

## **LEGISLATIVE COUNCIL BRIEF**

Import and Export Ordinance (Chapter 60)  
Public Health and Municipal Services Ordinance (Chapter 132)

### **IMPORT AND EXPORT (GENERAL) (AMENDMENT) REGULATION 2015 IMPORTED GAME, MEAT AND POULTRY (AMENDMENT) REGULATION 2015 FOOD BUSINESS (AMENDMENT) REGULATION 2015**

#### **INTRODUCTION**

At the meeting of the Executive Council on 26 May 2015, the Council ADVISED and the Chief Executive ORDERED that the Import and Export (General) (Amendment) Regulation 2015 (the Regulation), at **Annex A**, should be introduced into the Legislative Council (“LegCo”). This paper briefs Members on the Regulation, which reflects the consequential amendments of the Imported Game, Meat and Poultry (Amendment) Regulation 2015, at **Annex B**, made by the Secretary for Food and Health (“SFH”). Consequential amendments are also effected to the Food Business (Amendment) Regulation 2015, at **Annex C**, made by the Director of Food and Environmental Hygiene (“DFEH”).

#### **JUSTIFICATIONS**

2. The World Organisation for Animal Health (“OIE”) <sup>1</sup> has recommended that an international veterinary certificate should accompany

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<sup>1</sup> OIE is the intergovernmental organization responsible for improving animal health worldwide, with a total of 180 Member Countries. OIE was created in 1924 to address the need to fight animal diseases at global level. In May 2003, the Office became the World Organisation for Animal Health but kept its historical acronym.

the import of eggs for human consumption for control of Avian Influenza (“AI”). Such import requirement is in place in many jurisdictions including the European Union, the United States of America and Singapore. In 2014 and 2015, there were outbreaks of highly pathogenic AI in Europe, the American continents and different parts of Asia. Such outbreaks are expected to occur from time to time.

3. There is currently no specific legislation to regulate the import of eggs into Hong Kong. The Centre for Food Safety (“CFS”) under the Food and Environmental Hygiene Department (“FEHD”) currently regulates the import of eggs through administrative means. Upon notification of an AI outbreak in an egg exporting country/place, CFS will liaise with the concerned Consulate-General and/or relevant importers to seek their cooperation to suspend export of eggs to Hong Kong. In case such eggs find their way into Hong Kong, CFS can seize, seal, remove and destroy such eggs not suitable for human consumption in accordance with section 59 of the Public Health and Municipal Services Ordinance (Cap. 132). Although the above-mentioned measure has been working effectively, this is far from satisfactory.

#### *Amendments to IGMPR*

4. We plan to amend the Imported Game, Meat, and Poultry Regulations (“IGMPR”) <sup>2</sup> to introduce statutory control for import of eggs. Under the proposed regime, no one can import eggs into Hong Kong unless they (i) produce a health certificate issued by an issuing entity from the place of origin recognized by DFEH to certify that the eggs are fit for human consumption; and (ii) obtain a permission in writing from a health officer of FEHD by providing information that the health officer considers essential for tracking the actual importation of the poultry eggs into Hong Kong. To reflect the expanded scope of IGMPR to also cover eggs, we will amend its citation to become “Imported Game, Meat, Poultry and Eggs Regulations”. The Imported Game, Meat and Poultry (Amendment) Regulation 2015 is at Annex B.

5. At present, IGMPR does not provide for import of game, meat and poultry from places other than a country. IGMPR currently requires import of game, meat and poultry to be accompanied by an official certificate issued by a competent authority. IGMPR only confers DFEH with the power to recognize competent authority having power under the laws in force in any country to issue such an official certificate.

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<sup>2</sup> At the meeting on 17 May 2011, the Food Safety and Environmental Hygiene Panel of the LegCo was advised of a proposal to provide for the control over the import of poultry eggs through a regulation under the Food Safety Ordinance. This approach was premised on an assumption that the food safety related provisions of the Public Health and Municipal Services Ordinance have been incorporated into the Food Safety Ordinance. As the incorporation has yet to be done due to competing priorities, we propose providing for the control of poultry egg import under the IGMPR of the Public Health and Municipal Services Ordinance.

6. To further diversify and widen the source of food supply, we have taken the opportunity of this exercise to amend IGMPR so that DFEH can allow import of game, meat, poultry and eggs from a place of origin (which does not need to be a country) into Hong Kong. To effect such changes, DFEH may recognize an issuing entity (currently called “competent authority”) from a place of origin for the issue of a health certificate (currently called “official certificate”) under the Imported Game, Meat and Poultry (Amendment) Regulation 2015.

7. The Imported Game, Meat and Poultry (Amendment) Regulation 2015 is made by the Secretary for Food and Health under Section 55 of the Public Health and Municipal Services Ordinance.

#### *Consequential amendments*

8. Apart from IGMPR, the import of frozen and chilled meat or poultry meat is currently also regulated by Import and Export (General) Regulations (“IEGR”)(Cap. 60A)<sup>3</sup>. Owing to the proposed amendments to IGMPR as elaborated in paragraphs four to six above, we need to make consequential amendments to Regulation 6(1)(ca)(iv) of IEGR (see paragraph 9 below). The consequential amendments reflect the new citation of IGMPR and nomenclature change in relation to “official certificate”, which have no impact on the substance of IEGR.

9. Pursuant to section 31 of the Import and Export Ordinance (Cap. 60), the Regulation is made by the Chief Executive-in-Council. Apart from the Regulation, we also need to make consequential amendments to the Food Business Regulation (“FBR”)(Cap. 132X) so as to update the reference to the title of IGMPR. The amendments to FBR are made by DFEH by virtue of section 56 of the Public Health and Municipal Services Ordinance (Cap. 132).

10. The Imported Game, Meat and Poultry (Amendment) Regulation 2015, the Food Business (Amendment) Regulation 2015 and the Regulation will be tabled in the LegCo and subject to the negative vetting procedure at the same time.

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<sup>3</sup> Under section 6C(1) of the Import and Export Ordinance, no person shall import frozen or chilled meat and poultry meat without an import licence issued under section 3 of that Ordinance. Regulation 6(1)(ca) of IEGR provides for conditions under which the requirement for import licence can be exempted. For instance, the imported frozen or chilled meat or poultry meat is for personal use and is of an amount not exceeding 15kg. To enjoy the exemption, regulation 6(1)(ca)(iv) further stipulates that the imported food article has to be accompanied by “an official certificate as defined in the Imported Game, Meat and Poultry Regulation.”

11. We are mindful of the different levels of penalty under IGMPR and IEGR<sup>4</sup>; and would separately conduct a comprehensive review of the food safety-related penalties under the Public Health and Municipal Services Ordinance and its subsidiary legislation, as well as the Food Safety Ordinance.

#### *Commencement arrangement*

12. To allow sufficient time for the trade to adapt to the new requirements, the Regulations shall commence operation with effect from 5 December 2015, i.e. six months after they are introduced into LegCo.

### **THE REGULATIONS**

13. The Regulation at Annex A seeks to amend IEGR to reflect certain proposed amendments to IGMPR. The main provisions of the Regulation are set out below -

- (a) Section 3 amends regulation 6(1)(ca)(iv) of IEGR to reflect the revised citation of IGMPR and nomenclature change of “official certificate”; and
- (b) Section 4 provides for the necessary transitional provision.

14. The Imported Game, Meat and Poultry (Amendment) Regulation 2015 at Annex B introduces statutory control for import of eggs under IGMPR. The main provisions of this Regulation are set out below -

- (a) sections 3 and 4 amend the title and citation of IGMPR to reflect the applicability of the import control to eggs;
- (b) section 5 amends the definition section of IGMPR and in particular adds a new definition of **egg** to IGMPR;
- (c) section 6 substitutes a new regulation 3 to IGMPR for the existing regulation 3 to empower DFEH to recognize an entity of a place outside Hong Kong as an entity competent to examine articles of food and to certify as to their fitness for human consumption;
- (d) section 7(5) adds a new paragraph (ab) to regulation 4(1) of

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<sup>4</sup> Any person who commits an offence of IEGR is liable on conviction to a fine of \$500,000 and to imprisonment for 2 years; whereas any person who commits an offence of IGMPR is liable on conviction to a fine at level 5 (i.e. \$50,000 under Cap. 221) and to imprisonment for 6 months.

IGMPR to prohibit a person from importing eggs –

- (i) without a health certificate;
  - (ii) without a transshipment certificate where the eggs have been transhipped;
  - (iii) without having obtained a permission in writing of a health officer; or
  - (iv) without having complied with such conditions as a health officer may impose;
- (e) sections 8, 9, 10, 11 and 12 amend regulations 4A, 5, 6, 7 and 7A of IGMPR to reflect the applicability of the import control to eggs; and
- (f) section 13 provides for the necessary transitional provision.

15. The Food Business (Amendment) Regulation 2015 at Annex C consequentially amends item 2 of Schedule 1 to FBR to update the reference to the title of IGMPR.

#### **LEGISLATIVE TIMETABLE**

16. The legislative timetable will be –

Publication in the Gazette 5 June 2015

Tabling before LegCo 10 June 2015

#### **IMPLICATIONS OF THE PROPOSAL**

17. The proposal to strengthen import regulation of eggs through amending IGMPR and consequential amendments to IEGR and FBR is in conformity with the Basic Law including the provisions concerning human rights. It will not affect the binding effect of IGMPR. In line with the sustainability principle of pursuing policies which promote and protect the physical health of the people of Hong Kong, it would strengthen the Government's capability to ensure food safety, thereby enhancing the protection of public health. It has no financial, civil service, economic, productivity, environmental or family implications. CFS and the Customs and Excise Department will absorb the additional workload from within existing resources. Where necessary and justified, the two departments will seek additional resources in accordance with the established mechanism.

## **PUBLIC CONSULTATION**

18. Since December 2010, we have consulted Consulate Generals, Mainland authorities, and importers of game, poultry and eggs. The latest round of consultation for Consulate Generals and the trade was conducted in April 2015. They generally supported our proposal to introduce statutory import control on eggs. We also consulted the Food Safety and Environmental Hygiene Panel of the LegCo on our plan to regulate import of eggs in May 2011 and July 2011. Members were supportive of our plan.

## **PUBLICITY**

19. We will issue a press release on 3 June. A spokesperson will be available to answer media and public enquiries.

## **BACKGROUND**

20. Over 99% of eggs in Hong Kong are imported. According to the World Health Organization, eggs from infected birds could be contaminated with AI. Although there is so far no epidemiological information to suggest that highly pathogenic AI can cause infections through contaminated food, it is noteworthy that poultry products including eggs, in addition to live poultry, are normally also covered in import bans against AI-infected places.

## **ENQUIRIES**

21. Any enquiries on this brief can be addressed to Mr Kenneth Chan, Principal Assistant Secretary for Food and Health (Food), at 3509 8925.

**Food and Health Bureau  
June 2015**

## Import and Export (General) (Amendment) Regulation 2015

(Made by the Chief Executive in Council under section 31 of the Import and Export Ordinance (Cap. 60))

### 1. Commencement

This Regulation comes into operation on 5 December 2015.

### 2. Import and Export (General) Regulations amended

The Import and Export (General) Regulations (Cap. 60 sub. leg. A) are amended as set out in sections 3, 4 and 5.

### 3. Regulation 6 amended (application and exemption)

Regulation 6(1)(ca)(iv)—

#### Repeal

“an official certificate as defined in the Imported Game, Meat and Poultry Regulations”

#### Substitute

“a health certificate as defined by regulation 2 of the Imported Game, Meat, Poultry and Eggs Regulations”.

### 4. Regulation 6I added

After regulation 6H—

#### Add

#### “6I. Transitional arrangement arising from Import and Export (General) (Amendment) Regulation 2015

- (1) An official certificate within the meaning of the pre-amended Regulations—

- (a) that was in force immediately before 5 December 2015; and

- (b) accompanying an article specified in Schedule 6, continues to have effect for the purposes of regulation 6(1)(ca)(iv) on and after that date as if it were a health certificate as defined by regulation 2 of the Imported Game, Meat, Poultry and Eggs Regulations (Cap. 132 sub. leg. AK).

- (2) In this regulation—

*pre-amended Regulations* (《未修訂規例》) means the Imported Game, Meat and Poultry Regulations (Cap. 132 sub. leg. AK) in force immediately before 5 December 2015.”.

### 5. Schedule 6 amended

Schedule 6—

#### Repeal

“6 &”

#### Substitute

“6, 6I &”.

Clerk to the Executive Council

COUNCIL CHAMBER

2015

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**Explanatory Note**

The import of any frozen or chilled meat, animal offal, bird carcass or part specified in Schedule 6 to the Import and Export (General) Regulations (Cap. 60 sub. leg. A) (*principal Regulations*) is, according to the existing regulation 6(1)(ca)(iv) of the principal Regulations, exempted from the licensing requirements under section 6C of the Import and Export Ordinance (Cap. 60) if the meat, offal, carcass or part is, among other requirements, accompanied by an official certificate within the meaning of the Imported Game, Meat and Poultry Regulations (Cap. 132 sub. leg. AK).

2. The purpose of this Regulation is to amend the existing regulation 6(1)(ca)(iv) of the principal Regulations to replace "official certificate" with "health certificate" consequential on the amendments made to the requirements concerned by the Imported Game, Meat and Poultry (Amendment) Regulation 2015.



**Imported Game, Meat and Poultry (Amendment)  
Regulation 2015**

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## Imported Game, Meat and Poultry (Amendment) Regulation 2015

(Made by the Secretary for Food and Health under section 55 of the Public Health and Municipal Services Ordinance (Cap. 132))

### 1. Commencement

This Regulation comes into operation on 5 December 2015.

### 2. Imported Game, Meat and Poultry Regulations amended

The Imported Game, Meat and Poultry Regulations (Cap. 132 sub. leg. AK) are amended as set out in sections 3 to 13.

### 3. Title amended

The title—

#### Repeal

“AND POULTRY”

#### Substitute

“, POULTRY AND EGGS”.

### 4. Regulation 1 amended (citation)

Regulation 1—

#### Repeal

“and Poultry”

#### Substitute

“, Poultry and Eggs”.

### 5. Regulation 2 amended (interpretation)

(1) Regulation 2, definition of *export*—

### Repeal

“or poultry” (wherever appearing)

### Substitute

“, poultry or eggs”.

(2) Regulation 2, definition of *import*, after “poultry” (wherever appearing)—

### Add

“, eggs”.

(3) Regulation 2—

### Repeal the definition of *transshipment certificate*

### Substitute

“*transshipment certificate* (轉運證明書), in relation to meat, poultry or eggs that were unloaded in a place outside Hong Kong in the course of being transhipped within the meaning of regulation 4(4), means a certificate—

(a) issued by an entity having power under the laws of that place—

(i) to examine articles of food; and

(ii) to certify as to their fitness for human consumption; and

(b) showing that the meat, poultry or eggs—

(i) were properly imported into that place; and

(ii) did not suffer any spoilage or deterioration during their stay there;”.

(4) Regulation 2—

(a) definition of *competent authority*;

(b) definition of *country of origin*;

(c) definition of *official certificate*—

**Repeal the definitions.**

(5) Regulation 2—

**Add in alphabetical order***“compounded food* (合成食物) means food containing 2 or more ingredients other than functional ingredients;*egg* (蛋、蛋類) means 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—

- (a) whether such an egg or edible part—
  - (i) is shelled or unshelled;
  - (ii) is raw or partially cooked;
  - (iii) is salted, preserved or otherwise processed;
  - (iv) is in frozen, liquid or dried form; or
  - (v) contains any functional ingredient; but
- (b) excludes such an egg or edible part that—
  - (i) is fully cooked; or
  - (ii) constitutes one of the ingredients of any compounded food;

*functional ingredient* (功能配料), in relation to any food, means an ingredient that is added to the food—

- (a) to affect the nutritional value, keeping qualities, texture, consistency, appearance, taste, odour, alkalinity or acidity of the food; or
- (b) to serve any other technological function in relation to the food;

*health certificate* (衛生證明書)—

- (a) in relation to meat, means a certificate issued by an issuing entity of the place of origin of the meat, showing—
  - (i) that the meat to which it relates was derived from animals that—
    - (A) have been inspected ante and post mortem; and
    - (B) have met the criteria satisfactory to the Authority; and
  - (ii) that all necessary precautions for the prevention of danger to public health were taken in the dressing or preparing and packing of the meat; and
- (b) in relation to poultry or eggs, means a certificate issued by an issuing entity of the place of origin of the poultry or eggs, showing that the poultry or eggs to which it relates were—
  - (i) inspected;
  - (ii) found to be fit for human consumption; and
  - (iii) packed under sanitary conditions;

*issuing entity* (發證實體) means an entity recognized by the Authority under regulation 3;*place of origin* (來源地)—

- (a) in relation to game or meat, means the place where the animal from which the game or meat is derived was slaughtered;
- (b) in relation to poultry, means the place where the poultry was slaughtered or processed; and
- (c) in relation to eggs, means the place where the eggs were packed or processed;”.

**6. Regulation 3 substituted**

Regulation 3—

**Repeal the regulation****Substitute****“3. Recognition of issuing entity**

- (1) For the purposes of these regulations, the Authority may from time to time recognize as an issuing entity of a place outside Hong Kong any entity having power under the laws of that place—
  - (a) to examine articles of food; and
  - (b) to certify as to their fitness for human consumption.
- (2) The recognition of an issuing entity is subject to any conditions specified by the Authority.
- (3) The Authority may—
  - (a) vary the conditions to which the recognition of an issuing entity is subject; or
  - (b) cancel the recognition.
- (4) The Authority must give notice in the Gazette of each of the following—
  - (a) the recognition of an issuing entity by the Authority under this regulation;
  - (b) the conditions to which the recognition is subject;
  - (c) any variation of the conditions;
  - (d) the cancellation of the recognition.
- (5) A notice under subregulation (4) is not subsidiary legislation.”.

**7. Regulation 4 amended (restriction on the import of certain meat, meat products and poultry)**

- (1) Regulation 4, heading—

**Repeal****“and poultry”****Substitute****“, poultry and eggs”.**

- (2) Regulation 4(1)(a)(i)—

**Repeal****“an official”****Substitute****“a health”.**

- (3) Regulation 4(1)(a)(i)—

**Repeal****“and”****Substitute****“or”.**

- (4) Regulation 4(1)(a)—

**Repeal subparagraph (ii)****Substitute****“(ii) where it has been transhipped, subject to subregulation (5), without a transhipment certificate;”.**

- (5) After regulation 4(1)(a)—

**Add****“(ab) eggs—**

- (i) without a health certificate;**

- (ii) where they have been transhipped, subject to subregulation (5), without a transhipment certificate;
  - (iii) without having obtained a permission in writing of a health officer that the officer may give for the purposes of this subregulation; or
  - (iv) without having complied with such conditions as a health officer may impose for the purposes of this subregulation; or”.
- (6) Regulation 4(2)—  
**Repeal**  
 “or poultry”  
**Substitute**  
 “, poultry or eggs”.
- (7) Regulation 4(2)—  
**Repeal**  
 “an official”  
**Substitute**  
 “a health”.
- (8) After regulation 4(2)—  
**Add**  
 “(2A) For the purposes of subregulation (1)(ab)(iii), a health officer may only give a permission to a person for the import of eggs if the person has given to the officer the following information as may be required by the officer—
- (a) the type and quantity of the eggs to be imported;
  - (b) the expected date of arrival of the eggs in Hong Kong;

- (c) the means of transport used for the import of the eggs;
  - (d) if the eggs are containerized, the container number;
  - (e) any other information the officer considers essential to enable the officer to trace the eggs imported.”.
- (9) Regulation 4(3), after “poultry” (wherever appearing)—  
**Add**  
 “, eggs”.
- (10) Regulation 4(4)—  
**Repeal**  
 “or poultry is”  
**Substitute**  
 “, poultry or eggs are”.
- (11) Regulation 4(4), English text—  
**Repeal**  
 “if it is”  
**Substitute**  
 “if they are”.
- (12) Regulation 4(4)—  
**Repeal**  
 “country” (wherever appearing)  
**Substitute**  
 “place”.
- (13) Regulation 4(4), English text—  
**Repeal**  
 “is unloaded”

**Substitute**

“were unloaded”.

- (14) Regulation 4(4)(a), English text—

**Repeal**

“it was”

**Substitute**

“they were”.

- (15) Regulation 4(4)(b), English text—

**Repeal**

“it is” (wherever appearing)

**Substitute**

“they were”.

- (16) Regulation 4(5)—

**Repeal**

“or poultry” (wherever appearing)

**Substitute**

“, poultry or eggs”.

- (17) Regulation 4(5)—

**Repeal**

“country”

**Substitute**

“place”.

8. **Regulation 4A amended (application to air transhipment cargo)**  
Regulation 4A(1), (2) and (3), after “poultry” (wherever appearing)—

**Add**

“, eggs”.

9. **Regulation 5 amended (procedure for export, destruction or disposal of game, meat, poultry or prohibited meat imported in contravention of regulation 4)**

- (1) Regulation 5, heading, after “poultry”—

**Add**

“, eggs”.

- (2) Regulation 5(1)—

**Repeal**

“poultry or prohibited” (wherever appearing)

**Substitute**

“poultry, eggs or prohibited”.

- (3) Regulation 5(1), Chinese text—

**Repeal paragraph (a)****Substitute**

“(a) 該等肉類或家禽正在或已經在違反第 4(1)(a)或(2)條的情況下輸入；或”。

- (4) After regulation 5(1)(a)—

**Add**

“(ab) the eggs are being or have been imported in contravention of regulation 4(1)(ab) or (2); or”.

- (5) Regulation 5(1)(b)—

**Repeal**

“official”

**Substitute**

“health”.

- (6) Regulation 5(1)(b)—

**Repeal**

“or poultry”

**Substitute**

“, poultry or eggs”.

- (7) Regulation 5(1)(c)—

**Repeal**

everything after “although”

**Substitute**

“the meat, poultry or eggs are accompanied by a health certificate and a transshipment certificate, where such is required, any condition or direction referred to in regulation 4(3) has not been complied with or the meat, poultry or eggs are unfit for human consumption, unsound or unwholesome; or”.

- (8) Regulation 5(1)(e)—

**Repeal**

“4(1)(b) or (2)”

**Substitute**

“4(1)(ab)(iv) or (b) or (2)”.

- (9) Regulation 5(1)—

**Repeal**

“country”

**Substitute**

“place”.

- (10) Regulation 5(2), after “poultry” (wherever appearing)—

**Add**

“, eggs”.

- 10. Regulation 6 amended (prohibition of re-import where notice given under regulation 5(1))**

Regulation 6, after “poultry”—

**Add**

“, eggs”.

- 11. Regulation 7 amended (offences and penalties)**

- (1) Regulation 7(1)(a) and (2), after “poultry”—

**Add**

“, eggs”.

- (2) Regulation 7(2)—

**Repeal**

“country”

**Substitute**

“place”.

- 12. Regulation 7A amended (retention of official certificate)**

- (1) Regulation 7A, heading—

**Repeal**

“official”

**Substitute**

- “health”.
- (2) Regulation 7A(1)—  
**Repeal**  
 “official”  
**Substitute**  
 “health”.
- (3) Regulation 7A(1)—  
**Repeal**  
 “imported meat and poultry”  
**Substitute**  
 “imported meat, poultry or eggs”.
- (4) Regulation 7A(1)—  
**Repeal**  
 “meat and poultry whether”  
**Substitute**  
 “meat, poultry or eggs whether”.
- (5) Regulation 7A(1)—  
**Repeal**  
 “meat and poultry,”  
**Substitute**  
 “meat, poultry or eggs,”.
- (6) Regulation 7A(2)—  
**Repeal**  
 “an official”  
**Substitute**  
 “a health”.

### 13. Regulation 9 added

After regulation 8—

#### Add

#### “9. Transitional arrangements arising from Imported Game, Meat and Poultry (Amendment) Regulation 2015

- (1) The amendments made to these regulations by the Amendment Regulation apply, subject to subregulation (4), to game, meat, poultry, eggs or prohibited meat imported, or to be imported, on or after 5 December 2015, whether it was exported or transhipped before, on or after that date.
- (2) A pre-existing recognition continues to have effect on and after 5 December 2015 as if it were a new recognition, and may be cancelled accordingly.
- (3) A condition to which a pre-existing recognition is subject that was in force immediately before 5 December 2015 continues to have effect on and after that date as if it were a condition to which a new recognition is subject, and may be varied accordingly.
- (4) An official certificate within the meaning of the pre-amended Regulations that was in force immediately before 5 December 2015 continues to have effect on and after that date as if it were a health certificate.
- (5) In this regulation—  
*Amendment Regulation* (《修訂規例》) means the Imported Game, Meat and Poultry (Amendment) Regulation 2015;  
*new recognition* (新認可) means a recognition of an issuing entity under regulation 3;  
*pre-amended Regulations* (《未修訂規例》) means the Imported Game, Meat and Poultry Regulations (Cap.



132 sub. leg. AK) in force immediately before 5 December 2015;

*pre-existing recognition* (既有認可) means a recognition of a competent authority under regulation 3 of the pre-amended Regulations in force immediately before 5 December 2015.”.

Secretary for Food and Health

2015

### Explanatory Note

The Imported Game, Meat and Poultry Regulations (Cap. 132 sub. leg. AK) (*principal Regulations*) impose certain control on the import of game, meat and poultry into Hong Kong. Basically, a person may not import meat or poultry without an official certificate issued by a competent authority or, where it is transhipped, without a transhipment certificate unless the permission of a health officer is obtained.

2. The main purpose of this Regulation is to extend the import control under the principal Regulations to cover eggs of birds belonging to the types of birds sold or offered for sale for human consumption (*eggs*). In particular—
  - (a) a person may not import eggs—
    - (i) without a health certificate issued by an issuing entity showing that the eggs are, among other things, found to be fit for human consumption;
    - (ii) without a transhipment certificate where the eggs have been transhipped;
    - (iii) without having obtained a permission in writing of a health officer; or
    - (iv) without having complied with such conditions as a health officer may impose; or
  - (b) for certain cases, a person may import eggs without a health certificate subject to the permission in writing of a health officer and to such conditions as the officer may impose.
3. Besides, this Regulation has replaced the requirement under the principal Regulations for an official certificate issued by a competent authority, for import purposes, by the requirement for a health certificate issued by an issuing entity. The provision in the

principal Regulations which enables the Director of Food and Environmental Hygiene to recognize a competent authority with the power to examine articles of food and to certify as to their fitness for human consumption is amended accordingly to reflect the new requirement.

## **Food Business (Amendment) Regulation 2015**

(Made by the Director of Food and Environmental Hygiene under section 56 of the Public Health and Municipal Services Ordinance (Cap. 132))

**1. Commencement**

This Regulation comes into operation on 5 December 2015.

**2. Food Business Regulation amended**

The Food Business Regulation (Cap. 132 sub. leg. X) is amended as set out in section 3.

**3. Schedule 1 amended (prohibited foods)**

Schedule 1, item 2—

**Repeal**

“and Poultry”

**Substitute**

“, Poultry and Eggs”.

Director of Food and Environmental  
Hygiene

2015

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### **Explanatory Note**

The purpose of this Regulation is to amend item 2 of Schedule 1 to the Food Business Regulation (Cap. 132 sub. leg. X) to update the title of the Imported Game, Meat and Poultry Regulations (Cap. 132 sub. leg. AK) consequential on the amendments made to it by the Imported Game, Meat and Poultry (Amendment) Regulation 2015.