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

Background Brief prepared by the Legislative Council Secretariat

Purpose

This paper gives an account of the past discussions by the Panel on Food Safety and Environmental Hygiene (the Panel) on the Government's proposal to ban overnight stocking of live poultry at retail outlets.

Background

2. Following the detection of H5N1 avian influenza virus in the faecal samples taken from four local retail markets on 3 and 7 June 2008, the Director of Agriculture, Fisheries and Conservation declared on 11 June 2008 all retail outlets where live poultry were sold as infected places and ordered the culling of all live poultry in these retail outlets. To protect public health and further reduce the risk posed by avian influenza, the Director of Food and Environmental Hygiene exercised his power under section 56 of the Public Health and Municipal Services (Cap. 132) to make the Food Business (Amendment) Regulation 2008 (the Amendment Regulation) to require that there should be no live poultry at retail outlets overnight. The Amendment Regulation was gazetted on 27 June 2008 and came into operation on 2 July 2008.

Past discussions

3. The Panel received a briefing by the Administration on 27 June 2008 on the Amendment Regulation as well as its buyout package for the live poultry trade. A total of 12 deputations representing various sectors of the live poultry trade also attended the meeting to give views on the matters. Major views/concerns expressed by members on the Amendment Regulation and the Administration's responses are set out in the ensuing paragraphs.

4. Hon Fred LI was supportive of banning overnight stocking of live poultry at all retail outlets, whereas some members, including Hon WONG Yung-kan and Hon Tommy CHEUNG, expressed concern that many live poultry farmers, wholesalers, transporters, retailers and workers would become unemployed as a result of the new measure.

5. Hon Tommy CHEUNG questioned the effectiveness of banning overnight stocking of live poultry at the retail level, if the problem of smuggling of live chickens could not be stemmed out. The Administration pointed out that the new measure would in effect discourage retailers to sell smuggled chickens, as any unsold chickens at the end of the day had to be slaughtered.

6. Hon Fred LI and Hon Albert CHAN urged the Administration to come up with complementary measures to help live poultry traders to adapt to the new operating environment, say, by allowing delivery service to be arranged from the wholesale market to retail outlets on a need basis. The Administration advised that it would not prohibit wholesalers from making more than one delivery to retailers per day. However, the Administration would closely monitor the daily throughput in the wholesale market to ensure that there was no over-stocking which might pose a public health risk and environmental hygiene problem.

7. Hon Albert CHAN did not see the imminent need for introducing the Amendment Regulation when the source of infection was yet to be identified. The Administration advised that while action was being actively taken to trace the source of the virus, it might not be able to pinpoint any one particular reason to account for the virus detected in the retail markets. The Administration further advised that scientific research showed that the introduction of rest day was an effective means to break the virus cycle and reduce the virus load in the environment. Moreover, when a chicken was infected by the avian influenza virus, there would be an incubation period of one to five days when the virus would multiply to a sufficient number to be detectable in the excreta. If overnight stocking of live poultry at all retail outlets was prohibited, i.e. the introduction of a daily rest night, any unsold chicken would be slaughtered and the cages could be thoroughly cleansed and disinfected to avoid accumulation of virus in the environment of the retail outlets.

8. Hon Albert CHAN remained unconvinced of the Administration's explanation. Mr CHAN moved a motion to repeal the Amendment Regulation at the Council meeting on 9 July 2008, but the motion was negatived.

9. Concern was also raised about the impact of the Amendment Regulation on the supply of live chickens in Hong Kong. Some members asked whether the Administration would allow local chicken farmers to sell freshly slaughtered chickens directly to food premises. The Administration advised

that if a buyout scheme for the live poultry trade was approved by the Finance Committee on 4 July 2008, it would create policy inconsistency and confusion to the public if farms were granted licence to sell live chickens on site.

10. Some members pointed out that it would no longer be economical to implement central poultry slaughtering in Hong Kong, if the majority of live poultry traders opted for the buyout package. The Administration advised that it would revisit its plan to build a poultry slaughtering and processing plant in Hong Kong, taking into account the decrease in consumption of live chickens in recent years and the economic viability of the plant.

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11. At the House Committee meeting on 4 July 2008, Members formed a subcommittee to study the Amendment Regulation. The subcommittee held a meeting on 15 July 2008. As it was not feasible for the subcommittee to hold another meeting to deliberate on the Amendment Regulation within the remaining few days of the legislative term which stood prorogued on 19 July 2008, the subcommittee strongly recommended that the Fourth Term Legislative Council (LegCo) should set up a subcommittee to scrutinise the Amendment Regulation.

Relevant papers

12. Members are invited to access LegCo's website (<http://www.legco.gov.hk>) for details of the relevant papers and minutes of the meetings of the Panel and the Subcommittee on Food Business (Amendment) Regulation 2008 formed in the last legislative session.

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