



中華人民共和國香港特別行政區政府總部食物及衛生局  
Food and Health Bureau, Government Secretariat  
The Government of the Hong Kong Special Administrative Region  
The People's Republic of China

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27 October 2015

Clerk to Legislative Council  
Panel on Food Safety and Environmental Hygiene  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong  
(Attn: Miss Josephine SO)  
(Fax: 2509 9055)

Dear Miss So,

**Regulation of Online Sale of Food Products**

Thank you for referring to us the letter dated 18 September 2015 from Hon Joseph LEE to the Chairman of the Legislative Council Panel on Food Safety and Environmental Hygiene (the Panel). Regarding Hon LEE's concern over the regulation of online sale of food products, our reply is set out as follows.

The Government is committed to enhancing food safety in Hong Kong through a multi-pronged approach. In fact, food safety and trade operations are regulated in various aspects under the existing laws of Hong Kong. The Food Safety Ordinance (Cap. 612) requires food importers and distributors who carry on a food importation/distribution business to register with the Director of Food and Environmental Hygiene Department (DFEH). If they, in the course of business, import, acquire or supply by wholesale food in Hong Kong, they are required to keep transaction records, so that in the event of a food incident, the sources and points of sale of the food

concerned can be traced by the Government swiftly and thoroughly. The law does not grant any exemption or make a distinction in respect of any channels of sale. That means the above-mentioned Ordinance is also applicable to food trading on e-platforms (including online sale). Any person who does not register 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 six months. Those who fail to comply with the record-keeping requirement also commit an offence and are liable to a maximum fine of \$10,000 and imprisonment for three months.

Besides, the Centre for Food Safety (CFS) monitors food on sale in Hong Kong through the Food Surveillance Programme to ensure its compliance with legal requirements and fitness for human consumption. CFS takes food samples at the import, wholesale and retail levels and adopts a risk-based principle in determining the types of samples to be collected, the frequency and number of samples taken for testing, and the types of laboratory analysis to be conducted. Under section 54 of the Public Health and Municipal Services Ordinance (Cap. 132), all food for sale in Hong Kong, whether it is imported or locally produced, must be fit for human consumption. An offender is liable to a maximum fine of \$50,000 and imprisonment for six months.

Furthermore, under the Food Business Regulation (Cap. 132X), any person who carries on any food business which involves the sale of fresh, chilled or frozen meat or poultry must obtain a Fresh Provision Shop Licence granted by the Food and Environmental Hygiene Department (FEHD). Any person who carries on any food business which involves the preparation of food (such as sashimi, sushi, cakes, etc) for sale for human consumption off the food business premises must obtain a Food Factory Licence. The Regulation also provides that save with the permission in writing of FEHD, no person shall sell restricted foods (including sashimi, sushi, oysters to be eaten in raw state, etc). Any person who operates a food business without a licence or sells restricted foods without permission is liable on conviction to a maximum fine of \$50,000 and imprisonment for six months and, in the case of a continuing offence, to an additional fine of \$900 for each day.

In November 2015, we will report to the Panel on measures to enhance the monitoring and surveillance of food trading and imports so as to further optimise our regulatory arrangements for food. Related issues will include regulation of online food trading and enhancing further the control measures for food imported by sea.

Yours sincerely,



( Ricky Cheng )

for Secretary for Food and Health

cc: Director of Food and Environmental Hygiene (Fax: 2536 9731)