

**立法會**  
**Legislative Council**

LC Paper No. CB(2)234/06-07  
(These minutes have been  
seen by the Administration)

Ref : CB2/SS/9/05

**Subcommittee on  
Food Business (Amendment) Regulation 2006**

**Minutes of meeting  
held on Friday, 6 October 2006 at 3:25 pm  
in Conference Room B of the Legislative Council Building**

- Members present** : Hon Tommy CHEUNG Yu-yan, JP (Chairman)  
Hon Fred LI Wah-ming, JP  
Hon WONG Yung-kan, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon Vincent FANG Kang, JP  
Hon WONG Kwok-hing, MH  
Hon Alan LEONG Kah-kit, SC
- Public Officers attending** : Mr Vincent LIU  
Principal Assistant Secretary (Food & Environmental Hygiene) 2  
Health, Welfare and Food Bureau
- Ms Rhonda LO  
Assistant Director (Operations)<sup>3</sup>  
Food and Environmental Hygiene Department
- Dr Thomas CHUNG  
Assistant Director (Food Surveillance and Control)  
Food and Environmental Hygiene Department
- Mr Vidy CHEUNG  
Senior Government Counsel  
Department of Justice

**Clerk in attendance** : Miss Flora TAI  
Chief Council Secretary (2)2

**Staff in attendance** : Mr Stephen LAM  
Assistant Legal Adviser 4

Miss Betty MA  
Senior Council Secretary (2)1

Ms Alice LEUNG  
Senior Council Secretary (2)1 (Designate)

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**I. Meeting with the Administration**

[File Ref : HWF(F) 5/1/4/2, LC Paper No. CB(2)2878/05-06(02), CB(2)2966/05-06(01), CB(2)2966/05-06(02), CB(2)3018/05-06(01), CB(2)3018/05-06 (02), CB(2)3080/05-06(01) and CB(2)3151/05-06(01)]

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

2. Members noted that the Administration had provided a summary on endorsement/permission of retail outlets selling meat by the end of September 2006.

3. The Subcommittee completed the section-by-section examination of the Amendment Regulation.

4. Members noted the queries raised by the legal adviser to the Subcommittee on the legal and drafting aspects of the Amendment Regulations and the Administration's responses. Members were of the view that as criminal offence would be imposed under the proposed new sections 30D and 30F, the drafting of the Amendment Regulation should be improved to ensure clarity of relevant provisions and facilitate future implementation of the provisions. The Administration was requested to provide responses to the following suggestions -

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- (a) to consider defining the term "chilled" in the Amendment Regulation;
- (b) to consider adding "(冰鮮)" after "冷凍" where the Chinese rendition of the term "chilled" was referred to in the licensing requirements and conditions for fresh provision shops and market stalls that were endorsed/permited to sell chilled meat;
- (c) to consider whether an exclusive definition of the term "meat" should be provided for under the Food Business Regulation;

Action

- (d) to review whether the definition of the term "meat" under section 3(1) of the Regulation covered various types of chilled meat referred to in the amendment to item 1(b) of Schedule 2 to the Regulation;
- (e) to consider defining the term "premises" for the purpose of the Amendment Regulation; and
- (f) to consider whether the scope of legal responsibility for contravention of various provisions, particularly the new section 30D(1) or (2), of the Regulation should be expressly limited to certain categories of persons, i.e. the licensee, nominated manager, the tenant of a market stall, etc.

Admin

5. The Administration was also requested to provide the following information -
  - (a) to list out the various provisions of the Public Health and Municipal Services Ordinance and its Regulations under which any person would be liable for the relevant offences; and
  - (b) to provide information on past prosecution cases in respect of the persons liable for these relevant offences.
6. Members agreed that the next meeting would be scheduled for Monday, 16 October 2006, at 9:00 am to discuss the Administration's responses.
7. There being no other business, the meeting ended at 4:45 pm.

Council Business Division 2  
Legislative Council Secretariat  
1 November 2006

**Proceedings of the meeting of Subcommittee on  
Food Business (Amendment) Regulation 2006  
on Friday, 6 October 2006 at 3:25 pm  
in Conference Room B of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subjects</b>	<b>Action required</b>
000000 - 000049	Chairman	A summary on endorsement/permission of retail outlets selling meat provided by the Administration[LC Paper No. CB(2)3151/05-06(01)]	
000050 - 000122	Chairman ALA4 Admin	Section-by-section examination of the Chinese text of the Amendment Regulation  Section 1 of the Amendment Regulation	
000123 - 000516	Admin Mr WONG Kwok-hing Chairman	Meaning of the term "chilled" in relation to pre-packaged chilled beef, mutton or pork defined under section 2 of the Amendment Regulation	<b>Admin to provide response (para 4 of the minutes)</b>
000517 - 001148	ALA4 Chairman Admin Mr WONG Kwok-hing	Definition of the term "meat" under section 3 of the Food Business Regulation	<b>Admin to provide response (para 4 of the minutes)</b>
001149 - 004718	Mr Fred LI ALA4 Admin Chairman Mr WONG Yung-kan Mr TAM Yiu-chung Mr Alan LEONG	Use of "冰鮮" or "冷凍" as the Chinese rendition of the term "chilled"  The licensing conditions and requirements concerning the sale and handling of chilled meat  Need to define the term "chilled" in the Amendment Regulation	<b>Admin to provide response (para 4 of the minutes)</b>  <b>Admin to provide response (para 4 of the minutes)</b>
004719 - 010624	Admin ALA4 Mr TAM Yiu-chung Chairman Mr WONG Yung-kan	Section 3 of the Amendment Regulation  Need to define the term "premises" for the purpose of the Amendment Regulation	<b>Admin to provide response (para 4 of the minutes)</b>

<b>Time marker</b>	<b>Speaker</b>	<b>Subjects</b>	<b>Action required</b>
010625-010848	Chairman Admin ALA4	Scope of legal responsibility for contravention of section 30D(1) or (2) of the Regulation  Information on the various provisions of the Public Health and Municipal Services Ordinance and its Regulations under which any person would be liable for the relevant offences, and past prosecution cases in respect of the persons liable for these relevant offences	<b>Admin to provide response (para 4 of the minutes)</b>  <b>Admin to provide response (para 5 of the minutes)</b>
010849-011210	Chairman Admin	Sections 4 to 7 of the Amendment Regulation	
011211-011447	Chairman Admin	Section-by-section examination of the English text of the Amendment Regulation	
011448-011900	Chairman Admin	Date of next meeting	

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