

**For discussion
on 13 December 2005**

LegCo Panel on Food Safety and Environmental Hygiene

**Regulation and Monitoring of Fish Imported from
Overseas Countries and Places**

Purpose

This paper briefs Members on the current control on imported fish and reports the Administration's plan to enhance the regulation of importation of fishery products, including live fish.

Introduction

Control of Chilled Fish

2. In Hong Kong, any person who intends to sell live, fresh or frozen fish at any premises must obtain a Fresh Provision Shop (FPS) licence issued by the Food and Environmental Hygiene Department (FEHD) before commencement of such business. Under the Public Health and Municipal Services Ordinance (Cap. 132), food sold and intended for human consumption should be fit for human consumption. Live fish, however, is not defined as food under Cap. 132 and is not regulated as such under the current food safety legislation.

3. In addition to the compliance requirements under Cap. 132, fresh or chilled marine fish is also regulated by the Agriculture, Fisheries and Conservation Department (AFCD) under the Marine Fish (Marketing) Ordinance, Cap 291, which provides for the control of landing, wholesaling and transportation of fresh marine fish. The Ordinance covers fresh, chilled and frozen marine fish but excludes live marine fish, all shellfish and freshwater fish.

4. There are at present seven wholesale markets located at different parts of Hong Kong. Only registered traders are allowed to trade in the markets under the management of the Fishing Marketing Organization (FMO). Depending on the type of trading methods, basic information of the transaction such as the quantities of fish and the traders involved are recorded by the market. However, the traders are not required to provide

other information such as the species of fish, the source and the distribution channels.

Control of Live Marine Fish

5. At present, there is no food safety legislation controlling the importation of live marine fish. However, all live marine fish wholesalers are required to operate under licence issued by FEHD. While about half of the live fish wholesalers in Hong Kong are operating in the three wholesale fish markets managed by FMO, the other half are operating in private premises located in various parts of Hong Kong such as Lei Yue Mun, Lau Fau Shan and Lo Shue Chau.

6. As live fish is not considered as food under Cap. 132 and excluded from regulatory control under Cap. 291, there is at present no legal control over live fish to ensure that it is fit for human consumption. However, in response to the cluster of ciguatera fish poisoning cases in 2004 and rising public concern over the safety of live marine fish, FEHD developed a voluntary Code of Practice (CoP) in consultation with the trade on the import and sale of live marine fish in December 2004. Preliminary assessment on the effectiveness of the CoP in mid-2005 concluded that compliance with the CoP by the trade was less than satisfactory. FEHD is exploring the feasibility of further measures, e.g. requiring importers of coral fish to obtain import permits before landing the fish in Hong Kong and establishing designated landing points, etc. to facilitate collection of distribution and sale information.

Control of Freshwater Fish

7. Live fresh water fish mainly come from the Mainland through Man Kam To (MKT) Control Point and by sea. They are not controlled under Cap. 132 as food, nor under Cap. 291 as they are not marine fish. Pursuant to the malachite green incident in August 2005, the Administration has amended the Harmful Substance in Food Regulations (Cap. 132AF) to govern the import and sale of food containing malachite green. Live fish is brought under control as a result of the amendment to the extent that FEHD can legally regulate live freshwater fish as far as malachite green is concerned.

8. In order to ensure food safety at source, FEHD has also reached consensus with the Mainland authorities to allow supply of freshwater fish to Hong Kong only from farms registered by the Mainland Authorities and approved by FEHD. Health certificates issued by the relevant Mainland

authorities will accompany these exports. FEHD has also stepped up monitoring efforts on the import of freshwater fish via MKT Control Point where health certificates of freshwater fish are checked and collected.

Way Forward

9. The Administration is studying means to enhance the regulation of importation of fishery products, including live fish, to ensure they are fit for human consumption. We have conducted a study visit to Japan for this purpose and a summary of its regulatory framework for aquatic products is at *Annex*. We will continue to draw reference from overseas with a view to formulating our local regulatory regime, with particular consideration as to whether it is feasible to include the following regulatory components:

- all traders in the fishery products business, including producers, importers, transporters, sellers, etc. will need to be registered;
- imports at designated landing points;
- documentation requirements for import, sale and purchase of fishery products;
- health certificate requirements for cultured or potentially high risk products; and
- power for the relevant authorities to inspect, test and recall fishery products on public health grounds.

Advice Sought

10. Members are invited to note the Administration's plan for the control of fisheries products.

**Health, Welfare and Food Bureau
December 2005**

Control of Aquatic Foods in Japan

Legal Provision

The food safety control regime in Japan is built upon the Food Safety Basic Law (enacted in May 2003), the Food Sanitation Law, the Abattoir Law, the Poultry Slaughtering Business Control and Poultry Inspection Law, and other related laws. The establishment of standards/specifications for food is covered by the Food Sanitation Law, which aimed at protecting the public by ensuring food safety. Under the law, a person who wish to import food for sale or use in business must notify the Minister of Health, Labour and Welfare (MHLW) each time they are imported.

Import Control

2. In Japan, both national and local governments are responsible for the health inspection of imported foods. The national government carries out food inspection at quarantine stations when food products are imported. The local governments do it for imported foods distributed in the domestic market as well as domestically produced foods. MHLW placed some 289 food sanitation inspectors at 31 quarantine stations established at ports and airports across Japan as of April 2004.

3. According to the Imported Foods Monitoring Plan for FY 2005, fish (such as eel, salmon/trout and flounder), aquatic animals (such as prawns, squid and octopus) and bivalves (excluding freshwater bivalves and products made only of scallop ligaments) are targeted foods for inspection. The products are subjected to the testing of various substances including antibiotics, shellfish poisons, heavy metals and malachite green.

Ciguatera

4. Certain types of fish containing ciguatera poison are enjoined from import and sale. Currently, ten high-risk fish species, are banned in Japan. For another seven high-risk fish species, importers are required to provide certificates issued by relevant authorities of the exporting countries specifying that the fish has been taken from safe areas and that the fish does not contain ciguatoxin.

Puffer Fish Poison

5. For puffer fish intended for food, the following are specified: sea areas where fishing is permitted, and types of puffer fish permitted for consumption, and edible parts. Also, puffer fish preparation establishments must have a licensed person, who can surely remove toxic parts from puffer fish, and obtain certification from the prefectural government.

Shellfish Poisons

6. For shellfish poison, regulative limits are established for paralytic shellfish poison (PSP) and diarrheal shellfish poison (DSP). If products contain poison at a level exceeding the corresponding limit, their collection is banned on the sea areas where they grow. Imported shellfish are inspected at import if necessary.

Malachite Green

7. Based on Article 11 of the Food Sanitation Law of Japan, it is stated that fish and shellfish may not contain malachite green. In response to the recent malachite green incident, Japan has strengthened the inspection of eel and eel products. The monitoring of malachite green also includes other seafood such as salmon, trout, crab, shrimps etc.