

立法會
Legislative Council

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LC Paper No. CB(2) 289/04-05
(These minutes have been seen by
the Administration)

Panel on Food Safety and Environmental Hygiene

Minutes of Meeting
held on Tuesday, 26 October 2004 at 4:30 pm
in Conference Room A of the Legislative Council Building

Members Present : Hon Fred LI Wah-ming, JP (Chairman)
Hon WONG Yung-kan, JP (Deputy Chairman)
Hon Bernard CHAN, JP
Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Vincent FANG Kang, JP
Hon WONG Kwok-hing, MH
Dr Hon KWOK Ka-ki

Member Absent : Dr Hon Joseph LEE Kok-long

Public Officers Attending : Item IV
Dr York CHOW
Secretary for Health, Welfare and Food

Mrs Carrie YAU
Permanent Secretary for Health, Welfare and Food

Mr Eddy CHAN
Deputy Secretary (Food & Environmental Hygiene)
Health, Welfare and Food Bureau

Mr Wallace LAU
Acting Principal Assistant Secretary
(Food & Environmental Hygiene) 1
Health, Welfare and Food Bureau

Ms Shirley KWAN
Acting Principal Assistant Secretary
(Food & Environmental Hygiene) 2
Health, Welfare and Food Bureau

Mr Gregory LEUNG
Director of Food and Environmental Hygiene

Mr Thomas CHAN
Director of Agriculture, Fisheries and Conservation

Item V

Mr Eddy CHAN
Deputy Secretary (Food & Environmental Hygiene)
Health, Welfare and Food Bureau

Mr Wallace LAU
Acting Principal Assistant Secretary
(Food & Environmental Hygiene) 1
Health, Welfare and Food Bureau

Mr Gregory LEUNG
Director of Food and Environmental Hygiene

Mr Donald TONG
Deputy Director (Administration and Development)
Food and Environmental Hygiene Department

Dr Thomas CHUNG
Assistant Director (Food Surveillance and Control)
Food and Environmental Hygiene Department

Mr Thomas CHAN
Director of Agriculture, Fisheries and Conservation

Mr C W LAI
Assistant Director (Inspection and Quarantine)
Agriculture, Fisheries and Conservation Department

Item VI

Mr Eddy CHAN
Deputy Secretary (Food & Environmental Hygiene)
Health, Welfare and Food Bureau

Mr Wallace LAU
Acting Principal Assistant Secretary
(Food & Environmental Hygiene) 1
Health, Welfare and Food Bureau

Ms Shirley KWAN
Acting Principal Assistant Secretary
(Food & Environmental Hygiene) 2
Health, Welfare and Food Bureau

Mr Gregory LEUNG
Director of Food and Environmental Hygiene

Dr Thomas CHUNG
Assistant Director (Food Surveillance and Control)
Food and Environmental Hygiene Department

Dr S F LEUNG
Assistant Director (Fisheries)
Agriculture, Fisheries and Conservation Department

Clerk in Attendance : Mrs Constance LI
Chief Council Secretary (2)5

Staff in Attendance : Miss Betty MA
Senior Council Secretary (2)1

Ms Anna CHEUNG
Legislative Assistant (2)5

I. Confirmation of minutes of meeting

[LC Paper No. CB(2) 66/04-05]

The minutes of the meeting on 12 October 2004 were confirmed.

II. Date of next meeting and items for discussion

[LC Paper Nos. CB(2) 75/04-05(01) and (02)]

2. Members agreed to discuss the following items proposed by the Administration at the next regular meeting scheduled for 9 November 2004 at 2:30 pm -

(a) proposed accreditation scheme for seawater suppliers; and

(b) proposed new penalties for repeat cleanliness offenders.

3. Mr Tommy CHEUNG said that the importation of beef from Japan, Canada and the United States had been suspended for some time. He suggested that the Administration should be invited to brief members at the next meeting on the criteria for lifting the ban and when the importation of beef from these countries would be resumed. Members agreed.

III. Information paper(s) issued since last meeting

4. Members noted that no information paper had been issued since the last meeting.

IV. Briefing by the Secretary for Health, Welfare and Food on the work plan for 2004-2005 session

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5. At the invitation of the Chairman, the Secretary for Health, Welfare and Food (SHWF) briefed members on his work plan. The main points are set out below –

(a) Prevention and control of avian influenza

The Administration would report to the Panel, around December 2004/January 2005, the results of the public consultation exercise on the long term strategy to minimise the risk of human infection of avian influenza.

(b) Review of the existing food safety regulatory regime

The Administration would adopt a comprehensive and integrated approach in food chain management, i.e. the implementation of the “from feed to table” concept.

(c) Nutrition labelling

The Administration planned to report to the Panel, around March/April 2005, the results of the public consultation exercise on the proposed nutrition labelling scheme, and the results of the Regulatory Impact Assessment on the overall costs and benefits of introducing a nutritional labelling scheme in Hong Kong.

(d) Ciguatera poisoning and fish tank water

The Administration was discussing with the trade the promulgation of a voluntary Code of Practice to encourage industry self-regulation on the import and distribution of live marine fish to address the problem of ciguatera poisoning. If the voluntary Code of Practice failed to achieve any appreciable results, the Administration would consider introducing legislation to regulate live marine fish. The Administration was also drafting regulations to prohibit the abstraction of seawater from specific locations for the purpose of keeping live seafood.

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(e) Prevention of vector-borne diseases

The Administration would introduce amendments to the Public Health and Municipal Services Ordinance in the 2004-05 session to control the mosquito breeding problem more effectively.

(f) Licensed food premises

The Administration would introduce an open categorisation scheme, revamp the demerit points system, and tighten up the licensing requirements for food factories.

(g) Fisheries Protection (Amendment) Bill

The Administration would introduce amendments to the Fisheries Protection Ordinance in the 2004-05 session to promote sustainable development of the fishing industry and to conserve fisheries resources in Hong Kong.

(h) Review of the regulatory framework for live marine fish

The Administration would consider extending the regulatory framework for the control of animals and birds to cover live marine fish.

6. At the request of members, SHWF agreed to provide a copy of his speaking note to members after the meeting.
(*Post-meeting note* : The speaking note of SHWF was circulated to members vide LC Paper No. CB(2) 107/04-05 on 27 October 2004.)

Food incidents

7. Referring to the increasing number of food incidents such as dyed sweet potatoes and fish, the Chairman asked whether the Food and Environmental Hygiene Department (FEHD) was capable of coping with the upsurge demand for enforcement actions.

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8. SHWF responded that the Administration fully understood that the public was very concerned about food safety, and that FEHD would respond swiftly to food incidents by tracing the origin of the food. SHWF pointed out that it was difficult, if not impossible, to put in place control measures on the supply side as an enormous number of suppliers was involved, even if only one type of food was in question. To reduce the risk of food poisoning, FEHD would step up taking samples from retailers for inspection. FEHD would also maintain close contact with the Centre for Health Protection to follow up reported food poisoning incidents.

Licensed food premises

9. Mr Tommy CHEUNG pointed out that the proposal of introducing an open categorisation scheme for food premises had been discussed in great detail since 1998 by the former Urban Council, but to no avail. The food business industry had reservations about the effectiveness of the proposed scheme and objected to the proposal. Mr CHEUNG further said that if a licensed food premise failed to meet the hygiene standards, the food premise would already have breached the licensing requirements. Mr CHEUNG strongly urged the Administration to discuss with the industry and gauge their views before taking forward the proposed scheme.

10. SHWF explained that the purpose of the open categorisation scheme was to enhance the hygiene standards, safety and quality of food of all food premises on a sustainable basis. SHWF assured members that the Administration would fully consult the industry before taking forward the proposal.

11. The Chairman said that members' views on the scheme were divergent when the subject matter was discussed by the Panel at previous meetings.

12. Dr KWOK Ka-ki said that as evident from the experience in handling the Severe Acute Respiratory Syndrome (SARS) outbreak in 2003, it was of utmost importance to maintain a clean and hygienic environment for the community. The economic cost of the SARS outbreak was eventually borne by the whole community. The Administration should assess the costs and benefits of the proposal from the perspective of the community.

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13. Referring to Dr KWOK Ka-ki's remarks, Mr Tommy CHEUNG stressed that there was no causal relationship between the SARS outbreak and the hygiene standards of food premises.

Hygiene condition of rear lanes and private streets

14. Mr WONG Kwok-hing pointed out that the poor hygiene condition of rear lanes and private streets had been a long-standing problem. He hoped that SHWF would add this area of concern to his work plan for the 2004-05 session and provide a concrete timetable for addressing the problem.

15. SHWF said that he would relay Mr WONG's request to the relevant authorities for follow-up as it did not fall within the purview of his bureau. The Permanent Secretary for Health, Welfare and Food added that as set out in Team Clean's report, the Home Affairs Department (HAD) would play the role of a central coordinator in spearheading inter-departmental efforts at district level to monitor the hygiene condition of rear lanes and private streets.

16. Mr WONG Kwok-hing said that as the hygiene condition of rear lanes and private streets was an environmental hygiene issue, it should not be outside the purview of the Health, Welfare and Food Bureau. The Chairman suggested that the issue be put on the list of outstanding items to be discussed by the Panel, and representatives of HAD would be invited to attend the Panel meeting when the issue was discussed. Members agreed.

Review of the regulatory framework for live marine fish

17. Dr KWOK Ka-ki asked whether the plan to regulate live marine fish to prevent ciguatera poisoning was part of the review of the regulatory framework for live marine fish.

18. SHWF said that the review of the regulatory framework for live marine fish was a complex exercise and it was part of the overall review of the Public Health (Animals and Birds) Ordinance. As it would take some time for the Administration to conduct the review, the Administration would, in the meantime, discuss with the trade the promulgation of a voluntary Code of Practice to resolve the problem of ciguatera poisoning.

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19. The Chairman thanked SHWF for attending the meeting. He hoped that SHWF would be able to attend future meetings of the Panel.

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V. Importation of live poultry and progress of the voluntary scheme for surrender of live poultry retail licences or tenancies

[LC Paper Nos. CB(2) 75/04-05(03), (04) and (05)]

Daily supply of live chickens

20. The Chairman asked whether local chicken farmers were able to replenish their live chicken stock after they had sold their existing stock. The Director of Agriculture, Fisheries and Conservation said that the hatcheries located in licensed poultry farms were currently capable of producing day-old chickens to meet an average daily demand of about 30 000 chickens.

Voluntary surrender of live poultry retail licences or tenancies

21. Mr WONG Kwok-hing said that in July 2004, the Finance Committee had approved the creation of a new commitment of \$83,028,000 for providing retraining courses and one-off grants to assist affected live poultry retail workers, if their employers (i.e. live poultry retailers) had surrendered the fresh provision shop licences (with endorsement to sell live poultry) or live poultry stall tenancies in markets managed by FEHD. To be eligible for retraining, the applicant's employer would need to have submitted an application to FEHD for surrendering the market tenancy or food provision shop licence. In addition, the applicant must also make a statutory declaration confirming his employment record.

22. Mr WONG further said that there were about 2 000 live poultry workers currently unemployed. However, up to 18 October 2004, only 15 of them were attending retraining courses. The remaining workers were still unable to receive any financial assistance under the scheme. Mr WONG pointed out that most of the live poultry workers were unable to meet the eligibility criteria laid down in the Administration's paper presented to the Finance Committee in July 2004. He said that many live poultry retailers had suspended their business pending the resumption of importation of live poultry to the normal quantity, but they had not submitted applications for surrendering their market tenancies or food provision shop licences.

23. Mr WONG Kwok-hing further pointed out that most of the workers and the retailers in the live poultry trade did not have a formal employer-employee relationship. Most of them also did not keep proper salary payment records, and in some cases, the

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employers might not even know the full name of their workers. The affected workers therefore had difficulties in providing documentary evidence to support their claims of present or former employment in the live poultry retail trade.

24. Mr WONG Kwok-hing commented that it was regrettable that the Administration's paper failed to look into the reasons why such a small number of live poultry workers was able to attend the tailor-made retraining courses provided by the Employees Retraining Board (ERB). The paper also failed to explain the Administration's plan to make full use of the approved funding.

25. Mr WONG Kwok-hing strongly urged the Administration to amend the eligibility criteria for retraining, so as to enable the affected workers to receive the one-off grant. Mr WONG said that to facilitate the affected workers to apply for retraining, the Administration could make reference to records on free vaccination and financial relief offered to poultry and pet bird workers in the previous avian influenza outbreaks as documentary evidence to support the workers' claim of employment in the trade.

26. Referring to paragraph 6 of the Administration's paper, the Chairman asked about the reasons for the rejection of about 30% of the applications for retraining from affected live poultry workers.

27. The Deputy Secretary for Health, Welfare and Food (Food and Environmental Hygiene) (DS(FEH)) informed members that of the applications received, 64 were approved, 32 were rejected and seven were being processed. DS(FEH) said that four tailor-made courses would be provided through ERB. One course on security and property management cum gardening skills with 15 trainees had already commenced. Two other courses on small business cum self-employment with 15 trainees and domestic helper integrated training with 13 trainees would commence in early November 2004. Arrangements were being made to hold the fourth course on Chinese roasted food production.

28. Regarding the reasons for rejecting 32 applications for retraining, DS(FEH) said that most of the applicants failed to meet the eligibility criteria because their employers had not submitted applications for surrendering the market tenancies or fresh provision shop licences. Nonetheless, these applicants could apply for other retraining courses provided by ERB if they were currently unemployed. However, they would not be eligible for the one-off grant for those who continued to remain unemployed with a six-month period upon completion of the retraining courses. DS(FEH) further said that the Administration would process applications for retraining as flexible as possible.

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29. The Director of Food and Environmental Hygiene (DFEH) said that the Administration was aware of the difficulties faced by the live poultry workers as pointed out by Mr WONG Kwok-hing. FEHD would accept all types of documentary evidence provided by the workers in support of their applications for retraining and approve the applications on a case-by-case basis. However, to safeguard the proper use of public funds, the requirement for documentary evidence could not be waived. DFEH further said that if the trade union concerned could provide the relevant information, FEHD would be most willing to follow up the cases.

30. Mr WONG Kwok-hing said that it was regrettable that the Administration had no intention to amend the eligibility criteria for retraining, so as to alleviate the hardship faced by the affected workers. Mr WONG suggested that the Panel should move a motion in this regard.

31. The Chairman said that the Poultry Trade Workers Union had sent a letter to the Panel to express their difficulties. The letter dated 21 October 2004 from the Union had been issued to members vide LC Paper No. CB(2) 75/04-05(05). The Chairman further said that Mr WONG's suggestion would be dealt with at the end of the discussion.

32. Mr Tommy CHEUNG said that Members belonging to the Liberal Party considered that the Administration should, as far as practicable, be flexible in approving applications for retraining from the affected live poultry workers. Referring to the Administration's paper, Mr CHEUNG enquired about the breakdown of the 165 applications for ex-gratia payment by markets and whether the Administration was satisfied with the progress.

33. DS(FEH) said that the purpose of offering ex-gratia payment was to provide incentive to the stallholders in public markets to surrender their licences/tenancies, so as to reduce the number and density of market stalls. As surrender of tenancies or licences by the live poultry traders was voluntary, the Administration had not set a specific target for the scheme. DS(FEH) further said that the scheme had been launched for less than three months, and it would last for one year. Given that 165 out of the 800 retailers in operation had already submitted applications, the response so far was not unsatisfactory.

34. DFEH informed members that up to 25 October 2004, the Administration had received 191 applications for ex-gratia payment from stallholders which represented about one-fifth of the retailers. Of these applications, 170 were approved and 13 were being processed. DFEH added that the applications came from various markets, and that FEHD was now studying the space available for improvement works in individual public markets after the stallholders had surrendered their tenancies.

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35. Mr Tommy CHEUNG said that he was given to understand that FEHD would waive the advance notice requirement for the termination of market tenancies for those stallholders leasing live poultry stalls in public markets managed by FEHD, if the stallholders chose to surrender their tenancies under the scheme. However, it was unclear as to whether the same arrangement was applicable to stallholders in those markets managed by the Housing Department (HD markets). Mr CHEUNG further said that he had received many enquiries from live poultry retailers leasing live poultry stalls in HD markets about the arrangement for termination of market tenancies, in particular those located in HD markets where the management had been contracted out. The stallholders in HD markets were concerned whether they could terminate their tenancies prematurely and needed not pay the rental for the remaining period of the tenancy. Mr CHEUNG added that if the stallholder was required to pay the rental for the remainder of the tenancy, they would not apply for the scheme even though they wanted to do so. In the circumstances, the Administration should consider extending the duration of the scheme. The Chairman and Mr WONG Yung-kan shared Mr CHEUNG's concern. Mr WONG added that since the launch of the scheme, HD market stallholders were not provided with guidelines for making applications.

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36. DFEH said that stallholders in the HD markets could terminate their tenancies if they chose to surrender their tenancies under the scheme. As for stallholders in those HD markets where the management had been contracted out, DFEH responded that he would seek clarification with HD as to whether the stallholders could terminate their market tenancies prematurely, if they choose to surrender their tenancies under the scheme. DFEH further said that if the tenancies were to expire shortly, say, a few months, after the end of the application period, the stallholders could apply before the end of the application period, on the understanding that the licence would be surrendered a few months later at the end of the tenancy. FEHD would consider such applications. However, FEHD would have difficulty if the tenancies were to expire a much longer time later. He added that if there was a strong call for extending the duration of the scheme, the Administration would consider the request.

37. Mr Tommy CHEUNG urged the Administration to draw up specific guidelines on the notice requirement for the termination of tenancies for those stallholders in HD

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market, and the earliest date for stallholders to submit applications to surrender their tenancies if their tenancies had not yet expired. At the request of Mr Tommy CHEUNG, DFEH agreed to provide a breakdown of the applications for ex-gratia payment from live poultry retailers by markets (for cases involving FEHD and HD market stallholders) and by districts (for cases involving fresh provision shop licensees).

38. Mr TAM Yiu-chung declared that he was Chairman of ERB. Mr TAM pointed out that the Administration had stated explicitly in its paper to the Finance Committee in July 2004 that the affected live poultry workers would be eligible for the tailor-made retraining courses provided by ERB only if their employers had surrendered their tenancies/licences under the scheme. For those unemployed live poultry workers whose former employers had not joined the scheme, they could only attend other retraining courses organised by ERB. Mr TAM added that there was a long waiting list for the other retraining courses.

39. DS(FEH) explained that under the scheme, the affected live poultry workers would be offered a one-off grant of \$10,000 if they remained unemployed within a six-month period after attending the retraining courses. He expressed reservations about extending the same arrangement to all the unemployed persons including those in the live poultry trade whose former employers had not submitted applications for surrender of licences/tenancies, as this would have both policy and financial implications. DS(FEH) stressed that unemployed live poultry workers whose former employers did not join the scheme could attend other retraining courses. The average waiting time for the unemployed persons to attend retraining courses was five to seven weeks.

40. Mr TAM Yiu-chung said that should the Administration aim to alleviate the hardship faced by the live poultry workers, the Administration should consider extending the provision of retraining and financial assistance to all unemployed live poultry workers, irrespective of whether their existing/former employers had surrendered their licences or tenancies.

41. Mr WONG Yung-kan said that the unemployment of live poultry workers was largely due to the Administration's policy to suspend or restrict importation of live poultry. Mr WONG further said that as the importation of live chickens from the Mainland had resumed only on a pilot basis and the importation of live ducks and geese had not yet resumed, some live poultry retailers had ceased their business temporarily. These retailers, however, wanted to continue their business when the importation of live poultry from the Mainland resumed to the normal level. They, therefore, had no intention of surrendering their tenancies or licences at the moment.

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42. Mr Vincent FANG said that less than 10% of the affected live poultry workers had applied for retraining. Given that these workers were in need of immediate financial assistance, the Administration should find out why such a small proportion of affected workers had applied for retraining. DS(FEH) stressed that all the eligible affected live poultry workers could apply for retraining and financial assistance. However, it would be for individual worker to decide whether or not to apply for retraining.

43. Mr WONG Kwok-hing proposed that a motion be moved at the meeting to urge the Administration to amend the eligibility criteria for the live poultry workers to apply for retraining and one-off grant. The wording of Mr WONG's proposed motion was –

“本委員會促請衛生福利及食物局提交文件，修訂「2004年7月2日財務委員會討論文件」，以達至即使家禽業牌主不交牌，受影響的家禽業界僱員也可以報讀再培訓課程及領取特惠金。”

[English translation

“That this Panel urges the Health, Welfare and Food Bureau to provide a paper to amend the discussion paper for the Finance Committee meeting on 2 July 2004, so as to enable the affected live poultry workers to enroll in retraining courses and receive one-off grants, even if the poultry stall holders do not surrender their licences.”]

The motion was seconded by Mr TAM Yiu-chung.

44. Mr Tommy CHEUNG said that the operational difficulties and underemployment problem of the live poultry trade were caused by the administrative control of the daily supply of live chickens imported from the Mainland. Mr CHEUNG further said that while he had no objection to providing retraining for the affected live poultry workers, he had reservations about Mr WONG Kwok-hing's proposal of offering financial assistance to all the unemployed workers in the live poultry trade. Mr CHEUNG pointed out that some other trades also faced operational difficulties and unemployment problems but the Administration had not provided similar financial assistance to those trades.

45. The Chairman put Mr WONG Kwok-hing's motion to vote. Mr WONG Kwok-hing claimed a division. Mr WONG Kwok-hing, Mr TAM Yiu-chung and Mr WONG Yung-kan voted for the motion. Mr Tommy CHEUNG and Mr Vincent FANG voted against the motion. The Chairman declared that the motion was passed.

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Importation of live ducks and geese from the Mainland

46. Responding to Mr WONG Yung-kan's enquiry about the resumption of importation of live ducks and geese from the Mainland, DS(FEH) said that the Administration had not banned the importation of live ducks and geese. The inspection and quarantine requirements for imported live ducks and geese remained essentially the same as those that were in place before the regional outbreaks which occurred in January 2004. DS(FEH) added that it was a commercial decision of the Mainland farms as to whether they would supply live ducks and geese to Hong Kong.

47. Mr Vincent FANG enquired why the Mainland farms did not supply live ducks and geese to Hong Kong.

48. DS(FEH) further said that as there was a higher risk of live ducks and geese carrying the avian influenza virus, the export of live ducks and geese from the Mainland farms to Hong Kong was subject to the approval of the Mainland authorities. DS(FEH) added that the Administration had to respect the surveillance system of the Mainland authorities.

VI. Recent ciguatera poisoning incidents

[LC Paper Nos. CB(2) 75/04-05(06)&(07)]

49. The Chairman said that the number of reported incidents of ciguatera fish poisoning increased significantly in the year as compared with the figures in the past year. The Chairman further said that the Legislative Council Secretariat had prepared a background brief on the subject matter.

50. Mr WONG Yung-kan informed members that the recent ciguatera poisoning incidents were mainly caused by one single supplier sourcing coral fish. The supplier was aware that the coral fish was contaminated when the stock was put on sale in Shantou and several incidents of ciguatera poisoning were reported afterwards. Instead of destroying the contaminated fish, the supplier

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shipped the fish from the Mainland to Vietnam and mixed the fish with other fish before shipping the stock to Hong Kong. Mr WONG further informed members that the supplier had been asked to destroy the fish of the same batch but had refused to do so.

51. Mr WONG Yung-kan said that the crux of the ciguatera problem was risk management. When the trade avoided sourcing from the new fishing areas, the number of ciguatera poisoning incidents decreased. Mr WONG further said that the fishing trade was aware that any ciguatera poisoning incident would affect their business, and they supported the introduction of a reporting system and a regulatory framework for live fish. The trade hoped that the Administration would expedite the introduction of the voluntary Code of Practice. Mr WONG added that to create deterrence, the Administration should consider making public the name of the “black sheep” who sold contaminated fish.

52. DS(FEH) said that to address the problem of ciguatera poisoning, the Administration planned to introduce a voluntary Code of Practice in the short term, under which the fish traders were to provide information on each lot of collected/imported fish. If the Code of Practice proved to be ineffective, the Administration would consider introducing legislation. DS(FEH) further said that live fish was presently not defined as food and was not regulated by the relevant food safety legislation. The Administration would review the existing regulatory framework on fish and explore ways to enhance the regulation of fish as a whole in the long term. As a medium measure, the Administration would consider introducing regulations to strengthen the control on live fish.

53. DFEH pointed out that the Administration had put in place a monitoring and control system on ciguatera. Upon receipt of reports of ciguatera fish poisoning incidents, FEHD would take immediate actions to investigate the fish species involved, trace the source of the fish and advise the fish traders concerned to stop selling the same fish species belonging to the same shipment. DFEH added said that FEHD would discuss and finalise the details of the Code of Practice with the trade within the next month or so for implementation as soon as possible.

54. DFEH further said that as a longer term measure, the Administration would explore the feasibility of establishing designated landing points and introducing import permits for coral fish. DFEH stressed that the purpose of any strengthened measures was to address the problem of ciguatera poisoning, and not to penalise the retailers or food premises for selling contaminated fish. The strengthened measures sought to ensure that the trade would report critical information related to import and distribution of fish, so as to facilitate FEHD to trace the sources of contaminated fish and to dispose of the fish when there were reported incidents of ciguatera fish poisoning.

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55. Mr Vincent FANG expressed support for the Administration's strengthened measures to address the problem of ciguatera poisoning. Referring to Mr WONG Yung-kan's earlier remarks about the supplier of the problematic coral fish, Mr FANG asked why the Administration had so far not taken any enforcement actions.

56. DFEH explained that FEHD had learnt about the case. However, there was currently no mandatory requirement for fish importers to report to FEHD the arrival of coral reef fish in Hong Kong and provide information on the source, species and size of the fish. FEHD therefore could not take enforcement actions against fish importers for not providing information related to the import and distribution of fish.

57. Mr Tommy CHEUNG said that while he was not in favour of introducing legislation to regulate commercial activities, it was an opportune time for the Administration to discuss with the relevant parties, i.e. the fishing trade, the coral fish wholesalers and the food business industry, the measures to enhance the monitoring and control system on ciguatera. Mr CHEUNG pointed out that the problem of ciguatera poisoning was mainly due to importation of fish from a few fishing areas. To address the problem, the Administration should not allow the importation of coral fish from these fishing areas, rather than imposing a ban on certain species of coral fish.

58. Mr WONG Yung-kan reiterated that the fishing trade was in support of the Code of Practice. He urged the Administration to finalise the Code of Practice for implementation by December 2004. Mr WONG suggested that the Administration should make reference to the experience in Japan to bring the wholesaling of fish under regulatory control.

59. Referring to paragraph 5 of the Administration's paper, the Chairman said that a voluntary reporting, tracing and retrieval system for coral fish had been established since 1998, but there were still problems of ciguatera poisoning. The Chairman further said that the Administration had the responsibility to instil public confidence in the consumption of fish. He considered that the progress of improving the regulatory framework for coral fish to safeguard public health was too slow. As it was impossible for FEHD to take samples from all coral fish on sale in the retail market for ciguatoxin testing, it was essential that the information on the source of the fish provided by fish importers was accurate and reliable. The Chairman further said that while he did not consider it necessary to introduce a mandatory reporting system at the present stage, the Administration should expedite discussion with the

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trade on the promulgation of the Code of Practice. The Chairman concluded that the Panel held an unanimous view that the draft Code of Practice should be finalised before the end of 2004.

VII. Any other business

60. There being no other business, the meeting ended at 6:33 pm.

Council Business Division 2
Legislative Council Secretariat
29 November 2004