

立法會
Legislative Council

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seen by the Administration)

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**Subcommittee on Three Regulations
Relating to Control Regime for the Import of Eggs**

**Minutes of the first meeting
held on Tuesday, 30 June 2015, at 4:30 pm
in Conference Room 2 of the Legislative Council Complex**

Members present : Hon Steven HO Chun-yin (Chairman)
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon WONG Kwok-hing, BBS, MH
Hon Cyd HO Sau-lan, JP
Hon Alan LEONG Kah-kit, SC
Hon CHAN Han-pan, JP
Dr Hon Helena WONG Pik-wan

Member absent : Hon Vincent FANG Kang, SBS, JP

Public Officers attending : Item II

Prof Sophia CHAN Siu-chee, JP
Under Secretary for Food & Health
Food and Health Bureau

Mr Kenneth CHAN Siu-yum
Principal Assistant Secretary for Food & Health
(Food)1
Food and Health Bureau

Dr LEE Siu-yuen, JP
Assistant Director (Food Surveillance & Control)
Food and Environmental Hygiene Department

Ms CHEUNG Lai-kuen
Senior Superintendent (Centre for Food Safety)1
Food and Environmental Hygiene Department

Dr Allen CHAN Sze-ling
Senior Veterinary Officer (Veterinary Public Health)
Food and Environmental Hygiene Department

Miss Emma WONG
Senior Government Counsel
Department of Justice

Clerk in attendance : Mr Colin CHUI
Chief Council Secretary (2) 4

Staff in attendance : Miss Winnie LO
Assistant Legal Adviser 7

Mr Richard WONG
Council Secretary (2) 2

Miss Maggie CHIU
Legislative Assistant (2) 4

Ms Ada TANG
Clerical Assistant (2) 4

Action

I. Election of Chairman

Mr WONG Kwok-hing, member who had the highest precedence in Council among members of the Subcommittee present, presided over the election of the Chairman. Mr WONG called for nominations for the chairmanship of the Subcommittee.

Action

2. Mr Steven HO was nominated by Mr CHAN Han-pan and the nomination was seconded by Mr WONG Kwok-hing. Mr Steven HO accepted the nomination. As there was no other nomination, Mr WONG declared Mr HO elected as the Chairman of the Subcommittee. Mr Steven HO then took the chair.

3. Members agreed that election of Deputy Chairman was not necessary.

II. Meeting with the Administration

[File Ref.: FH CR 2/3821/06, L.Ns. 105 to 107 of 2015, LC Paper Nos. LS71/14-15 and CB(2)1792/14-15(01) to (08)]

4. The Subcommittee deliberated (index of proceedings attached at Annex).

Follow-up actions

5. Members raised no objection to the proposal to introduce statutory control for the import of eggs that, among other things, required importers to (a) produce a health certificate issued by an issuing entity from the place of origin recognized by the Director of Food and Environmental Hygiene to certify that the eggs were fit for human consumption; and (b) obtain a permission in writing from a health officer of the Food and Environmental Hygiene Department ("FEHD") by providing information that the health officer considered essential for tracking the actual importation of the poultry eggs into Hong Kong. However, the Chairman, Mr CHAN Han-pan and Dr Helena WONG considered that the Centre for Food Safety ("CFS") under FEHD should enhance the inspection and sample testing on eggs (particularly at the import level) so as to ascertain that the eggs (even with recognized health certificates) were fit for human consumption. Dr WONG also considered it of utmost importance that CFS/FEHD would have access to updated and detailed information on imported eggs, including the quantity and types of eggs imported by land, water and air each day, broken down by place of origin. The Administration was requested to provide the following information –

Admin

- (a) the respective numbers of eggs imported by land, water and air in each of the past three years and the percentages of these eggs; and

Action

- (b) the respective numbers of samples taken from eggs imported by land, water and air, and locally produced in each of the past three years by CFS for testing and the percentages of these samples.

Admin

6. Members also noted that the legislative proposals involved amendments to the Import and Export (General) Regulations (Cap. 60 sub. leg. A). Dr Helena WONG were particularly concerned about the coordination between FEHD and the Customs and Excise Department ("C&ED") in monitoring food safety of imported food. The Chairman requested that representatives of C&ED be invited to the next Subcommittee meeting for briefing members on issues relating to the coordination of work and information sharing between FEHD and C&ED in monitoring food safety of imported food.

III. Any other business

Extension of the scrutiny period

7. Members noted that the scrutiny period of the subsidiary legislation had been extended from 8 July 2015 to the first Council meeting of the 2015-2016 session by a resolution of the Council passed on 24 June 2015.

Invitation of public views

8. Members agreed to post a notice on the website of the Legislative Council to invite written views from the public on the subsidiary legislation.

Date of next meeting

9. The Chairman said that the date of the next meeting would be fixed after consultation with members and the Administration after the meeting.

10. There being no other business, the meeting ended at 6:05 pm.

Council Business Division 2
Legislative Council Secretariat
3 August 2015

**Proceedings of the first meeting of the
Subcommittee on Three Regulations
Relating to Control Regime for the Import of Eggs
on Tuesday, 30 June 2015, at 4:30 pm
in Conference Room 2 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda item I – Election of Chairman</i>			
000140 - 000327	Mr WONG Kwok-hing Mr CHAN Han-pan Mr Steven HO	Election of Chairman	
<i>Agenda item II – Meeting with the Administration</i>			
000328 - 000414	Chairman	The Chairman's opening remarks	
000415 - 000656	Chairman Admin	Briefing by the Administration on the Three Regulations Relating to Control Regime for the Import of Eggs ("the proposed control regime")	
000657 - 001406	Chairman Mr WONG Kwok-hing Admin	<p>Mr WONG Kwok-hing's views and enquiries as follows -</p> <p>(a) whilst supporting introducing a statutory control regime for the import of eggs, he was worried about whether the proposed scope of regulation duly covered all possible health risks posed by various types of eggs; and</p> <p>(b) whether and when the Administration would review the effectiveness of the proposed control regime after its implementation.</p> <p>The Administration's responses that -</p> <p>(a) under the proposed control regime, "egg" meant an egg of a bird belonging to a type of bird sold or offered for sale for human consumption or any edible part of such an egg whether such an egg or edible part is shelled or unshelled, raw or partially cooked, salted, preserved or otherwise processed, in frozen, liquid or dried form or contained any functional ingredient. Hence, fertilized duck eggs, pasteurized frozen eggs and liquid eggs would be covered. However, the proposed control regime excluded such an egg or edible part that was fully cooked or constituted one of the ingredients of any compounded food. Avian Influenza ("AI") virus would hardly</p>	

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		<p>remain in cooked eggs or compounded food which had been processed under high temperature and thus would pose relatively low health risks. Moreover, there were other food safety legislation that regulated fully cooked eggs, including the Public Health and Municipal Services Ordinance (Cap. 132) ("PHMSO"). Section 54 of PHMSO stipulated that a person committed an offence if the person sold any food intended for, but unfit for, human consumption; and</p> <p>(b) the Administration would follow the usual practice to review the proposed control regime after its implementation.</p>	
001407 - 002146	Chairman Dr Helena WONG Admin	<p>Dr Helena WONG's views that -</p> <p>(a) while the proposed control regime required importers to produce a health certificate issued by an issuing entity from the place of origin of the eggs, which was recognized by the Director of Food and Environmental Hygiene ("DFEH"), to certify that the eggs were fit for human consumption, the Centre for Food Safety ("CFS") under the Food and Environmental Hygiene Department ("FEHD") should put in place a surveillance system which took samples for testing at the import level, so as to ascertain that imported eggs were fit for human consumption;</p> <p>(b) while CFS had set up the Airport Food Inspection Office and the Man Kam To Food Control Office for taking samples of food items imported by air and by land respectively, the Administration should expeditiously set up a food inspection office at the Kwai Chung Container Terminals for taking samples of food items imported by water; and</p> <p>(c) it was of utmost importance that CFS and FEHD had access to updated and detailed information on imported eggs, including the quantity and types of eggs imported by land, water and air each day, broken down by place of origin.</p> <p>The Administration's responses that -</p> <p>(a) under the Food Surveillance Programme, CFS took some 1 500 samples of eggs at</p>	

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		<p>import, wholesale and retail levels for testing in the past three years. All samples were found to be satisfactory;</p> <p>(b) CFS had been liaising with the Customs and Excise Department ("C&ED") regarding the establishment of a food inspection office at the Kwai Chung Container Terminals; and</p> <p>The Chairman requested the Administration to provide the following information -</p> <p>(a) the respective numbers of eggs imported by land, water and air in each of the past three years and the percentage of these eggs; and</p> <p>(b) the respective numbers of samples taken from eggs imported by land, water and air, and locally produced in each of the past three years by CFS for testing and the percentage of these samples.</p>	<p>Admin (Paragraph 5 (a) and (b) of the minutes)</p>
002147 - 003015	Chairman Ms Cyd HO Admin	<p>Ms Cyd HO's enquiries and concerns about -</p> <p>(a) whether the proposed control regime covered eggs which (i) contained any functional ingredients and (ii) constituted one of the ingredients of any compounded food; and</p> <p>(b) whether there were any discrepancies among places that supplied eggs to Hong Kong on their standards for assessing whether the eggs were fit for human consumption.</p> <p>The Administration's responses that -</p> <p>(a) the proposed control regime covered eggs which contained any functional ingredients. "Functional ingredient", in relation to any food, was defined as "an ingredient that is added to the food to affect the nutritional value, keeping qualities, texture, consistency, appearance, taste, odour, alkalinity or acidity of the food or to serve any other technological function in relation to the food". In accordance with the risk-based approach, as an egg which was fully cooked or processed under high temperature would pose low health risk, such an egg or edible part that constituted one of the ingredients</p>	

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		<p>of any compounded food would be excluded. "Compounded food" was defined as "food containing two or more ingredients other than functional ingredients". Compounded food in which eggs constituted one of the ingredients, for example cakes and egg noodles, would be excluded; and</p> <p>(b) the proposed control regime would require egg importers to produce a recognized health certificate to certify that the eggs were fit for human consumption. To ensure consistency of health standards among certificates from different places of origin, DFEH would require issuing entities concerned to comply with the health standards set by relevant international organizations including the World Health Organization and the World Organisation for Animal Health.</p>	
003016 - 003523	Chairman Admin	<p>The Chairman's views that -</p> <p>(a) the Administration should not rely on the health certificates provided by importers to prove that the imported eggs were fit for human consumption, as previous food incidents had demonstrated that even food items with health certificates might turn out to be problematic food;</p> <p>(b) CFS should enhance its work on inspecting and testing imported eggs including those imported by water. In particular, arrangements should be made so that before the imported eggs were distributed to the retail market, samples could be taken for testing; and</p> <p>(c) in the event that eggs infected with AI found their way into Hong Kong, the Administration should put in place a mechanism for expeditiously recalling such eggs.</p> <p>The Administration's responses that -</p> <p>(a) the Administration had reached agreement with relevant authorities in places of origin which supplied eggs to Hong Kong that the health certificates issued by these authorities would comply with relevant international health standards; and</p>	

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		<p>(b) under the Food Surveillance Programme, food samples (including eggs) would be taken at import, wholesale and retail levels for testing. For eggs imported by water, CFS would make arrangements with the importers concerned and take samples, at the warehouses where the eggs were stored, for testing. If necessary, CFS could notify the importers concerned not to distribute the eggs to the retail market until these eggs passed the sample test.</p>	
003524 - 004116	<p>Chairman Mr CHAN Han-pan Admin</p>	<p>Mr CHAN Han-pan's views that -</p> <p>(a) the Administration should conduct surprise inspection as well as pre-arranged inspection on imported eggs, so as to ascertain that imported eggs were fit for human consumption and prevent problem eggs from being distributed to the retail market; and</p> <p>(b) in the event that problem eggs had been distributed to the retail market, the Administration should ensure that the food tracing mechanism would be effective for tracing and recalling such eggs.</p> <p>The Administration's responses that -</p> <p>(a) CFS's inspection on imported food (including eggs) had been following the risk-based approach. Regular inspection was usually conducted at warehouses after making arrangement with the importer concerned. In the event that CFS received notification by C&ED about a high-risk food lot to be imported, the two departments might conduct a joint surprise inspection upon the arrival of the imported food item at Hong Kong;</p> <p>(b) while the Food Safety Ordinance (Cap. 612) ("FSO") required food traders to keep the transaction records, the implementation of the proposed control regime would further facilitate CFS in tracing imported eggs, as importers would be required to provide information which FEHD considered essential for tracking the importation of eggs into Hong Kong.</p>	
004117 - 005008	<p>Chairman Dr Helena WONG Admin</p>	<p>Dr Helena WONG's views that -</p> <p>(a) as the proposed control regime involved</p>	

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		<p>legislative amendments to the Import and Export (General) Regulations (Cap. 60 sub. leg. A), representatives from C&ED should be invited to brief the Subcommittee on the coordination between FEHD and C&ED in the inspection of imported food, particularly the information sharing mechanism through which FEHD obtained information on imported food, including the quantities and types of food imported by water, by land and by air each day; and</p> <p>(b) there should be a mechanism through which CFS could obtain updated and detailed information on imported food, so that CFS could devise an inspection plan before the imported food items arrived at Hong Kong, and carried out the necessary inspection at the import level.</p> <p>The Administration's responses that -</p> <p>(a) there had been an established mechanism for CFS and C&ED to share information and conduct joint action if necessary; and</p> <p>(b) after the implementation of the proposed control regime, CFS could be more proactive in acquiring the necessary information on imported eggs, as importers would be required to obtain a permission in writing from a health officer of FEHD by providing information that the health officer considered essential for tracking the actual importation of eggs into Hong Kong.</p> <p>The Chairman requested that representatives of C&ED be invited to the next Subcommittee meeting for briefing members on issues relating to the coordination of work and information sharing between C&ED and FEHD in monitoring food safety of imported food.</p>	<p>Admin (Paragraph 6 of the minutes)</p>
005009 - 005326	Chairman Mr WONG Kwok-hing Admin	<p>Mr WONG Kwok-hing's enquiries about -</p> <p>(a) the time needed for the Administration to suspend the import of eggs from any country/place of origin upon notification of an AI outbreak in that country/place; and</p> <p>(b) whether the Administration put in place any mechanism for tracing, seizing and destroying problematic eggs in the event that such eggs found their way into Hong</p>	

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		<p>Kong.</p> <p>The Administration's responses that -</p> <p>(a) upon obtaining information from WHO that there was an AI outbreak in a certain place/country, CFS would immediately notify relevant authorities of the place/country concerned so that arrangements would be made to suspend the export of eggs from that place/country to Hong Kong; and</p> <p>(b) in the event that problematic eggs found their way into Hong Kong, CFS would immediately contact the importers for seizing the eggs concerned. As stipulated in FSO, food traders were required to keep the transaction records. For food with shelf-life of three months or less, the record must be kept for three months after the date on which the food was acquired, captured or supplied. For food with shelf-life more than three months, record must be kept for 24 months after the date on which the food was acquired, captured or supplied.</p>	
005327 - 010949	<p>Chairman Ms Cyd HO Dr Helena WONG Admin</p>	<p>Ms Cyd HO's enquiries about -</p> <p>(a) how the source of food supply would be diversified and widened by changing the term "country of origin" to "place of origin" in the proposed control regime; and</p> <p>(b) whether the change from "country of origin" to "place of origin" would allow the Administration to be more flexible in handling the suspension of import of eggs in the event of AI outbreak in a certain country/place.</p> <p>Dr Helena WONG's views that while she was in support of introducing the proposed control regime, the Administration should consider specifying the meaning of the term "place of origin" in food safety-related legislation (including FSO) so that the food tracing mechanism would be more effective.</p> <p>The Administration's responses that -</p> <p>(a) amending the term "country of origin" to "place of origin" was part of the changes in nomenclature so as to allow the import of</p>	

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		<p>game, meat, poultry and eggs from a place of origin (which did not need to be a country) into Hong Kong. Examples of the places which might fall under "place of origin" included Taiwan, Macau, Guam and Gibraltar;</p> <p>(b) following the change of term to "place of origin", in the event that there was AI outbreak in a certain country, CFS might consider suspending the import of eggs from a particular place (such as a city or region) of that country instead of the whole country; and</p> <p>(c) for eggs imported from the Mainland, both the province and the city where the eggs were packed or processed had to be stated for the purpose of meeting the "place of origin" requirement. After the implementation of the proposed control regime, the Administration would be empowered to require the importers to provide more specific information about the "place of origin" of eggs imported from other countries.</p>	
010950 - 011533	Chairman Ms Cyd HO Admin	<p>Ms Cyd HO's concern about the likelihood that that problematic eggs, pending CFS's test results, might have been distributed to the retail market and consumed by consumers.</p> <p>The Administration's responses that CFS's inspection would be carried out in accordance with the risk-based approach. For high-risk imported eggs, CFS could notify the importers concerned not to distribute the eggs to the retail market until they passed the sample test. While the time required for testing depended on the type of tests taken, the testing results would usually be available in a few days.</p>	
011534 - 011957	Chairman Admin	<p>The Chairman's enquiries about -</p> <p>(a) whether the Administration had assessed the possible impact of the proposed control regime on the supply of eggs in Hong Kong; and</p> <p>(b) the views expressed by the trade/importers of eggs when the Administration consulted them on the proposed control regime.</p> <p>The Administration's responses that -</p>	

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		<p>(a) the proposed control regime should not have much impact on the supply of eggs, as (i) the requirement of health certificates for eggs imported from the Mainland had been imposed since 2007, and (ii) the Administration had reached agreement with 11 places of origin which supplied eggs to Hong Kong on the requirements relating to the proposed control regime; and</p> <p>(b) the Administration had consulted about 700 trade associations and all of them expressed support for the proposed control regime.</p>	
011958 - 012349	<p>Chairman Dr Helena WONG Admin</p>	<p>Dr Helena WONG's views that the existing food safety-related penalties did not have sufficient deterrent effect. She noted that the Administration undertook to separately conduct a comprehensive review of the food safety-related penalties under PHMSO and its subsidiary legislation, as well as FSO. She enquired about the timetable of the review and whether the Administration would increase the penalty level.</p> <p>The Administration's response that there was no concrete timetable for the above review at this stage.</p>	
012350 - 013130	<p>Chairman Mr Alan LEONG Admin</p>	<p>Mr Alan LEONG's enquires about -</p> <p>(a) the extent to which food safety of eggs would actually be enhanced by the implementation of the proposed control regime; and</p> <p>(b) the additional manpower and resources to be required by the Administration for implementing the proposed control regime.</p> <p>The Administration's responses that -</p> <p>(a) while CFS currently regulated the import of eggs through administrative means, the proposed control regime would enhance food safety of imported eggs by requiring importers to (i) produce a health certificate recognized by DFEH and (ii) provide the necessary information for tracking the actual importation of eggs into Hong Kong; and</p> <p>(b) the Administration had yet to conduct a detailed assessment of the additional manpower and resources required for the</p>	

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		implementation of the proposed control regime. CFS and C&ED might absorb the additional workload from within their existing resources. Where necessary and justified, the two departments would seek additional resources in accordance with the established mechanism.	
013131 - 013156	Chairman Mr Alan LEONG	Invitation of public views	
013157 - 013245	Chairman	Extension of scrutiny period	
013246 - 013546	Chairman Dr Helena WONG Ms Cyd HO	Date of next meeting	
013547 - 013556	Chairman	The Chairman's closing remarks	

Council Business Division 2
Legislative Council Secretariat
3 August 2015