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**Meeting of Panel on Food Safety and Environmental Hygiene
on 9 November 2004**

Background Brief prepared by Legislative Council Secretariat

**Quality of seawater for keeping seafood
and regulation of live fish wholesalers**

Purpose

This paper summarises the discussions by the Panel on Food Safety and Environment Hygiene on issues relating to the quality of seawater for keeping seafood and the regulation of live fish wholesalers.

Background

2. In 1998, following a cluster of cholera cases associated with consumption of seafood, an inter-departmental working group, which comprised representatives of the then Agriculture and Fisheries Department, the former Urban Services Department and Regional Services Department, Department of Health, Environmental Protection Department and Water Supplies Department, was formed to examine ways to improve control over the hygiene quality of seawater in fish tanks used for keeping live seafood. A surveillance and sampling system was subsequently developed and used by the Food and Environmental Hygiene Department (FEHD).

3. Under the Public Health and Municipal Services Ordinance (Cap. 132), live fish is not included in the definition of “food” and is not regulated by the relevant food safety provisions or regulations. Nevertheless, section 10A of the Food Business Regulations (Cap 132 sub. leg.) provides that 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 by notice published in the Gazette. The specified standard is “E Coli less than 610 per 100ml and absence of pathogenic organisms”. To enforce the provision, FEHD takes

samples of fish tank water, once every eight weeks, from each stall/premises (including supermarkets) selling live marine seafood for E Coli testing. When samples are found to exceed the prescribed standard, FEHD will conduct investigations to find out the source of contamination and collect follow-up samples for further testing. Breaches of the standards can lead to a fine up to \$10,000 and imprisonment for three months upon conviction.

4. Given the public health risk associated with the presence of *Vibrio Cholerae* in fish tank water, FEHD also takes samples for *Vibrio Cholerae* analysis during the high-risk season in May to September. The sampling frequency can be adjusted as circumstances require. Once the presence of highly infectious cholera bacteria is detected, the premises concerned may be closed by FEHD on public health grounds, under the authority conferred by section 128C of Cap. 132.

5. Despite the surveillance and sampling measures adopted by FEHD, *Vibrio Cholerae* was discovered from time to time in fish tank water used for keeping live seafood. These incidents had aroused much public concern over the adequacy and effectiveness of the existing control over the quality and hygiene standard of fish tank water. The Panel on Food Safety and Environmental Hygiene had held five meetings on 5 September 2001, 18 March 2002, 16 September 2003, 12 November 2003 and 27 April 2004 to discuss measures to control and promote fish tank water quality and seafood safety.

Discussions by the Panel on Food Safety and Environmental Hygiene

Filtration and disinfection systems

6. At the special meeting of the Panel on 5 September 2001, the Administration advised that a properly installed and well-maintained disinfection and filtration system for fish tanks was scientifically proven to be effective in the control of the level of bacteria in the seawater. It was also a requirement in the licensing/tenancy conditions that seafood vendors and seafood market stall operators must use an effective disinfection and filtration equipment. However, members expressed concern that, although such requirements had been put in place for over two years, there were no objective and specific guidelines to the trade on how the disinfection and filtration systems should be maintained. The Administration undertook to review the effectiveness of the filtration and disinfection systems used by the trade, with a view to recommending improvements and drawing up compliance standards for the trade.

7. The Administration informed the Panel of the review findings at the meeting on 18 March 2002. Most seafood retail outlets were found to have varied practices in the management and cleansing of their filtration and disinfection systems. FEHD therefore issued a set of revised guidelines to give clearer specifications of the standards and practices. The Panel generally agreed that the revised guidelines were more detailed and specific. Nevertheless, Hon Tommy CHEUNG opined that full compliance with the revised guidelines would not provide 100% guarantee to the quality of the fish tank waters, as live seafood itself could also be a vehicle for cholera transmission.

Regulation of seawater at source

8. During the previous Panel meetings, members urged the Administration to consider measures to regulate the quality of seawater at source and throughout the delivery process. These suggestions included –

- (a) centralising seawater supply;
- (b) prohibiting abstraction of seawater from the coastline and typhoon shelters;
- (c) designating seawater abstraction spots for seawater suppliers;
- (d) regulating/licensing seawater suppliers and trucks used for delivery of seawater; and
- (e) promoting the use of synthetic seawater.

9. At the Panel meeting on 18 March 2002, the Administration advised that establishing a new plant to provide centralised seawater supply was not financially viable. As there would be cost implications to trade operators, they might not choose to use the centralised seawater supply. As an alternative, the Administration would continue to promote the use of synthetic seawater which was more hygienic.

10. As regards the proposed licensing system for seawater suppliers, the Administration considered it not feasible because of the resource implications and enforcement difficulties. As contamination of the seawater could still occur after delivery to retail outlets, it would be difficult to pinpoint responsibility if the fish tank water was subsequently found to have problems. The Administration held the view that it was more cost-effective to implement enhanced measures to improve control of the quality of fish tank water at the retail level. Nevertheless, members maintained the view that seawater suppliers and the trucks used for delivery of seawater should be regulated to provide assurance in the quality of seawater supplied to fish stalls.

11. On the suggestion of designating specific locations for abstraction of seawater, the Administration was of the view that that given the long shoreline of Hong Kong, it would be very difficult to enforce a control system whereby workers in the seafood trade were only allowed to draw seawater at designated locations. Hon Fred LI, then Panel Chairman, suggested the Administration to look into the possibility of introducing legislation to prohibit people from abstracting seawater from contaminated areas. The proposal was further discussed at the Panel meetings on 12 November 2003 and 27 April 2004. At the April meeting, the Administration informed the Panel that it would consider amending section 10A of the Food Business Regulation in the 2004-05 session, to prohibit abstraction of seawater from areas adjacent to the coast as specified in a Schedule. Such locations would include typhoon shelters. Panel members generally supported the proposal and sought clarification on the enforcement of the proposed legislation. Members also suggested that the Administration should specify very clearly in the legislation those areas where abstraction of seawater would be prohibited. The Administration has undertaken to revert to the Panel on the details of the proposal in the 2004-05 session.

Regulation of live fish wholesalers

12. Following the discovery of *Vibrio Cholerae* in two retail fish stalls in August 2003 and reports about the fish wholesalers drawing seawater outside the Aberdeen promenade, the Panel held a further meeting on 16 September 2003 with the Administration to discuss the control measures. The Panel expressed concern that the quality monitoring programme for fish tank water did not cover wholesale live fish stalls, and that these stalls were not under regulatory control of FEHD or Agriculture, Fisheries and Conservation Department (AFCD).

13. The Administration advised the Panel that it had stepped up inspection of live fish wholesale outlets and collected water samples for laboratory tests from individual stalls. AFCD had implemented a water quality monitoring programme for live fish wholesale stalls under the management of the Fish Marketing Organisation (FMO). The Administration also planned to introduce a licensing system for live fish wholesalers requiring them to install proper sanitary fitments, drainage and disinfection facilities.

14. On 5 November 2004, a water sample drawn from one of the live fish wholesalers operating at the Aberdeen Promenade was found to contain *Vibrio Cholerae*. The premises concerned was ordered closed on the same day under section 128C of Cap. 132 on public health grounds. In addition, seven of the water samples drawn from the other 17 stalls at the location were found to have exceeded the prescribed standard for *E. Coli*.

15. In view of the deteriorating seawater quality at the wholesale stalls at the Aberdeen Promenade, the Panel held a special meeting on 12 November 2003 to discuss with the Administration. Members had grave concern that the wholesalers at the Aberdeen Promenade had been operating illegally on government land for many years, and that the fish tank water quality of these stalls had deteriorated and had affected public health. The Panel urged the Administration to expedite action to bring the wholesale fish stalls at the promenade under regulatory control. The Panel also urged that remedial actions should be taken to require these stalls to install proper filtration and disinfection systems and to stop abstracting seawater from the typhoon shelter.

16. The Administration reported the progress of the proposed licensing scheme at the Panel meeting on 27 April 2004. Under the proposal, wholesalers at the Aberdeen promenade were asked to apply for permits from FEHD for selling live seafood. At the same time, FMO took over the management responsibilities for the fish wholesaling activities at the promenade. Live fish operators at other Wholesale Fish Markets managed by FMO and in other areas were also invited to apply for FEHD permits. Permit holders are required to comply with the same requirements and conditions as those for retail outlets selling live fish. They are subject to the surveillance and sampling programme of FEHD.

Legislative review to bring live fish under regulatory control

17. Panel members have expressed much concern that the importation, landing and sale of live fish are currently not under regulatory control. They have urged the Administration to review the existing legislation to bring live fish under the food safety regulatory framework. The Administration has undertaken to conduct the legislative review and report to the Panel.

Task force on study of Vibrio Cholerae

18. At the Panel meeting on 27 April 2004, the Administration advised that an inter-departmental task force had been set up to examine the occurrence and distribution of Vibrio Cholerae in local waters and its association with environmental factors. The task force was expected to complete its field work by the end of 2004.

Recent development

19. The Administration has proposed to brief the Panel on –

- (a) proposed accreditation scheme for seawater suppliers in November 2004; and

- (b) prohibition on abstraction of seawater from specified areas in March 2005.

Relevant papers

20. A list of relevant papers and documents is in the Appendix for members' easy reference. The papers and documents are available on the Council's website at <http://www.legco.gov.hk/english/index.htm>.

Council Business Division 2
Legislative Council Secretariat
2 November 2004

Appendix

Relevant Papers/Documents

<u>Meeting</u>	<u>Meeting Date</u>	<u>Papers/Motion Passed/Council Question</u>
Legislative Council	13 October 2004	Written question on "Quality of fresh water tanks at fish stalls" moved by Ir Dr Hon Raymond HO
Panel on Food Safety and Environmental Hygiene	5 September 2001	Administration's paper - Paper No. CB(2) 2248/00-01(01) Minutes of meeting LC Paper No. CB(2) 467/01-02
	18 March 2002	Administration's paper - Paper No. CB(2) 1326/01-02(03) Minutes of meeting LC Paper No. CB(2) 1614/01-02
	16 September 2003	Administration's papers - Paper No. CB(2) 3054/02-03(01) CB(2) 3054/02-03(02) (Chinese version only) Minutes of meeting LC Paper No. CB(2) 285/03-04
	12 November 2003	Administration's paper - Paper No. CB(2) 297/03-04(01) Minutes of meeting LC Paper No. CB(2) 705/03-04
	27 April 2004	Administration's paper - Paper No. CB(2) 2115/03-04(03) Minutes of meeting LC Paper No. CB(2) 2812/03-04