

**立法會**  
***Legislative Council***

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the Administration)

**Panel on Food Safety and Environmental Hygiene**

**Minutes of Special Meeting  
held on Tuesday, 30 August 2005 at 9:00 am  
in the Chamber of the Legislative Council Building**

**Members Present** : Hon Fred LI Wah-ming, JP (Chairman)  
Hon Bernard CHAN, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon Tommy CHEUNG Yu-yan, JP  
Hon Vincent FANG Kang, JP  
Hon WONG Kwok-hing, MH  
Dr Hon Joseph LEE Kok-long  
Dr Hon KWOK Ka-ki

**Members Attending** : Hon Margaret NG  
Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP  
Hon CHAN Yuen-han, JP  
Hon Emily LAU Wai-hing, JP  
Hon Abraham SHEK Lai-him, JP  
Hon LEE Wing-tat

**Members Absent** : Hon WONG Yung-kan, JP (Deputy Chairman)  
Hon Andrew CHENG Kar-foo

**Public Officers Attending** : Miss Vivian KO  
Principal Assistant Secretary (Food & Environmental Hygiene) 1  
Health, Welfare and Food Bureau

Mr Wallace LAU  
Assistant Secretary (Food & Environmental Hygiene) 1  
Health, Welfare and Food Bureau

Dr HO Yuk-yin, Philip  
Consultant (Community Medicine)  
(Risk Assessment and Communication)  
Food and Environmental Hygiene Department

Mr LAU Sin-pang  
Deputy Director of Agriculture, Fisheries and Conservation

**Attendance by :** Hong Kong New Territories Fish Culture Association  
**Invitation**

Mr LAI Loi-chau  
Director

Mr PANG Kwai-hung  
Deputy Director

Federation of Hong Kong Kowloon New Territories Hawker Association

Mr LAM Kwai-cheung  
Chairman

Mr WONG Yin-wah  
Secretary General

Hong Kong and Kowloon Fresh Fish Trade General Association

Mr WONG Tin-hung  
Director

Hong Kong, Kowloon, New Territories and Overseas Fish Wholesalers Association

Mr HUI Hon-man  
Director

Hong Kong and Kowloon Fresh Water Fish Merchants' and Buyers' Association

Mr SIN Kwan

Hong Kong and Kowloon Marine Products Merchants' Association

Mr CHEUNG Yau-wai

Hong Kong Chamber of Seafood Merchants

Mr LI Choi-wah  
Chairman

Yuen Long Fresh Fish Trade Association

Mr WONG Lai-sum  
President

Mr WONG Wai-yuen  
Vice President

Yuen Long Fresh Fish Buyers' Association

Mr MAN Tszi-fan  
Chairman

Mr OUYEUNG Cheuk-wan  
Vice Chairman

Yuen Long Fresh Fish Wholesalers' Association

Mr WONG Chi-chung  
Vice President

Kwok Yuen Poultry and Fisheries Company Limited

Mr KWOK Chi-yau

Kowloon Pond Fish Stall

Mr LEE Yan

Toi Fat Fish Stall

Mr WU Shing-seng

Wai Lee Fish Stall

Mr KEUNG Wing-hong

Western Foodstuffs Pond Fish Stall

Mr CHAM Ka-kit

Wah Kee Mixed Fish Stall

Mr LAM Ka-wai

Hong Kong and Kowloon Fisheries Staff Union

Mr TSANG Sik-ming

**Clerk in Attendance :** Mrs Constance LI  
Chief Council Secretary (2)5

**Staff in Attendance :** Mr Stephen LAM  
Senior Assistant Legal Adviser 4

Miss Betty MA  
Senior Council Secretary (2)1

Ms Anna CHEUNG  
Legislative Assistant (2)5

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**I Follow-up discussion on regulation of freshwater fish**  
[LC Paper No. CB(2) 2501/04-05(01) and (02)]  
[LC Paper No. LS108/04-05]  
[LC Paper No. CB(2) 2492/04-05(01)]  
[LC Paper No. CB(2) 2485/04-05(01)]  
[HWF(F) CR/2/3231/05]

Meeting with deputations

The Chairman said that at the meeting on 26 August 2005, members agreed that the Panel would hold another special meeting to meet with representatives of freshwater fish traders to gauge their views on the regulation of freshwater fish.

2. The Chairman welcomed representatives of deputations to the meeting. The views of the deputations were summarized below.

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*Hong Kong New Territories Fish Culture Association*

3. Mr LAI Loi-chau said that he represented local fish farmers. He further said that the recent malachite green incidents had weakened public confidence in consuming freshwater fish and caused adverse impact on their business and cash flow. Mr LAI urged that the Administration should take concrete measures to restore public confidence in consuming freshwater fish. He suggested that the Administration should trace the origin of problematic fish and let the public know that fish from local fish farms was safe to eat.

*Hong Kong and Kowloon Fresh Fish Trade General Association  
[LC Paper No. CB(2)2501/04-05(01)]*

4. Mr WONG Tin-hung presented the views of Hong Kong and Kowloon Fresh Fish Trade General Association as detailed in its submission. Mr WONG said that the freshwater fish trade was facing grave difficulties. He explained that freshwater fish sold in Hong Kong were broadly classified into two groups, i.e. the four major domestic fish and the mixed fish. As the recent resumption of fish import was confined to four major domestic fish but not mixed fish, their business was not yet fully recovered. To assist the trade, the Administration should facilitate the import of the mixed fish as soon as possible. Mr WONG also urged the Administration to provide financial assistance to the traders, particularly the freshwater fish wholesalers, to tide over the crisis.

*Hong Kong, Kowloon, New Territories and Overseas Fish Wholesalers Association  
[LC Paper No. CB(2)2501/04-05(01)]*

5. Mr HUI Hon-man presented the views of the Hong Kong, Kowloon, New Territories and Overseas Fish Wholesalers Association as detailed in its submission. Mr HUI said that the four major domestic fish accounted for about 40% of the total daily import of freshwater fish whilst the remaining was mixed fish. As there was no import of mixed fish, the business of freshwater fish traders was seriously affected. He urged that the Administration should discuss with the Mainland authorities and provide a timetable for resumption of supply of mixed fish. As the rearing methods for domestic fish and mixed fish were different, the Administration might wish to deal with the supply of domestic fish and mixed fish as two separate issues.

6. Mr HUI further said that the freshwater fish traders had difficulties in paying rental fees and workers' salaries. He urged the Administration to provide financial assistance, such as rent reduction/waiver and interest-free loans, to the traders. Mr HUI added that it was important for the Administration to restore public confidence in consuming freshwater fish. The Administration should convey a clear message to the public that the level of malachite green detected in the freshwater fish samples was not high, and therefore the impact of fish containing malachite green on health was not serious.

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*Hong Kong and Kowloon Fresh Water Fish Merchants' and Buyers' Association*

7. Mr SIN Kwan said that the Secretary for Health, Welfare and Food (SHWF)'s earlier remarks to dissuade people from consuming freshwater fish had dealt a serious blow to the freshwater fish trades. There was a drastic drop in the business and the traders suffered substantial financial loss.

*Hong Kong and Kowloon Marine Products Merchants' Association*

8. Mr CHEUNG Yau-wai said that he represented the wholesalers for the four major domestic fish. He said that when the Administration announced that malachite green was found in some freshwater fish samples, the freshwater fish suppliers in the Mainland immediately ceased supplying fish to Hong Kong, although the level of malachite green found in these samples was very low. The supply of freshwater fish from the Mainland had now come to a halt. Mr CHEUNG further said that the fish traders were not certain whether the same set of standards for testing malachite green in fish were adopted in Hong Kong and the Mainland, and whether such standards were in line with those in the European Union (EU) countries.

*Hong Kong Chamber of Seafood Merchants*

9. Mr LI Choi-wah said that he represented the seafood traders. He further said that while malachite green was found in freshwater fish, the seafood traders were concerned that malachite green might also be present in seafood. He requested that the Administration would issue guidelines to the trades on the threshold of malachite green allowed in fish. He hoped that no prosecution would be taken against the traders before a comprehensive regulatory mechanism for imported freshwater fish was put in place.

*Yuen Long Fresh Fish Trade Association*

10. Mr WONG Lai-sum said that although the Administration had provided the list of 18 registered and approved fish farms in the Mainland to some fish traders, fish traders in Yuen Long were not informed. Mr WONG further said that freshwater fish from the Mainland were transported to Yuen Long via Man Kam To Control Point. However, the resumption of supply of freshwater fish from the Mainland was currently confined to those transported by sea, and fish traders in Yuen Long were still unable to obtain fish supply from the Mainland by land. Mr WONG added that fish traders were also concerned about the enforcement of the Harmful Substances in Food (Amendment) Regulation. They were worried that they would be held responsible for selling fish contained malachite green, even though they were innocent of the presence of malachite green in such fish.

*Yuen Long Fresh Fish Buyers' Association*

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11. Mr MAN Tsz-fan said that according to the Administration, a person would suffer from adverse health effects only if he or she consumed more than 290 kg of freshwater fish each day. He did not understand why SHWF had advised people not to eat fish. He further said that following the discovery of malachite green in some freshwater fish samples, many freshwater fish market stalls had suspended business, and the livelihood of freshwater fish traders and retailers had been adversely affected. He hoped the Government could provide assistance to the affected traders.

*Yuen Long Fresh Fish Wholesalers' Association*

12. Mr WONG Chi-chung said that the Government has neglected the fish wholesale market in Yuen Long although the latter accounted for almost 40% of the total daily fish imports. Mr WONG pointed out that since the malachite green incidents, the Administration had not contacted the fish trade associations in Yuen Long to keep them abreast of the developments. Mr WONG further said that freshwater fish from the Mainland was transported to Yuen Long by land via Man Kam To Control Point. However, as the freshwater fish from the Mainland was not transported to Hong Kong by sea, there was no supply of freshwater fish for Yuen Long at all. This had greatly affected the business and livelihood of fish traders in Yuen Long. He urged the Administration to discuss with the Mainland authorities to resume the export of freshwater fish to Hong Kong by land as soon as possible.

*Kwok Yuen Poultry and Fisheries Company Limited*

13. Mr KWOK Chi-yau said that when the test results of imported freshwater fish was released on 20 August 2005, the Administration suspended the importation of freshwater fish from the Mainland immediately and SHWF advised the public not to eat imported freshwater fish. However, as the public would not be able to differentiate imported fish from local fish, they would not buy freshwater fish at all. The business of fish traders were adversely affected. Mr KWOK further said that he also did not see any scientific basis for SHWF to assure the public one week later that freshwater fish was safe to eat. As a result of the confusing messages conveyed by the Administration to the public, the freshwater fish business dropped substantially in the past few days and the fish traders suffered great financial loss. He urged the Administration to consider granting ex-gratia payment and interest-free loans to the affected freshwater fish wholesalers and retailers to tide them over the crisis.

14. Mr KWOK said that under the existing monitoring mechanism, food samples for testing of malachite green were taken at the retail level. He considered that sample testing should be conducted at source and at the border control points. Unless a comprehensive regulatory mechanism for freshwater fish imported from the Mainland was put in place, there was still a possibility for malachite green to be found in fish samples again, and public confidence in freshwater fish could never be restored.

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15. Mr KWOK further said that if a person would need to consume more than 290 kg of freshwater fish each day before his/her health would be adversely affected, it was obvious that freshwater fish was safe for human consumption. He added that fish traders were gravely concerned about the hasty implementation of the Harmful Substances in Food (Amendment) Regulation as they were liable to prosecution if their fish was found to contain malachite green.

16. Mr KWOK said that to his knowledge, some fish traders were able to obtain approval from the Mainland authorities and import freshwater fish during the period in which import of freshwater fish were suspended. He hoped that the Administration would follow up the matter to see if there was any loophole in the existing regulatory mechanism.

*Kowloon Pond Fish Stall*

17. Mr LEE Yan said that following the malachite green incidents, the Administration had not communicated with the fish traders on ways to ensure the food safety of freshwater fish. Mr LEE further said that the major problem faced by freshwater fish traders was the lack of public confidence in eating freshwater fish, as this had caused great financial loss to the traders.

18. Mr LEE said that to his knowledge, fish imported from the Mainland had always been accompanied with health certificates, but the requirement to certify in the health certificates that the fish was free from malachite green was something new. Mr LEE further said that the Mainland had not suspended supply of freshwater fish to Hong Kong, but such fish had to await inspection by the Hong Kong side. He considered it important to restore public confidence, otherwise nobody would buy freshwater fish even if they were allowed to be imported into Hong Kong.

*Toi Fat Fish Stall*

19. Mr WU Shing-seng said that freshwater fish wholesalers had made no business transaction at all from 20 August 2005 after the Administration had released the test results on malachite green. He pointed out that the daily operating cost of a freshwater fish wholesaler was about \$5,000. He strongly urged the Administration to speed up discussion with the Mainland in order to resume the import of freshwater fish, particularly mixed fish, at the normal level as soon as possible.

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*Wai Lee Fish Stall*

20. Mr KEUNG Wing-hong said there were 32 wholesalers operating in Cheung Sha Wan Fish Wholesale Market, but only four wholesalers were in operation at the moment. The others had no business at all since 20 August 2005. Mr KEUNG urged that the Administration should let the fish traders have the list of approved and registered fish farms in the Mainland, especially those fish farms which supplied mixed fish.

*Western Foodstuffs Pond Fish Stall*

21. Mr CHAM Ka-kit said that he represented freshwater fish wholesalers operating in the Western Wholesale Market. Mr CHAM further said that as there was no supply of freshwater fish from the Mainland, the fish wholesalers ceased operation and faced great financial hardship. To alleviate their hardship, he urged the Administration to consider waiving their rental for three months. He also urged the Administration to convey a clear message to the public that it was safe to eat freshwater fish, and also work out with the Mainland authorities a set of agreed inspection procedures.

*Wah Kee Mixed Fish Stall*

22. Mr LAM Ka-wai said that according to the Agriculture, Fisheries and Conservation Department (AFCD), the daily consumption of freshwater fish in Hong Kong was 109 tonnes in 2004, of which 86 tonnes were from the Mainland. Of the 87 licensees operated in wholesale market stalls under the management of AFCD, only 10 were engaged in the supply of the four major domestic fish (i.e. about 20% of the daily transaction). Mr LAM further said that the suspension of import of freshwater fish from the Mainland, in particular mixed fish, had dealt a serious blow to the trade. He urged that the Administration should consider providing financial assistance to the trade.

23. Mr LAM said that under the Amendment Regulation, the maximum concentration level of malachite green was 0 mg per kg in any food. However, the maximum concentration set by EU was 2 mg per kg in any food. He wondered why a more stringent standard was set in Hong Kong. Mr LAM further said that although the Amendment Regulation had come into force, the trade did not have information on the enforcement standards.

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*Hong Kong and Kowloon Fisheries Staff Union  
[LC Paper No. CB(2)2501/04-05(02)]*

24. Mr TSANG Sik-ming presented the views of the Hong Kong and Kowloon Fisheries Staff Union as detailed in its submission. Mr TSANG said that since the release of test results on malachite green, freshwater fish workers only worked three days in the past 10 days. As most workers were daily-waged workers, their livelihood was adversely affected. Mr TSANG further said that while the union supported the regulatory measures taken by the Administration, they hoped the Administration should be very careful in taking enforcement actions so as not to prosecute innocent traders. He also urged the Administration to help restore public confidence in consuming freshwater fish.

Discussion

25. Principal Assistant Secretary for Health, Welfare and Food (Food and Environmental Hygiene)1 (PAS(FEH)1) gave the following responses to deputations' views and concerns –

- (a) the Administration and the Mainland authorities had agreed that freshwater fish supply to Hong Kong could only be provided by fish farms which were registered in the Mainland and approved by the Food and Environmental Hygiene Department (FEHD). It would be up to the Mainland side to decide on the types of fish to be supplied to Hong Kong. The Administration would convey to the Mainland authorities the fish traders' demand for supply of mixed fish;
- (b) as the Mainland had just released a list of 18 registered and approved fish farms, the fish traders could contact the fish farms directly to arrange for import of freshwater fish. The Administration would provide the trade with updated lists of registered fish farms in the Mainland;
- (c) EU also prohibited the use of malachite green in aquaculture. The maximum concentration of 2 mg per kg in any food referred to the current detectable level of malachite green in food by laboratory tests; and
- (d) the Administration considered that based on existing policies, there was insufficient justification to use public money to grant ex-gratia payment and provide compensation for the freshwater fish trade.

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26. On the risk of consuming food containing malachite green, Consultant (Community Medicine) (Risk Assessment and Communication)/FEHD (Consultant/FEHD) explained that malachite green was a chemical used for treating infection in fish. Animal studies had found that malachite green might cause liver tumours in mice, although there was no evidence of carcinogenicity for malachite green in human yet. Consultant/FEHD further said that the risk for consuming food containing malachite green depended on the level of malachite green in food and the volume of intake. According to the data obtained from sample testing, a person would only suffer from adverse health effect if he consumed more than 290 kg of freshwater fish each day over a prolonged period. As the level of malachite green detected in eels was much higher, a person would suffer from adverse health effect if he consumed more than 7 kg of eels daily over a prolonged period. Consultant/FEHD stressed that given that malachite green was a known carcinogen in animals, it should not be present in any food. The setting of the maximum concentration at 0 mg per kg in any food was the same as that used in various major agriculture economies, including the United States, EU, Canada, Japan, Thailand and Singapore. Consultant/FEHD added that according to the toxicological information available, if malachite green was widely abused in aquaculture farms, consumers would risk an overdose of malachite green and suffer adverse health consequences.

27. In reply to the Chairman, Consultant/FEHD advised that use of malachite green was prohibited in food animals internationally and in the Mainland.

*Information on Mainland registered fish farms for supply of freshwater fish to Hong Kong*

28. The Chairman said that the Administration should ensure that all freshwater fish traders were provided with the up-to-date list of registered fish farms in the Mainland.

29. Mr Vincent FANG said that although the Administration had released the list of 18 registered fish farms in the Mainland for supply of freshwater fish to Hong Kong, the trade did not have details of these farms, such as their address and types of fish supplied. Moreover, the fish supply from these registered fish farms was inadequate to meet the local demand. The Administration should discuss with the Mainland to increase the number of registered farms to prevent a few fish farms “monopolising” the market. Mr FANG added that as mixed fish accounted for the major market of freshwater fish, the Administration should also assist the trade to obtain the list of registered fish farms that supplied mixed fish to Hong Kong as soon as possible.

30. Mr FANG pointed out that SHWF had earlier advised that over 100 tonnes of freshwater fish in the Mainland were ready for supply to Hong Kong. He asked whether this batch of freshwater fish came from the registered fish farms.

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31. PAS(FEH)1 said that the Administration would seek further information on the sources of the 100 tonnes of freshwater fish available for export to Hong Kong. She added that there was adequate supply from the 18 registered fish farms, and the local traders could contact the farms and place orders.

32. Mr LEE Wing-tat said that it was absurd that the Administration was unable to confirm whether the 100 tonnes safe freshwater fish available for supply to Hong Kong came from the 18 registered fish farms. Mr LEE further said that while the Administration had informed the Panel at the last meeting on 26 August 2005 that there would be 88 registered fish farms in the Mainland for supply of freshwater fish to Hong Kong, only the names of 18 fish farms were released. Mr LEE held the view that as a responsible government, it should not have informed the public if the information was not yet confirmed. He said that SHWF should attend this meeting to explain the recent developments.

33. Mr Tommy CHEUNG asked about the types and quantity of fish stock in the 88 registered fish farms in the Mainland, in particular the quantity of mixed fish that were available for supply to Hong Kong. He further asked whether the list of 88 fish farms was drawn up based on the consideration of available manpower to carry out inspection of fish farms, and whether more fish farms could be added to the list.

34. PAS(FEH)1 said that the Administration had asked the Mainland authorities to provide a complete list of the registered fish farms with detailed information as soon as possible.

35. Representatives of the deputations made the following points in response to the Administration's remarks –

- (a) although SHWF had previously advised that there were 100 tonnes freshwater fish in the Mainland ready for supply to Hong Kong, there was no supply of freshwater fish from the Mainland at all. The traders urged the Administration to provide contact details of these fish suppliers, and also take immediate actions to restore public confidence in consuming freshwater fish; and
- (b) the Administration should provide the freshwater fish traders a complete list and details of the registered fish farms in the Mainland that supplied freshwater fish to Hong Kong as soon as possible.

36. Mr Vincent FANG asked whether the 100 tonnes of freshwater fish available for export to Hong Kong had been tested negative for malachite green. Assistant Secretary for Food and Environmental Hygiene said that SHWF was citing information in the Mainland newspapers that the Mainland officials had advised that 100 tonnes of freshwater fish were available for export to Hong Kong.

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37. Mr LEE Wing-tat said that he was angry that the Administration did not have detailed information on the registered fish farms. It was unacceptable for the Administration to rely on information provided in newspaper reports. It appeared that there was a break down in the communication between the Administration and the Mainland. Mr LEE urged the Administration to seriously consider ways to improve communication between Hong Kong and the Mainland on future food incidents.

38. The Chairman said that the Administration should have provided the list of the 18 registered fish farms to all freshwater fish traders once it received the information from the Mainland authorities. PAS(FEH)1 explained that the Administration had just received the list from the Mainland the evening before the meeting. The Administration had asked the Mainland authorities to provide a complete list and details of the registered fish farms. She added that the Administration would provide the relevant information to the trade as soon as possible.

*Supply and control of freshwater fish*

39. Ms Emily LAU thanked the deputations for attending the meeting. She hoped fish traders would understand that in addition to control of food safety of fish at source, taking samples for testing at the retail level was necessary so as to ensure that freshwater fish was fit for public consumption. Ms LAU sought the traders' views on the measures to be taken by the Administration to restore public confidence in consuming freshwater fish. Ms LAU further asked whether the supply of freshwater fish from the 18 registered fish farms was sufficient.

40. Mr WONG Chi-chung of Yuen Long Fresh Fish Wholesalers' Association said that the trade did not object to the regulatory measures to ensure food safety of freshwater fish. Mr WONG considered that the Administration should ensure continuous supply of freshwater fish from the Mainland to all wholesalers and distributors, to prevent some wholesalers from monopolising the market.

41. Mr KWOK Chi-yau of Kwok Yuen Poultry and Fisheries Company Limited said that the freshwater fish traders decided to suspend their business for three days because they did not see any measures by the Government to ensure the safety of fish imported from the Mainland. The fish traders considered that it would be most effective to regulate at source and conduct inspections of fish at designated locations.

42. Mr WONG Tin-hung of Hong Kong and Kowloon Fresh Fish Trade General Association expressed concern about the stringent requirement concerning the level of malachite green in fish, as only a minimal amount of malachite green found in test samples would undermine public confidence in consuming freshwater fish. To restore public confidence in consuming freshwater fish, the most effective measure was to regulate the freshwater fish at source. The Administration should send officials to inspect the fish farms in the Mainland, rather than collecting samples for testing from

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markets.

43. Mr Vincent FANG said that the freshwater fish traders supported the regulatory measures taken by the Administration to ensure the food safety of fish. As a longer term measure, the Administration should exercise control at source and provide more resources for this purpose. Mr FANG further said that to his understanding, import of freshwater fish from Man Kam To Control Point was currently withheld because of unclear instructions on the documentation requirements on the part of the Mainland. He hoped that the Administration could reach agreement with the Mainland authorities and inform the traders of the importation arrangements and details of the registered fish farms in the Mainland as early as possible.

44. PAS(FEH)1 responded that the Mainland had not prohibited the export of freshwater fish to Hong Kong, but only registered fish farms could supply fish to Hong Kong. Freshwater fish could be imported via Man Kam To Control Point provided that the fish concerned was supplied from registered fish farms in the Mainland.

45. Mr LEE Wing-tat considered that the malachite green incident had revealed that the regulatory mechanism for imported freshwater water fish was on the verge of collapse. He had sympathy on the trade as the Administration did not even have the basic information and had not taken concrete measures to tackle the problem and assist the trade to tide over the crisis. Mr LEE said that the Administration should let the public know when supply of freshwater fish would be fully resumed and the measures to ensure safety of fish.

46. Mrs Selina CHOW expressed disappointment that SHWF did not attend the meeting. In her view, the Administration had again under-estimated the impact of its remarks over the malachite green incidents. The Administration had also conveyed confusing messages to the public about the adverse health impact in consuming freshwater fish. Mrs CHOW added that the Administration should rationalise the dissemination of official information on food safety matters.

47. Mrs CHOW further said that the point at issue was when freshwater fish supply would be resumed to normal level. Instead of telling the public that there was no problem of freshwater fish supply from the Mainland, the Administration should discuss with the trade the difficulties faced by them. She saw no reason why the freshwater fish trade would suspend business if there was adequate supply and demand for freshwater fish. She also asked about the timetable for introducing the regulatory framework for aquatic products, as the freshwater fish trade was concerned about the future control arrangements.

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48. PAS(FEH)1 responded that at the last meeting on 26 August 2005, the Administration had provided a paper explaining the actions taken by the Administration to ensure the food safety of freshwater fish. PAS(FEH)1 pointed out that under the agreement reached between the Administration and the Mainland, freshwater fish supplied to Hong Kong should only come from fish farms which were registered in the Mainland and approved by FEHD, and accompanied with health certificates to certify that the fish were free from malachite green or other harmful substances. Moreover, technical exchanges on freshwater fish farming and aquaculture would be conducted between Hong Kong and the Mainland, and arrangements had been made for FEHD staff to visit fish farms in the Mainland. PAS(FEH)1 further said that the supply of freshwater fish fit for consumption would resume gradually with the implementation of the arrangements agreed with the Mainland.

49. Mr Tommy CHEUNG commented that SHWF should attend this meeting to listen the trades' views. Mr CHEUNG said that to enhance the effectiveness of actions to control freshwater fish supplied to Hong Kong at source, the Administration should discuss the arrangements with the relevant authorities in Guangdong, instead of discussing with AQSIQ in Beijing. He further said that with the assistance and technical advise provided by AFCD to local fish farms, local freshwater fish was safe for consumption. He suggested that the Administration should consider providing technical assistance also to fish farms in the Mainland. Mr CHEUNG asked whether extra resources would be deployed to strengthen control over imported food, and whether the new arrangements on inspection and quarantine would also cover aquatic products processing plants.

50. PAS(FEH)1 said that processed food products was already subject to the regular food surveillance programme of FEHD. Consultant/FEHD added that as malachite green was used to cure diseases in live fish, it would unlikely be added to processed food products.

51. Responding to the Chairman, PAS(FEH)1 said that FEHD would periodically send staff to inspect registered and approved fish farms in the Mainland that supplied freshwater fish to Hong Kong.

52. Ms Margaret NG thanked the deputations for attending the meeting and for their commitment to selling safe fish for human consumption. Ms NG considered that the safety of live freshwater fish imported to Hong Kong was premised on four factors, viz. introducing safety standards, exercising control at source, conducting inspection and quarantine at import level and taking samples for food testing at different levels of food chain. She asked the deputations whether they had any views on the food safety regulatory framework for fish and aquatic products.

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53. Mr HUI Hon-man of the Hong Kong, Kowloon, New Territories and Overseas Fish Wholesalers Association said that the freshwater fish trades had suggested co-inspection of food safety of freshwater fish at source and border control points, so that it was not necessary to conduct food safety inspection at wholesale and retail levels.

54. Mr KWOK Chi yau of Kwok Yuen Poultry and Fisheries Company Limited said that to restore public confidence in consuming freshwater fish, the Administration should suspend the import of freshwater fish from the Mainland until the sources of those fish found to contain malachite green had been identified. Mr LEE Yan of Kowloon Pond Fish Stall added that while he supported that only those registered fish farms should be allowed to supply freshwater fish to Hong Kong in the long run, the Administration should, as an interim measure, allow the import of freshwater fish that were free from malachite green from farms had not yet been registered, in order to meet the local demand.

55. Dr Joseph LEE said that it was Government's responsibility to ensure that food products sold at market were fit for human consumption, and the traders also had the responsibility to ascertain the source of food they sold. He considered that the Administration should provide the details on the new inspection and quarantine arrangements for imported freshwater fish. Dr LEE further said that the Administration should inform the public of the food test results and the risks in consuming such food.

56. Consultant/FEHD said that to ensure food safety, the Administration would recall problematic food from the market once harmful substances were found in the food. As part of the food safety assessment mechanism, the Administration would let the public know the risk of causing adverse health effect of food containing such harmful substances. Consultant/FEHD stressed that as a matter of principle, harmful substances should not be allowed to be used in food.

57. The Chairman said that although the Administration had stated that it would exercise control of food safety at source, it had not advised on the whole enforcement process, e.g. whether freshwater fish samples would be collected at wholesale and retail levels for food tests, and whether the health certificates should state that the fish concerned were free from malachite green.

58. PAS(FEH)1 responded that the Administration was discussing with the Mainland the arrangements for exercising control at source, and these would come into effect shortly. She advised that freshwater fish samples would continue to be collected at all levels of food chain for testing, and freshwater fish from the Mainland must be accompanied with health certificates certifying that the fish concerned was free from malachite green and other harmful substances.

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59. Mr TAM Yiu-chung said that as he had stated at the previous meeting, SHWF and other senior officials should be mindful of the need to convey clear and consistent messages to the public concerning the safety of food for human consumption. According to the remarks previously made by SHWF and senior officials on the health impact of food containing malachite green, the public was advised not to eat freshwater fish when malachite green was found in freshwater fish. However, the public was subsequently advised that it would cause adverse health effect only if a substantial amount of problematic fish was consumed over a prolonged period. The public was confused by these advices and decided not to buy freshwater fish, and this had caused adverse impact on the business of the freshwater fish trade. He hoped the Administration would avoid delivering confusing messages on food incidents in future.

60. Mr LEE Wing-tat expressed dissatisfaction that SHWF did not attend the Panel meeting to explain the latest developments. Mr LEE said that the Administration's approach in arranging for resumption of supply of freshwater fish from the Mainland was unsatisfactory. He pointed out that the Administration did not have complete information on the 18 registered fish farms in the Mainland, and it had not yet drawn up details on import control and sampling tests. Mr LEE further said that the public wanted to know when they would have freshwater fish which was safe for consumption, while the trade was eager to know when their business would be resumed to normal level. Mr LEE stressed that it was important for the Administration to ensure reliable and stable supply of freshwater fish. The Administration should also let the public and the trades know if there were difficulties in the discussions with the Mainland.

61. PAS(FEH)1 said that the Administration was discussing with the Mainland authorities the operational details of the new arrangements for freshwater fish supply. She believed that supply of freshwater fish from the Mainland would be resumed very soon.

62. Mr Vincent FANG shared a similar view with Mr LEE Wing-tat that it was very important for the Administration to provide the operational details of the new arrangement for import of freshwater fish. While the Administration advised the trade that freshwater fish were available in the Mainland for supply to Hong Kong, the fish traders did not know the procedures for arranging such imports. Mr FANG said that the Administration should ensure that the freshwater fish supplied to Hong Kong were fit for consumption. If malachite green was again found in subsequent fish samples, the public would lose confidence in consuming freshwater fish. Mr FANG further said that to speed up the inspection and quarantine process at import level, the Administration should develop quick tests or study the feasibility of setting up an inspection checkpoint at Man Kam To Control Point.

Action

63. Consultant/FEHD said that at present, test results for malachite green were normally available within the same day. For example, if samples were taken at 8 am, the test result would be available at about 6 pm on the same day. If the concentration of malachite green exceeded 2 mg per kg in the food sample, the food products of the same batch would be destroyed. PAS(FEH)1 explained that it would need some time to collect fish samples which would be minced for testing of malachite green, the proposal of setting up an inspection checkpoint at Man Kam To Control Point might have negative impact on the traffic flow.

64. In response to the Chairman, PAS(FEH)1 said that neither the Mainland had banned the export of freshwater fish to Hong Kong, nor Hong Kong had suspended the import of freshwater fish from the Mainland. As far as she was aware, there was no supply of freshwater fish from the Mainland because the suppliers did not receive orders from Hong Kong.

65. Mr LEE Wing-tat asked whether the two samples of fish where malachite green was found were supplied by registered fish farms in the Mainland. The Chairman asked whether the fish concerned were accompanied with health certificates.

66. PAS(FEH)1 said that the findings had been passed to the Mainland authorities for taking follow-up actions. As it was a new requirement for health certificates to certify that the fish were free from malachite green, health certificates previously issued did not include such information.

67. Mr Tommy CHEUNG and Miss CHAN Yuen-han considered that the regulatory control for live fish should be similar to that for poultry, and the licences of suppliers should be cancelled if they failed to comply with the licensing requirements. Mr Tommy CHEUNG said that if the Administration was unable to trace the source of problematic fish, the public would not have confidence in consuming freshwater fish. Miss CHAN Yuen-han said that as a long-term measure, inspection of freshwater fish should be conducted at import level, as there might be sporadic cases of non-compliance of the regulatory control standards in the Mainland. She stressed that the same set of regulatory standards should apply to local and Mainland fish farms.

68. PAS(FEH)1 reiterated that the Administration had agreed with AQSIQ on the actions to be taken to control supply of freshwater fish to Hong Kong at source, under which all freshwater fish supplied by registered fish farms would be accompanied with health certificates to certify that they were free from malachite green and other harmful substances. She hoped that members would understand that AQSIQ would need time to work out the operational details, and to convey the new arrangements to the relevant provincial authorities and individual fish farms.

Action

*Regulation of the use of malachite green in food fish*

69. The Chairman asked whether the maximum limit of malachite green allowed in food in Hong Kong was the same as the Mainland standards. The Chairman asked about the details of the two cases reported by the media that the levels of malachite green in two samples of freshwater grouper and eel were as high as 900 mg per kg and 45 000 mg per kg respectively.

70. Consultant/FEHD said that the Harmful Substances on Food (Amendment) Regulation 2005 had the same effect as the banning of the use of malachite green in food animals in the Mainland. Consultant/FEHD further said that the two test results cited by the Chairman were the highest levels of malachite green detected so far. He stressed that as explained earlier, a person would only suffer from adverse health effects if he or she consumed more than 7 kg of eels each day over a prolonged period.

71. Dr KWOK Ka-ki said that despite the grave concern of the community over the recent malachite green incidents, the Administration was still slow in reacting to the crisis. Dr KWOK considered that the major cause of the problem was the use of malachite green in food fish by some unscrupulous traders. Therefore, adopting a lenient enforcement approach for the Harmful Substances in Food Regulations would not address the problem. Dr KWOK further said that as the freshwater fish from local farms met the present food safety standards, it was an opportune time to promote local fisheries produce.

72. DD/AFCD said that AFCD had advised the local fish farmers not to use malachite green in food fish a decade ago. Samples taken from freshwater fish supplied by local fish farms were tested free from malachite green. DD/AFCD further said that AFCD and local fish farms had jointly developed an accredited fish farm scheme since May 2005, with a view to producing safe and high quality fisheries produce. The first batch of accredited fish produce, with tags for easy recognition, would be put on market from November 2005. In addition, AFCD was discussing with local fish farmers the introduction of registered farms, and AFCD would issue certificates to those fish supplied by local fish farmers who did not use malachite green in fish farming. DD/AFCD added that as the recent demand for freshwater fish was weak, it might not be the opportune time to promote the sale of local fish.

73. Dr KWOK Ka-ki asked whether the Administration had the capacity of conducting sufficient sample tests for malachite green when the freshwater fish supply was resumed to normal level. Dr KWOK further asked, apart from sending staff to inspect the 18 registered fish farms in the Mainland, whether samples would be taken for testing of malachite green from fish reared in these farms.

Action

74. Consultant/FEHD said that the Government Laboratory could conduct rapid and reliable tests for malachite green. However, as the most effective way to ensure food safety of fish was to control at source, FEHD staff had inspected registered fish farms in the Mainland. As a further control measure, FEHD would continue to collect food samples for testing at different levels of the food chain.

75. Mr Tommy CHEUNG asked about the arrangement for testing of freshwater fish supplied by registered fish farms in the Mainland, and whether the laboratories in the Mainland could test the presence of malachite green in food.

76. PAS(FEH)1 said that to her understanding, the Mainland authorities would conduct inspection for malachite green at three different levels, i.e. at the fish farms, market and the laboratories. There would be technical exchanges between Hong Kong and the Mainland on the test methods and the regulatory standards. Both sides had agreed to set the regulatory standard for malachite green at 2 mg per kg.

77. Ms Margaret NG considered the Administration's explanation on the impact of food containing malachite green on human unacceptable. She questioned the need for setting the maximum concentration of malachite green in food at 0 mg per kg in any food in the legislation, if a person would only suffer from adverse health effects after consuming a substantial amount of freshwater fish contained malachite green over a prolonged period.

78. Consultant/FEHD responded that as explained earlier, malachite green was used in aquacultural farming for treatment of diseases in fish. Although the levels of malachite green detected in freshwater fish would not cause adverse health effect based on available data, malachite green was carcinogenic in animals and was unsuitable for use in aquatic products intended for human consumption. He stressed that if malachite green was widely abused in aquaculture farms, consumers might risk an overdose of malachite green and suffer adverse health consequences.

79. Ms Margaret NG held the view that the Administration's explanation had conveyed a confusing message to the public, and it could not restore public confidence in consuming freshwater fish.

80. In response to the Chairman, PAS(FEH)1 said that when more than 2 mg of malachite green was found in each kilogram of food, the Administration would take enforcement action.

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81. Mr CHEUNG Yau-wai of Hong Kong and Kowloon Marine Products Merchants' Association said that to his knowledge, the registered fish farms had suspended their supply of freshwater fish to Hong Kong because they were concerned that enforcement actions would be taken against them if malachite green was found in their freshwater fish. Mr CHAM Ka-kit of Western Foodstuffs Pond Fish Stall asked whether fish traders would be held responsible if malachite green was found in the 100 tonnes of "safe" freshwater fish now available for export to Hong Kong.

82. PAS(FEH)1 responded that enforcement would be taken in accordance with the laws of Hong Kong if the fish was for sale in Hong Kong. She further said that there were defence provisions in the current legislation. The Chairman added that to his understanding, the health certificates would be taken as documentary proof that the trader had exercised due diligence to comply with the requirement.

*Assistance and compensation for freshwater fish trade*

83. Mr Tommy CHEUNG said that in view of the difficulties faced by the freshwater fish traders, it was unacceptable that the Administration would not provide ex-gratia payment to the freshwater fish traders. He reiterated that the Administration should consider granting ex-gratia payment, rent reduction/waiver and interest-free loans to affected fish traders to tide them over the crisis. Mr CHEUNG added that compensation should be offered to the fish traders if their fish were destroyed because malachite green was found present in fish samples.

84. PAS(FEH)1 said that she would convey the request to the Financial Services and the Treasury Bureau for consideration.

Way forward

85. The Chairman sought members' views on how the Panel should follow up on the issue of regulation of freshwater fish.

86. Miss CHAN Yuen-han and Mr Tommy CHEUNG suggested that a further meeting should be held to meet with SHWF, the Director of Food and Environmental Hygiene (DFEH), and the Director of Agriculture, Fisheries and Conservation (DAFC) to discuss the supply and regulation of freshwater fish. Mr LEE Wing-tat said that the Administration should provide a comprehensive action plan at the next meeting. He stressed that it was unfair to the trade to have to wait for an indefinite period for the resumption of import of freshwater fish.

Action

Clerk

87. Mr Tommy CHEUNG said that the Administration was unable to provide answers to many concerns and suggestions raised by members and deputations at this meeting. He requested the Legislative Council Secretariat to provide a summary of these concerns and suggestions to the Administration for a written response. Mr CHEUNG added that he would provide further questions for the Administration's response.

88. The Chairman said that since the Administration had yet to work out with the Mainland the operational details of the new arrangements for the control and inspection of freshwater fish for supply to Hong Kong, it was necessary for SHWF, DFEH and DAFC to attend a further meeting of the Panel to brief members on the latest developments and detailed arrangements. The Chairman further said that given the urgency and importance of the matter, the next special meeting would be held in the next few days. Members agreed.

(*Post-meeting note* : A further special meeting of the Panel was held on 2 September 2005 to continue discussion on the regulatory control and supply of freshwater fish.)

89. The meeting ended at 11:55 am.

Council Business Division 2  
Legislative Council Secretariat  
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