

Imported Game, Meat, Poultry and Eggs Regulations

(Cap. 132 sub. leg. AK)

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Imported Game, Meat, Poultry and Eggs Regulations

(L.N. 106 of 2015)

(Cap. 132, section 55)

[1 July 1976] *L.N. 125 of 1976*
(Format changes—E.R. 6 of 2021)

1. Citation

These regulations may be cited as the Imported Game, Meat, Poultry and Eggs Regulations.

(L.N. 116 of 1989; L.N. 106 of 2015)

2. Interpretation

In these regulations, unless the context otherwise requires—

air transshipment cargo (航空轉運貨物) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60); *(29 of 2000 s. 5)*

animal (動物) means mammals, reptiles, amphibians and birds other than those from which poultry is derived; *(L.N. 116 of 1989)*

Authority (監督) means the Director of Food and Environmental Hygiene; *(78 of 1999 s. 7)*

cargo transshipment area of Hong Kong International Airport (機場貨物轉運區) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60); *(29 of 2000 s. 5)*

compounded food (合成食物) means food containing 2 or more ingredients other than functional ingredients; *(L.N. 106 of 2015)*

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; (*L.N. 106 of 2015*)

export (輸出) means to take, or cause to be taken, out of Hong Kong any game, meat, poultry or eggs other than game, meat, poultry or eggs in transit; (*L.N. 116 of 1989; L.N. 106 of 2015*)

fresh (新鮮) in relation to game, meat or poultry means game, meat or poultry which—

- (a) has not been subjected to a process of preservation; or
- (b) has been preserved by chilling; (*L.N. 116 of 1989*)

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; (*L.N. 106 of 2015*)

game (野味) means the fresh or frozen carcass, flesh or other edible part, including edible viscera and offal, of an animal other than an animal from which meat is derived; (*L.N. 116 of 1989*)

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; (*L.N. 106 of 2015*)

import (輸入) means to bring, or cause to be brought, into Hong Kong any game, meat, poultry, eggs or prohibited meat other than game, meat, poultry, eggs or prohibited meat in transit; (*L.N. 106 of 2015*)

issuing entity (發證實體) means an entity recognized by the Authority under regulation 3; (*L.N. 106 of 2015*)

meat (肉類) means the fresh or frozen carcass, flesh or other edible part including edible viscera and offal of an animal, being an animal kept in captivity before slaughter from which beef, mutton, pork, veal or lamb is derived; (*L.N. 116 of 1989*)

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; (*L.N. 106 of 2015*)

poultry (家禽) means—

- (a) the fresh or frozen carcass of a domestic fowl, duck, goose, or turkey; (*L.N. 116 of 1989*)
- (b) the fresh or frozen part of any such carcass other than the viscera; or
- (c) the fresh or frozen viscera of any bird mentioned or referred to in paragraph (a), being viscera that is edible;

prohibited meat (違禁肉類) means any of the kinds of meat specified in the Schedule;

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; (*L.N. 106 of 2015*)

vehicle (車輛) means every means of conveyance or of transit or other mobile apparatus used or capable of being used on land, whether on roads or rails and, in any way whatever, drawn or propelled or carried; (*L.N. 116 of 1989*)

vessel (船隻) includes every description of vessel used in navigation for the carriage of persons or articles, whether or not the vessel is mechanically propelled and whether or not the vessel is towed or pushed by another vessel. (*L.N. 116 of 1989*)

(L.N. 106 of 2015)

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.

(L.N. 106 of 2015)

4. Restriction on the import of certain meat, meat products, poultry and eggs

(L.N. 106 of 2015)

- (1) Subject to subregulation (2), no person shall import—
- (a) meat or poultry—
 - (i) without a health certificate; or
 - (ii) where it has been transhipped, subject to subregulation (5), without a transhipment certificate; *(L.N. 106 of 2015)*
 - (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 (*L.N. 106 of 2015*)
 - (b) game or prohibited meat, whether directly imported or transhipped, otherwise than with the permission in writing of a health officer and subject to such conditions as he may impose.
- (2) Meat, poultry or eggs may be imported without a health certificate subject to the permission in writing of a health officer and to such conditions as he may impose.
- (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. (*L.N. 106 of 2015*)
- (3) Where a person imports game, meat, poultry, eggs or prohibited meat under subregulation (1) or (2) a health officer may— (*L.N. 106 of 2015*)
 - (a) require the person who imports such game, meat, poultry, eggs or prohibited meat to submit it for inspection by a health inspector on arrival; and
 - (b) impose such conditions or issue such directions with regard to the imported game, meat, poultry, eggs or prohibited meat as he may consider desirable for the

purpose of ensuring that it is sound, wholesome or fit for human consumption.

- (4) For the purposes of this regulation, meat, poultry or eggs are deemed to be transhipped if they are consigned to Hong Kong from the place of origin but before being imported into Hong Kong were unloaded in another place and either— (*L.N. 106 of 2015*)
- (a) returned to the same vessel or aircraft or vehicle from which they were unloaded; or
 - (b) transferred to another vessel or aircraft or vehicle before being exported from that place, whether they were transferred directly between such vessels or aircrafts or vehicles or whether they were stored pending exportation.
- (5) No transshipment certificate shall be required in respect of meat, poultry or eggs imported into Hong Kong in sealed refrigerated containers, where the person who imports the meat, poultry or eggs establishes to the satisfaction of a health officer that the seals of the containers have remained intact and have not been tampered with in any manner in the course of their journey from the place of origin to Hong Kong.

(L.N. 116 of 1989; L.N. 106 of 2015)

4A. Application to air transshipment cargo

- (1) Regulation 4(1) does not apply in relation to any game, meat, poultry, eggs or prohibited meat referred to in that regulation that is air transshipment cargo; but if at any time between its being brought into and taken out of Hong Kong such game, meat, poultry, eggs or prohibited meat is removed from the cargo transshipment area of Hong Kong International Airport then, for the purposes of regulation 4(1)— (*L.N. 106 of 2015*)

- (a) the game, meat, poultry, eggs or prohibited meat is deemed to be imported at the time of such removal; and
- (b) the person who brought the game, meat, poultry, eggs or prohibited meat, or caused it to be brought, into Hong Kong as air transshipment cargo is deemed to be the person who imports the game, meat, poultry, eggs or prohibited meat at the time of its removal,

and, except to that extent, that regulation has effect as if this subregulation had not been enacted.

- (2) For the purpose of giving any permission as is mentioned in regulation 4(1)(b) or (2), the import of any game, meat, poultry, eggs or prohibited meat referred to in that regulation that is air transshipment cargo does not take place unless and until the game, meat, poultry, eggs or prohibited meat is removed from the cargo transshipment area of Hong Kong International Airport other than for the purpose of its being taken out of Hong Kong by air.
- (3) In proceedings against a person for an offence under regulation 7(1)(a), being proceedings—
 - (a) in relation to the import of any game, meat, poultry, eggs or prohibited meat referred to in regulation 4(1) that is air transshipment cargo; and
 - (b) in which it is necessary for the prosecution to prove that, at any time between its being brought into and taken out of Hong Kong, the game, meat, poultry, eggs or prohibited meat was removed from the cargo transshipment area of Hong Kong International Airport,it is a defence for the person to show that he took all reasonable steps and exercised reasonable diligence to avoid such removal occurring.

- (4) Where in any proceedings the defence provided by subregulation (3) involves an allegation that the commission of the offence was due to—
- (a) the act or default of another person; or
 - (b) reliance on information given by another person, the defendant is not, without the leave of the court, entitled to rely on the defence unless, not less than 10 days before the hearing of the proceedings, he has served a notice in writing on the prosecutor giving all particulars of—
 - (i) the person who committed the act or default or gave the information; and
 - (ii) the act, default or information, of which he is aware at the time he serves the notice.
- (5) A person is not entitled to rely on the defence provided by subregulation (3) by reason of his reliance on information supplied by another person, unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular to—
- (a) the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information; and
 - (b) whether he had any reason to disbelieve the information.

(29 of 2000 s. 5; L.N. 106 of 2015)

5. Procedure for export, destruction or disposal of game, meat, poultry, eggs or prohibited meat imported in contravention of regulation 4

(L.N. 106 of 2015)

- (1) If upon the report of a health inspector who has examined any game, meat, poultry, eggs or prohibited meat it appears to a health officer that— (*L.N. 106 of 2015*)
- (a) the meat or poultry is being or has been imported in contravention of regulation 4(1)(a) or (2); or
 - (ab) the eggs are being or have been imported in contravention of regulation 4(1)(ab) or (2); or (*L.N. 106 of 2015*)
 - (b) the health certificate or the transshipment certificate accompanying the meat, poultry or eggs is incorrect or does not apply to Hong Kong; or
 - (c) although 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
 - (d) game or prohibited meat has been imported without the permission of a health officer; or
 - (e) any condition imposed under regulation 4(1)(ab)(iv) or (b) or (2) has not been complied with; or
 - (f) although game, meat, poultry, eggs or prohibited meat has been imported in accordance with regulation 4(1)(b) or (2) as the case may be, any condition or direction referred to in regulation 4(3) has not been complied with or it is unfit for human consumption, unsound or unwholesome,

the health officer shall by notice in writing addressed to the person in possession of the imported game, meat, poultry, eggs or prohibited meat direct that such person shall either surrender such game, meat, poultry, eggs or prohibited meat to the Authority or shall export it to its place of origin, in

which event the person shall not part with possession of such game, meat, poultry, eggs or prohibited meat until it is exported. (*L.N. 116 of 1989*)

- (2) A notice under subregulation (1) shall state—
- (a) that within the time specified in the notice, being not less than 48 hours after the notice is received, the person in possession of the imported game, meat, poultry, eggs or prohibited meat shall undertake in writing that, within 30 days from the date of the undertaking, he will either surrender the game, meat, poultry, eggs or prohibited meat to the Authority or export the game, meat, poultry, eggs or prohibited meat at his own expense; and
 - (b) that if the game, meat, poultry, eggs or prohibited meat is surrendered or is not exported in accordance with the undertaking, the game, meat, poultry, eggs or prohibited meat may be destroyed or otherwise disposed of by the Authority under section 59 of the Ordinance.

(L.N. 116 of 1989; L.N. 106 of 2015)

6. Prohibition of re-import where notice given under regulation 5(1)

No person shall import any game, meat, poultry, eggs or prohibited meat, which to his knowledge has been exported from Hong Kong pursuant to an undertaking given by any person under regulation 5(2).

(L.N. 116 of 1989; L.N. 106 of 2015)

7. Offences and penalties

- (1) Any person who—
- (a) imports game, meat, poultry, eggs or prohibited meat otherwise than in accordance with regulation 4(1) or (2);
or

- (b) fails to comply with any condition, requirement or direction referred to in regulation 4; or
 - (c) contravenes regulation 6,
commits an offence. *(L.N. 116 of 1989)*
- (2) Any person upon whom a notice has been served under regulation 5 who parts with possession of any imported game, meat, poultry, eggs or prohibited meat for any purpose other than for export to its place of origin, or for destruction or disposal under section 59 of the Ordinance shall be guilty of an offence. *(L.N. 116 of 1989)*
- (3) Any person guilty of an offence under subregulation (1) or (2) shall be liable on conviction to a fine at level 5 and to imprisonment for 6 months. *(L.N. 332 of 1987; L.N. 177 of 1996)*

(L.N. 106 of 2015)

7A. Retention of health certificate

(L.N. 106 of 2015)

- (1) The original of every health certificate accompanying imported meat, poultry or eggs shall be retained by the person who imports the meat, poultry or eggs whether or not he is in possession of the meat, poultry or eggs, for not less than 2 months from the date of import, and shall be available for inspection at all reasonable times by any health inspector or health officer.
- (2) Any person who fails to retain a health certificate or fails to make it available for inspection as required under subregulation (1) commits an offence and is liable to a fine at level 3 and to imprisonment for 3 months. *(L.N. 177 of 1996)*

(L.N. 116 of 1989; L.N. 106 of 2015)

8. Name in which proceedings may be brought

Without prejudice to the provisions of any other enactment relating to the prosecution of criminal offences, and without prejudice to the powers of the Secretary for Justice in relation to the prosecution of criminal offence, prosecutions for an offence under any of the provisions of these regulations may be brought in the name of the Director of Food and Environmental Hygiene.

(L.N. 67 of 1985; 10 of 1986 s. 32(2); L.N. 362 of 1997; 78 of 1999 s. 7)

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 (L.N. 106 of 2015); (*E.R. 6 of 2021*)

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.

(*L.N. 106 of 2015*)

Schedule

[reg. 2]

Prohibited Meat

- (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.