

G.N. (E.) 11 of 2011

PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE

(Section 78C(3), Chapter 132)

Notice of Section 78B Order

Pursuant to Section 78C(3) of the Public Health and Municipal Services Ordinance (Chapter 132), it is hereby notified that a Section 78B Order (the 'Order') is issued. A copy of the Order is appended below : -

PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE
(Chapter 132)
(Section 78B)
Section 78B Order

Order No. : CFS/1/2011
FEHD Ref. : FEHD/CFS/78B

TO : All persons

This Order takes effect at 12:00 noon on 24 March 2011.

I now have reasonable grounds to believe that the making of this order in relation to the food specified in Annex A 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, the details of which are specified in Annex B. **I DO**, in exercise of my powers under section 78B(1) of the Public Health and Municipal Services Ordinance (Chapter 132), order that :

- a. you be prohibited from importing into Hong Kong the food specified in Annex A, that is intended for human consumption, for the period from 12:00 noon on 24 March 2011 until further notice.
- b. you be prohibited from supplying¹ within Hong Kong the food specified in Annex A, that is imported into Hong Kong after 12:00 noon on 24 March 2011, and is intended for human consumption, for the period from 12:00 noon on 24 March 2011 until further notice.

If you feel that you are aggrieved by this order, you may, within 28 days from becoming bound by it (that is the date and time specified in paragraph 1), appeal to the Municipal Services Appeals Board.

¹ "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.

Note : A person bound by this order who contravenes a term of the order commits an offence and is liable on conviction 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 23rd March 2011



(LEUNG CHEUK MAN)

Director of Food and Environmental Hygiene

FOOD SPECIFIED IN THE ORDER

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 fruits and vegetables • All milk, milk beverages and dried milk • 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 	Not applicable	<p>Originated from the following prefectures of Japan:</p> <ul style="list-style-type: none"> • Fukushima • Ibaraki • Tochigi • Gunma • Chiba 	Not applicable	Not applicable	<p>Relevant food harvested, manufactured, processed or packed on or after 11 March 2011</p>

**REASON FOR MAKING THE ORDER AND
PRINCIPAL FACTORS THAT LED TO MAKING OF THE ORDER**

Summary of incident:

Owing to the massive earthquake and the subsequent tsunami happened in Japan on 11 March 2011, the Daiichi nuclear power plant in Fukushima prefecture was damaged, leading to release of radioactive substances into the environment.

Tests by the Japan authorities have demonstrated that the release of radioactive substances has contaminated certain foods in prefectures in the vicinity of the nuclear power plant, including Fukushima, Ibaraki, Tochigi and Gunma. Radiation levels hazardous to human health were found in foods including various vegetables and milk.

Besides, tests of 3 samples (1 spinach, 1 turnip and 1 white radish) imported from Chiba prefecture of Japan by the Hong Kong Centre for Food Safety on 23 March 2011 indicated that they have been contaminated with radioactive substances (Iodine I-131) by such a level hazardous to human health.

Source of information:

- Japanese Government
- World Health Organization
- Local testing results

Health effects:

Food contaminated with radioactive substances will not appear spoiled, but consuming such food 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 radionuclide ingested and the amount being ingested.