

USDA Foreign Agricultural Service

# GAIN Report

Global Agricultural Information Network

THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY  
USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT  
POLICY

Required Report - public distribution

**Date:** 12/30/2014

**GAIN Report Number:** HK1451

## **Hong Kong**

### **Food and Agricultural Import Regulations and Standards - Narrative**

### **FAIRS Country Report**

**Approved By:**

M. Melinda Meador

**Prepared By:**

Caroline Yuen

**Report Highlights:**

U.S. beef cuts and offal products attained full market access to Hong Kong on June 17<sup>th</sup>, 2014. New requirements for nutritional composition of infant formula and labeling on infant formula will come into effect on December 13<sup>th</sup>, 2015. For follow-up formula and pre-packaged food for children under 36 months of age, new nutritional labeling requirements will apply as of June 13, 2016.

**This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Hong Kong for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.**

## **Section I: General Food Laws**

Hong Kong is a Special Administrative Region of the People's Republic of China with its own Basic Law (mini-constitution) that institutionalizes the concept of "one country, two systems" whereby Hong Kong maintains distinct social, economic, judicial and political systems until 2047 that are separate from those of mainland of China except for foreign affairs and defense. As a separate customs territory under the Sino-British Joint Declaration and the Basic Law, Hong Kong maintains its own food and agricultural import regulations, which are unique from those in mainland China.

Hong Kong participates in international organizations and trade agreements under the name "Hong Kong, China." While a separate member of World Trade Organization (WTO) and Asia-Pacific Economic Cooperation (APEC), Hong Kong participates in Codex and the World Organization for Animal Health (OIE) as a member of China's delegation. Hong Kong draws reference from Codex and OIE in the context of food safety standards and animal health standards.

### **Public Health and Municipal Services Ordinance, Cap.132**

In Hong Kong, the legal framework for food safety control is defined in part V of the [Public Health and Municipal Services Ordinance, Cap.132](#) and subsidiary legislation. The basic tenet is that food intended for sale must be fit for human consumption. The list of subsidiary legislation follows:

- Coloring Matter in Food Regulations
- Dried Milk Regulations
- Food Adulteration (Artificial Sweeteners) Regulations
- Food Adulteration (Metallic Contamination) Regulations
- Food and Drugs (Composition and Labeling) Regulations
- Food Business Regulation
- Frozen Confections Regulation
- Harmful Substances in Food Regulations
- Imported Game, Meat and Poultry Regulations
- Milk Regulation
- Mineral Oil in Food Regulations

- Preservatives in Food Regulations
- Pesticide Residues in Food Regulations

## **Food Safety Ordinance, Cap 612**

In 2011, Hong Kong enacted [Food Safety Ordinance \(Cap.612\)](#) to provide new food safety control measures, including a registration program for food importers and distributors and a requirement for traders to maintain business records so as to enhance food traceability. The Ordinance came into full operation on February 1, 2012.

The new food ordinance also empowers the authorities to tighten import controls on specific food types, prohibit the import and supply of problem food and order the recall of foods, when necessary.

Despite early plans by the Hong Kong government (HKG) to introduce additional regulations stipulating mandatory certification for seafood and egg products, the legislation has not appeared. The Hong Kong government has indicated that plans to discuss revisions to U.S. egg import certificate to Hong Kong in line with the OIE framework remain valid but discussions have not yet been initiated. U.S. egg exporters provide health certificates for their shipments to Hong Kong on a voluntary basis.

## **Competent Authority**

Hong Kong's Center for Food Safety, which operates under the Hong Kong Food and Environmental Hygiene Department (FEHD), is responsible for implementing territory-wide food safety control policies and enforcing food related legislation. The Center encourages Hong Kong importers to obtain health certificates accompanying food shipments to Hong Kong. These certificates, issued by health authorities of countries of origin, should certify the food as fit for human consumption. The legislation empowers FEHD to take food samples at the point of entry to Hong Kong for various kinds of tests, including bacteriological examination and chemical analyses. FEHD, upon request, will pay the market price of any food samples taken.

The Agriculture, Fisheries and Conservation Department is responsible for the prevention of the introduction and spread of animal and plant diseases through the enforcement of the related animal and plant regulations.

## **Section II: Food Additive Regulations**

According to Hong Kong food laws, food additives do not include vitamins and minerals used for enriching food nutrients, nor seasoning substances like salt, herbs or spices. Food additives are not allowed in the following circumstances:

- to disguise defective raw materials like those which are bad or rotten
- to enhance the color, odor and flavor or shelf-life of food but consequently lead to substantial damage or reduction of nutrients

- to simplify or facilitate food processing where the desired effect can be obtained by proper processing practices and good hygienic standards
- to use additives that are hazardous to health

The following food regulations stipulate chemicals/additives that are allowed/not allowed to be used in food.

- Coloring Matter in Food Regulations - Chapter 132 H
  - [Schedule 1](#) lists the Permitted Coloring Matter
- Food Adulteration (Artificial Sweeteners) Regulations - Chapter [132 U](#)
  - The Schedule lists the Permitted Artificial Sweeteners
- Food Adulteration (Metallic Contamination) Regulations – [Chapter 132 V](#)
  - Schedule 1 lists the Maximum Permitted Concentration of Certain Metals Naturally Present in Specified Foods
  - Schedule 2 lists the Maximum Permitted Concentration of Certain Metals Present in Specified Foods
- Food and Drugs (Composition and Labeling) Regulations –Chapter 132 W
  - [Schedule 1 Part III lists](#) additives in milk, butter and cream products
- Harmful Substances in Food Regulations – [Chapter 132AF](#)
  - Schedule 1 lists the Maximum Concentration of Certain Substances Present in Specified Foods
  - Schedule 2 lists the Prohibited Substances
- Mineral Oil in Food Regulations – [Chapter 132 AR](#)
- Milk Regulation – [Chapter 132 AQ](#)
  - Section 21 lists Certain Ingredients Not to be Used in the Reconstitution of Milk or Milk Beverages
- Preservatives in Food Regulations – [Chapter 132 BD](#)
  - Schedule 1 lists Food which May Contain Food Additives and the Description and Proportion of Food Additives in Each Case

Hong Kong's Preservatives Regulation adopts the principle of a positive list. In other words, Hong Kong does not allow any preservatives or antioxidants in foods if they are not expressly permitted by the Preservatives Regulation. The preservatives listed in Schedule 1 can only be used in the food categories specified within the maximum permitted levels. Alternative forms in which the permitted food additive may be used (to be calculated as the permitted food additive) are listed in Schedule 1A.

The Hong Kong Center for Food Safety has issued the [Preservatives and Antioxidants User Guidelines](#)

issued by the Centre for Food Safety for traders' reference.

[http://www.cfs.gov.hk/english/whatsnew/whatsnew\\_fstr/files/User\\_Guideline\\_e.pdf](http://www.cfs.gov.hk/english/whatsnew/whatsnew_fstr/files/User_Guideline_e.pdf)

Food additives which fall within the functional use stipulated in the above mentioned Regulations are governed by the respective Regulations. Furthermore, the Food and Drugs (Composition and Labelling) Regulations ([Cap. 132W](#)) stipulate compositional standards for certain food items. Also, the HKG has set an action level for DEHP at 1.5ppm. Other than these regulations, there is no specific regulation on the ingredients of a food item.

The Hong Kong Center for Food Safety takes reference from the safety evaluation done by international food safety authorities such as the Joint FAO/WHO Expert Committee on Food Additives (JECFA) when considering whether to allow food additives, which do not fall within the regulated category, to be added to foods.

The Hong Kong Center for Food Safety advises food manufacturers to exercise due care in choosing food additives, and to add only the right type and right amount of food additive which serves the desired technological function to the food. Food additives should be used under conditions of good manufacturing practice (GMP) which include limiting their use to the lowest possible levels necessary to accomplish their desired effect ([Chapter 132W Schedule 1 Part IA](#) Good Manufacturing Practice).

### **Section III: Pesticide and Other Contaminants**

#### **Pesticide Residues in Food Regulations – [Chapter 132CM](#)**

Hong Kong's first Pesticide Residues in Food Regulation became effective August 1, 2014.

The key points of the regulatory framework are as follows:

- Adopting Codex's definition of "pesticide" and other related terms;
- Adopting Codex's classification of foods;
- Adopting a list of MRLs/ EMRLs for certain pesticide –food pairs based on Codex and supplemented by standards of China, U.S. and Thailand.
- Adopting a “modified positive list approach”, i.e. in cases where pesticide residues are found outside the list, it will be prohibited unless the food safety authority is satisfied that the level of residue will not be dangerous to health. The authority will conduct risk assessments to draw a final decision;
- Providing a list of exempted substances to allow the trade to use pesticides that are natural and for which the residues are identical to, or indistinguishable from, natural food components;
- Providing regular updates on the lists of MRLs/EMRLs and exempted substances; and
- Allowing application for revising/adding MRLs and exempted substances.

The Regulation specifies in Schedule 1 a list of maximum residue limits (MRLs)/ extraneous maximum residue limits (EMRLs) for certain pesticide-food pairs (i.e. the maximum concentration of specified pesticide residues permitted in specified food commodities). Schedule 2 lists exempted

substances.

The Center for Food Safety (CFS) suggests overseas exporters propose new MRLs/EMRLs or exempted pesticides for inclusion in Schedules 1 and 2 with sufficient supporting information if planning to supply to Hong Kong food containing pesticides not on the Hong Kong list. The CFS then will consider applications on a case-by-case basis, depending on the latest international developments, consistency with the existing list, supporting documentation and risk assessment based on the local food consumption patterns.

Updated information on the Regulation, including Users' Guidelines and database are available at CFS's [pesticide website](#).

## **Cadmium**

In recent years, the HKG has occasionally found U.S. produce samples collected in its regular food surveillance containing cadmium at levels exceeding Hong Kong's standard. U.S. exporters are reminded that the maximum permitted level of cadmium in vegetables is 0.1 ppm. While the U.S. has no specific regulation regarding cadmium residues in lettuce or other vegetables, the Codex standard is 0.2 ppm.

## **Contaminants Control Regulations**

- Food Adulteration (Metallic Contamination) Regulations – [Chapter 132 V](#)
  - Schedule 1 lists the Maximum Permitted Concentration of Certain Metals Naturally Present in Specified Foods
  - Schedule 2 lists the Maximum Permitted Concentration of Certain Metals Present in Specified Foods
- Harmful Substances in Food Regulations – [Chapter 132AF](#)
  - Schedule 1 lists the Maximum Concentration of Certain Substances Present in Specified Foods
  - Schedule 2 lists the Prohibited Substances

Schedule 1 stipulates the maximum allowable aflatoxin level in peanuts or peanut products at 20 micrograms per kilogram. The level allowed in any food other than peanuts or its products is set at 15 micrograms per kilogram.

## **Section IV: Packaging and Container Requirements**

Hong Kong currently has no special requirements for packaging and containers.

## **Section V: Labeling Requirements**

## General Requirements

The Food and Drug (Composition and Labeling) Regulations require food manufacturers and packers to label prepackaged food products in a prescribed, uniform and legible manner. Prepackaged food means any food packaged in such a way that the contents cannot be altered without opening or changing the packaging and the food is ready for presentation to the ultimate consumer or a catering establishment as a single food item.

Although Hong Kong imports a variety of prepackaged food products, the import volume may not be sufficient to justify suppliers provide a Hong Kong-specific label. Therefore, it is not uncommon that Hong Kong importers will attach a stick-on label after the product has been exported to Hong Kong. The Hong Kong Food Safety Center accepts stick-on labels.

The following information is required on the label of all prepackaged food except for ‘exempted items’ as provided in the Regulations.



### 1. Name of the Food

- Prepackaged food shall be legibly marked or labeled with its name or designation.
- The food name should not be false, misleading or deceptive but should serve to make the nature and type of food known to the purchasers.

### 2. List of Ingredients

- Preceded by an appropriate heading consisting of the words “ingredients,” “composition,” “contents” or words of similar meaning, the ingredients should be listed in descending order of weight or volume determined as at the time of their use when the food was packaged.
- If a food consists of or contains any of the following substances, the name of the substance shall

be specified in the list of ingredients.

- cereals containing gluten, (namely wheat, rye, barley, oats, spelt or their hybridized strains and their products);
  - crustacean and crustacean products;
  - eggs and egg products;
  - fish and fish products;
  - peanuts, soybeans and their products;
  - milk and milk products (including lactose);
  - tree nuts and nut products;
- An additive constituting one of the ingredients of a prepackaged food shall be listed by both its functional class and its specific name or its identification number under the International Numbering System (INS) for Food Additives. The trade is also at liberty to use the prefix “E” or “e” with the INS number as adopted by the European Union under the E-numbering system.
  - If a food consists of or contains sulphite in a concentration of 10 parts per million or more, the functional class of the sulphite and its name shall be specified in the list of ingredients.

### **3. Indication of “best before” or “use by” date<sup>1</sup>**

Prepackaged food shall be legibly marked or labeled with the appropriate durability indication as follows:

- a “best before” (in Chinese characters as well) date; and
- in the case of a prepackaged food which, from the microbiological point of view, is highly perishable and is likely, after a short period, to constitute an immediate danger to human health, a “use by” (in Chinese characters as well) date.

The words “use by” and “best before” in English lettering and Chinese characters should be followed by the date up to which specific properties of the food can be retained, to indicate the shelf life of the food. The “use by” or “best before” date should be shown either in Arabic or in both the English and Chinese languages. The day, month and year can appear in any order but the exact sequence has to be clearly declared in both Chinese and English. For specific details refer to the [Regulation](#). Deep-frozen food and any food with a shelf life of more than 18 months is also required to mark a “best before” date.

### **4. Statement of Special Conditions for Storage or Instruction for Use**

---

<sup>1</sup> Note : Under the Food and Drugs (Composition and Labeling) Regulations, it is an offense to sell any food after its “use by” date. Furthermore, any person who, not being the food manufacturer or packer or without their written authorization, removes or obliterates any particulars on the label required under these regulations also commits an offense.

If special conditions are required for storage to retain the quality or special instructions are needed for prepackaged food use, a statement should be legibly marked on the label.

## **5. Name and Address of Manufacturer or Packer**

Prepackaged food shall be legibly marked or labeled with the full name and address of the manufacturer or packer, except under the following situations:

- The package is marked with an indication of the country of origin and the name and address of the distributor or brand owner in Hong Kong, and the address of the manufacturer or packer of the food in its country of origin has been notified in writing to the Director of FEHD.
- The package is marked or labeled with an indication of its country of origin and with a code marking identifying the manufacturer or packer in that country and particulars of the code marking and of the manufacturer have been notified in writing to the Director of FEHD.

## **6. Count, Weight or Volume**

The food label should include the numerical count or net weight or net volume of the food. Units of measurements allowed for labeling purposes include Metric, Imperial and Chinese units.

### **Appropriate Language**

The marking or labeling of prepackaged food can be in either the English or the Chinese language or in both languages. If both the English and Chinese languages are used in the labeling or marking of prepackaged food, the name of the food, nutritional labeling and the list of ingredients shall appear in both languages.

### **Exemptions from Labeling Regulations**

The following food categories are exempted from labeling regulations: individually wrapped confectionery products and preserved fruits intended for sale as a single item; prepackaged foods for sale at catering establishment for immediate consumption and wines, fruit wines and other drinks with an alcoholic strength by volume of 10 percent or more.

For alcoholic drinks with an alcoholic strength by volume of more than 1.2 per cent but less than 10 per cent, the durability period will need to be labeled on the drinks. Apart from this, they will be exempted from all other labeling requirements.

The HKG released a Code of Practice regarding the Labeling of Alcoholic Drinks. This labeling guideline is provided to the trade for them to follow on a voluntary basis. (Under the Dutiable Commodities Regulation, every container containing liquor for local consumption is required to be labeled with the alcoholic strength.) Details refer to [GAIN Report #HK5021](#).

## **Labeling on Biotech Food**

At present, the HKG does not have any specific regulations with regard to the labeling of biotech food products. The HKG makes no distinction between conventional and biotech foods. All are subject to the same food safety regulation.

Nevertheless, the HKG, has expressed a preference for promoting voluntary labeling of GMO products as a viable alternative for the trade and provided guidelines in 2006. The guidelines are based on the following four principals.

- The labeling of biotech food will comply with the existing food legislation.
- The threshold level applied in the guideline for labeling purpose is 5 percent, in respect of individual food ingredient.
- Additional declaration on the food label is recommended when significant modifications of the food, e.g. composition, nutrition value, level of anti-nutritional factors, natural toxicant, presence of allergen, intended use, introduction of an animal gene, etc, have taken place.
- Negative labeling is not recommended.

As the guideline is voluntary, U.S. food exports should not be affected if they choose not to have any biotech labeling. However, it should be noted that the HKG does not encourage negative labeling particularly for the use of the following terms:

- GMO free,
- Free from GM ingredients, etc

For products with such definite negative labeling, the HKG may take the initiative to test the products against GM ingredients and zero tolerance will be adopted for testing purposes. If products are found to have misleading labeling, a retailer may be subject to prosecution under Section 61 – [False Labeling and Advertisement of Food or Drugs](#) of Chapter 132 Public Health and Municipal Services Ordinance.

If the trade chooses to apply negative labeling, the government advises to use less definite terms such as “sourced from non-GM sources” (which contains less than 5 percent of GM content) and to have documentation to substantiate such declaration.

For more details on the voluntary labeling guidelines and biotechnology in Hong Kong, please refer to GAIN Reports [#HK6026](#) & [#HK1423](#) respectively.

## **Nutritional Labeling**

Since July 1, 2010, Hong Kong has required nutritional labeling on all prepackaged food sold in Hong Kong to include energy plus seven nutrients, namely: protein, carbohydrate, fat, saturated fat, trans fat, sodium and sugars. Products selling less than 30,000 units a year can apply for small volume exemption

provided that the products do not carry any nutritional claims. Traders applying for exemption have to pay HK\$345 (US\$44) per product variety for the first year and HK\$335 (US\$43) for annual renewal. On-line applications cost approximately US\$10 less.

The nutritional labeling regulation does not apply to formula and food intended to be consumed by children under the age of 36 months (subject to different nutritional labeling requirements discussed later) and other food for special dietary uses.

Hong Kong's nutritional labeling regulation is unique; meaning all imported foods making nutritional claims from all sources will have to be re-labeled for the Hong Kong market. Despite the fact that the U.S. requires the labeling of 15 energy/nutrients and Hong Kong only seven, U.S. products may not satisfy the Hong Kong nutritional labeling requirements due to different rounding practices, and recommendations for daily consumption.

Given below are some key areas for which U.S. labels must be examined for compliance with Hong Kong's nutrition labeling requirements.

- 1) U.S. products carrying claims on vitamins and minerals need to label claimed vitamins in absolute value per 100 gm or per serving size if they are to be sold in Hong Kong. The U.S. labeling law requires vitamin and mineral content to be labeled in percentage of minimum daily requirement while Hong Kong requires all claimed nutrients to be labeled in absolute value.
- 2) U.S. and Hong Kong have set different conditions for making nutritional claims. For example, Hong Kong's standard for "low fat" is 3 gm per 100 gm of food, while the U.S. standard is 3 gm per serving. Therefore, a "low fat" U.S. product may not be allowed to make a low fat claim if it is to be sold in Hong Kong.
- 3) U.S. and Hong Kong have set a different definition of zero for various nutrients. For example, Hong Kong's zero definition of transfat is 0.3 gm/100 gms, while the U.S. is 0.5 gms/serving. Therefore, a "0 transfat" on the nutrition panel of a U.S. product may violate Hong Kong's nutrition regulation if it is to be sold in Hong Kong.

Hong Kong's nutritional labeling regulation also covers nutrient function claims, which have to fulfill the following criteria:

- The nutrient function claim is based on scientific substantiation and scientific consensus;
- The nutrient function claim must contain information on the physiological role of the claimed nutrient; and
- The content of the claimed nutrients must meet the relevant condition of nutrient content claim for "source", if applicable.

For more information on the impact of Hong Kong's nutritional labeling regulation, please see GAIN Reports [#HK7011](#), [#HK8017](#). Details of the regulation are contained in the government [website on nutrition labeling](#).

## **Nutritional Labelling on Baby Formula**

In 2014 the Hong Kong introduced an [amendment](#) to the Food and Drugs (Composition and Labelling) Regulation with the effect to regulate nutritional composition of infant formula and labelling of infant formula, follow-up formula and prepackaged food for infants and children under the age of 36 months. The requirements for nutritional composition and nutritional labelling for infant formulae will come into operation on December 13, 2015 after a 18-month grace period. A longer grace period is provided for nutritional labelling requirements of follow-up formulae and prepackaged food. The relevant provisions will become effective on June 13, 2016 after a two-year grace period.

The amendment requires the labeling of energy value and 29 nutrients (1+29) for infant formula and the labeling of energy value and 25 nutrients (1+25) for follow up formula. These requirements are in line with Codex standards. Infant formula and follow-up formula refers to formula for babies “up to and including 12 months” and for young children from 6 months to under 36 months respectively.

Moreover, fluoride is not a required nutrient for infant formula. If it is contained in infant formula at a level exceeding 100 ug per 100 kcal or 24 ug per 100 kJ, equivalent to the Codex standard, it is mandatory to include a statement relating to the risk of dental fluorosis.

For prepackaged food for infants and young children, it is mandatory to label energy value and four nutrients, namely protein, fat, carbohydrates and sodium (1+4), as well as vitamin A and vitamin D (if they are added to the food). All prepackaged food (excluding infant formula or follow-up) food for babies and young children up to the age 36 months are to be covered by this regulation measure. Unlike Codex, Hong Kong requires prepackaged food for infants and young children to be labelled with sodium content. The Hong Kong Government explained that this requirement serves to combat salt-induced high blood pressure among the population from an early age.

Formula for special medical purposes for infants and young children is exempted from the labelling requirements because the standard composition requirements may not meet the specific needs of these children. Moreover, the proposed amendment exempts products with a small package size from the nutritional labelling requirements.

The nutritional composition requirements are provided in Section VI.

More details are available at the Hong Kong Food Safety Center’s [website](#).

## **Section VI: Other Specific Standards**

### **Nutritional Composition on Baby Formula**

The Food and Drugs (Composition and Labelling) (Amendment) (No. 2) Regulation 2014 stipulates nutritional composition requirements for infant formula. Infant formula is required to contain energy and 33 nutrients (1+33) at levels and proportions according to Codex standards.

Taurine and decosahexaenoic acid (DHA) are not mandatory nutrients, but if they are added to the formula, they have to be within the maximum level and proportion respectively as stipulated in the amendment and these prescribed levels are in line with Codex.

Formula for special medical purposes for infants is exempted from the composition requirements because the standard composition requirements may not meet the specific needs of these children. Detailed composition requirements are contained in the [regulation](#).

## **Milk Products**

Schedule 1 of the Milk Regulation ([Chapter 132 AQ](#)) specifies the heat treatment method for the pasteurization and sterilization of milk products.

Furthermore, the composition of milk and milk products including butter, cheese, ghee and ice cream is specified in the Food and Drugs (Composition and Labelling) Regulations ([Cap. 132W](#)) Schedule 1, Part II.

## **Composition Standard of Other Food Products**

Hong Kong food regulations have set composition requirements for the following products, namely, margarine, coffee, lard, vinegar, malt vinegar, honey and baking powder. Requirements are contained in the Food and Drugs (Composition and Labelling) Regulations ([Cap. 132W](#)), Schedule 1, Part I.

## **Section VII: Facility and Product Registration Requirements**

In general, Hong Kong does not require facility and product registration of food supplies from foreign countries. However, there are certification requirements for certain products, the information of which will be provided in Section VIII.

## **Products Containing Living Modified Organisms**

Hong Kong passed a Genetically Modified Organisms (Control of Release) Ordinance and the Genetically Modified Organisms (Documentation for Import and Export) Regulation in March 2010 and November 2010 respectively. With the commencement of the Ordinance and the Regulation in March 2011, importers are required to seek prior approval from the Agriculture, Fisheries and Conservation Department (AFCD) before the importation of products containing genetically modified organisms (GMOs), which are intended to be released to the environment. GMOs in the Ordinance are referred to as LMOs or living modified organisms.

Moreover, there are documentation requirements for shipments containing GMOs. Shipments containing GMOs for food or feed or for processing need to be accompanied by documentation containing the following information:

- If the identity of the GMO is known, the shipment contains such a GMO; if the identity of the GMO is not known, the shipment may contain such a GMO;

- The GMO is not intended for release into the environment;
- The common name, scientific name and, where available, commercial name of the GMO;
- The Internet address of the biosafety Clearing House;
- The transformation event code of the GMO or, where available, its unique identifier code; and,
- The details of the importer or exporter (such as name, address and contact information) for further information.

There is no specific requirement regarding the form of documentation accompanying GMO shipments. The use of a commercial invoice or other documents required by existing documentation systems would be sufficient.

Products containing GMO ingredients for release into the environment or for contained use are required to provide different attestations on documents.

[Detailed requirements](#) pertaining to the Regulation is provided at AFCD's website.

### **Proposed Mandatory Pre-market Safety Assessment Scheme for GM Food**

The HKG plans to regulate genetically modified (GM) food by introducing a mandatory pre-market safety assessment scheme in Hong Kong. According to HKG's proposed regulatory framework, a GM food developer would need to apply to the Hong Kong government if any food products containing its GM ingredients are to be sold in Hong Kong. As the application for assessment will be submitted by biotechnology companies which develop the GM organisms for food production, U.S. food exporters should not be impacted. There is no timeframe set for the implementation of the new regulation.

## **Section VIII: Other Certification and Testing Requirements**

### **Import Duties and Permits**

Hong Kong is a free port, imposing no duties on products with the exception of four dutiable products: liquor, tobacco, hydrocarbon oils and methyl alcohol. In reality, these products are taxed equally as locally manufactured goods which are subject to a domestic tax of the same rate. Local importers have to apply for a license from the Hong Kong Customs and Excise Department for the importation of dutiable commodities. In addition, a licensed importer has to apply for a permit for each and every consignment. The current duties are as follows:

Cigarettes per 1000 sticks: US\$245 (HK\$1906)

Cigars per kg: US\$316 (HK\$2455)

Beer & liquor with less than 30 percent alcohol: 0%

Liquor with more than 30 percent alcohol: 100%

Note: Duties on wine and beer were both reduced to 0 percent effective February 27, 2008, from 40 percent and 20 percent respectively.

Under the amended Dutiable Commodities Ordinance, Cap. 109, Hong Kong wine/liquor traders are not required to apply for any licenses or permits for the import or export, manufacture, storage or movement of wine and liquor with an alcoholic strength of less than 30 percent by volume. No valuation of the alcoholic beverages concerned for duty purpose is required. However, the existing licensing/permit control on liquors with an alcoholic strength of more than 30 percent by volume measured at a temperature of 20 degree Celsius remains unchanged.

To facilitate the customs clearance for wine and alcoholic beverages, traders are encouraged to provide a clear description in the freight/shipping documents of the type of liquor and the alcoholic strength of the respective consignment.

### **Certificate of Origin**

Brandy and whisky imports to Hong Kong which are intended to be sold in Hong Kong are required to provide a Certificate of Origin, certifying the type, nature, quality and age of the liquor. If the brandy or whisky is to be re-exported and is not intended to be consumed in Hong Kong, the Hong Kong government does not require a Certificate of Origin for its importation.

- *Brandy: the spirit obtained by the distillation of wine of grapes in the manufacture of which no additional sugar has been added, or a mixture of such spirits, that has been aged in an oak receptacle for at least one year or in an oak cask with a capacity of less than 1000 L for at least 6 months and contains an alcoholic strength of not less than 36 percent by volume at 20 degree Celsius;*
- *Cognac: brandy made in the Cognac region of France from grapes grown therein.*
- *Whisky: the spirit obtained by distillation from a mash of cereal grains saccharified by the diastase of malt or other natural enzyme and fermented by the action of yeast, with or without the addition of flavoring or caramel, that has been aged in wood for at least 3 years and contains an alcoholic strength of not less than 40 percent by volume at 20 degree Celsius.*

[Gain report #HK1439](#) provides general information on Hong Kong's import regulations for wine and spirits.

### **Certification Requirements**

There are specific legal/administrative requirements regarding importation of the following items due to

their perishable or high-risk nature --

- game, meat and poultry
- exotic meats
- milk and milk beverages
- frozen confections
- marine products
- plants
- live animals
- endangered species
- health foods
- eggs

For samples of health certificates, exporters may read the ATO Hong Kong GAIN Report – [Fairs Certification](#).

### **Game, Meat and Poultry**

The importation of frozen or chilled beef, mutton and pork, and poultry is subject to import licensing control. The Center for Food Safety of Food and Environmental Hygiene Department (FEHD) is responsible for issuing import licenses for these foods.

The Imported Game, Meat and Poultry Regulations require that meat or poultry imported to Hong Kong have an official certificate issued by a competent authority recognized by the FEHD. The Department recognizes the United States Department of Agriculture as a competent authority. Hong Kong importers are required to apply for a permit in advance of the importation of ground meats, chilled meats and beef products from the U.S.

### **Exotic Meats**

U.S. exporters are advised to contact the Food Safety and Inspection Service or ATO Hong Kong to check if any trade protocol has been established between the U.S. and Hong Kong government with regard to the import of a particular exotic meat to Hong Kong.

Hong Kong's Center for Food Safety expects U.S. exporters to produce a health certificate issued by the Food Safety and Inspection Service for all U.S. exotic meat exports to Hong Kong. Additionally, U.S. exporters are advised to contact the U.S. Fish and Wildlife Service to obtain the scientific name of the animal. If the animal is an endangered species, a C.I.T.E.S. (Convention on International Trade in Endangered Species of Wild Fauna and Flora) certificate is required for the importation and exportation of the product. In addition, the Hong Kong importer has to apply for an import license from the Hong Kong Agriculture, Fisheries & Conservation Department (AFCD) before the meat products of any endangered species can be imported into Hong Kong.

If the animal is not an endangered species, the U.S. exporter is required to obtain a certificate from the U.S. Fish and Wildlife Service certifying the animals' scientific name and its domesticated origin. This certificate is necessary for the importation of all exotic meats into Hong Kong. U.S. exporters, however,

are strongly advised to enquire about the documentation requirements from the Center for Food Safety on a case-by-case basis.

## **Milk**

The Milk Regulation requires any fluid milk or milk beverage (including cream) to be imported into Hong Kong from a source of manufacture that has been approved by the Director of Food and Environmental Hygiene. Assistant Director of the Center for Food Safety exercises the authority on behalf of the Director of FEHD to make the approval. Before importing these food products into Hong Kong, importers need to apply to the Assistant Director in writing and provide the following information:

- the full name and address of the milk or milk beverage processing plant;
- the law of the country of origin governing the production of milk or milk beverages;
- empty containers of the milk or milk beverage with labels;
- information on the heat treatment method of the milk or milk beverage and facilities, including production equipment and water supply, in the processing plant;
- a certificate from an appropriate authority in the country of origin for the purpose of --
  1. certifying the effectiveness and efficiency of the heat treatment method in pasteurizing or sterilizing the milk or milk beverage and that the products have been handled, processed and packed under hygienic conditions
  2. showing the chemical and bacteriological quality of the products; and
- a statement from the manufacturer confirming the approximate shelf-life of the products.

After obtaining the approval and satisfying other conditions which may be imposed by the Assistant Director of the Center for Food Safety, importers may import the milk or milk (beverages) products into Hong Kong. Initially, an import permit is valid for six months, after four renewals, an import permit valid for one year may be issued. When a milk or milk beverage consignment arrives before its release, products will be inspected and, if necessary, sampled by the Center for Food Safety. Upon the Center's satisfaction, a "release" letter will be issued to the local importer. Each milk shipment has to be accompanied by health certificates.

Hong Kong's milk regulation allows two types of milk registration: pasteurized and sterilized milk. In 2007, a U.S. ultra-pasteurized milk successfully registered as pasteurized milk with the HKG for the first time.

## **Frozen Confection**

The Frozen Confections Regulation requires any frozen confection to be imported into Hong Kong from a source of manufacture approved by the Director of Food and Environmental Hygiene. Assistant Director of the Center for Food Safety exercises the authority on behalf of the Director of FEHD to make the approval. Before importing these food products into Hong Kong, importers need to apply to the Assistant Director in writing and provide the following information:

- the full name and address of the frozen confection processing plant;
- the law of the country of origin governing the production of frozen confections;

- empty containers or wrappers of the frozen confection with labels;
- information on the heat treatment method of the frozen confection and facilities, including production equipment and water supply, in the processing plant;
- a certificate from an appropriate authority in the country of origin for the purpose of :
  1. certifying the effectiveness and efficiency of the heat treatment method in sterilizing the frozen - confection and that the products have been handled, processed and packed under hygienic conditions
  2. showing the chemical and bacteriological quality of the products; and
- details of ingredients, including coloring matter, stabilizers , sweetening agents, etc., and their amount in the frozen confection.

After obtaining the approval and satisfying other conditions, which may be imposed by the Assistant Director of the Center for Food Safety, importers may import the frozen confections into Hong Kong. Initially, an import permit is valid for six months, after four renewals, an import permit valid for one year may be issued. When a frozen confection consignment arrives and before its release, the products will be inspected and if necessary, sampled by the Center. Upon the satisfaction of the Department, a “release” letter will be issued to the importer. Each frozen confection shipment has to be accompanied by health certificates.

### **Marine Products**

Presently, it is not mandatory for all seafood products to be accompanied by a health certificate, but U.S. products to Hong Kong usually provide health certificates to facilitate customs clearance. However, the certificates submitted do not have a standard attestation, since the HKG has not officially requested any health certification requirements for U.S. seafood products. The HKG accepts seafood certificates issued by individual states or the National Oceanic and Atmospheric Administration (NOAA).

When a consignment of seafood products arrives at entry points in Hong Kong, it may be subject to inspection or sampling. If the importer concerned is not able to present health certificates during inspection, the Center of Food Safety may take consignment samples for examination before release.

### **Plants**

The importation of plants to Hong Kong is subject to the Plant (Importation and Pest Control) Ordinance, Cap. 207. Any plant imported into Hong Kong must be accompanied by a Plant Import License issued by the Agriculture, Fisheries & Conservation Department and a valid Phytosanitary Certificate issued by the competent authority in the country of its origin.

No Plant Import License or Phytosanitary Certificate will be required for import of the following items:

- Cut flowers
- Fruit & vegetables for consumption
- Grains, pulses, seeds and spices for human or animal consumption or for industrial use
- Timber and timber products including rattan and bamboo
- Dried tobacco and manufactured articles incorporating dried leaves

- Plants produced in and imported from China

In order to avoid unnecessary delay in customs clearance of plants, U.S. exporters are advised to ask their Hong Kong importers to obtain a Plant Import License from the Hong Kong Agriculture, Fisheries & Conservation Department prior to shipment of plants. If the application is found to be in order, a Plant Import License will normally be issued after two working days from receipt of the application.

## **Live Animals**

The relevant legislation covering the importation of live animals is as follows:

- Public Health (Animals and Birds) Ordinance and Subsidiary Regulations, Cap. 139
- Prevention of Cruelty to Animals Ordinance, Cap.169
- Rabies Ordinance, Cap. 421
- Protection of Endangered Animals and Plants Ordinance, Cap.586
- Public Health and Municipal Services Ordinance and Subsidiary Legislation, Cap.132

### Requirement for a Permit in Advance

Importation of live animals and birds is regulated under the Public Health (Animals and Birds) Regulations, Cap. 139 and the Rabies Ordinance, Cap. 421. Importers must apply for a permit well in advance from the Agriculture, Fisheries & Conservation Department before importation. The importer must be a locally based person or a company incorporated in Hong Kong who shall be answerable to the laws of Hong Kong and shall take every precautionary measure to ensure that all permit terms are fully complied with. The permit is valid for three months and good for one consignment. In addition to import permits, a valid veterinary health certificate issued by the competent veterinary authority of the exporting country must accompany animals and birds imported to Hong Kong.

Agriculture, Fisheries and Conservation Department is the regulatory department. Its website provides [import requirements](#) for animals and birds, including dogs, cats, breeding pigs, horses, birds, poultry, reptiles, etc.

## **Endangered Species**

The Protection of Endangered Species of Animals and Plants Ordinance, Cap. 586, is the local legislation which gives effect to CITES in Hong Kong. The control regime follows closely the requirements under CITES.

CITES imposes different export and import controls according to the Appendices in which a species is listed. In general, species listed in Appendix I require an export license and an import permit, while an export license is adequate for species listed in Appendix II. No import permit is required for species listed in Appendix II. The licensing system covered by the ordinance is based on consignment or keeping premises rather than on individual species.

The salient points of the Protection of Endangered Species Animals and Plants Ordinance are as follows:

### *Appendix I species*

- 1) The importation of an Appendix I species requires a license issued in advance by AFCD. Each license is valid for one shipment at one time. Commercial trade in Appendix I species of wild origin is not allowed and AFCD will not issue a license. Appendix I animals bred in captivity for commercial purposes from CITES registered farms and Appendix I plants artificially propagated for commercial purposes are treated as Appendix II specimens and therefore subject to the same control as Appendix II specimens.

### *Appendix II species*

- 2) The ordinance does not require an import license for the importation of species listed on CITES Appendix II. (Except for live species of wild origin.) Export licenses issued by the exporting country are still required.
- 3) Different from CITES requirements, the importation to Hong Kong of live species of wild origin from CITES Appendix II is required to have an import license in addition to an export license issued by the exporting country.
- 4) The commercial importation of both wild and cultivated ginseng requires an export license issued by the exporting countries. Hong Kong traders do not need to apply for any import licenses. However, individuals bringing in ginseng for personal use, regardless of wild or cultivated, do not need to produce an export license issued by the exporting country or import licenses issued by AFCD.

### *Appendix III listed species*

- 5) For Appendix III listed species, the importation to Hong Kong requires to have export licenses issued by exporting countries. The importation of an Appendix III species is required to have a valid CITES export permit or a certificate of origin issued by the exporting country. Traders do not need to apply for any import licenses from the Hong Kong government.

## **Dietary Supplements and Health and Organic Foods**

In Hong Kong, dietary supplements, health and organic foods are subject to the same piece of food ordinance as conventional foods. Retailers are expected to provide truthful labeling as regulated by [Chapter 132](#) Section 61 – False Labeling and Advertisement of Food or Drugs.

Dietary supplements and health foods should not include medicinal ingredients, or they may be regarded as pharmaceutical products. Pharmaceutical products are subject to registration under the Health Department and are regulated by the Pharmacy and Poisons Ordinance. On the other hand, Chinese medicine, some may be regarded as health food, is subject to the Chinese Medicine Ordinance. The [Undesirable Medical Advertisements Ordinance \(chapter 231\)](#) prohibits advertisements claiming that a product has curative or preventive effects on any of the diseases listed in the schedule to the Ordinance.

While the Hong Kong Organic Center provides organic certification for local produce, Hong Kong does

not have a law regulating organic food products. U.S. organic products can be sold in Hong Kong with the USDA organic logo.

### **Eggs – Proposed Legislation to Regulate Import of Poultry Eggs**

In 2008, the U.S. government concluded a certificate protocol for egg exports with the HKG. U.S. exporters provide health certificates for egg consignments on a voluntary basis. Since that time, the HKG has mentioned interest in a subsidiary regulation which would require mandatory certification requirements for eggs but no additional legislation controls have been provided.

### **Section IX: Import Procedures**

Documents required to facilitate customs clearance are:

- Manifests provided by shippers;
- Import licenses or removal permits (if required, importers should apply licenses or permits in advance);
- Other supporting documents such as bill of lading, airway bill, invoice, packing list etc.

In addition, the Center for Food Safety requires importers to provide an official health certificate for the importation of meat products, frozen confection and dairy products. When a consignment arrives and before its release, the products will be inspected, and if necessary, sampled. Upon the satisfaction of the Department, a “release” letter will be issued to the importer.

### **Section X: Copyright and /Trademark Laws**

The Intellectual Property Department has the responsibility to protect intellectual property in Hong Kong. It provides trade mark, patent, and designs registration. The Trade Marks Ordinance stipulates the registration procedure of trademarks and the range of signs that can be registered as marks. Also the ordinance allows parallel imports except when "the condition of the goods has been changed or impaired after they have been put on the market, and the use of the registered trade mark in relation to those goods is detrimental to the distinctive character or repute of the trade mark".

The government supports an [online trademarks search facility](#) that contains all registered trademarks and trademark applications in force on the Hong Kong Register of Trade Marks. The search facility is free.

### **Appendix 1: Key Government Regulatory Agency Contacts**

Department to implement food safety control policy

The Center for Food Safety  
Food & Environmental Hygiene Department

43/F., Queensway Govt Offices  
66 Queensway  
Hong Kong  
Tel: 852-2868-0000  
Fax: 852-2834-8467  
Web site: <http://www.fehd.gov.hk>  
E-mail: rc@fehd.gov.hk

Department to control the importation of plants & live animals

Agriculture, Fisheries & Conservation Department  
5-8/F., Cheung Sha Wan Govt Offices  
303, Cheung Sha Wan Rd  
Kowloon, Hong Kong  
Tel: 852-2708-8885  
Fax: 852-2311-3731  
Web site: <http://www.info.gov.hk/afcd>  
E-mail: mailbox@afcd.gov.hk

Department to register health foods containing medicinal ingredients

Department of Health  
Pharmaceuticals Registration  
Import & Export Control Section  
18<sup>th</sup> Floor, Wu Chung House  
213 Queen's Road East, Wanchai  
Hong Kong  
Tel : 852-2961-8754  
Fax : 852-2834-5117  
Web site : <http://www.info.gov.hk/dh/index.htm>

Department to issue licenses for imported dutiable commodities

Hong Kong Customs & Excise Department  
Office of Dutiable Commodities Administration  
6-9th floors, Harbor Building  
38 Pier Road  
Central  
Hong Kong  
Tel: 852-2815-7711  
Fax: 852-2581-0218  
Web site: <http://www.info.gov.hk/customs>  
[Email : customsenquiry@cutsoms.gov.hk](mailto:customsenquiry@cutsoms.gov.hk)

## Department for Trade Mark Registration

Intellectual Property Department  
Trade Marks Registry  
24th and 25th Floors, Wu Chung House  
213 Queen's Road East  
Wan Chai  
Hong Kong  
Tel : 852-2803-5860  
Fax : 852-2838-6082  
Web site : <http://www.info.gov.hk/ipd/eng/index.htm>

## World Trade Organization (WTO) Enquiry Point

Trade & Industry Department  
Regional Cooperation Division  
18/F., Trade Department Tower  
700 Nathan Road  
Kowloon, Hong Kong  
Tel: 852-2392-2922  
Fax: 852-2398-3747  
Web site: <http://www.info.gov.hk/tid>  
E-mail: [enquiry@tid.gov.hk](mailto:enquiry@tid.gov.hk)

## **Appendix II: Other Import Specialist Contacts:**

Agricultural Trade Office  
American Consulate General  
18<sup>th</sup> Floor, St. John's Building  
33 Garden Road, Hong Kong  
Tel: (852) 2841-2350  
Fax: (852) 2845-0943  
E-Mail: [ATOHongKong@usda.gov](mailto:ATOHongKong@usda.gov)  
Internet Homepage : <http://www.usconsulate.org.hk>  
<http://www.usfoods-hongkong.net>