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Report Highlights:

The following changes have been made to the 2022 FAIRS report: 1) Section II – Labeling. Effective December 1, 2023, food containing hydrogenated oils must be labeled. 2) Section III – Packaging. Glass and plastic bottles will be subject to additional levies. 3) Section VI – Other Requirements, Regulations, and Registration Measures. Hong Kong is introducing plant registration requirements for meat and products and is engaging trading partners individually to start this process. As of this report, the Hong Kong government has not yet approached the Agricultural Trade Office for discussion. In addition, Hong Kong is preparing to amend the existing regulation to provide explicit legislative basis to prohibit the use of Cannabidiol (CBD) in foods.

DISCLAIMER:

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

TABLE OF CONTENTS

Executive Summary	2
Section I: Food Laws	3
Section II: Labeling Requirements.....	4
Section III Packaging and Container Regulations.....	9
Section IV: Food Additive Regulations.....	10
Section V: Pesticide and other Contaminants	12
Section VI: Other Requirements, Regulations, and Registration Measures	14
Section VII: Other Specific Standards.....	21
Section VIII: Trademarks, Brand Names, and Intellectual Property Rights	22
Section IX: Import Procedures.....	23
Section X: Trade Facilitation.....	23
Appendix I: Government Regulatory Key Agency Contacts.....	24
Appendix II: Other Import Specialist Technical Contacts	26

Executive Summary

Country Overview

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

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

Hong Kong has no incentive to impose trade barriers. Over 95 percent of its food supplies rely on imports. The only products which are subject to excise duty are liquor, tobacco, hydrocarbon oils, and methyl alcohol, which are also taxed domestically at the same following rates.

Cigarettes per 1,000 sticks: US\$245 (HK\$1906)

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

Beer, wine, and liquor with less than 30 percent alcohol: 0%

Liquor with more than 30 percent alcohol: 100%

With regard to new legislative initiatives, the Hong Kong government (HKG) has amended its Harmful Substances in Food Regulations, which is to be implemented in two phases, by June 1, 2023, and December 1, 2023, respectively. Among the changes is the banning of partially hydrogenated oils (PHOs). With this change, the HKG amended the labeling regulation requiring that if hydrogenated oils are contained in prepackaged foods, these have to be indicated in the ingredient list.

In addition, the Hong Kong government has been promoting a plastic-free culture and enhancing recycling measures on all fronts. Hence, the food industry is expected to trend increasingly towards simple and environmental-friendly packaging. Hong Kong is in the process of drafting regulation on introducing a Producer Responsibility Scheme on Glass Beverage Containers (GPRS) and a Producer Responsibility Scheme on Plastics Beverage Containers (PPRS) (See Related [GAIN report](#)). By legislation, manufacturers and importers who are engaged in a business of distributing glass-bottled or plastic bottled beverages will need to pay a container recycling levy. The regulation on GPRS will be introduced to the Legislative Council for scrutiny in 2022 with full implementation expected in 2023.

The United States is a key food supplier for Hong Kong. Similarly, Hong Kong has been a major market for U.S. agricultural and food products for decades, ranking 15th in 2021, with an export value of US\$1.9 billion. High-value, consumer-oriented food and beverage products constitute the bulk of U.S. exports to Hong Kong accounting for US\$1.7 billion, making Hong Kong the 7th-largest export

destination for this U.S. food category. In general, U.S. products do not experience any trade barriers and have full market access to the Hong Kong market.

Section I: Food Laws

Hong Kong is an independent customs territory separate from China. It maintains its own import regulations which are transparent and predictable.

Public Health and Municipal Services Ordinance, Cap. 132

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

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

Food Safety Ordinance, Cap 612

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

Competent Authority

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

The HKG has a vigorous food surveillance program. The CFS draws food samples at the point of entry and at the retail level for bacteriological examination and chemical analyses. In 2021, CFS tested 66,300 samples with an overall satisfactory rate of 99.9 percent.

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

Section II: Labeling Requirements

General Requirements

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

Although Hong Kong imports a variety of prepackaged food products, the import volume may not be sufficient to justify a distinct Hong Kong-specific label. As the CFS accepts stick-on labels, Hong Kong importers attach a stick-on label to products after their arrival in Hong Kong.

The following Information Is required on the label of all prepackaged food except for ‘exempted Items’ as provided in the Regulations.

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.

List of Ingredients

- Preceded by an appropriate heading consisting of the words “ingredients,” “composition”, “contents” or words of similar meaning, the ingredients should be listed in descending order of weight or volume determined at the time of their use when the food was packaged.
- If a food consists of or contains any of the following substances, the name of the substance shall be specified in the list of ingredients.
 - cereals containing gluten, (namely wheat, rye, barley, oats, spelt or their hybridized strains and their products);
 - crustacean and crustacean products;
 - eggs and egg products;
 - fish and fish products;

- peanuts, soybeans, and their products;
 - milk and milk products (including lactose);
 - tree nuts and nut products;
- An additive constituting one of the ingredients of a prepackaged food shall be listed by both its functional class and its specific name or its identification number under the International Numbering System (INS) for Food Additives. The trade is also at liberty to use the prefix “E” or “e” with the INS number as adopted by the European Union under the E-numbering system.
 - If a food consists of or contains sulphite in a concentration of 10 parts per million or more, the functional class of the sulphite and its name shall be specified in the list of ingredients.
 - If hydrogenated oils are contained in prepackaged foods, these must be indicated in the ingredient list. This requirement will take effect on December 1, 2023.

Indication of “best before” or “use by” date¹

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” (also in Chinese characters) date.

The words “use by” and “best before” in English lettering and Chinese characters should be followed by the date up to which specific properties of the food can be retained, to indicate the shelf life of the food. The “use by” or “best before” date should be shown either in Arabic numerals or in both the English and Chinese languages. The day, month, and year can appear in any order, but the exact sequence must be clearly declared in both Chinese and English. For specific details refer to the [Regulation](#).

Deep-frozen food and any food with a shelf life of more than 18 months are also required to have a “best before” date.

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.

¹ 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.

Name and Address of Manufacturer or Packer

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

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

Count, Weight, or Volume

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

Appropriate Language

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

Exemptions from Labeling Regulations

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

For alcoholic drinks with an alcoholic strength by volume of more than 1.2 percent but less than 10 percent, the durability period must be labeled on the drinks. Apart from this requirement, these beverages are exempt from all other labeling requirements.

Labeling on Genetically Engineered Food Products

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

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

- The labeling of GE food complies with existing food legislation

- The threshold level applied in the guideline for labeling purpose is five percent, with respect to an individual food ingredient
- Additional declaration on the food label is recommended when significant modifications of the food, e.g. composition, nutrition value, level of anti-nutritional factors, natural toxicant, presence of allergen, intended use, introduction of an animal gene, etc., have taken place
- Negative labeling is not recommended particularly for the use of the following terms:
 - GE free,
 - Free from GE ingredients, etc.

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

If the trade chooses to apply negative labeling, the government advises the use of less definite terms such as “sourced from non-GE sources” (which contains less than five percent of GE content) and to have documentation to substantiate such declaration. For more details on the voluntary labeling guidelines and biotechnology in Hong Kong, please refer to GAIN Reports [#HK6026](#) and the [Annual Biotechnology Gain Report](#), respectively.

Nutritional Labeling

Hong Kong requires nutritional labeling on all prepackaged food sold in Hong Kong which must include energy plus seven nutrients, namely: protein, carbohydrate, fat, saturated fat, trans fat, sodium, and sugars. Products selling less than 30,000 units a year may apply for a small volume exemption provided that the products do not carry any nutritional claims. Traders applying for exemption must pay US\$44 (HK\$345) per product variety for the first year and US\$43 (HK\$335) for annual renewal. On-line applications cost approximately US\$10 or less.

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

Hong Kong’s nutritional labeling regulation is unique; all imported foods making nutritional claims from all sources must be re-labeled for the Hong Kong market. U.S. product labels may not satisfy the Hong Kong nutritional labeling requirements due to different rounding practices, and recommendations for daily consumption. However, the Hong Kong government accepts stick-on labels and many importers are willing to apply a new label on behalf of exporters.

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

- U.S. products carrying claims on vitamins and minerals must have claims in absolute value per 100 gram or per serving size for sale in Hong Kong. Hong Kong requires all claimed nutrients to be labeled in absolute value.
- The United States and Hong Kong have set different conditions for making nutritional claims. For example, Hong Kong's standard for "low fat" is 3 gm per 100 gm of food, while the U.S. standard is 3 gm per serving. Therefore, a "low fat" U.S. product may not be allowed to make a low-fat claim in Hong Kong.
- The United States and Hong Kong have set different definitions of zero for various nutrients. For example, Hong Kong's zero definition of transfat is 0.3 gms/100 gms, while the U.S. standard is 0.5 gms/serving. Therefore, a "0 transfat" on the nutrition panel of a U.S. product may violate Hong Kong's nutrition regulation.

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

- Based on scientific substantiation and scientific consensus;
- Contains information on the physiological role of the claimed nutrient; and
- Content of the claimed nutrients must meet the relevant condition of nutrient content claim for "source", if applicable.

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

Nutritional Labeling on Infant Formula, Follow-up Formula, and Prepackaged Foods for Infants and Children under 36 months

In 2014, Hong Kong introduced an [amendment](#) to the Food and Drugs (Composition and Labelling) Regulations to regulate the nutritional composition of infant formula and restrict labelling of infant formula, follow-up formula, and prepackaged food for infants and children under the age of 36 months.

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

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

For prepackaged food for infants and young children, labeling energy value and four nutrients, namely protein, fat, carbohydrates, and sodium (1+4), as well as vitamin A and vitamin D (if they are added to the food), is mandatory. All prepackaged food (excluding infant formula or follow-up) for infants and young children up to the age 36 months are covered by this regulation.

Unlike Codex, Hong Kong requires prepackaged food for infants and young children to be labelled with sodium content to combat salt-induced high blood pressure among the population from an early age.

Formula for special medical purposes for infants and young children is exempt from the labelling requirements because the standard composition requirements may not meet the specific needs of these children. Moreover, the amendment exempts formula packed in a container which has a total surface area of less than 250 cm² and prepackaged food for infants and young children packed in a container which has a total surface area of less than 100 cm² from the nutritional labelling requirements.

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

Labeling for Organic Products

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

Labeling for Plant-Based Meat and Dairy Alternatives

The Hong Kong government does not have any specific labeling requirements for plant-based meat and dairy alternatives. Currently, plant-based meats such as Impossible Foods and Beyond Meat are available in Hong Kong and post is not aware of any obstacles in their entry to this market.

Labeling for Halal Foods

Not Applicable.

Section III Packaging and Container Regulations

Hong Kong currently has no special requirements for packaging or containers. However, Hong Kong apartments are generally small with very little storage space. Therefore, packaging tends to be smaller than that in the United States. For example, the normal retail packaging for milk is 1 liter.

Packaging Sustainability Measures

The Hong Kong government in the process of mapping out legislative initiatives coupled with public education to enhance waste management. In 2021, Hong Kong passed a waste charging bill, which provides the legislative basis to charge the public for municipal solid waste. Implementation details including charging scheme and timeframe are yet to be finalized. Hence, the Hong Kong food industry is

expected to adapt to the growing trend towards simple and environmental-friendly packaging. Specifically, the “polluter pays” principle underlines the Hong Kong government’s waste management.

There are two regulations which directly relate to the food industry, namely the Producer Responsibility Scheme on Glass Beverage Containers (GPRS) and Producer Responsibility Scheme on Plastic Beverages Containers (PPRS). Manufactures and importers of beverages are expected to pay a levy which is to help fund the recycling schemes. The government is considering a levy of less than 10 cents for plastic beverage containers and \$0.13 for glass beverage containers.

While there is no specific timeframe for the implementation of PPRS, the Hong Kong government is planning to introduce the GPRS to the Legislative Council for vetting in 2022, with a view to be implemented in 2013.

For details, please refer to Gain Report: [Polluter Pays Principle Introduces New Levies on Beverage Containers](#)

Section IV: Food Additive Regulations

According to the Food and Drugs (Composition and Labeling) Regulations (Regulation 2 – Interpretation), food additives includes neither vitamins nor minerals used for enriching food nutrients, nor seasoning substances like salt, herbs, or spices. Food additives are not allowed in the following circumstances:

- to disguise defective raw materials like those which are bad or rotten
- to enhance the color, odor, and flavor or shelf life of food but consequently lead to substantial damage or reduction of nutrients
- to simplify or facilitate food processing where the desired effect can be obtained by proper processing practices and good hygienic standards
- to use additives that are hazardous to health

The following food regulations stipulate chemicals/additives that are allowed/not allowed in food:

- Coloring Matter in Food Regulations - [Chapter 132 H](#)
 - Schedule 1 lists the Permitted Coloring Matter
- Food Adulteration (Artificial Sweeteners) Regulations - [Chapter 132 U](#)
 - The Schedule lists the Permitted Artificial Sweeteners
- Food Adulteration (Metallic Contamination) Regulations - – [Chapter 132 V](#)
 - Part 2 of Schedule lists the Maximum Level of Metal in Food
- Food and Drugs (Composition and Labeling) Regulations – [Chapter 132 W](#)
 - Schedule 1 Part III lists additives in milk, butter, and cream products

- Harmful Substances in Food Regulations – [Chapter 132AF](#)
 - Schedule 1 lists the Maximum Concentration of Certain Substances Present in Specified Foods
 - Schedule 2 lists the Prohibited Substances
- Mineral Oil in Food Regulations – [Chapter 132 AR](#)
- Milk Regulation – [Chapter 132 AQ](#)
 - Section 21 lists Certain Ingredients Not to be Used in the Reconstitution of Milk or Milk Beverages
- Preservatives in Food Regulations – [Chapter 132 BD](#)
 - Schedule 1 lists Food which May Contain Food Additives and the Description and Proportion of Food Additives in Each Case.

The Preservatives Regulation establishes a positive list for these substances meaning that only the preservatives or antioxidants listed in the regulation are allowed in foods. The preservatives listed in Schedule 1 can only be used in the food categories specified within the maximum permitted levels. Alternative forms in which the permitted food additive may be used (to be calculated as the permitted food additive) are listed in Schedule 1A.

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

Food additives which fall within the functional use stipulated in the above-mentioned regulations are governed by the respective regulations.

The CFS refers to the safety evaluation done by international food safety authorities, such as Codex and the Joint Food and Agriculture Organization/World Health Organization Expert Committee on Food Additives (JECFA), when considering whether to allow food additives, which do not fall within the regulated category, to be added to foods.

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

Section V: Pesticide and other Contaminants

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

Hong Kong's first Pesticide Residues in Food Regulation took effect August 1, 2014.

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

The key points of the regulatory framework include:

- Adopting Codex's definition of "pesticide" and other related terms
- Adopting Codex's classification of foods
- Adopting a list of MRLs/ EMRLs for certain pesticide –food pairs based on Codex and supplemented by standards of China, the United States, and Thailand
- Adopting a “modified positive list approach,” i.e., pesticide residues found outside the list will be prohibited unless the food safety authority is satisfied that the level of residue will not be dangerous to health. The authority will conduct risk assessments to draw a final decision
- Providing a list of exempted substances to allow the trade to use pesticides that are natural and for which the residues are identical to, or indistinguishable from, natural food components
- Providing regular updates on the lists of MRLs/EMRLs and exempted substances², and
- Allowing application for revising/adding MRLs and exempted substances.

The CFS suggests that exporters propose new MRLs/EMRLs or exempted pesticides for inclusion in Schedules 1 and 2 with supporting information if planning to supply food to Hong Kong containing pesticides not on the list. The CFS will consider applications on a case-by-case basis, depending on the latest international developments, consistency with the existing list, supporting documentation, and risk assessment based on the local food consumption patterns. However, the Hong Kong MRLs/EMRLs lists have not been updated since implementation in 2014.

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

Cadmium

In recent years, the Hong Kong government (HKG) cited detections of U.S. produce samples collected during routine surveillance containing cadmium at levels exceeding Hong Kong's standard. Following the enactment of the amended metallic contamination regulation in 2018 and full implementation by November 1, 2020, Hong Kong changed the maximum residue level of cadmium in leafy vegetables from 0.1 ppm to 0.2 ppm, adhering to the Codex standard. The United States has no specific regulation regarding cadmium residues in lettuce or other vegetables.

² The CFS has not updated the lists after the regulation became effective in 2014.

Contaminants Control Regulations

Food Adulteration (Metallic Contamination) Regulations – [Chapter 132 V](#)

The regulation incorporated the following principles.

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

Part 2 of the Regulation Schedule lists the Maximum Level of Metal in Food.

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

Harmful Substances in Food Regulations – [Chapter 132AF](#)

The Regulations contains two schedules. Schedule 1 and Schedule 2 lists the Maximum Concentration of Certain Substances Present in Specified Foods and the Prohibited Substances respectively.

The HKG amended the Regulation in 2021. The amendment included the following:

- Setting/revising maximum level (ML) of mycotoxins, namely, aflatoxins, deoxynivalenol, and patulin in foods
- Setting ML of benzo[a]pyrene and erucic acid in edible fats and oils
- Setting ML of monochloropropane 1,2-diol in condiments
- Setting ML of benzo[a]pyrene, glycidol and melamine in infant formula and
- Banning partially hydrogenated oils (PHOs)

The amendment will be implemented in two phases. All changes except the banned use of PHOs will take effect on June 1, 2023, and full implementation will take place on December 1, 2023. Additional details on the amendment are available in the consultation document and consultation report accessible on the following [link](#).

Action Levels of Certain Chemicals

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

Chemicals	Action Level
DEHP	1.5 ppm
DBP	0.3 ppm
DINP	9 ppm
B[a]P in cooking oil ³	10 µg/kg
Ractopamine ⁴	Referencing Codex standard in various animal products ⁵
Dioxins	1 pg/g
Sum of dioxins and DL-PCBs in hairy crabs	6.5 pg/g

Section VI: Other Requirements, Regulations, and Registration Measures

In general, Hong Kong does not require facility and product registration of food supplies from other foreign countries. However, it is moving towards plant registration in connection with meat and egg products. The Hong Kong government is discussing with individual countries. As of this report, the HKG has not yet approached the Agricultural Trade Office to initiate this process. However, based on previous discussions with the Hong Kong government, it is Post's understanding that U.S. federally registered plants will be recognized. Therefore, this new policy is not expected to have a significant impact on U.S. exports.

The Hong Kong government conducts regular food surveillance at import, wholesale and retail levels. In 2021, about 66,300 samples were collected for microbiological and chemical tests. The overall satisfactory rate was 99.9 percent.

However, [the Food Safety Ordinance \(Cap.612\)](#) requires Hong Kong food importers and distributors to register with the Hong Kong Food and Environmental Hygiene Department and to comply with record-keeping requirements for the movement of food products for product traceability purposes.

³ The HKG has set the limit of B[a]P in edible oils to 5 ug/kg in the amendment of the Harmful Substances in Food Regulations

⁴ Paylean was approved for use in swine feeds in 2007 in Hong Kong

⁵ 10 ppb for meat products

Testing of Chilled and Frozen Foods and Packaging for COVID-19

In mid-2020, Hong Kong started to take random tests on imports of chilled and frozen foods and their packaging from all countries and regions at the point of entry for the COVID-19 virus. Normally, test results are available within 24 hours. However, inconclusive results can lead to delays in shipment release. Between mid-2020 and May 2022, Hong Kong has taken about 32,000 samples and announced four positive cases in the packaging of imports of Indonesian pomfret fish, Malaysian cuttlefish, Brazilian beef and offals, and Polish pork skin.

Related GAIN reports:

[COVID-19 Testing of Imported Foods and their Packaging;](#)

[Hong Kong Detects COVID-19 Virus on Frozen Seafood Imports from Malaysia;](#)

[Macau: COVID-19 Testing of Imported Foods and their Packaging](#)

[Hong Kong Detects COVID-19 on Imports of Brazilian Frozen Beef and Polish Frozen Pork Skin](#)

[Government Disposes Shipment of Brazilian Ox Offals Citing Detection of COVID-19 on Packaging](#)

Certification/Permit Requirements

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

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

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

Imported Game, Meat, Poultry, and Eggs Regulations

The importation of frozen or chilled beef, mutton and pork, and poultry is subject to import licensing control. Each consignment of these products is to be covered by one import license which is valid for six weeks. The Center for Food Safety of the Food and Environmental Hygiene Department (FEHD) is responsible for issuing import licenses for these foods.

The Imported Game, Meat, Poultry, and Eggs Regulations require meat, poultry, and egg products imported to Hong Kong to have an official certificate issued by a competent authority recognized by the FEHD. The Department recognizes the United States Department of Agriculture as a competent authority.

In addition, Hong Kong importers are required to apply for a permit in advance of the importation of ground meats and eggs from the United States. Each permit allows multiple shipments within one year for ground meats and six months for eggs.

Exotic Meats

U.S. exporters are advised to contact the Food Safety and Inspection Service (FSIS) or Agricultural Trade Office (ATO) in Hong Kong to check if any trade protocol has been established between the United States and Hong Kong government with regards to the export of a particular exotic meat to Hong Kong.

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

If the animal is not an endangered species, the U.S. exporter is required to obtain a certificate from the U.S. Fish and Wildlife Service certifying the animals' scientific name and its domesticated origin. This certificate is necessary for the importation of all exotic meats into Hong Kong. U.S. exporters, however, are strongly advised to enquire about the documentation requirements from the Center for Food Safety on a case-by-case basis.

Milk

The Milk Regulation requires any fluid milk or milk beverage (including cream) to be imported into Hong Kong from a source of manufacture that has been approved by Center for Food Safety. Before importing these food products into Hong Kong, importers need to 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 --
 - 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
 - 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, 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 must be accompanied by a health certificate.

Hong Kong's milk regulation allows two types of milk registration: pasteurized and sterilized milk.

Frozen Confection

The Frozen Confection Regulation requires any frozen confection to be imported into Hong Kong from a source of manufacture approved the Center for Food Safety. Prior to importing these food products into Hong Kong, importers need to 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:
 - 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
 - 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, importers may import the frozen confections into Hong Kong. Initially, an import permit is valid for six months, however, after four renewals, an import permit valid for one year may be issued. When a frozen confection consignment arrives and before its release, the products will be inspected and if necessary, sampled by the Center. Upon the satisfaction of the Department, a "release" letter will be issued to the importer. Each frozen confection shipment must be accompanied by a health certificate.

Marine Products

Presently, it is not mandatory for seafood products to be accompanied by a health certificate, but U.S. exporters to Hong Kong usually supply health certificates to facilitate customs clearance, particularly for seafood products which are to be consumed raw. However, the certificates submitted do not have a standard attestation since the HKG has not established official health certification requirements for U.S. seafood products. The HKG accepts seafood certificates issued by individual states or the National Oceanic and Atmospheric Administration (NOAA).

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

Plants

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

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

- Cut flowers
- Fruits and vegetables for consumption
- Grains, pulses, seeds, and spices for human or animal consumption or for industrial use
- Timber and timber products including rattan and bamboo
- Dried tobacco and manufactured articles incorporating dried leaves
- Plants produced in and imported from China
 - To avoid any unnecessary delay in customs clearance for plants, U.S. exporters are advised to ask their Hong Kong importers to obtain a Plant Import License from the Hong Kong Agriculture, Fisheries and Conservation Department prior to shipment of the plants. If the application is found to be in order, a Plant Import License will normally be issued after two working days from receipt of the application.

Live Animals

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

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

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

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

Endangered Species

The Protection of Endangered Species of Animals and Plants Ordinance, [Cap. 586](#), is the local legislation which gives effect to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in Hong Kong. The control regime follows closely the requirements under CITES.

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

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

Appendix I Species

- The importation of 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

- 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.
- 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.
- The commercial importation of both wild and cultivated ginseng requires an export license issued by the exporting countries. Hong Kong traders do not need to apply for any import licenses. Individuals bringing in ginseng for personal use, regardless of wild or cultivated, do not need to produce an export license issued by the exporting country or import licenses issued by AFCD.

Appendix III Listed Species

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

Products Containing Living Modified Organisms

Importers are required to seek prior approval from the Agriculture, Fisheries and Conservation Department (AFCD) before the importation of products containing “genetically modified organisms” (GMOs), which are intended to be released to the environment, pursuant to the Genetically Modified Organisms (Control of Release) Ordinance and the Genetically Modified Organisms (Documentation for Import and Export) Regulation. “GMOs” in the Ordinance are referred to as “LMOs” or “living modified organisms”.

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

- If the identity of the GMO is known, the shipment contains such a GMO; if the identity of the GMO is not known, the shipment may contain such a GMO;
- The GMO is not intended for release into the environment;
- The common name, scientific name and, where available, commercial name of the GMO;
- The Internet address of the Biosafety Clearing House registration;
- The transformation event code of the GMO or, where available, its unique identifier code; and,
- The details of the importer or exporter (such as name, address, and contact information) for further information.

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

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

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

Alcoholic Drinks

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

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

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

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

Dietary Supplements, Health and Organic Foods

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

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

The Hong Kong Organic Center provides organic certification for local produce but Hong Kong does not have a law regulating imported organic food products. USDA organic labelled products are allowed to be sold in Hong Kong.

Food Products Containing Cannabidiol (CBD)

Hong Kong is preparing to amend the existing Dangerous Drug Ordinance by including CBD as a dangerous drug. After this amendment, Hong Kong will have explicit legislative basis to prohibit food containing CBD. The government aims to have the legislative work completed in 2022 at the earliest. In the meantime, the government has also pledged to take proactive action to test BD products in the market against illegal substances such as tetrahydro-cannabinol (THC).

For more information, please refer to GAIN report: [Hong Kong Moves to Amend Legislation to Include CBD as a Dangerous Drug](#)

Section VII: Other Specific Standards

Nutritional Composition on Baby Formula

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

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

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

Milk Products

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

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

Halal Foods

No standard requirements.

Plant-based Meat and/or Dairy Alternatives

Plant-based meats and dairy alternatives are subject to conventional food regulations. Hong Kong does not have any specific regulation for these products or for lab-grown food ingredients as well.

Composition Standard of Other Food Products

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

Section VIII: Trademarks, Brand Names, and Intellectual Property Rights

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

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

Section IX: Import Procedures

Documents required to facilitate customs clearance are:

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

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

Re-export Procedure for Hemp Products

Based on the [Dangerous Drug Ordinance](#), Hong Kong does not allow entry of hemp products, except for authorized persons.

For re-export and transshipment of hemp products (including hemp seeds) via Hong Kong, U.S. exporters need to provide an “Export Authorization” document which is required for the application of a “Removal License” from the Hong Kong Department of Health. The “Removal License” should be obtained prior to shipment arrival in Hong Kong. Only with a “Removal License”, hemp product shipments will be allowed to continue their journey to destinations.

The “Export Authorization” is a letter or document stating that the United States government allows or does not have any objection to having the named “dangerous drug” be exported out of the United States. The document should include the following information.

Product name

Quantity

Name of exporter and importer

Bill of lading information

U.S. exporters can obtain the “Export Authorization” from the U.S. state agricultural department.

Section X: Trade Facilitation

Hong Kong is efficient in customs clearance limiting unnecessary hurdles for food imports. The Hong Kong Customs and Excise Department has implemented a number of trade facilitation measures. For example, a system is in place to allow electronic submission of cargo manifests prior to the arrival of shipments. Also, an e-channel is made available for sea freight forwarders to submit advance house bill of lading (inbound/transshipment ocean mode consignments) information.

Additionally, the Hong Kong Customs administers a voluntary Authorized Economic Operator Program (AEO) which is open to all stakeholders. Companies which have met pre-determined security standards will be accredited as AEOs. All accredited AEOs are eligible to enjoy trade facilitation measures such as reduced or prioritized Customs inspection.

For air cargoes, the Hong Kong International Airport can expedite clearance by providing integrated Electronic Data Interchange (EDI) linkage between the eight major air cargo operators and the Customs & Excise Department. The EDI facilitates trade by allowing pre-arrival customs clearance, covering all types of cargo; providing a “priority consignments” facility and enabling authorized service providers to provide cross boundary bonded truck services to Mainland China.

The Hong Kong government is in the process of launching Trade Single Window (TSW) by which members of the trade can lodge the relevant types of trade document round the clock and check the status of their applications and the validity of the licenses or permits at any time via an online platform. It is to be implemented by three phases. Hence, the HKG is willing to accept electronic certificates.

Currently, the Hong Kong Agriculture, Fisheries and Conservation Department has agreed to accept electronic certificates issued by the Animal and Health Plant Inspection Service on day-old chicks and commercial (pet) turtles from the United States. They are open to accept electronic certificates on other plants and animals on a case-by-base negotiation with APHIS.

FSIS' launch of electronic certificates for meat products via PHIS has not yet been extended to Hong Kong. The Hong Kong Center for Food Safety has been very forthcoming about electronic certification. It has already registered with PHIS waiting for FSIS to extend electronic certification for meat products to Hong Kong.

Appendix I: Government Regulatory Key Agency Contacts

Department to implement food safety control policy

The Center for Food Safety
Food & Environmental Hygiene Department
43/F., Queensway Govt Offices
66 Queensway
Hong Kong
Tel: 852-2868-0000
Fax: 852-2834-8467
Website: <http://www.fehd.gov.hk>
E-mail: rc@fehd.gov.hk

Department to control the importation of plants and live animals

Agriculture, Fisheries & Conservation Department

5-8/F., Cheung Sha Wan Govt Offices

303, Cheung Sha Wan Rd

Kowloon, Hong Kong

Tel: 852-2708-8885

Fax: 852-2311-3731

Website: <https://www.afcd.gov.hk/english/index.html> **Error! Hyperlink reference not valid.**

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

Website: http://www.dh.gov.hk/english/main/main_ps/main_ps.html

Department to issue licenses for imported dutiable commodities

Hong Kong Customs & Excise Department

Office of Dutiable Commodities Administration

6-9th floors, Harbor Building

38 Pier Road

Central

Hong Kong

Tel: 852-2815-7711

Fax: 852-2581-0218

Website: <http://www.info.gov.hk/customs>

Email: customsenquiry@cutsoms.gov.hk

Department for Trade Mark Registration

Intellectual Property Department

Trade Marks Registry

24th and 25th Floors, Wu Chung House

213 Queen's Road East

Wan Chai

Hong Kong
Tel: 852-2803-5860
Fax: 852-2838-6082
Website: <http://www.ipd.gov.hk/eng/trademarks.htm>

World Trade Organization (WTO) Enquiry Point

Trade & Industry Department
Regional Cooperation Division
18/F., Trade Department Tower
700 Nathan Road
Kowloon, Hong Kong
Tel: 852-2392-2922
Fax: 852-2398-3747
Website: <https://www.tid.gov.hk/eindex.html>
E-mail: enquiry@tid.gov.hk

Appendix II: Other Import Specialist Technical Contacts

Agricultural Trade Office
U.S. 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
Website: <https://www.atohongkong.com.hk/>

Attachments:

No Attachments