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**Meeting of Panel on Food Safety and Environmental Hygiene
on 14 March 2006**

Background Brief prepared by Legislative Council Secretariat

Measures to control avian influenza

Purpose

This paper provides an update on the discussions since April 2004 by Members on measures to control avian influenza.

Background

2. The first case of human infection of the H5N1 virus in Hong Kong was confirmed in August 1997. As the virus spread among chicken farms and Cheung Sha Wan Temporary Wholesale Poultry Market, some 1.5 million chickens were subsequently destroyed. In the outbreak in 1997, 18 persons were infected, of whom six died. Following the outbreak, the Administration introduced a series of control and preventive measures to minimise the risk of recurrence of the virus.
3. Two further outbreaks occurred in 2001 and 2002 and mass culling of live poultry was again carried out. Additional surveillance and control measures for chicken farms, wholesale and retail markets were implemented after these outbreaks.
4. In early 2004, there were extensive outbreaks of avian influenza in more than 10 countries or places in Asia. Recent reports from the World Health Organisation (WHO) showed that avian influenza affected wide areas in the world other than Asia, and outbreaks or infections in birds were found also in Europe, South Africa and other places. As at 5 March 2006, there were 174 confirmed cases of human infections in Cambodia, Mainland China, Indonesia, Iraq, Thailand, Turkey and Vietnam, and 94 of these infected persons died.

5. The Panel on Food Safety and Environmental Hygiene held a series of meetings in 2004 and 2005 to discuss with the Administration the preventive and contingency measures to guard against avian influenza outbreaks in Hong Kong.

Measures to control avian influenza

Immediate and short-term measures

6. On 2 April 2004, the Administration briefed the Panel on the public consultation paper on “Prevention of Avian Influenza : Consultation on Long Term Direction to Minimise the Risk of Human Infection”. Apart from the enhanced surveillance and monitoring measures put in place to prevent avian influenza outbreaks in local farms and wholesale/retail markets, the Administration informed the Panel that for the protection of public health, the present mode of operation of the live poultry trade would have to be modified.

7. The Administration advised that its long-term vision was to sustain the goal of zero infection and transmission of the virus in Hong Kong. To achieve this, it was the policy to separate humans from live poultry and to minimise the contact between the public and live poultry. According to the consultation paper, there was an urgent need for the existing modus operandi of the live poultry trade, especially at the retail end, to change as and when the supply of live poultry from the Mainland was resumed after the outbreak situation in the region had stabilised.

8. Immediate improvement measures to minimise the contact between consumers and live poultry at the retail markets and fresh provision shops had been put in place. All cages holding live poultry at retail outlets should either be kept at a minimum distance of one metre or segregated from consumers by means of acrylic panels. At the wholesale level, the Administration planned to separate the wholesale markets for local and Mainland chickens. At the farm level, the biosecurity of local poultry farms would be further enhanced. The Administration would also review the transportation system for the conveyance of live poultry.

9. In the medium term, the Administration proposed to reduce the number and density of market stalls through a voluntary buy-out package (see paragraphs 10 to 13 below). This will provide space in retail markets to facilitate improvements to the market design, in order to further separate the storage and culling areas of live poultry from consumers.

Voluntary surrender of live poultry retail licences or tenancies

10. On 25 May 2004, the Administration consulted the Panel on the proposed voluntary scheme to encourage live poultry retailers to surrender their fresh provision shop licences (with endorsement to sell live poultry), or live poultry stall tenancies in markets under Food and Environmental Hygiene Department (FEHD), in return for an ex-gratia payment.

11. According to the Administration, the scheme was targeted at those small poultry stalls, which had physical constraints to upgrade their hygiene conditions to meet the new requirements, to surrender their licences or tenancies.

12. Under the original proposal presented to the Panel, an ex-gratia payment equivalent to 39 months' average rental of live poultry stalls at FEHD markets would be payable to those who surrendered their licences/tenancies. Financial assistance of up to \$10,000 and retraining courses would be provided to live poultry workers who would become unemployed after their employers surrendered their licences/tenancies. On the other hand, a loan would be granted to those retailers who wanted to continue operation and make investment in upgrading the hygiene conditions to meet the new public health requirements. The scheme would be valid for one year.

13. At the Panel meeting on 25 May 2004, Panel members expressed reservations about the proposed scheme, particularly the basis for calculating the ex-gratia payments and the assistance to live poultry workers. The Panel urged the Administration to further discuss with the trade and submit an improved package to increase the attractiveness of the scheme. After further discussion with the trade, the Administration submitted a revised proposal which was approved by the Finance Committee (FC) on 2 July 2004.

14. When discussing the progress of the voluntary surrender scheme on 26 October 2004, the Panel expressed concern that only a small number of ex-live poultry retail workers could attend the tailor-made retraining courses under the scheme. Some members pointed out that many poultry workers did not have formal employment relationship with the retailers and therefore could not provide documentary evidence in support of their applications for retraining. The Panel passed a motion at the meeting urging the Health, Welfare and Food Bureau to submit a revised paper to FC to provide training courses and one-off special grants to those unemployed live poultry retail workers whose employers had not surrendered their licences/tenancies.

15. The Panel reiterated the concern at the meetings on 11 January, 14 March and 7 April 2005. The Administration explained that to ensure proper use of public funds, the requirement for documentary evidence could not be waived. However, the Administration would welcome suggestions from the industry on ways to help poultry workers who were unemployed. The Administration also advised that poultry workers could apply for ordinary retraining courses provided by the Employees Retraining Board if they were currently unemployed. The Administration did not consider it necessary or appropriate to amend the details of the voluntary surrender scheme as approved by FC on 2 July 2004.

16. As regards the response to the voluntary surrender scheme, the Administration advised the Panel in May 2005 that of the 814 live poultry retail outlets, a total of 244 applications had been received as at 19 May 2005. To address members' concern that some tenancies could not be terminated prematurely because of contractual obligations, the Administration has decided to extend the three-month period for applications of ex-gratia payment to six months. The new arrangement also applied to live poultry retailers who had submitted the applications but had not yet entered into agreement with the Administration on the ex-gratia payment as at 26 May 2005. The extension did not apply to applicants who have already signed the agreement before 26 May 2005.

Long-term strategy

17. At its meeting on 2 April 2004, the Panel was informed that two options were proposed in the Consultation Paper, i.e. the "cold chain" (or central slaughtering) approach, and the "freshly slaughtered chickens" (or regional slaughtering) approach. The Panel held a special meeting on 4 June 2004 to gauge the views of experts and the trade on these two options.

18. The medical experts preferred the "cold chain" option which was considered to be the most effective approach to prevent avian influenza. However, most members and representatives from the live poultry trade strongly opposed this option. The latter was concerned that the proposed central slaughterhouse would not be able to compete with those poultry processing plants over the border, and the live poultry trade in Hong Kong would be wiped out eventually, as in the case of live geese and ducks trade after 1997.

19. While the live poultry trade also opposed the "freshly slaughtered poultry" option, some Panel members considered that this approach could be further explored. Some medical experts also agreed that this option could help reduce human contact with live poultry, and could effectively prevent avian influenza. Under this option, slaughtering of live poultry would be conducted in a few regional slaughtering hubs. In the hubs, there would be

retail outlets separate from the poultry storage and culling areas. Consumers would have a choice of purchasing either chilled chickens or freshly slaughtered chickens. According to the Administration, although this option would be more expensive than the “cold chain” option, it would provide greater flexibility for the live poultry trade to change to a new mode of operation.

20. On 11 January 2005, the Administration informed the Panel that during public consultation, diverse views had been received from the professional groups, the live poultry trade and the general public. As the live poultry trade raised strong objection to central slaughtering, the Administration had not taken a policy decision on whether central or regional slaughtering should be adopted. Nevertheless, it was actively exploring the feasibility of converting the Western Wholesale Food Market into a small to medium sized slaughterhouse on a pilot basis.

21. At the meeting in January 2005, Panel members urged the Administration to fully consult the relevant trades and address their concerns in taking a decision on the long-term strategy. They also urged the Administration to provide details of the pilot scheme to convert the Western Wholesale Food Market into a small to medium sized slaughterhouse.

22. The Administration advised the Panel on 17 October 2005 that a consultancy study was commissioned to explore the commercial viability of private sector involvement in the development of a poultry slaughtering plant, and the findings would likely be available by the end of 2005.

Comprehensive plan of action to deal with the global problem of avian influenza

23. On 14 March 2005, the Panel on Food Safety and Environmental Hygiene held a joint meeting with the Panel on Health Services to discuss the comprehensive plan of action proposed by the Administration to deal with the global problem of avian influenza. The Administration informed Members that there was an urgent need to put in place a comprehensive plan of action, given the regional development and the recent studies and warning issued by WHO.

24. As at 2 February 2005, WHO reported 55 cases of human infection of H5N1, of which 42 cases were fatal since 28 January 2004. WHO also conducted laboratory studies of H5N1 viruses in domestic ducks in October 2004 which confirmed that the H5N1 viruses found in ducks in Vietnam in 2004 had not only become resistant to some anti-viral drugs, but could also survive at 37°C in the environment for six days, compared with two days for the viruses found in 1997. Expressing grave concern about the likely occurrence of another influenza pandemic, WHO has advocated that disease control will require profound changes in poultry production systems.

25. To reduce the risk of an epidemic outbreak in Hong Kong through close contact between humans and large numbers of live poultry, the Administration considers that the total live chicken population in Hong Kong should be reduced. To achieve this purpose, the Administration has proposed the following measures –

- (a) for existing farm licences, a ceiling will be imposed on the maximum number of live poultry that may be kept in a farm, in order that depopulation can be completed within one week if there is an outbreak in Hong Kong;
- (b) the daily supply of live chickens (including Mainland and local chickens) will be maintained at a level of not more than 60 000. The Administration will also stop issuing new poultry farm licences and fresh provision shop licences with endorsement to sell live poultry;
- (c) regional slaughtering of live poultry will be implemented, and the sale of live chickens in retail markets and fresh provision shops will be phased out over a period of time; and
- (d) a compulsory termination scheme will be introduced for all existing live poultry farmers, wholesalers and retailers, if there is a local avian influenza outbreak which entails the culling of all live poultry in the territory.

26. While members of the two Panels generally supported that the Administration should adopt better risk management measures to prevent an avian influenza epidemic in Hong Kong, they urged the Administration to fully assess the adverse impact on the trade and provide assistance to those affected by the proposals.

27. The Panel on Food Safety and Environmental Hygiene held a special meeting on 7 April 2005 to gauge the views of the live poultry industry on the Administration's proposals. While supporting that the voluntary surrender of licence scheme should be extended to poultry wholesalers and farmers, some members considered that there should be greater flexibility for the financial assistance and re-training programmes so that casual workers affected by this policy could also benefit from the scheme.

28. Panel members also urged the Administration to be very cautious about implementing the compulsory termination policy in the event of an avian influenza outbreak in Hong Kong, and it should fully consult the trades on the implications. Some members considered that the Administration should explore other options to prevent an avian influenza epidemic, instead of introducing such a drastic change to the live poultry trade.

29. Most representatives of the live poultry industry who gave views to the Panel on Food Safety and Environmental Hygiene objected to the Administration's proposals, especially the compulsory termination policy. They were gravely concerned about their livelihood if they were to be compelled to cease operation. They considered that the existing control measures had proven to be effective in preventing avian influenza, and it was not necessary to introduce the proposed measures which would wipe out the live poultry industry. These representatives also considered that the ex-gratia payment under the voluntary surrender of licence scheme was insufficient and unattractive, and the proposed assistance scheme would not be able to help those piece-rated casual workers currently employed by the trade. Most operators indicated that they would like to continue operation and they would not want to surrender their licences or tenancies.

30. The Administration explained that compulsory termination of live poultry trade would be the last resort if warranted by circumstances to safeguard public health.

31. In an information paper provided to the Panel in May 2005, the Administration said that WHO expressed support for Hong Kong's action plan which features a fundamental change to the existing modus operandi of the live poultry trade.

Extension of the voluntary surrender scheme to live poultry farmers, wholesalers and transporters

32. The Administration informed the Panel on 14 June 2005 that the voluntary surrender of licence/tenancy scheme would be extended to live poultry farmers, wholesalers and transporters. The Administration proposed that –

- (a) for poultry farmers, the ex-gratia payment payable would follow broadly the formulae for public development clearance, with a minimum set at \$300,000 per licence to encourage smaller poultry farms to surrender their licences;
- (b) for live poultry wholesalers who chose to surrender their tenancies at Cheung Sha Wan Temporary Wholesale Poultry Market and Western Wholesale Food Market, the ex-gratia payment would be 27 months' average rental plus an additional 12 months' rental;
- (c) for live poultry farm/wholesale/transport worker who would become unemployed as a result of his employer ceasing operation under the voluntary surrender scheme, an one-off grant of \$18,000 would be payable; and

- (d) a loan up to \$50,000 per vehicle would be provided to live poultry transporters who wished to upgrade their vehicles for the transport of chilled/frozen poultry. For live poultry transporters who chose to surrender their monthly tenancies of parking spaces at the Wholesale Markets, an ex-gratia payment of \$50,000 would be provided instead.

33. In view of the strong reservations expressed by the live poultry trades about the voluntary surrender scheme, the Panel passed a motion on 14 June 2005 opposing the proposed voluntary surrender packages. Some Panel members urged the Administration to improve the compensation package to increase its attractiveness. The Administration subsequently revised its proposal which was approved by FC on 8 July 2005.

Precautionary measures against avian influenza outbreaks among local poultry

34. In view of the spread of avian influenza outbreaks in the world, the Panel held a special meeting on 31 October 2005 to discuss with the Administration the precautionary measures to prevent an outbreak in Hong Kong. A joint meeting was also held with the Panel on Health Services on 5 November 2005 to discuss emergency measures to prepare for influenza pandemic in Hong Kong.

35. On 31 October 2005, the Administration briefed the Panel on the preventive measures including enhanced control and surveillance measures for pet birds and wild birds, and the contingency measures in case of an avian influenza outbreak in Hong Kong. The Administration reiterated its intention that it would cull all chickens in Hong Kong in the event of two confirmed H5N1 cases in local poultry farms and thereafter, to terminate local live poultry trade on compulsory basis. The Administration also planned to cull all live poultry in Hong Kong's retail markets if there were two confirmed H5N1 cases in retail markets.

36. At the Panel meeting on 31 October 2005, members expressed concern about the effectiveness of the current vaccination of chickens, and the "smuggling" of chickens from the Mainland. To guard against avian influenza outbreaks in Hong Kong, some members urged the Administration to expedite the establishment of a regional or central slaughtering plant, resume the screening of passengers at border control points, increase the number of rest days in retail markets for thorough cleansing, step up surveillance of migratory birds and pet birds, and also ban duck rearing at Mai Po Reserve. Some members expressed reservations about the proposal of culling all poultry when there were outbreaks of avian influenza in two local farms.

37. On the surveillance of wild birds and other types of birds, the Administration advised that the Agriculture, Fisheries and Conservation Department regularly inspected pet bird shops to ensure their compliance with licensing conditions and to prevent avian influenza. Samples of bird droppings were also taken for testing of H5N1.

38. A motion on “Preventing avian influenza” was passed at the Legislative Council meeting on 30 November 2005. In its progress report issued in February 2006, the Administration reiterated that Hong Kong was currently at the Alert Response Level and the Administration was keeping a close watch on the global situation and latest developments in respect of avian influenza outbreaks. To minimise the risk of human infection of avian influenza, the Administration was actively pursuing the development of a poultry slaughtering plant in Hong Kong, and was identifying a suitable site which was in close proximity to land boundary control point and local poultry farms in the New Territories.

Banning of backyard poultry keeping

39. At its special meeting held on 31 October 2005, the Panel urged the Administration to regulate or prohibit backyard poultry keeping as a measure to prevent avian influenza outbreaks in Hong Kong. During the motion debate on “Preventing avian influenza” on 30 November 2005, the Secretary for Health, Welfare and Food stated that the amendment legislation to ban private poultry keeping was under consideration.

40. The Administration briefed the Panel on the legislative proposal to ban backyard poultry keeping at the special meeting on 7 February 2006. According to the Administration, the public health threat posed by backyard poultry keeping activities had become imminent following the discovery of presence of H5N1 in different species of wild birds, as this had increased the chance of cross infection with live poultry reared at backyard of households. It was necessary to amend the legislation to ban backyard poultry keeping immediately as many such keepers did not voluntarily surrender their backyard poultry.

41. The legislation on banning backyard poultry keeping was gazetted on 8 February 2006 and came into effect on 13 February 2006. A subcommittee has been formed under the House Committee to study the legislation. The scrutiny period of the subsidiary legislation has been extended to 29 March 2006 by resolution of the Council.

Latest developments

42. Hon WONG Yung-kan and Hon LAU Kong-wah have raised questions, at the Council meetings on 1 and 8 March 2006 respectively, concerning banning the sale of live poultry and central slaughtering, and also the discovery of dead birds carrying H5N1 virus. The relevant replies by the Administration are attached in **Appendices I and II** for members' easy reference.

43. The Administration will brief the Panel on 14 March 2006 on the progress of the comprehensive plan to deal with avian influenza outbreaks, and the decision on central or regional poultry slaughtering.

Relevant papers

44. A list of relevant papers and documents is in **Appendix III** for members' easy reference. The papers and documents are available on the Council's website at <http://www.legco.gov.hk/english/index.htm>.

Council Business Division 2
Legislative Council Secretariat
13 March 2006

主席：局長，你是否有所補充？

財經事務及庫務局局長：主席女士，我想補充的是，如果有這樣的情況，公司必須向監管機構證明真的是由疏忽引致，即公司是要做很多工夫來證明，並非單由公司說它是疏忽便是疏忽。監管機構也要看看整體程序，如果公司真的是疏忽，它便要做這些工夫來證明。可是，如果凡公司犯錯便要由法例監管，依我暫時來看，這樣做是會出現很多問題的。我很多謝楊森議員的意見，我會向監管機構提出，看看他們有沒有進一步的補充，或是否須採取跟進行動。如果有，我會向各位議員匯報。

主席：第二項質詢。

中央屠宰家禽 Central Slaughtering

2. 黃容根議員：主席，據報，政府近月加快研究在香港實施中央屠宰家禽。關於中央屠宰家禽及對飼養、批發及零售活家禽行業的影響，政府可否告知本會：

- (一) 是不是已放棄在西區副食品批發市場設立家禽分區屠宰場的計劃；若然，原因是甚麼；若不是，為何在該分區屠宰場的試驗計劃得出結果前便研究實施中央屠宰家禽；
- (二) 有沒有就全面取締銷售活家禽行業制訂時間表；若有，將在何時全面禁止出售活雞，以及有沒有就全面取締養雞場制訂時間表；及
- (三) 當局曾表示只會在家禽的飼養場、批發市場及零售市場出現兩宗或以上禽流感個案後，才會強制取締整個行業，為何現時卻加快研究中央屠宰家禽的建議，以及會不會在決定應否實施中央屠宰前，先行評估實施的影響；若不會，原因是甚麼？

衛生福利及食物局局長：主席女士，

- (一) 為減低人類感染禽流感的風險，我們正積極考慮發展家禽屠宰場，以便集中屠宰家禽，從而達致“人雞分隔”。由於西區副食

品批發市場曾是活鵝鴨的屠宰場，已有一定的基礎設施，所以我們原先屬意在該處設立家禽屠宰場，以便縮短興建的時間。其後，我們就選址進行詳細研究，認為倘若家禽屠宰場位處市區，難免會影響周遭環境，而且運送活家禽的路途遙遠，不但可能對市區構成滋擾，更會增加禽流感的風險，故此相信在新界區另覓比較遠離民居和接近家禽飼養場的地方設立家禽屠宰場會較為合適。

- (二) 一直以來，我們的長遠政策目標是達致“人雞分隔”，鑒於近期世界各地均出現禽流感個案，人類感染禽流感的風險日益提高，在人口密集的大城市情況更甚，我們因而更有迫切性興建家禽屠宰場。可是，我們明白仍有不少市民希望可以享用鮮宰雞，故此在訂定推行時間表時要考慮各方面的意見。我們認為較理想的安排是在家禽屠宰場啟用之時，禁止活家禽在零售市場出售。至於飼養活家禽方面，我們目前並沒有取締的時間表，農戶可繼續飼養雞隻，只是他們的雞隻將來必須經屠宰場屠宰後方可在零售市場出售。
- (三) 我們最終的政策目標是達致“人雞分隔”。在這個目標得以實踐前，假如有跡象顯示現行預防禽流感的防控措施失效，例如在短時間內在家禽飼養場、批發市場或零售市場出現兩宗或以上禽流感個案，我們便會採取果斷的行動，即時撲殺全港所有活家禽，以期把禽流感擴散的風險減至最低。

歸根究柢，為了防患於未然，我們有必要考慮預防人類感染禽流感的長遠政策，其中一個方案便是興建家禽屠宰場。興建家禽屠宰場不等同取締整個行業，活家禽飼養場可選擇繼續經營，當然，興建家禽屠宰場會對活家禽零售業帶來影響，但他們可選擇售賣冰鮮雞。在考慮興建家禽屠宰場的過程中，我們已評估對業界的影響，惟我們相信興建家禽屠宰場為市民所帶來的公眾健康裨益遠遠凌駕於對業界的影響之上。

黃容根議員：主席，由於政府政策經常有變，特別是發生了一隻走私雞隻出現問題這事件後，變動便更快。局長在主體答覆的第(三)部分中表示已評估這會對業界和社會造成的影響，請問局長可否詳細告知我們是甚麼影響呢？

衛生福利及食物局局長：主席女士，根據我們現時的統計資料顯示，特別是批發市場及零售市場方面，興建家禽屠宰場大約會影響三千四百多人的就業機會，我們會詳細研究這方面涉及的問題有多大，然後才作出詳細的交代。我們亦預備在 3 月份的食物安全及環境衛生事務委員會中，把我們的計劃及現時一些可作出決定的有關詳情，向立法會交代。

方剛議員：主席，我想跟進局長在主體答覆中提到的家禽屠宰場，以實行中央屠宰。我想請問局長，日後中央屠宰是採用“一條龍”的作業模式，還是好像現時屠宰豬隻般只是宰殺而已，而雞隻被宰殺後便交回批發商及零售商處理呢？

衛生福利及食物局局長：主席女士，當然，日後的運作詳情，我們現時還沒有一個詳細的計劃。但是，我們預期日後會把雞隻運到屠宰場宰殺後，再運往零售商銷售，我認為必須實行這做法。至於當中的程序，以及對批發商現時的地地位有何影響等，當我們進行詳細分析後，便會再向大家交代。

王國興議員：局長剛才回答黃容根議員的補充質詢時表示，會影響約 3 400 人。我想局長澄清這 3 400 人是否包括工人和運輸工人，以及局長會否對他們作出賠償呢？

衛生福利及食物局局長：主席女士，我剛才說的 3 400 人，所指的是在批發場、活家禽運輸商，以及零售層面的工作人員加起來的總數。當然，我們仍未計算這對他們會有多大的影響，這只是我們一個初步的數字。我剛才已說過，稍後我們會進一步作出詳細的交代。

王國興議員：主席，局長還未回答會否向他們作出賠償？

衛生福利及食物局局長：主席女士，我們亦會就賠償方面作出交代。當然，我認為如果任何一個行業，是由於一項政策而無法再生存的話，政府是必定會考慮這方面的問題的。

李國麟議員：局長在主體答覆中一直強調要達致“人雞分隔”的目標。但是，我在主體答覆中看到，在這情況下，當局仍然容許農戶繼續飼養雞隻，並沒有清楚表示是否會實行中央屠宰或分區屠宰。我想請問局長，他如何在政策上達致“人雞分隔”呢？

衛生福利及食物局局長：主席女士，我要清楚說明，“人雞分隔”並不是人類和雞隻永遠沒有接觸，我相信我們暫時仍未能以 robot 來飼養雞隻，這暫時是未能做到的。但是，在一些現代化農場人類接觸雞隻的情況來說，特別是農民接觸雞隻，是有既定的程序和生物保險的制度，他們會穿上規定的衣服及做足防範措施才進入雞場。除非全世界也沒有人吃雞，否則，在雞場內，仍是要由工人飼養雞隻，仍是要接觸雞隻的，但必須在有足夠保護措施的情況下接觸雞隻。我們會盡量防止雞隻接觸到其他市民，特別是在屠宰前接觸其他市民。在這方面，我相信“人雞分隔”的措施是必須實行的。

我們認為現時重要的是，香港市場上的雞隻，不論是本地雞隻或是供港的內地活雞均有注射疫苗，而這疫苗是可以預防人雞的傳染病。所以，現行的措施仍然有效。但是，大家知道，全世界現時多個地方爆發 H5N1 禽流感，會令這種病毒的基因產生變化，而基因的改變，會否令我們現時的疫苗在一段時間後失效？這是難以估計的。可是，我們可以估計，當到了一定時間後，是會產生這問題。所以，我們需以一段時間來準備實行有關的措施。我認為我們要盡快交代這個時間表。

主席：李國麟議員，你的補充質詢是否未獲答覆？

李國麟議員：是的，主席。我的補充質詢其中一部分是詢問會否真的實施中央屠宰，還是會考慮繼續實施分區屠宰，然後才進行中央屠宰呢？局長沒有回答這部分問題。

衛生福利及食物局局長：主席女士，我們認為如果一個中央屠宰場可以處理香港所有的需求量，特別是本地雞場的需要時，我相信便無須加建其他屠宰場。但是，如果香港的屠宰場無法處理這麼多雞隻時，我們當然要考慮在不同的地區加建屠宰場。但是，在公共衛生及健康方面的考慮來說，我相信現時興建一個中央屠宰場的決定，比興建多個屠宰場為佳。

呂明華議員：當然，政府認為中央屠宰場對於防範禽流感是很有幫助的。但是，中央屠宰帶來的一個問題，便是會影響很多人的生計和工作模式。我想請問局長，既然這樣，當局會否考慮讓一些大型養雞場自行屠宰雞隻？政府可以提出要求或作出監控，向這些養雞場發出牌照，讓它們自行處理。這樣的好處是.....

主席：你只須提出補充質詢便可以了。你是否已經提出了補充質詢？

呂明華議員：是的，已經提出了。

主席：好的，現時還有多位議員在輪候提問。

衛生福利及食物局局長：主席女士，據我瞭解，香港現時有 139 個註冊養雞場，但並沒有大型養雞場。如果有一個大型養雞場可取締其他養雞場，我們當然可以考慮，但我相信這並不容易做到。與此同時，屠宰場和養雞場也應該有適當的距離，不能同處於一個地點。因為一旦爆發任何問題時，我們也不希望整個行業，不論是屠宰或養雞行業均會受到影響的。所以，即使在內地或其他海外國家，它們的大型養雞場與屠宰場會有一定的距離，而設定這個距離，是不可能在香港的農場範圍內做到的。

譚耀宗議員：主席，局長是否曾透露會把家禽屠宰場設在新界北，例如打鼓嶺等一帶的地方？此外，局長似乎曾透露希望在 3 年內全面禁止出售活雞，請問局長是否有這個意思呢？

衛生福利及食物局局長：主席女士，我們現時考慮的，當然是在新界接近雞場的地方物色合適的地方，不過，我們仍未決定在甚麼地方，我們也有其他選擇，但要視乎環評和運輸等方面來決定。至於時間表方面，我們認為如果要實施整個計劃，最快也要 3 年時間，這可說是一個最快的時間表。但是，在設立屠宰場時，我們還要在法律及其他有關方面作出一些決定，而且有關法律須獲得立法會通過。

李華明議員：主席，局長的答覆是，政府的長遠政策目標是達致“人雞分隔”，所以便設立家禽屠宰場。但是，政府在 1 年前提交立法會的文件中 — 不足 1 年，只有大半年 — 也提到“人雞分隔”，當中清楚表示最佳的折衷方案是實行分區屠宰，並把很多好處詳列出來。可是，政府今天忽然推出中央屠宰，忘記了分區屠宰，即政府原先的最佳折衷方案。請問究竟是甚麼因素令政府在不足 1 年內再次改變立場，現在又倉促表示要設立家禽屠宰場？請問局長有否比較分區屠宰場跟家禽屠宰場兩者的優劣？可否向我們交代一下呢？

衛生福利及食物局局長：主席女士，我們去年已說過“人雞分隔”是必須實行的，但我們同時看到，香港人現時進食活雞的數字逐漸減少。過往最高紀錄是每天約食用六七萬隻，但直至現在，大約只是 5 萬隻。所以，我們要視乎需求來決定須有多少個屠宰場。同時，近日不論是本地、內地或是國際的看法，均認為越多運送家禽的機會，便會大大增加禽流感在該地傳播的風險。所以，我們希望在家禽運送方面，不要涉及多個不同的地方，應盡量集中在一個地方處理。如果一個屠宰場已能應付，我們便無須設立第二個屠宰場了。

我們去年說過，如果實行分區屠宰，便可以有新鮮雞肉發售，我想這是實施分區屠宰的最主要目的。但是，據現時的情況來看，由於風險較大，我們必須考慮如何平衡這兩方面的需要。

鄭家富議員：主席，我想繼續跟進李華明議員剛才的補充質詢。局長在主體答覆的第(一)部分中表示正積極考慮發展家禽屠宰場。就西區副食品批發市場方面，我們其實已談論了數年，而政府亦向立法會表示這差不多是事在必行的，但現在卻是以一個很簡單的理由 — 交通問題來決定另覓地方。我們當時其實也有提到交通問題的。所以，我想請問局長，政府所謂“積極”是甚麼意思？如果實行中央屠宰，政府是否已在新界北找到合適的地方？如果沒有，政府所謂的“積極”，還要等多久才能夠達致“人雞分隔”，而令中央屠宰盡快落實呢？

衛生福利及食物局局長：主席女士，我們現時已經找到一些可以設立家禽屠宰場的地方。不過，我們還要進行一些分析，例如該處的環境、交通配套及周遭環境等問題。我剛才已說過，我們在 3 月會向食物安全及環境衛生事務委員會提交報告，交代我們的看法。

主席：本會就這項質詢已用了超過 18 分鐘。最後一項補充質詢。

周梁淑怡議員：局長剛才對很多方面作出了解釋，但始終沒有回答一點，便是去年大家已在立法會內商討過，而大家原則上已達致一個共識——跟業界有一個共識，認為分區屠宰可以平衡各方面的要求、訴求及利益。但是，今年，即 1 年後，大政策又再改變。其實，自去年開始，已經可以先處理所有有關規劃等的事項了。我想請問局長，當你就一項這麼大的政策考慮作出改變時，有否同樣平衡業界的訴求和利益，以及有否考慮過這樣改變一項大政策，可能會引致業界的中小企沒有前路可走，反而讓大集團有壟斷的機會呢？

衛生福利及食物局局長：主席女士，我們一直有跟業界就這方面進行討論。當然，整個禽流感風險的轉變，是一個不斷變化的情況。所以，我們要在適當的時間作出適當的決定。當然，根據我們現時的時間表，是有足夠的時間跟業界商討如果我們實行中央屠宰，他們會受到甚麼影響，以及會作出甚麼安排。

主席：周議員，你的補充質詢是否未獲答覆？

周梁淑怡議員：是的，局長沒有回答我的補充質詢內有關壟斷的問題。

衛生福利及食物局局長：主席女士，我們現時不知道有誰會有興趣經營，所以我們不能肯定會否有人壟斷這方面的工作。當然，如果有更多人考慮做這方面的工作，我們是有招標的機制可確保這行業得到良好的監管的。

周梁淑怡議員：主席，局長似乎沒有針對我的補充質詢來回答，我所指的是，他原本的政策是實行分區屠宰，所以中小企仍可以繼續經營，但他現在改變了政策，那便可能會引致壟斷的情況。局長沒有回答我這個問題。

主席：局長，你是否還有補充？

衛生福利及食物局局長：沒有了。

主席：第三項質詢。

立法機關監察行政機關

Monitoring of Executive Authorities by Legislature

3. 李柱銘議員：主席女士，行政長官於上月出席一個電台節目時表示，《基本法》訂明立法機關有監察行政機關的職能，但他“希望監察不要‘過晒界’，變成政治掛帥，而不是實事求是”。當局於上月回答一項就這言論提出的質詢時，並沒有提供具體例子說明本會在監察政府運作時曾經越權和以政治掛帥。就此，政府可否告知本會：

- (一) 行政長官用“過晒界”一詞的具體含意是甚麼；及
- (二) 有哪些具體事例顯示立法會在監察政府運作時有“過晒界”的行為，或超越《基本法》賦予立法會的職能？

政制事務局局長：主席女士，正如我們在 2 月 15 日回答梁耀忠議員的書面質詢時指出，行政機關和立法機關在《基本法》下擁有不同的責任和職權。兩者應該按照《基本法》的規定各用其權、各司其職，互相制衡的同時也要相互配合。

在《基本法》下，香港特區政治體制是一種以行政長官為首的行政主導體制。例如，根據《基本法》第四十三和六十條，行政長官是香港特區的首長，亦同時是特區政府的首長。《基本法》第四十八條訂明行政長官負責執行《基本法》，提名並報請中央任命主要官員，以及代表特區處理中央授權的對外事務等。《基本法》第六十二條訂明特區政府負責編製財政預算，以及擬定法案、議案、附屬法例等。

《基本法》第七十三條列明立法會制定和修改法律等 10 項職權。此外，《基本法》第六十四條規定特區政府必須遵守法律，對立法會負責：執行立法會通過並已生效的法律；定期向立法會作施政報告；答覆立法會議員的質詢；徵稅和公共開支須經立法會批准。

Appendix II

LEGCO QUESTION NO. 16
(Written Reply)

Asked by: Hon LAU Kong-wahDate of Meeting: 8.3.2006Replied by: Secretary for Health,
Welfare and Food

Question:

As some of the carcasses of dead birds recently collected in various districts have been confirmed to be carrying H5N1 avian influenza virus, will the Government inform this Council:

- (a) of the details of such cases in the past three months, including the species of these birds, as well as when and where the carcasses were found;
- (b) whether it will consider uploading the details of such cases onto the Government web-site with daily updates for public information; and
- (c) of the names and locations of the existing public and private parks where birds are kept, and the respective numbers of birds by species in each of these parks; whether these birds are segregated from humans, and whether faecal testing for avian influenza virus is conducted regularly on these birds; if such testing is conducted, of the details?

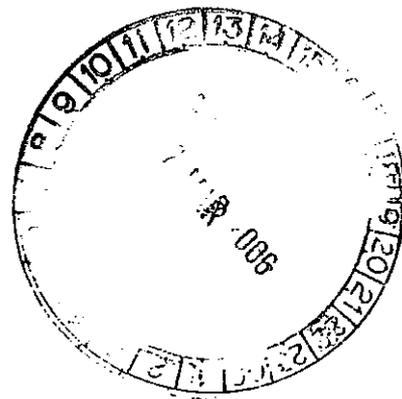
Reply:

Madam President:

- (a) All the confirmed cases of H5N1 are listed in the attached table.
- (b) The Agriculture, Fisheries and Conservation Department (AFCD) has uploaded to its web site (<http://www.afcd.gov.hk/news/news.htm>) information on all H5 positive cases of dead birds collected. The information will be updated regularly. All press releases regarding the H5 positive cases have also been put on the AFCD web site.
- (c) Testing of park birds has been an integral part of AFCD's extensive avian influenza (AI) surveillance and monitoring programme for many years. A total of about 200 faecal samples from recreational parks are routinely submitted to AFCD for AI testing every month. These parks include Leisure and Cultural Services Department (LCSD) parks (including Hong Kong Park, Kowloon Park, Tuen Mun Park, Yuen Long Park, Hong Kong Zoological and Botanical Gardens), Kadoorie Farm and Botanic Garden and Ocean Park. In 2005, a total of 2 871 samples were tested negative for highly pathogenic H5N1 virus.

The LCSD manages four major parks, namely Hong Kong Zoological and Botanical Gardens, Hong Kong Park, Kowloon Park and Yuen Long Park, which together kept around 1 500 birds (including 440 in the Zoological and Botanical Gardens, 630 in Hong Kong Park, 340 in Kowloon Park and 150 in Yuen Long Park). To prevent avian influenza, the Department has temporarily closed the aviaries of these four parks since 2 February 2006 in order to completely segregate the birds and park visitors. The flamingos and cranes kept in open sheds in the Zoological and Botanical Garden, flamingos and water fowls kept in the open bird lake of Kowloon Park as well as the black-necked swans kept in the open bird lake of Hong Kong Park have all been moved to closed cages or tents to avoid contact with wild birds.

The LCSD always keeps a close watch on health of these kept birds. The senior veterinary officers of the Department also closely monitor the health conditions of the birds kept in these four gardens. During their weekly inspections of these birds, samples of bird droppings are taken and sent to AFCD for tests on avian influenza to ensure their health. To date, all the tests on avian influenza conducted by AFCD have been negative.



Collection Date	Species	Location
10 Jan 2006	Oriental Magpie Robin	Kam Shan Tsuen, Tai Po
26 Jan 2006	Oriental Magpie Robin	Sheung Wo Hang Tsuen, Sha Tau Kok
31 Jan 2006	Chicken	Yuen Tuen Shan, Sha Tau Kok
31 Jan 2006	Crested Myna	Muk Lun Street Playground, Wong Tai Sin
2 Feb 2006	Common Magpie	Yuen Tun Village, Tsing Lung Tau
3 Feb 2006	Little Egret	River side near Lung Mun Oasis, Tuen Mun
4 Feb 2006	Chicken	Wu Tai Circuit, Tuen Mun
6 Feb 2006	Japanese White-eye	Diocesan Boy's School, Mong Kok
16 Feb 2006	Common Magpie	Dianthus Road, Sham Shui Po
17 Feb 2006	Common Magpie	Junction of Boundary Street and Flower Market Path, Mong Kok
18 Feb 2006	Large-billed Crow	Magnolia Road, Yau Yat Chuen
19 Feb 2006	Munia	Repulse Bay Road
19 Feb 2006	White-backed Munia	Queen's Road East, Wan Chai
20 Feb 2006	House Crow	Lai On Estate, Cheung Sha Wan
23 Feb 2006	House Crow	Tai Hung Tung Estate, Shek Kip Mei
24 Feb 2006	Common Magpie	Island Road, Southern District

Relevant Papers/Documents

<u>Meeting</u>	<u>Meeting Date</u>	<u>Papers/Motion Passed/Council Question</u>
Legislative Council	3 March 2004	Motion on “Restoring the public’s confidence in consuming live poultry” moved by Hon Tommy CHEUNG Yu-yan
	9 June 2004	Oral question on “Import of chickens from the Mainland” raised by Hon WONG Yung-kan
	6 July 2005	Oral question on “Avian flu hazards posted by migratory birds” raised by Hon Vincent FANG
	2 November 2005	Oral question on “Preventing of a local outbreak of human infection of avian influenza” raised by Hon Andrew CHENG Kar-foo
	23 November 2005	Oral question on “Closure of borders in the event of an outbreak of human infection of avian influenza” raised by Hon Tommy CHEUNG Yu-yan
	30 November 2005	Motion on “Preventing avian influenza” moved by Hon Fred LI Wah-ming Written question on “Preparation for the avian flu pandemic” raised by Dr Hon KWOK Ka-ki Written question on “Use of Chinese medicines in the fight against human infection of avian influenza” raised by Hon LI Kwok-ying

	1 March 2006	Oral question on “Banning sale of live poultry and implementing centralized slaughtering for live poultry” raised by Hon WONG Yung-kan
	8 March 2006	Written question on “Public's access to information of carcasses of dead birds found to be carrying H5N1 avian influenza virus” raised by Hon LAU Kong-wah
Finance Committee	26 March 2004	FCR(2003-04)67 Subhead 700 General other non-recurrent New Item “Ex-gratia payment to live poultry operators affected by outbreak of avian influenza in the region” (Approved) Minutes of meeting – LC Paper No. FC 85/03-04
	2 July 2004	FCR(2004-05)25 Subhead 700 General non-recurrent New Item “Ex-gratia payment to live poultry retailers surrendering their licences with endorsement to sell live poultry or public market tenancies” New Item “Re-training and one-off grants to assist affected live poultry retail workers” Loan Fund – Head 262 Primary products New Subhead “Loans to live poultry retailers” (Approved) Minutes of meeting – LC Paper No. FC 112/03-04

	8 July 2005	FCR(2005-06)28 Ex-gratia payment/loans for live poultry farmers, wholesalers, retailers, retail workers and transporters to surrender their licences/tenancies and/or cease operation on a permanent basis (Approved) Minutes of meeting – LC Paper No. FC 7/05-06
Panel on Food Safety and Environmental Hygiene	27 May 2002	Background paper prepared by the LegCo Secretariat – Paper No. CB(2) 1973/01-02(06) Minutes of meeting – LC Paper No. CB(2) 2355/01-02
	19 December 2002	Background paper prepared by the LegCo Secretariat – Paper No. CB(2) 699/02-03(05) Minutes of meeting – LC Paper No. CB(2) 994/02-03
	12 February 2004	Administration’s paper - Paper Nos. CB(2) 1306/03-04(01) & CB(2) 1332/03-04(01) Minutes of meeting LC Paper No. CB(2) 2283/03-04
	16 February 2004	Minutes of meeting LC Paper No. CB(2) 2947/03-04
	25 February 2004	Administration’s papers - Paper No. CB(2) 1382/03-04(05) & CB(2) 1493/03-04(01) Minutes of meeting LC Paper No. CB(2) 2090/03-04
	10 March 2004	Minutes of meeting LC Paper No. CB(2) 2225/03-04

	19 March 2004	Minutes of meeting LC Paper No. CB(2) 2114/03-04
	2 April 2004	Consultation paper provided by the Administration on “Prevention of avian influenza : Consultation on long term direction to minimize the risk of human infection” Administration’s paper - Paper No. CB(2) 1930/03-04(01)
		Minutes of meeting LC Paper No. CB(2) 2777/03-04
	15 April 2004	Minutes of meeting LC Paper No. CB(2) 3040/03-04
	27 April 2004	Minutes of meeting LC Paper No. CB(2) 2812/03-04
	25 May 2004	Administration’s paper - Paper No. CB(2) 2492/03-04(05) Minutes of meeting LC Paper No. CB(2) 2949/03-04
	4 June 2004	Minutes of meeting LC Paper No. CB(2) 3243/03-04
	26 October 2004	Administration’s paper - Paper No. CB(2) 75/04-05(03) Background paper prepared by the LegCo Secretariat – Paper No. CB(2) 75/04-05(04) Minutes of meeting LC Paper No. CB(2) 289/04-05 Follow-up papers provided by the Administration on the voluntary surrender scheme for live poultry retailers – Paper Nos. CB(2) 1189/04-05(01)-(03) & CB(2) 1448/04-05(01)

	11 January 2005	Administration's paper - Paper No. CB(2) 566/04-05(03) Minutes of meeting LC Paper No. CB(2) 758/04-05
	14 March 2005 (Joint meeting with Panel on Health Services)	Administration's paper - Paper No. CB(2) 1042/04-05(01) Minutes of meeting LC Paper No. CB(2) 1463/04-05
	7 April 2005	Administration's paper - Paper No. CB(2) 1042/04-05(01)
	14 June 2005	Administration's paper - Paper Nos. CB(2) 1675/04-05(01) CB(2) 1860/04-05(04) Background brief prepared by the LegCo Secretariat – Paper No. CB(2) 1860/04-05(05) Minutes of meeting LC Paper No. CB(2) 2563/04-05
	17 October 2005 (Policy briefing)	Administration's paper - Paper No. CB(2) 26/05-06(01)
	31 October 2005	Administration's paper - Paper Nos. CB(2) 199/05-06(01) CB(2)301/05-06(01)
	5 November 2005 (Joint meeting with the Panel on Health Services)	Administration's paper - Paper No. CB(2) 294/05-06(01)
	7 February 2006	Administration's paper - Paper Nos. CB(2) 1042/05-06(01) HWF(F) CR 5/6/1