

**立法會**  
**Legislative Council**

Ref : CB2/SS/13/08

LC Paper No. CB(2)130/09-10  
(These minutes have been seen by the  
Administration)

**Subcommittee on Food Business (Amendment) Regulation 2009**

**Minutes of meeting**  
**held on Wednesday, 24 June 2009, at 8:30 am**  
**in Conference Room B of the Legislative Council Building**

**Members present** : Hon Tommy CHEUNG Yu-yan, SBS, JP (Chairman)  
Hon Fred LI Wah-ming, JP  
Hon CHAN Kam-lam, SBS, JP  
Hon WONG Yung-kan, SBS, JP  
Hon Alan LEONG Kah-kit, SC  
Hon WONG Ting-kwong, BBS  
Hon WONG Kwok-kin, BBS  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP

**Public Officers attending** : Item II  
  
Prof Gabriel M LEUNG, JP  
Under Secretary for Food and Health  
  
Mr Owin FUNG  
Principal Assistant Secretary for Food and Health (Food)3  
  
Mr LO Fu-wai, JP  
Assistant Director (Operations)1  
Food and Environmental Hygiene Department  
  
Miss Emma WONG  
Senior Government Counsel (Acting)  
Department of Justice

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

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

Miss Joanne FONG  
Senior Council Secretary (2)6

Ms Sandy HAU  
Legislative Assistant (2)5

---

Action

**I. Confirmation of minutes of meeting**

[LC Paper No. CB(2)1988/08-09]

The minutes of the meeting held on 29 May 2009 were confirmed.

**II. Meeting with the Administration**

[LC Paper Nos. CB(2)1990/08-09(01) and (03)]

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

3. Whilst supporting the objective of the Amendment Regulation to control the source of fish tank water in order to strengthen the protection for public health, Mr Fred LI requested the Administration to exclude the coastal strip of waters immediately outside the Sam Ka Tsuen Typhoon Shelter where Lei Yue Mun (LYM) seafood traders obtained seawater round-the-clock for keeping their seafood so as to preserve LYM seafood bazaar as one of the major tourist attractions in Hong Kong. Mr LI noted that according to Food and Environmental Hygiene Department records, only two and one prosecutions were taken against the licensed food premises in LYM for failing to meet the statutory standard of "*E. coli* less than 610 per 100 ml" in 2006 and 2007 respectively.

4. Mr CHAN Kam-lam considered it not desirable to exclude the coastal strip of waters immediately outside the Sam Ka Tsuen Typhoon Shelter from the proposed prohibited areas, as this might give rise to objection from other seafood traders. As LYM seafood traders were considering constructing a seawater extraction facility to obtain seawater immediately outside the proposed prohibited area in LYM, Mr CHAN suggested that the Administration should postpone the implementation of the Amendment Regulation for one year to 1 August 2010. In the meantime, the Administration should render assistance to LYM traders in constructing the seawater extraction facility where appropriate. This should not undermine public health, having regard to the existing stringent regulatory regime.

Action

5. Mr Fred LI held the view that the implementation of the Amendment Regulation should not be delayed by the concerns of LYM seafood traders. To allow sufficient time for LYM seafood traders to construct a seawater extraction facility to obtain seawater immediately outside the proposed prohibited area in LYM, Mr LI suggested that the Administration should specify a separate commencement date for the part of the new Schedule 1A that concerned the coastal strip of waters immediately outside the Sam Ka Tsuen Typhoon Shelter. However, as one could not tell at this stage as to when the construction of the seawater extraction facility could be completed, Mr LI considered that the part of the new Schedule 1A that concerned the coastal strip of waters immediately outside the Sam Ka Tsuen Typhoon Shelter should only come into operation on a day to be appointed by notice published in the Gazette.

6. As most members, including Hon Tommy CHEUNG, Hon CHAN Kam-lam, Hon WONG Yung-kan, Hon WONG Ting-kwong, Hon WONG Kwok-kin and Hon Mrs Regina IP, supported postponing the implementation of the Amendment Regulation to 1 August 2010, the Subcommittee agreed that the Chairman should, on behalf of the Subcommittee, give notice to move an amendment at the Council meeting on 8 July 2009 to change the commencement date of the Amendment Regulation to 1 August 2010 if the Administration declined to do so.

7. As the Subcommittee had completed scrutiny of the Amendment Regulation 2009, a written report on the deliberations of the Subcommittee would be submitted to the House Committee on 26 June 2009.

8. There being no other business, the meeting ended at 10:10 am.

Council Business Division 2  
Legislative Council Secretariat  
27 October 2009

**Proceedings of the meeting of the  
Subcommittee on Food Business (Amendment) Regulation 2009  
on Wednesday, 24 June 2009, at 8:30 am  
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000228	Chairman	Confirmation of minutes of meeting held on 29 May 2009 [LC Paper No. CB(2)1988/08-09]	
000229 - 000501	Admin Chairman	Briefing by the Administration on its responses to issues raised by members at the meeting on 29 May 2009 [LC Paper No. CB(2)1990/08-09(01)]	
000502 - 001631	Mr Fred LI Chairman Admin	Mr Fred LI's request for the Administration to conduct another test on the water quality of the coastal strip of waters immediately outside the Sam Ka Tsuen Typhoon Shelter	
001632 - 003153	Mr CHAN Kam-lam Admin Chairman	Mr CHAN Kam-lam's requests for the Administration to grant a grace period for Lei Yue Mun (LYM) seafood traders to comply with the Amendment Regulation after it had come into operation on 1 August 2009 and to coordinate the construction of the seawater extraction facility in LYM.	
003154 - 003431	Mr Fred LI Chairman ALA2	Mr Fred LI's suggestion of excluding the coastal strip of waters immediately outside the Sam Ka Tsuen Typhoon Shelter from the Amendment Regulation	
003432 - 003709	Mr CHAN Kam-lam	Mr CHAN Kam-lam's concern about criticisms from other seafood traders if the coastal strip of waters immediately outside the Sam Ka Tsuen Typhoon Shelter was excluded from the prohibited areas in the Amendment Regulation	
003710 - 003927	Mrs Regina IP ALA2 Chairman Admin	Mrs Regina IP's support for Mr CHAN Kam-lam's proposal on granting a grace period for LYM seafood traders to comply with the Amendment Regulation	
003928 - 004326	Mr Alan LEONG	Mr Alan LEONG's support of excluding the coastal strip of waters immediately outside the Sam Ka Tsuen Typhoon Shelter from the Amendment Regulation to allow sufficient time for LYM seafood traders to construct the seawater extraction facility	
004327 - 011556	Mr WONG Yung-kan Chairman Admin Mr WONG Kwok-kin Mr WONG Ting-kwong Mr Alan LEONG	Proposal on postponing the commencement date of the Amendment Regulation for one year to 1 August 2010	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject</b>	<b>Action required</b>
011557 - 013217	Mr Fred LI ALA2 Chairman Mr WONG Yung-kan Admin Mrs Regina IP Mr CHAN Kam-lam Mr Wong Kwok-kin Mr WONG Ting-kwong	Mr Fred LI's suggestions on specifying a separate commencement date for the part of the new Schedule 1A that concerned the coastal strip of waters immediately outside the Sam Ka Tsuen Typhoon Shelter and on publishing a legal notice in the Gazette specifying that commencement date after the LYM seafood traders were able to obtain seawater immediately outside the proposed prohibited area in LYM	
013218 - 013323	Chairman	As most members supported postponing the implementation of the Amendment Regulation to 1 August 2010, the Subcommittee agreed that the Chairman should, on behalf of the Subcommittee, give notice to move an amendment at the Council meeting on 8 July 2009 to change the commencement date of the Amendment Regulation to 1 August 2010 if the Administration declined to do so.	
013324 - 013658	Chairman Admin ALA2	Clause-by-clause examination of the Amendment Regulation	
013659 - 013830	Admin	Briefing by the Administration on its reply to the Assistant Legal Adviser's letter dated 1 June 2009 [LC Paper Nos. CB(2)1990/08-09(02) and (03)]	
013831 - 014036	Chairman Mr WONG Ting-kwong Mrs Regina IP	Closing remarks	

Council Business Division 2  
Legislative Council Secretariat  
27 October 2009