

FOOD SAFETY ORDINANCE

(Chapter 612)

(Section 30)

Variation of Food Safety Order

Order No. : CFS/1/2023

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

TO : All persons

This Order takes effect from 24 August 2023.

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 (Chapter 612), vary Order No. CFS/1/2011 as varied by Order No. CFS/1/2018 that took effect at 12:00 noon on 24 July 2018 (“the food safety order”) in the following manner:

To expand the scope of the existing import and supply restrictions under the food safety order by:

- prohibiting the import into and supply¹ within Hong Kong all aquatic products that are live, chilled, frozen, dried or otherwise preserved, sea salt and raw or processed seaweeds originating from ten metropolis/prefectures in Japan, namely Tokyo, Fukushima, Ibaraki, Miyagi, Chiba, Gunma, Tochigi, Niigata, Nagano, and Saitama, which are harvested, manufactured, processed or packed on or after 24 August 2023; and
- prohibiting the supply within Hong Kong all aquatic products that are live, chilled, frozen, dried or otherwise preserved, sea salt and raw or processed seaweeds imported from Japan which are harvested, manufactured, processed or packed on or after 24 August 2023, which are selected for inspection by the Centre for Food Safety (CFS) and pending a release letter to be issued by the CFS in respect of the selected

¹ “Supply” means (a) to sell the food; (b) to offer, keep or exhibit the food for sale; (c) to exchange or dispose of the food for consideration; or (d) for commercial purposes, to give the food as a prize or to make a gift of the food.

products upon completion of clearance procedures on radiation testing.

Under the food safety order as varied by this order, you are prohibited from importing into and supplying² within Hong Kong the food specified in Annex B, that is intended for human consumption, from 24 August 2023 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 23 August 2023

(Irene YOUNG)
Director of Food and Environmental Hygiene

² “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 of disposal for consideration; or (e) for commercial purposes, giving the food as a prize or making a gift of the food.

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

This food safety order sets out import control measures on certain food imported from the five prefectures of Fukushima, Ibaraki, Chiba, Tochigi and Gunma in Japan, covering relevant food harvested, manufactured, processed or packed on or after 11 March 2011, the day of the Great East Japan Earthquake which resulted in the leakage of radioactive substances at the Fukushima nuclear power plant.

Following the incident at the Fukushima nuclear power plant due to the Great East Japan Earthquake in Japan on 11 March 2011, nuclear reactors at Fukushima suffered meltdowns. Water was pumped into the ruined reactors to cool down the melted fuel, which was mixed with rain and groundwater. The cooling water was collected, treated using an Advanced Liquid Processing System (ALPS) and stored in storage tanks on site. According to the Japanese government, more than 1 000 tanks of the ALPS-treated nuclear-contaminated water are currently gathered at the Fukushima nuclear power plant.

On 13 April 2021, the Japanese government announced its policy decision to discharge the ALPS-treated nuclear-contaminated water from the Fukushima nuclear power plant into the sea. To implement the discharge plan, in late 2021, the Tokyo Electric Power Company (TEPCO) submitted an application for amendment to the implementation plan for handling the ALPS treated nuclear-contaminated water to the Nuclear Regulation Authority (NRA) of the Japanese government. The International Atomic Energy Agency (IAEA) formed a Task Force (“the Task Force”) to review the safety of the planned discharge.

As the nuclear-contaminated water had direct contact with active raw materials of the ruined nuclear reactors, it contained a high concentration of various types of radioactive substances. The Japanese government advised that the amounts of most of the radionuclides in the nuclear-contaminated water, except tritium, would be reduced by ALPS through purification, so that the radiation level of the treated nuclear-contaminated water would meet the Japanese and international safety standards. However, the amount of tritium in the treated nuclear-contaminated water would still

exceed the relevant safety standards as tritium cannot be removed through purification by ALPS. According to the Japanese government, the treated nuclear-contaminated water will be diluted by more than 100 times through injection of a large volume of seawater into the discharge facility, such that the concentration of tritium will be lowered to one-fortieth of the Japanese regulatory level (i.e., 1 500 Bq/litre), before it is discharged into the sea.

Following review meetings with the Task Force and the NRA, TEPCO revised its application which was formally approved by the NRA on 10 May 2023. The Task Force published its final report on 4 July 2023, concluding that the discharge of treated nuclear-contaminated water into the sea is consistent with IAEA international safety standards. The NRA conducted pre-use inspections of the dilution and discharge facilities and issued a certificate of completion on 7 July 2023. On 22 August 2023, the Japanese government announced the treated nuclear-contaminated water will start discharging into the sea on 24 August 2023.

The Hong Kong Government has assessed the implications of the discharge on Hong Kong's food safety taking into account all relevant information, including information provided by the Japanese government and the IAEA reports. It notes that –

- (a) Consumption of food contaminated with radioactive substances will increase the amount of radioactivity a person is exposed to and could increase the health risks, including cancers, associated with the exposure. The exact effects on human body and the specific organs affected will depend on the type of radionuclide ingested and the amount being ingested;
- (b) As the nuclear-contaminated water had direct contact with active raw materials of the nuclear reactors, it contains a high concentration of different types of radioactive substances, some of which have a long half-life. The risk of other radioactive substances accidentally and unnoticeably escaping along with tritium into the treated nuclear-contaminated water at any moment in time cannot be entirely ruled out;
- (c) According to a report issued by TEPCO on 5 June 2023, a fish sampled from the port area of the Fukushima nuclear plant in May 2023 was found to contain 18 times the Codex guideline level¹ of the radioactive element caesium. However, TEPCO has not addressed the cause of the high level of caesium found in the fish. In addition, three other fish sampled from the same area or offshore of Fukushima from January 2022 to April 2023 were also found to contain

¹ Codex General Standard for Contaminants and Toxins in Food and Feed (CXS 193-1995).

caesium exceeding the corresponding Codex guideline level. Caesium can be taken into the body by eating food or drinking water. It is absorbed into the bloodstream through the intestines and tends to concentrate in muscles because of their relatively large mass.² The fish, if consumed, may pose a risk to health and increase the likelihood of inducing cancer. The physical half-life of caesium-137 is 30 years. As marine live animals in the vicinity of the discharge point of the nuclear-contaminated water can move to other areas of the sea, there is uncertainty in the effects of the radionuclides on the food chain, which may have harmful effect on human health;

- (d) The discharge of treated nuclear-contaminated water, which had been in direct contact with active raw materials of the ruined reactors, by TEPCO is unprecedented and will last for 30 years or more. Tritium can only be diluted but not removed. Whether the dilution and discharge system will operate as intended would have to be further observed, and we can only have a more accurate assessment of the impact of the discharge sometime after the commencement of the discharge, when more surveillance data is available;
- (e) Hong Kong is one of the largest export markets for Japanese food, and Japanese food, including aquatic products, is popular among Hong Kong people; and
- (f) Aquatic products, sea salt and seaweeds³ from Fukushima and the nearby prefectures and areas are subject to higher risk arising from the discharge.

In light of the above, the Hong Kong Government decided to vary this food safety order to impose further import control measures by suspending the import of aquatic products, sea salt and seaweeds originating from Fukushima and nearby metropolis/prefectures, namely Tokyo, Ibaraki, Chiba, Miyagi, Gunma, Tochigi, Niigata, Nagano and Saitama, in order to prevent or reduce the possibility of danger to public health or to mitigate any adverse consequence of a danger to public health.

² Argonne National Laboratory. Human Health Fact Sheet. 2007.

³ According to the IAEA, consumption of seaweeds and sea salt are possible exposure pathways by which man might become exposed to radioactivity after release of radioactive materials into the sea.

FOOD SPECIFIED IN THE FOOD SAFETY ORDER AFTER VARIATION**Part I – Food prohibited from import into and supply within Hong Kong**

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"> All live, chilled or frozen aquatic products, which are not 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. 	Not applicable	<p>Originated from the following prefectures of Japan:</p> <ul style="list-style-type: none"> Fukushima Ibaraki Chiba Gunma Tochigi 	Not applicable	Not applicable	<p>Relevant food harvested, manufactured, processed or packed on or after 11 March 2011 and before 24 August 2023</p>
<p>Food name:</p> <ul style="list-style-type: none"> All aquatic products that are live, chilled, frozen, dried or otherwise preserved, sea salt and raw or processed seaweeds 	Not applicable	<p>Originated from the following metropolis/prefectures of Japan:</p> <ul style="list-style-type: none"> Tokyo Fukushima Ibaraki 	Not applicable	Not applicable	<p>Relevant food harvested, manufactured, processed or packed on or after 24 August</p>

<p>Food name:</p> <ul style="list-style-type: none"> All chilled or frozen game, meat and poultry, and all poultry eggs, which are not 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. 	<p>Not applicable</p>	<ul style="list-style-type: none"> Miyagi Chiba Gunma Tochigi Niigata Nagano Saitama <p>Originated from the following prefectures of Japan:</p> <ul style="list-style-type: none"> Fukushima Ibaraki Chiba Tochigi Gunma 	<p>Not applicable</p>	<p>Not applicable</p>	<p>2023</p> <p>Relevant food harvested, manufactured, processed or packed on or after 11 March 2011</p>
<p>Food name:</p> <ul style="list-style-type: none"> All fruits and vegetables All milk, milk beverages and dried milk 	<p>Not applicable</p>	<p>Originated from the following prefecture of Japan:</p> <ul style="list-style-type: none"> Fukushima 	<p>Not applicable</p>	<p>Not applicable</p>	<p>Relevant food harvested, manufactured, processed or packed on or after 11 March 2011</p>

<p>Food name:</p> <ul style="list-style-type: none"> All fruits, vegetables, milk, milk beverages and dried milk, which are not accompanied by: <p>(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</p> <p>(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 protection is concerned.</p>	<p>Not applicable</p>	<p>Originated from the following prefectures of Japan:</p> <ul style="list-style-type: none"> Ibaraki Tochigi Gunma Chiba 	<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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Part II – Food prohibited from supply within Hong Kong

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"> All aquatic products that are live, chilled, frozen, dried or otherwise preserved, sea salt and raw or processed seaweeds selected for inspection by the Centre for Food Safety and pending a release letter to be issued in respect of the selected products upon completion of clearance procedures on radiation testing. 	Not applicable	Originated from Japan	Not applicable	Not applicable	Relevant food harvested, manufactured, processed or packed on or after 24 August 2023