

**For discussion
on 11 April 2017**

LegCo Panel on Food Safety and Environmental Hygiene

Issues Relating to the Arrangement for Import of Hairy Crabs

Purpose

This paper briefs Members on the issues relating to the import arrangements of hairy crabs.

Hong Kong's Food Safety Regulatory Mechanism

2. Hong Kong is an open economy with very limited crop yields and livestock production. The supply of food, therefore, mainly relies on import. Where to import is a market decision. Our sources of food supply are diverse. That said, due to geographical proximity, the Mainland is our largest source of food supply especially with respect to food items with a premium on freshness.

3. The food safety laws of Hong Kong are mainly laid down in the Public Health and Municipal Services Ordinance (the Ordinance) (Cap. 132). The provisions in the Ordinance cover general protection for food purchasers, offences in connection with the sale of food which are not fit for human consumption and adulterated food, requirements on food hygiene, requirements on the composition and labelling of food, power to seizure and destruction of food which are not fit for human consumption, etc. Subsidiary legislation under the Ordinance stipulates the regulatory controls in specific areas. The Ordinance stipulates that all foods for sale and are intended for human consumption should be fit for human consumption.

4. To safeguard that foods for sale in Hong Kong comply with the statutory requirements and are fit for human consumption, the Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department has put in place measures at strategic points of the supply chain within Hong Kong's jurisdiction, including taking food samples for testing (at the import, wholesale and retail levels) within Hong Kong. CFS adopts a risk-based principle in determining the types of food samples to be collected, the frequency and number of samples

taken for testing, and the types of laboratory analysis to be conducted. Import control is implemented on various high risk foods. For hairy crabs, CFS requires the importers to provide health certificates issued by the issuing authorities of the exporting countries/places, regardless of the source of import (the Mainland or Europe, etc.). CFS will check the health certificates.

5. In view of the large proportion of foods from the Mainland in the local market, administrative arrangements between Hong Kong and the inspection and quarantine authorities of the Mainland have been put in place to safeguard the safety of food imported from the Mainland to Hong Kong. Under those arrangements, the relevant Mainland authorities would only allow aquaculture farms which have undergone quality inspection and are registered with the Mainland inspection and quarantine authorities to export hairy crabs to Hong Kong. Under the existing arrangements, each consignment of hairy crabs imported to Hong Kong should come with the health certificates issued by the relevant Mainland inspection and quarantine authorities proving that they are fit for human consumption. CFS has reminded the trade that hairy crabs from the Mainland should only be imported from aquaculture farms registered in the Mainland. CFS will base on the information on the health certificates and the information provided by the local importers to identify the aquaculture farms concerned.

Studies, Assessments and Testing Work Related to Monitoring Dioxins in Foods

6. Being the food safety regulatory authority, CFS monitors and studies potential food hazards and risks on substances which there are yet international or local food safety standards, having regard to food incidents, developments and trends in other places or Hong Kong.

7. Dioxins are a group of chemical compounds which are persistent environmental pollutants and highly toxic. They can cause reproductive and developmental problems, damage the immune system, interfere with hormones, and cause cancer. Dioxins arise either naturally or as by-products of industrial activities, e.g. metal smelting, molding or burning of chlorine-containing organic chemicals such as plastics. Dioxins are fat-soluble and not easily broken down which tend to accumulate in fatty tissues and along the food chain.

8. CFS has been providing risk communication messages on overseas incidents relating to dioxins detected in foods in the past (for example, dioxins

detected in foods in Belgium, Germany and Ireland). Also, to safeguard food safety, CFS has conducted local dietary studies, risk assessment and analysis on the impacts of dioxins and dioxin-like polychlorinated biphenyls (PCBs)¹ in foods on human health, and has uploaded those reports to CFS' website for reference by the public, the trade and overseas regulators².

9. While the Codex Alimentarius Commission (Codex) has not recommended any standards on dioxins and dioxin-like PCBs in foods and our local food safety legislation has not stipulated the limit on the level of dioxins and dioxin-like PCBs in foods, the then Hygiene Division³ of the Department of Health has set an action level of 1 picogram (pg) toxic equivalent per gram⁴ of the food sample for dioxins in 1999 and has started taking food samples for dioxin testing since then (testing for dioxins and dioxin-like PCBs in hairy crabs started in 2014), having regard to the incidents on dioxins detected in foods in Europe. CFS has kept on making reference to the regulatory arrangement of different places and the local situation. Having taken into account the Codex advice (i.e. maximum levels for contaminants in food should be set as low as reasonably achievable and at levels necessary to protect consumers) the fact that other jurisdictions (EU and Taiwan) have set statutory maximum levels for dioxins and dioxin-like PCBs detected in hairy crabs, the results of local studies on dioxins in hairy crabs, and local dietary habits (i.e. people in Hong Kong generally consume both the brown meat and white meat of hairy crabs), CFS categorically set an action level of 6.5 picograms (pg) toxic equivalent per gram for hairy crabs in 2016.

10. For the period from 2013 to 2016, CFS had taken about 265 food samples (including 22 hairy crab samples) for testing of dioxins and dioxin-like PCBs. Apart from the three samples taken in 2016 which had exceeded CFS' action level of dioxins and dioxin-like PCBs (see paragraph 11), the testing results of the remaining samples were satisfactory.

¹ Dioxin-like PCBs are PCBs the toxicity nature of which is similar to dioxins.

² Belgium dioxin incident (1999):
http://www.dh.gov.hk/english/press/1999/30_07_99.html

Incident of Irish pork detected with dioxins (2008):
http://www.cfs.gov.hk/english/press/2008_12_07_1_e.html

Incident of German eggs, poultry and pork detected with dioxins (2011):
http://www.cfs.gov.hk/english/press/2011_03_10_1_e.html

The First Hong Kong Total Diet Study Report No. 1 (2001):
http://www.cfs.gov.hk/english/programme/programme_firm/files/Report_on_the_first_HKTDS_dioxin.pdf

³ CFS was established in 2006.

⁴ 1 picogram (pg) toxic equivalent per gram means 1 part per trillion.

Incidents of Hairy Crabs Detected with Dioxins and Dioxin-like PCBs in 2016

11. As mentioned above, it was the first time that dioxins and dioxin-like PCBs detected in hairy crabs during the hairy crab season in 2016 have exceeded CFS' action level. Having regard to the testing results, CFS has, since 1 November 2016, suspended the import into and sale within Hong Kong of hairy crabs from two aquaculture farms in Jiangsu Province (“吳江萬頃太湖蟹養殖有限公司” and “江蘇太湖水產有限公司”). After investigation, CFS initiated prosecution actions against the importers involved in the two hairy crab samples which were detected to have dioxins and dioxin-like PCBs exceeded CFS' action level. The cases concerned have entered the judicial process.

Import Arrangement for Hairy Crabs in 2017

12. Apart from the two aquaculture farms in Jiangsu Province which have been suspended from importing hairy crabs into Hong Kong for sale since 1 November 2016, other aquaculture farms pre-approved by and registered with the General Administration of Quality Supervision, Inspection and Quarantine of the Mainland (AQSIQ) can export hairy crabs to Hong Kong for sale. There are currently about 60 aquaculture farms in the Mainland registered for supplying to Hong Kong.

13. CFS will adopt a science-based approach to assess whether the place of origin of the food which it has suspended import and sale has taken effective measures to eliminate the food risks, before reviewing and lifting the food suspension. The above arrangements apply to all kinds of food imported into Hong Kong from any places.

14. To ensure that hairy crabs for sale in Hong Kong comply with the statutory requirements and are fit for human consumption, CFS will continue to take samples for testing at the import, wholesale and retail levels, including testing of dioxins and dioxin-like PCBs. Also, CFS will check the health certificates. Following the incidents of hairy crabs detected with dioxins and dioxin-like PCBs in end-2016, CFS met and exchanged with the trade in January 2017 on CFS' work in monitoring dioxins in foods and matters relating to the import arrangement for hairy crabs. CFS will continue to keep in touch with the Mainland inspection and quarantine authorities.

15. CFS will continue to keep in view the monitoring and regulatory arrangements and measures over dioxins and dioxin-like PCBs in food in the international arena, surveillance results of dioxins and dioxin-like PCBs in hairy crabs, local dietary habits and other relevant factors, with a view to considering the need to prescribe the limit on the level of dioxins and dioxin-like PCBs in hairy crabs by legislation. We will report to the Panel on the work progress in this respect in due course.

Advice Sought

16. Members are invited to note the content of the paper.

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