

For information

LegCo Panel on Food Safety and Environmental Hygiene

**Regularization of the Live Fish Wholesale Market
at the Aberdeen Promenade**

PURPOSE

This paper briefs Members on the implementation and progress of the scheme for the regularization of the live fish wholesale market at the Aberdeen promenade.

BACKGROUND

2. Following the discovery of *Vibrio cholerae* in the fish tank water at the retail outlets in September this year, the public has expressed concern over the food safety and environmental hygiene problems arising from the live fish wholesale trading activities conducted at the public carpark of the Aberdeen promenade where the traders were found to be obtaining dirty and unhygienic seawater from the Aberdeen Typhoon Shelter. In addressing the concern, the Administration has proposed the regularisation of the wholesale trading activities by bringing them under the management of the Fish Marketing Organization (FMO). The Administration has also proposed to issue permits to the traders so that suitable conditions on food safety and environmental hygiene could be imposed. An Inter-departmental Working Group has been set up to co-ordinate departmental actions for implementation.

3. Following the further discovery of *Vibrio cholerae* in the fish tank water of one of the stalls at the Aberdeen Promenade in November, the Administration decided to speed up the process for the FMO to take over the management of the wholesale live marine fish trading activities at the Aberdeen Promenade by December 2003.

DETAILS OF THE REGULARIZATION

Market management and seafood safety control measures

4. To enable the FMO to assume the management responsibility of the wholesale live marine fish trading activities, the public carpark which the Market occupies was closed on 1 December 2003. The site which had been illegally occupied by the traders was allocated to the FMO on the same day through a temporary land licence valid for one year pending the issue of a five-year Short Term Tenancy to the Organization. After the takeover, the FMO is responsible for the management of the Market and the provision of related services to ensure that wholesaling operation of live marine fish is conducted in an orderly, hygienic, efficient and law-abiding manner.

5. At the same time, the Food and Environmental Hygiene Department required all incumbent live fish stall operators in the Market to comply with the requirement for the issue of live fish permits. On 10 December 2003, FEHD found that they had fulfilled all licensing requirements, including the installation of a proper filtration and disinfection system for the keeping of live marine fish. The permit specifically prohibits the permit holders from using seawater from the typhoon shelter for the keeping of live marine fish or keeping fish in the typhoon shelter. Such requirements will also be mirrored and stipulated as tenancy conditions, non-compliance of which may lead to termination of tenancy. FMO staff would conduct routine monitoring of the fish tank water quality and inspection of the live fish stalls to ensure compliance with these conditions by the stall operators. Should the fish tank water quality of any live fish stall fail to meet the prescribed standards or breach of the conditions by any operator be observed, the case would be referred to FEHD for further investigation and enforcement actions as appropriate. Any operator in breach of the fish permit conditions may lead to suspension or cancellation of the permit by FEHD.

6. FMO staff are also responsible for the security, order, cleansing, parking and traffic arrangements within the Market site. They patrol the Market site regularly on a 24-hour basis. A Management Committee comprising representatives of the incumbent stall operators and FMO management staff will be set up shortly to enhance communication and to resolve market management issues.

Tenancy arrangements

7. It is FMO's policy to let out its available market spaces for wholesale marketing of marine fish and related activities through open tender. The duration of the tenancy normally does not exceed five years and the space will be let out through open tender again upon expiry of the tenancy. FMO makes reference to the level of market rental of the space used for similar activities when setting a minimum rental for tenderers.

8. Recognizing the incumbent stall operators' long history of operation at the Aberdeen promenade and their role as an important supplier of live fish to the local market, the Administration considered that it would be appropriate for the FMO to let out the space in the Market to the incumbent operators. The FMO has also agreed to a one-month rent-free period to provide for a smooth transition of the regularization project. Apart from this special arrangement, other terms and conditions of the tenancy agreement would be in line with the tenancy for live fish stalls in other FMO markets.

9. Under the circumstances, the incumbent stall operators are required to pay rentals at market rate, which is proposed to be \$200 per square metre, calculated on the basis of the average market rental of the live marine fish stalls in FMO markets. In line with the tenancy of other FMO markets, the length of tenancy will be five years after which the stalls are to be let out by open tender.

10. We consider the above arrangements reasonable and fair, with respect to the particular situation of the Market mentioned under paragraph 8. It is also in line with FMO's self-financing policy and its practice of letting out market spaces mentioned in paragraph 7.

PRESENT PROGRESS

11. Since the takeover of the Market site, FMO has assumed management responsibility of the Market, including patrols and checks on all live fish stalls to ensure their compliance with the fish-keeping requirements set out in paragraph 5, and provision of services outlined in paragraph 6 above. During the first day of inspection, except for three stalls which were found keeping fish in the typhoon shelter, no other irregularity was detected. Warnings have been issued to the operators concerned.

12. However, the operators have yet to indicate their agreement to our proposed terms of the tenancy. They counter-proposed, amongst others, that the stall rental be reduced from \$200 per square metre to \$150 - \$160 per square metre, and the stalls be let out through restricted tender upon the expiry of their current lease. There is no justification for their counter-proposals and FMO does not intend to accede to their requests. On the basis of the principles stated in paragraph 8 above, FMO will continue to negotiate with the traders with a view to reaching an agreement on the tenancy arrangements as soon as possible.

WAY FORWARD

14. AFCD and FMO will work closely with the 18 live fish stall operators through the Management Committee to be set up to enhance communication and to improve the management and operation of the regularized Market. We will also explore the feasibility of setting up a demerit point system under which any non-compliance on the part of operators would be subject to different levels of penalty (e.g. issue of warnings, temporary suspension of business, termination of tenancy) according to an established point-scale.

**Health, Welfare and Food Bureau
Agriculture, Fisheries and Conservation Department
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