

**For discussion
on 15 April 2005**

LegCo Panel on Food Safety and Environmental Hygiene

**Proposed Prohibition of
Abstraction of Seawater from Specified Areas**

PURPOSE

This paper briefs Members on the proposal to prohibit abstraction of seawater from specified areas for keeping live seafood to enhance the quality of fish tank water.

BACKGROUND

2. At present, the Food and Environmental Hygiene Department (FEHD) adopts a number of measures to control the quality of water used for keeping live fish and shell fish intended for sale for human consumption. These measures are set out in the following paragraphs.

Legislative Control

3. Under section 10A of the Food Business Regulation (Cap. 132 sub. leg. X), no person shall in the course of any food business keep any live fish or shell fish intended for human consumption in water of a quality below the standard specified by the Director of Food and Environmental Hygiene (DFEH) by notice published in the Gazette. The specified standard is “*E. coli* less than 610 per 100 ml and absence of pathogenic organisms”. Anyone in breach of the provision is liable to a maximum fine of \$10,000 and imprisonment for three months upon conviction.

Inspection Regime

4. In accordance with the licensing requirements/conditions and market tenancy conditions of FEHD, licensed food premises and market stalls are required to install and maintain proper filtration and disinfection facilities to filter and disinfect water used for keeping live fish and shell fish intended for human consumption. Licensees/stallholders are also prohibited from using flushing water for keeping live seafood. The

same requirements and conditions are applicable to live fish wholesalers under a permit system administered by FEHD.

5. FEHD staff inspect market fish stalls and wholesale premises once every eight weeks and conduct regular inspections to supermarkets, fresh provision shops and restaurants in accordance with a risk-based inspection system to ensure that operators comply with the requirements and conditions. Verbal and written warnings are given for non-compliance. Repeated breaches of requirements and conditions may lead to cancellation of licence or permit or termination of tenancy.

Water Sampling and Surveillance

6. In addition to routine inspections, fish tank water samples are collected from all licensed food premises, including supermarkets and seafood stalls, for *E. coli* and *Vibrio cholerae* testing. Under a risk-based surveillance programme implemented since January 2004, while the normal frequency of testing for *E. coli* for each premise remains at once every eight weeks, the action level is set at 180 per 100 ml. This provides an early alert signal to those premises with deteriorating quality of fish tank water or failing disinfection system so that remedial measures could be carried out in a timely manner. Upon receipt of any report exceeding this action level, FEHD staff would inspect the premises concerned within three working days to give advice to the operators to carry out proper maintenance work. Thereafter, follow up samples would be taken within one week for both *E. coli* and *Vibrio cholerae* testing. If the test results of the follow up samples remain unsatisfactory, FEHD staff would continue to conduct site inspections and take samples until the irregularities are rectified.

7. In addition, at least one separate sample will be taken from each premises for *Vibrio cholerae* testing between May and September every year. Once the presence of highly infectious *Vibrio cholerae* is detected in a water sample, FEHD will close the premises concerned on health hazard grounds under the authority conferred by section 128C of the Public Health and Municipal Services Ordinance (Cap. 132). In 2003 and 2004, three and five food premises were closed respectively pursuant to section 128C of Cap. 132 because of highly infectious *Vibrio cholerae* detected in fish tank water samples taken at those premises.

Accreditation Scheme for Seawater Suppliers

8. At the Panel meeting held on 9 November 2004, we briefed

Members of our proposal to establish a voluntary accreditation scheme for seawater suppliers to promote self-regulation by the trade. Accreditation is attained through a process of evaluation and periodic review in accordance with preset criteria, policies and procedures. The implementation of the scheme will not just help ensure the availability of reliable seawater supply, but also assists restaurants/seafood stalls to have better control of the quality of fish tank water for compliance with the prescribed legal standards. We have selected earlier a suitable accrediting body for the development and implementation of the scheme. We will work with the accrediting body to finalise the details of the scheme for implementation within 2005 after consultation with the trade.

PROPOSED PROHIBITION OF ABSTRACTION OF SEAWATER FROM SPECIFIED AREAS

9. Section 10A of the Food Business Regulation provides that the quality of water used for keeping live fish or shell fish intended for human consumption in the course of any food business must comply with the standard set by DFEH. As the provision only makes reference to water quality and not the source of the water, an operator would be considered to have breached this provision only if the test result of the water sample taken from the fish tank is found to be below the legal standard. There is no statutory authority for FEHD to regulate the source from which seawater is abstracted for keeping live seafood. For more effective control of the quality of fish tank water, we are now considering adding a provision to prohibit abstraction of seawater from areas as specified in a schedule.

10. According to the data collected by the Environmental Protection Department (EPD) on marine water quality in various locations from 2002 to 2004 (statistics at **Annexes A to C**) and in typhoon shelters during the same period (statistics at **Annex D**), a consistently high level of *E. coli* was detected in waters in (a) the Victoria Harbour, (b) typhoon shelters, (c) areas surrounding Hong Kong Island, including Ap Lei Chau, and (d) the western side of the New Territories.

11. In the light of the EPD's data as set out in paragraph 10 above, we propose to amend the Food Business Regulation to prohibit abstraction of seawater from the Victoria Harbour and typhoon shelters and along the coast of the other specified areas in paragraph 10 above for the purpose of keeping live seafood for human consumption. A map indicating the specified areas is at **Annex E**.

WAY FORWARD

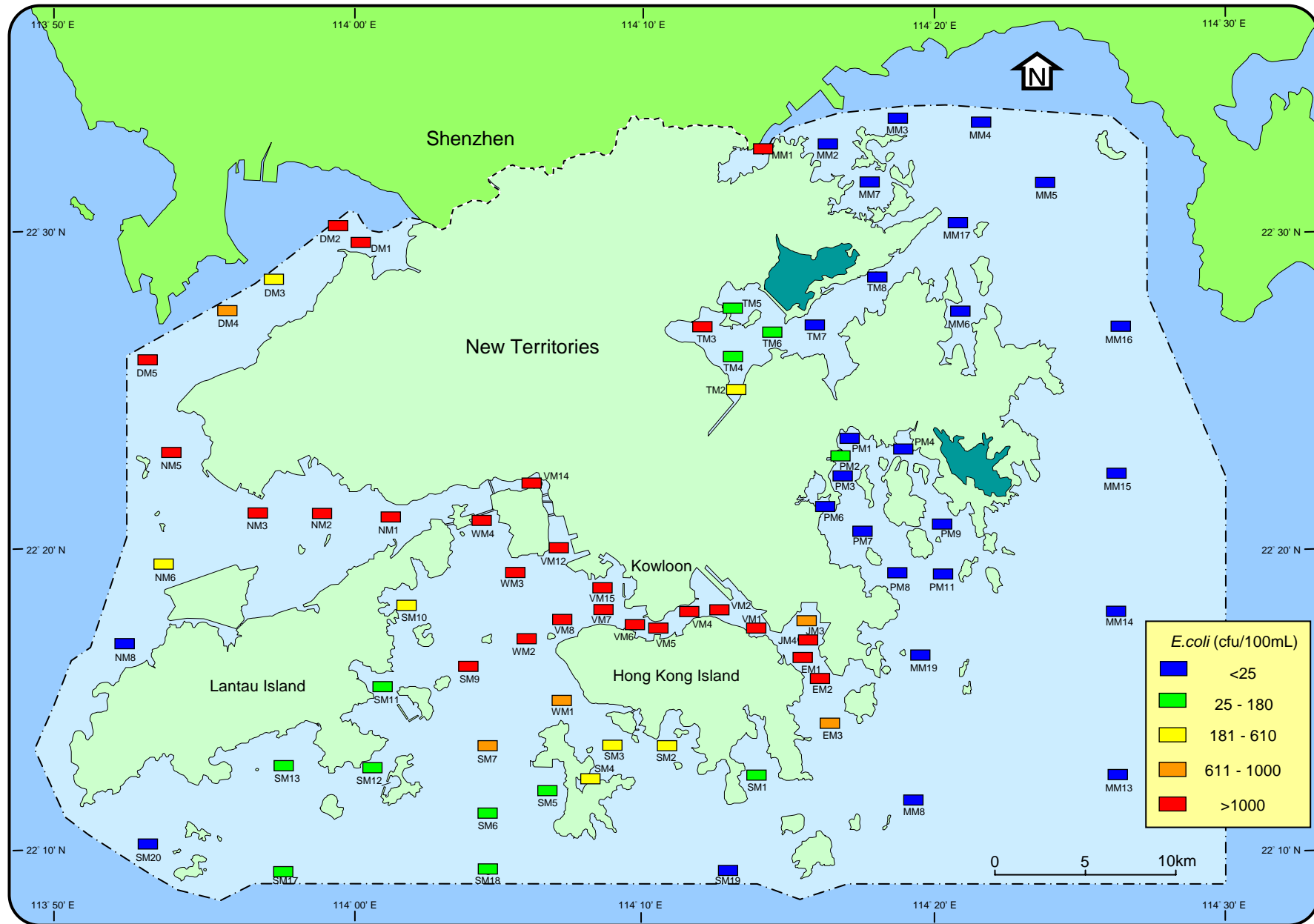
12. Subject to Members' comments, we will consult seawater suppliers on our proposal.

ADVICE SOUGHT

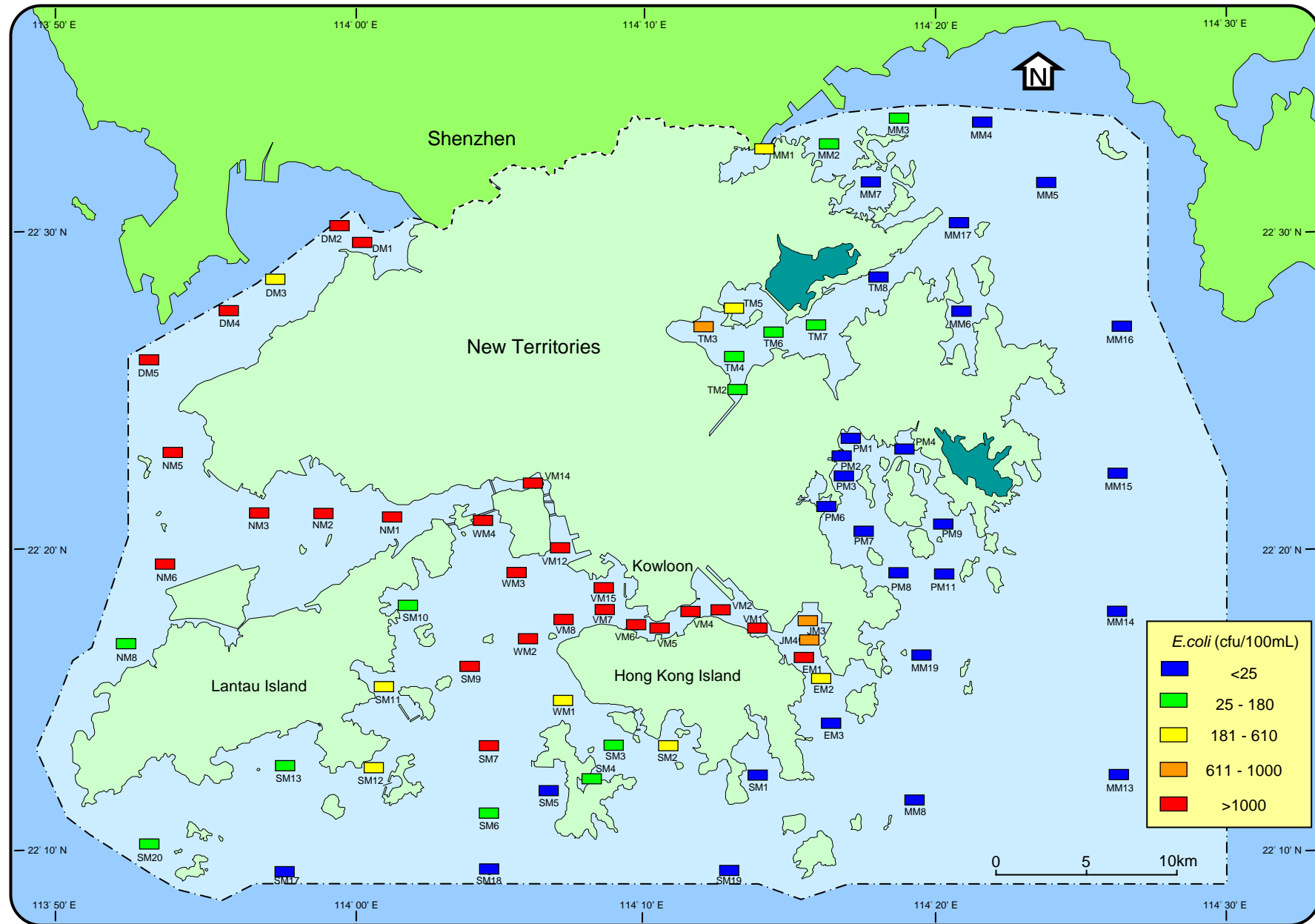
13. Members are invited to comment on the proposal set out in paragraphs 9 to 11 above.

**Health, Welfare and Food Bureau
Food and Environmental Hygiene Department
April 2005**

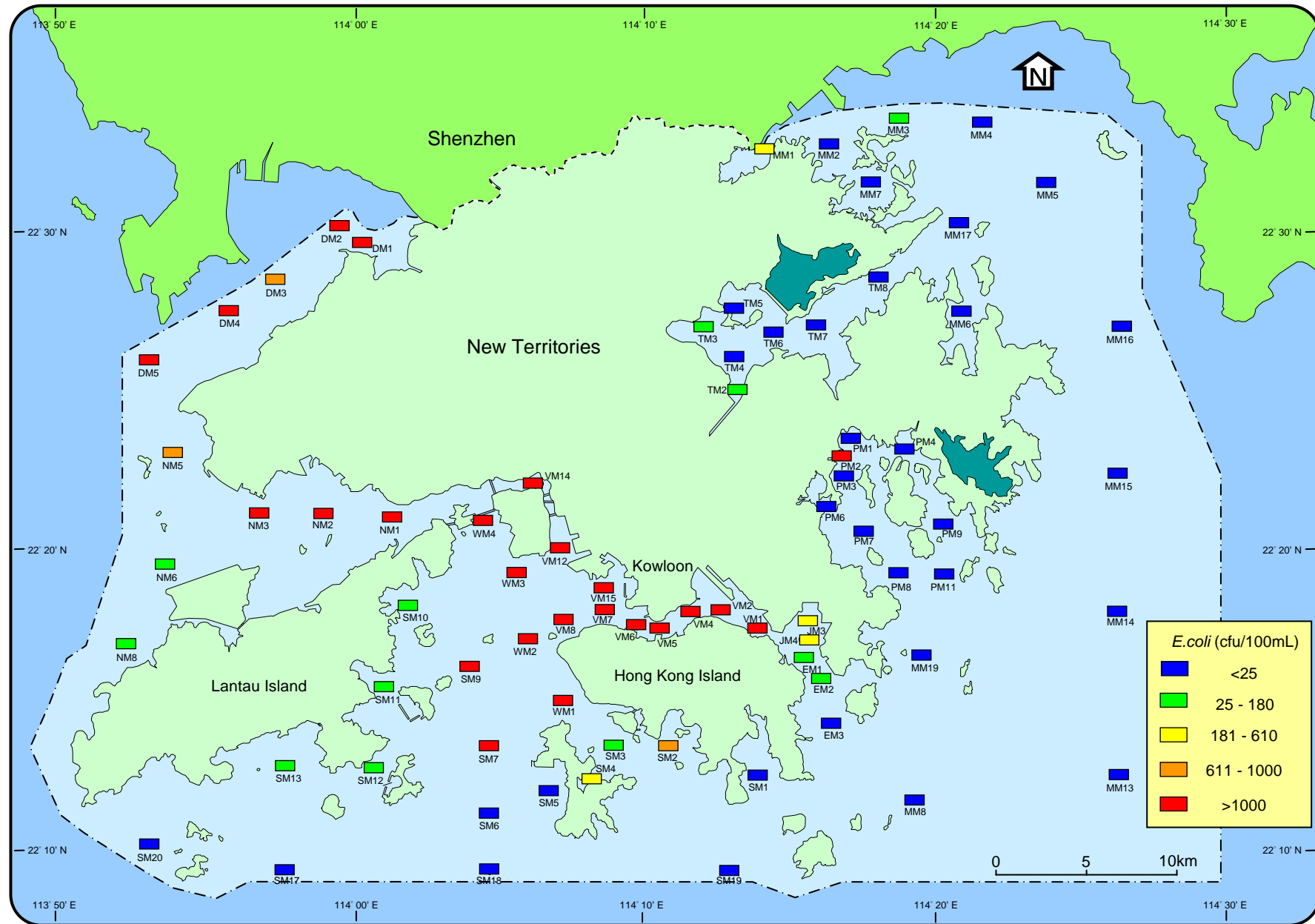
Maximum Level of *E.coli* at different marine monitoring stations in Hong Kong in 2002



Maximum Level of *E.coli* at different marine monitoring stations in Hong Kong in 2003



Maximum Level of *E.coli* at different marine monitoring stations in Hong Kong in 2004



Water Quality Statistics of Typhoon Shelters in 2002 to 2004

Typhoon Shelters	Maximum Level of <i>E. coli</i> (cfu/100ml)		
	2002	2003	2004
Tuen Mun	310	330	1,300
Cheung Chau	320	515	220
Hei Ling Chau	74	13	14
Aberdeen (South)	40,000	747	960
Aberdeen (West)	13,000	3,712	13,000
Rambler Channel	10,000	13,842	3,400
Yau Ma Tei	37,000	15,833	13,000
Causeway Bay	22,000	15,649	50,000
To Kwa Wan	3,600	1,724	1,300
Kwun Tong	59,000	24,379	25,000
Sam Ka Tsuen	7,900	3,997	1,900
Aldrich Bay (Shau Kei Wan)	3,900	2,179	1,600
Yim Tin Tsai	1	2	7
Shuen Wan	95	159	110

Proposed Prohibited Areas (Other Than Typhoon Shelters) for Abstraction of Seawater

