

**立法會**  
**Legislative Council**

Ref : CB2/SS/1/08

LC Paper No. CB(2)274/08-09  
(These minutes have been seen by  
the Administration)

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

**Minutes of meeting  
held on Monday, 27 October 2008, at 8:30 am  
in Conference Room A of the Legislative Council Building**

**Members present** : Hon LI Fung-ying, BBS, JP  
Hon Tommy CHEUNG Yu-yan, SBS, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon WONG Kwok-hing, MH  
Hon Alan LEONG Kah-kit, SC  
Hon WONG Ting-kwong, BBS  
Hon Cyd HO Sau-lan

**Members absent** : Hon WONG Yung-kan, SBS, JP (Chairman)  
Hon LEE Cheuk-yan  
Hon Fred LI Wah-ming, JP  
Hon LEUNG Yiu-chung  
Hon Vincent FANG Kang, SBS, JP

**Public Officers attending** : Prof Gabriel M LEUNG, JP  
Under Secretary for Food & Health

Ms Olivia NIP Sai-lan, JP  
Deputy Secretary for Food and Health (Food)

Mr Owin FUNG Ho-yin  
Principal Assistant Secretary for Food and Health (Food)<sup>3</sup>

Ms Alice LAU Yim  
Deputy Director of Food and Environmental Hygiene  
(Environmental Hygiene)

Dr LIU Kwei-kin  
Assistant Director (Agriculture)  
Agriculture, Fisheries and Conservation Department

Ms Leonora IP  
Senior Government Counsel  
Department of Justice

**Clerk in attendance** : Miss Mary SO  
Chief Council Secretary (2) 5

**Staff in attendance** : Mr Timothy TSO  
Assistant Legal Adviser 2

Ms Alice LEUNG  
Senior Council Secretary (2) 6

Ms Sandy HAU  
Legislative Assistant (2) 5

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Action

**I. Election of Chairman**

As the Chairman was unable to attend the meeting, members agreed to elect amongst themselves to chair the meeting.

2. Ms LI Fung-ying was elected Chairman of the Subcommittee.

**II. Meeting with the Administration**

3. The Subcommittee deliberated (index of proceedings attached at **Annex**).

4. In response to members' request made at the last meeting on 23 October 2008, the Administration briefed the Subcommittee on its proposal to amend the Food Business (Amendment) Regulation 2008 (the Amendment Regulation) to stipulate that if a black rainstorm warning or a gale warning (i.e. typhoon signal no. 8, 9 or 10) was in force at any time between noon and 8:00 p.m. on a day, then the live poultry retailers (including public market stall tenants and fresh provision shop licensees) would be exempt from compliance with (a) the requirement to slaughter all live poultry remaining at their retail premises before 8:00 pm on that day and (b) the requirement that there is no live poultry remaining at retail premises between 8:00 pm that day and 5:00 am the next day.

Action

(*Post-meeting note:* The Administration's proposal, which was tabled at the meeting, was issued to members vide LC Paper No. CB(2)151/08-09(01) on 27 October 2008.)

5. Mr WONG Kwok-hing and Mr WONG Ting-kwong hoped that the Director of Food and Environmental Hygiene (DFEH) could be provided with a general discretion to exempt retailers from the requirement of no live poultry overnight in retail premises in case of unforeseen circumstances, such as the occurrence of a fire at a retail stall. The Administration responded that it would be very difficult, if not impossible, to define what would constitute an unforeseen circumstance to warrant an exemption. Moreover, if the proposal was to give general discretion to DFEH, there would be difficulty in implementing it, having regard to the fact that if DFEH was empowered to grant exemption from the requirement, he had to do so by publishing a notice in the Gazette under section 56(3A) of Cap. 132. The Administration, however, pointed out that under exceptional circumstances such as outbreak of a fire at a retail stall, the affected retailer could either divert the live poultry to other retail outlets through commercial arrangements or seek permission to slaughter the live poultry at communal scaling rooms in a public market.

6. In response to Ms Cyd HO's query on the appropriateness of setting the time range between noon and 8:00 pm on a day when a blackstorm warning or a gale warning was in force to exempt live poultry retailers from the requirement of no live poultry overnight in retail premises, the Administration explained that the time range was set having regard to the operation of the trade, and the proposal should be reasonable as the retailers should still have relatively long business hours to sell their stock should the gale/black rainstorm warning be cancelled before noon.

7. After discussion, members expressed support for the resolution to be moved by the Administration to amend the Amendment Regulation.

8. The Subcommittee completed scrutiny of the Amendment Regulation. A written report on the deliberations of the Subcommittee would be circulated to members of the House Committee on 28 October 2008.

**III. Any other business**

9. There being no other business, the meeting ended at 8:55 am.

**Proceedings of the meeting of the  
Subcommittee on Food Business (Amendment) Regulation 2008  
on Monday, 27 October 2008, at 8:30 am  
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000431	Ms LI Fung-ying Mr WONG Ting-kwong Mr Tommy CHEUNG	Election of Chairman	
000432 - 000658	Admin	Briefing by the Administration on its proposal to exempt live poultry retailers from the requirement under adverse weather [LC Paper No. CB(2)151/08-09(01) tabled at the meeting].	
000659 - 001007	Mr WONG Kwok-hing Admin	Mr WONG Kwok-hing's expression of his wish that DFEH could be provided with a general discretion to exempt retailers from the requirement of no live poultry overnight in retail premises in case of unforeseen circumstances.	
001008 - 001448	Ms Cyd HO Admin	Ms Cyd HO's query about the appropriateness of setting the time range between noon and 8:00 pm on a day when a black rainstorm warning or a gale warning was in force to exempt live poultry retailers from the requirement of no live poultry overnight in retail premises.	
001449 - 002030	Mr WONG Ting-kwong Admin	Mr WONG Ting-kwong's expression of similar view with Mr WONG Kwok-hing on the "no live poultry overnight" arrangement in case of unforeseen circumstances and his support of the Administration's proposed amendment.	
002031 - 002425	Mr Tommy CHEUNG	Mr Tommy CHEUNG's support of the Administration's proposed amendment.	
002426 - 002829	Chairman Admin ALA2 Mr Tommy CHEUNG	The Administration's presentation of the proposed amendment to the Amendment Regulation and members' support for it.	