

Bills Committee on Food Safety Bill

Follow-up on Matters arising from the Bills Committee Meeting on 1 November 2010

Purpose

This paper sets out our response to the issues raised by Members at the Bills Committee meeting on 1 November 2010 –

- (a) to confirm whether the transaction date shown on the receipts of the Fish Marketing Organisation (FMO) in the Annex to the Bills Committee paper for the meeting on 1 November also represented the capture date;
- (b) to consider whether FMO could record on behalf of fishermen the capture areas and the capture date on its receipts; and
- (c) to consider revising the Chinese rendition of the definition of “drink”.

To confirm whether the transaction date shown on the receipts of FMO in the Annex to the Bills Committee paper for the meeting on 1 November also represented the capture date

2. The concerned participants (namely, Participants F, I, J, L, M, N, O and P) were inshore operators and usually supplied their catch on the same day to FMO. The transaction date shown on the receipts relating to these participants in the Annex to the Bills Committee paper for the meeting on 1 November also represented the capture date.

To consider whether FMO could record on behalf of fishermen the capture areas and date on its receipts

3. As explained at the Bills Committee meeting on 1 November, fishermen, being food distributors in certain cases, have the responsibility to make capture records. Failure to comply with the record-keeping requirement under Part 3 of the Bill would entail criminal liability and thus it is not appropriate to request FMO to do it on behalf of fishermen.

To consider revising the Chinese rendition of the definition of “drink”

4. Members commented that the Chinese text of the definition of “drink” (“飲品(drink)不包括不屬下列類別的水...”) in Clause 2(1), being double negative, is difficult to comprehend. While the current wording was modeled on that in the Public Health and Municipal Services Ordinance (Cap. 132) for the sake of consistency, we consider that the Chinese text of the definition of “drink” can be improved. We have considered the alternative version suggested by the Assistant Legal Advisor and consider that the provision could be amended to read “飲品(drink)不包括水，但以下類別的水除外 - ”. If Members agree to the proposed version, we would introduce Committee Stage Amendments (CSAs) to Clause 2(1). We would also introduce CSAs to Clause 64(1)(a) of the Bill to amend the Chinese text of the definition of “drink” in Cap. 132 to achieve consistency.

Advice Sought

5. Members are asked to note the Administration’s response to the issues raised at the last meeting.

Food and Health Bureau
November 2010