

LS/S/29/08-09
2869 9468
2877 5029

Mr Owin FUNG
Prin AS for Food & Health (Food)3
Food and Health Bureau
Food Branch
20/F, Murray Building
Garden Road
Hong Kong

1 June 2009

By Fax
Fax No. : 2136 3281

Dear Mr FUNG,

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

We are scrutinising the legal and drafting aspects of the Regulation. We have the following question and would be grateful for your clarification.

Section 4 of the Regulation adds the new Schedule 1A to the Food Business Regulation (Cap. 132 sub. leg. X) (the principal Regulation) by demarcating the prohibited areas for extraction of seawater for purpose of keeping live fish or shell fish intended for human consumption. The prohibited areas are as follows—

- (a) the Victoria Harbour;
- (b) areas along the shoreline of Hong Kong Island (including Ap Lei Chau);
- (c) areas along the western shoreline of the New Territories (including Tsing Yi); and
- (d) the 14 typhoon shelters specified in the Schedule to the Merchant Shipping (Local Vessels) (Typhoon Shelters) Regulation (Cap. 548 sub. leg. E).

It is noted that most of the typhoon shelters in item (d) fall within the geographical locations demarcated in items (a)-(c). In light of the duplication, would you explain the reason for referring to the 14 typhoon shelters in section 1 of the new Schedule 1A to the principal Regulation?

It is appreciated that your reply in both languages could reach us before the date of next meeting of the Subcommittee.

Yours sincerely,

(Stephen LAM)
Assistant Legal Adviser

cc. DoJ (Attn: Miss Emma WONG) (Fax: 2869 1302)

LA

SALA1

CCS(2)5