

**FOOD SAFETY ORDINANCE**  
**(Chapter 612)**  
**(Section 30)**  
**Variation of Food Safety Order**

Order No. : CFS/1/2018

FEHD Ref. : FEHD/CFS/12/1/32/Pt 3

TO : All persons

This Order takes effect at 12:00 noon on 24 July 2018.

For reasons and the principal factors specified in Annex A, **I DO**, in exercise of my powers under section 30(5) of the Food Safety Ordinance (Cap. 612), vary the Order No. CFS/1/2011 that took effect at 12:00 noon on 24 March 2011 (the food safety order) in the following manner:

- Importing into and supplying<sup>1</sup> within Hong Kong all fruits, vegetables, milk, milk beverages and dried milk from the four prefectures of Japan, i.e. Ibaraki, Tochigi, Gunma and Chiba, which are prohibited under the food safety order, are allowed on condition that the food products concerned are accompanied by –
  - a. 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 in the Guideline Levels for Radionuclides in Foods Contaminated following a Nuclear or Radiological Emergency; and
  - b. an exporter certificate issued by the competent authority of Japan certifying that the food exporter concerned has complied with the requirements of Hong Kong’s import control measures on Japanese food with regard to radiological protection, and all the food products being exported are readily available for sale in Japan and are fit for human consumption as far as radiological

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<sup>1</sup> “Supplying” means (a) selling the food; (b) offering, keeping or exhibiting the food for sale; (c) exchanging or disposing of the food for consideration; (d) transmitting, conveying or delivering the food in pursuance of (i) a sale; or (ii) an exchange or disposal for consideration; or (e) for commercial purposes, giving the food as a prize or making a gift of the food.

protection is concerned.

Under the food safety order as varied by this order, you are prohibited from importing into and supplying within Hong Kong the food specified in Annex B, that is intended for human consumption, from 12:00 noon, 24 July 2018 until further notice.

If you feel that you are aggrieved by this variation, you may, within 28 days after becoming bound by this variation, appeal to the Municipal Services Appeals Board against the food safety order as so varied.

Note : A person bound by the food safety order as varied by this order who contravenes a term of the order commits an offence and is liable to a fine at level 6 and to imprisonment for 12 months. It is not a defence for a person to show that the food concerned is the subject of a licence, permit or any other form of authorization issued or granted under this or any other Ordinance.

Dated this 20<sup>th</sup> July 2018

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( Vivian Lau )  
Director of Food and Environmental Hygiene

**REASONS FOR VARYING THE ORDER AND  
PRINCIPAL FACTORS THAT LED TO VARYING THE ORDER**

Ensuring food safety is the Government's prime consideration. The latest local and Japanese food surveillance results and assessments made by international organisations have been considered in reviewing the import control on food from Japan.

For the period from 24 March 2011 (the date when the food safety order took effect) to 31 May 2018, over 490,000 food samples from Japan were tested by the Centre for Food Safety (CFS). The test results showed that none of the samples had radiation levels exceeding the Codex guideline levels. According to Codex, food is considered as safe for human consumption if the radiation levels do not exceed the Codex guideline levels.

Based on its own situation, Japan re-evaluated its maximum radiation levels for certain radionuclides in foods after the Fukushima incident and established new standards in Japan on radioactive caesium (aggregate of Cs-134 and Cs-137), which are more stringent than the Codex guideline levels\*. Information from the Japanese authority showed that over 2 million food samples were collected in Japan for radiation testing as at early March 2018. Only a small number of food samples (about 1 200) were found to have exceeded Codex guideline levels. Among those 1 200 or so samples, about 90% were taken in or before March 2013, and nearly 60% came from Fukushima. When there were food samples whose radiation levels were detected to have exceeded the Japanese standards (even though not exceeding the Codex guideline levels), the Japanese Government would prohibit the domestic sale and export of the products concerned.

International organisations including the World Health Organization (WHO), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR) and the International Atomic Energy Agency (IAEA) have been monitoring the impact of the fallout of the Fukushima incident on health and food safety, and have confirmed the safety of Japanese food from the perspective of radiation levels. IAEA reiterated in March 2018 that the food supply chain in Japan was safely under control.

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\* The Codex guideline level on radioactive Cs-134 and Cs-137 (aggregate) is 1 000 Bq/kg while the Japanese levels are 50 Bq/kg for milk and infant foods, and 100 Bq/kg for general foods.

## Source of information

- Codex Alimentarius Commission (Codex)
- World Health Organization (WHO)
- Food and Agriculture Organization of the United Nations (FAO)
- United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR)
- International Atomic Energy Agency (IAEA)
- Local testing results
- Japanese Government

**FOOD SPECIFIED IN THE FOOD SAFETY ORDER AFTER VARIATION**

Brand Name & Food Name/ Designation	Manufacturer's/ Packer's Name & Address	Country of Origin/Place of Origin/ Distributor's Address	Count/ Weight/ Volume	Best Before/ Use By Date	Other Relevant Information/ Description
<p>Food name:</p> <ul style="list-style-type: none"> <li>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 in the Guideline Levels for Radionuclides in Foods Contaminated following a Nuclear or Radiological Emergency.</li> </ul>	Not applicable	<p>Originated from the following prefectures of Japan:</p> <ul style="list-style-type: none"> <li>Fukushima</li> <li>Ibaraki</li> <li>Tochigi</li> <li>Gunma</li> <li>Chiba</li> </ul>	Not applicable	Not applicable	Relevant food harvested, manufactured, processed or packed on or after 11 March 2011
<p>Food name:</p> <ul style="list-style-type: none"> <li>All fruits and vegetables</li> <li>All milk, milk beverages and dried milk</li> </ul>	Not applicable	<p>Originated from the following prefecture of Japan:</p> <ul style="list-style-type: none"> <li>Fukushima</li> </ul>	Not applicable	Not applicable	Relevant food harvested, manufactured, processed or packed on or after 11 March 2011

<p>Food name:</p> <ul style="list-style-type: none"> <li>All fruits, vegetables, milk, milk beverages and dried milk, unless accompanied by:           <ol style="list-style-type: none"> <li>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 in the Guideline Levels for Radionuclides in Foods Contaminated following a Nuclear or Radiological Emergency; and</li> <li>an exporter certificate issued by the competent authority of Japan certifying that the food exporter concerned has complied with the requirements of Hong Kong's import control measures on Japanese food with regard to radiological protection, and all the food products being exported are readily available for sale in Japan and are fit for human consumption as far as radiological protection is concerned.</li> </ol> </li> </ul>	<p>Not applicable</p>	<p>Originated from the following prefectures of Japan:</p> <ul style="list-style-type: none"> <li>Ibaraki</li> <li>Tochigi</li> <li>Gunma</li> <li>Chiba</li> </ul>	<p>Not applicable</p>	<p>Not applicable</p>	<p>Relevant food harvested, manufactured, processed or packed on or after 11 March 2011</p>
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