

立法會
Legislative Council

Ref : CB2/BC/1/09

LC Paper No. CB(2)1944/10-11
(These minutes have been seen
by the Administration)

Bills Committee on Food Safety Bill

Minutes of meeting
held on Friday, 21 January 2011, at 8:30 am
in Conference Room B of the Legislative Council Building

Members present : Hon Fred LI Wah-ming, SBS, JP (Chairman)
Hon WONG Yung-kan, SBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
Dr Hon Joseph LEE Kok-long, SBS, JP
Hon WONG Ting-kwong, BBS, JP
Hon CHAN Kin-por, JP
Hon Alan LEONG Kah-kit, SC

Members absent : Hon Vincent FANG Kang, SBS, JP
Hon Cyd HO Sau-lan
Hon CHEUNG Kwok-che
Hon WONG Yuk-man

Public Officers attending : Item I
Mr Philip CHAN Kwan-ye, JP
Deputy Secretary for Food and Health (Food) 2

Mr Kevin YEUNG Yun-hung
Principal Assistant Secretary for Food and Health (Food) 1

Dr Constance CHAN, JP
Controller, Centre for Food Safety
Food and Environmental Hygiene Department

Dr LEE Siu-yuen
Assistant Director (Food Surveillance & Control)
Centre for Food Safety
Food and Environmental Hygiene Department

Ms Angie LI Sau-lee
Senior Government Counsel
Department of Justice

Clerk in attendance : Miss Mary SO
Chief Council Secretary (3) 3

Staff in attendance : Mr YICK Wing-kin
Assistant Legal Adviser 8

Ms Maisie LAM
Senior Council Secretary (2) 6

Ms Sandy HAU
Legislative Assistant (2) 5

Action

I. Meeting with the Administration

The Bills Committee deliberated (index of proceedings attached at **Annex**).

Clause-by-clause examination of the Bill

Clause 58 - Amendment of Schedules

2. Mr WONG Yung-kan urged the Administration to exempt members of the Federation of Vegetable Marketing Co-operative Societies ("FVMCS") from registering with the Director of Food and Environmental Hygiene under the Bill, as the Food and Environmental Hygiene Department ("FEHD") would be able to obtain information of their members in case of food incidents. Mr WONG pointed out that the Bill had provided exemption to food importers or distributors who had already registered or had obtained a licence under other ordinances as set out in Schedule 1 to the Bill, among which included mariculture operators licensed by the Agriculture, Fisheries and Conservation Department and fishing vessel owners with licences for Class III vessels issued by the Marine Department. As such, Mr WONG believed that local vegetable

Action

farmers who were also food producers should also be exempted from the registration.

3. The Administration responded that representatives of the Food and Health Bureau and FEHD had met with FVMCS on 30 December 2010. Visits to five vegetable marketing co-operative societies were subsequently made by FEHD on 14 January 2011 to understand their actual operation. The Administration was presently examining the feasibility of the proposed exemption and would revert to members in writing later.

Clause 59 - Regulations

4. The Administration advised that it planned to seek the views of the Panel on Food Safety and Environmental Hygiene in April 2011 on the proposed Imported Game, Meat, Poultry and Poultry Eggs Regulation under the Bill, which extended the current import control for game, meat and poultry under the Imported Game, Meat and Poultry Regulations (Cap. 132AK) to cover poultry eggs.

Clause 63 - Transitional provision - ice-making factories

5. The Administration advised that as edible ice would be included as food under the Public Health and Municipal Services Ordinance (Cap. 132) by the amendment made by clause 64(2), ice-making factories would be food factories and, therefore, would be required to be licensed under the Food Business Regulation (Cap. 132X). The Administration further advised that there were at present five ice-making factories in Hong Kong, and all of them had no objection to obtaining a licence under Cap. 132X.

6. In response to Mr WONG Ting-kwong and Mr WONG Yung-kan's enquiries, the Administration said that a restaurant which manufactured or prepared ice for use in food for sale to its customers would not be required to obtain a separate licence under Cap. 132X. If the operator of such restaurant gave away the ice to another person as gift, the operator would not be required to keep record of where the ice went but the person who received the ice would need to keep record of where he got the ice if he/she supplied the ice to another person in the course of business.

Action

Clause 64 - Section 2 amended (Interpretation)

7. In response to the Chairman's enquiry as to whether food such as those claiming to reduce fat of the body would be regulated by the Bill, the Administration said that it was its policy intention that food products which were not classified as Chinese medicine under the Chinese Medicine Ordinance (Cap. 549) or western medicine under the Pharmacy and Poisons Ordinance (Cap. 138) were regulated as general food products. The Administration would amend the definition of "food" in clause 2 of the Bill to clearly express such policy intention in the Bill.

Clause 67 - Section 67 amended (Presumptions)

8. The Administration advised that it would amend clause 67 to add a new subsection to section 67 of Cap. 132 to provide that live aquatic products were presumed not to be intended for sale for human consumption or for manufacturing products for sale for human consumption, while they were in captivity for the purposes of propagation or promotion of growth so as to apply the same qualification in clause 3(3) to the corresponding presumption in Cap. 132 for consistency.

II. Date of next meeting

9. Members agreed to hold the next meeting on 22 February 2011 at 8:30 am to consider the Administration's proposed Committee Stage amendments and outstanding responses to issues raised by members at previous meetings.

10. There being no other business, the meeting ended at 9:25 am.

Council Business Division 2
Legislative Council Secretariat
1 June 2011

**Proceedings of the meeting of the
Bills Committee on Food Safety Bill
on Friday, 21 January 2011, at 8:30 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000234	Chairman	Opening remarks	
000235 - 000319	Admin	<i>Clause 57 - Method of giving or serving notice</i>	
000320 - 000922	Admin Mr WONG Yung-kan Chairman	<i>Clause 58 - Amendment of Schedules</i> The Administration was examining the feasibility of the proposal to exempt members of the Federation of Vegetable Marketing Co-operative Societies from registering with the Director of Food and Environmental Hygiene under the Bill, and would revert to members in writing later.	Admin (para. 3 of the minutes refers)
000923 - 001757	Admin Mr WONG Yung-kan	<i>Clause 59 - Regulations</i>	
001758 - 002326	Admin Chairman	<i>Clause 60 - Transitional provision -registration before commencement of Division 1 of Part 2</i> <i>Clause 61 - Transitional provision - orders under section 78B of Cap. 132</i> <i>Clause 62 - Transitional provision - record keeping requirements</i>	
002327 - 003311	Admin Mr WONG Yung-kan Mr WONG Ting-kwong Chairman	<i>Clause 63 - Transitional provision - ice-making factories</i>	
003312 - 004542	Admin Mr WONG Yung-kan Chairman Mr WONG Ting-kwong	<i>Clause 64 - Section 2 amended (Interpretation)</i> The Administration would amend the definition of "food" in clause 2 of the Bill to clearly express the policy intention that food products which could not be classified as Chinese medicine under the Chinese Medicine Ordinance (Cap. 549) or western medicine under the Pharmacy and Poisons Ordinance (Cap. 138) would be regarded as general food products to be regulated under the Bill.	Admin (para. 7 of the minutes refers)
004543 - 005250	Admin	<i>Clause 65 - Section 65 amended (Regulations as to food and drug hygiene)</i> <i>Clause 66 - Section 57 amended (Live poultry, live reptiles and live fish deemed food for purposes of regulations)</i> <i>Clause 67 - Section 67 amended (Presumptions)</i> The Administration would amend clause 67 to add a new subsection to section 67 of the Public Health and Municipal Services Ordinance (Cap. 132) to provide that live aquatic products were presumed not to be	Admin (para. 8 of the minutes refers)

Time marker	Speaker	Subject	Action required
		<p>intended for sale for human consumption or for manufacturing products for sale for human consumption, while they were in captivity for the purposes of propagation or promotion of growth.</p> <p><i>Clause 68 - Part VA repealed (Additional powers in relation to food)</i></p> <p><i>Clause 69 - Section 124I amended (Authority may prescribe fees and charges)</i></p> <p><i>Clause 70 - Third Schedule amended (Designated Authority)</i></p> <p><i>Clause 71 - Sixth Schedule amended (Names in which proceedings for offences may be brought under section 131(1))</i></p> <p><i>Clause 72 - Ninth Schedule amended (Penalties)</i></p> <p><i>Clause 73 - Schedule 2 amended (Ordinances referred to in sections 17 and 17A)</i></p>	
005251 - 005704	Chairman Admin	Date of next meeting	

Council Business Division 2
Legislative Council Secretariat
 1 June 2011