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Panel on Food Safety and Environmental Hygiene

**Background brief prepared by the Legislative Council Secretariat
for the special meeting on 19 December 2016**

Issues relating to the incidents of hairy crabs detected with dioxins

Purpose

This paper provides background information on the recent incidents of hairy crabs detected to contain an excessive level of dioxins and dioxin-like polychlorinated biphenyls ("PCBs"), and summarizes major views and concerns of members of the Panel on Food Safety and Environmental Hygiene ("the Panel") on the subject.

Background

2. Section 54 of the Public Health and Municipal Service Ordinance (Cap. 132) requires that all foods for sale in Hong Kong, locally produced or imported, should be fit for human consumption. According to the Administration's paper provided to the Panel for the meeting on 8 November 2016, taking into account that hairy crab is a high-risk food item, the import of hairy crabs is subject to the production of a health certificate issued by the exporting authorities, irrespective of the source of imports (be they the Mainland, the United States of America, Europe, Australia, Japan, etc.). For hairy crabs imported to Hong Kong from the Mainland, only aquaculture farms pre-approved and registered for supply to Hong Kong can export their hairy crabs to Hong Kong. This arrangement has been in place and implemented for years, and registration is subject to quality checks by the Mainland inspection and quarantine authorities which will only allow aquaculture farms that are registered with the General Administration of Quality Supervision, Inspection and Quarantine of the Mainland ("AQSIQ") to export hairy crabs to Hong Kong.

3. According to the Administration, dioxins are ubiquitous in the environment. At present, the Codex Alimentarius Commission has not recommended any standards on dioxins and dioxin-like PCBs in foods. While the limit on the level of dioxins and dioxin-like PCBs in foods has not been set out in Hong Kong's food safety legislation, the Centre for Food Safety ("CFS"), having considered international practices and local dietary habits, adopts an action level of 6.5 picograms toxic equivalent per gram (6.5 parts per trillion) of the food sample (wet weight) for dioxins and dioxin-like PCBs in edible portion of hairy crabs for the purpose of food surveillance.

4. In late September 2016, under the seasonal food surveillance programme conducted by CFS, a total of five hairy crab samples (a total weight of about 12 kilograms) were collected for tests on dioxins and dioxin-like PCBs. The tests were carried out by the Government Laboratory. The laboratory analysis results available in end October 2016 confirmed that two of the samples taken contained dioxins and dioxin-like PCBs at a total level exceeding CFS' action level. According to the information in the health certificates, the concerned hairy crabs came from two aquaculture farms in Jiangsu Province, namely "吳江萬頃太湖蟹養殖有限公司" and "江蘇太湖水產有限公司".

5. To safeguard public health, CFS has since 1 November 2016 suspended the import into and sale within Hong Kong of hairy crabs raised at these two aquaculture farms in Jiangsu Province. CFS has also informed the local importers concerned of the irregularity and instructed them to remove the affected products from shelves, stop sale and initiate a recall. These apart, CFS has notified the relevant authorities in the Mainland of the testing results and its decision to suspend the imports of hairy crabs from the two aquaculture farms concerned. As part of the follow-up actions, CFS has stepped up surveillance against hairy crabs at both import and retail levels.

6. According to the Administration, some traders whose hairy crabs are subject to the suspension claimed that they run their own aquaculture farms and the hairy crabs on sale in their shops were from their own farms, not the aquaculture farms "江蘇太湖水產有限公司" as stated in the health certificates. Upon clarification by the Mainland inspection and quarantine authorities, the allegation of these traders was found incorrect since the traders concerned have only obtained the qualification of running registered transit farms for exporting hairy crabs. According to the Mainland law, the hairy crabs of the registered transit farms must come from aquaculture farms registered by the relevant Mainland authorities. In this particular case, "江蘇太湖水產有限公司" is the legitimate aquaculture farm. While these traders alleged that they run their own aquaculture farms, the fact is that there is only a procurement contract between the traders concerned and the aquaculture farm

"江蘇太湖水產有限公司". In other words, a portion of the hairy crabs produced by "江蘇太湖水產有限公司" this year was sold to these traders.

Relevant discussion of the Panel

7. The Panel discussed at its meeting on 8 November 2016 issues relating to the above incident. Members' major views and concerns are summarized below.

Testing of dioxins and dioxin-like PCBs in hairy crabs

8. Expressing concern about the international trend of regulating dioxins and dioxin-like PCBs in foods, members enquired about the rationale for adopting the current action level of 6.5 picograms for dioxins and dioxin-like PCBs in edible portion of hairy crabs. According to the Administration, the presence of dioxins in aquatic food products had raised international concern some 10 years ago. Since then, there had been studies on the impact of dioxins and dioxin-like PCBs on human health. After considering international practices and local dietary habits, CFS adopted the current action level for dioxins and dioxin-like PCBs in respect of hairy crabs.

9. In response to some members' enquiry about the scope of testing conducted by CFS in respect of hairy crabs under the seasonal food surveillance programme (e.g. whether and what other contaminants were included in the testing), the Administration advised that CFS also carried out tests on heavy metals and veterinary drugs in respect of hairy crabs under the seasonal food surveillance programme.

The Administration's follow-up actions in the wake of the incident

10. Some members pointed out that the incident had dealt a severe blow to local traders of hairy crabs. Given that only two hairy crabs samples were found to contain excessive dioxins and dioxin-like PCBs, some members queried whether CFS' decision to suspend the import into and sale within Hong Kong of all hairy crabs from the two aquaculture farms in Jiangsu Province was proportionate to the potential health risk posed to the public by the tainted crabs. There were concerns as to whether the Administration would only suspend the import and sale of respective batch(es) of hairy crabs from the aquaculture farms concerned or otherwise all aquaculture farms in the same province if more samples were found to contain excessive toxic substances. The Administration advised that in deciding on the scope of suspension, CFS had made reference to the recommendations of international food safety organizations and carefully considered the need to strike a balance between

maintaining business operation and protecting public health.

11. Responding to members' concerns on whether any measures would be taken by the Administration to restore public confidence in consuming hairy crabs supplied by other aquaculture farms in the Mainland, the Administration advised that while CFS suspended the import into and sale within Hong Kong of hairy crabs from the two aquaculture farms in Jiangsu Province, hairy crabs from other aquaculture farms the samples of which were not detected with excessive dioxins and dioxin-like PCBs were allowed for sale in the market. As part of the follow-up actions, CFS had stepped up surveillance against hairy crabs at import and retail levels. Since 2 November 2016, CFS had submitted 12 other hairy crab samples collected from registered aquaculture farms in other provinces to the Government Laboratory for testing of dioxins and dioxin-like PCBs. The test results were expected to be available within two weeks after the samples were submitted for testing.

12. An enquiry was raised as to whether the Administration would consider setting out in food safety legislation the limit on the level of dioxins and dioxin-like PCBs in foods. There was a suggestion that the Administration should comprehensively setting local food safety standards and action levels for chemical substances in foods by way of legislation to ensure the safety of imported food. The Administration advised that overseas countries set different maximum limits for dioxins and dioxin-like PCBs in foods, taking into account the dietary habits of their people. Experts from Hong Kong and the Mainland would need time to study relevant issues, including the testing methods for dioxins and dioxin-like PCBs to be adopted by the Mainland and whether the Mainland authorities would adopt Hong Kong's standards as the action level in testing dioxins and dioxin-like PCBs in hairy crabs. The Administration assured members that it would continue to keep in view the monitoring and regulatory arrangements and measures over dioxins in foods in the international arena and continue to review and optimize existing measures in this regard.

13. Some members were concerned about the confusion caused to members of the public and the effectiveness of the current mechanism in tracing and verifying the source of tainted hairy crabs. The Administration advised that according to the clarification made with AQSIQ, all hairy crabs exported to Hong Kong were sourced from aquaculture farms registered for supply to Hong Kong. The Administration would continue to liaise with the Mainland authorities to ensure that the monitoring and regulatory arrangements on import of hairy crabs remained rigorous and updated.

14. Members enquired how the Administration would work with the Mainland authorities to enhance the monitoring over dioxins in hairy crabs to

prevent recurrence of similar incidents in the future. There was a suggestion that to better control and monitor the safety of food products, consideration should be given to conducting tests on dioxins and dioxin-like PCBs in hairy crabs before they were imported into Hong Kong in order to make available the test results earlier. The Administration advised that in view of the incident, the Mainland authorities had agreed in principle to include dioxins and dioxin-like PCBs in their future surveillance to enhance food safety.

Government Laboratory's testing capacity and operational efficiency

15. Some members questioned why it took so long (two to four weeks) for the Government Laboratory to complete the analysis of dioxin and dioxin-like PCBs in hairy crab samples. Enquiries were raised on whether local private laboratories or university laboratories had the capability of providing the trade with testing services for dioxins and dioxin-like PCBs, and whether consideration would be given to commissioning local universities equipped with the necessary facilities for conducting such tests to undertake the work so as to expedite the analysis.

16. The Administration responded that the analysis of dioxins and dioxin-like PCBs involved very complicated process and high degree of precision, including extraction, multiple clean up steps, instrumental analysis and substantial data analysis. To ensure the accuracy of the analytical result, re-examination would have to be conducted as and when necessary. For this reason, it normally took about two to four weeks for the analysis of dioxins and dioxin-like PCBs to be done. Besides, given the high precision work required, the work had to be carried out by experienced laboratory personnel and designated laboratory with controlled environment. At present, no accredited private laboratories or university laboratories in Hong Kong except the Government Laboratory had the capacity to carry out tests on dioxins and dioxin-like PCBs.

Recent developments

17. CFS has, since 2 November 2016, taken 12 other hairy crab samples at import and retail levels for testing dioxins and dioxin-like PCBs. The test results, announced on 11 and 16 November 2016, showed that the total level of dioxins and dioxin-like PCBs in one sample taken at the retail level on 3 November 2016 exceeded the action level adopted by CFS and failed the test.

18. The Administration will provide the Panel with an update on the incidents of hairy crabs detected with dioxins and brief members on existing regulation of import of fresh food produce at the special meeting scheduled for 19 December

2016. The Panel will also receive views from relevant traders on the subject.

Relevant papers

19. A list of relevant papers on the Legislative Council website is in the **Appendix**.

Council Business Division 2
Legislative Council Secretariat
13 December 2016

Appendix

Relevant papers on Issues relating to incidents of hairy crabs detected with dioxins

Meeting	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	8.11.2016 (Item VI)	<u>Agenda</u>

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Legislative Council Secretariat
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