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**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 *transhipment certificate*

Substitute

“*transhipment 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 transshipment 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.”.

Dr. KO Wing-man
Secretary for Food and Health

29 May 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

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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.