under the amendment legislation.

12. DS(FEH) responded as follows -

- (a) the training courses provided by local training institutes at present were of about 20 hours' duration and the course fee was around \$2 000. It was estimated that it would take about two years for the remaining 2 000 applicators to be qualified for registration;

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- (b) apart from attending approved training courses, applicators might gain registration through seeking accreditation for the qualifications acquired prior to introduction of the amendment legislation or sitting an assessment imposed by the Director of Agriculture, Fisheries and Conservation;
- (c) registration would be renewable every five years and the Administration's preliminary thinking on the proposed registration fee for pesticide applicators would be around \$300 for five years; and
- (d) as regards the penalties for breaching the provision on regulating the use of restricted pesticides, the Administration's preliminary thinking was that any person who applied pesticides in public places or in private places in exchange for compensation without being registered would be liable on conviction to a maximum fine of \$100 000 and to an imprisonment for one year.

13. Regarding the Administration's responses on the fines and charges when the amendment legislation came into operation, Mr WONG Yung-kan said that he considered that the Administration should communicate clearly to the trade and the public that Part III and Part IV pesticides under the proposed "four-part" registration scheme were regarded as restricted and could only be made available to licensed pesticide application service providers and authorised individuals who had completed the necessary training. He expressed concern that some members of the public might unknowingly breach the law when they brought pesticides that were registered as Part III and Part IV pesticides from the Mainland into Hong Kong.

14. SAO(Regulatory)/AFCD clarified that, even under the existing legislation, an individual without a licence/permit importing into Hong Kong or selling any pesticide or having in possession of any unregistered pesticide without a permit would breach the law and would be liable on a conviction to fines and imprisonment.

15. The Deputy Chairman asked whether the Administration had made any international reference when working out its proposals in particular the proposed "four-part" registration system for pesticides and registration system of pesticide applicators; and if so, whether its proposals were in line with the international practices.

16. DS(FEH) said that there was a similar regulatory control over pesticide applicators in the United Kingdom. SAO(Regulatory)/AFCD supplemented that, in considering the proposals of amending the existing legislation, the Administration had made reference to the relevant legislation in the United Kingdom, the United States, Canada and Australia. In these overseas countries, pesticide application service providers and pesticide applicators were subject to regulatory control under the law whereby pesticide application service providers were required to obtain licences and

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pesticide applicators to be registered.

17. Responding to the Chairman's enquiry on the regulatory control in the Mainland, SAO(Regulatory)/AFCD said that the law enforcement in the Mainland was more complicated where there were different levels of control at both provincial and state levels. Generally speaking, there was a licensing system for pesticide business operators and pesticide applicators were required to be registered.

Consultation on the proposals

18. Mr WONG Yung-kan asked whether the Administration had consulted the relevant trade on its proposals; and if so, what were the responses. DS(FEH) said that the Administration had invited the representatives of the major trade associations, including the Hong Kong Cleaning Association, Environmental Contractors Management Association, Hong Kong Pest Management Association and Pest Control Personnel Association of Hong Kong, to a briefing on the proposals of amending the legislation in February 2007. The trade associations in general were supportive of the Administration's proposals to regulate the control of use of pesticides despite that there were different views amongst themselves in certain aspects of the proposals.

19. Noting that the Administration would conduct a public consultation exercise on the proposals, the Deputy Chairman enquired about the length of the consultation period and asked whether the Administration would be prepared to amend its proposals correspondingly if the responses received during the consultation exercise differed greatly from its proposals. The Deputy Chairman said that he considered that the Administration should conduct a comprehensive and thorough consultation on the subject and take into consideration the views collected during the consultation exercise when drafting the legislative proposals.

20. The Chairman said that the Liberal Party had no objection to the Administration's proposal to amend the legislation. However, he shared similar views with the Deputy Chairman. In his view, the Administration should keep an open-mind about the views collected during the consultation exercise and consider the trade's views. He further said that thorough consultation with the parties concerned would facilitate the Panel's discussion and consideration of the legislative proposals which could in turn expedite the legislative process. He urged the Administration to consult the trade and to maintain a balance between the interests of the trade and the public.

21. In response to the views of the Chairman and the Deputy Chairman, DS(FEH) said that the Administration would issue the invitations for views on its proposals on the date of the meeting and it was hoped that views would be received before 20 March 2007. DS(FEH) stressed that the Administration was open-minded about the views collected during the consultation exercise. When drafting the proposed amendments to the legislation, the Administration would take into consideration the

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views given by the public and the trade and strike a balance between the interests of the trade and the public.

Labelling of pesticide products

22. The Chairman enquired if there was a provision on the labelling requirement of a pesticide product under the amendment legislation. He expressed concern on whether there would be sufficient time for the trade to fulfil the labelling requirement prior to the coming into operation of the amendment legislation.

23. SAO(Regulatory)/AFCD said that, under the existing legislation, there was a provision on the labelling of pesticide products. She explained that, under the proposed new control regime, when an applicant submitted an application for registration of a pesticide product, the applicant would be required to provide information on toxicity, persistence, use pattern, health hazards of the pesticide product and also the label to be affixed on the container or box of the product.

24. Mr WONG Kwok-hing said that, in his view, the label appeared on the container or box of a pesticide product should be clear and easy to understand for the sake of the safety of the aged and the children. For instance, a symbol of a "skull and crossbones" should appear on the label to warn the public that the product was poisonous and hazardous to health. He asked if the Administration would take the opportunity of amending the existing legislation to tighten up its labelling requirements of the pesticide products.

25. SAO(Regulatory)/AFCD clarified that, under the existing Pesticides Regulations of the Pesticides Ordinance, there was a provision on the labelling of registered pesticides on sale and supply by retail. Under this provision, the container or the box of the pesticide products should be affixed with labels setting forth, clearly and distinctly, the particulars both in English and Chinese such as the word "Poison", the expression "Keep out of reach of children", the composition by percentage of all active ingredients of the pesticide and the antidote and first-aid action to be taken in the case of poisoning. As regards the hazard warning symbol on the label, SAO(Regulatory)/AFCD said that the symbol of "skull and crossbones" would be put on the label of a pesticide product if it was of a high toxicity level. The staff of AFCD would conduct regular inspection of pesticide product labels to enforce compliance with the labelling requirements at retail outlets. She added that AFCD had issued leaflets on the safe application of pesticide products for domestic use for public reference.

26. The Chairman enquired about the definition of the toxicity level of pesticide products. SAO(Regulatory)/AFCD responded that the Administration would make reference to the toxicity levels as set by the World Health Organisation in defining the toxicity level of a particular pesticide product.

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Other issues discussed

27. Mr WONG Yung-kan and Mr WONG Kwok-hing asked if there was any regulatory control on residues of restricted pesticides found in food products, in particular fruits and vegetables. In response, DS(FEH) said that, under the existing legislation, chemicals used on vegetables were covered by the Public Health and Municipal Services Ordinance (Cap. 132), including prohibition of the sale of vegetables containing excessive amount of pesticide residues, which were unfit for human consumption. The Centre for Food Safety (CFS) would inspect and collect samples of imported vegetables for testing at Man Kam To Control Point to ensure safety of vegetables and fruits. DS(FEH) added that, in response to the recent press reports on the food safety of strawberries in the Mainland, CFS had inspected and collected samples of strawberries at retail outlets for testing and the results were satisfactory.

28. Mr WONG Kwok-hing asked whether there was any regulatory control of the pesticide level contained in domestic products e.g. anti-moist/anti-mould paint.

29. DS(FEH) said that, as explained earlier in the presentation by SAO(Regulatory)/AFCD, the objectives of the proposals to amend the existing legislation were to improve the control of pesticides, facilitate trade of non-registered pesticides and update fines and charges. While active ingredients of pesticides available on the market were registered under the existing legislation, the inert ingredients of them were not subject to registration. In view of different combinations of active and inert ingredients would form pesticides of different effect and toxicity, the Administration proposed to introduce amendments to the legislation to plug this loophole. He stressed that the proposals to amend the existing legislation did not imply that the pesticides presently registered for domestic use under the legislation were highly toxic that warranted a tighter regulatory control.

30. In response to the Deputy Chairman's concern about the effect of aerosol sprays of pesticides on the air quality, DS(FEH) said that the Air Pollution Control Ordinance (Cap. 311) empowered the Environmental Protection Department (EPD) to control air pollution and AFCD would refer cases to the EPD for its follow up as and when necessary.

31. Mr WONG Kwok-hing said that, as Lunar New Year was coming soon, he suggested the Administration to consider strengthening its efforts to apprise the public of the hazards of pesticides in particular domestic ready-to-use pesticide products to safeguard public health.

32. In response, DS(FEH) said that the Administration would consider Mr WONG's suggestion and discuss with the government departments concerned. He

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reiterated that the hazards of the pesticide products for domestic use that were currently on sale in the market were rather low.

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

**V. Follow-up discussion on the food safety incidents associated with the sale of oilfish as codfish**

Presentation by the Administration

34. Deputy Secretary for Health, Welfare and Food (Food and Environmental Hygiene) (DS(FEH)) briefed members on the follow-up actions taken by the Administration in regard to the sale of oilfish incident as detailed in the Administration's paper [LC Paper No. CB(2)1079/06-07(03)]. Regarding the recent newspaper reports on the test results of the 25 fish samples labelled as cod fish or snow fish conducted by the Chinese University of Hong Kong (CUHK), DS(FEH) pointed out that, of the 10 fish samples identified as oilfish by CUHK's tests, only two of them were bought after the trade agreed to stop selling oilfish.

35. DS(FEH) said that CFS would continue to monitor closely the sale of cod fish and oilfish in the market and would forward cases to the Department of Justice (DoJ) for legal advice if and when the DNA test results showed that the samples collected at retail outlets and food establishments were not cod fish or other fishes as labelled. He further said that, to prevent the recurrence of the oilfish incident and to help the trade differentiate between cod fish and oilfish, CFS would set up a working group to prepare guidelines on the identification and naming of cod fish and oilfish. In the meantime, CFS would write to the trade to remind them of the earlier consensus on suspending the sale of oilfish as reached between the Administration and the trade.

The Administration's follow-up actions

36. The Deputy Chairman enquired about the progress on the investigation into the sale of oilfish labelled as cod fish in PARKnSHOP and Wellcome. In response, Assistant Director (Food Surveillance and Control) of Food and Environmental Hygiene Department (AD(FS&C)/FEHD) said that, from 23 to 31 January 2007, CFS had received about 700 complaints and enquiries from public about the purchase and consumption of oilfish after the public announcement of oilfish incident. CFS was following up and initiating investigation into each case and forwarding information and evidence collected to DoJ where necessary and appropriate. She said that the investigation was still underway and, in view that DoJ was now considering the information and evidence provided by CFS and the Customs and Excise Department (C&ED), she could not give details on the case or advise members of the decision of

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DoJ at this stage.

37. On the working group set up by CFS to help the trade differentiate between cod fish and oilfish, Dr KWOK Ka-ki said that, in his view, mis-labelling of oilfish as cod fish at the two major supermarket chain stores involved in the oilfish incident was not due to mis-identification of species. He opined that the setting up of the working group could not prevent the recurrence of the incident and tackle the root of the problem.

38. Regarding the working group set up by CFS, the Chairman said that the issue had been discussed by the Panel at its special meeting on 2 February 2007 and that members were supportive of the CFS's initiative to set up a working group to collaborate with the trade to prepare guidelines on the identification and naming of cod fish and oilfish.

39. Mr Vincent FANG enquired whether consumption of genuine cod fish would lead to oily diarrhoea and asked about the penalties for contravening the provision on incorrect labelling of food products under the Trade Descriptions Ordinance (Cap. 362). The Chairman also enquired whether enforcement actions were to be taken by CFS or C&ED when there were cases where the food products sold at retail outlets were found not the food products as labelled.

40. In response, DS(FEH) said that C&ED would initiate investigation and take enforcement action when there was a breach of the provision on false trade descriptions under the Trade Descriptions Ordinance. In cases that the retailers had breached food-related provisions under the Public Health and Municipal Services Ordinance, CFS would follow up. As regards the information on the penalties of the contravention of the Trade Descriptions Ordinance, the Administration would revert to the Panel after the meeting.

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41. Mr Vincent FANG said that, as advised by the Administration in previous meetings, the Administration would introduce a new registration system for importers of food products to uphold food safety and to protect public health in Hong Kong. He sought clarification from the Administration whether, when the new registration system was in place, importers were required to provide samples of newly imported food products to CFS for testing and pre-approval before the new food products could be put on the market.

42. In response, DS(FEH) said that, as advised in previous meetings, the Administration was drafting legislation to regulate firstly imported poultry eggs and later on cultured freshwater/marine fish. He explained that, when the relevant legislation came into operation, importers of poultry eggs and cultured freshwater/marine fish were required to register with CFS and imported poultry eggs and cultured freshwater/marine fish should be accompanied with health certificates issued by exporting authorities. Having regard to the large number of food products

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on sale in Hong Kong, it would not be practical to require importers to provide samples of food products to CFS for testing before putting on sale in the market.

43. Dr Joseph LEE expressed disappointment with the Administration's responses to members' questions. He said that he wondered if the Administration could advise members and the public that oilfish was no longer on sale in Hong Kong. Regarding the working group set up by CFS as stated in paragraph 4(b) of the Administration's paper, Dr LEE said that he remained of the view that CFS should work out an exhaustive list of food products currently on sale in the market that were labelled in different names or were considered as unsafe for consumption by other countries/regions. In view that the subject matter for discussion was under the purview of CFS, he queried why CFS did not have any representative attending the meeting.

44. DS(FEH) clarified that AD(FS&C)/FEHD was the representative of CFS. He said that, given that the existing legislation did not empower the Administration to make order to prohibit sale of unsafe food and to order the importers/retailers to provide information regarding the food concerned in their possession to the Administration, CFS and C&ED had stepped up its efforts in conducting inspection of fish products at retail outlets and food establishments and did not find any oilfish labelled and sold as cod fish. DS(FEH) further said that oilfish was only banned in Japan and Italy and many other countries including the United States, Canada, Australia and the United Kingdom did not ban the sale of oilfish but only issued advisories to warn consumers about the potential health risks of consuming oilfish. According to international reference, while some people might find hard to digest wax ester contained in oilfish and suffered from oily diarrhoea, some people might not have the symptom of oily diarrhoea after consuming oilfish.

45. AD(FS&C)/FEHD supplemented that, given the vast number of food products available for sale in Hong Kong, CFS would review the need and accord priority of work on a risk-based assessment approach.

46. Mr WONG Kwok-hing expressed dissatisfaction with the Administration's response. He commented that the Administration should not take action only after the occurrence of food incidents. He hoped that the Administration had learned a lesson from the oilfish incident and that CFS should work closely with C&ED to tackle the problem.

47. DS(FEH) responded that CFS and C&ED were working closely in this respect. He reiterated that CFS had conducted inspections at major supermarket chain stores and retail outlets selling chilled/frozen meat and did not find any oilfish labelled and sold as cod fish. In view of Mr WONG's concern, DS(FEH) said that the Health, Welfare and Food Bureau would relate his concern to C&ED and request C&ED to consider stepping up its inspection of oilfish products on sale at retail outlets.

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48. Mr WONG Yung-kan said that he was told that the level of wax ester contained in oilfish could be reduced if it was grilled or barbecued. He doubted if it was true and expressed concern that the public might resume the consumption of oilfish because of this misconception. He hoped that the Administration would conduct study on whether oily diarrhoea could be prevented if oilfish was cooked on a barbecue and enhance its efforts in promulgating risk information on the consumption of oilfish.

49. AD(FS&C)/FEHD said that, in view of the confusion in the labelling and naming of oilfish and cod fish, CFS took the initiative to set up a working group to collaborate with the trade to prepare guidelines on the identification and naming of oilfish and cod fish. In addition to this initiative, CFS would examine whether different ways of cooking oilfish would affect the health outcome.

50. Dr KWOK Ka-ki said that, as advised by the Administration, the trade had agreed to destroy its oilfish in stock. He asked if the Administration had followed up with the trade in this respect.

51. AD(FS&C)/FEHD said that, according to the information reported to CFS by the trade, about 19 000 kilograms of products labelled as oilfish had been either returned to the suppliers in overseas countries/regions or destroyed by the trade. She pointed out that, under the existing legislation, the trade was not required to provide documents regarding their ways of disposal of problem food to the Administration. However, she added that, as CFS had assisted the trade in arranging the disposal of some of its oilfish stock in dumping area, CFS had obtained information on the quantity and the way of disposal for this batch of oilfish stock.

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52. In response to the Chairman's request, AD(FS&C)/FEHD said that the Administration would revert to the Panel on the information in respect of the quantity of oilfish stock returned to the suppliers in overseas countries/regions and destroyed by the trade.

New legislation to prohibit sale of problem food

53. Dr KWOK Ka-ki considered that, to ensure food safety in Hong Kong, the enactment of the relevant legislation to empower the Administration to make an order to prohibit the sale of unsafe food and to bring wholesalers and retailers under regulatory control was necessary. He asked if the Administration would consider introducing a new piece of legislation on food recall.

54. DS(FEH) responded that, as advised earlier at the Panel's special meeting, the Administration planned to introduce a new piece of legislation to empower the Administration to make an order to prohibit the distribution and sale of a particular food product if it posed a potential risk to public health.

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55. Mr WONG Yung-kan shared similar views with Dr KWOK. He commented that, in the absence of the legislation to prohibit the sale of unsafe food, the Administration could not eradicate the problem of the occurrence of oilfish incident. He opined that the Administration should expedite the process of enacting the relevant legislation on food recall.

56. DS(FEH) responded that the Administration would like to introduce the legislation as soon as possible, but the scope of the new piece of legislation to prohibit sale of problem food would include circumstances under which an order of mandatory prohibition of sale might be made, recipient to whom an order was to be directed and delivered, directives to be included in an order, enforcement and penalties and appeal mechanism. In view of the scope and complexity of work, it did not appear practicable to draft a new piece of legislation within a short timeframe. Responding to the Chairman's enquiry on the legislative timetable, DS(FEH) said that the Administration would have practical difficulty in providing a definite legislative timetable. However, the Administration would do its best to provide a progress report on the drafting of the legislative proposals to the Panel by the end of this session.

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Testing of fish samples

57. Referring to the media reports on the results of the tests conducted by CUHK, the Deputy Chairman enquired whether the Administration had traced the source of the two oilfish samples that were bought after the suspension of the sale of oilfish by the trade. The Deputy Chairman said that, according to the information provided by the Administration, CFS had inspected more than 130 retail outlets and food establishments and taken samples of products labelled as codfish or similar products for various tests. He asked how many fish samples had been tested so far and what were the results of the DNA tests. He further asked when the DNA tests on all the fish samples would be completed and whether the Administration would consider using the "quick" test adopted by CUHK.

58. DS(FEH) responded that CFS had already liaised with CUHK to seek information on the source/supplier of the two oilfish samples from CUHK but details had yet been available. CFS would continue to follow up the case with CUHK. Despite of this, CFS had stepped up its efforts in conducting inspection at retail outlets. Responding to the Chairman's request, DS(FEH) said that the Administration would revert to the Panel on the information regarding the source of the two oilfish samples bought by CUHK when it was available.

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59. As regards the test technique used by CUHK, DS(FEH) said that DNA tests on the fish samples that were sold as cod fish at retail outlets/food establishments were necessary in view that the test results might be presented in court as evidence for prosecution. AD(FS&C)/FEHD supplemented that the test technique used by CUHK was called "thin layer chromatography" (TLC) which was a quick test to distinguish the oilfish for screening purpose. To meet the more stringent requirements concerning

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the presentation of evidence and its admissibility in court, DNA tests were considered necessary though it would take a relatively longer time to conduct the tests. She informed members that the Government Laboratory had already started the DNA tests on the fish samples.

60. Noting that CFS had inspected more than 130 retail outlets and food establishments, Dr KWOK Ka-ki enquired if the Administration had set a target on the number of retail outlets and food establishments for inspection; and if so, the percentage of retail outlets and food establishments that had been inspected.

61. AD(FS&C)/FEHD advised that, as at 12 February 2007, CFS had already inspected 180 retail outlets and food establishments. Of the 180 retail outlets and food establishments, 64 were restaurants/food establishments, 48 supermarket chain stores, 42 fresh provision shops, 22 market stalls, three food factories and one grocery store. AD(FS&C)/FEHD said that CFS would take into account the laboratory test results of the fish samples collected and information/complaints received in deciding the frequency of and the number of retail outlets and food establishments for inspection.

Oilfish food products

62. The Deputy Chairman said that he had received a complaint from a member of public who had suffered from diarrhoea after consuming frozen "siu mai" (i.e. dumplings with fish fillings) sold at PARKnSHOP. He expressed concern that oilfish was being used to make fish balls and dumplings for sale at retail outlets and food establishments.

63. On the Deputy Chairman's concern, AD(FS&C)/FEHD said that CFS and C&ED had already stepped up their efforts in inspection at retail outlets and food establishments. CFS would follow up the case when it received information from the Deputy Chairman.

64. Dr KWOK Ka-ki asked if CFS had collected samples of other fish products on sale at supermarket chain stores for testing to ensure that the fish products sold were actually the fish products as labelled.

65. Mr WONG Kwok-hing asked whether the Administration would have plan to conduct an overall review on all fish products on sale at retail outlets/food establishments to find out if there were other cases similar to oilfish incidents where the fish products sold were in fact not the fish products as labelled.

66. In response to the questions raised by Dr KWOK and Mr WONG, AD(FS&C)/FEHD said that, in view that the food complaints were related to oily diarrhoea after consuming oilfish, the inspection and testing of samples collected at retail outlets and food establishments were focused on oilfish.

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**VI. Any other business**

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

Council Business Division 2  
Legislative Council Secretariat  
12 March 2007