

**For discussion  
14 November 2006**

**Legislative Council  
Panel on Food Safety and Environmental Hygiene**

**Regulation of Shellfish and Detection of Malachite Green  
in Aquatic Products**

**Purpose**

This paper briefs Members on the regulation of aquatic food products in the light of recent incidents relating to oysters and detection of malachite green in eels.

**Background**

2. Ensuring food safety, including that of aquatic food products, is a major Government initiative. Under the Public Health and Municipal Services Ordinance (Cap. 132), food for sale (including aquatic products) should be fit for human consumption. The law also regulates the type of substances to be contained in aquatic food products. For instance, according to the Harmful Substances in Food Regulations (Cap. 132AF), no food (including live fish) should contain malachite green, while no shellfish shall contain certain prohibited substances. The Food Adulteration (Metallic Contamination) Regulations (Cap 132V) stipulates the maximum permitted concentration of metals such as arsenic, antimony, cadmium, mercury in food including aquatic food products. Administrative agreements have also been reached with the Mainland authorities to regulate the importation of freshwater fish from the Mainland. The Centre for Food Safety (CFS) takes samples of aquatic food products from the import, wholesale and retail levels for testing of controlled substances and contaminants to ensure that these products are safe for human consumption.

**Recent Incidents Involving Aquatic Products**

3. The Centre for Health Protection received eight reports of suspected food poisoning cases on four food premises from 26 September to 10 October 2006. Investigations into the clinical and food history of

the patients revealed that the cases might be related to the consumption of raw oysters. The stool sample of one of the patients was tested positive for Norovirus. Based on the epidemiological information, the CFS immediately conducted an investigation into the source of the concerned raw oysters and found that the oysters consumed in the four food premises came from the same supplier. Based on the information gathered and in order to protect public health and in the public interest, the CFS made an announcement to alert the trade and the public to the situation. As the supplier claimed that the oysters concerned were frozen half-shells imported from Chile, the CFS is following up the matter with the Consulate General of Chile.

4. The Harmful Substances in Food (Amendment) Regulations was enacted in August 2005 on the regulation of malachite green. Of the over 2 500 samples of fish and aquatic food products taken for testing of various chemicals and contaminants between August 2005 and October 2006, 61 samples were found to contain malachite green. In September 2006, acting upon information, the CFS conducted blitz operations and inspected eight premises, including restaurants and suppliers' premises, suspected of selling eel products from dubious sources. The test results of the samples of eel products taken showed that three of the samples contained malachite green. The CFS seized some 1 500 kilogrammes of eel products found in the premises concerned.

### **Review on the Framework for Enhancing the Safety of Aquatic Food Products**

5. The Administration is studying ways to enhance the safety of aquatic food products. As about 70% of aquatic food products consumed in Hong Kong are imported, the priority of our work in future would be on how to enhance the regulation of the importation of live fish and aquatic food products. Any regulatory framework must however take into account the need for effective enforcement while maintaining the choices of aquatic food products for the community. To enable us to introduce new measures which would deliver actual results, we will consult widely once we have developed a concrete proposal on the matter. Separately, the Expert Committee on Food Safety established under the CFS will study the food standards in existing food regulations in Hong Kong and provide recommendation on the priority for reviewing and updating the regulations.

## **Advice Sought**

6. Members are invited to note and comment on the direction for reviewing the framework to enhance the safety of aquatic food products as described in paragraph 5.

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