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**Panel on Food Safety and Environmental Hygiene**

**Background brief prepared by the Legislative Council Secretariat  
for the meeting on 12 June 2018**

**Import control on Japanese food**

**Purpose**

This paper provides background information on Hong Kong's current import control on Japanese food and summarizes major views and concerns of members of the Panel on Food Safety and Environmental Hygiene ("the Panel") on the subject.

**Background**

2. The severe earthquake and the subsequent tsunami occurred in Japan on 11 March 2011 had damaged the Daiichi Nuclear Power Plant in Fukushima prefecture, leading to the release of radioactive substances in the environment ("the Fukushima nuclear incident"). According to examination of food products conducted by the Japanese authorities, the radioactive substances had contaminated certain foods, up to levels hazardous to human health, in a number of prefectures in the vicinity of the Daiichi Nuclear Power Plant, including Fukushima, Ibaraki, Tochigi and Gunma. Tests conducted by the Centre for Food Safety ("CFS") also indicated that vegetables imported from Chiba prefecture of Japan had been contaminated with radioactive substances at a hazardous level.

### Prohibition order against food imported from Japan

3. Section 78B of the Public Health and Municipal Services Ordinance (Cap. 132)<sup>1</sup> ("PHMSO") empowers the Director of Food and Environmental Hygiene ("DFEH") to make an order to prohibit the import and the supply of any food for the period specified in the order. Such an order may only be made if DFEH has reasonable grounds to believe that the making of the order is necessary to prevent or reduce a possibility of danger to public health or to mitigate any adverse consequence of a danger to public health. On 23 March 2011, DFEH made an order under section 78B of PHMSO ("the Order") to prohibit the import into and supply within Hong Kong of the following food products which are/were harvested, manufactured, processed or packed on or after 11 March 2011 from five prefectures of Japan, namely, Fukushima, Ibaraki, Tochigi, Gunma and Chiba, with effect from 12:00 noon on 24 March 2011 until further notice:

- (a) all fruits and vegetables;
- (b) all milk, milk beverages, dried milk/milk powder; and
- (c) all chilled or frozen game, meat and poultry, all poultry eggs and all live, chilled or frozen aquatic products, unless accompanied by a certificate issued by the competent authority of Japan certifying that the radiation levels do not exceed the standards laid down by the Codex Alimentarius Commission ("Codex") in the Guideline Levels for Radionuclides in Foods Contaminated following a Nuclear or Radiological Emergency ("the guideline levels").

4. Under section 78D of PHMSO<sup>2</sup>, a person bound by a food safety order who contravenes any terms of the order commits an offence and is liable to a maximum fine of \$100,000 and imprisonment for 12 months.

### Radiation testing on food imported from Japan

5. According to the Administration's reply to a written question raised at the Council meeting of 16 May 2018, ever since the Fukushima nuclear incident,

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<sup>1</sup> Following the commencement of the Food Safety Ordinance (Cap. 612) ("FSO") on 1 August 2011, the provisions in Part VA (covering sections 78A to 78L) of PHMSO were repealed and re-enacted in FSO. Pursuant to section 61 of FSO, an order in force under section 78B of PHMSO immediately before the re-enactment shall remain in force on and after the commencement date of FSO in accordance with its terms as if it were a food safety order and may be varied or revoked accordingly.

<sup>2</sup> Section 78D of PHMSO was re-enacted in section 32 of FSO following the commencement of FSO.

CFS has been conducting tests on the radiation levels for every consignment of food products imported from Japan. CFS releases the testing results on its website every working day. From 24 March 2011 to 8 May 2018, CFS has tested more than 490 000 samples of imported Japanese food and none of the samples exceeded the Codex guideline levels.

### **Members' concerns**

6. Members have all along been concerned about the safety of food imported from Japan. Relevant issues were often raised during the Panel's discussions on the work of CFS in respect of food surveillance. Members' major views and concerns are summarized in the ensuing paragraphs.

#### Import control on Japanese food

7. Query was raised as to whether the import control over Japanese food products imposed by the Hong Kong Government, covering only certain categories of food products and the aforesaid five prefectures of Japan, was less stringent than the import bans imposed by other countries/places (e.g. the Mainland and South Korea). Some members were concerned whether the control measures adopted by the Hong Kong Government were adequate to ensure food safety in Hong Kong.

8. According to the Administration, some countries including Australia, Canada and New Zealand had already removed all the import control imposed after the Fukushima nuclear incident on Japanese food, while South Korea, the Mainland, Taiwan and Hong Kong still maintained restrictions on the import of certain food items from different affected prefectures. The control measures adopted by the Hong Kong Government were comparatively more stringent than those of some countries/places. The Administration informed members that CFS would review the control on food imported from Japan according to the latest development of the matter, taking into consideration various factors such as the assessments made by international agencies, food surveillance results of the Japanese authorities, the latest control measures taken by other economies on food from Japan, local food surveillance results, consistency of the control measures with the World Trade Organization's requirements and public concern.

#### Radiation testing on food products from Japan

9. Concern was expressed about CFS' monitoring of radiation contamination of food products imported from Japan and the safety standards for radiation levels adopted in Hong Kong. There was a view that the Administration should enhance communication with the relevant authorities of the exporting countries/

places regarding the scope of surveillance for imported foods and should check whether they adopted the same safety standards.

10. The Administration advised that since the Fukushima nuclear incident, CFS had stepped up testing on the radiation levels of food products from Japan at import, wholesale and retail levels according to the risk-based approach. At the import level, CFS conducted tests on radiation levels of every consignment of food products from Japan, irrespective of the origins of the products and the channels from which they were imported into Hong Kong. Only food products with satisfactory test results were released for sale in the market. Regarding the safety standards for radiation testing, CFS adopted the guideline levels laid down by Codex, which were internationally accepted standards for protection of public health and facilitation of global trade. CFS would review the testing standards from time to time and maintain close communication with the Japanese authorities to safeguard food safety at sources.

#### Surveillance of food imported by sea

11. Some members were concerned that there was no food inspection checkpoint at the Kwai Chung container terminal ("KCCC"), enabling CFS to conduct prior checks on food products imported via marine channel. There was a suggestion that the Administration should consider requiring the importers to make advance declarations for Japanese food products imported by sea. Alternatively, the imported food products should be stored temporarily in warehouses for CFS' inspection before the products entered into the local market.

12. In response to members' concern, the Administration had reviewed the food monitoring mechanism at the import level. In order to align the monitoring measures for food imports by sea with those being applied to food imports by air and land, CFS had, after discussion with the Customs and Excise Department ("C&ED"), set up a food inspection checkpoint at KCCC since end-October 2015 to strengthen the monitoring of food imported by sea. For Japanese food products imported by sea, C&ED would notify CFS daily of the manifest data on food products imported. Based on the information, CFS would contact the relevant importers to arrange for the testing of the radiation levels of the food products. For food products (e.g. chilled foods) that could not be inspected at the checkpoint due to practical constraints, CFS would conduct food inspections at the godowns or cold stores of the importer concerned.

#### Illegal import and smuggling of Japanese food

13. Noting that there had been instances of illegal import of food products

(e.g. fresh vegetables and fruits) from the five affected prefectures, members expressed concern about the effectiveness of the Administration's existing measures in preventing illegal import and smuggling of food under the import ban. An enquiry was raised as to how CFS and C&ED worked in collaboration to combat illegal import of restricted food items into Hong Kong.

14. According to the Administration, while CFS had its own established mechanism to ensure food safety (e.g. the implementation of the Order), joint operations would be carried out with C&ED where necessary. The relevant departments would also hold meetings to follow up on each food incident and review the enforcement actions required. In addition, the Hong Kong Government had contacted the Japanese authorities requesting them to enhance the dissemination in Japan of the requirements of the Order to the trade and to step up their gate-keeping efforts at the export end.

15. Expressing concern that unscrupulous traders might mislead consumers into purchasing food products from the five affected prefectures by quoting the cities (instead of prefectures) as places of origin of the food products, some members suggested that consideration be given to amending the relevant provisions of FSO to require importers to state clearly where the food products came from, so as to provide consumers with the necessary information about the food products they purchased to facilitate the making of informed choices. The Administration advised that during CFS' routine surveillance of each consignment of food from Japan for radiation testing, importers were required to provide relevant information including the place of origin and the prefecture concerned, so that CFS could identify whether the food came from the five restricted prefectures.

## **Recent developments**

16. Before 8 December 2017, the certificates issued by the competent authority of Japan were required to attest that the radiation levels of iodine-131 ("I-131"), caesium-134 ("Cs-134") and caesium-137 ("Cs-137") in the relevant food products did not exceed the guideline levels of Codex. Taking into account a host of factors<sup>3</sup> and having consulted the Expert Committee on Food Safety, CFS no longer requires the Japanese authority to test for I-131 with effect from 8 December 2017.

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<sup>3</sup> According to information provided by the Administration in February 2018, it has been more than six years since the Fukushima nuclear incident occurred. According to information provided by international organizations, I-131 has a relatively short half-life (about 8 days) and will decay within a short time after a nuclear event. Various places/countries, such as the European Union and Singapore, no longer require food exported from Japan to be tested for I-131 but only require the competent authority of Japan to attest that the radiation levels of Cs-134 and Cs-137 in such food do not exceed the guideline levels of Codex.

17. The Administration will update members on CFS' surveillance results on the radiation levels of food products imported from Japan and its stock-taking of the situation in Japan and other economies at the Panel meeting on 12 June 2018.

**Relevant papers**

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

Council Business Division 2  
Legislative Council Secretariat  
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**Relevant papers on import control on Japanese food**

<b>Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
Panel on Food Safety and Environmental Hygiene	17.5.2011 (Item IV)	<u>Agenda</u> <u>Minutes</u>
	10.3.2015 (Item IV)	<u>Agenda</u> <u>Minutes</u>
	12.5.2015 (Item V)	<u>Agenda</u> <u>Minutes</u>  Administration's follow-up paper on the implementation of the Food Safety Ordinance (LC Paper No. <u>CB(2)1024/15-16(01)</u> )
	8.3.2016 (Item V)	<u>Agenda</u> <u>Minutes</u>  Administration's follow-up paper on issues relating to the food surveillance work of the Centre for Food Safety (LC Paper No. <u>CB(2)580/16-17(01)</u> )
Legislative Council	4.5.2016	<u>Official Record of Proceedings Pages 8219 to 8225 (Written question raised by Hon WONG Kwok-hing on "Safety of Food Products Imported from Japan")</u>

Committee	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	14.2.2017 (Item V)	<u>Agenda</u> <u>Minutes</u>  Administration's follow-up paper on issues relating to the food surveillance work of the Centre for Food Safety (LC Paper No. <u>CB(2)1217/16-17(01)</u> )
	13.2.2018 (Item IV)	<u>Agenda</u> <u>Minutes</u>
Legislative Council	16.5.2018	<u>Written question raised by Hon Tommy CHEUNG on "Import control measures on food from five prefectures of Japan"</u>

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