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Hong Kong

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

U.S. bone-in beef products derived from cattle under 30 months of age and boneless beef over 30 months of age have been allowed entry to Hong Kong since February 2013. Discussion on further expanding product cuts to access the market is underway (Section VII). The Hong Kong government has shelved legislative initiative for adopting mandatory certification for seafood products, but the trade generally provides health certificates in order to expedite customs clearance (Section VII). Also, Hong Kong is going to introduce a mandatory pre-market safety assessment scheme for genetically modified food. Time frame is not set yet (Section VII).

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. Food Laws:

Hong Kong became the Special Administrative Region of the People's Republic of China on July 1, 1997. The Basic Law (mini-constitution) provides a constitutional framework for the Hong Kong Special Administrative Region (SAR). It institutionalizes the concept of "one country, two systems". The Basic Law clearly prescribes that the social, economic and political systems in Hong Kong will be different from those in the mainland of China. It protects the rights, freedoms and life-style of Hong Kong people until the year 2047. The Basic Law guarantees the independence of Hong Kong's judiciary and, apart from foreign affairs and defense, gives Hong Kong people full responsibility to manage their own affairs. It allows Hong Kong complete financial autonomy, and the independence of its monetary system. Perhaps most importantly, it establishes Hong Kong as a separate international customs territory, enabling it to work directly with the international community to control trade in strategic commodities, drugs, illegal transshipments, and to protect intellectual property rights. Hong Kong remains a free port, maintaining free trade practices.

The Sino-British Joint Declaration and the Basic Law define Hong Kong as a separate customs territory and allows, using the name "Hong Kong, China", independent participation in international organizations and international trade agreements. While being 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 maintains that it draws reference from Codex and OIE in the context of food safety standards and animal health standards.

Hong Kong has its own food and agricultural import regulations, which are different from those in China.

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 no food

intended for sale should be unfit 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

A new food law, the [Food Safety Ordinance \(Cap.612\)](#) was enacted in 2011. It provides 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 make regulations for tightening import controls on specific food types and to make orders to prohibit the import and supply of problem food and order the recall of such food when necessary.

The Hong Kong government (HKG) initially planned to introduce two subsidiary regulations under the Food Safety Ordinance stipulating mandatory certification for seafood and egg products. The HKG later decided to shelve the legislative initiative for seafood products. Also, the legislative process for mandatory certification for egg products has been procrastinated, though the Hong Kong and U.S. governments have already reached the protocol on health certificates for U.S. egg exports to Hong Kong in 2008. Meanwhile, U.S. exporters provide health certificates for their shipments to Hong Kong on a voluntary basis. Recently, the HKG indicated that they are planning to discuss with the U. S. government to revise attestations on egg certificates to be in line with the OIE framework. Discussion has not yet started.

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. It 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 being 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 market prices 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. Labeling Requirements:

The Food and Drugs (Composition and Labeling) Regulations require food manufacturers and packers to label their products in a prescribed, uniform and legible manner. The following information is required to be marked on the label of all prepackaged food except for 'exempted items' as provided in the Regulations. Prepackaged food means any food packaged in such a way that the contents cannot be altered without opening or changing packaging and the food is ready for presentation to the ultimate consumer or a catering establishment as a single food item.

General Requirements

The following information has to appear on the label of prepackaged food.



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

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 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 are also required to mark 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 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.

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](#).

For detailed import regulation guidelines on wine, please refer to [GAIN Report #HK0033](#).

Note

- The HKG accepts stick-on labels as long as they meet local requirements.
- 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.

Labeling on Biotech Food

The HKG does not have any specific biotechnology 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.

The HKG, after evaluating the impact of its voluntary labeling scheme for biotech food products, released its conclusions to the Legislative Council on July 8, 2008, suggesting there is no need for a mandatory labeling law in Hong Kong. The HKG noted difficulty in carryout a law that currently does not have an international standard to back it up. As a result of its evaluation, the HKG plans to continue to promote voluntary labeling of GMO products as a viable alternative for the trade.

The HKG released a set of guidelines on voluntary labeling for biotech foods in 2006. The guidelines on labeling for biotech foods are advisory in nature and do not have any legal effect. Adoption is entirely voluntary and is not binding. The guidelines apply to prepackaged food. 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](#) & [HK#1327](#) respectively.

Nutritional Labeling

Hong Kong’s Legislative Council on May 28, 2008 passed a nutritional labeling regulation which took effect July 1, 2010. Hong Kong’s nutritional labeling regulation requires all prepackaged food sold in Hong Kong to label 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.

The nutritional labeling regulation does not apply to formula and food intended to be consumed by children under the age of 36 months 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 meet with the Hong Kong nutritional labeling requirements due to different rounding practices, and recommendations for daily consumption. Virtually all U.S. products carrying claims will require labeling changes and/or nutrient testing.

Given below are some key areas that U.S. labels cannot comply 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](#).

GAIN report HK [1227](#) provides the latest update on the implementation of the nutritional labeling regulation.

Section III. Packaging and Container Regulations:

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

Section IV. Food Additives 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 leads 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
- when the additives used are hazardous to health

Hong Kong food laws provide a list of permitted food preservatives, coloring matter and artificial sweeteners. Details can be found in the following Regulations.

- Preservatives in Food Regulations
- Coloring Matter in Food Regulations
- Food Adulteration (Artificial Sweeteners) Regulations;
- Food Adulteration (Metallic Contamination) Regulations
- Harmful Substances in Food Regulations
- Food and Drugs (Composition and Labeling) Regulations – Additives in Certain Milk Products

All the food regulations can be retrieved at the government website under [Cap 132](#).

Hong Kong amended its Preservatives Regulation, which became effective July 1, 2008. Compared to the original regulation, there is one preservative (propyl para-hydroxybenzoate) no longer allowed for use, and eleven additional preservatives permitted in the new standard, as listed below:

Guaiac resin

Isopropyl citrates

Stannous chloride

Tertiary butylhydroquinone (TBHQ)

Thiodipropionic acid

Dimethyl dicarbonate

Ferrous gluconate

Formic acid

Hexamethylene tetramine

Lysozyme

Pimaricin

Another change brought about by the regulation amendment is the adoption of a food category system based on Codex's GSFA (Codex General Standard for Food Additives) and the incorporation of those preservatives and antioxidants, as well as their permitted levels of use, in GSFA. To help trade better understand the amended regulation, the HKG issued a "[User Guideline](#)", which provides the definition of each food category of the newly adopted food category system. Also, the Guidelines include some questions and answers pertaining to the amended regulations.

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.

Section V. Pesticides and Other Contaminants:

Pesticide Residues in Food

Hong Kong enacted its first-ever Pesticide Residues in Food Regulation in 2012. The Regulation will enter into force on August 1, 2014, following a two-year grace period which is provided to trade to familiarize themselves with the new Regulation. The Hong Kong government is planning to include the July 2013 Codex MRL updates on Hong Kong's pesticide list before implementation in 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.

For more details, please see [GAIN report 1218](#), which is the latest report on this subject.

Before the implementation of the new regulation in 2014, the Center for Food Safety allows the presence of pesticide residues in food up to a certain MRL. It adopts the MRL recommended by the Codex Alimentarius Commission of the WHO/FAO (World Health Organization/Food and Agriculture Organization of the United Nations).

Cadmium

In the past 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.

Section VI. Other Regulations and Requirements:

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 established between the U.S. 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 Food Safety and Inspection Service for all U.S. exotic meat exports to Hong Kong. Additionally, US exporters are advised to contact the 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 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.

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.

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 HKG increased the duty on cigarettes and cigars in 2011. The current duties are as follows:

Cigarettes per 1000 sticks US\$219 (HK\$1706)

Cigars per kg US\$282 (HK\$2197)

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.

Starting June 6, 2008, under the amended Dutiable Commodities Ordinance, Cap. 109, Hong Kong wine/liquor traders will no longer be 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 will be 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 on wine and alcoholic beverages, traders are encouraged to provide clear description in the freight/shipping documents on the type of liquor and the alcoholic strength of the respective consignment.

Certificate of Origin

The importation of brandy and whisky to Hong Kong which are intended to be sold in Hong Kong is 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 any 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.

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, there are documentation requirements for shipments containing genetically modified organisms (GMOs). GMOs in the Ordinance are referred to as LMOs or living modified organisms. 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. Also, importers are required to seek prior approval from AFCD before the importation of products containing GMOs, which are intended to be released to the environment.

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

Section VII. Other Specific Standards:

There are specific legal/proposed requirements or administrative arrangements for the import of the following items due to their perishable or high-risk nature --

- game, meat and poultry
- milk and milk beverages
- frozen confections
- marine products
- plants
- live animals
- health foods
- eggs
- infant formula and food for infants and children under 36 months of age (to be enacted)
- voluntary code of practice for infant formula and related products
- proposed mandatory Pre-market Safety Assessment Scheme for GM Food

For samples of health certificates, exporters may read GAIN Report [FAIRS – Certification](#) dated December 2013.

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 meat or poultry to be imported to Hong Kong with 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. However, the importation of ground meats and chilled meats from all supplying countries including the U.S. requires the importer to obtain a permit in advance.

U.S. bone-in beef products derived from cattle under 30 months of age and boneless beef over 30 months of age have been allowed entry to Hong Kong since February 2013, according to the agreement reached between the U.S. and Hong Kong governments earlier this year. Prior to February 2013, the Hong Kong market was open only to U.S. boneless beef from cattle under 30 months of age. Discussion on further expanding product cuts to have access to the market is underway.

Only the plants which have complied with the USDA Export Verification (EV) Program for Hong Kong are eligible to export beef products to Hong Kong. A listing of the Hong Kong EV Program certified plants is available at the [Agricultural Marketing Service website](#). Hong Kong traders importing U.S. beef are required to obtain a permit in advance.

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

The Hong Kong government has shelved the legislative initiative for adopting mandatory certification for seafood products. The HKG once intended to make it mandatory to have health certificates accompanying seafood imports to Hong Kong through a new subsidiary regulation under the Food Safety Ordinance, which was passed in 2011. (For details of the proposed seafood certification, please see the latest GAIN Report on this subject [#HK1141](#).)

Presently, it is not a mandatory requirement for all seafood products to be accompanied with a health certificate, but U.S. products to Hong Kong usually provide health certificates in order 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 on arrival, 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 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.

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

The HKG has procrastinated the introduction of a subsidiary regulation which requires mandatory certification requirements for eggs. The subsidiary regulation was initially scheduled to be enacted in 2012 under the Food Safety Ordinance. There is no further indication when the regulation will be introduced to the Legislative Council. The scope of poultry eggs to be kept under the once proposed legislative control would include raw eggs, preserved eggs, partly cooked eggs and egg yolk. In 2008, the U.S. government concluded a certificate protocol for egg exports with the HKG. Meanwhile, U.S. exporters provide health certificates for egg consignments on a voluntary basis.

Legislative Proposal on Infant Formula and Food Products

The Hong Kong government (HKG) plans to introduce and enact a legislative regulation on the labeling and nutrition requirements for formula and food products for infants and young children under 36 months of age. (The current nutrition labeling regulation does not cover infant formula and food for children under 36 months of age.) The regulation will not have any provisions regulating manufacturers' claims. The HKG indicated that the proposed regulation is based on Codex principles and international practices in order not to impede trade, as most formula products and foods intended for infants and young children in Hong Kong are imported from overseas. The regulation will be provided with a grace period which has yet to be determined.

The proposed regulation covers four key areas:

- Codex requirement on nutritional composition (i.e. energy and 33 nutrients as specified by Codex) for infant formula before complementary feeding is introduced and the level of energy and each nutrient must fall within the range specified by Codex;
- Nutrition labeling requirement for infant formula by listing energy and the 33 nutrients specified by Codex;
- Nutrition labeling requirement for follow-up formula intended for infants and young children under the age of 36 months by listing energy and the 25 nutrients specified by Codex;
- Nutrition labeling requirement for foods intended for infants and young children under the age of 36 months by listing energy and nutrients required for such foods as specified by Codex.

In short, the legislative proposal focuses on the regulation of the nutrition composition and labeling of infant formula. For follow-up formula and foods intended for infants and young children under 36 months of age, the proposed regulation only stipulates labeling but not nutrition requirements.

Details of the proposed regulation can be retrieved from GAIN report [HK1231](#) and the legislative proposal website of the Hong Kong Food Safety Center.

The HKG initially planned to introduce the regulation in 2013 but the target deadline apparently could

not be met. The government is still in the process of engaging the trade in consultation on the technical details of the regulation.

Proposed Voluntary Code of Practice for Infant Formula, Baby Food and Related Products

The Hong Kong government (HKG) has released a draft Hong Kong Code of Marketing and Quality of Formula Milk and Related Products, and Food Products for Infants and Young Children in late November 2012 and plans to have it finalized and implemented by the end of 2013. However, the Code has not yet been finalized within the target timeframe. The HKG is still in the process of reviewing the comments collected within the 4-month consultation period which ended in February 2013.

The Code aims to provide voluntary guidelines on the marketing and nutrition of formula and food for infants and children less than 36 months of age. There are voices that the Code should not be voluntary and that it should not be applied to formula and food for children over 1 year old.

The Code was based on the International Code of Marketing of Breastmilk Substitutes (WHO, 1981) and the relevant subsequent World Health Assembly (WHA) resolutions. However, the Code expands its scope by not only covering the marketing of breastmilk substitutes but also the labeling and quality standards of formula milk and food products for infants and young children.

The draft Hong Kong Code of Marketing and Quality of Formula Milk and Related Products, and Food Products for Infants & Young Children includes 10 articles covering marketing, labeling and quality of formula and food products for infants and young children between 0-36 months as well as feeding bottles, teats and pacifiers.

In the areas of marketing and promotion:

- The Code advises manufacturers and distributors (M&Ds) not to launch any education and information dissemination activities for breastfeeding and formula milk feeding and nutrition. Information can be provided on websites or sent to enquirers upon request. (This article also restricts education on breastfeeding because studies indicated that breastfeeding will last longer when mothers have not received any breastfeeding education provided by traders of baby formula.)
- The Code advises M&Ds not to launch any promotional activities for formula milk, feeding bottles, teats and pacifiers.
- Public promotion such as advertising and sample distribution of food products for infants and young children is allowed but not in health care facilities.

In the area of labeling:

- The Code does not allow health and nutrition claims for infant formula.
- The Code allows health claims but not nutrition claims for follow-up formula.
- The Code allows health claims and nutrition claims on four nutrient groups, namely sugars, sodium, vitamins and minerals, for infant and young children foods. Health claims have to follow Codex requirements or adhere to those which have been approved by national/international authorities.

More details of the voluntary code are available at GAIN report [HK1228](#). The [Hong Kong Code](#) and a [summary](#) can be retrieved from the Hong Kong government 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. Copyright and/or Trademark Laws:

The Intellectual Property Department is the government department established with 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 has introduced an [online trademarks search facility](#) on January 30, 2003. The system contains all registered trademarks and trademark applications in force on the Hong Kong Register of Trade Marks. The search facility is free.

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 of FEHD 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.

Appendix I. 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: enquiries@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
18th 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

Appendix II. Other Import Specialist Contacts:

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