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Survey Results Prompt HKG to Seek Exemptions to GM Ordinance

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Report Highlights:

Effective September 1, 2011, growers of Genetically Modified (GM) crops in Hong Kong are required to obtain approval from the Hong Kong government (HKG) otherwise they are liable to be prosecuted under the newly implemented Genetically Modified Organisms (Control of Release) Ordinance. However, a recent survey showed that 44 percent of locally grown papayas are of GM origin. Therefore, the HKG is planning to exempt GM papayas which are to be released into the environment from the approval requirements. Overall, the survey drew 77 samples from U.S. products, 9 samples were identified as GM crops, of which 2 were papayas and 5 animal feeds.

Summary

The Hong Kong government (HKG) is planning to exempt local papaya growers from applying for approval for releasing genetically modified (GM) crops into the environment in the wake of a survey that indicated over 44 percent of local papaya growers will likely violate the new Genetically Modified Organisms (Control of Release) Ordinance by failing to obtain approval from the government for their GM crops before the grace period ends in August 31, 2011. The “exemption” is the HKG’s attempt to a pragmatic and viable solution to the foreseeable possibility of not being able to enforce the new regulation after September 1.

The Agriculture, Fisheries and Conservation Department (AFCD) conducted the survey to evaluate the presence of biotech crops in Hong Kong. Samples were collected from imported and locally grown crops available from local markets and farms. The survey results showed that 44 percent of the locally produced papayas were genetically modified. In addition, a small amount of imported samples which were intended to be used as food or feed, including raddish, wheat and animal feed, tested positive for GM ingredients. GM zebra fish which are capable of producing fluorescence in the dark were also found available for sale in the markets. A total of 77 U.S. samples were drawn, with 2 papaya and 5 animal feed samples were found to contain GM ingredients.

Background

The Genetically Modified Organisms (Control of Release) Ordinance which became effective March 2011 requires that both the local production and importation of GM crops with the intention to be released into the environment need to obtain approval from the HKG’s AFCD. The new Ordinance was provided with a six-month grace period which will end in August 31, 2011. During the grace period, any growers with GM crops already in the field supposedly are required to notify the AFCD and seek clearance to continue to grow the GM crops. After September 1 when the grace period ends, any person growing GM crops which have not been approved by the AFCD will be in violation of the law.

Details of the ordinance are contained in reports HK0009 (Agricultural Biotechnology Annual dated July 2010) and HK0026 (FAIRS Country Report dated December 2010).

Proposed Exemption

The AFCD conducted a survey assessing the presence of GM crops in Hong Kong. The result showed that 44 percent of locally produced papayas were GM origin. However, the AFCD so far has not received any applications from local growers’ seeking approval in the context of the new ordinance.

Hong Kong has little farming. Most locally produced papayas are backyard crops for self consumption with no or little commercial value. It is envisaged that many of these farmers are senior citizens living in the suburb and may not be aware of the new ordinance. Even if they have heard of it, they might

not bother to apply for approval with an application fee of over US\$1800 nor would they have the expertise to submit the necessary information such as a risk assessment of the crops.

The HKG foresees that enforcement of the new law with respect to the growing of papayas will be a challenge. Therefore, they are planning to provide an exemption to papayas, i.e. any persons growing papayas in Hong Kong do not need to notify the AFCD or to apply for approval. Similar exemptions will also be provided to the importation of papaya seeds for release into the environment. Sources revealed that there are two GM varieties of papaya available in the international food markets, namely CUH-CP631-7 and its hybrid with non-transgenic variety "Kapoho". The HKG is planning to offer exemption to both varieties. However, the documentation requirements for the importation of GM papayas remain unchanged. (Under the Ordinance, the importation of GM crops for food, feed and for contained use have document requirements but do not have any approval requirements.)

The HKG explained that the exemption of papayas is unlikely to have any adverse impact on the biological diversity in Hong Kong. Also, the Ordinance has a provision allowing the Secretary to offer exemptions. To this end, the Hong Kong government is planning to complete all required legislative procedures before September 1, 2011 when the grace period of the Genetically Modified Organisms (Control of Release) Ordinance ends.

Responses of the Organic Farmers

Organic farmers criticized the HKG's intended measure to exempt papayas from the Ordinance saying that it is a quick solution to the enforcement challenge. With this exemption, they foresee that Hong Kong will not be able to produce any non-GM papayas in the future because of possible cross contamination in the field with GM crops. They called on the HKG to offer free GM testing for papaya crops similar to what is practiced by the Taiwan government and to import non-GM papaya seeds from Taiwan.

The Survey

The AFCD conducted the survey between 2010-2011 drawing 800 crop samples from markets and farms to assess the presence of GM ingredients in crop supplies, of which 27 samples were found with GM ingredients. Papaya was the crop identified with the highest percentage of GM origin. 9 out of 24 imported papaya samples or 38 percent were GM products. 3 papaya samples were of U.S. origin, 2 of which were GM products originating from Hawaii. The GM percentage of locally grown papayas was even higher at 44 percent.

The sample pool consisted of 77 U.S. products, of which 7 were biotech products. Apart from the 2 papaya samples mentioned above, the other 5 GM products were animal feed samples which were identified from a pool of 11 animal feeds samples.

With the implementation of the new Ordinance, the importation of products containing living modified organisms which are intended to be used for food or feed or for contained use are required

to make declarations. There is no specific requirement regarding the form of documentation. The use of a commercial invoice or other documents required by existing documentation systems would be sufficient. The AFCD provided guidelines on documentation requirements at the following link:

http://www.afcd.gov.hk/english/conservation/con_gmo/guidelines/gmo_doc_gui.html

As AFCD is responsible for agriculture and fisheries in Hong Kong, the survey does not cover any processed foods such as breakfast cereals and chips.

The following table depicts the survey result.

Categories	No. of Tested Samples	Positive Samples	U.S. samples taken	Positive Samples from the U.S.
Fruits	189	6 papaya samples from China; 2 from the U.S. ; and 1 from Malaysia	50	2
Vegetables	193	1 Raddish sample from Japan	12	0
Other Imported Food & Feed	109	5 U.S. feed samples; 1 Spain feed sample; and 1 wheat sample with unknown source	11	5
Local Produce	149	8 out of 18 papaya samples	-	-
Seeds	129	0	4	-
Oriental Flowers and Aquarium Fish	31	2 zebra fish	-	-
Total	800	27	77	7

Source : Agriculture, Fisheries and Conservation Department