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Panel on Food Safety and Environmental Hygiene

**Updated background brief prepared by the Legislative Council Secretariat
for the meeting on 12 July 2011**

**Imported Game, Meat, Poultry and Poultry Eggs Regulation
under the Food Safety Ordinance**

Purpose

This paper provides background information on the proposed introduction of regulation over the imported game, meat, poultry and poultry eggs and summarizes the concerns of the Panel on Food Safety and Environmental Hygiene ("the Panel") about the matter.

Background

2. Food incidents related to poultry eggs and aquatic products in the past years have revealed inadequacies in the Public Health and Municipal Services Ordinance (Cap. 132) in the control of food safety. The Chief Executive announced in his 2007-2008 Policy Address the Government's plan to introduce a Food Safety Bill to strengthen legislative control on food safety. The Bill would provide for food safety control measures including -

- (a) a registration scheme for food importers and food distributors;
- (b) a requirement for food traders to maintain proper transaction records to enhance food traceability;
- (c) power to make regulations for tightening import control on specific food types based on risk assessment; and
- (d) power for the authorities to make orders to prohibit the import and supply of problem food and order the recall of such food.

3. At the Panel meeting on 9 February 2010, the Administration briefed members on the detailed proposals of the Bill. To expand the import control to cover food with a high potential health risk, the Administration proposed that import requirements should be set out in the regulations under the Bill. In this regard, the Bill would empower the Secretary for Food and Health to make regulations on the import control of specific food types. Following the enactment of the Bill, the Administration would introduce two sets of regulations, namely (a) Imported Game, Meat, Poultry and Poultry Eggs Regulation and (b) Imported Aquatic Products Regulation.

Enactment of the Bill

4. A Bills Committee was formed at the House Committee meeting on 4 June 2010 to study the Bill, which was introduced into the Legislative Council ("LegCo") on 2 June 2010. The Second Reading debate on the Bill was resumed at the Council meeting of 30 March 2011. The Bill, with amendments, was passed at the aforesaid meeting. The Food Safety Ordinance (Commencement) Notice was gazetted on 15 April 2011 and provides for the commencement of the Ordinance (except Part 3 and Division 1 of Part 2). Part 3 and Division 1 of Part 2, i.e. the record-keeping requirement and the registration scheme for food importers and distributors, will come into operation on 1 February 2012.

Imported Game, Meat, Poultry and Poultry Eggs Regulation

5. The import of game, meat and poultry is currently regulated under the Imported Game, Meat and Poultry Regulation (Cap. 132AK) and the Import and Export (General) Regulations (Cap. 60A). All consignments of frozen or chilled meat or poultry imported into Hong Kong must be accompanied with an official health certificate which certifies that the meat and poultry concerned is fit for human consumption, and an import licence issued by the Food and Environmental Hygiene Department.

6. The Administration will make a new regulation under the Food Safety Ordinance (Cap. 612) ("the Ordinance"), modelling on the existing provisions in Cap.132AK, to provide for import control for game, meat and poultry. The Administration will also take the opportunity to extend the import control to cover poultry eggs by making corresponding amendment to repeal Cap.132AK.

Deliberations of the Panel

7. At its meeting on 17 May 2011, the Panel was briefed on the proposed regulation which sought to extend the import control regime for meat and poultry under Cap. 132AK and Cap. 60 to cover poultry eggs, expand the definition of "poultry", and amend the definition of "competent authority" to recognize authorities of economies other than countries.

8. Some members were concerned about the definition of poultry eggs in the proposed regulation which did not cover powdered eggs, cooked eggs, and pasteurized frozen or liquid eggs (including liquid egg white and egg yolks). They opined that the current food safety regulations had not duly covered all possible threats. According to the Administration, the proposed regulation was intended to focus on highly pathogenic virus, i.e., avian influenza virus, which could hardly remain in powdered eggs, cooked eggs, and pasteurized eggs which had been processed under high temperature, and therefore the health risks posed were relatively low. The Administration had also referred to overseas practice where powdered eggs, cooked eggs, and pasteurized eggs were not regulated.

9. Regarding members' concerns about the possible impact of the proposed regulation on trading costs, the Administration advised the Panel that an official health certificate had already been required for poultry eggs imported from the Mainland under the existing administrative arrangement. For most of the other places of origin, they had already issued export health certificates for their other markets. Therefore, the proposed regulation should not have an impact on additional trading costs for the poultry eggs importers.

10. Some members commented that the spread of avian influenza had been eliminated in recent years and the current risk of relevant health threat was low. Apparently, there was no urgent need for the proposed regulation at present. Some members also expressed worries that the business of poultry farming and relevant trades would be wrecked by the proposed regulation. The Panel requested the Administration to further attend to the views of poultry egg importers, and consider engaging a consultant to assess the impact of the proposed regulation on the affected trades.

11. The Panel noted the Administration's intention to make the proposed regulation under the Ordinance and to table the proposed regulation at LegCo before the end of 2011. To allow sufficient time for traders to adapt to the new requirements, the Administration proposed that the proposed regulation should commence about six months after the expiry of the negative vetting period.

Relevant papers

12. A list of the relevant papers on the LegCo website is in the **Appendix**.

Council Business Division 2
Legislative Council Secretariat
6 July 2011

Relevant papers on the Food Safety Bill

Meeting	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	11.12.2007 (Item IV)	Agenda Minutes CB(2)516/07-08(01) CB(2)516/07-08(02)
	9.2.2010 (Item IV)	Agenda Minutes CB(2)884/09-10(03) CB(2)884/09-10(04)
	17.5.2011 (Item V)	Agenda CB(2)1730/10-11(05) CB(2)1730/10-11(06)
Legislative Council	30.3.2011	CB(2)1313/10-11 Official Record of Proceedings Pages 99 – 133 (Resumption of the Second Reading debate on and the Third Reading of the Food Safety Bill)