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**Date:** 12/14/2018

**GAIN Report Number:** HK1830

## **Hong Kong**

### **Food and Agricultural Import Regulations and Standards Report**

### **FAIRS Annual Country Report**

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**Report Highlights:**

Hong Kong enacted the Food Adulteration (Metallic Contamination) (Amendment) Regulation 2018. The Amendment Regulation takes effect November 1, 2019 for fresh and perishable products and November 1, 2020 for all products. Apart from updating the corresponding section in the FAIRS report, other parts of the report remain the same as the 2017 FAIRS report.

**This report was prepared by the Agricultural Trade Office 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 REGION’S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.**

**Table of Contents**

Section I: General Food Laws..... 2  
 Section II: Food Additive Regulations ..... 3  
 Section III: Pesticide and Other Contaminants ..... 5  
 Section IV: Packaging and Container Requirements..... 7  
 Section V: Labeling Requirements ..... 7  
 Section VI: Other Specific Standards ..... 13  
 Section VII: Facility and Product Registration Requirements..... 14  
 Section VIII: Other Certification and Testing Requirements ..... 15  
 Section IX: Import Procedures..... 22  
 Section X: Copyright and/Trademark Laws ..... 22  
 Appendix 1: Government Regulatory Key Agency Contacts..... 23  
 Appendix II: Other Import Specialist Contacts: ..... 24

**Section I: General Food Laws**

Hong Kong is a Special Administrative Region of the People’s Republic of China with its Basic Law (mini-constitution) reflecting the “one country, two systems” concept. Hong Kong maintains distinct social, economic, judicial, and political systems, and food and agricultural import regulations that are separate from those of mainland China (until 2047) with the exception of foreign affairs and defense.

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 the OIE in the context of food safety standards and animal health standards in setting, or in lieu of, domestic regulations.

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

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

- 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, Poultry and Eggs Regulations
- Milk Regulation
- Mineral Oil in Food Regulations
- Preservatives in Food Regulations
- Pesticide Residues in Food Regulations

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

Pursuant to [Food Safety Ordinance \(Cap.612\)](#), Hong Kong instituted a registration program for food importers and distributors and a requirement for traders to maintain business records to enhance food traceability. This ordinance also empowers the authorities to tighten import controls on specific food types, prohibit the import and supply of problem foods and order the recall of foods, when necessary.

### **Competent Authority**

Hong Kong's Center for Food Safety (CFS), which operates under the Hong Kong Food and Environmental Hygiene Department (FEHD), is responsible for implementing territory-wide food safety policies and enforcing food-related legislation. Importers are encouraged to obtain health certificates, issued by food safety and health authorities of countries of origin, to certify imported food is fit for human consumption. FEHD tests foods at the point of entry and at the retail level for 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 enforcement of related animal and plant regulations.

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

According to Food and Drugs (Composition and Labelling) Regulations (Regulation 2 –Interpretation),

food additives includes neither vitamins nor 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 Preservatives Regulation establishes a positive list for these substances meaning that only the preservatives or antioxidants listed in the regulation are allowed in foods. 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 following food regulations stipulate chemicals/additives that are allowed/not allowed 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 Adulteration \(Metallic Contamination\) \(Amendment\) Regulation 2018 \(Effective November 1, 2019\)](#)

- Part 2 of Schedule lists the Maximum Level of Metal in Food
- 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

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

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 the compositional standards for certain food items.

The CFS refers to the safety evaluation done by international food safety authorities, such as the Joint Food and Agriculture Organization/World Health Organization 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 CFS 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 for 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 the 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 took effect August 1, 2014.

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 key points of the regulatory framework include:

- 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, the United States, and Thailand
- Adopting a “modified positive list approach,” i.e., pesticide residues found outside the list 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<sup>1</sup>, and
- Allowing application for revising/adding MRLs and exempted substances.

The CFS suggests that exporters propose new MRLs/EMRLs or exempted pesticides for inclusion in Schedules 1 and 2 with supporting information if planning to supply food to Hong Kong containing pesticides not on the list. The CFS 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 Hong Kong government (HKG) cited detections of U.S. produce samples collected during routine surveillance containing cadmium at levels exceeding Hong Kong's standard. Following the enactment of the amended metallic contamination regulation in 2018, Hong Kong will change the maximum residue level of cadmium in leafy vegetables from 0.1 ppm to 0.2 ppm, adhering to the Codex standard. The amended regulation will come into effect in November 2019. The United States has no specific regulation regarding cadmium residues in lettuce or other vegetables.

## **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

The CFS completed the legislative process of the amendment to the Regulations. To provide a grace period to the industry adapting to changes, the amended regulation will become effective in two stages – November 1, 2019 for fresh and perishable food products and November 1, 2020 for the rest of food products having a longer shelf life. The amended regulation incorporated the following principles.

- To set Maximum Residue Levels (MRLs) for metallic contaminants with respect to individual food categories.
- To adopt Codex maximum residual levels in general
- To establish MRLs for certain food groups which are of relevance to the local population based on domestic dietary patterns, despite the absence of Codex metallic contaminant MRLs.

Part 2 of Schedule of the [Food Adulteration \(Metallic Contamination\) \(Amendment\) Regulation](#)

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<sup>1</sup> The CFS has not updated the lists after the regulation became effective in 2014.

[2018](#) lists the Maximum Level of Metal in Food.

Further details are available at this [webpage](#).

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

### Action Levels of Certain Chemicals

While there are no regulations setting the maximum residue level of certain chemicals, the CFS through administrative measures has adopted an action level for the following chemicals in its food surveillance program.

<b>Chemicals</b>	<b>Action Level</b>
DEHP	1.5 ppm
DBP	0.3 ppm
DINP	9 ppm
B[a]P in cooking oil <sup>2</sup>	10 µg/kg
Ractopamine <sup>3</sup>	Referencing Codex standard in various animal products <sup>4</sup>
Dioxins	1 pg/g
Sum of dioxins and DL-PCBs in hairy crabs	6.5 pg/g

### Section IV: Packaging and Container Requirements

Hong Kong currently has no special requirements for packaging or containers. However, Hong Kong apartments are generally small with very little storage space, therefore, packaging tend to be smaller than that in the U.S. For example, the largest retail packaging for milk is 1 liter.

### Section V: Labeling Requirements

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<sup>2</sup> The HKG has proposed to set the limit of B[a]P in edible oils to 5 ug/kg in pending legislation regulating edible oils and cooking waste

<sup>3</sup> Paylean was approved for use in swine feeds in 2007 in Hong Kong

<sup>4</sup> 10 ppb for meat products

## 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 containing food 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 a distinct Hong Kong-specific label. As the CFS accepts stick-on labels, Hong Kong importers attach a stick-on label to the product after its arrival in Hong Kong.

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 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>5</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 numerals 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 are also required to have a “best before” date.

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

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 should 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.

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<sup>5</sup> 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 obliterated any particulars on the label required under these regulations also commits an offense.

## **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 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 exempt 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 percent but less than 10 percent, the durability period must be labeled on the drinks. Apart from this, they are exempt from all other labeling requirements.

### **Labeling on Genetically Engineered Food Products**

At present, the HKG does not have any regulations regarding the labeling of genetically engineered (GE) food products. The HKG makes no distinction between conventional and GE foods in regulating food safety.

The HKG's position on GE food is to encourage the trade to practice voluntary labeling. The guidelines for voluntary labeling were established in 2006 and are based on the following four principals:

- The labeling of GE food complies with existing food legislation
- The threshold level applied in the guideline for labeling purpose is five percent, with respect to an 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 particularly for the use of the following terms:
  - GE free,
  - Free from GE ingredients, etc.

For products with negative labeling, the HKG may test the products for GE 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 the use of less definite terms such as “sourced from non-GE sources” (which contains less than five percent of GE 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](#) and the [Annual Biotechnology Gain Report](#), respectively.

## **Nutritional Labeling**

Hong Kong requires nutritional labeling on all prepackaged food sold in Hong Kong which must 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 may apply for a small volume exemption provided that the products do not carry any nutritional claims. Traders applying for exemption must 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 or less.

The nutritional labeling regulation does not apply to formula and food intended for consumption by children under the age of 36 months (see Nutritional Labelling section) and other food for special dietary uses.

Hong Kong’s nutritional labeling regulation is unique; all imported foods making nutritional claims from all sources must be re-labeled for the Hong Kong market. U.S. product labels 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 must have claims in absolute value per 100 gram or per serving size for sale in Hong Kong. The U.S. labeling law requires vitamin and mineral content be labeled in percentage of minimum daily requirement, while Hong Kong requires all claimed nutrients to be labeled in absolute value.
- 2) The United States 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 in Hong Kong.
- 3) The United States and Hong Kong have set different definitions of zero for various nutrients. For example, Hong Kong’s zero definition of transfat is 0.3 gms/100 gms, while the U.S. standard 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.

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

- Based on scientific substantiation and scientific consensus;
- Contains information on the physiological role of the claimed nutrient; and
- 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 Infant Formula, Follow-up Formula, and Prepackaged Foods for Infants and Children under 36 months**

In 2014, Hong Kong introduced an [amendment](#) to the Food and Drugs (Composition and Labelling) Regulation to regulate the nutritional composition of infant formula and restrict 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 formula became effective on December 13, 2015, following an 18-month grace period. There was a longer grace period for nutritional labelling requirements for follow-up formula and prepackaged food. The relevant provisions became 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 infants up to and including 12 months and for young children from six months to 36 months, respectively.

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, a statement relating to the risk of dental fluorosis is mandatory.

For prepackaged food for infants and young children, labeling 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), is mandatory. All prepackaged food (excluding infant formula or follow-up) for infants and young children up to the age 36 months are covered by this regulation.

Unlike Codex, Hong Kong requires prepackaged food for infants and young children to be labelled with sodium content 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 exempt from the labelling requirements because the standard composition requirements may not meet the specific needs of these children. Moreover, the amendment exempts products packed in a container which has a total surface area of less than 100 cm<sup>2</sup> from the nutritional labelling requirements.

The nutritional composition requirements are provided in Section VI. More details are available at the Hong Kong Center for Food Safety [website](#).

### **Labelling for Organic Products**

Hong Kong does not have specific regulations for labelling organic products. The Hong Kong Organic Center allows products to carry its organic logos provided that they can fulfill the Center's certification requirements. USDA organic labels are allowed in Hong Kong.

### **Proposed Regulations on Claims on Formula Products**

In early 2015, the Hong Kong government conducted a public consultation on proposed regulations regarding claims on formula and food for children under 36 months. Hong Kong notified the proposal to the WTO via G/TBT/NHKG/47. Based on the consultation result, the HKG recommended the prohibition of nutrition and health claims for all baby and follow-up formula, but allowed for foods for children under 36 months. However, the HKG proposed to prohibit medicinal claims on all formula and foods for infants and children aged under 36 months.

The regulation would control use of such claims in both packaging and advertising. The HKG pledged to provide a transition period prior to implementation of any new regulation but the duration has not been announced. Also, no legislative time frame has been provided.

Some of the proposed regulatory measures have been opposed by the industry and the HKG has not made any further announcements on a way forward.

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

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

The Food and Drugs (Composition and Labelling) (Amendment) (No. 2) Regulation 2014 stipulates the nutrition 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 added to formula, must be within the maximum level and proportion respectively as stipulated in the amendment and in line with Codex standards.

Formula for special medical purposes for infants is exempt 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 regulations 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 other foreign countries, with few exceptions not relating to U.S. food products. However, there are certification requirements for certain products, the information of which is provided in Section VIII.

While there are no registration requirements for facility and product registration of imported foods, [the Food Safety Ordinance \(Cap.612\)](#) requires Hong Kong food importers and distributors to register with the Hong Kong Food and Environmental Hygiene Department and to comply with record-keeping requirements for the movement of food products for product traceability purposes.

### **Products Containing Living Modified Organisms**

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, pursuant to the Genetically Modified Organisms (Control of Release) Ordinance and the Genetically Modified Organisms (Documentation for Import and Export) Regulation. “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 must 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 is 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 are provided at [AFCD's website](#).

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

In 2013, the HKG announced plans to regulate genetically engineered (GE) foods by introducing a mandatory pre-market safety assessment. According to the HKG's proposed regulatory framework, a GE food developer must apply to the Hong Kong government if any food products containing its GE ingredients are to be sold in Hong Kong. The government has not announced a timeframe for implementation of the new regulation.

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

### **Import Duties and Permits**

Hong Kong is a free port, imposing duties on only four products- liquor, tobacco, hydrocarbon oils, and methyl alcohol- which are also taxed domestically at the same rate. Local importers must 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 and liquor with less than 30 percent alcohol: 0%

Liquor with more than 30 percent alcohol: 100%

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 imported for sale 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.

[Gain Report HK1810](#) provides general information on Hong Kong's import regulations for alcoholic drinks.

### **Certification Requirements**

There are specific legal/administrative requirements regarding the importation of the following items due to their perishable or high-risk nature --

- game, meat, and poultry (including eggs)
- exotic meats
- milk and milk beverages
- frozen confections
- marine products
- plants
- live animals
- endangered species
- health foods
- edible fats and oils

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

### **Imported Game, Meat, Poultry, and Eggs Regulations**

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

The Imported Game, Meat, Poultry, and Eggs Regulations require meat, poultry, and egg products imported to Hong Kong to 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 United States.

### **Exotic Meats**



U.S. exporters are advised to contact the Food Safety and Inspection Service (FSIS) or Agricultural Trade Office (ATO) Hong Kong to check if any trade protocol has been established between the United States and Hong Kong government with regard to the export 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 USDA FSIS 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 Convention on International Trade in Endangered Species of Wild Fauna and Flora (C.I.T.E.S.) 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 and 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. The 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.

### **Frozen Confection**

The Frozen Confection 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, however, 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 a health certificate.

### **Marine Products**

Presently, it is not mandatory for seafood products to be accompanied by a health certificate, but U.S. exporters to Hong Kong usually supply health certificates to facilitate customs clearance, particularly for seafood products which are to be consumed raw. However, the certificates submitted do not have a standard attestation since the HKG has not established official 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 and 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
- Fruits and 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

To avoid any unnecessary delay in customs clearance for 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 the 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 from the Agriculture, Fisheries and Conservation Department before importation. The importer must be a locally-based person or a company incorporated in Hong Kong that is answerable to the laws of Hong Kong and shall take every precautionary measure to ensure compliance with all permit terms. 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.

The 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 the Convention on International Trade in Endangered Species of Wild Fauna and Flora (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*

- A) The importation of Appendix I species require 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*

- A) 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.
- B) 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.
- C) 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. 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*

- A) For Appendix III listed species, the importation to Hong Kong requires an export license 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, Health and Organic Foods**

In Hong Kong, dietary supplements, foods with health claims on the label, and organic foods are subject to the same 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 risk being 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 of which 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.

The Hong Kong Organic Center provides organic certification for local produce but Hong Kong does not have a law regulating imported organic food products.

### **Edible Oil – Consultation on Regulatory Control on Edible Fats and Oils**

The Hong Kong government’s public [consultation](#) on proposed regulatory control of edible fats and oils ended in October 2015, but no progress on legislative work has been announced. The proposed regulatory control consists of two parts that could affect trade. First, U.S. exports need to comply with the new statutory safety standards. Second, shipments have to be accompanied by an official certificate or a certificate issued by any officially recognized independent testing institution.

Presently, there is no specific regulation stipulating the safety standard for edible fats and oils in Hong Kong. Such products are regulated by the general food laws covering all food products.

*Products covered in the proposed regulatory regime include the following:*

- Vegetable oils, such as olive oil, cottonseed oil, and peanut;
- Animal fats, such as lard and tallow
- Edible fats and oils used as ingredients

*Proposed Regulatory Measures*

- To prohibit the use of “waste cooking oils” and “substandard fats and oils” as ingredients for edible fats and oils manufactured locally or imported into Hong Kong
- To require edible fats and oils manufactured locally for either export or domestic sale to be accompanied by an official certificate or a certificate issued by an officially recognized independent testing institution certifying the regulated products meet the statutory standard and is fit for human consumption. This requirement will be incorporated into the plant licensing conditions for production.

- To require importers of edible fats and oils to provide an official certificate or a certificate issued by an officially recognized independent testing institution certifying the regulated products meet the statutory standard and are fit for human consumption.
- To apply equivalent import regulatory measures to exports
- To require traders to provide copies of certificates to downstream distributors, retailers or food premises for Center for Food Safety's inspection.

### *Time Frame*

The Hong Kong government did not specify a time frame for the enactment of the new regulation. However, it pledged to provide an adequate grace period for the trade to refine its product formula to comply with the statutory product standard.

## **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 and egg products, frozen confection, and milk 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 trademark, 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: Government Regulatory Key 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  
Website: <http://www.fehd.gov.hk>  
E-mail: rc@fehd.gov.hk

### Department to control the importation of plants and 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  
Website: <http://www.afcd.gov.hk/eindex.html>  
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  
Website: [http://www.dh.gov.hk/english/main/main\\_ps/main\\_ps.html](http://www.dh.gov.hk/english/main/main_ps/main_ps.html)

### 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  
Website: <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  
Website: <http://www.ipd.gov.hk/eng/trademarks.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  
Website: <https://www.tid.gov.hk/eindex.html>  
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)  
Website: <http://www.usfoods-hongkong.net>



