

# 立法會

## *Legislative Council*

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### **Panel on Food Safety and Environmental Hygiene**

#### **Information note prepared by the Legislative Council Secretariat for the meeting on 10 May 2016**

#### **Statutory control for import of poultry eggs**

According to the World Health Organization, eggs from infected birds can be contaminated with Avian Influenza ("AI"). The World Organisation for Animal Health has recommended that an international veterinary certificate should accompany the import of eggs for human consumption for control of AI. Such import requirement is in place in many jurisdictions including the European Union, the United States of America and Singapore.

2. In 2014 and 2015, there were outbreaks of highly pathogenic AI in Europe, the American continents and different parts of Asia. To strengthen the import control of poultry eggs, with the aim of better protecting Hong Kong from the threat of AI, the Administration introduced in June 2015 statutory control for import of poultry eggs through amending the Imported Game, Meat and Poultry Regulations (Cap. 132AK) as well as making consequential amendments to the Import and Export (General) Regulations (Cap. 60A) and the Food Business Regulation (Cap. 132X).

3. The three Amendment Regulations, namely the Imported Games, Meat and Poultry (Amendment) Regulation 2015, the Import and Export (General) (Amendment) Regulation 2015 and the Food Business (Amendment) Regulation 2015, seek to introduce a statutory control regime for the import of eggs under which no one can import eggs<sup>1</sup> into Hong Kong unless they (a) produce a health

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<sup>1</sup> "Eggs" 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 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 contains any functional ingredient but excludes such an egg or edible part that is fully cooked or constitutes one of the ingredients of any compounded food.

certificate<sup>2</sup> issued by an issuing entity from the place of origin<sup>3</sup> recognized by the Director of Food and Environmental Hygiene to certify that the eggs are fit for human consumption; and (b) obtain a permission in writing from a health officer of the Food and Environmental Hygiene Department by providing information that the health officer considers essential for tracking the actual importation of the poultry eggs into Hong Kong. Fully cooked eggs and egg that constitutes one of the ingredients of a compounded food item are however excluded.

4. The above three Amendment Regulations, subject to negative vetting by the Legislative Council, were gazetted on 5 June 2015 and scrutinized by a subcommittee formed at the House Committee meeting on 12 June 2015. An extract from the Subcommittee's report which sets out its deliberations is in the **Appendix**. The Amendment Regulations have come into operation since 5 December 2015.

5. The Administration will update the Panel on the implementation of the control regime for the import of poultry eggs at the Panel meeting on 10 May 2016.

Council Business Division 2  
Legislative Council Secretariat  
4 May 2016

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<sup>2</sup> "Health certificate" 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 inspected, found to be fit for human consumption and packed under sanitary conditions.

<sup>3</sup> "Place of origin" means, among other things, in relation to eggs, the place where the eggs were packed or processed.

Ref : CB2/SS/6/14

**Paper for the House Committee meeting on 9 October 2015**

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

X...X...X...X...X...X...X...X...X...X...X...X...X...X

**Deliberations of the Subcommittee**

Introduction of proposed control regime for import of eggs

12. According to the Administration, egg importers are required under the proposed control regime for the import of eggs to 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. Some members are concerned about whether there are any discrepancies among places that supply eggs to Hong Kong in their standards for assessing whether the eggs are fit for human consumption. The Administration has advised that to ensure consistency of health standards among certificates from different places of origin, DFEH will require issuing entities concerned to comply with the health standards set by relevant international organizations including the World Health Organization ("WHO") and OIE.

13. Noting that CFS has taken some 1 500 egg samples for testing in the past three years and all samples were found to be satisfactory, members belonging to the Liberal Party consider that the risk of eggs being contaminated with AI is low. They therefore consider it unnecessary to make the three Amendment Regulations relating to the proposed control regime for the import of eggs. Other members, however, express no strong views against the proposed control regime.

14. The Administration has explained that according to WHO, eggs from infected birds can be contaminated with AI. 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. Although the measures taken by CFS to regulate the import of eggs through administrative means have been working effectively, the regulation is far from satisfactory. OIE has recommended that an international veterinary certificate should accompany the import of eggs for human consumption for control of AI. Such an import requirement has been imposed in many jurisdictions including the European Union, the United States of America and Singapore.

### Coverage of proposed control regime

15. Some members are concerned about whether the importation of fertilized eggs for hatching at local farms is covered and how the Administration can prevent the smuggling of fertilized eggs for hatching by mixing them in consignments of imported eggs. They also consider it too stringent that preserved and salted eggs are included in the proposed control regime, and question whether it is common for other countries to impose similar requirements on these eggs. They suggest that the Administration consider whether these categories of eggs should be excluded from the coverage of the proposed control regime, as the health risk posed by these eggs is low.

16. The Administration has explained that the importation of fertilized eggs for hatching at local farms is monitored by the Agriculture, Fisheries and Conservation Department, and the importation of eggs for human consumption is regulated by CFS/FEHD. Past inspections on imported eggs have not found any consignments in which these two types of eggs were mixed together. Furthermore, while the proposed control regime excludes fully cooked eggs on the basis of scientific evidence which indicates that AI virus will hardly remain in cooked eggs, there has yet to be such scientific evidence for preserved and salted eggs. Hence, these eggs are included in the coverage of the proposed control regime to further protect Hong Kong from the threat of AI.

### Impact of proposed control regime

17. Some members are concerned about the possible impact of the proposed control regime on the supply of eggs in Hong Kong and enquire about the views of the trade/importers of eggs on the proposed control regime.

18. The Administration has advised that the proposed control regime should not have much impact on the supply of eggs, as the requirement of health certificates for eggs imported from the Mainland has been imposed since 2007, and the Administration has also reached agreement with 11 other places of origin which supply eggs to Hong Kong on the health certificate requirements. Moreover, it has consulted about 700 trade members and associations and all of them have no objection to the proposed control regime.

### Strengthening inspection of food items imported into Hong Kong

19. Some members suggest that surprise inspections and pre-arranged inspections on imported eggs should be conducted to ensure that imported eggs are fit for human consumption and to prevent problematic eggs from

being distributed to the retail market. If there is such distribution of problematic eggs, the Administration should ensure that the food tracing mechanism will be effective for tracing and recalling such eggs.

20. The Administration has explained that CFS's inspection on imported food (including eggs) has been following the risk-based approach. Regular inspection is usually conducted at the points of entry or warehouses after making arrangement with the importer concerned. In the event that a high-risk food consignment is identified, CFS and the Customs and Excise Department ("C&ED") may conduct a joint inspection upon the arrival of the imported food item at Hong Kong. Furthermore, while the Food Safety Ordinance (Cap. 612) ("FSO") requires food traders to keep the transaction records, the implementation of the proposed control regime will further strengthen CFS's capacity in tracing imported eggs regardless of the means of transport, as importers will be required to provide information which FEHD considers essential for tracking the importation of eggs into Hong Kong.

21. Some members stress that in order to safeguard food safety, it is imperative that CFS/FEHD can obtain detailed and updated information on imported food items prior to their arrival at Hong Kong. They consider that the existing requirement on import declaration (i.e. any person who imports or exports any articles, other than exempted articles, is required to lodge accurate and complete import/export declarations within 14 days after the importation/exportation of the article) is too lax. Although around 90% of carriers of ocean and river cargoes currently submit cargo information to C&ED in advance through the Electronic System for Cargo Manifests, some members suggest that the Administration should consider making it mandatory that all importers of food submit cargo information to C&ED and/or CFS/FEHD in advance so as to effectively monitor food safety. As the proposed control regime empowers the Administration to require egg importers to provide information that FEHD considers essential for tracing the eggs imported in advance, these members urge the Administration to consider introducing a similar control regime for the import of other high-risk food items.

22. According to the Administration, ongoing efforts have been made to enhance safety of food products imported by sea. CFS has been proactively exploring ways to strengthen the inspection of food consignments imported by sea including discussion with C&ED on the proposed setting up of a CFS food inspection checkpoint at the Kwai Chung Container Terminals for testing of food products imported by sea, with a view to further enhancing the food surveillance and safeguarding food safety.

23. The Subcommittee has agreed that enhancement of inspection of food items imported into Hong Kong by sea (including the proposed food inspection checkpoint) should be referred to the Panel on Food Safety and Environmental Hygiene for consideration and follow-up.

Review of food safety-related penalties

24. Some members take the view that the existing food safety-related penalties do not have sufficient deterrent effect. They also note that the levels of maximum penalty for non-compliance with the restriction on the import of certain meat, meat products, poultry and eggs under regulation 4(1) of IGMPR (i.e. a fine of \$50,000 and imprisonment for six months) and for the import of, for example, meat and poultry without an import licence under IEGR (i.e. a fine of \$500,000 and imprisonment for two years) are different. In this connection, the Administration has undertaken to conduct separately a comprehensive review of the food safety-related penalties under PHMSO and its subsidiary legislation (including IGMPR) as well as FSO. These members enquire about the timetable of the review.

25. According to the Administration, there is no concrete timetable on the review at this stage. The Administration is mindful of the different levels of penalty under IGMPR and IEGR which will be covered in the review. The Administration has previously considered providing for the proposed control regime through a regulation under FSO. This approach was premised on an assumption that the food safety-related provisions of PHMSO have been incorporated into FSO. As the incorporation has yet to be done due to competing priorities, the Administration has proposed providing for the proposed control regime under IGMPR in order to expedite the introduction of statutory control over the import of poultry eggs.

26. The Subcommittee suggests that the Administration should report the progress of the review to the Panel on Food Safety and Environmental Hygiene.

**Recommendation**

27. While a majority of members have no strong views against the three Amendment Regulations, two members belonging to the Liberal Party consider the making of these Amendment Regulations unnecessary. The Subcommittee does not propose any amendment to these Amendment Regulations.