

3.24 Food Related Laws and Regulations

Exhibitors are requested to read through sections 3.24.1 to 3.24.16 of the Exhibitor's Manual and ensure complete compliance with all the stated laws, regulations and conditions.

The exhibitor agrees to comply with all the laws, regulations and conditions mentioned in section 3.24, and to exempt the Hong Kong Trade Development Council and Hong Kong Convention and Exhibition Centre (Management) Limited from, and indemnify them against all liabilities whatsoever incurred from any complaint lodged or proceedings instituted by any person arising from any offence committed under the laws and regulations by the exhibitor.

3.24.1 Onsite Inspection

To ensure full compliance with the laws and regulations, the Organisers maintain the right to demand for immediate remedial action by Exhibitors upon request during the Fair period if the Organisers have any suspicion on any non-compliance of the laws and regulations mentioned in section 3.24. In the incidence that repeated verbal warnings are in vain, the Organisers may terminate the exhibitors' right to continue participating in the Fair with immediate effect. Officials from various government departments and authorities such as Food and Environmental Hygiene Department, Department of Health, Customs & Excise Department, Immigration Department, Chinese Medicine Council of Hong Kong, as well as the Consumer Council, may also conduct inspections onsite during the Fair period.

3.24.2 Food Laws of Hong Kong

The Food and Environmental Hygiene Department (FEHD) of the Government of the Hong Kong Special Administrative Region (HKSAR) have set forth very strict rules and regulations relating to sale of food in Hong Kong. Any food, whether imported or locally produced, intended for sale in Hong Kong shall comply with the local food laws including but not limited to the list below:

- (1) Public Health and Municipal Services Ordinance (Cap. 132)
 - (a) Part V — (Food and Drugs) of the Public Health and Municipal Services Ordinance (Cap. 132 of Laws of Hong Kong);
 - (b) Colouring Matter in Food Regulations (Cap.132H);
 - (c) Dried Milk Regulations (Cap.132R);
 - (d) Sweeteners in Food Regulations (Cap.132U);
 - (e) Food Adulteration (Metallic Contamination) Regulations (Cap.132V);
 - (f) Food and Drugs (Composition and Labelling) Regulations (Cap.132W);
 - (g) Food Business Regulation (Cap.132X);
 - (h) Frozen Confections Regulation (Cap.132AC);
 - (i) Harmful Substances in Food Regulations (Cap.132AF);
 - (j) Imported Game, Meat and Poultry Regulations (Cap.132AK);
 - (k) Milk Regulation (Cap.132AQ);
 - (l) Mineral Oil in Food Regulations (Cap.132AR);
 - (m) Preservatives in Food Regulation (Cap.132BD);
 - (n) Slaughterhouses Regulation (Cap.132BU); and
 - (o) Smokeless Tobacco Products (Prohibition) Regulations (Cap.132BW).

Note that Pesticide Residues in Food Regulation (Cap.132CM) will come into force on 1 August 2014.

The full text of the Public Health and Municipal Services Ordinance and its subsidiary legislations can be downloaded at <http://www.legislation.gov.hk/index.htm>.

(2) Food Safety Ordinance (Cap. 612)

The Food Safety Ordinance provides a tracing mechanism for food safety in Hong Kong, which comprises a registration scheme for food importers and distributors and a record-keeping scheme prescribed for all food importers and distributors in relation to movement of food.

According to the Ordinance, “Food” includes –

- (a) drink;
- (b) ice;
- (c) chewing gum and other products of a similar nature and use;
- (d) smokeless tobacco products; and
- (e) articles and substances used as ingredients in the preparation of food, but does not include –
 - (f) live animals or live birds, other than live aquatic products;
 - (g) fodder or feeding stuffs for animals, birds or aquatic products; or
 - (h) medicine as defined by section 2(1) of the Pharmacy and Poisons Ordinance (Cap. 138) or Chinese herbal medicine or proprietary Chinese medicine as defined by section 2(1) of the Chinese Medicine Ordinance (Cap. 549).

“**Food importer**” means a person who carries on a business which brings or causes to be brought any food into Hong Kong by air, land or sea.

“**Food distributor**” means a person who carries on a business of which the principal activity is wholesale supply of food in Hong Kong. This also includes in general food producers (like fish/vegetables farmers and fishermen) and food manufacturers who supply their products by wholesale.

Registration scheme

The Ordinance requires any person who carries on a food importation/distribution business to register with Director of Food and Environmental Hygiene as a food importer/food distributor. Any person who does not register with FEHD as a food importer/distributor but carries on a food importation or distribution business commits an offence and is liable to a maximum fine of \$50,000 and imprisonment for 6 months.

For details of the registration scheme, exhibitors should refer to the FEHD’s publication “A Guide to the Registration Scheme for Food Importers and Food Distributors” available at the website of Centre for Food Safety at www.cfs.gov.hk.

Record-keeping requirements

The Ordinance requires any person who, in the course of business, imports, acquires or supplies by wholesale food in Hong Kong to keep transaction records of the business from which it acquired the food and the business to which it supplied the food. Any person who captures local aquatic products and in the course of business, supplies them in Hong Kong is also required to keep the capture records.

Failure to comply with the record-keeping requirement is an offence under the Ordinance and upon conviction a person is liable to a maximum fine of \$10,000 and imprisonment for 3 months.

There is no stipulated format for the records of each transaction to be maintained

but such records should cover the following information as required under Part 3 of the Food Safety Ordinance:

(A) Record of local acquisition of food (Local acquisition record)

A person who, in the course of business, acquires food in Hong Kong must record the following information about the acquisition –

- (a) the date the food was acquired;
- (b) the name and contact details of the seller;
- (c) the total quantity of the food;
- (d) a description of the food.

The record must be made within 72 hours after the time the food was acquired.

(B) Record of acquisition of imported food (Import record)

A person who, in the course of business, imports food acquired outside Hong Kong must record the following information about the acquisition –

- (a) the date the food was acquired;
- (b) the name and contact details of the seller;
- (c) the place from where the food was imported;
- (d) the total quantity of the food;
- (e) a description of the food.

The record must be made at or before the time the food is imported.

(C) Record of capture of local aquatic products (Capture record)

A person who captures local aquatic products and who, in the course of business, supplies them in Hong Kong must record the following information about the capture –

- (a) the date or period of the capture;
- (b) the common name of the local aquatic products;
- (c) the total quantity of the local aquatic products;
- (d) the area of the capture

Exhibitors are required to fulfill their obligation in keeping records of their food products by following the Code of Practice on Keeping Records Relating to Food issued under section 43 of the Ordinance which can be downloaded from the website of Centre for Food Safety at www.cfs.gov.hk

The full text of the Ordinance can be downloaded at <http://www.legislation.gov.hk/index.htm> and Guidelines on the operation of the Ordinance issued by the Centre for Food Safety can be downloaded from the website of Centre for Food Safety at www.cfs.gov.hk.

Exhibitors of the ICMCM must comply with all the laws and regulations relating to food. Exhibitors are deemed to have notice of the latest Food Laws in Hong Kong and have complied with any amended Food Laws once the amended laws have been posted on the website of Centre for Food Safety at www.cfs.gov.hk.

3.24.3 Summary on Food Related Regulations

The following is a summary of some of the regulations and conditions for Exhibitors' compliance:

(1) Selling and Dispensing Food or Beverages

Any food or beverages for on-site sale should be seal-packaged. For all on-site retail sale, **exhibitors should offer proper receipts to consumers**. The receipts should clearly indicate the company name of the exhibitor, the transaction date and amount.

All exhibitors should note that no elaborate food preparation processes are allowed at the fairground. **Exhibitors are NOT allowed to cook or reheat any food items for sale**, unless the items are intended for free tasting without any retail transaction or an Exhibitor has obtained the necessary Temporary Food Factory Licences and food permits from the FEHD and displayed the same at an eye-catching location of the Exhibitor's booth.

Exhibitors who wish to conduct retail sales of restricted items like milk, ice-cream and frozen confections should apply for the necessary food permits from the FEHD.

Exhibitors who will carry out on-site food processing activities must provide Hong Kong Trade Development Council (HKTDC) at least 30 days before the ICMCM notification in writing with the type of food items to be processed and whether the items are for free tasting or for sale. Where sale of on-site processed food will be conducted, the exhibitor is also required to provide HKTDC a copy of its Temporary Food Factory Licence at the same time.

[For inquiries, please contact FEHD at: (852) 2868 0000 or <http://www.fehd.gov.hk/english/licensing/>]

(2) Fire Regulation

No open fire is allowed at the fairground for any purpose.

[For inquiries, please contact HKTDC (852) 2240 4470].

(3) Food Labelling

All pre-packaged food and beverages exhibited or offered at the ICMCM must comply with the Food and Drug (Composition and Labelling) Regulations (Cap.132W) to have the prescribed label and nutrition label written in Chinese, English or both.

[For inquiries, please contact Centre for Food Safety at (852) 2868 0000 or visit its website at www.cfs.gov.hk.]

(4) Undesirable Medical Advertisements Ordinance

Any exhibits, which include any kind of medicament, other curative or preventive substance or orally consumed products except those customarily consumed as food or drink, and whether a proprietary medicine, a patent medicine, or purported natural remedy, must conform to the requirements under the Undesirable Medical Advertisements Ordinance (Cap. 231) on labelling and advertisements. Any labelling or advertisement should not contravene the provisions of the Ordinance. [For inquiries, please contact the Department of Health at (852) 2961 8989 or (852) 2961 8991 or visit its website at <http://www.dh.gov.hk/>.]

(5) Registration of Proprietary Chinese Medicines

According to Chinese Medicine Ordinance (Cap 549), all proprietary Chinese medicines must first be registered by the Chinese Medicines Board of the Chinese Medicine Council of Hong Kong before they can be imported, manufactured or sold in Hong Kong. All proprietary Chinese medicines must also carry a prescribed label and be attached with package insert according to the provision of the Ordinance.

[For inquiries, please contact the Secretariat of the Chinese Medicine Council of Hong Kong at (852) 2121 1888 or <http://www.cmchk.org.hk>.]

(6) Product Genuineness & Product Labelling

Please note that the Organisers and Po Sau Tong Ginseng & Antler Association Hong Kong Limited, sponsor of the ICMCM, have the sole discretion to examine or test any ginseng, antler, dried seafood or Chinese soup ingredients which are suspected to be

not genuine.

(7) Retail Sales Activities for Overseas Exhibitors

According to the provisions of the Immigration Ordinance (Cap. 115), all exhibitors who are not ordinary residents of Hong Kong will be required to obtain a “Temporary Work Visa” when they participate in a public fair in Hong Kong involving retail sales activities; unless a local representative is employed to conduct retail sales activities and the handling of proceeds.

[For inquiries, please contact Immigration Department of the HKSAR at (852) 2824 6111, by fax (852) 2877 7711 or through the Internet <http://www.immd.gov.hk/>.]

3.24.4 Conditions on Selling and Dispensing Food or Beverages

To comply with the provisions of the Food Safety Ordinance, all exhibitors intending to import or distribute food in the ICMCM are required to register with or obtain exemption from the FEHD. Application forms and Guidelines on the operation of the Ordinance can be obtained from the Center for Food Safety at 43/F., Queensway Government Offices, 66 Queensway, Hong Kong or downloaded at its website at: www.cfs.gov.hk.

[For inquiries, please contact Centre for Food Safety at: (852) 2868 0000 or www.cfs.gov.hk]

In addition to the provisions of the Food Safety Ordinance, the following conditions on selling and dispensing food or beverages must be observed and complied with by all exhibitors:

Food Permits and Licences

1. All food and beverages exhibited at the ICMCM must be in hygienic condition of the highest standard and must be fit for human consumption. For the sake of public health, the Organisers maintain the right to demand for valid certificates on the food product quality issued by the relevant health and food safety authorities upon request during the Fair period. If the Organisers have any suspicion on any of the exhibits, given all the circumstantial supportive factors, it may call for immediate removal of the concerned items from display and from sale. In the incidence that repeated verbal warnings are in vain, the Organisers may terminate the exhibitors' right to continue participating in the Fair with immediate effect. Please ensure that there are no fake or unhygienic food products at the fairground.
2. Exhibitors can offer exhibits for tasting by visitors provided that they are free of charge to the visitors and that such tasting takes place within the designated area to which each exhibitor is assigned by HKTDC. Exhibitors are strongly recommended that any food or beverages for free tasting should be well packaged or well covered and to be served on one-to-one basis in small quantity. Staff dispensing food or beverages is strongly recommended to wear face masks, gloves and clean clothing.
3. ANY FOOD or BEVERAGES that exhibitors WARM UP or REHEAT at their booth(s) must be for visitors' FREE TASTING ONLY and MUST NOT BE FOR SALE at the fairground unless the Exhibitor concerned has obtained a Temporary Food Factory Licence from the FEHD for sale of food at the fairground. The said Temporary Food Factory Licence must be displayed at an eye-catching location within the Exhibitor's booth with copy provided to HKTDC at least 30 days before the commencement of the ICMCM. The Organisers reserve the right to discontinue any sale if the exhibitor fails to present the said licence by the deadline.

4. Only pre-packaged food samples i.e. samples of any food packaged, whether completely or partially, in such a way that the contents cannot be altered without opening or changing the packaging, the food in which is ready for presentation to the visitors as a single food item, can be sold to the visitors at the exhibition venue.
5. All exhibits, whether sold to or tasted by the visitors, must be within the expiry date of consumption, which must be clearly marked on the containers or packers or otherwise for pre-packaged exhibits. Any other food or beverages supplied to visitors for tasting must be not older than would normally be expected of or commonly acceptable in relation to that particular kind of food or beverages.
6. All sales of beverages must be closed and sealed to prevent spilling.
7. The latest Food Laws in Hong Kong shall become effective immediately upon posting of the same on the website of Centre for Food Safety at www.cfs.gov.hk. Once the amended laws have been posted, exhibitors will be deemed to have notice of the same and have complied with the amended laws.
8. Depending on the nature of the exhibits, exhibitors will be required to apply for food permits/licences from the FEHD. Any such food permit / licence obtained by the exhibitors must be displayed at an eye-catching location in the booth and have to be copied to HKTDC at least 30 days before the commencement of the ICMCM.

On-site Food-processing Activities and Storage

9. No open fire is allowed at the fairground and all exhibitors should note that no elaborate food preparation processes are allowed at the exhibitors' booth(s).
10. Means of food processing shall be restricted to steaming, or at most, grilling methods, while deep-fried or Yakitori is not permitted.
11. Any warming or re-heating of the food products must take place within the stands in the exhibition venue to which each exhibitor is assigned by HKTDC and shall only be done by microwave ovens and small frying pans heated by electric appliances of good working condition only. HKTDC reserves the right to request exhibitors to remove immediately without notice any appliance that HKTDC regards as defective, dangerous or improper. Each exhibitor is only allowed to install one microwave oven and one other electrical appliance in his/her respective stand. Exhibitors are also responsible for ordering sufficient power supply to support their electric cooking appliances. Booths with grilling must be installed with charcoal-filtered range hood in order to minimise problems of indoor air pollution. HKTDC Exhibition Services can offer officially recognised charcoal-filtered range hoods for rent. Any exhibitor wishing to install any additional ovens or appliances must obtain the prior written approval of HKTDC who have an absolute discretion upon whether to give such approval. Notwithstanding that HKTDC may have given such approval they are at liberty to subsequently withdraw approval at any time.
12. Booths with sales or distribution of soft ice-cream must be equipped with piping and drainage.
13. Acceptance of exhibitors which conduct food-processing on-site is subject to the sole decision of HKTDC.
14. Upon signing the ICMCM Application Form and Declaration the exhibitor agrees to comply with the said conditions, and to exempt HKTDC and Hong Kong Convention and Exhibition Centre (Management) Limited from, and indemnify them against all

liabilities whatsoever incurred from any complaint lodged or proceedings instituted by any person arising from food provided by the exhibitor or any offence committed by the exhibitor.

15. Exhibitors should avoid causing possible nuisance of oil fumes generated from frying and warming of food. As a safety measure, cooking appliances facing aisles are required to be shielded off by 30cm high panels above the stove top on three sides to avoid spillage of cooking oil or hot water.
16. All exhibitors should ensure that storage of food items should be under temperature-controlled conditions in refrigerators, freezers or other appropriate appliances of good and proper working condition. Prior arrangements should be made with HKTDC for the supply of 24-hour electricity throughout the duration of the exhibition. (Please refer to Form 6 in "Additional Facilities and Services Order Form")

3.24.5 Conditions on Tasting and Sales of Alcoholic Beverages

Below are the rules and conditions governing the tasting and sales of alcoholic beverages during the ICMCM.

- All exhibitors are required to declare if their participation would involve alcoholic beverages.
- The supply and sales of alcoholic beverages by the glass in any catering form without a valid Temporary Liquor Licence within the exhibition venue is strictly prohibited and any breach thereof shall result in the exhibitor concerned being disallowed from continuing to participate in the exhibition. Exhibitor conducting alcoholic beverage promotion within the exhibition venue should comply with the Dutiable Commodities (Liquor) Regulations of the Dutiable Commodities Ordinance, Laws of Hong Kong Cap. 109. According to the Dutiable Commodities Ordinance, "alcoholic liquor" means any liquid which contains more than 1.2% of ethyl alcohol by volume, such as sheung ching, mow toi, ko leung, brandy, whisky, gin, rum, vodka, champagne, still wine, beer, cider, sake and etc.
- Since the legislative amendments to the Dutiable Commodities Ordinance took effect from 6 June 2008, wine/liquor traders are no longer required to apply for any licences or permits for the import or export, manufacture, storage or movement of wine and liquor with an alcoholic strength of not more than 30% by volume measured at a temperature of 20°C. No valuation of the alcoholic beverages concerned for duty purpose will be required. However, the existing licensing/permit controls on liquors with an alcoholic strength of more than 30% by volume measured at a temperature of 20°C remain unchanged. Exhibitors of such liquors should forward a copy of the removal permit for duty-paid goods issued by the Customs & Excise Department to HKTDC at least 30 days before the commencement of the ICMCM for records.
- Exhibitors conducting sales or tasting of alcoholic beverages during the ICMCM should observe the following rules and conditions:
- Consumption or tasting of alcoholic beverages must be done in the following ways:
 - 1) for those exhibitors who wish to conduct alcoholic beverages free tasting within the exhibition booth, they must apply for the relevant Temporary Liquor Licence directly from the Hong Kong Police at least 30 days before the commencement of the ICMCM. Only a person who is already in possession of a full Liquor Licence will be considered to be issued with a Temporary Liquor Licence. Any such Temporary Liquor Licence an exhibitor obtained must be displayed at an eye-catching location in the booth AND have to be copied to HKTDC at least 30 days before the

commencement of the ICMCM.

- 2) Unless a Temporary Liquor Licence is obtained, all sales of alcoholic products must be bottled or canned, and no sales and/or free-tasting of alcoholic beverages by the glass or open-bottle would be allowed. Exhibitors conducting alcoholic beverage promotion within the exhibition venue should comply with the Dutiable Commodities (Liquor) Regulations of the Dutiable Commodities Ordinance (Cap. 109) wherever appropriate.
- Alcoholic beverages **MUST NOT** be tasted by or sold to visitors aged below 18. In case of any doubt, please request visitors to show a proof of age, e.g. Hong Kong ID Card.
 - It is necessary to post a sign stating a message to the above effect. (The Organiser will provide the sign to the concerned exhibitors)

For details on the application for a Temporary Liquor Licence, please contact General Licensing Section of the Hong Kong Police at (852) 2860 6524 or email to general-licensing@police.gov.hk.

For compliance with the Dutiable Commodities Ordinance, please contact Customs & Excise Department at (852) 2815 7711 or <http://www.customs.gov.hk>.

3.24.6 Product Genuineness

To protect the welfare of the visitors, products sold, dispensed, promoted or displayed at the ICMCM must be genuine and conform to the labels affixed to them and their package insert.

Please note that the Organisers and Po Sau Tong Ginseng & Antler Association Hong Kong Limited, sponsor of the ICMCM, have the sole discretion to examine or test any ginseng, antler, dried seafood or Chinese soup ingredients regarding the product genuineness. The Organisers will take the examination or test results into account when considering whether or not to accept the application of the exhibitor for the upcoming ICMCM.

Government Officials from FEHD, Department of Health, Customs & Excise Department, Chinese Medicine Council of Hong Kong as well as the Consumer Council, will also conduct regular inspections onsite during the Fair period.

3.24.7 Guidelines on Processing Food & Beverages

For the sake of public hygiene, exhibitors should follow the Food Hygiene Code issued by the FEHD in processing food and beverages and strictly follow the guidelines below.

- Exhibitors should have their body temperature measured daily before entering the fairground. If you do not feel well, especially when you have a fever (body temperature higher than 38°C/100.4°F) and/or respiratory symptoms such as coughing, sneezing, do not attend the function. Consult a doctor promptly.
- Exhibitors are strongly recommended that any food or beverages for free tasting should be well packaged or well covered and to be served on one-to-one basis in small quantity. Staff dispensing food or beverages is strongly recommended to wear face masks, gloves and clean clothing. All food, beverages and tableware must be stored and covered properly.

- Any food or beverages for on-site sale should be sealed packaged.
- Maintain good personal hygiene. Wash your hands with liquid soap, and then dry with a disposable towel or a hand drier before processing food, after going to the toilet, when your hands are contaminated by respiratory droplets or other bodily secretions or after touching rubbish.
- Do not cough or sneeze toward any food and beverages. Do not spit or litter.
- All exhibitors should ensure that exhibits are displayed only in the stands specifically assigned to them and that they keep their stand dry, clean and tidy. All rubbish or packing materials should be disposed of in the garbage bags and placed in the refuse collection area in the exhibition venue at the end of an exhibition day.
- Exhibitors should keep potentially hazardous food at 4°C or below, or at 60°C or higher. If the food items are frozen, they must be stored frozen (preferably stored at -18°C or below). Potentially hazardous food that is intended for immediate consumption may be displayed or held for service at temperatures between 4°C and 60°C for a period of not more than 4 hours, otherwise it should be discarded.

[The Food Hygiene Code issued by the FEHD can be downloaded at http://www.fehd.gov.hk/english/publications/code/code_index.htm]

3.24.8 Catering Services

According to the regulations of the Hong Kong Convention & Exhibition Centre (HKCEC), no catering items or service provided from outside HKCEC is permitted, and HKCEC security will take action against the delivery of any catering items.

Exhibitors may have food and drinks at the cafeteria inside the exhibition halls or at the restaurants. Should you require in-house delivery service, you may also contact the HKCEC directly at (852) 2582 8888.

3.24.9 Regulations on Sales of Restricted Food

Restricted Foods

According to the provisions of the Food Business Regulation (Subsidiary Legislation X of Chapter 132 of the Laws of Hong Kong), no person shall sell, or offer or expose for sale, or possess for sale the following kinds of food and beverages which are restricted foods in Hong Kong except with the relevant licences or permits issued by the FEHD:

1. (a) Fresh meat
(b) Chilled meat other than pre-packaged chilled beef, mutton or pork
(c) Pre-packaged chilled beef, mutton or pork
(d) Frozen meat
2. Fresh, chilled or frozen game
3. Fresh, chilled, frozen or live fish, excluding live fish on a fish farm
4. (a) Live water birds, excluding live water birds on a poultry farm or in a wholesale market
(b) Other live poultry, excluding live poultry on a poultry farm or in a wholesale market
(c) Fresh, chilled or frozen poultry carcass

5. Fresh, chilled or frozen shell fish, excluding shell fish collected in the Hong Kong Harbour and Harbour in Aberdeen which is prohibited food.
6. Imported cooked or dried meat or imported meat which has been otherwise treated or prepared
7. Imported intestines or other parts of any animal which are prepared in the form of sausage casings
8. Imported pies, sausages or other prepared or manufactured articles of food which contain any meat or cooked or dried meat other than fat
9. Milk or any milk beverages, being milk or a milk beverage to which the Milk Regulation (Cap 132 sub. leg. AQ) applies
- 10.(a) Soft ice cream
(b) Other frozen confections
- 11.Chinese herb tea
- 12.Non-bottled drinks (which generally mean drinks prepared for immediate consumption but required no storage in sealed bottles, cans or other containers, e.g. fresh fruit juice, diluted drinks prepared from concentrates, soya bean juice and drinks sold from a manual dispensing machine)
13. Siu Mei (燒味) or Lo Mei (滷味)
14. Cut fruit
15. Leung Fan (涼粉)
16. Man Tau Lo (饅頭籮)
17. Food sold by means of a vending machine
18. Sashimi
19. Sushi
20. Oyster to be eaten in raw state
21. Meat to be eaten in raw state

Note: According to the “Guide to Import of Game, Meat and Poultry into Hong Kong” published by the Food Safety Centre, the word “chilled” can be referred to the pre-chilling process of food with subsequent storage at a temperature between 0°C and 4°C. Similarly, according to the “Food Hygiene Code” issued by the FEHD, the word “frozen” can be referred to the state in which the temperature of a food is reduced below its freezing point and the majority of the water inside the food undergoes a change in state to form ice crystals. To maintain the quality of frozen food, a temperature of –18°C or less is preferred.

In addition to the provisions of the Food Business Regulation, Exhibitors must observe the provisions in the Import and Export Ordinance (Chapter 60 of the Laws of Hong Kong) concerning the import of food and also the provisions of the Imported Game, Meat and Poultry Regulations (Chapter 132AK of the Laws of Hong Kong) concerning the

import of game, meat and poultry into Hong Kong.

Sale of Restricted Foods

Exhibitors who intend to conduct sale of any of the above restricted foods in the ICMCM are required to obtain the necessary Restricted Food Permit from the FEHD and submit copy of the permits to HKTDC at least 30 days before the commencement of the ICMCM for records.

A Temporary Food Factory Licence is also required for any Exhibitor who intends to conduct sale of any pre-cooked restricted food or beverages reheated for consumption at the ICMCM. A copy of the licence should be forwarded to HKTDC at least 30 days before the commencement of the ICMCM for records.

Both the Form of Application for Permit (FEHB95A) and the Form of Application for a Temporary Food Factory Licence (FEHB 201) can be downloaded from the website of FEHD at www.fehd.gov.hk. For enquiries, please call the 24-hour hotline of FEHD at (852) 2868 0000.

For details on the various types of food business licences and permits and their respective application procedures, please refer to the “Guide on Types of Licences Required” and the “Guide on Application for Licenses” published by the FEHD (both downloadable at <http://www.fehd.gov.hk/english/licensing/index.html>) or call the 24-hour hotline of the FEHD at (852) 2868 0000.

3.24.10 Regulations on Importation of Food Products

Food importers, through close liaison with exporting countries, are responsible for ensuring that food items they procure comply with the local legislation. To help ensure hygienic standards of food, importers are encouraged to obtain health certificates issued by health authorities of countries of origin to accompany their imports certifying that the food products concerned are fit for human consumption.

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

- (a) game, meat and poultry;
- (b) milk and milk beverages;
- (c) frozen confections; and
- (d) marine products.

FEHD has prepared individual leaflets advising on the proper procedures for importing the above food items respectively:

- Guide to Import of Food into Hong Kong
- Guide to Import of Milk and Milk Beverages into Hong Kong
- Guide to Import of Frozen Confections into Hong Kong
- Guide to Import of Game, Meat and Poultry into Hong Kong
- Guide to Import of Marine Products into Hong Kong
- Guide to Application for Import Licence for Frozen Meat, Chilled Meat, Frozen Poultry and Chilled Poultry.

These leaflets can be collected at the Centre for Food Safety of FEHD at 43/F., Queensway Government Offices, 66 Queensway, Hong Kong or browsed at: the website of Centre for Food Safety at www.cfs.gov.hk.

◆ **Health Certificate by Local Health Authority on Food Products**

- Regardless of the type of food product, exhibitors are required to present a health certificate issued by their respective local health authority for importation into Hong Kong. A copy of the health certificate should be forwarded to HKTDC at least 30 days before the commencement of the ICMCM for records.

◆ **Close Watch on Latest News Regarding Food Safety**

- Exhibitors should keep a close watch on the latest news published by the Centre for Food Safety on its website at www.cfs.gov.hk to ensure their display and/or promoted food products are safe for public consumption.



◆ **Prior Approval for Importation of Restricted Food Items**

- The importations of restricted food items require prior approval for importation from FEHD. These restricted items include frozen confections (including ice cream), milk and milk beverages, etc. A copy of the approval, if applicable, should be forwarded to HKTDC at least 30 days before the commencement of the ICMCM for records.
- The application forms are downloadable from the website of FEHD at: <http://www.fehd.gov.hk/english/forms/fehb95.pdf>.

◆ **Regulated Items**

- There are specific legal and administrative requirements under the Public Health and Municipal Services Ordinance (Cap.132) for the import of any food containing regulated items such as added colouring matter, metal, artificial sweeteners, aflatoxins, erucic acid and/or other prohibited substances, preservatives and/or antioxidants and endangered species ingredients. Exhibitors are required to conform with these requirements to ensure that their products are fit for local sale or consumption.
- Further information on importation of regulated items can be found at the websites of Customs & Excise Department at www.customs.gov.hk and the Centre for Food Safety of FEHD at www.cfs.gov.hk.

◆ **Freight Forwarder**

- Exhibitors may contact any Freight Forwarder for further details regarding importation of food products. The contacts of some Freight Forwarders are listed on the website of Hong Kong Exhibitions and Convention Industry Association (HKECIA) at http://www.exhibitions.org.hk/english/members_company_a.php.

3.24.11 Food & Drugs (Composite and Labelling) Regulations

The Food and Drugs (Composition and Labelling) Regulations (Cap. 132W of the Laws of Hong Kong SAR) make it mandatory for all prepackaged food to carry a prescribed label of prepackaged food and a nutrition label marked or labeled with its energy value and nutrient. Both labels shall be in either the English or the Chinese language or in both languages.

Violation of the Food and Drugs (Composition and Labelling) Regulations is an offence. Offenders found guilty are liable to a fine of up to HK\$50,000 and to

imprisonment of up to 6 months.

The label of prepackaged food must provide information of 1) food name/designation; 2) list of ingredients; 3) indication of “best before” or “used by” date; 4) statement of special condition for storage or instructions for use; 5) full name and address of manufacturer or packer; 6) count, weight or volume; 7) declaration of the presence of substances which are known to cause allergy on food labels. And, additive constituting one of the ingredients of a prepackaged food shall be listed by both its functional class and its specific name.

The nutrition label must contain the following 8 aspects and should also cover the amount of any claimed nutrients:

- energy
- protein
- carbohydrates
- total fat
- saturated fatty acids
- trans fatty acids
- sodium
- sugars

All **Hong Kong and overseas exhibitors** that intend to conduct selling of prepackaged foods at HKTDC ICMCM should make sure their products carry the required nutrition label.

For exhibitors selling prepackaged foods that have a total sales volume of less than 30,000 units a year in Hong Kong, and the prepackaged foods do not provide any nutrition claims, they are eligible to apply for a Small Volume Exemption (SVE) at the Centre for Food Safety under the FEHD. Upon approval, the Centre will issue to the exhibitor an exemption number per food application for use in the course of its selling at the Fair. SVE should only be applied by Hong Kong manufacturers or Hong Kong importers. Overseas exhibitors are advised to apply for their SVE via their Hong Kong importers/distributors/agents.

Prepackaged food samples that have no required nutrition labels and are not exempted should only be offered for free food tasting or promoted as display items. They are not allowed to be sold at the ICMCM.

Officials from the FEHD may conduct random inspections onsite during the Fair period. The Organisers may, given all circumstantial supportive factors, call for immediate removals of the alleged food items from sale. In the incidences that repeated warnings are in vain, the Organisers have the discretion to terminate the exhibitors’ right to continue participating in the Fair with immediate effect.

To comply with the requirements of the Regulations, Exhibitors should refer to the Guidelines/Guidance Notes issued by the Centre for Food Safety, available at its website at www.cfs.gov.hk and including the following:

- Trade Guidelines on Preparation of Legible Food Label
- Trade Guidelines on Serving Size of Prepackaged Food For Nutrition Labelling
- Labelling Guidelines on Food Allergens, Food Additive and Date Format
- Technical Guidance Notes on Nutrition Labelling and Nutrition Claims
- Method Guidance Notes on Nutrition Labelling and Nutrition Claims

- Guide to Application for Small Volume Exemption

For further details regarding the Food and Drugs (Composition and Labelling) Regulations, please contact the [Centre](#) for Food Safety at: (852) 2868 0000 or visit its website at www.cfs.gov.hk.

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IMPORTANT NOTICE

During the Fair period, exhibitors must observe and pay special attention to the following relevant ordinances & rules for Chinese medicine & health products (3.24.12 to 3.24.14):

3.24.12 Chinese Medicine Ordinance and Other Relevant Legislations

Chinese Medicine Ordinance (Cap. 549 of the Laws of Hong Kong)

The Ordinance which was passed by the Legislative Council on 14 July 1999 established a regulatory system for the protection of public health, the accomplishment of a professional status for Chinese medicine practitioners and the enhancement of safety, quality and efficacy of Chinese medicines in Hong Kong. The contents of the Chinese Medicine Ordinance include the composition and functions of the Chinese Medicine Council, Chinese Medicine Practitioners Board, Chinese Medicines Board and the seven committees established under the Chinese Medicine Council; the regulatory system for Chinese medicine practitioners, which includes registration, examination and discipline of Chinese medicine practitioners; and the regulatory system for Chinese medicines, which includes licensing and regulation of Chinese medicines traders and registration of proprietary Chinese medicines.

All exhibitors are reminded that they must hold a valid Retailer Licence (Exhibition) in Chinese Herbal Medicines for selling or offering Chinese medicines at the Fair. For details on the application of the Licence, please contact the Chinese Medicine Council of Hong Kong at (852) 2121 1888 or email to info@cmchk.org.hk.

Registration System and Statutory Requirements for Proprietary Chinese Medicines Implemented

In accordance with s.119 of the Chinese Medicine Ordinance (Cap. 549), all proprietary Chinese medicines must be registered under the Ordinance with the Chinese Medicines Board of the Chinese Medicine Council of Hong Kong before they can be imported, possessed or sold in Hong Kong. Any person who sells, or imports, or possesses any unregistered proprietary Chinese medicine shall commit an offence and upon conviction shall be sentenced at maximum for a fine at HK\$100,000 and imprisonment for 2 years.

Sections 143 and 144 of the Ordinance also impose an offence on any person who sells, or has in his possession for the purpose of selling, any proprietary Chinese medicine without a label and a package insert which does not comply with the prescribed requirements and the maximum penalty is a fine of \$100,000 and 2-years' imprisonment.

All Hong Kong and overseas exhibitors are reminded that they must fulfill the obligations imposed by the Chinese Medicine Ordinance before they can possess, sell, market, display, exhibit or deal in any other ways with proprietary Chinese medicines at the Fair(s). Summaries of the operation of the Ordinance in respect of Chinese herbal medicines and proprietary Chinese medicines can be found on the website of the Chinese Medicine Council of Hong Kong at <http://www.cmchk.org.hk/>.

For a full text of the Ordinance, please browse the website of the Bilingual Law Information System at <http://www.legislation.gov.hk/eng/home.htm>.

3.24.13 Undesirable Medical Advertisements Ordinance

The Department of Health of the HKSAR Government has set forth very strict rules and regulations relating to drug labelling. The Undesirable Medical Advertisements Ordinance, Cap.231 of the Laws of Hong Kong, prohibits the advertising of any medicine, surgical appliances or treatment for the prevention or treatment of diseases or conditions specified in the Schedules 1 and 2 of the Ordinance. Advertisements include any notice, poster, pamphlet and label on product and any announcement made orally or by means of producing or transmitting light or sound. It is possible that representatives from relevant government departments would conduct an on-site inspection during the Fair for any misbehaviors or irregularities.

Exhibitors are reminded that sections 2 to 8, 10 and 12 of the Undesirable Medical Advertisements Ordinance has taken effect from 1 June 2012 so that the prohibition or restriction on advertisements of six prescribed group of health claims (relating to breast lumps, genitourinary system, endocrine system, body glucose, blood pressure and blood lipids or cholesterol) is extended to all orally consumed products, except those customarily consumed as food or drink.

The maximum penalty for contravention of the Ordinance is also increased to \$50,000 and 6-months' imprisonment for a first offence and \$100,000 and 1-year's imprisonment for a second or subsequent offence.

The full text of the Ordinance can be downloaded from the Bilingual Law Information System at <http://www.legislation.gov.hk/eng/home.htm>.

For compliance with the requirements of the Ordinance, Exhibitors should also consult the Guidelines on Undesirable Medical Advertisement Ordinance available at the website of the Drug Office of the Department of Health at www.drugoffice.gov.hk.

The exhibitor agrees to comply with the said conditions, and to exempt HKTDC and Hong Kong Convention and Exhibition Centre (Management) Limited from, and indemnify them against all liabilities whatsoever incurred from any complaint lodged or proceedings instituted by any person arising from any offence committed under the regulations by the exhibitor.

3.24.14 Rules & Regulations for Imports and Exports of Chinese Medicines

The import and export of proprietary Chinese medicines and 36 types Chinese herbal medicines (*including 31 Chinese herbal medicines specified in Schedule 1 and the 5 Chinese herbal medicines specified in Schedule 2 (Flos Campsis (凌霄花); processed Radix Aconiti (製川烏); processed Radix Aconiti Kusnezoffii (製草烏); Radix Clematidis (威靈仙) and Radix Gentianae (龍膽) of the Chinese Medicine Ordinance*) as listed in the First Schedule to the Import and Export (General) Regulations (Chapter 60, sub Leg.A), Laws of Hong Kong, are subject to licensing control. Importation / Exportation of these articles must be covered by an import/export licence issued by the Department of Health.

Please note that importation/exportation of proprietary Chinese medicines and 36 types Chinese herbal medicines without an import/export license may violate the Import and Export (General) Regulations. Such violation constitutes an offence and offenders found guilty are liable to a fine of up to HK\$500,000 and to imprisonment of 2 years.

For details of the relevant provisions of the Regulations, please browse the website www.legislation.gov.hk.

- 1) An Import or Export Licence must be applied to cover the consignment before the arrival or departure of the goods. Application should be submitted after completion of Import Licence Form 3 and Export Licence Form 6, by hand to the Chinese Medicine Section, Chinese Medicine Division of the Department of Health, at 16/F., AIA Kowloon Tower, Landmark East, 100 How Ming Street, Kwun Tong, Kowloon.

Details of the applications for import/export permit for Chinese herbal medicines and proprietary Chinese medicines can be found in the Guidelines issued by the Chinese Medicine Division of Department of Health which are available on its website at www.cmd.gov.hk.

- 2) In the case of an import licence application, the applicant will be given the original and duplicate of licence. The original is to enable the licensee to take delivery of the goods from the carrier (shipping company, airline or transportation company). Please note that under Section 8 of the Import and Export Ordinance (I & E Ordinance), the original must be presented to the carrier within 7 days after importation of the goods, irrespective of whether delivery of the goods is taken. The duplicate is for the licensee's retention.
- 3) Under Sections 6C(1) and 6D(1) of the I & E Ordinance, no person shall import or export pharmaceutical products and medicines except under and in accordance with a licence issued by the Director-General of Trade and Industry. Sections 6C(2) and 6D(3) of the I & E Ordinance stipulate that any person who contravenes Sections 6C(1) and 6D(1) shall be guilty of an offence and shall be liable on conviction to a fine of \$500,000 and to imprisonment for two years.
- 4) For further information, please contact Drug Office of the Department of Health at (852) 23198458 or visit its website at www.drugoffice.gov.hk.
- 5) The exhibitor agrees to comply with the said conditions, and to exempt HKTDC and Hong Kong Convention and Exhibition Centre (Management) Limited from, and indemnify them against all liabilities whatsoever incurred from any complaint lodged or proceedings instituted by any person arising from any offence committed under the regulations by the exhibitor.

3.24.15 Protection of Endangered Species of Animals and Plants Ordinance

The Protection of Endangered Species of Animals and Plants Ordinance (the 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 Ordinance requires a licence to be issued in advance by the Agriculture, Fisheries and Conservation Department for the import, introduction from the sea, export, re-export or possession of specimens of a scheduled species, whether alive, dead, its parts or derivatives (including medicines). The Ordinance also specifies the circumstances under which no licence is required for trade in endangered species. The control regime follows closely the requirements under CITES.

The Ordinance applies to all parties, including traders, tourists and individuals, who conduct activities involving endangered species. For details of the Ordinance and guidelines for applying necessary licences, please visit the website of the Agriculture, Fisheries and Conservation Department at <http://www.afcd.gov.hk/eindex.html>.

3.24.16 Other Relevant Legislations

Other than the laws and regulations mentioned in the foregoing sub-sections, Exhibitors shall also comply with the provisions of relevant legislations for example:

- (i) Under the Prevention of Bribery Ordinance (Cap.201), any person who, without lawful authority or reasonable excuse, offers any advantage to a public servant as an inducement to or reward for that public servant's exercise of his duties commits an offence;
- (ii) Under the Public Health and Municipal Services Ordinance (Cap. 132), which imposes restrictions on and requirements for, amongst others, preparation and adulteration of drugs; possession for the purpose of sale, exposition and advertising of drugs injuriously affected in their quality, constitution or potency by means of adulteration; prohibitions against sale to the prejudice of purchasers of drugs not of the nature or quality demanded by purchasers; prohibitions against sale, exposition or possession for sale of drugs intended but unfit for use by man; and prohibitions against sale and display of drugs for sale with false or misleading labeling or advertising;
- (iii) Under the Animals and Plants (Protection of Endangered Species) Ordinance (Cap. 187), restrictions related to the control of endangered species;
- (iv) Under the Undesirable Medical Advertisements Ordinance (Cap.231), which imposes, amongst others, prohibitions against advertisements likely to lead to the use of any medicine, surgical appliance or treatment for certain diseases and all orally consumed products as prescribed in such Ordinance and abortion;
- (v) Under the Waste Disposal Ordinance (Cap. 354), which makes provisions for the control and regulation of the production, storage, collection and disposal including the treatment, reprocessing and recycling of waste of any class or description, the licensing and registration of places and persons connected with any such activity, the protection and safety of the public in relation to any such activity and other related matters;
- (vi) Under the Trade Descriptions Ordinance (Cap. 362), which imposes, amongst others, prohibitions against application of false trade description to goods; possession for sale or for any purpose of trade or manufacture of goods with false trade description; prohibitions against supply of goods with false trade description; prohibitions against forging trade mark or application of false trade mark to goods; and prohibitions against import and export of goods with false trade description or forged trade mark.

The Ordinance presently only prohibits false trade descriptions to goods and not services. The Trade Descriptions (Unfair Trade Practices) (Amendment) Ordinance 2012 was passed on 17 July 2012 and its key changes include:

- the expansion of the definition of “trade description” in respect of goods to mean any indication, direct or indirect, and by whatever means given, with respect to any goods or parts of goods such as price indication;
- the extension of the coverage of the Ordinance to prohibit false trade descriptions in respect of services made in consumer transactions, and to define “services” under any consumer contract;
- the creation of new offences on such practices as misleading omissions, aggressive commercial practices, bait advertising,

- bait-and-switch and wrongly accepting payment; and
- an introduction of a civil compliance-based enforcement mechanism in addition to criminal sanctions.

The Amendment Ordinance will come into operation tentatively in mid-2013.

(vii) Under the Pharmacy and Poisons Ordinance (Cap.138), which imposes restrictions on and requirements for, amongst others, possession and sale (both retail and wholesale) of poisons by registered pharmacists; registration of premises where poisons are kept for the purposes of retail sale; the requirement of prescription by a registered medical practitioner, registered dentist or registered veterinary surgeon for sale of certain designated poisons; labeling of and containers for poisons; storage and transport of poisons; and manufacture, import and export for pharmaceutical products. In particular, attention should be drawn to the restrictions relating to the control of medicines containing any western medicine as ingredients, and references should be made to the latest information and news posted on the website of Drug Office, Department of Health: www.drugoffice.gov.hk.

Please refer to the various ordinances for details. The full text of the ordinances can be downloaded from the website: <http://www.legislation.gov.hk/index.htm>.

Government publications can also be purchased through the following channels:

- visiting the online Government Bookstore at <http://www2.bookstore.gov.hk>;
- calling the Publications Sales Unit of Information Services Department at (852) 2537 1910 or sending an email to puborder@isd.gov.hk; or
- downloading the order form from the ISD website at <http://www.isd.gov.hk> and submit the order online or by fax to (852) 2523 7195.

The exhibitor agrees to comply with the said conditions, and to exempt HKTDC and Hong Kong Convention and Exhibition Centre (Management) Limited from, and indemnify them against all liabilities whatsoever incurred from any complaint lodged or proceedings instituted by any person arising from any offence committed under the regulations by the exhibitor.