# 立法會 Legislative Council

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## Panel on Food Safety and Environmental Hygiene

# Information note prepared by the Legislative Council Secretariat for the special meeting on 19 February 2014

# The Administration's Proposed Compensation and Ex-gratia Payments to Poultry Operators Affected by Avian Influenza

Following the Administration's announcement on 27 January 2014 that a number of samples from a batch of live chicken imported from the Mainland were confirmed H7 positive in the H7 Polymerase Chain Reaction test ("the incident"), the Panel on Food Safety and Environmental Hygiene ("the Panel") held a special meeting on 29 January 2014 to discuss issues relating to the Administration's preventive and control measures of avian influenza ("AI"), including the immediate measures taken in response to the incident. According to the Administration, some 22 000 birds in the Cheung Sha Wan Temporary Wholesale Poultry Market ("CSW Wholesale Market") were slaughtered by order of the Director of Agriculture, Fisheries and Conservation under the Public Health (Animals and Birds) Regulations (Cap. 139A). In addition, CSW Wholesale Market was closed for 21 days during which time all trading activities of live poultry had to be suspended.

2. At the Panel's special meeting on 29 January 2014, members raised concern about the impacts of the Administration's decision to cull all live poultry at the CSW Wholesale Market and imposition of a 21-day ban of the live poultry trade on the affected trade including local chicken farmers, wholesalers and retailers. To prevent the recurrence of similar incidents, members urged the Government to consider separating the supply chain of local live chickens from those imported from the Mainland and the trade's suggestion that live chickens imported from the Mainland should not be transported to the CSW Wholesale Market until they were confirmed to have no AI viruses infection.

- 3. Members passed two motions at the Panel's special meeting, requesting the Administration to propose plans to improve the live chicken supply chain system and offer compensation to relevant parties of the affected trade and urging the Administration to expeditiously identify sites for relocating the CSW Wholesale Market. The wordings of the motions are in **Appendices I and II**.
- On 14 February 2014, the Administration provided to the Panel an 4. information paper on the Administration's proposed compensation and ex-gratia payments ("EPG") to poultry operators affected by the incident. were advised that the Administration's proposal would be submitted to the Finance Committee for consideration and approval on 21 February 2014. Under the Administration's proposal, an EGP of \$30 per bird at or above the best marketable age (i.e. 80-day-old) as at 28 January 2014 is offered to local chicken farmers for meeting their operational expenses and alleviation of their financial hardship during the closure of the CSW wholesale market and suspension of trading activities. It is also proposed to offer a lump-sum EGPs to wholesalers, retailers, transport operators and self-employed workers at the CSW wholesale market to help alleviate the financial hardship caused by the suspension of trade during the Lunar New Year peak, including paying wages to their workers and other additional prior commitments especially incurred in the The relevant media reports on the subject are in Lunar New Year season. Appendix III.
- 5. The Administration will brief the Panel on its proposed compensation and EPG to poultry operators affected by the incident at the Panel's special meeting on 19 February 2014.

Council Business Division 2
<u>Legislative Council Secretariat</u>
18 February 2014

#### (Translation)

## Panel on Food Safety and Environmental Hygiene

# Motion passed under the agenda item "Update on the prevention and control of avian influenza" at the special meeting on 29 January 2014

"That, as the processes of the live chicken supply system are imperfect, live chickens from the Mainland are mixed with local live chickens before they are confirmed to meet safety standards, thus causing local chicken farmers to suffer losses as well because chickens imported from the Mainland are found infected with avian influenza, and this is indeed an unexpected calamity. This Panel holds the view that the Administration should expeditiously propose plans to improve the live chicken supply system, immediately study the segregation of local-farm live chickens for independent conveyance to markets, support local agriculture and farmers, and offer compensation to relevant parties such as local chicken farmers, wholesalers, retailers, etc. in respect of this incident, as well as providing other appropriate support."

Moved by : Hon Cyd HO Sau-lan; Hon Alan LEONG Kah-kit, SC Amended by : Hon Steven HO Chun-yin; Hon WONG Kwok-hing,

BBS, MH; Hon Tommy CHEUNG Yu-yan, SBS, JP;

Hon Vincent FANG Kang, SBS, JP

#### (Translation)

## Panel on Food Safety and Environmental Hygiene

# Motion passed under the agenda item "Update on the prevention and control of avian influenza" at the special meeting on 29 January 2014

"That this Panel urges the Administration to look squarely at the strong aspirations of residents in the vicinity of the Cheung Sha Wan Temporary Wholesale Poultry Market, expeditiously identify sites for relocating the Cheung Sha Wan Temporary Wholesale Poultry Market to make it far away from residential areas, so as to safeguard public safety."

Moved by : Dr Hon Priscilla LEU Seconded by : Hon CHAN Han-pan Dr Hon Priscilla LEUNG Mei-fun, SBS, JP

南華早報 | 2014-02-14 報章 | CITY2 | CITY | BIRD FLU | By Lo Wei

Wholesalers to get HK\$30 for each chicken culled

Wholesalers will receive HK\$30 government compensation for each chicken culled last month because of bird flu while breeders will get about HK\$30 ex gratia for each chicken that could not be sold at a prime age because of suspension of the trade.

The payments of more than HK\$10 million will be tabled in the Legislative Council finance committee next week for approval, a government source said. It will also include ex gratia payments for poultry retailers and transport workers.

Traders say the payment will not be enough to cover their loss from the culling of about 20,000 birds at the wholesale market in Cheung Sha Wan on January 28 and the three-week trade suspension that followed.

It came after a sample from a Guangdong supplier tested positive for H7N9 bird flu.

Secretary for Food and Health Dr Ko Wing-man said he understood it had been a hard blow for the industry.

Wholesalers said they would accept the HK\$30 compensation.

But traders operating with a new business model were worried they might not be included.

"It's the government's mistake that led to our loss. It wasn't our farms that had bird flu," said Regal Cheng Chin-keung, director of a group that sells two local chicken brands. He would seek a judicial review if he was not compensated, he said.

His group hatches chickens and sends them to seven local farms until they are 90 days old. Then it buys them back at a fixed price for wholesale and retail sales.

Cheng said he killed about 10,000 chicks during the suspension period as the farms were overcrowded. His chickens can sell for up to HK\$150 each during Lunar New Year, and his group usually sells about 4,000 a day during the festive period.

Poultry Wholesalers Association chairman Tsui Ming-tuen said that although each chicken could have been sold for about HK\$60, he would still accept the HK\$30 compensation. "We don't want the money, we want to continue our business," he said.

Health officials will meet representatives from the trade today to listen to their views.

文章編號: 201402145336430

明報 | 2014-02-15 報章 | A10 | 港聞

停活雞政府賠業界 1770 萬元 每雞償 30 元雞農稱不足補成本

【明報專訊】政府自上月 28 日起停售活雞 21 日,本地農場囤積 28 萬隻老雞,食物及衛生局昨向立法會財委會提交文件,建議以 1770 萬元補償業界。雞農可獲每隻適齡雞 30 元的恩恤安排,但雞農代表認為每隻適齡雞要餵飼料、打針等,每隻成本約 50 元,金額未足補償養雞成本。不過,活雞批發商指老雞可用較便宜價格在市場出售,不會滯銷,雞農毋須太擔心。

立法會食物安全及環境衛生事務委員會委員郭家麒認為,政府在今次禽流感遲遲不肯暫停內地活雞供應,造成行政失誤,本地雞農理應獲得賠償;但本地雞即使成了老雞,仍可以照舊賣出,賠償金額應按實際損失而定,建議找獨立仲裁人為雙方定下賠償金額。

高永文:復市前未必落實分隔

食物及衛生局長高永文表示,未必能在下周二復市之前,落實分隔中港雞安排,他將於下周一與內地相關部門會面,討論批發市場重開後的活禽進口安排。對於賠償方案,食衛局文件昨提出以1770萬元補償業界,當中約五成即867萬元是給本地雞農的特惠津貼,以截至上月28日(即停售期首天),本地農場約有28.9萬隻未能出售適齡雞計算,雞農可獲每隻30元津貼。批發商、零售商及運輸商等亦有7000元至4萬元不等的一筆過津貼。

#### 雞農憂老雞滯銷批發稱勿憂

新界養雞同業會副監事長李良驥不滿意賠償方案,認為金額要配合實際養雞成本。該會理事長鄧煒麟表示,平日一隻3斤重的適齡雞要餵飼料、打針等,每隻成本約50元,批發價約80多元,但老雞分量太大,只有在新年時節才賣得好價錢,其餘日子沒有議價空間,他擔心復市後市民對吃雞信心大減,大量老雞滯銷。

不過,香港活家禽批發商商會會長徐名團說,每隻3斤半的雞在淡季約售50多元, 而5、6斤的老雞則以每隻計算,與超齡雞批發價相若,只是零售價或會便宜約兩成。 他認為市民始終要吃雞,不擔心會有滯銷。

#### 雞苗商未獲賠或索償

有供應雞苗的承包商不滿未獲賠償,粵皇雞董事鄭展強昨表示,會考慮以法律途徑追討賠償。嘉美雞董事郭銘祥稱,他向本地農場提供雞苗作養飼,再以每隻 60 元的價錢買回適齡雞,由於雞農養老雞的成本增加,回購價增至 80 元,惟只能蝕賣予批發商供應市場,損失嚴重。他現預備將 5000 隻老雞售予慈善機構及政黨。

據食衛局資料,政府自 2008 年收回部分雞牌後已向業界表明,選擇留在活家禽業的經營者須承受本港再次爆發禽流感的風險,此後政府再沒有因本港活雞爆發禽流感而發放特惠津貼。

文章編號: 201402150040038

星島日報 | 2014-02-15 報章 | A07 | 港聞

政府擬賠千八萬予雞農 檔位泊車免租一月

「禁雞令」下周二將屆滿,政府建議向受影響的家禽業界發放合共約千八萬元特惠津 貼,其中被政府撲殺的兩萬二千多隻活禽,以及逾八十日大的超齡老雞,一律每隻賠 三十元;雞販、運輸業及相關自僱工人可獲一筆過津貼,但活雞承包商不獲賠償,計 畫入稟控告政府。至於內地及本港活雞的分流安排,至今未有定案。

記者 : 陳浩忻

食物及衞生局局長高永文昨日與家禽業界會面,並提出「禁雞令」恩恤賠償方案。政府上月宣布關閉長沙灣臨時家禽批發市場當日,撲殺兩萬二千多隻活禽,批發商可獲每隻三十元法定賠償,並獲一筆過特惠津貼三萬元,其批發市場檔位、泊車位獲免租一個月。至於本港養雞場逾八十日大的超齡老雞,每隻可獲三十元津貼,涉及約二十八萬九千一百隻老雞。

活家禽零售商方面,租用食環署或房委會轄下街市的雞販,可獲寬免一個月租金,另發放兩萬元特惠津貼;在私人樓宇經營的雞販,可獲四萬元津貼。當局又向活家禽運輸商發放兩萬元津貼,並寬免批發市場泊車位租金一個月;批發市場的自僱工人則可獲七千元津貼。所有賠償料涉及一千七百七十萬元公帑。

當局解釋,發放特惠津貼是因為本港宣布停售活雞時正值農曆新年前夕,本港活家禽市場需求及價格均處於高峰,因此對業界造成沉重打擊,令活禽業的經營情況雪上加霜。有關補償議案下周五提交立法會財委會討論,如獲通過,會即時向受影響各方發放援助金。

#### 老雞每隻賠三十元

漁農界立法會議員何俊賢表示,雞農勉強接受方案,但有負責供應雞苗的活雞承包商不滿無獲發津貼,其中新界養雞同業會副監事長李良驥表示,「有些農場賣『BB雞』,是六十多日大的,政府應該考慮有些特殊的環境,有另一種處理方法。」

承包商鄭展強說,業界打算循法律途徑向政府追討賠償(見另稿),「政府失誤令我們做不到生意,而且雞又大了、又老了,是不符合我們標準收雞的價錢。」

「禁雞令」解除後翌日,本港家禽批發市場會恢復運作,但內地及本港活雞的分流安

排至今仍未有定案。高永文說,正與有關的工務部門研究技術問題,未必趕及批發市場重開前落實安排。據悉不論情況如何,本港農場的活雞都會恢復應市,但內地活雞是否需要延遲解禁,有待當局後日與內地開會決定。高永文強調,本港有必要反思是否仍應有活雞供應。

本港日前確診感染 H7N9 禽流感的六十五歲男子仍在東區醫院留醫,情況危殆。 內地昨新增兩宗 H7N9 個案,其中七十八歲廣州男患者剛去世;六十六歲江門鶴山女 患者則情況危殆。

另外,本港食環署宣布,因應越南南定、廣義、西寧、慶和、金甌及崑嵩省爆發高致病性 H5N1 禽流感,即日起本港禁止該六省的鹹鴨蛋進口。

文章編號: 201402150030017

香港經濟日報 | 2014-02-15 報章 | A15 | 港聞

恩恤金 1800 萬 雞苗承包商無賠償

本港下周三恢復活雞供應,港府昨與家禽業界會面,建議以近 1,800 萬元公帑,向停售活雞的受影響業界提供特別恩恤,但雞苗商及承包商不滿不獲賠償。

據悉,港府在下周恢復活雞交易時,計劃延長暫停輸入內地雞的時間,但本港家 禽批發和零售業界反對,認為會致本地雞壟斷市場,推高雞價。

發放特惠津貼 部分免租1個月

食物及衞生局局長高永文昨晨與家禽業界會面,提出恩恤方案,建議發放 1,770 萬元恩恤金。方案包括,本地雞場如在上月 28 日有適齡、即 80 日大的雞隻,雞農每 隻可獲 30 元特惠津貼,批發商則可獲一筆過 3 萬元津貼,其批發市場內舖位及車位, 可免租 1 個月。

零售商方面,雞檔位於食環署或房委會轄下街市舖位的雞販可免租 1 個月,並獲 2 萬元特惠津貼;在私人場所出售活禽的雞販,則可獲 4 萬元特惠津貼。運輸商在批發市場的泊車位免租 1 個月,及發放一筆過 2 萬元特惠津貼;批發市場內的自僱從業員,則獲一筆過特惠津貼 7,000 元;但雞苗商及承包商則不獲賠償。

當局在下周五會將補償及特惠津貼方案提交財委會討論,若獲通過會即時發放。

漁農界立法會議員何俊賢稱,雞農不滿賠償額,認為在新年期間每隻雞可售至數百元,只賠償每隻雞 30 元並不足夠,他會再與雞農開會商討是否接受。

#### 擬延長停輸內地雞 業界反對

港府下周一將與內地相關部門商討恢復活雞供應安排,但計劃延長暫停輸入內地活雞的時間,家禽批發商商會會長徐名團不滿安排,認為會影響復市後生意;他指會上建議政府將長沙灣鮮魚批發市場作為內地活雞臨時檢測等候區,但當局回應說,要先徵詢鮮魚批發市場業界的意見。

雞販代表的港九雞鴨行職公會副主席馬平龍則滿意恩恤金額,因一早明白要承受 出現禽流感而無法做生意的風險,但他反對長時間暫停輸入內地雞,最多只肯接受暫 停一周,否則會致本地雞農壟斷市場、雞價上升。

文章編號: 201402155311971

蘋果日報 | 2014-02-15 報章 | A04 | 要聞

每隻超齡雞僅賠 30 元 雞農不滿

本港活家禽 21 日的「禁雞令」將於下周二屆滿,本地雞場積存了近 30 萬隻「超齡雞」, 政府昨與業界開會,推出超過 1,700 萬元補償及特惠津貼方案,包括對每隻超齡雞發放 30 元津貼;批發商等獲一個月免租及一筆過津貼,但措施反激起本地雞業怒火,雞場 指賠償太少,不受惠的承包商更聲言採取法律行動。有雞農昨午已入稟法院申請臨時 禁制令,禁止內地雞隻進入長沙灣臨時家禽批發中心,以免禍及本地雞。

#### 批發商獲一個月免租

約20名活禽業者、漁農界立法會議員何俊賢,昨早與食物及衞生局局長高永文開會,要求政府補償業界在禁售期間的損失,並跟進中港活雞分隔檢疫安排。政府估計全港29個雞場,積存28.9萬隻於禁售日起計滿80日的超齡雞,提出向雞場東主發放每隻30元的特惠津貼;而上月底在長沙灣臨時家禽批發市場銷毀的約兩萬隻活雞,批發商亦可獲每隻30元的法定補償。

至於批發商、零售商及運輸商,皆獲一個月免租,以及2至4萬元的一筆過特惠津貼; 批發市場30名自僱工人獲發放7,000元特惠津貼。下周五政府將方案提交立法會財委 會討論。

何俊賢在會後代表業界人士表示,雞農不滿意每隻30元的津貼太少,未決定是否接受,稍後會進一步商討對策。新界養雞同業會副理事長李良驥指賠償不包括BB雞,未必公平。承包商鄭展強表示不滿方案不包括雞苗商及承包商,稱其集團現積存約7萬隻超齡雞,故有意提出法律行動。

業界一直關心的中港活雞分隔檢疫,政府稱仍未物色到適合土地,無法定下確實方案。 高永文於會上表示,稍後會與內地相關部門開會,商討批發市場重開後的內地活禽供 港安排。何俊賢則稱,政府承諾下周二會就分流檢疫提出新方案,惟因臨近復市日, 業界憂慮當天要無奈接受政府提出的方案。

文章編號: 201402150060039

大公報 | 2014-02-16 報章 | A11 | 港聞

擬文錦渡覓地分隔雞隻 陳肇始:續輸入內地活雞

本港周三將恢復活雞銷售,食物及衛生局副局長陳肇始表示,局方與漁護署正探討如何分隔兩地雞隻的方案,正在文錦渡口岸找合適地點,分隔內地及本地活雞,當局會在禁售活雞期完結,即下周二或之前公布方案。她又指,現階段暫不考慮停止輸入內地活雞,因香港的雞苗有4成來自內地,若香港不進口內地活雞,卻進口內地雞苗,道理不通。

#### 大公報記者葉漢亮

新春期間政府宣布禁售活雞 21 天,周三將全面恢復活雞供應,有雞農在活雞禁售期完結前,入稟申請司法覆核,要求頒令停止讓未有檢疫結果的內地活雞進入長沙灣家禽批發市場。陳肇始指,由於檢疫結果要等 4 至 5 個小時,技術上不是停泊好運送雞隻的車輛便足夠,因每輛車有很多雞籠,如不搬開雞籠,位於底層的活雞會好「侷促」,同時亦要考慮地點的排污、通風及生物安全設施,以及附近 3 公里是否有雞場或民居。她強調,當局正努力物色合適地方,分隔兩地活家禽。

#### 發放恩恤金非賠償損失

政府周五將會向財委會申請撥款,向業界發放合共 1770 萬元恩恤金。但有雞農指賠償金是 40 年前定下,認為當局應檢討政策。陳肇始表示,考慮到今次活雞禁售期,橫跨農曆新年賣雞高峰期,因此除了按照法例,對每隻被銷毀的活雞賠償 30 元外,亦會向雞農、零售、批發和運輸商發放恩恤金,如零售商戶會獲免租的安排,並強調只是恩恤安排,並非要賠償他們的生意損失。她補充,局長高永文早前已與業界商討賠償金額,現時再無改變空間,又指政府在 08 年收回部分雞牌後,已說明不交還牌照的活家禽業界,要承受本地再次爆發禽流感的風險,而賠償 30 元是法例訂明,如果要修改法例,會令到雞農及雞販較遲收到賠償,同時對超齡雞隻的恩恤金亦沒有改變的空間。

另外,有意見提出本港是否應停止輸入內地活雞,只吃本地活雞,以減少感染機會。 陳肇始表示,內地供港活雞有獨立供應鏈,又指現時香港有至少4成雞苗來自內地, 若只輸入雞苗,不輸入活雞是說不通。她又認為,香港市民要考慮是否繼續吃活雞, 因為只要有候鳥便有機會傳播病毒,即使只吃本地活雞,都有感染風險。

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超齡雞恩恤 賠 30 蚊無價講 陳肇始:生意損失風險自負何俊賢憂延遲畀錢影響業界

香港文匯報訊(記者 劉雅艷)食物及衛生局建議發放 1,770 萬元恩恤津貼予家禽業界。食物及衛生局副局長陳肇始昨表示,向業界賠償每隻超齡雞 30 元並非賠償生意損失,而是恩恤,故沒有改變空間。漁農業界立法會議員何俊賢未決定會否支持有關撥款申請,但表示若立法會反對賠償方案,賠償問題需留待 4 月至 5 月再討論,延遲賠償將對業界造成影響。而局長高永文將最遲於周二交代分流暫存內地活雞的選址。

政府建議發放 1,770 萬元補償及特惠津貼方案,包括對每隻超齡雞發放 30 元津貼、寬免 1 個月租金等,然而有雞農不滿賠償太少,亦有不受惠於補償方案的活雞承包商聲言計劃入稟控告政府。

食物及衛生局副局長陳肇始昨日出席電台節目時表示,考慮到是次活雞禁售期橫跨農曆新年的賣雞高峰期,因而考慮向業界發放恩恤金,故基本上無商討和改變的空間。

陳肇始指出,政府 2008 年收回部分雞牌後,選擇繼續經營的活家禽業界必須承受本地 再次爆發禽流感的風險,並強調是次向業界賠償每隻超齡雞 30 元,而非賠償業界在生 意上的損失,只是一個恩恤安排。

#### 只要雞苗不要活雞說不通

至於有意見認為本港應暫停內地活雞供應,陳肇始直言有關方案暫時不可行,目前不會考慮。「內地供港活雞有獨立供應鏈。如果本港認為內地雞隻有危險,其實本港都不應該要牠的雞苗。但現時 40%本地雞的雞苗都是來自內地,本港只要雞苗而不要活雞是說不通」。

陳肇始重申,局方首要積極在文錦渡口岸以及漁護署可以動用的地方,尋找合適地點分隔進口及本地活雞,而長遠則應探討是否繼續要有活雞供應。她謂,由於檢疫結果要等四五個小時,技術上不是停泊運送雞隻的車輛便足夠,「每輛車有很多雞籠,如果不搬開雞籠,位於底層的活雞會很焗促」。

同時,當局亦要考慮排污、通風、生物安全設施,以及方圓 3 公里範圍內是否有雞場或民居等問題。

何俊賢:最關注分流活雞方案

對於政府當局稱賠償無改變空間,漁農業界立法會議員何俊賢不評論政府是否「霸王硬上弓」,未決定會否支持有關撥款申請。

他表示,若立法會反對政府建議的賠償方案,有關賠償問題須留待4月至5月再討論,「雞農抱着觀望態度研究政府延遲賠償對業界有何影響」。

何俊賢續表示,雞農目前最關注食物及衛生局局長高永文將在本周二提出的分流暫存內地活雞方案。

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#### 「禁雞令」恩恤議價空間微

為彌補「禁雞令」生效期間,本港家禽業界蒙受經濟損失,政府日前宣布向業界發放 共約一千八百萬元恩恤賠償。食物及衞生局副局長陳肇始昨表示,有關款項只是恩恤 金,並非賠償業界的生意損失,雙方可以議價的空間甚微。當局將在「禁雞令」下周 二屆滿前,公布分隔內地和本港活雞的安排。

#### 安排分隔中港活雞

政府日前宣布向受「禁雞令」影響的家禽業界,發放共約一千八百萬元恩恤賠償。食物及衞生局副局長陳肇始昨日表示,當局在二〇〇八年推出自願退牌計畫時,已向選擇繼續經營的活家禽業界表明,日後需承受再次爆發禽流感的風險,由於有關的恩恤金並非賠償業界的生意損失,故雙方再議價的空間甚微。

她表示,當局正與漁護署探討分隔內地和本港活雞檢疫的安排,最急須是要找到地方安置內地活雞,希望選址在文錦渡附近。她指,由於等候檢疫結果一般需時四至五小時,技術上不是找地停泊運雞車輛就足夠,有關考慮範圍亦包括選址的通風、污水及生物安全設施,以及附近三公里有否雞場或民居等。

被問到本港能否停止輸入內地活雞,陳肇始說當局暫不考慮有關做法,「香港的雞苗有四成來自內地,如果不要內地雞,但又進口內地雞苗,這樣講不過去。」她說,本港市民需考慮長遠是否要有活雞供應,政府不排除就此聘請顧問作研究,又重申政府着意發展本地農業,包括養雞業,但需同時考慮本港土地不足的問題。

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