

立法會

Legislative Council

LC Paper No. CB(2)1141/16-17(04)

Ref : CB2/PL/FE

Panel on Food Safety and Environmental Hygiene

Background brief prepared by the Legislative Council Secretariat for the meeting on 11 April 2017

Issues relating to the arrangement for import of hairy crabs

Purpose

This paper gives an account of the incidents of hairy crab samples detected with excessive level of dioxins and dioxin-like polychlorinated biphenyls ("PCBs") in November 2016 and past discussions on the subject matter by the Panel on Food Safety and Environmental Hygiene ("the Panel").

Background

2. Section 54 of the Public Health and Municipal Service Ordinance (Cap. 132) ("PHMSO") requires that all foods for sale in Hong Kong, locally produced or imported, should be fit for human consumption. According to the Administration, taking into account that hairy crab is a high-risk food item, the import of hairy crabs is subject to the production of a valid 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 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 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. Under its seasonal food surveillance programme, CFS collected, during the hairy crab season starting in late September 2016, a total of 18 hairy crab samples for tests on dioxins and dioxin-like PCBs. Test results showed that three of the samples were found to contain dioxins and dioxin-like PCBs at a total level exceeding the action level adopted by CFS, while the rest passed the tests. According to the information in the relevant health certificates, the unsatisfactory 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". The test results were made public through press releases and briefings to the media. In tracing the source of the unsatisfactory hairy crabs, CFS had reasonable doubts that one of the unsatisfactory samples did not originate from the aquaculture farm claimed by the retailer. An investigation was immediately launched by CFS, including following up the matter with the retailer and taking appropriate actions (including prosecution).

5. To ensure food safety and protect public health, CFS suspended on 1 November 2016 the import into and sale within Hong Kong of hairy crabs raised at the two aquaculture farms in question. CFS 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. As at 1 December 2016, the importers recalled a total of about 1 200 kilograms of hairy crabs supplied by the two aquaculture farms. These apart, CFS notified the relevant authorities in the Mainland of the test results and its decision to suspend the imports of hairy crabs from the two aquaculture farms concerned.

6. In mid-December 2016, two hairy crab traders applied for judicial review against the Government's decision to suspend the import into and sale within Hong Kong of hairy crabs from the two aquaculture farms in Jiangsu Province and sought compensation for their loss due to the suspension of the sale of hairy crabs.

Relevant discussions of the Panel

7. At the meetings on 8 November and 19 December 2016, the Panel discussed the hairy crab incidents with the Administration. It also met with

seven hairy crab traders at the December meeting. The major issues of concern raised by members during these discussions are summarized in the ensuing paragraphs.

Monitoring measures and regulatory arrangements for the import of hairy crabs

8. Members were concerned whether CFS had communicated with the trade and the Mainland authorities regarding the monitoring measures and regulatory arrangements that had been put in place for the import of hairy crabs, including CFS' decision to conduct testing on dioxins and dioxin-like PCBs in hairy crabs imported into Hong Kong, whether dioxins had been made a mandatory test item for issuance of health certificates, and whether the Mainland authorities were requested to provide testing reports on dioxins and dioxin-like PCBs in hairy crabs prior to the arrival of the crabs. Some members urged the Administration to liaise with the Mainland authorities on issues relating to the standards and methodology for testing dioxin level in hairy crabs, to draw up clear guidelines governing the import of hairy crabs for reference by the trade, and to explore the possibility of conducting joint testing with the Mainland authorities before the hairy crabs were imported into Hong Kong.

9. According to the Administration, the health certificates issued by the relevant Mainland authorities contained clauses stating that the foods exported to Hong Kong were fit for human consumption, in line with section 54 of PHMSO. CFS had maintained close liaison with the Mainland authorities on food safety issues. Regarding the question of whether dioxins and dioxin-like PCBs would be included in the future food surveillance plan of the Mainland authorities, CFS and the Mainland authorities had been discussing the monitoring and regulatory arrangements for the import of hairy crabs into Hong Kong, including the standards and methodology for testing dioxin level in hairy crabs. The response of the Mainland authorities had been positive so far. The Administration would decide whether any specific measures should be taken to prevent recurrence of similar incidents in the next hairy crab season.

10. There was a suggestion that the Administration should enhance the surveillance of hairy crabs at an earlier stage, increase the frequency and number of hairy crab samples taken for testing and expedite the analysis process of dioxins and dioxin-like PCBs, etc. Some members were of the view that the Administration should consult the trade before formulating policies and measures for enhancing the surveillance on hairy crabs. The Administration undertook to consider various suggestions, with a view to coming up with suitable improvement measures before the next hairy crab season. Since the trade had to liaise with their Mainland counterparts and make preparations one year before the import of hairy crabs, members urged the Administration to set out a timetable for its review of policies and measures to enhance the

monitoring and regulatory arrangements on hairy crabs, with a view to ensuring that the import into and sale of hairy crabs in Hong Kong would not be affected in the next season.

Effect on the industry and traders

11. Some members pointed out that the incidents had dealt a severe blow to local hairy crab traders. While some members held the view that CFS should not be blamed for taking vigorous action against traders upon detection of dioxins in hairy crabs as such action was necessary to safeguard public health, some other members considered that the Administration should strike a reasonable balance between protecting public health and minimizing the adverse effect on the trade. There was a suggestion that the Administration should establish a mechanism to provide necessary support to farmers, importers and traders to minimize their loss in food incidents.

12. An enquiry was raised as to whether consideration would be given to granting compensation to those traders affected by the incidents. The Administration explained that as two hairy crab traders had initiated a judicial review against the Government and demanded for compensation, it would not be appropriate for the Administration to make any comment on the question of compensation to avoid prejudicing the on-going judicial review proceedings. However, in general, in determining whether compensation should be made, it was necessary to first assess a party's role in the occurrence of the food safety incident which gave rise to the business/monetary loss in question.

Measures to restore public confidence

13. Some members pointed out that the incidents had undermined public confidence in consuming hairy crabs supplied by aquaculture farms in the Mainland. There was a view that the Administration should make proactive publicity efforts to rebuild public confidence in the consumption of hairy crabs supplied by other aquaculture farms in the Mainland. In response to members' enquiry on whether any measures would be taken by the Administration in this respect, the Administration advised that at present, some 70 aquaculture farms had registered with AQSIQ to export hairy crabs to Hong Kong. While CFS suspended the import into and sale within Hong Kong of hairy crabs from two aquaculture farms in Jiangsu Province, hairy crabs from other registered aquaculture farms which complied with food safety regulations and requirements and were issued with health certificates by the Mainland authorities were allowed to be exported to Hong Kong for sale in the market.

14. Some members were of the view that the Administration should provide sufficient information about the incidents to help the public make informed

choices. In announcing the test results, CFS should make it clear that only abnormal and high consumption of contaminated hairy crabs exceeding the tolerable limit might have adverse effect on health. The Administration advised that CFS was mindful of the need to keep the public informed of the development of the incidents. In its announcements on excessive dioxins detected in hairy crab samples, CFS had issued risk alert and advised the public on ways to reduce the risk of dietary exposures to dioxins and dioxin-like PCBs. A document entitled "Hairy crabs with dioxins and dioxin-like polychlorinated biphenyls exceeding CFS' action levels - Frequently Asked Questions" was also issued for this purpose.

Recent developments

15. At the request of members, the Administration will brief the Panel on the progress and developments in its review of import arrangements for hairy crabs from the Mainland at the Panel meeting on 11 April 2017.

Relevant papers

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

Council Business Division 2
Legislative Council Secretariat
5 April 2017

Appendix

Relevant papers on issues relating to the arrangement for import of hairy crabs

Meeting	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	8.11.2016 (Item VI)	Agenda Minutes Administration's follow-up paper on the incidents of hairy crabs detected with dioxins (LC Paper No. CB(2)451/16-17(01))
	19.12.2016 (Item I)	Agenda Minutes

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