



# Food Safety Ordinance

# The Registration and Record Keeping Requirements Under Food Safety Ordinance (Cap. 612)



# Background

- The Food Safety Ordinance (Cap.612) has commenced its full operation on 1 February 2012.
- Any person who carries on a food business (including farmers, fishermen, hawkers and market stall lessees selling food) should note the relevant measures.



# Background

- The Food Safety Ordinance introduces a food tracing mechanism to help the Centre for Food Safety (CFS) trace the source of the food more effectively and take prompt action when dealing with food incidents.
- The food tracing mechanism includes a registration scheme for food importers and food distributors and a record-keeping requirement relating to movement of food (food retailers have to keep food acquisition records) in order to improve food traceability and protect food safety.



# Registration Scheme for Food Importers and Food Distributors



# Registration Scheme for Food Importers and Distributors

- Any person who, without reasonable excuse, carries on a food importation/ distribution business without registered as food importer/ food distributor commits an offence and is liable to a maximum fine of \$50,000 and to imprisonment for 6 months



# Registration Scheme for Food Importers and Distributors

- Any person who carries on a food importation or distribution business is required to register with DFEH
  - ⇒ “Food importer” means a person who carries on a business that brings or causes to be brought into Hong Kong food by air, land or water
  - ⇒ “Food distributor” means a person who carries on a business that the **principal activity** of which is the supply of food in Hong Kong by wholesale, including:
    - farmers/fishermen who distribute their local produce such as vegetables and fish; and
    - food manufacturers who distribute their products



# Registration Scheme for Food Importers and Distributors

- According to the Food Safety Ordinance, food traders whose principal activity is not food distribution are not required to register
- When defining “principal activity” and hence determining whether a trader is required to register as a food distributor, DFEH will take into account a range of factors such as the sales volume and value in relation to supply of food, the existence of credit facilities or contracts on wholesale supply of food
- Generally, retailers who sell their food to ultimate consumers but occasionally supply to other retailers or catering establishments are not required to register



# Application for Registration

- Application for registration should be made in a specified form. The application form can be downloaded from our website (<http://www.foodsafetyord.gov.hk>), or obtained from the following CFS' offices –
  - (a) 43/F., Queensway Government Offices, 66 Queensway, Hong Kong; and
  - (b) Room 119, 1/F., 258 Queen's Road East, Wan Chai, Hong Kong.



# Application for Registration

- Application can be made in person, by mail or fax, or through internet (<https://www.fics.gov.hk>).



# Application for Registration

The registration procedure is convenient and simple, requiring only the essential information, including:

- ⇒ address of business, nature of business of importation or distribution
- ⇒ contact means
- ⇒ food type being imported or distributed
  - The two-tier food categorisation system, i.e.:
    - Main Food Category, e.g. cereals and grains products
    - Food Classification, e.g. pasta/ noodles – without the need to specify the type of noodles
- ⇒ Application should be accompanied with a copy of Business Registration Certificate and/ or Hong Kong Identify Card for verification purpose



# Application for Registration

- Processing time of application for registration
  - ➔ DFEH will grant an approval **within 7 working days** upon receipt of all the required information



# Application for Registration/Renewal

- The registration cycle for food importers and food distributors will be for a period of **3 years**, subject to renewal. A registration fee will be charged on the basis of full-cost recovery. The fee level for registration and renewal of registration for a 3-year term is **\$195** and **\$180** respectively
- DFEH may refuse an application for renewal or revoke registration if the food importer/ distributor has repeatedly contravened the Food Safety Ordinance in the past 12 months



# Exemption from Registration

- Some food importers/ distributors have already registered or have obtained a licence under other Ordinances
- The Food Safety Ordinance **exempts** these food importers/ distributors from complying with the registration requirement as a trade facilitation measure. They include:
  - ➔ The holder of a permission under section 30 or the licensee of a licence under Part IV of the **Food Business Regulation** (Cap. 132X)



# Exemption from Registration

- ➔ The licensee of a licence under Part III of the **Frozen Confections Regulation** (Cap. 132AC)
- ➔ The licensee of a licence under Part II of the **Hawker Regulation** (Cap. 132AI)
- ➔ The licensee of a licence under Part III of the **Milk Regulation** (Cap. 132AQ)
- ➔ The licensee of a licence under the **Offensive Trades Regulation** (Cap. 132AX)
- ➔ The licensee of a licence under Part II of the **Slaughterhouses Regulation** (Cap. 132BU)



# Exemption from Registration

- The registered stockholder of a reserved commodity under regulation 13 of the **Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations** (Cap. 296A)
- The licensee of a licence under section 8 or the permittee of a permit under section 14 of the **Marine Fish Culture Ordinance** (Cap. 353)
- The certificated owner of a vessel licensed under the **Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation** (Cap. 548D) in respect of a Class III vessel



# Obtaining Information from Certain Authorities

- To ensure the data base of food importers and distributors covers **exempted food traders** as well, DFEH is empowered to obtain information about these licensees or registered persons under the relevant Ordinance from the licensing authority concerned
- Besides, DFEH may require an exempted food trader who carries on a food importation/ distribution business to provide with information that they would be required to provide in an application for registration had they been required to be registered under the Ordinance



# Updating of Information

- If there is any change in the information provided in the application for registration or renewal of registration, the registered food importer/ food distributor has to give written notice to DFEH **within 30 days after the change occurs**
- The notification form shall be submitted either in person/ by mail/ by fax. Notification can also be made online using the password provided upon registration (<https://www.fics.gov.hk>)
- FEHD's approval and charges are not required for updating of information



# Guide to the Registration Scheme

- In order to provide general information to assist traders in their application for registration as food importers and food distributors, and to answer some of the frequently asked questions, FEHD issued the “Guide to the Registration Scheme for Food Importers and Food Distributors”
- The Guide also sets out circumstances under which an application may be refused or a registration may be revoked
- The Guide has been uploaded to the ordinance website for reference ([www.foodsafetyord.gov.hk](http://www.foodsafetyord.gov.hk))



# Record-Keeping Requirement



# Record-Keeping

- The registration scheme alone will not guarantee food traceability in case of a food incident
- To trace where the problem food comes from and where it goes, food traders are also required to maintain records of movement of food (one-step-backward, one-step-forward)

Ultimate Consumer



Retailer



Distributor



Importer



Food



# Record-Keeping Requirement

- Any person who, in the course of business, imports, acquires or supplies food by wholesale in Hong Kong is required to keep transaction records of the business from which the food was obtained and the business to which it was supplied
- DFEH is empowered to inspect the records maintained by food traders
- Record-keeping requirement not applicable to retail supplies to ultimate consumers



# Record-Keeping Requirement

- The record-keeping requirement **aims to help tracing**, in case of food incidents, where the problem food comes and where it has gone to. This helps the authority to take appropriate follow-up actions



# Record-Keeping Requirement

- In general, food importers are required to keep import records and supply records, while food distributors are required to keep acquisition records and supply records.
- Food retailers are only required to keep acquisition record
- Catering establishments (e.g. restaurants, cooked food stalls) are required to keep acquisition records for raw food materials/ ingredients. Local food manufacturers are required to keep, other than the acquisition records for raw food materials/ ingredients, also the supply records unless the finished products are directly supplied to ultimate consumers or for export.



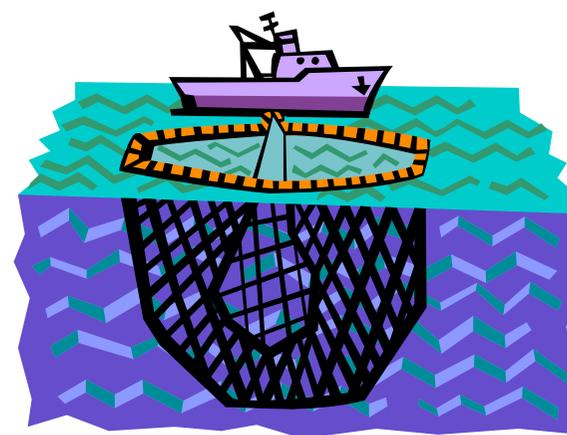
# Record-Keeping Requirement

- Records should cover –
  - ⇒ **date** of the transaction;
  - ⇒ **name** and **contact details** of the supplier;
  - ⇒ **place** from which the food was imported (for imported food only);
  - ⇒ **name** and **contact details** of the person to whom the food is supplied (i.e. **the buyer**); and
  - ⇒ **description** of the food, and **total quantity**



# Record-Keeping Requirement

- Fishermen who capture local aquatic products and supply them are required to keep the capture records, which should include –
  - ⇒ the date or period of the capture
  - ⇒ the common name of the local aquatic products
  - ⇒ the total quantity of the local aquatic products
  - ⇒ the area of the capture



# Record-Keeping Requirement

- Any person who, without reasonable excuse, fails to keep records according to the requirements under the Food Safety Ordinance commits an offence and is liable to a **maximum fine of \$10,000 and to imprisonment for 3 months**



# Record-Keeping Requirement

- There is **no stipulated format** for the records to be maintained, traders may choose, for example, one of the following means for compliance with the legal requirement:
  - ➔ keeping the **receipts/ invoices**;
  - ➔ **create their own transaction records** (both written records or electronic records are acceptable)
  - ➔ use the **templates as provided by FEHD**



# Duration for keeping records

- The records should be kept for a period of
  - ➔ 3 months (for live aquatic products and food with a shelf-life of three months or less); or
  - ➔ 24 months (for food with a shelf-life over three months, e.g. canned food and dried seafood)



# Code of Practice on Keeping Records

- A Code of Practice on record keeping period for different food types (“Code of Practice on Keeping Records Relating to Food”) has been issued for traders’ general reference
- The Code provides guidance on the actions that the trade should take for compliance with the record keeping requirements and general reference on the duration of keeping records for different types of food
- The Code has been uploaded to the Ordinance website for reference ([www.foodsafetyord.gov.hk](http://www.foodsafetyord.gov.hk))



# Template Record – Record of Local Acquisition of Food

本地獲取食物的紀錄

## RECORD OF LOCAL ACQUISITION OF FOOD

20 _____ 年 _____ 月份收貨紀錄表 (本地食物)					
Record of local acquisition of food for the month of _____ 20 _____					
公司名稱： Name of company					
收貨日期 Date of food acquired	食物名稱 Food description	數量 Quantity	供應商資料 Particulars of supplier		
			名稱 Name	聯絡電話 Contact tel. no.	地址 Address



For enquiries , please email to us at  
[fso\\_enquiry@fehd.gov.hk](mailto:fso_enquiry@fehd.gov.hk)  
or call us during office hour at  
2156 3017/ 2156 3034



Thank You

