

立法會
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Panel on Food Safety and Environmental Hygiene

**Minutes of special meeting
held on Wednesday, 12 November 2003 at 9:30 am
in Conference Room A of the Legislative Council Building**

Members present : Hon Fred LI Wah-ming, JP (Chairman)
Hon Tommy CHEUNG Yu-yan, JP (Deputy Chairman)
Hon WONG Yung-kan
Hon YEUNG Yiu-chung, BBS
Hon Andrew CHENG Kar-foo
Hon Michael MAK Kwok-fung
Dr Hon LO Wing-lok, JP

Member absent : Hon LEUNG Fu-wah, MH, JP

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

Mr W H CHEUK
Deputy Director (Environmental Hygiene)
Food and Environmental Hygiene Department

Mr HUNG Chi-pai
Assistant Director (Operations)1
Food and Environmental Hygiene Department

Mr M K CHEUNG
Assistant Director (Fisheries)
Agriculture, Fisheries and Conservation Department

Mr Joseph SHAM
Senior Fisheries Officer (Fisheries Supporting Services)
Agriculture, Fisheries and Conservation Department

Clerk in attendance : Mrs Constance LI
Chief Assistant Secretary (2)5

Staff in attendance : Ms Amy WONG
Senior Assistant Secretary (2)1

Miss Lolita SHEK
Senior Assistant Secretary (2)7

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I Discovery of Vibrio cholerae in the wholesale fish market at the Aberdeen promenade
[LC Paper No. CB(2) 297/03-04(01)]

The Chairman invited Deputy Secretary (Food and Environmental Hygiene) (DS(FEH)) to brief members on the paper provided by the Administration. DS(FEH) outlined the short, medium and long-term control measures taken or to be taken to promote fish tank water quality and seafood safety. He said that in view of the recent case of discovery of Vibrio cholerae in the wholesale fish market at the Aberdeen promenade, the Agriculture, Fisheries and Conservation Department (AFCD) had agreed to consider expediting the process for Fish Marketing Organisation (FMO) to assume management responsibility for the fish wholesale market in question by the end of December 2003. Details on regularising the live fish wholesale market were being worked out.

2. The Chairman asked about the number and test results of the fish tank water samples taken from the promenade after the last incident in summer when Vibrio cholerae was found in some retail fish stalls. Deputy Director (Food and Environmental Hygiene Department) (DD(FEHD)) said that 68 water samples had been collected since September 2003. On 6 November 2003, i.e. one day after a fish stall at the Aberdeen promenade was found to contain Vibrio Cholerae 01 E1 Tor serotype Ogawa, water samples were also taken from the remaining 17 stalls and seven of these samples were found to have exceeded the acceptable level of E Coli bacteria. FEHD would take prosecution actions against these stalls.

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Source of water

3. Mr YEUNG Yiu-chung asked why the Administration did not focus its monitoring on the source of water used for keeping seafood. DS(FEH) responded that at present there was no legislation regulating abstraction of seawater. As he had explained at the Panel meeting on 16 September 2003, the Administration would review the existing regulatory measures with a view to bringing the wholesaling of seafood under the regulatory framework. He said that members' suggestion of regulating the water quality at the distribution/transportation level would be considered during the review.

4. Mr Andrew CHENG urged the Administration to expedite the legislative review to prohibit abstraction of seawater at contaminated locations. He considered that it would be difficult to enforce any requirements in the absence of a regulatory framework and penalty provisions. Mr Tommy CHEUNG expressed support for the suggestion of prohibiting abstraction of seawater at contaminated locations by law.

5. DS(FEH) said that the Administration would look into the suggestion of monitoring the water source. Pending the outcome of the review, the present control measure of taking water samples from wholesale and retail markets had proven effective, as the operators were aware of the consequences if their fish tank water samples were found to be of an unacceptable standard. The media reports of discovery of *Vibrio cholerae* in fish stalls also had a deterrent effect, as this would have an adverse impact on the seafood business. DS(FEH) advised that FEHD would take enforcement actions against those premises in breach of the water quality requirements, and such premises would be ordered to be closed if they still could not meet the requirements. DS(FEH) added that the wholesaling of live seafood would be brought under the regulatory framework as soon as possible.

6. Mr Andrew CHENG considered that both the Government and the seafood stall operators had the responsibility to ensure the hygiene quality of the water used for keeping seafood. He said that the Government should let the public and the seafood traders know about the contaminated locations where abstraction of seawater was prohibited. He suggested that people who abstracted seawater at contaminated locations should be punished. In this connection, the Chairman also pointed out that there had been media reports about cages of fish being kept in the harbour water near the promenade.

7. Responding to the Chairman, DD(FEHD) agreed that keeping fish in harbour water was undesirable and water samples had been collected from those stalls. On Mr CHENG's suggestion of specifying locations for abstracting seawater, DD(FEHD) said that it was difficult to guarantee that the quality of seawater at the specified locations was good at all times for keeping seafood. He stressed that taking fish tank water samples was an effective means to ensure the hygienic quality of such water. He pointed out that in over 13,500 water samples collected since January 2003, only three

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samples were found to have *Vibrio cholerae* and none of these involved human case. He added that most of the fish stall operators and restaurants were willing to comply with the guidelines issued by FEHD for maintaining the hygienic conditions of fish tank water.

8. The Chairman asked whether the seven fish stalls where the water samples were found to have E Coli bacteria would have to be closed. DD(FEHD) responded that they would be prosecuted but not ordered to be closed at the present stage. FEHD would collect follow-up water samples to find out if there was *Vibrio cholerae*.

9. Mr WONG Yung-kan asked whether the Environmental Protection Department (EPD) would monitor the seawater quality and advise the public where clean water could be tapped. DD(FEHD) said that as far as he was aware, EPD had suggested some locations with better water quality. He would refer Mr WONG's question to EPD.

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Filtration and disinfection systems

10. Mr YEUNG Yiu-chung asked if there were any legislative requirements on the installation of filtration and disinfection systems for fish tanks. DS(FEH) responded that there were no such legislative requirements at present. Due to resource limitations, the present enforcement strategy focused on the retail outlets and they were required to comply with licensing conditions, which included among others provision of washing basins and installation of filtration and disinfection systems for fish tanks. He pointed out that the wholesale fish traders at the Aberdeen promenade were illegally occupying government land. FEHD was currently working with AFCD and the Architectural Services Department to bring the live fish wholesale traders under the regulatory framework. With the introduction of a permit system for these wholesale fish traders, FEHD could then require these traders to comply with the same hygiene requirements as those for the retail outlets.

11. DD(FEHD) added that following the recent discovery of *Vibrio cholerae* in the fish wholesale market at the promenade and the intensified inspection by FEHD, the fish stall operators there had agreed to install proper filtration and disinfection systems for their fish tanks.

12. Mr WONG Yung-kan said that a filtration and disinfection system cost over \$100,000 and the trade was concerned whether there would be changes to such requirements after a licensing system was introduced for the live fish wholesale markets. He also enquired whether it was the intention to bring the FMO under the management of FEHD.

13 DS(FEH) clarified that FEHD would only issue permits to operators of fish stalls to ensure their hygiene standard, and FEHD would not manage the FMO. The permit system was to regularise the wholesale points to provide an additional safety

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net, in addition to the present control measures for retail outlets, to ensure the safety of seafood. He assured Mr WONG that the same hygiene requirements would apply to both the wholesale and retail fish markets even after FMO had taken over the management of the wholesale fish stalls at the Aberdeen promenade.

Salinated water for keeping live fish

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14. Mr MAK Kwok-fung asked about the extent of, and the costs for, using salinated water for keeping live seafood. He also asked whether Government had made reference to overseas experience when discussing with the trade. Mr Tommy CHEUNG opined that salinated water was not a good choice because its quality was not stable and quite a number of fish died in salinated water.

15. DS(FEH) said that the use of salinated water could solve many of the hygiene problems of fish tank water. DD(FEHD) supplemented that according to a survey conducted in September 2003 on a few hundred restaurants and fish stalls, about 70% of the restaurants and 40%-50% of the fish stalls used artificial salt for their fish tank water. DD(FEHD) said that the cost of artificial salt would not have significant economic implication on the trade. In response to Mr Michael MAK, DD(FEHD) agreed to promote the use of salinated water for keeping live fish where appropriate.

Timetable for the review of regulatory measures

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16. Mr WONG Yung-kan asked about the timetable for bringing the live seafood wholesale trade under the regulatory framework. He considered that fish imported from other places should also be subject to the same regulatory control. DS(FEH) said that the review was a complicated exercise and the Administration aimed to present broad policy proposals for members' consideration by the end of 2004.

17. DD(FEHD) pointed out that since the discovery of the case of *Vibrio cholerae* on 16 November 2003, daily inspections had been made to the fish stalls at the promenade. The problem of pumping water from the typhoon shelter had since reduced, and the operators had been making efforts to comply with the hygienic requirements for the fish tank water.

18. Dr. LO Wing-lok asked whether the Administration would also regulate the use of seawater at the distribution/transportation stage by issuing licences to seawater suppliers subject to their meeting certain hygiene requirements. Mr Tommy CHEUNG added that it often took a long time for the results of water samples to be available, and seawater suppliers had been asking the Government to provide hygienic seawater for use by wholesalers and retailers in order to safeguard public health. DS(FEH) reiterated that the Administration would consider members' suggestions on regulating the source of water during the review.

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19. Mr Tommy CHEUNG further said that the fish wholesale stalls at Aberdeen promenade had operated illegally for many years, and he could not understand why the Government could tolerate such a mega black spot for so long. He asked whether the Government had ever given warning to the stall operators that they should not draw seawater at problematic locations such as the typhoon shelter.

20. DS(FEH) agreed that the illegal occupation of government land for live fish wholesaling at Aberdeen promenade was unsatisfactory. However, he pointed out that the problem was a legacy of the past, as there was no legislation at present regulating the sale of live fish. He added that Government had previously acted on complaints on the operation of the fish wholesale market at the promenade. It was Government's intention to bring the landing and wholesaling of live fish under regulatory control.

21. DD(FEHD) said that the former Urban Services Department had conducted inspections to these fish stalls and drawn water samples for testing. He believed that the stall operators should have been warned in the past about their illegal operation and improper practice of drawing seawater from the typhoon shelter. He advised that in the past nine years, prosecution was taken in five cases where the water samples were found to have exceeded the prescribed standard. Between 5 and 11 November 2003, seven water samples drawn from the wholesale fish stalls at the promenade were found to have exceeded the acceptable level of E Coli bacteria.

22. In response to Mr Tommy CHEUNG, DD(FEHD) said that it was Government's intention to bring the wholesale fish market at the Aberdeen promenade under the management of the FMO by the end of December 2003, subject to discussion with the Lands Department on the timing for the hand-over of the site. DD(FEHD) further said that after the wholesale fish stalls were brought under licensing control of FEHD, they would not be allowed to draw seawater from the typhoon shelter. Any breach of the licensing conditions could lead to prosecution and closure of the premises concerned. DD(FEHD) advised that the definition of "premises" provided under section 128C of Cap. 132 included vessels.

23. Dr LOK Wing-lok criticised the Government for not tackling the problem seriously. He considered that allowing the keeping of live seafood in unfiltered seawater was no different from "using toilet water to cook rice". He expressed dissatisfaction about the Government tolerating the illegal and unhygienic operation of the 18 fish stalls at the Aberdeen promenade for so long. He asked about the sales volume of these fish stalls and the number of people employed by these stalls.

24. DD(FEHD) responded that the trade volume of the 18 stalls at the promenade represented about 30% to 40% of the live fish supply in Hong Kong. He said that the wholesale fish market at Aberdeen promenade had been a long-standing problem, and the Government was taking steps to solve the problem as soon as possible.

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25. In concluding the discussion, the Chairman said that the Panel was dissatisfied with the Government's approach in dealing with the problem of the fish wholesale market which had been operating illegally on government land for a long time. He criticised the Government for tolerating the problem for so many years, and that instead of taking enforcement action, FEHD had taken water samples from these unlicensed stalls as if they were licensed premises. He pointed out that the water quality problem of these stalls seemed to be deteriorating, as seven water samples collected recently from these stalls were found to have exceeded the prescribed standard. The Chairman urged the Bureau to coordinate with the relevant government departments to expedite actions to bring the wholesale fish stalls at the promenade under regulatory control. In the meantime, remedial actions should be taken to require these stalls to install proper filtration and disinfection systems, and to prohibit the stalls from drawing seawater from the typhoon shelter.

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26. The Chairman requested the Administration to report to the Panel the progress made in regulating the wholesale fish market at the promenade. The Administration agreed.

II Any other business

27. There being no other business, the meeting ended at 10:35 am.

Council Business Division 2
Legislative Council Secretariat
17 December 2003