

Imported Game, Meat And Poultry Regulations, Chapter 132ak (Section 55)

[1 July 1976] L.N. 125 of 1976

(L.N. 103 of 1976)

IMPORTED GAME, MEAT AND POULTRY REGULATIONS - REGULATION 1

Citation: 30/06/1997

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

(L.N. 116 of 1989)

IMPORTED GAME, MEAT AND POULTRY REGULATIONS - REGULATION 2

Interpretation VerDate:26/05/2000

In these regulations, unless the context otherwise requires-

"air transshipment cargo" has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap 60); (29 of 2000 s. 5)

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

"Authority" means the Director of Food and Environmental Hygiene;

(78 of 1999 s. 7)

"cargo transshipment area of Hong Kong International Airport" has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap 60); (29 of 2000 s. 5)

"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 recognized by the Authority for the purpose of these regulations; (10 of 1986 s. 32 (2))

"country of origin" means-

(a) in relation to game or meat, the country where the animal from which the game or meat is taken was slaughtered; and (L.N. 116 of 1989)

(b) in relation to poultry, the country where the poultry was slaughtered or processed;

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

"fresh" 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)

"game" (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)

"import" means to bring, or cause to be brought, into Hong Kong any game, meat, poultry or prohibited meat other than game, meat, poultry or prohibited meat in transit;

"meat" 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)

"official certificate" means-

(a) in relation to meat, a certificate issued by a competent authority showing-

(i) that the meat to which it relates was derived from animals inspected ante and post mortem and passed in accordance with criteria satisfactory to the Authority; and (L.N. 67 of 1985)

(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, a certificate issued by a competent authority showing that the poultry to which it relates was inspected and found to be fit for human consumption and was packed under sanitary conditions;

"poultry" 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" means any of the kinds of meat specified in the Schedule;

"transhipment certificate" in relation to any meat or poultry which is unloaded in any country in the course of being transhipped within the meaning of regulation 4(4), means a certificate-

(a) issued by any authority having the power under the laws in force in that country, to examine articles of food and to certify as to their fitness for human consumption; and

(b) showing that the meat or poultry was properly imported into that country and, during its stay there, did not suffer any spoilage or deterioration; (L.N. 116 of 1989)

"vehicle" 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" 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)

IMPORTED GAME, MEAT AND POULTRY REGULATIONS - REGULATION 3

Recognition of competent authority VerDate:30/06/1997

(1) The recognition by the Authority of a competent authority for the purposes of these regulations shall be subject to such conditions as he may specify and may be varied or cancelled by him at any time.

(2) A notification of the recognition by the Authority of any competent authority, together with any conditions to which such

recognition is subject, and of the variation or cancellation of any such recognition shall be published in the Gazette.
(L.N. 67 of 1985)

IMPORTED GAME, MEAT AND POULTRY REGULATIONS - REGULATION 4

Restriction on the import of certain meat, meat products and poultry

VerDate:30/06/1997

- (1) Subject to subregulation (2), no person shall import-
 - (a) meat or poultry-
 - (i) without an official certificate; and
 - (ii) where it has been transhipped, subject to subregulation (5), without a transhipment certificate; and
 - (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 or poultry may be imported without an official certificate subject to the permission in writing of a health officer and to such conditions as he may impose.
- (3) Where a person imports game, meat, poultry or prohibited meat under subregulation (1) or (2) a health officer may-
 - (a) require the person who imports such game, meat, poultry 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 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 or poultry is deemed to be transhipped if it is consigned to Hong Kong from the country of origin but before being imported into Hong Kong is unloaded in another country and either-
 - (a) returned to the same vessel or aircraft or vehicle from which it was unloaded; or
 - (b) transferred to another vessel or aircraft or vehicle before being exported from that country, whether it is transferred directly between such vessels or aircraft or vehicles or whether it is stored pending exportation.
- (5) No transhipment certificate shall be required in respect of meat or poultry imported into Hong Kong in sealed refrigerated containers, where the person who imports the meat or poultry 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 country of origin to Hong Kong.

(L.N. 116 of 1989)

IMPORTED GAME, MEAT AND POULTRY REGULATIONS - REGULATION 4A
Application to air transshipment cargo VerDate:26/05/2000

(1) Regulation 4(1) does not apply in relation to any game, meat, poultry 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 or prohibited meat is removed from the cargo transshipment area of Hong Kong International Airport then, for the purposes of regulation 4(1)-

(a) the game, meat, poultry or prohibited meat is deemed to be imported at the time of such removal; and

(b) the person who brought the game, meat, poultry 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 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 or prohibited meat referred to in that regulation that is air transshipment cargo does not take place unless and until the game, meat, poultry 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 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 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)

IMPORTED GAME, MEAT AND POULTRY REGULATIONS - REGULATION 5

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

VerDate:30/06/1997

(1) If upon the report of a health inspector who has examined any game, meat, poultry or prohibited meat it appears to a health officer that-

(a) the meat or poultry is being or has been imported in contravention of regulation 4(1)(a) or (2); or

(b) the official certificate or the transshipment certificate accompanying the meat or poultry is incorrect or does not apply to Hong Kong; or

(c) although accompanied by an official certificate and a transshipment certificate, where such is required, the meat or poultry is 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)(b) or (2) has not been complied with; or

(f) although game, meat, poultry 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 or prohibited meat direct that such person shall either surrender such game, meat, poultry or prohibited meat to the Authority or shall export it to its country of origin, in which event the person shall not part with possession of such game, meat, poultry 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 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 or prohibited meat to the Authority or export the game, meat, poultry or prohibited meat at his own expense; and

(b) that if the game, meat, poultry or prohibited meat is surrendered or is not exported in accordance with the undertaking, the game, meat, poultry or prohibited meat may be destroyed or otherwise disposed of by the Authority under section 59 of the Ordinance.
(L.N. 116 of 1989)

IMPORTED GAME, MEAT AND POULTRY REGULATIONS - REGULATION 6

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

VerDate:30/06/1997

No person shall import any game, meat, poultry 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)

IMPORTED GAME, MEAT AND POULTRY REGULATIONS - REGULATION 7

Offences and penalties VerDate:30/06/1997

(1) Any person who-

(a) imports game, meat, poultry 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 or prohibited meat for any purpose other than for export to its country 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)

IMPORTED GAME, MEAT AND POULTRY REGULATIONS - REGULATION 7A

Retention of official certificate VerDate:30/06/1997

(1) The original of every official certificate accompanying imported meat and poultry shall be retained by the person who imports the meat and poultry whether or not he is in possession of the meat and poultry, 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 an official 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)

IMPORTED GAME, MEAT AND POULTRY REGULATIONS - REGULATION 8

Name in which proceedings may be brought VerDate:01/01/2000

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)

IMPORTED GAME, MEAT AND POULTRY REGULATIONS - SCHEDULE

SCHEDULE VerDate:30/06/1997

[regulation 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.