

**For Discussion
on 17 May 2011**

LegCo Panel on Food Safety and Environmental Hygiene

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

Purpose

This paper consults Members on the proposed Imported Game, Meat, Poultry and Poultry Eggs Regulation (the proposed Regulation) to be made under the Food Safety Ordinance (Cap. 612).

Background

2. Over 99% of poultry eggs in Hong Kong are imported. In 2010, Hong Kong imported about 1 905 million poultry eggs, with about 1 288 million (67.6%) from the Mainland, 342 million (18%) from the USA, 123 million (6.5%) from Thailand, 46 million (2.4%) from Malaysia, 23 million (1.2%) from Vietnam and 20 million (1%) from Germany. As for locally produced ones, there were about 410 000 fresh chicken eggs produced by four local poultry farms in 2010.

3. At present, the import of game, meat and poultry is regulated under the Imported Game, Meat and Poultry Regulations (Cap.132AK) and the Import and Export Ordinance (Cap.60). Under Cap. 132AK, no person shall import meat or poultry without an official health certificate which certifies that the

meat or poultry concerned is fit for human consumption, or otherwise a prior written permission from the Director of Food and Environmental Hygiene (DFEH) will be required. No person shall import game or prohibited meat¹ except with the permission in writing of a health officer and subject to such conditions as he may impose. In addition, an import licence is required for importing meat or poultry under Cap. 60.

4. However, imported poultry eggs are not subject to specific import control though like any other food, they must be fit for human consumption under section 54 of the Public Health and Municipal Services Ordinance (Cap. 132). They are also covered by the regular food surveillance programme conducted by the Centre for Food Safety. For poultry eggs imported from the Mainland, the Government and the Mainland authorities have established an administrative arrangement since 2007 under which all eggs must be sourced from registered farms and processing plants, and accompanied with health certificates.

Health Threat Posed by Poultry Eggs

5. In recent years, the outbreaks of avian influenza in Asia have posed a health threat to Hong Kong. According to the World Health Organisation, eggs from infected poultry could be contaminated with the avian influenza virus. Although there is so far no epidemiological information to suggest that highly

¹ Prohibited meat means any of the kinds of meat listed below -

- (a) Scrap meat, that is to say, meat which consists of scraps, trimmings or other pieces (whether with or without bone) of such shape or in such condition as to afford insufficient means of identification with a definite part of a carcass.
- (b) Meat comprising the wall of the thorax or abdomen from which there has been detached any part of the pleura or (save in the case of meat derived from a pig) the peritoneum, other than a part necessarily removed in preparing the meat.
- (c) Meat, other than mutton and lamb, from which a lymphatic gland, except a gland necessarily removed in preparing the meat, has been taken out.
- (d) The head of an animal without the submaxillary gland.

pathogenic avian influenza virus can cause infections through contaminated food, the World Organisation for Animal Health (OIE) has recommended² that an international veterinary certificate should accompany the import of poultry eggs for human consumption for control of avian influenza. Besides, the previous incidents of Sudan Red and the recent incident of German poultry eggs suspected to be contaminated with dioxin all point to the need for strengthening import control of poultry eggs.

Proposals

6. We propose to address the concern in paragraph 5 by extending the import control regime for meat and poultry under Cap.132AK and Cap. 60 to cover poultry eggs. The opportunity will also be taken to expand the definition of “poultry” in line with Cap. 132. In addition, we will amend the definition of “competent authority” to recognise authorities of economies other than countries, enabling a further widening of food supply.

7. We intend to make the proposed Regulation under the Food Safety Ordinance (Cap. 612)³ which, subject to the negative vetting procedure of the Legislative Council, will commence on 1 August 2011. The intention is that the proposed Regulation will replace the current Cap. 132AK. When the proposed Regulation comes into operation, Cap.132AK will be repealed.

² Articles 10.4.13-10.4.14 of OIE’s Terrestrial Animal Health Code – Avian Influenza (http://www.oie.int/index.php?id=169&L=0&htmfile=chapitre_1.10.4.htm).

³ A commencement notice was gazetted on 15 April 2011 with 1 August 2011 as the commencement date of the Food Safety Ordinance (Cap. 612).

Definition

8. By imported poultry eggs under the proposed Regulation, we mean imported shelled or unshelled poultry eggs commonly used for human consumption, which include raw eggs and egg yolks, preserved eggs or partly cooked eggs, including egg yolks separated from the white of such eggs. We consider that powdered eggs, cooked eggs, and pasteurised frozen or liquid eggs (including liquid egg whites and egg yolks) should be excluded as these products have been treated and the health risks posed are relatively low.

Health certificate

9. We propose that under the proposed Regulation, for every consignment of imported poultry eggs, importers are required to provide an official health certificate for export of eggs issued by a competent authority⁴ recognised by DFEH, or otherwise a prior written permission from DFEH will be required. The official health certificate will certify the fitness of the poultry eggs concerned for human consumption.

10. At present, a mechanism is in place for DFEH to recognise exporting authorities as competent authorities. The key is that the competent authorities of the exporting countries must demonstrate that an effective and sustainable regulatory regime is in force to ensure food safety. The assessment includes a comprehensive set of parameters covering veterinary infrastructure, animal disease situation, food hygiene and traceability system.

⁴ Under Regulation 2 of Cap. 132AK, "competent authority" means any authority, having power under the laws in force in any country to examine articles of food and to certify as to their fitness for human consumption, which is for the time being recognised by the Authority for the purpose of these regulations.

Import licence

11. In addition to a health certificate, an import licence issued by DFEH under Cap. 60 should be obtained before the poultry eggs could be imported. The import licence and health certificates should accompany the consignment of poultry eggs at the time of import and be produced for inspection when required.

12. An import licensing system will provide DFEH with prior information of the types and amounts of poultry eggs to be imported. This will assist DFEH in taking appropriate actions including sampling, inspection and enforcement actions.

Expanding the definition of “poultry”

13. Under Cap. 132AK, “poultry” only covers fresh or frozen carcass or parts of carcass, or viscera of a domestic fowl, duck, goose, or turkey. However, under Cap.132, “poultry” means any bird commonly used for human consumption and also any other bird which is sold or offered for sale for human consumption.

14. In line with Cap.132, we propose to adopt a more comprehensive definition of “poultry” and “poultry eggs” in the proposed Regulation so that the imports of all birds for human consumption⁵ as well as their eggs are properly controlled. This will include pigeons, quails, ostriches and their eggs, in which avian influenza virus and other egg-related diseases might also be found.

⁵ Our proposed definition of “poultry” would include the fresh or frozen carcass, flesh or other edible part including edible viscera and offal of any bird commonly used for human consumption and also of any other bird which is sold or offered for sale for human consumption.

Expanding the definition of “competent authority”

15. Under Regulation 2 of Cap. 132AK, "competent authority" means any authority, having power under the laws in force in any country to examine articles of food and to certify as to their fitness for human consumption, which is for the time being recognised by the DFEH. This definition confines DFEH's power to recognise competent authorities only at a country level.

16. To widen our source of food supplies, we propose to expand the definition of “competent authority” in the proposed Regulation by replacing “country” with “place”. This will enable DFEH to recognise competent authorities of certain economies which are not by themselves countries. In turn, this will facilitate the imports of regulated food items from these economies. This will help to diversify food supply, increase the choice of food on the part of the public, and contribute to a certain extent to stabilise food prices.

Consultation

17. We last consulted this Panel on the proposals to regulate poultry eggs in January 2007. While Members then were supportive of our proposal, it was suggested that without a traceability mechanism, the proposed Regulation would fail to ensure the safety of poultry eggs in case of food incidents.

18. Since then, we have accorded priority to preparation of the Food Safety Bill to provide for a food traceability mechanism. The mechanism consists of (a) a registration scheme for food importers and food distributors; and (b) a requirement for food traders to maintain proper transaction records so that the Government can trace the source of problem food more effectively and

act promptly in case of food incidents. The Food Safety Ordinance was enacted by the Legislative Council on 30 March 2011.

19. Between December 2010 and April 2011, we have consulted Consulate Generals, Mainland authorities, importers of game, poultry and poultry eggs as well as carriers on the above proposals. They generally supported our proposals.

Commencement Date

20. We plan to table the proposed Regulation at the Legislative Council before end 2011. To allow sufficient time for traders to adapt to the new requirements, we propose that the proposed Regulation should commence about six months after the negative vetting period is over.

Advice Sought

21. Members are invited to comment on the above proposals.

Food and Health Bureau

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