

**立法會**  
**Legislative Council**

LC Paper No. CB(2)498/01-02

(These minutes have been  
seen by the Administration)

Ref : CB2/SS/13/00

**Subcommittee on Public Health (Animals and Birds) (Chemical Residues) Regulation  
& Harmful Substances in Food (Amendment) Regulation 2001**

**Minutes of the 3rd meeting  
held on Wednesday, 26 September 2001 at 2:30 pm  
in Conference Room B of the Legislative Council Building**

**Members Present** : Dr Hon LO Wing-lok (Chairman)  
Hon Cyd HO Sau-lan  
Hon Fred LI Wah-ming, JP  
Hon WONG Yung-kan  
Hon TAM Yiu-chung, GBS, JP  
Hon Tommy CHEUNG Yu-yan, JP

**Member Absent** : Hon Michael MAK Kwok-fung

**Public Officers Attending** : Dr Les SIMS  
Assistant Director (Agriculture, Quarantine and Inspection)  
Agriculture, Fisheries and Conservation Department

Mrs Ingrid YEUNG  
Principal Assistant Secretary for the Environment and Food (A) 1

Dr Mabel YEUNG  
Acting Assistant Director (Food Surveillance & Control)  
Food and Environmental Hygiene Department

Ms Betty CHEUNG  
Acting Senior Assistant Law Draftsman  
Department of Justice

Action

**Clerk in Attendance** : Ms Doris CHAN  
Chief Assistant Secretary (2) 4

**Staff in Attendance** : Ms Bernice WONG  
Assistant Legal Adviser 1  
  
Ms Dora WAI  
Senior Assistant Secretary (2) 4

---

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

2. The Administration was requested to provide information on the following to facilitate the work of the Subcommittee -

- (a) to consider adding "due diligence" to the defence under section 17(4) of the Public Health (Animals and Birds) (Chemical Residues) Regulation;
- (b) to consider prohibiting the import of food specified in Regulation 3A under the Harmful Substances in Food (Amendment) Regulation 2001; and
- (c) to revise the table of suggested actions for various parties in the supply chain of food animals affected by the new legal requirements by separating the persons/parties presently grouped under "Person and situation".

3. The Subcommittee agreed that -

- (a) the scrutiny period for the two Regulations should be extended and the Chairman would make a verbal report to the House Committee in this regard on 5 October 2001; and
- (b) in addition to the meeting already scheduled for 11 October 2001 to meet with deputations, a further meeting would be held on 15 October 2001 at 10:45 am to complete clause by clause examination of the Regulations and to discuss any outstanding issues.

4. There being no other business, the meeting ended at 3:45 pm.

Action

26 November 2001

**Proceedings of the meeting of the Subcommittee on  
Public Health (Animals and Birds) (Chemical Residues) Regulation  
and Harmful Substances in Food (Amendment) Regulation 2001  
on Wednesday, 26 September 2001 at 2:30 pm  
in Conference Room B of the Legislative Council Building**

| Time                                                   | Speaker          | Subject(s)                                                            | Action required |
|--------------------------------------------------------|------------------|-----------------------------------------------------------------------|-----------------|
| <b>File (1) in disk - "PublicHealth(1)20010926.rm"</b> |                  |                                                                       |                 |
| 0001-0110                                              | Chairman         | Work schedule of the Subcommittee                                     |                 |
| 0111-0206                                              | Mr TAM Yiu-chung | Work schedule of the Subcommittee                                     |                 |
| 0207-0252                                              | Chairman         | Work schedule of the Subcommittee                                     |                 |
| 0253-0323                                              | Mr TAM Yiu-chung | Work schedule of the Subcommittee                                     |                 |
| 0324-0330                                              | Chairman         | Work schedule of the Subcommittee                                     |                 |
| 0331-0410                                              | ALA1             | Work schedule of the Subcommittee                                     |                 |
| 0411-0426                                              | Chairman         | Work schedule of the Subcommittee                                     |                 |
| 0427-0442                                              | ALA1             | Work schedule of the Subcommittee                                     |                 |
| 0443-0456                                              | Chairman         | Date of next meeting                                                  |                 |
| 0457-0500                                              | Mr TAM Yiu-chung | Date of next meeting                                                  |                 |
| 0501-0524                                              | Chairman         | Date of next meeting                                                  |                 |
| 0525-0650                                              | Admin            | Proposal of adding "due diligence" to section 17(4) of the Regulation | ✓               |
| 0651-0722                                              | Chairman         | Proposal of adding "due diligence" to section 17(4) of the Regulation |                 |
| 0723-0737                                              | Admin            | Date of next meeting                                                  |                 |
| 0738-1036                                              | Chairman         | Admin's response to ALA1's queries on the Amendment Regulation        |                 |
| 1037-1126                                              | ALA1             | Proposed Regulations 3 and 3A of the Amendment Regulation             |                 |
| 1127-1141                                              | Chairman         | Proposed Regulations 3 and 3A of the Amendment Regulation             |                 |
| 1142-1300                                              | Admin            | Proposed Regulations 3 and 3A of the Amendment Regulation             |                 |
| 1301-1332                                              | Chairman         | Proposed Regulations 3 and 3A of the Amendment Regulation             |                 |
| 1333-1334                                              | Admin            | Proposed Regulations 3 and 3A of the Amendment Regulation             | ✓               |

Action

|           |                  |                                                                                                                                     |  |
|-----------|------------------|-------------------------------------------------------------------------------------------------------------------------------------|--|
| 1335-1537 | Chairman         | - Admin's response to ALA1's queries on the Amendment Regulation<br>- Past prosecution cases                                        |  |
| 1538-1617 | Admin            | Past prosecution cases                                                                                                              |  |
| 1618-1646 | Chairman         | Past prosecution cases                                                                                                              |  |
| 1647-1745 | Admin            | Past prosecution cases                                                                                                              |  |
| 1746-1808 | Chairman         | Past prosecution cases                                                                                                              |  |
| 1809-1844 | Admin            | Past prosecution cases                                                                                                              |  |
| 1845-1903 | Chairman         | - Table of suggested actions for various parties in supply chain of food animals<br>- Table of offence provisions                   |  |
| 1904-2052 | Admin            | Briefing on the above two tables                                                                                                    |  |
| 2053-2110 | Chairman         | Table of suggested actions for various parties in supply chain of food animals                                                      |  |
| 2111-2249 | Ms Cyd HO        | The above two tables                                                                                                                |  |
| 2250-2302 | Chairman         | Proposal of adding "due diligence" to section 17(4) of the Regulation                                                               |  |
| 2303-2304 | Admin            | Proposal of adding "due diligence" to section 17(4) of the Regulation                                                               |  |
| 2305-2319 | Ms Cyd HO        | Proposal of adding "due diligence" to section 17(4) of the Regulation                                                               |  |
| 2320-2340 | Chairman         | Proposal of adding "due diligence" to section 17(4) of the Regulation                                                               |  |
| 2341-2537 | Mr WONG Yung-kan | - Table of suggested actions for various parties in supply chain of food animals<br>- Way of identifying reputable fodder suppliers |  |
| 2538-2549 | Chairman         | Way of identifying reputable fodder suppliers                                                                                       |  |
| 2550-2713 | Admin            | Way of identifying reputable fodder suppliers                                                                                       |  |
| 2714-2753 | Mr WONG Yung-kan | Way of identifying reputable fodder suppliers                                                                                       |  |
| 2754-2852 | Admin            | Way of identifying reputable fodder suppliers                                                                                       |  |
| 2853-2920 | Chairman         | Way of identifying reputable fodder suppliers                                                                                       |  |
| 2921-2959 | Admin            | Way of identifying reputable fodder suppliers                                                                                       |  |
| 3000-3143 | Ms Cyd HO        | Way of identifying reputable fodder suppliers                                                                                       |  |
| 3144-3147 | Chairman         | Way of identifying reputable fodder suppliers                                                                                       |  |
| 3148-3308 | Admin            | Way of identifying reputable fodder suppliers                                                                                       |  |
| 3309-3318 | Chairman         | Table of suggested actions for various parties in supply chain of food animals                                                      |  |
| 3319-3606 | Mr WONG Yung-kan | Table of suggested actions for various parties in supply chain of food animals                                                      |  |

Action

|                                                        |                  |                                                                                                         |  |
|--------------------------------------------------------|------------------|---------------------------------------------------------------------------------------------------------|--|
| 3607-3616                                              | Chairman         | Table of suggested actions for various parties in supply chain of food animals                          |  |
| 3617-3641                                              | Mr TAM Yiu-chung | Table of suggested actions for various parties in supply chain of food animals                          |  |
| 3642-3814                                              | Admin            | Table of suggested actions for various parties in supply chain of food animals                          |  |
| 3815-3843                                              | Mr TAM Yiu-chung | Table of suggested actions for various parties in supply chain of food animals                          |  |
| 3844-3940                                              | Mr Tommy CHEUNG  | Table of suggested actions for various parties in supply chain of food animals                          |  |
| 3941-3948                                              | Chairman         | Proposal of adding "due diligence" to section 17(4) of the Regulation                                   |  |
| 3949-4056                                              | Mr Tommy CHEUNG  | Strict liability of food animal farmers (Sections 3(1), 5(1), 6, 11(1) and 11(2) of the Regulation)     |  |
| 4057-4214                                              | Admin            | Proposal of adding "due diligence" to section 17(4) of the Regulation                                   |  |
| 4215-4320                                              | Mr Tommy CHEUNG  | Prosecution against food animal farmers under sections 3(1), 5(1), 6, 11(1) and 11(2) of the Regulation |  |
| 4321-4511                                              | Admin            | Prosecution against food animal farmers under sections 3(1), 5(1), 6, 11(1) and 11(2) of the Regulation |  |
| <b>File (2) in disk - "PublicHealth(2)20010926.rm"</b> |                  |                                                                                                         |  |
| 0058-0212                                              | Chairman         | Table of suggested actions for various parties in supply chain of food animals                          |  |
| 0213-0228                                              | Admin            | Table of suggested actions for various parties in supply chain of food animals                          |  |
| 0229-0258                                              | Mr WONG Yung-kan | Table of suggested actions for various parties in supply chain of food animals                          |  |
| 0259-0347                                              | Admin            | Table of suggested actions for various parties in supply chain of food animals                          |  |
| 0348-0354                                              | Chairman         | Table of suggested actions for various parties in supply chain of food animals                          |  |
| 0355-0402                                              | Admin            | Table of suggested actions for various parties in supply chain of food animals                          |  |
| 0403-0545                                              | Ms Cyd HO        | Table of suggested actions for various parties in supply chain of food animals                          |  |

Action

|           |                  |                                                                                |   |
|-----------|------------------|--------------------------------------------------------------------------------|---|
| 0546-0637 | ALA1             | Table of suggested actions for various parties in supply chain of food animals |   |
| 0638-0719 | Ms Cyd HO        | Table of suggested actions for various parties in supply chain of food animals |   |
| 0720-0833 | Admin            | Table of suggested actions for various parties in supply chain of food animals | ✓ |
| 0834-1120 | Mr WONG Yung-kan | Training and guidance to food animal farmers                                   |   |
| 1121-1211 | Admin            | Training and guidance to food animal farmers                                   |   |
| 1212-1345 | Mr Tommy CHEUNG  | Strict liability of food animal farmers                                        |   |
| 1346-1458 | Admin            | Strict liability of food animal farmers                                        |   |
| 1459-1542 | Chairman         | Table of offence provisions                                                    |   |
| 1543-1702 | ALA1             | Burden of proof                                                                |   |
| 1703-1750 | Chairman         | Strict liability of food animal farmers                                        |   |
| 1751-1926 | ALA1             | Strict liability of food animal farmers                                        |   |
| 1927-2007 | Admin            | Strict liability of food animal farmers                                        |   |
| 2008-2046 | Chairman         | Strict liability of food animal farmers                                        |   |
| 2047-2159 | Admin            | Animal health certificate                                                      |   |
| 2200-2207 | Ms Cyd HO        | Animal health certificate                                                      |   |
| 2208-2209 | Admin            | Animal health certificate                                                      |   |
| 2210-2218 | Ms Cyd HO        | Animal health certificate                                                      |   |

**Note : The audio records of the above proceedings are kept at the LegCo Library**

Legislative Council Secretariat

26 November 2001