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Clarification of Effective Dates in the Case of Avian Influenza Bans

Report Categories:

Poultry and Products

Sanitary/Phytosanitary/Food Safety

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Report Highlights:

This report serves to remind U.S. exporters of Hong Kong's practice of defining the effective date of a ban resulting from an avian influenza (AI) outbreak on impacted U.S. poultry and egg products, whether low or highly pathogenic, as the date of departure from the United States. This practice ensures market access for U.S. poultry products en route to Hong Kong when an outbreak occurs, even though they may have been produced within the AI incubation period. However, Hong Kong will not accept products produced long before the AI incubation period from the affected county if they depart the United States after the effective date of the ban.

Since June 2017, the Hong Kong government has revised its determination of the effective date of the ban from the “Hong Kong arrival date” to the “U.S. shipment date”, with respect to the trade restriction on U.S. poultry and egg products originating from an Avian Influenza (AI) infected county. This change has allowed pipeline shipments (i.e. shipments departing the United States after the ban, but that have not yet arrived in Hong Kong when the ban is implemented) to enter Hong Kong, avoiding trade losses which would result if the Hong Kong government immediately prohibited the entry of affected products upon notifying the ban to the U.S. government.

However, once the ban is imposed, products originating from or processed in the AI infected county well before the AI incubation period are not allowed entry to Hong Kong. This practice has been in place for many years and remains unchanged despite the Hong Kong government’s (HKG) reinterpretation of the effective date of the ban.

Currently, the ban is limited to products originating from the county where AI outbreaks occur.

Product Disposal

Any ineligible products that arrive in Hong Kong will be rejected at the point of entry. Traders rarely opt for shipping the rejected products back to the United States, particularly for poultry commodity products, because it is not cost effective. When traders cannot immediately locate a buyer in the region, the preferred option is to have the rejected shipments disposed of in Hong Kong.

However, disposing of rejected shipments in Hong Kong is subject to the approval of the Environmental Protection Department. When the Hong Kong importer chooses to surrender the shipment, the Hong Kong Centre for Food Safety (CFS) requires the importer to submit a product disposal plan that includes the permission of the Environmental Protection Department and landfill location. At the time of writing this report, the HKG still allows rejected products to be disposed of in Hong Kong. Once the CFS approves the disposal plan, the rejected shipment has to be disposed of under the supervision of the Hong Kong CFS.

Previous incidents showed that it will take several days or weeks to have the product disposal process completed and the Hong Kong demurrage fee is very expensive. In order to avoid any unnecessary trade losses, U.S. poultry and egg exporters are reminded to note Hong Kong’s current policy of banning U.S. products with respect to the trade suspension date in the event of an AI outbreak.