

**For discussion on
9 January 2007**

LegCo Panel on Food Safety and Environmental Hygiene

Legislation to Regulate Poultry Eggs

Purpose

At the special panel meeting on 30 November 2006, the Administration informed Members that it would consider enacting legislation to regulate imported poultry eggs. This paper informs Members of the Administration's legislative proposal for regulating imported poultry eggs.

Background

2. According to the Census and Statistics Department, Hong Kong imported about 1.7 billion poultry eggs in shell (including fresh, preserved and cooked eggs) in 2005. In other words, we consumed on average 4 million eggs a day. Of these eggs, about 1.065 billion (62%) came from the Mainland, 389 million (23%) from USA, 127 million from Germany (7.5%), 83 million (5%) from Thailand and 16 million (0.9%) from Vietnam. At present, poultry eggs are not subject to specific import control by the food authority. Instead, they are covered under the Authority's regular surveillance programme to ensure that they are safe for consumption. As for locally produced eggs, there are only two poultry farms which together produce about 400 fresh chicken eggs for sale each day.

3. Although there is so far no epidemiological information to suggest that highly pathogenic avian influenza virus can cause infection through contaminated food or that products shipped from affected areas have been the source of infection in humans, the World Organisation for Animal Health (OIE) has recently revised its guidelines on the control of eggs for human consumption. The OIE recommended that a health certificate with certain conditions accepted by the authority should accompany imported poultry eggs

for control of avian influenza. To keep in line with the latest international practice, we need to strengthen our importation control regime on eggs. In addition, the food incidents last November in which a chemical dye prohibited for use in food, Sudan Red, was detected in certain poultry eggs imported from the Mainland also highlighted the need for regulating imported eggs to protect public health.

4. Shortly after the Sudan Red incidents, the State Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) announced last November a series of measures to step up control of poultry eggs exported from the Mainland (see Annex) . To complement the measures of the Mainland in strengthening control of poultry eggs supplied to Hong Kong, including the issuance of health certificates for poultry eggs supplied to Hong Kong launched in January this year, we have also enhanced control at our end. For instance, the Centre for Food Safety (CFS) put in place a voluntary registration scheme for egg importers on 19 December 2006. As at end December 2006, a total of 29 importers of poultry eggs from the Mainland and overseas have registered under the scheme and information on 26 of them have been released on the CFS website. The CFS has required these registered egg importers to furnish information about the source, quantity and distribution channels of their stock. The information so collected on the distribution of poultry eggs in Hong Kong would help us draft the legislation for regulating them.

Administrative Measures

5. We will enact legislation to require all poultry egg importers to register and obtain import permits within the year. Whilst the legislative amendments are being made, the CFS has implemented the following measures to tighten up the import control of eggs:

- (a) Invite all poultry egg importers to register by end January and publish the list of registered poultry egg importers electronically to help egg wholesalers and retailers source poultry eggs;
- (b) Set up a mechanism to ensure that imported poultry eggs must be accompanied with health certificates and exported by exporters approved by the Mainland authorities. Since the source farms are

also registered with the Mainland authorities, the CFS can, when necessary, verify the information with the authorities concerned or take appropriate action; and

- (c) Develop an electronic system to facilitate swift registration and quick tracing of importers in case of food incidents involving imported eggs.

6. At present, these regulatory measures are only applicable to poultry egg importers and are in line with the requirements under the law to be enacted. To enhance the transparency in the sale of poultry eggs, the CFS will invite all traders in the wholesale and distribution of poultry eggs to furnish relevant business information before 15 February this year. The information will then be published on Government website to assist poultry egg retailers to procure poultry eggs with health certificates from these traders. For traders who register with the CFS by the same deadline, the authorities concerned will be able to issue them the necessary documents for poultry egg imports when the law regulating poultry egg importers comes into effect.

7. The above-mentioned administrative measures also help traders familiarise with the upcoming mode of regulation before the authorities enact the law to regulate imported poultry eggs. They will also pave the way for the successful implementation of the law in future.

Legislative Proposals

8. To protect food safety, it is necessary for Hong Kong to establish a control regime to ensure the safety of imported poultry eggs. For this purpose, we have started work to amend the Imported Game, Meat and Poultry Regulations (Cap. 132 sub. leg. AK) and Import and Export (General) Regulations (Cap 60 sub. leg. A) to require all importers of poultry eggs to register with the CFS and obtain import permits for the eggs they import. Before issuing permits to these importers, the CFS will require that all imported poultry eggs be accompanied with health certificates

9. Through regulating poultry egg importers, the CFS will require the importers to maintain distribution records in order to establish a tracing system

for imported poultry eggs to ensure food safety. In case of food incidents involving the safety of poultry eggs originating from a particular area, the CFS will ban the import of problematic poultry eggs from the affected area by suspending the issuance of import permits. Moreover, we will also explore setting up a separate mechanism to prevent other players down the supply chain (i.e. distributors or retailers) from procuring poultry eggs from non-registered importers or contaminating their stock during transportation or storage. These measures would ensure effective control on poultry eggs along the entire distribution chain from importation to sale by retail to consumers.

Breaches and Penalties

10. We propose to take reference from the level of penalties under the Imported Game, Meat and Poultry Regulations in setting the penalties for breaches under the proposed regulatory control. In other words, any person who imports poultry eggs without permission or imports poultry eggs that fail to comply with the requirements is liable to a maximum fine of \$50,000 and imprisonment of six months upon conviction. In addition, any person who fails to keep the documentation that accompany imported poultry eggs also commits an offence and is liable to a maximum fine of \$10,000 and imprisonment of three months upon conviction.

Consultation with the Trade

11. We have consulted the trade last December on the direction of regulating imported poultry eggs by way of legislative amendments and received positive initial response. After consolidating the legislative amendment work, we aim to submit the legislative proposal to the Legislative Council in the first quarter of this year at the earliest, with a view to having the control measures approved and implemented within the current legislative session, so as to ensuring that imported poultry eggs would comply with food safety requirements.

12. The above legislative amendments constitute the Administration's first step in ensuring that poultry eggs are safe for consumption. The regulatory

measures are directed at the poultry egg importers only and do not extend to the wholesale and retail levels. We are considering a more comprehensive regulatory framework and examining the need to subject wholesalers and retailers in the control, thereby making all traders who have knowledge of the origins of imported poultry eggs share the responsibility for ensuring the safety of poultry eggs.

Advice Sought

13. Members are invited to comment on the above legislative framework for controlling imported poultry eggs.

Health, Welfare and Food Bureau
January 2007

**Five Measures Implemented by the State Administration of
Quality Supervision, Inspection and Quarantine to
Regulate the Safety of Poultry Eggs**

The AQSIQ took the incidents of red-yolked duck eggs very seriously and decided to implement the following five measures to impose comprehensive control along the entire chain between feed and export of exported poultry eggs and their products:

- (1) Strictly implement a listing regime for egg farms. All currently listed farms would be inspected and substandard ones would be removed from the list. An updated list of farms and their associated processing companies, both registered and listed, would be published on AQSIQ website in late December 2006. Farms and their associated companies that are not listed in the AQSIQ website will not be permitted to export eggs and egg products
- (2) All inspection and quarantine bureaus are required to test for Sudan dyes in poultry eggs and egg products prior to export. Only products that pass the test may be exported. This would ensure that exported eggs and egg products are free from Sudan dyes.
- (3) Strengthen control on batch number and identification for exported poultry eggs. From 1 January 2007 on, retail package for exported poultry eggs and egg products must list the following details for information of consumers and for tracing back problematic eggs: name, address and hygiene registration code of the manufacturer; name, address and list number of the farm; date of manufacture; and batch number.
- (4) At the request of the Hong Kong Government, health certificates will be issued for eggs and egg products supplied to Hong Kong with effect from 1 January 2007. The health certificates will set out the same information as detailed on retail packages: the name, address and hygiene registration code of the manufacturer; name, address and list number of the farm; date of manufacture; and batch number, to ensure that the certificates are issued for the products concerned.
- (5) Increase penalty against irregularities in Mainland operation. Poultry eggs and egg products that are found to contain prohibited

drugs and additives would be destroyed under supervision in accordance with law and the listed farm and its associated processing company concerned would have its exporter status cancelled.