

**立法會**  
**Legislative Council**

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**Paper for the House Committee**

**Report of the Subcommittee on Food Business (Amendment) Regulation 2008**

**Purpose**

This paper reports on the view and recommendation of the Subcommittee on Food Business (Amendment) Regulation 2008 (the Amendment Regulation).

**Background**

2. Since 1998, the Government has put in place a preventive and surveillance programme to reduce the risk of avian influenza outbreaks in Hong Kong. These measures include tightened biosecurity measures at local farms, enhanced import control and hygiene requirements for wholesale and retail markets, etc. In 2003, the Government introduced a vaccination programme for all local chicken farms and required all imported live chickens to be vaccinated against the disease.

3. Following the detection of H5N1 avian influenza virus in environmental swabs from four retail markets on 7 and 11 June 2008, the Director of Agriculture, Fisheries and Conservation declared on 11 June 2008 that all retail outlets where live poultry were sold as infected places and ordered the culling of all poultry in these retail outlets. With reference to the guidelines of the World Organization for Animal Health, live chicken imports from the Mainland were suspended temporarily for 21 days with effect from 11 June 2008. During this period, local farms stopped dispatching chickens to the market.

4. The Administration informed the Panel on Food Safety and Environmental Hygiene (the Panel) at its special meeting held on 16 June 2008 that the Administration had discussed with the poultry trade associations possible preventive and control measure against H5N1 virus, including the clearing of all live poultry from retail outlets every day. Deputations from the live poultry trades attending that meeting expressed objection to the proposed measure. At another special meeting held on 27 June 2008, the Administration briefed the Panel on the Amendment Regulation which was gazetted on the same day. Deputations from the live poultry retail and transportation trades attending that meeting expressed grave concern that implementation of the Amendment Regulation would cause great difficulties to the operation of their businesses.

### **Food Business (Amendment) Regulation 2008**

5. The Amendment Regulation which was tabled in the Legislative Council (LegCo) on 2 July 2008 amends the Food Business Regulation (Cap. 132 sub. leg. X)

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- (a) to require the slaughtering of all live poultry remaining at retail premises before 8:00 pm each day; and
- (b) to require that there is no live poultry at retail premises between 8:00 pm each day and 5:00 am the next day.

6. Upon conviction, offenders will be subject to cancellation of the permission to sell live poultry issued by the Director of Food and Environmental Hygiene, a maximum penalty of level 5, i.e. a fine of \$50,000 and imprisonment for six months.

7. The Amendment Regulation came into operation on 2 July 2008. Hon Albert CHAN moved a motion to repeal the Amendment Regulation at the Council meeting of 9 July 2008, but the motion was negatived.

### **The Subcommittee**

8. At the House Committee meeting on 4 July 2008, members formed a subcommittee to study the Amendment Regulation. The membership list of the Subcommittee is in the **Appendix**.

9. The Subcommittee under the chairmanship of Hon Fred LI met on 15 July 2008.

### **View and recommendation of the Subcommittee**

10. The Subcommittee notes that the scrutiny period of the Amendment Regulation would expire by 15 October 2008 and can be extended to 5 November 2008 by a resolution of the Council. The Subcommittee is of the view that, as the Third Term LegCo shall stand prorogued on 19 July 2008 and it is not feasible for the Subcommittee to hold another meeting to deliberate on the Amendment Regulation within the remaining few days of the current legislative term, scrutiny work of the Amendment Regulation should best be left to Members of the Fourth LegCo. By that time, there will be a clearer picture of the inclination of the live poultry trade because relevant traders would have decided by then whether they would quit the trade and accept the Administration's buyout package approved by the Finance Committee on 14 July 2008.

11. The Subcommittee strongly recommends that the Fourth LegCo should set up a subcommittee to scrutinize the Amendment Regulation at the earliest opportunity. Hon Albert CHAN has further suggested that, if the subcommittee is set up, the Administration should be requested to explain its actions taken since his proposal made five years ago for the Administration to introduce measures to separate live poultry from humans at retail level, and whether there would be a new mode of live chicken supply at retail outlets if the majority of poultry retailers accepted the buyout package.

**Advice sought**

12. Members are invited to note the view and recommendation of the Subcommittee.

Council Business Division 2  
Legislative Council Secretariat  
17 July 2008

**Subcommittee on  
Food Business (Amendment) Regulation 2008**

**Membership list**

**Chairman** Hon Fred LI Wah-ming, JP

**Members** Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP  
Hon CHAN Yuen-han, SBS, JP  
Hon WONG Yung-kan, SBS, JP  
Hon Tommy CHEUNG Yu-yan, SBS, JP  
Hon Albert CHAN Wai-yip  
Hon Audrey EU Yuet-mee, SC, JP  
Hon Vincent FANG Kang, SBS, JP  
Dr Hon Joseph LEE Kok-long, JP  
Hon Alan LEONG Kah-kit, SC

(Total : 10 Members)

**Clerk** Miss Flora TAI

**Legal Adviser** Mr Stephen LAM

**Date** 15 July 2008