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LC Paper No. CB(2) 2597/04-05
(These minutes have been seen by
the Administration)

Panel on Food Safety and Environmental Hygiene

Minutes of Meeting
held on Tuesday, 12 July 2005 at 2:30 pm
in Conference Room A of the Legislative Council Building

Members Present : Hon Fred LI Wah-ming, JP (Chairman)
Hon WONG Yung-kan, JP (Deputy Chairman)
Hon Bernard CHAN, JP
Hon TAM Yiu-chung, GBS, JP
Hon Andrew CHENG Kar-foo
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

Public Officers Attending : Dr York CHOW
Secretary for Health, Welfare and Food

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

Mr Vincent LIU
Principal Assistant Secretary (Food & Environmental Hygiene) 2
Health, Welfare and Food Bureau

Mr Gregory LEUNG
Director of Food and Environmental Hygiene

Dr Thomas CHUNG
Assistant Director (Food Surveillance and Control)
Food and Environmental Hygiene Department

Dr S F LEUNG
Assistant Director (Fisheries)
Agriculture, Fisheries and Conservation Department

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

Staff in Attendance : Miss Betty MA
Senior Council Secretary (2)1

Ms Anna CHEUNG
Legislative Assistant (2)5

Action

I Confirmation of minutes of meeting
[LC Paper No. CB(2) 2134/04-05]

The minutes of the meeting held on 10 May 2005 were confirmed.

II Information paper(s) issued since last meeting
[LC Paper Nos. CB(2)2186/04-05(01) & (02)]

2. Members noted that the Administration had provided a letter and an information note on “Surrender of licences/tenancies by live poultry farmers, wholesalers and transporters” on 5 July 2005.

III Progress Report on the Code of Practice on the Import and Sale of Live Marine Fish for Human Consumption
[LC Paper Nos. CB(2) 2205/04-05(01)&(02)]

Additional measures to regulate coral reef fish

3. Secretary for Health, Welfare and Food (SHWF) said that live fish was presently not defined as food and was not regulated by the food safety legislation. As the Administration attached great importance to safeguarding public health, and having regard to the public concern about an increase in ciguatera poisoning cases, the Administration introduced a voluntary Code of Practice on the import and sale of live marine fish for human consumption in mid-December 2004. SHWF further said that although there had been an increase in the number of reports on shipment of live coral

Action

fish after the introduction of the voluntary Code, the result was still far from satisfactory. The Administration saw a need to introduce a mandatory system to strengthen control on the import and sale of coral reef fish so as to reduce the occurrence of ciguatera fish poisoning cases. SHWF added that the Administration understood that a mandatory system would have impact on the fish traders, and would conduct consultation with the catering and fish trading industry on the proposal.

4. Deputy Secretary for Health, Welfare and Food (Food and Environmental Hygiene) (DS(FEH)) briefed members on the proposed additional measures to strengthen control on the import and sale of live coral reef fish as detailed in paragraph 10 of the Administration's paper. DS(FEH) said that under the proposed mandatory system, fish traders would be required to obtain import permits before landing the coral reef fish in Hong Kong and provide relevant information on each lot of imported coral reef fish. The fish traders would also be required to keep proper records on the source and distribution of the coral reef fish. The Administration also proposed to designate a number of landing points where the fish traders could import and distribute live coral reef fish.

5. DS(FEH) stressed that there was no perfect system to prevent ciguatera poisoning as the presence of ciguatoxin in coral reef fish was sporadic. Moreover, the presence of ciguatoxin in one coral reef fish did not imply that the other fish in the same shipment contained ciguatoxin. The keeping of proper records would provide useful information for the Administration to trace the source and distribution of the fish, so that the fish traders would be asked to immediately recall and stop selling those fish suspected to contain ciguatoxin.

6. The Chairman asked whether the proposed additional measures were targeted at coral reef fish only, and whether the measures would apply to importation of such fish by sea, land and air.

7. SHWF advised that the mandatory system aimed to regulate the import and sale of live coral reef fish only. As for the designation of landing points, the system would cover the import of live coral reef fish by air, sea and land. DS(FEH) supplemented that the major challenge faced by the Administration was to control live fish imported by sea. DS(FEH) explained that under the existing legislation, while all fresh marine fish (except live fish) were required to be landed and sold wholesale at the wholesale fish markets operated by the Fish Marketing Organisation (FMO), there was no similar regulation of live fish. The Administration did not envisage any problem in the control of coral reef fish imported by air or by land.

8. Mr WONG Kwok-hing noted that there were 33 suspected ciguatera fish poisoning cases reported in the first six months of 2005, but only 6% of the total live coral fish imported was reported in accordance with the Code. He agreed that there was a need to require proper keeping of records on the source and distribution of coral reef fish. However, he had reservation that this requirement would be effective in

Action

preventing ciguatera fish poisoning. Mr WONG pointed out that most of the fish species which had previous ciguatoxin records were imported from new fish harvest areas. He wondered why the Administration did not address the problem at source, i.e. banning the import of certain species of coral reef fish from problem areas.

9. DS(FEH) explained that under the proposal, fish traders must obtain import permits before landing live coral reef fish in Hong Kong. The Administration would reject the application for import permits if the coral reef fish was suspected to be sourced from high-risk areas.

10. Mr Tommy CHEUNG expressed general support for the proposal of introducing import permits and designating landing points for live coral reef fish. Mr CHEUNG said that although the number of ciguatera poisoning cases was not particular high when compared to the total amount of fish consumption, he agreed that the problem of ciguatera fish poisoning should be addressed. Mr CHEUNG pointed out that when there was a suspected ciguatera poisoning case, the business of fish traders would be adversely affected. The fish traders were therefore willing to cooperate in implementing measures to enhance the monitoring and control of coral reef fish. The Administration should discuss with the trade the exact locations for designation of landing points and other implementation details.

11. Mr WONG Yung-kan said that Members belonging to Democratic Alliance for the Betterment and Progress of Hong Kong supported the proposal of designating landing points for coral reef fish and introducing a mandatory record system, as this would enhance tracing the source and distribution of problematic fish. The information would also be useful to the Mainland in tracing such fish. Mr WONG further said that the cluster of ciguatera fish poisoning cases in 2005 was related to the same batch of chilled coral fish. As ciguatoxin would remain in the fish even after it died, the Administration should extend the control measures to frozen/chilled coral reef fish. Otherwise, coral fish with ciguatoxin could be frozen and stored for some time before being sold as frozen/chilled fish in other places.

12. Principal Assistant Secretary for Health, Welfare and Food (Food and Environmental Hygiene)² (PAS(FEH)²) said that reported ciguatera fish poisoning cases were mainly related to live coral reef fish. He advised that imported live fish represented only 13% of the total weight of imported fish. If the proposed mandatory requirements of obtaining import permits and keeping proper records were to be extended to frozen and chilled fish which represented 87% of the total imported fish, it would have serious impact on the fish trading industry.

13. Mr WONG Yung-kun commented that monitoring the source of chilled/frozen/live coral reef fish imported by air would be easier than those imported by sea or by land, because the fish traders must provide relevant information to the airlines.

Action

14. DS(FEH) responded that to obtain import permits, fish traders would be required to provide relevant information on each lot of imported coral reef fish, including the source of the fish, before landing the coral reef fish in Hong Kong. The Administration would consider whether the requirement should be extended to frozen/chilled coral reef fish, having regard to the impact of the proposal on the fish trading industry.

15. Mr TAM Yiu-chung said that to his understanding, most of the fish species which had previous ciguatera records came from the new fish harvest areas in South Pacific region. He was concerned that unscrupulous fish traders would transport the fish catches from these high-risk fishing grounds to other places before selling them to Hong Kong, claiming that these fish were sourced from low-risk areas. Mr TAM also noted that fish traders would be required to provide information on the source of the imported coral reef fish when applying for import permits. Mr TAM asked whether the Administration would make use of the information on the import permits and cooperate with the coral reef fish exporting countries to set up a database on different species of coral reef fish according to their risk levels and sources.

16. SHWF said that in some overseas countries, the risk levels of coral reef fish species were categorised according to their habitual coral reef areas. It was, however, difficult for Hong Kong to adopt similar arrangements, given that coral reef fish was imported from various places all over the world. Assistant Director of Food and Environment Hygiene Department (AD/FEHD) added that the Administration kept a close watch on the occurrence of ciguatera fish poisoning cases overseas. The Administration could consider establishing a database in this respect, but he envisaged that the available information would be incomplete.

17. Dr KWOK Ka-ki expressed support for the introduction of import permits for landing coral reef fish. Dr KWOK noted that presently, only 55% of the premises and stalls inspected were keeping proper records as required under the Code, and most records relevant to suspected ciguatera fish poisoning cases were incomplete. Dr KWOK expressed concern whether the control would be effective if the Administration had to rely on the information provided by traders applying for the import permits.

18. PAS(FEH)2 explained that under the proposed system, fish traders would be required to keep proper records of the source and distribution of the coral reef fish, and this would facilitate prompt and effective control measures to be taken in case of occurrence of ciguatera fish poisoning incidents. If it was proven that the problematic coral reef fish came from the same fish harvest areas, the Administration might not issue import permits for landing coral reef fish from that specific fishing ground. The importers would also be advised not to import coral reef fish from the same source in future.

Action

19. Mr Vincent FANG appreciated that the Administration had taken into account the impact on the fish trading industry when putting forward the proposals. Mr FANG said that while he supported the proposed requirement for import permits for live coral fish and the reporting system, he hoped the Administration could consider ways to enhance self-discipline of the trade to comply with the new requirements before making them mandatory. Mr FANG considered that fish traders were generally aware of the sources of high-risk coral reef fish, and the incidence of reported ciguatera fish poisoning incidents in Hong Kong was not particularly high when compared to other countries. He suggested the Administration to review the effectiveness of a voluntary scheme before making the requirements mandatory and imposing penalty for non-compliance.

20. Mr Vincent FANG requested the Administration to regulate the trading of coral reef fish at high seas, as such trading often confused the sources of problematic areas. He also requested the Administration not to ban certain types of fish species for prevention of occurrence of ciguatera fish poisoning cases, as this would reduce Hong Kong's attractiveness as a gourmet paradise.

21. SHWF explained that the proposed mandatory system aimed to provide the Administration with information on the source and distribution of live coral fish to facilitate tracing of such fish when there was a ciguatera poisoning case. SHWF said that he had the impression that members supported the proposal of import permits, and the Administration would discuss with the fishing industry and proceed with the drafting of the legislative proposal. Pending the introduction of a mandatory system, the Administration would continue to encourage self-regulation of the fish industry and request their support to the voluntary Code of Practice. As regards prohibiting the sale of certain species of coral reef fish, the Administration would need clear evidence on the need for the prohibition and would give careful consideration to its possible impact on the industry and food choices to Hong Kong people.

22. Dr Joseph LEE said that he supported the proposal in principle, as it would better protect public health. Dr LEE asked about the proposed penalty for non-compliance with the proposals.

23. DS(FEH) responded that the Administration had not yet decided on the penalty for non-compliance, and would discuss with the Department of Justice the appropriate levels of penalty with regard to the severity of offences and relativity with other offences. DFEH added that another sanction would be non-issuance of an import permit if the importer did not provide the relevant information.

24. Dr Joseph LEE noted from the Administration's paper that the additional measures to prevent ciguatera fish poisoning would enable the Administration to communicate the risk to consumers for an informed choice. Dr LEE asked about the Administration's plan in this regard, for example, whether the Administration would establish a database on the risks of different types of coral fish especially those with

Action

ciguatoxin records, and whether the retail outlets or seafood restaurants would be required to display labels showing sources of the coral fish on sale. Dr LEE also asked about the time needed to establish such a database.

25. DFEH stressed that if the suspected cases of ciguatera fish poisoning were always related to the same fish supplier, FEHD would refuse to issue import permits to the supplier concerned. As regards the display of labels on showing the source of coral fish, DFEH said that some seafood restaurants were already doing this. DFEH further said that the Administration could start establishing a database on ciguatera fish poisoning based on available information, and update the records whenever there was new information from the fish traders. If the Administration could trace the source of the ciguatoxin fishes, the relevant information could also be released for public information.

Ciguatoxin tests and health certificates

26. Dr KWOK Ka-ki said that to his understanding, some coral fish exporting countries had a safety certification system. Dr KWOK asked whether the Administration would consider requiring the fish traders to let the consumers know which lot of fish had safety certificates, or requiring the traders to display a label indicating the origin of the coral fish on sale.

27. Mr Tommy CHEUNG asked whether it was feasible to adopt a system similar to that for importation of live chicken, i.e. by requiring a health certificate to be issued by the authorities at the place of origin. Mr CHEUNG suggested that only those fish which were tested to be ciguatoxin free should be allowed for import to Hong Kong. Alternatively, the coral reef fish could be kept for ciguatoxin testing on arrival in Hong Kong, and they could only be released for sale after the test results had shown that they were ciguatoxin free.

28. DS(FEH) responded that there were practical difficulties in taking forward these suggestions. He pointed out that many coral fish exporting countries did not have a system of issuing safety or health certificates on coral fish. It would also be difficult, if not impossible, for coral reef fish exporting countries to issue such certificates as coral fish was often sourced from high seas.

29. DFEH added that it would also be difficult to enforce a health certificate system for coral fish, as there was no guarantee that the consignment of live coral fish actually came from the same batch of coral fish issued with a safety or health certificate.

30. Mr WONG Yung-kan considered Mr Tommy CHEUNG's suggestions feasible as the habitat of coral reef fish could be identified. He pointed out that it was common practice for fish traders to keep the reef fish catches until there was sufficient volume for shipment. The exporters therefore would have sufficient time to provide

Action

necessary documents to prove the origin and safety of the coral fish. Mr WONG further said that given that there were less than 20 fish importers in Hong Kong and they were willing to cooperate, the Administration should discuss with them the details of such arrangements.

31. Mr Andrew CHENG agreed that the most effective way to prevent ciguatera poisoning was to prevent consumers from eating fish containing ciguatoxin. Therefore, the Administration should actively consider requiring importers of coral reef fish to provide relevant documents to prove the source and safety of their fish.

32. SHWF assured members that the Administration would consult the fish traders and food business industry on the implementation of the proposed mandatory requirements. As regards the proposal of conducting sample tests prior to importation of coral reef fish, he pointed out that there was no quick and reliable ciguatoxin test at present. Moreover, if the proposal was to be taken forward, fish in each shipment should be kept separately according to their sources. Nevertheless, he agreed to give further consideration to the suggestion.

33. In response to Mr Tommy CHEUNG, AD/FEHD said that ciguatoxin test result would normally be available in one week. He advised that while some overseas countries had performed ciguatoxin tests for certain fish species, Hong Kong could not totally rely on such information, because coral fish were imported from different places.

34. Mr Tommy CHEUNG considered that taking one week to perform ciguatoxin test was too long, as the whole batch of fish would have already been sold out even if the result was positive.

35. SHWF said that there were at present five to six ciguatoxin testing methods. Even with a reliable test, the safety of fish would still have to be assessed in term of the size and species, and whether they were sourced from high-risk fish harvest areas. SHWF stressed that there was no perfect system to prevent ciguatera poisoning as the presence of ciguatoxin in coral reef fish was sporadic. The additional control measures in paragraph 10 of the paper were targeted at reducing occurrence of outbreaks and communicating the risks to consumers for an informed choice.

36. In reply to Dr KWOK Ka-ki, DS(FEH) said that after the mandatory reporting system was implemented, if there was a case of ciguatera fish poisoning, the fish traders concerned would be required to destroy the same batch of fish suspected to contain ciguatoxin.

Prohibition of sale of certain species of coral reef fish

37. Mr WONG Kwok-hing said that the Administration made no attempt to regulate the import of fish species which had higher risk of containing ciguatoxin.

Action

Mr WONG urged that the Administration to model on the import control and surveillance system for imported fish adopted by Japan which had banned the import and sale of certain high-risk fish species.

38. DS(FEH) responded that the Administration had studied the experience of overseas countries, including Japan, before putting forward the proposal. He pointed out that a complete ban of the fish species which had previous ciguatoxin records would have serious impact on the business of seafood restaurants and fish trading industry. He further pointed out that while Hong Kong relied heavily on imported fish, the fish catches from Japan seas could largely support the local consumption in Japan.

39. PAS(FEH)2 supplemented that most of the fish species which had previous ciguatoxin records were very popular among local consumers, e.g. groupers, and that these fish species represented more than 70% of the total volume of live fish sold. A complete ban of these fish species would therefore reduce consumers' choice and have serious impact on the seafood industry. PAS(FEH)2 said that after Japan had banned ten species of coral reef fish from import, the measure had brought about economic loss to Japan. PAS(FEH)2 further said that to complement the additional control measures, the Administration would step up publicity to advise the public the potential risk in consuming coral reef fish and the measures which should be adopted to reduce the risk.

40. Mr Tommy CHEUNG supported the Administration's decision not to prohibit the sale of certain species of coral reef fish. Mr CHEUNG considered that if it was substantiated that most cases of ciguatera poisoning were related to sourcing from a specific fishing area, the Administration should impose a ban on the import of fish from that area instead of a ban on certain fish species.

41. Mr WONG Yung-kan informed members that Japan had banned certain types of frozen/chilled coral reef fish, and not live fish. Referring to paragraph 14 of the Administration's paper, Mr WONG asked which countries had a higher frequency of reported ciguatera fish poisoning incidents.

42. PAS(FEH)2 responded that according to the statistics in 2004, there were 65 reported ciguatera fish poisoning cases affecting a total of 247 persons in Hong Kong, which meant that 3.6 persons in every 100 000 persons were affected. The corresponding percentage in Australia, Miami and Hawaii was 30, 50 and 8.7 respectively. Judging from these figures, the frequency of reported ciguatera fish poisoning incidents in Hong Kong was not particularly high.

43. SHWF added that while the fatality rate of ciguatera fish poisoning was not high, the ciguatoxin would not be excreted but would accumulate in one's body. It was therefore necessary to introduce measures to reduce the occurrence of ciguatera poisoning outbreaks as far as possible.

Action

44. Referring to the Administration's argument that a complete ban of the fish species with ciguatoxin records would have serious impact on the seafood industry, Dr KWOK Ka-ki asked about the estimated economic loss to the seafood industry, as compared to the economic loss suffered by those affected by ciguatera fish poisoning.

45. PAS(FEH)2 responded that imported coral reef fish species which had previous ciguatoxin records represented 72% of the total value of live fish in Hong Kong, therefore a complete ban of these fish species would have serious impact on the industry. As regards the economic loss of persons affected by ciguatera poisoning, PAS(FEH)2 said that it was difficult to quantify the loss. Nevertheless, the symptoms of ciguatera poisoning would last from 2 to 40 days.

Conclusion

46. In concluding the discussion, the Chairman said that the Panel expressed general support for the Administration's proposals. The Chairman stressed that while it was important to protect public health, the Administration should maintain communication with the fish traders to work out mutually acceptable arrangements. The Chairman further said that the Administration should revert to the Panel on the proposed penalty for non-compliance with the mandatory requirements.

IV Any other business

47. The Chairman said that Dr KWOK Ka-ki had requested to raise an issue under Any Other Business. Given that the agenda of the meeting was not too heavy, he had acceded to Dr KWOK's request.

48. Dr KWOK Ka-ki said that according to newspaper reports, Professor GUAN of the University of Hong Kong had learnt from the Ministry of Agriculture of the Mainland that prior approval had to be obtained from the relevant Mainland authorities for conducting research studies on avian influenza in the Mainland. Dr KWOK was concerned that the new arrangement would prohibit Hong Kong researchers from access to first-hand information from the Mainland for avian influenza studies. The arrangement would also have implication on the notification system between Hong Kong and the Mainland in respect of avian influenza outbreaks.

49. SHWF said that it was not appropriate for him to comment on Professor GUAN's remarks. SHWF pointed out that there was a comprehensive notification system between Hong Kong and the Mainland on a wide range of matters of mutual concern including avian influenza cases, and Hong Kong had been maintaining effective person-to-person communication with the Mainland in this respect. SHWF added that recently, the Mainland authorities had quickly notified Hong Kong of recent cases of avian influenza in Qinghai and on the foot-and-mouth disease.

Action

50. The Chairman said that the Panel could follow up the issue at a later meeting, if necessary.
51. The Chairman further said that as this was the last regular meeting of the Panel in the 2004-05 session, he would like to thank members and the Administration for their support in the session.
52. The meeting ended at 4:15 pm.

Council Business Division 2
Legislative Council Secretariat
16 September 2005