

## 《食物安全條例》

## (第 612 章)

## 目錄

## FOOD SAFETY ORDINANCE

## (Cap. 612)

## Contents

條次		頁次	Section	Page
	<b>第 1 部</b>		<b>PART 1</b>	
	<b>導言</b>		<b>PRELIMINARY</b>	
1.	簡稱	1-1	1. Short title	1-2
2.	釋義	1-1	2. Interpretation	1-2
3.	並非擬供人食用的食物	1-9	3. Food not intended for human consumption	1-10
	<b>第 2 部</b>		<b>PART 2</b>	
	<b>食物進口商及分銷商的登記</b>		<b>REGISTRATION OF FOOD IMPORTERS AND DISTRIBUTORS</b>	
	<b>第 1 分部 —— 登記的規定</b>		<b>Division 1—Requirement to be Registered</b>	
4.	食物進口商須登記的規定	2-1	4. Requirement for food importers to be registered	2-2
5.	食物分銷商須登記的規定	2-1	5. Requirement for food distributors to be registered	2-2
6.	署長批予的豁免	2-3	6. Exemptions by Director	2-4
	<b>第 2 分部 —— 登記</b>		<b>Division 2—Registration</b>	
7.	登記申請	2-3	7. Application for registration	2-4
8.	就登記申請作出決定	2-5	8. Determination of application for registration	2-6
9.	登記	2-7	9. Registration	2-8

條次	頁次	Section	Page		
10.	登記的條件	10.	Conditions of registration	2-7	2-8
11.	申請登記續期	11.	Application for renewal of registration	2-7	2-8
12.	就續期申請作出決定	12.	Determination of application for renewal	2-9	2-10
13.	登記續期	13.	Renewal of registration	2-11	2-12
14.	撤銷登記	14.	Revocation of registration	2-11	2-12
<b>第 3 分部 —— 登記冊</b>		<b>Division 3—The Register</b>			
15.	登記冊	15.	The register	2-13	2-14
<b>第 4 分部 —— 就登記提出的上訴</b>		<b>Division 4—Appeals in relation to Registration</b>			
16.	向市政服務上訴委員會提出的上訴	16.	Appeals to Municipal Services Appeals Board	2-15	2-16
<b>第 5 分部 —— 一般性條文</b>		<b>Division 5—General</b>			
17.	更新資料	17.	Updating of information	2-15	2-16
18.	從若干當局取得資料	18.	Obtaining information from certain Authorities	2-17	2-18
19.	從沒有登記的人取得資料	19.	Obtaining information from persons who are not registered	2-19	2-20
20.	就登記或續期提供虛假資料	20.	Providing false information in relation to registration or renewal	2-19	2-20
<b>第 3 部 備存食物紀錄</b>		<b>PART 3 KEEPING RECORDS RELATING TO FOOD</b>			
<b>第 1 分部 —— 獲取及捕撈紀錄</b>		<b>Division 1—Acquisition and Capture Records</b>			
21.	本地獲取食物的紀錄	21.	Record of local acquisition of food	3-1	3-2

條次	頁次	Section	Page		
22.	獲取進口食物的紀錄	22.	Record of acquisition of imported food	3-3	3-4
23.	捕撈本地水產	23.	Capture of local aquatic products	3-5	3-6
<b>第 2 分部 —— 供應紀錄</b>		<b>Division 2—Supply Records</b>			
24.	以批發方式供應食物的紀錄	24.	Record of wholesale supply of food	3-7	3-8
25.	零售商的免責辯護	25.	Defence for retailers	3-7	3-8
<b>第 3 分部 —— 備存紀錄的期間及查閱該等紀錄</b>		<b>Division 3—Duration of Keeping Records and their Inspection</b>			
26.	備存紀錄的期間	26.	Duration of keeping records	3-9	3-10
27.	查閱紀錄	27.	Inspection of records	3-11	3-12
28.	署長可使用及披露紀錄	28.	Use and disclosure of records by Director	3-11	3-12
<b>第 4 分部 —— 豁免</b>		<b>Division 4—Exemptions</b>			
29.	署長批予的豁免	29.	Exemptions by Director	3-13	3-14
<b>第 4 部 食物安全命令</b>		<b>PART 4 FOOD SAFETY ORDERS</b>			
30.	食物安全命令	30.	Food safety orders	4-1	4-2
31.	作出食物安全命令的方式、送達及刊登	31.	Manner of making food safety orders, service and publication	4-5	4-6
32.	違反食物安全命令	32.	Contravention of food safety orders	4-7	4-8
33.	就食物安全命令採取的行動，以及提供樣本	33.	Actions taken in relation to food safety orders and provision of samples	4-7	4-8
34.	取得資料或文件副本的權力	34.	Power to obtain information or copies of documents	4-9	4-10
35.	向市政服務上訴委員會提出的上訴	35.	Appeals to Municipal Services Appeals Board	4-11	4-12

條次		頁次	Section	Page
36.	補償	4-13	36. Compensation	4-14
37.	食物的檢取、標記或銷毀	4-15	37. Seizure, marking or destruction of food	4-16
38.	干擾標記、印記或其他稱述的罪行	4-17	38. Offence to tamper with mark, seal or other designation	4-18
<b>第 5 部</b>			<b>PART 5</b>	
<b>管理及執行</b>			<b>ADMINISTRATION AND ENFORCEMENT</b>	
<b>第 1 分部 —— 管理</b>			<b>Division 1—Administration</b>	
39.	授權公職人員	5-1	39. Authorization of public officers	5-2
40.	署長作出轉授	5-1	40. Delegation by Director	5-2
41.	保密	5-1	41. Confidentiality	5-2
42.	對公職人員的保障	5-3	42. Protection of public officers	5-4
<b>第 2 分部 —— 實務守則</b>			<b>Division 2—Codes of Practice</b>	
43.	實務守則	5-5	43. Codes of practice	5-6
44.	在法律程序中使用實務守則	5-5	44. Use of codes of practice in legal proceedings	5-6
<b>第 3 分部 —— 執行</b>			<b>Division 3—Enforcement</b>	
45.	取得資料的權力	5-7	45. Power to obtain information	5-8
46.	進入的一般權力	5-11	46. General power of entry	5-12
47.	在有手令的情況下進入	5-11	47. Entry under warrant	5-12
48.	對進入處所或船隻的獲授權人員的協助	5-13	48. Assistance for authorized officers on entry	5-14
49.	在若干情況下逮捕的權力	5-13	49. Power of arrest in certain cases	5-14
50.	某些財產的處置	5-13	50. Disposal of certain property	5-14



Anti Additive

條次	頁次	Section	Page
<b>第 4 分部 —— 罪行</b>		<b>Division 4—Offences</b>	
51.	法人團體犯罪 5-15	51.	Offences committed by bodies corporate 5-16
52.	僱主及主事人的法律責任 5-15	52.	Liability of employers and principals 5-16
53.	僱員的免責辯護 5-17	53.	Defence for employees 5-18
54.	妨礙任何人執行官方職能等 5-17	54.	Obstruction of persons performing official functions etc. 5-18
55.	針對多於一人進行法律程序 5-19	55.	Proceedings against several persons 5-20
56.	提出檢控的時限 5-19	56.	Time limit for prosecutions 5-20
<b>第 6 部 一般性條文</b>		<b>PART 6 GENERAL</b>	
57.	發出或送達通知的方式 6-1	57.	Method of giving or serving notice 6-2
58.	附表的修訂 6-1	58.	Amendment of Schedules 6-2
59.	規例 6-1	59.	Regulations 6-2
60.	過渡性條文 —— 第 2 部第 1 分部生效前的登記 6-5	60.	Transitional provision—registration before commencement of Division 1 of Part 2 6-6
61.	過渡性條文 —— 根據《公眾衛生及市政條例》第 78B 條作出的命令 6-5	61.	Transitional provision—orders under section 78B of the Public Health and Municipal Services Ordinance 6-6
62.	過渡性條文 —— 備存紀錄的規定 6-5	62.	Transitional provision—record keeping requirements 6-6
63.	過渡性條文 —— 製冰工廠 6-7	63.	Transitional provision—ice-making factories 6-8
<b>第 7 部 (已失時效而略去)</b>		<b>Part 7 (Omitted as spent)</b>	
<b>第 1 分部 —— (已失時效而略去)</b>		<b>Division 1—(Omitted as spent)</b>	

T-11  
第 612 章T-12  
Cap. 612

條次		頁次	Section	Page
64-73.	(已失時效而略去)	7-1	64-73. (Omitted as spent)	7-2
	<b>第 2 分部</b> —— (已失時效而略去)		<b>Division 2</b> ——(Omitted as spent)	
74.	(已失時效而略去)	7-1	74. (Omitted as spent)	7-2
附表 1	無需根據第 2 部登記的人	S1-1	SCHEDULE 1 PERSONS NOT REQUIRED TO BE REGISTERED UNDER PART 2	S1-2
附表 2	主要食物類別及食物分類	S2-1	SCHEDULE 2 MAIN FOOD CATEGORIES AND FOOD CLASSIFICATIONS	S2-2
附表 3	費用	S3-1	SCHEDULE 3 FEES	S3-2
附表 4	手令表格	S4-1	SCHEDULE 4 FORM OF WARRANT	S4-2
附表 5	可逮捕的罪行	S5-1	SCHEDULE 5 ARRESTABLE OFFENCES	S5-2



Anti Additive

1-1  
第 612 章

第 1 部  
第 1 條

PART 1  
Section 1

1-2  
Cap. 612

本條例旨在為食物進口商及食物分銷商設立一個登記制度；規定獲取、捕撈、進口或供應食物的人備存紀錄；使食物進口管制得以施加；重新制定《公眾衛生及市政條例》第 VA 部；對該條例及另一條例作出相應及有關修訂及就附帶和相關事宜訂定條文。

An Ordinance to establish a registration scheme for food importers and food distributors; to require the keeping of records by persons who acquire, capture, import or supply food; to enable food import controls to be imposed; to re-enact Part VA of the Public Health and Municipal Services Ordinance; to make consequential and related amendments to that Ordinance and another Ordinance and to provide for incidental and connected matters.

[2011 年 8 月 1 日]

[1 August 2011]

(略去制定語式條文——2014 年第 2 號編輯修訂紀錄)

(Enacting provision omitted—E.R. 2 of 2014)



# Anti Additive

## PART 1 PRELIMINARY

### 1. 簡稱

- (1) 本條例可引稱為《食物安全條例》。
- (2)-(3) (已失時效而略去——2014 年第 2 號編輯修訂紀錄)  
(編輯修訂——2014 年第 2 號編輯修訂紀錄)

### 1. Short title

- (1) This Ordinance may be cited as the Food Safety Ordinance.
- (2)-(3) (Omitted as spent—E.R. 2 of 2014)  
(Amended E.R. 2 of 2014)

### 2. 釋義

- (1) 在本條例中——  
“水產”(aquatic product)指魚、介貝類水產動物、兩棲類動物或任何其他種類的水中生物，但禽鳥、哺乳類動物或爬蟲除外；  
“出口”(export)指以空運方式或循陸路或水路從香港運出，或安排以空運方式或循陸路或水路從香港運出；

### 2. Interpretation

- (1) In this Ordinance—  
“air transshipment cargo”(航空轉運貨物) has the meaning given by section 2 of the Import and Export Ordinance (Cap. 60);  
“animal”(動物) has the meaning given by section 2(1) of the Public Health and Municipal Services Ordinance (Cap. 132);

1-3  
第 612 章第 1 部  
第 2 條

- “本地水產”(local aquatic product)指以本地漁船捕撈的水產，不論是在香港水域或任何其他水域捕撈；
- “本地漁船”(local fishing vessel)指《商船(本地船隻)(證明書及牌照事宜)規例》(第 548 章，附屬法例 D)所指的、並根據該規例獲發牌照的 III 類別船隻；
- “局長”(Secretary)指食物及衛生局局長；
- “批發”(wholesale)指向符合以下說明的人供應食物：該人取得該食物的目的，是在該人經營的業務的運作中，向第三者供應該食物，或是安排向第三者供應該食物；
- “供應”(supply)就食物而言，指——
- 售賣該食物；
  - 要約售賣該食物，或為售賣而保存或展示該食物；
  - 交換或處置該食物，並為此收取代價；或
  - 為商業目的，送出該食物作為獎品或贈品；
- “食物”(food)包括——
- 飲品；
  - 冰；
  - 香口膠及其他具相類性質及用途的產品；
  - 無煙煙草產品；及
  - 配製食物時用作配料的物品及物質，但不包括——
  - 活的動物或活的禽鳥(活水產除外)；
  - 動物、禽鳥或水產的草料或飼料；或
  - 《藥劑業及毒藥條例》(第 138 章)第 2(1)條所界定的藥物或《中醫藥條例》(第 549 章)第 2(1)條所界定的中藥材或中成藥；
- “食物分銷商”(food distributor)指經營食物分銷業務的人；

PART 1  
Section 21-4  
Cap. 612

- “aquatic product”(水產) means fish, shellfish, amphibian or any other form of aquatic life other than a bird, mammal or reptile;
- “authorized officer”(獲授權人員), in relation to a provision of this Ordinance, means—
- a public officer authorized under section 39 in relation to that provision; or
  - a public officer authorized under section 39 in relation to this Ordinance generally;
- “Director”(署長) means the Director of Food and Environmental Hygiene;
- “drink”(飲品) does not include water other than—
- aerated water;
  - distilled water;
  - water from natural springs, either in its natural state or with added mineral substances; and
  - water that is placed in a sealed container and is intended for human consumption;
- “export”(出口) means to take out or cause to be taken out of Hong Kong by air, land or water;
- “food”(食物) includes—
- drink;
  - ice;
  - chewing gum and other products of a similar nature and use;
  - smokeless tobacco products; and
  - articles and substances used as ingredients in the preparation of food,
- but does not include—



1-5  
第 612 章第 1 部  
第 2 條

- “食物分銷業務” (food distribution business) 指主要活動是以批發方式在香港供應食物的業務；  
註：亦參看第 (2) 款。
- “食物安全命令” (food safety order) 指根據第 30 條作出的、並根據第 30(5) 條不時更改的命令；
- “食物進口商” (food importer) 指經營食物進口業務的人；
- “食物進口業務” (food importation business) 指進口食物的業務，不論進口食物是否該業務的主要活動；
- “食物運輸商” (food transport operator) 指根據運輸合約運送食物但從未享有該食物的任何產權權益的人；
- “航空轉運貨物” (air transshipment cargo) 具有《進出口條例》(第 60 章) 第 2 條給予該詞的涵義；
- “處所” (premises) 具有《公眾衛生及市政條例》(第 132 章) 第 2(1) 條給予該詞的涵義；
- “動物” (animal) 具有《公眾衛生及市政條例》(第 132 章) 第 2(1) 條給予該詞的涵義；
- “進口” (import) 指以空運方式或循陸路或水路運入香港，或安排以空運方式或循陸路或水路運入香港；
- “登記食物分銷商” (registered food distributor) 指根據第 2 部登記為食物分銷商的人；
- “登記食物進口商” (registered food importer) 指根據第 2 部登記為食物進口商的人；
- “無煙煙草產品” (smokeless tobacco product) 具有《公眾衛生及市政條例》(第 132 章) 第 2(1) 條給予該詞的涵義；
- “飲品” (drink) 不包括水，但以下類別的水除外——
- 汽水；
  - 蒸餾水；
  - 不論是處於天然狀態或有加入礦物質的天然泉水；及

PART 1  
Section 21-6  
Cap. 612

- live animals or live birds, other than live aquatic products;
- fodder or feeding stuffs for animals, birds or aquatic products; or
- 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 distribution business” (食物分銷業務) means a business the principal activity of which is the supply of food in Hong Kong by wholesale;

Note: See also subsection (2).

“food distributor” (食物分銷商) means a person who carries on a food distribution business;

“food importation business” (食物進口業務) means a business that imports food (whether or not that is the principal activity of the business);

“food importer” (食物進口商) means a person who carries on a food importation business;

“food safety order” (食物安全命令) means an order made under section 30 as varied from time to time under section 30(5);

“food transport operator” (食物運輸商) means a person who transports food under a contract of carriage but at no time has any proprietary interest in the food;

“function” (職能) includes duty;

“import” (進口) means to bring or cause to be brought into Hong Kong by air, land or water;

- (d) 裝載於加封容器內及擬供人飲用的水；
- “署長” (Director) 指食物環境衛生署署長；
- “獲授權人員” (authorized officer) 就本條例的條文而言，指——
- (a) 根據第 39 條就該條文獲授權的公職人員；或
- (b) 根據第 39 條概括地就本條例獲授權的公職人員；
- “職能” (function) 包括責任。
- (2) 就第 (1) 款中“食物分銷業務”的定義而言，在斷定某業務的主要活動是否以批發方式在香港供應食物時，只須顧及與供應食物有關的業務活動。



Anti Additive

- “local aquatic product” (本地水產) means an aquatic product captured from a local fishing vessel, whether in Hong Kong waters or in other waters;
- “local fishing vessel” (本地漁船) means a Class III vessel (within the meaning of the Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation (Cap. 548 sub. leg. D)) that is licensed under that Regulation;
- “premises” (處所) has the meaning given by section 2(1) of the Public Health and Municipal Services Ordinance (Cap. 132);
- “registered food distributor” (登記食物分銷商) means a person who is registered under Part 2 as a food distributor;
- “registered food importer” (登記食物進口商) means a person who is registered under Part 2 as a food importer;
- “Secretary” (局長) means the Secretary for Food and Health;
- “smokeless tobacco product” (無煙煙草產品) has the meaning given by section 2(1) of the Public Health and Municipal Services Ordinance (Cap. 132);
- “supply” (供應), in relation to food, means—
- (a) to sell the food;
- (b) to offer, keep or exhibit the food for sale;
- (c) to exchange or dispose of the food for consideration; or
- (d) for commercial purposes, to give the food as a prize or to make a gift of the food;
- “wholesale” (批發) means the supply of food to a person who obtains the food for the purpose of supplying or causing to supply it to a third party in the course of business carried on by that person.
- (2) In determining, for the purposes of the definition of “food distribution business” in subsection (1), whether the principal activity of a business is the supply of food in Hong Kong by

**3. 並非擬供人食用的食物**

- (1) 本條例就任何非擬供人食用的食物而言，並不適用。
- (2) 就本條例而言——
  - (a) 除非有相反證據，否則任何通常用作供人食用的食物須推定為擬供人食用；
  - (b) 除非有相反證據，否則任何可用作組合或配製通常用作供人食用的食物的物質，如被發現在配製該食物所在的處所或船隻內，則該等物質須推定為擬供人食用。
- (3) 在不局限第(1)或(2)款的原則下，本條例就在圈養狀態下繁殖或培育生長的活水產而言，並不適用。

wholesale, regard must be had only to those activities of the business that are related to the supply of food.

**3. Food not intended for human consumption**

- (1) This Ordinance does not apply in relation to any food that is not intended for human consumption.
- (2) For the purposes of this Ordinance—
  - (a) any food commonly used for human consumption is presumed, unless there is evidence to the contrary, to be intended for human consumption;
  - (b) any substance capable of being used in the composition or preparation of any food commonly used for human consumption that is found on any premises or in any vessel where that food is prepared is presumed, unless there is evidence to the contrary, to be intended for human consumption.
- (3) Without limiting subsection (1) or (2), this Ordinance does not apply in relation to the propagation or promotion of growth of live aquatic products in captivity.

**第 2 部****食物進口商及分銷商的登記****第 1 分部 —— 登記的規定****4. 食物進口商須登記的規定**

- (1) 任何人除非根據本部就某食物進口業務登記為食物進口商，否則不得經營該業務。
- (2) 任何人無合理辯解而違反第(1)款，即屬犯罪，可處第 5 級罰款及監禁 6 個月。
- (3) 如屬以下情況，第(1)款不適用——
  - (a) 有關的人是附表 1 第 4 欄所指明的人；
  - (b) 有關的人根據第 6 條就有關業務獲豁免，或屬根據該條就有關業務獲豁免類別人士的人；
  - (c) 有關食物純粹為出口而進口，而——
    - (i) 有關食物是航空轉運貨物；或
    - (ii) 在進口至出口的期間，有關食物一直留在將之運載進口的船隻、車輛或飛機；或
  - (d) 有關食物純粹在某食物運輸商的業務運作中進口。

**5. 食物分銷商須登記的規定**

- (1) 任何人除非根據本部就某食物分銷業務登記為食物分銷商，否則不得經營該業務。

**PART 2****REGISTRATION OF FOOD IMPORTERS AND DISTRIBUTORS****Division 1—Requirement to be Registered****4. Requirement for food importers to be registered**

- (1) A person must not carry on a food importation business unless the person is registered under this Part as a food importer in respect of that business.
- (2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable to a fine at level 5 and to imprisonment for 6 months.
- (3) Subsection (1) does not apply if—
  - (a) the person is specified in column 4 of Schedule 1;
  - (b) the person is exempted, or is in a class of persons that is exempted, under section 6 in respect of the business;
  - (c) food is imported solely for the purpose of export, and—
    - (i) the food is air transshipment cargo; or
    - (ii) during the period between import and export, the food remains in the vessel, vehicle or aircraft in which it was imported; or
  - (d) food is imported solely in the course of business of a food transport operator.

**5. Requirement for food distributors to be registered**

- (1) A person must not carry on a food distribution business unless the person is registered under this Part as a food distributor in

- (2) 任何人無合理辯解而違反第 (1) 款，即屬犯罪，可處第 5 級罰款及監禁 6 個月。
- (3) 如屬以下情況，第 (1) 款不適用 ——
  - (a) 有關的人是附表 1 第 4 欄所指明的人；
  - (b) 有關的人根據第 6 條就有關業務獲豁免，或屬根據第 6 條就有關業務獲豁免類別人士的人；或
  - (c) 有關的人根據本部就有關業務登記為食物進口商。

## 6. 署長批予的豁免

- (1) 署長可藉書面豁免任何人，使其無需遵守須根據本部就某業務登記的規定。
- (2) 第 (1) 款所指的豁免，可在署長認為適當的條件的規限下批予。
- (3) 署長可基於根據第 (1) 款批予的豁免的條件不獲遵從，而撤回該項豁免。
- (4) 署長可藉於憲報刊登的公告，豁免某類別人士，使該等人士無需遵守須根據本部就某類別業務登記的規定。

## 第 2 分部 —— 登記

### 7. 登記申請

- (1) 任何人可根據本部，向署長申請就某業務登記為 ——
  - (a) 食物進口商；或
  - (b) 食物分銷商。

respect of that business.

- (2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable to a fine at level 5 and to imprisonment for 6 months.
- (3) Subsection (1) does not apply if—
  - (a) the person is specified in column 4 of Schedule 1;
  - (b) the person is exempted, or is in a class of persons that is exempted, under section 6 in respect of the business; or
  - (c) the person is registered under this Part as a food importer in respect of the business.

## 6. Exemptions by Director

- (1) The Director may in writing exempt a person from the requirement to be registered under this Part in respect of a business.
- (2) An exemption under subsection (1) may be granted subject to any conditions the Director considers appropriate.
- (3) The Director may withdraw an exemption granted under subsection (1) on the ground that the conditions of the exemption have not been complied with.
- (4) The Director may, by notice published in the Gazette, exempt a class of persons from the requirement to be registered under this Part in respect of a class of businesses.

## Division 2—Registration

### 7. Application for registration

- (1) A person may apply to the Director to be registered under this Part in respect of a business—
  - (a) as a food importer; or

- (2) 就合夥而言，獲該合夥授權的合夥人可代表該合夥申請登記，該登記如獲批予，須述明該人是代表該合夥獲批予該登記的。
- (3) 登記的申請 ——
  - (a) 須符合署長指明的格式；
  - (b) 須就有關業務將會（如屬食物進口商）進口或（如屬食物分銷商）以批發方式供應的所有食物，指出附表 2 列明的主要食物類別及食物分類；
  - (c) 須載有或附有署長為考慮該申請而合理地需要的任何文件或資料；及
  - (d) 須以署長指明的方式提出。
- (4) 署長可拒絕考慮不符合第(3)款的申請。



Anti Additive

## 8. 就登記申請作出決定

- (1) 署長須決定批予或拒絕根據本部提出的登記申請。
- (2) 如屬以下情況，署長可拒絕申請 ——
  - (a) 署長信納在緊接提出該申請的日期前的 12 個月內，申請人重複違反本條例；
  - (b) 申請人在過往已根據本部就有關業務登記，而該登記在緊接提出該申請的日期前的 12 個月內遭撤銷；或
  - (c) （如屬代表合夥提出的申請）在緊接提出該申請的日期前的 12 個月內，任何合夥人代表該合夥根據本部就某業務取得的登記遭撤銷。

- (b) as a food distributor.
- (2) For a partnership, a partner authorized by the partnership may apply for registration on behalf of the partnership and, if registration is granted, it is to be expressed to be granted to that person on behalf of the partnership.
- (3) An application for registration—
  - (a) must be in the form specified by the Director;
  - (b) must identify the main food categories and food classifications, as set out in Schedule 2, of all food to be imported by the business (for a food importer) or supplied by wholesale by the business (for a food distributor);
  - (c) must include or be accompanied by any documents or information reasonably required by the Director for the purpose of considering the application; and
  - (d) must be made in the manner specified by the Director.
- (4) The Director may refuse to consider an application that does not comply with subsection (3).

## 8. Determination of application for registration

- (1) The Director must decide whether to grant or refuse an application for registration under this Part.
- (2) The Director may refuse an application if—
  - (a) the Director is satisfied that the applicant has repeatedly contravened this Ordinance in the period of 12 months immediately preceding the day on which the application was made;
  - (b) the applicant was previously registered under this Part in respect of the business and that registration was revoked in the period of 12 months immediately preceding the day on which the application was made; or

- (3) 署長須就其對有關申請的決定，向申請人發出書面通知。
- (4) 如署長拒絕某申請，上述通知須載有拒絕的原因。

**9. 登記**

- (1) 如署長批予根據本部提出的登記申請，署長須在附表 3 指明的登記費用繳付後，將申請人登記。
- (2) 署長須在登記後編配一個登記號碼，並將該號碼告知申請人。
- (3) 有關登記除非在有效期內遭撤銷，否則有效期為 3 年，並可按照本部續期。
- (4) 根據本部辦理的登記不得轉讓。

**10. 登記的條件**

- (1) 署長可對某人根據本部辦理的登記，施加署長認為適當的條件。
- (2) 第(1)款所指的條件，只可在登記時或將登記續期時施加。
- (3) 任何人無合理辯解而違反登記的條件，即屬犯罪，可處第 3 級罰款及監禁 3 個月。

**11. 申請登記續期**

- (c) in the case of an application on behalf of a partnership, the registration under this Part of any partner on behalf of the partnership in respect of the business was revoked in the period of 12 months immediately preceding the day on which the application was made.
- (3) The Director must give written notice to the applicant of the Director's decision on the application.
- (4) If the Director refuses an application, the notice must include the reasons for refusal.

**9. Registration**

- (1) If the Director grants an application for registration under this Part, the Director must register the applicant on payment of the registration fee specified in Schedule 3.
- (2) On registration, the Director must assign a registration number and inform the applicant of that number.
- (3) Unless revoked earlier, registration has effect for a period of 3 years, and may be renewed in accordance with this Part.
- (4) Registration under this Part is non-transferable.

**10. Conditions of registration**

- (1) The Director may impose any conditions on a person's registration under this Part that the Director considers appropriate.
- (2) Conditions may be imposed under subsection (1) only at the time of registration or renewal of registration.
- (3) A person who, without reasonable excuse, contravenes a condition of registration commits an offence and is liable to a fine at level 3 and to imprisonment for 3 months.

**11. Application for renewal of registration**

- (1) 登記食物進口商或登記食物分銷商可申請將本部所指的登記續期。
- (2) 登記續期的申請 ——
  - (a) 須符合署長指明的格式；
  - (b) 須載有或附有署長為考慮該申請而合理地需要的任何文件或資料；及
  - (c) 須 ——
    - (i) 於該登記有效期屆滿日前的 4 個月內提出；及
    - (ii) 以署長指明的方式提出。
- (3) 署長可拒絕考慮不符合第(2)款的申請。
- (4) 如有按照本條提出的申請，但署長未有在有關登記有效期屆滿日前就該申請作出決定，在該登記根據第 13 條獲續期或署長向申請人發出署長拒絕該申請的決定的通知之前，該登記繼續有效。

## 12. 就續期申請作出決定

- (1) 署長須決定批予或拒絕根據本部提出的登記續期申請。
- (2) 如署長信納在緊接提出有關申請的日期前的 12 個月內，申請人重複違反本條例，署長可拒絕該申請。
- (3) 署長須就其對有關申請的決定，向申請人發出書面通知。
- (4) 如署長拒絕某申請，上述通知須載有拒絕的原因。

- (1) A registered food importer or registered food distributor may apply for renewal of registration under this Part.
- (2) An application for renewal of registration—
  - (a) must be in the form specified by the Director;
  - (b) must include or be accompanied by any documents or information reasonably required by the Director for the purpose of considering the application; and
  - (c) must be made—
    - (i) no earlier than 4 months before the day on which the registration is due to expire; and
    - (ii) in the manner specified by the Director.
- (3) The Director may refuse to consider an application that does not comply with subsection (2).
- (4) If an application is made in accordance with this section but the Director has not made a decision on the application before the day on which the registration is due to expire, the registration continues in effect until it is renewed under section 13 or the Director gives notice to the applicant of the Director's decision to refuse the application.

## 12. Determination of application for renewal

- (1) The Director must decide whether to grant or refuse an application for renewal of registration under this Part.
- (2) The Director may refuse an application if the Director is satisfied that the applicant has repeatedly contravened this Ordinance in the period of 12 months immediately preceding the day on which the application was made.
- (3) The Director must give written notice to the applicant of the Director's decision on the application.



**13. 登記續期**

- (1) 如署長批予將本部所指的登記續期的申請，署長須在附表 3 指明的續期費用繳付後，將有關登記續期。
- (2) 登記的續期 ——
  - (a) 於現行登記有效期屆滿時或續期時生效，兩者以較後者為準；及
  - (b) 除非在有效期內遭撤銷，否則有效期為 3 年。
- (3) 根據本部辦理的登記可獲續期多於一次。

**14. 撤銷登記**

- (1) 署長可應根據本部就某業務登記的人的要求，撤銷該人的登記。
- (2) 署長如信納以下事宜，可撤銷某人根據本部就某業務取得的登記 ——
  - (a) 在對上 12 個月期間內，該人就該業務重複違反本條例；
  - (b) 如該人屬自然人，並已死亡；或
  - (c) 該業務由法團或合夥經營，而該法團已經清盤，或該合夥已經解散。
- (3) 除非署長 ——
  - (a) 向有關的人發出書面通知，說明 ——
    - (i) 署長擬撤銷該人的登記；及
    - (ii) 撤銷的理由；
  - (b) 准許該人在該通知指明的限期內，向署長作出書面申述；及

- (4) If the Director refuses an application, the notice must include the reasons for refusal.

**13. Renewal of registration**

- (1) If the Director grants an application for renewal of registration under this Part, the Director must renew the registration on payment of the renewal fee specified in Schedule 3.
- (2) Renewal of registration—
  - (a) takes effect on the expiry of the current registration or at the time of renewal, whichever is later; and
  - (b) unless revoked earlier, has effect for a period of 3 years.
- (3) Registration under this Part may be renewed more than once.

**14. Revocation of registration**

- (1) The Director may revoke a person's registration under this Part in respect of a business at the person's request.
- (2) The Director may also revoke a person's registration under this Part in respect of a business if the Director is satisfied that—
  - (a) the person has repeatedly contravened this Ordinance in respect of that business in the previous 12 month period;
  - (b) in the case of a natural person, the person has died; or
  - (c) in the case of a business carried on by a corporation or partnership, the corporation has been wound up or the partnership has been dissolved.
- (3) The Director must not revoke a person's registration under subsection (2)(a) unless the Director—
  - (a) gives written notice to the person of—
    - (i) the Director's intention to revoke the registration; and

- (c) 考慮該人在該限期內作出的任何申述，否則署長不得根據第 (2)(a) 款撤銷該人的登記。
- (4) 如署長根據第 (2)(a) 款撤銷某人的登記，署長須在切實可行的範圍內，盡快向該人發出書面通知，指明——
- (a) 撤銷的原因；及
- (b) 撤銷的生效日期。
- (5) 登記的撤銷——
- (a) (如該登記根據第 (1) 款撤銷) 自署長決定的日期起生效；
- (b) (如該登記根據第 (2) 款撤銷) 自作出該撤銷登記決定的日期後的 30 天屆滿之時生效。



Anti Additive

### 第 3 分部 —— 登記冊

#### 15. 登記冊

- (1) 署長須備存一份登記食物進口商及登記食物分銷商登記冊。
- (2) 登記冊須就每一登記食物進口商及登記食物分銷商載有——
- (a) 有關食物進口業務或食物分銷業務的名稱；
- (b) 登記號碼；
- (c) (a) 及 (b) 段提述的資料的任何變更；及
- (d) 署長認為對實施本條例屬適當的任何其他資料，以及該資料的任何變更。

- (ii) the grounds for revocation;
- (b) permits the person to make written representations to the Director within the period specified in the notice; and
- (c) considers any representations made within that period by the person.
- (4) If the Director revokes a person's registration under subsection (2)(a), the Director must give written notice to the person as soon as practicable, specifying—
- (a) the reasons for the revocation; and
- (b) the day on which the revocation takes effect.
- (5) Revocation of registration takes effect—
- (a) for revocation under subsection (1), on the day determined by the Director;
- (b) for revocation under subsection (2), on the expiry of 30 days after the day on which the decision to revoke the registration is made.

### Division 3—The Register

#### 15. The register

- (1) The Director must keep a register of registered food importers and registered food distributors.
- (2) The register must contain, in relation to each registered food importer and registered food distributor—
- (a) the name of the food importation business or food distribution business;
- (b) the registration number;
- (c) any change in the information referred to in paragraphs (a) and (b); and

2-15  
第 612 章第 2 部 —— 第 4 分部  
第 16 條

- (3) 登記冊可用署長認為適當的形式備存，包括以非文件形式備存，但根據第 (2) 款記錄的資料須能夠以可閱讀形式重現，方可採用非文件形式。
- (4) 為使公眾人士能夠確定某人是否根據本部登記，署長須提供登記冊讓公眾查閱。
- (5) 在所有合理時間，公眾人士可 ——
  - (a) 免費查閱登記冊；及
  - (b) 在繳付附表 3 指明的費用後，取得登記冊的任何記項或摘錄的副本。



#### 第 4 分部 —— 就登記提出的上訴

##### 16. 向市政服務上訴委員會提出的上訴

- (1) 任何人如因署長根據本部作出的決定而感到受屈，可在知悉該決定後的 28 天內，針對該決定向市政服務上訴委員會提出上訴。
- (2) 除非署長另有決定，否則根據本條提出的上訴，並不令有關決定暫緩執行。

#### 第 5 分部 —— 一般性條文

##### 17. 更新資料

- (1) 如任何人是登記食物進口商或登記食物分銷商，而在有關登記申請或登記續期申請中向署長提供的資料有所變

PART 2—Division 4  
Section 162-16  
Cap. 612

- (d) any other information the Director considers appropriate for the implementation of this Ordinance and any change in that information.
- (3) The register may be kept in a form the Director considers appropriate, including in a form other than a documentary form as long as the information recorded under subsection (2) is capable of being reproduced in a legible form.
- (4) For the purpose of enabling members of the public to ascertain whether a person is registered under this Part, the Director must make the register available for public inspection.
- (5) At all reasonable times, a member of the public may—
  - (a) inspect the register without charge; and
  - (b) obtain a copy of an entry in or extract from the register on payment of the fee specified in Schedule 3.

#### Division 4—Appeals in relation to Registration

##### 16. Appeals to Municipal Services Appeals Board

- (1) A person who is aggrieved by a decision of the Director under this Part may, within 28 days after becoming aware of the decision, appeal to the Municipal Services Appeals Board against the decision.
- (2) An appeal under this section does not suspend the decision unless the Director decides otherwise.

#### Division 5—General

##### 17. Updating of information

- (1) A person who is a registered food importer or registered food distributor must give written notice to the Director of any change in the information provided to the Director in, or in

更，或就該申請而向署長提供的資料有所變更，該人須在該項變更發生後 30 天內，將該項變更以書面通知署長。

- (2) 任何人 ——
  - (a) 無合理辯解而沒有根據第 (1) 款向署長發出通知；
  - (b) 在某通知內包括該人知道在要項上失實的資料；或
  - (c) 罔顧實情地在某通知內包括在要項上失實的資料，即屬犯罪。
- (3) 任何人犯第 (2) 款所訂罪行，可處第 3 級罰款及監禁 3 個月。

## 18. 從若干當局取得資料

- (1) 署長可要求指明當局，提供該當局就其發出或批予的指明授權而持有的任何指明資料。
- (2) 第 (1) 款所指的要求須以書面提出。
- (3) 指明當局須遵從署長根據第 (1) 款提出的要求。
- (4) 在本條中 ——

“指明授權” (specified authorization) 指附表 1 第 2 欄指明的牌照、許可、准許、登記或註冊；

“指明當局” (specified Authority) 就指明授權而言，指在附表 1 第 3 欄與該授權相對之處指明的人；

“指明資料” (specified information) 指符合以下說明的資料：獲發出或批予某指明授權的人，假若須根據本部登記，便須在根據本部提出的登記申請或登記續期申請中向署長提供的，或就該申請而向署長提供的。

relation to, the person's application for registration or renewal of registration, within 30 days after the change occurs.

- (2) A person commits an offence if the person—
  - (a) without reasonable excuse, fails to give notice to the Director under subsection (1);
  - (b) includes in a notice information that the person knows is false in a material particular; or
  - (c) recklessly includes in a notice information that is false in a material particular.
- (3) A person who commits an offence under subsection (2) is liable to a fine at level 3 and to imprisonment for 3 months.

## 18. Obtaining information from certain Authorities

- (1) The Director may request a specified Authority to provide any specified information held by the specified Authority in relation to a specified authorization issued or granted by the specified Authority.
- (2) A request under subsection (1) must be made in writing.
- (3) A specified Authority must comply with a request of the Director under subsection (1).
- (4) In this section—

“specified Authority” (指明當局), in relation to a specified authorization, means the person specified in column 3 of Schedule 1 opposite that authorization;

“specified authorization” (指明授權) means a licence, permit, permission or registration specified in column 2 of Schedule 1;

“specified information” (指明資料) means information that a person to whom a specified authorization is issued or granted would be required to provide to the Director in, or in relation

**19. 從沒有登記的人取得資料**

- (1) 署長可要求經營食物進口業務或以批發方式在香港供應食物的業務，但沒有根據本部就該業務登記的人，提供該人假若須根據本部登記便須在根據本部提出的登記申請或登記續期申請中向署長提供（或就該申請而向署長提供）的資料。
- (2) 第 (1) 款所指的要求須以書面提出。
- (3) 任何人 ——
  - (a) 無合理辯解而沒有遵從根據第 (1) 款提出的要求；或
  - (b) 作出以下作為，充作遵從根據第 (1) 款提出的要求 ——
    - (i) 提供該人知道在要項上失實的資料；或
    - (ii) 罔顧實情地提供在要項上失實的資料，即屬犯罪。
- (4) 任何人犯第 (3) 款所訂罪行，可處第 3 級罰款及監禁 3 個月。

**20. 就登記或續期提供虛假資料**

- (1) 任何人在根據本部提出的登記申請或登記續期申請中，或就該申請而 ——
  - (a) 提供該人知道在要項上失實的資料或文件；或
  - (b) 罔顧實情地提供在要項上失實的資料或文件，

to, an application for registration or renewal of registration under this Part if the person were required to be so registered.

**19. Obtaining information from persons who are not registered**

- (1) The Director may require a person who carries on a food importation business or a business that supplies food in Hong Kong by wholesale but who is not registered under this Part in respect of that business to provide any information that the person would be required to provide to the Director in, or in relation to, an application for registration or renewal of registration under this Part if the person were required to be so registered.
- (2) A requirement under subsection (1) must be made in writing.
- (3) A person commits an offence if the person—
  - (a) without reasonable excuse, fails to comply with a requirement made under subsection (1); or
  - (b) in purported compliance with a requirement made under subsection (1)—
    - (i) provides information that the person knows is false in a material particular; or
    - (ii) recklessly provides information that is false in a material particular.
- (4) A person who commits an offence under subsection (3) is liable to a fine at level 3 and to imprisonment for 3 months.

**20. Providing false information in relation to registration or renewal**

- (1) A person commits an offence if in, or in relation to, an application for registration or renewal of registration under this Part, the person—

2-21  
第 612 章

第 2 部 —— 第 5 分部  
第 20 條

PART 2—Division 5  
Section 20

2-22  
Cap. 612

即屬犯罪。

- (2) 任何人犯第(1)款所訂罪行，可處第3級罰款及監禁3個月。

- (a) provides information or a document that the person knows is false in a material particular; or  
(b) recklessly provides information or a document that is false in a material particular.

- (2) A person who commits an offence under subsection (1) is liable to a fine at level 3 and to imprisonment for 3 months.



# Anti Additive

## 第 3 部

### 備存食物紀錄

#### 第 1 分部 —— 獲取及捕撈紀錄

##### 21. 本地獲取食物的紀錄

- (1) 任何人如在業務運作中在香港獲取食物，須就獲取有關食物紀錄以下資料——
  - (a) 獲取有關食物的日期；
  - (b) 如有關食物是從某人處獲取，該人的姓名或名稱及聯絡詳情；
  - (c) 有關食物的總數量；
  - (d) 有關食物的描述。
- (2) 有關紀錄須在獲取有關食物後的 72 小時內根據本條作出。
- (3) 為施行本條，某人一旦取得食物的管有權或控制權，即屬獲取有關食物。
- (4) 本條不適用於根據第 29 條獲豁免的人，或屬根據該條獲豁免類別人士的人。
- (5) 任何人——
  - (a) 無合理辯解而沒有按照本條作出紀錄；
  - (b) 在紀錄中包括該人知道在要項上失實的資料；或
  - (c) 罔顧實情地在紀錄中包括在要項上失實的資料，即屬犯罪。
- (6) 任何人犯第 (5) 款所訂罪行，可處第 3 級罰款及監禁 3 個月。

## PART 3

### KEEPING RECORDS RELATING TO FOOD

#### Division 1—Acquisition and Capture Records

##### 21. Record of local acquisition of food

- (1) A person who, in the course of business, acquires food in Hong Kong must record the following information about the acquisition of the food—
  - (a) the date the food was acquired;
  - (b) the name and contact details of the person from whom the food was acquired;
  - (c) the total quantity of the food;
  - (d) a description of the food.
- (2) A record must be made under this section within 72 hours after the time the food was acquired.
- (3) For the purposes of this section, food is acquired when the person acquiring it takes possession or control of the food.
- (4) This section does not apply to a person who is exempted, or is in a class of persons that is exempted, under section 29.
- (5) A person commits an offence if the person—
  - (a) without reasonable excuse, fails to make a record in accordance with this section;
  - (b) includes in a record information that the person knows is false in a material particular; or
  - (c) recklessly includes in a record information that is false in a material particular.

**22. 獲取進口食物的紀錄**

- (1) 任何人如在業務運作中從某地方進口食物，須就獲取有關食物記錄以下資料——
  - (a) 獲取有關食物的日期；
  - (b) 如有關食物是從某人處獲取，該人的姓名或名稱及聯絡詳情；
  - (c) 該地方；
  - (d) 有關食物的總數量；
  - (e) 有關食物的描述。
- (2) 有關紀錄須在進口有關食物之時或之前根據本條作出。
- (3) 為施行本條，某人一旦取得食物的管有權或控制權，即屬獲取有關食物。
- (4) 本條不適用於——
  - (a) 根據第 29 條獲豁免的人，或屬根據該條獲豁免類別人士的人；
  - (b) 獲取純粹為出口而進口的、符合以下說明的食物——
    - (i) 有關食物是航空轉運貨物；或
    - (ii) 在進口至出口的期間，有關食物一直留在將之運載進口的船隻、車輛或飛機；或
  - (c) 獲取純粹在某食物運輸商的業務運作中進口的食物。
- (5) 任何人——
  - (a) 無合理辯解而沒有按照本條作出紀錄；
  - (b) 在紀錄中包括該人知道在要項上失實的資料；或
  - (c) 罔顧實情地在紀錄中包括在要項上失實的資料，

**22. Record of acquisition of imported food**

- (1) A person who, in the course of business, imports food must record the following information about the acquisition of the food—
  - (a) the date the food was acquired;
  - (b) the name and contact details of the person from whom the food was acquired;
  - (c) the place from where the food was imported;
  - (d) the total quantity of the food;
  - (e) a description of the food.
- (2) A record must be made under this section at or before the time the food is imported.
- (3) For the purposes of this section, food is acquired when the person acquiring it takes possession or control of the food.
- (4) This section does not apply—
  - (a) to a person who is exempted, or is in a class of persons that is exempted, under section 29;
  - (b) to an acquisition of food that is imported solely for the purpose of exporting it, if—
    - (i) the food is air transhipment cargo; or
    - (ii) during the period between import and export, the food remains in the vessel, vehicle or aircraft in which it was imported; or
  - (c) to an acquisition of food that is imported solely in the course of business of a food transport operator.
- (5) A person commits an offence if the person—



3-5  
第 612 章

第 3 部 —— 第 1 分部  
第 23 條

即屬犯罪。

- (6) 任何人犯第 (5) 款所訂罪行，可處第 3 級罰款及監禁 3 個月。

### 23. 捕撈本地水產

- (1) 任何人如捕撈本地水產，並在業務運作中在香港供應該等水產，須就該項捕撈記錄以下資料——
- 該項捕撈的日期或期間；
  - 該等本地水產的常用名稱；
  - 該等本地水產的總數量；
  - 該項捕撈的地區。
- (2) 有關紀錄須在有關供應進行之時或之前根據本條作出。
- (3) 本條不適用於根據第 29 條獲豁免的人，或屬根據該條獲豁免類別人士的人。
- (4) 任何人——
- 無合理辯解而沒有按照本條作出紀錄；
  - 在紀錄中包括該人知道在要項上失實的資料；或
  - 罔顧實情地在紀錄中包括在要項上失實的資料，即屬犯罪。
- (5) 任何人犯第 (4) 款所訂罪行，可處第 3 級罰款及監禁 3 個月。

PART 3—Division 1  
Section 23

3-6  
Cap. 612

- without reasonable excuse, fails to make a record in accordance with this section;
  - includes in a record information that the person knows is false in a material particular; or
  - recklessly includes in a record information that is false in a material particular.
- (6) A person who commits an offence under subsection (5) is liable to a fine at level 3 and to imprisonment for 3 months.

### 23. Capture of local aquatic products

- (1) 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—
- 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.
- (2) A record must be made under this section at or before the time the supply takes place.
- (3) This section does not apply to a person who is exempted, or is in a class of persons that is exempted, under section 29.
- (4) A person commits an offence if the person—
- without reasonable excuse, fails to make a record in accordance with this section;
  - includes in a record information that the person knows is false in a material particular; or
  - recklessly includes in a record information that is false in a material particular.

**第 2 分部 —— 供應紀錄****24. 以批發方式供應食物的紀錄**

- (1) 任何人如在業務運作中以批發方式在香港供應食物，須就該項供應記錄以下資料——
  - (a) 供應有關食物的日期；
  - (b) 獲供應有關食物的人的姓名或名稱及聯絡詳情；
  - (c) 有關食物的總數量；
  - (d) 有關食物的描述。
- (2) 有關紀錄須在該項供應作出後的 72 小時內根據本條作出。
- (3) 本條不適用於根據第 29 條獲豁免的人，或屬根據該條獲豁免類別人士的人。
- (4) 任何人——
  - (a) 無合理辯解而沒有按照本條作出紀錄；
  - (b) 在紀錄中包括該人知道在要項上失實的資料；或
  - (c) 罔顧實情地在紀錄中包括在要項上失實的資料，即屬犯罪。
- (5) 任何人犯第 (4) 款所訂罪行，可處第 3 級罰款及監禁 3 個月。

**25. 零售商的免責辯護**

- (1) 就供應食物而被控犯第 24(4)(a) 條所訂罪行的人如證明以

**Division 2—Supply Records****24. Record of wholesale supply of food**

- (1) A person who, in the course of business, supplies food in Hong Kong by wholesale must record the following information about the supply—
  - (a) the date the food was supplied;
  - (b) the name and contact details of the person to whom the food was supplied;
  - (c) the total quantity of the food;
  - (d) a description of the food.
- (2) A record must be made under this section within 72 hours after the time the supply took place.
- (3) This section does not apply to a person who is exempted, or is in a class of persons that is exempted, under section 29.
- (4) A person commits an offence if the person—
  - (a) without reasonable excuse, fails to make a record in accordance with this section;
  - (b) includes in a record information that the person knows is false in a material particular; or
  - (c) recklessly includes in a record information that is false in a material particular.
- (5) A person who commits an offence under subsection (4) is liable to a fine at level 3 and to imprisonment for 3 months.

**25. Defence for retailers**

- (1) It is a defence for a person charged with an offence under

下情況，即可以此作為免責辯護——

- (a) 該人的通常業務是以零售方式供應食物；及
  - (b) 該人假設該項供應並非以批發方式供應是合理的。
- (2) 在本條中——
- “零售”(retail) 指向以並非為批發而取得食物的人供應食物。

section 24(4)(a) in relation to a supply of food to show that—

- (a) the person's normal business is the supply of food by retail; and
  - (b) it was reasonable for the person to assume that the supply was not a wholesale supply.
- (2) In this section—
- “retail” (零售) means the supply of food to a person who obtains it other than for the purpose of wholesale.

### 第 3 分部 —— 備存紀錄的期間及查閱該等紀錄

### Division 3—Duration of Keeping Records and their Inspection

#### 26. 備存紀錄的期間

- (1) 根據本部作出的紀錄(有關活水產的紀錄除外)，須在下表指明的期間予以備存——

第 1 欄	第 2 欄
食物的保質期	紀錄須予備存的期間
3 個月或以下	獲取、捕撈或供應有關食物後 3 個月的期間
多於 3 個月	獲取、捕撈或供應有關食物後 24 個月的期間

- (2) 根據本部就活水產作出的紀錄，須在獲取、捕撈或供應有關活水產後 3 個月的期間，予以備存。
- (3) 任何人無合理辯解而沒有在第 (1) 或 (2) 款指明的期間備存紀錄，即屬犯罪，可處第 3 級罰款及監禁 3 個月。
- (4) 在本條中——

#### 26. Duration of keeping records

- (1) A person must keep a record made under this Part (other than a record relating to live aquatic products) for the period specified in the following table—

Column 1	Column 2
Shelf-life of food	Period for which record must be kept
3 months or less	3 months after the date the food was acquired, captured or supplied
Greater than 3 months	24 months after the date the food was acquired, captured or supplied

- (2) A person must keep a record made under this Part relating to live aquatic products for a period of 3 months after the date the products were acquired, captured or supplied.
- (3) A person who, without reasonable excuse, fails to keep a record for the period specified in subsection (1) or (2)

“保質期”(shelf-life)就食物而言，指在該食物的供應商決定的在某特定貯存溫度下，該食物可維持其微生物安全性及感官品質的期限。

## 27. 查閱紀錄

- (1) 如署長或獲授權人員向根據本部須備存紀錄的人提出要求，該人須出示該等紀錄，以供查閱。
- (2) 署長或獲授權人員可複製或摘錄上述的人出示的紀錄。
- (3) 如署長或獲授權人員合理地要求上述的人提供任何協助，以理解或詮釋該人出示的紀錄，該人須向署長或獲授權人員提供該協助。
- (4) 任何人無合理辯解而違反第(1)或(3)款，即屬犯罪，可處第 3 級罰款及監禁 3 個月。

## 28. 署長可使用及披露紀錄

- (1) 署長可為根據本條例行使權力或執行職能的目的，使用根據第 27 條出示的紀錄，或使用該紀錄所載的任何資料。
- (2) 署長如信納為保障公眾衛生，有需要向公眾披露根據第 27 條出示的紀錄所載的任何資料，署長可向公眾披露該資料。

commits an offence and is liable to a fine at level 3 and to imprisonment for 3 months.

- (4) In this section—

“shelf-life” (保質期), in relation to food, means the period during which the food maintains its microbiological safety and sensory qualities at a specific storage temperature as determined by the supplier of the food.

## 27. Inspection of records

- (1) A person must produce for inspection any record required to be kept by the person under this Part when required to do so by the Director or an authorized officer.
- (2) The Director or authorized officer may make a copy of or take an extract from a record produced by the person.
- (3) The person must provide any assistance reasonably required by the Director or authorized officer to understand or interpret a record produced by the person.
- (4) A person who, without reasonable excuse, contravenes subsection (1) or (3) commits an offence and is liable to a fine at level 3 and to imprisonment for 3 months.

## 28. Use and disclosure of records by Director

- (1) The Director may use a record produced under section 27, or any information contained in the record, for the purpose of exercising powers or performing functions under this Ordinance.
- (2) The Director may disclose to the public any information contained in a record produced under section 27 if the Director is satisfied that public disclosure of the information is necessary for the protection of public health.

## 第 4 分部 —— 豁免

### 29. 署長批予的豁免

- (1) 署長可藉書面豁免任何人，使其無需遵守須根據本部備存紀錄的規定。
- (2) 第 (1) 款所指的豁免，可在署長認為適當的條件的規限下批予。
- (3) 署長可基於根據第 (1) 款批予的豁免的條件不獲遵從，而撤回該項豁免。
- (4) 署長可藉於憲報刊登的公告，豁免某類別人士，使該等人士無需遵守須根據本部備存紀錄的規定。

## Division 4—Exemptions

### 29. Exemptions by Director

- (1) The Director may in writing exempt a person from the requirement to keep a record under this Part.
- (2) An exemption under subsection (1) may be granted subject to any conditions the Director considers appropriate.
- (3) The Director may withdraw an exemption granted under subsection (1) on the ground that the conditions of the exemption have not been complied with.
- (4) The Director may, by notice published in the Gazette, exempt a class of persons from the requirement to keep a record under this Part.



Anti Additive

## 第 4 部

### 食物安全命令

#### 30. 食物安全命令

- (1) 署長可作出命令，飭令作出任何一項或多於一項以下事情——
  - (a) 禁止在該命令指明的期間內進口任何食物；
  - (b) 禁止在該命令指明的期間內供應任何食物；
  - (c) 指示將任何已供應的食物收回，並指明收回的方式及限期；
  - (d) 指示將任何食物查封、隔離、銷毀或以其他方式處置，並指明查封、隔離、銷毀或處置的方式及限期；
  - (e) 禁止在該命令指明的期間內進行關於任何食物的活動，或准許在該期間內按照該命令指明的條件，進行該等活動。
- (2) 如署長在作出食物安全命令時，有合理理由相信有需要作出該命令，以——
  - (a) 防止對公眾衛生造成危險，或減少對公眾衛生造成危險的可能性；或
  - (b) 對公眾衛生所承受的危險的任何不良後果，予以緩解，該命令方可作出。
- (3) 在斷定是否有第(2)款所指的合理理由時，署長可在切實可行和合理的範圍內，盡量考慮所有署長認為適當的及攸關該個案的情況的因素，包括(但不限於)——
  - (a) 從有關食物的任何進口商或供應商取得的資料；
  - (b) 從政府分析員取得的資料、報告或測試結果；

## PART 4

### FOOD SAFETY ORDERS

#### 30. Food safety orders

- (1) The Director may make an order to do any one or more of the following—
  - (a) prohibit the import of any food for the period specified in the order;
  - (b) prohibit the supply of any food for the period specified in the order;
  - (c) direct that any food supplied be recalled and specify the manner in which, and the period within which, the recall is to be conducted;
  - (d) direct that any food be impounded, isolated, destroyed or otherwise disposed of and specify the manner in which, and the period within which, the impounding, isolation, destruction or disposal is to be conducted;
  - (e) prohibit the carrying on of an activity in relation to any food, or permit the carrying on of any such activity in accordance with conditions specified in the order, for the period specified in the order.
- (2) The Director may only make a food safety order if the Director has reasonable grounds at the time of making the order to believe that the making of the order is necessary—
  - (a) to prevent or reduce a possibility of danger to public health; or
  - (b) to mitigate any adverse consequence of a danger to public health.

4-3  
第 612 章

第 4 部  
第 30 條

- (c) 從任何國際食物或衛生主管當局或任何地方的食物或衛生主管當局取得的資料(包括報告、警報、警告及諮詢意見)；
  - (d) 從政府分析員取得報告或測試結果所需的時間；
  - (e) 有關食物的任何危害的特徵、有關食物的危害的水平、有關食物的食用模式，及一般公眾和易受傷害組別人士接觸有關食物的情況；
  - (f) 任何關乎有關食物的法例規定；
  - (g) 關於上述危害的來源及範圍的資料，尤其是上述危害是否存在於整個生產或供應程序或其任何部分，或局限於某一批食物。
- (4) 食物安全命令須指明
- (a) 該命令擬約束的人士或人士類別；
  - (b) 該命令所針對的食物的詳情；
  - (c) 作出該命令的原因，及引致作出該命令的主要因素；
  - (d) 禁令或所需行動(視屬何情況而定)，及在該命令下的條件(如有的話)；
  - (e) 第(1)(a)、(b)、(c)、(d)或(e)款(視屬何情況而定)提述的期間或限期；及
  - (f) 該命令所根據的條文，及違反該命令任何條款的後果。
- (5) 署長可沿用作出食物安全命令的相同方式，更改或撤銷該命令，而第 31 條經必要的變通後，就根據本款更改或撤銷食物安全命令而適用，猶如該條就食物安全命令而適用。
- (6) 食物安全命令不是附屬法例。
- (7) 在本條中 ——

PART 4  
Section 30

4-4  
Cap. 612

- (3) In determining whether there are reasonable grounds under subsection (2), the Director may, in so far as is practicable and reasonable, take into account all factors relevant to the circumstances of the case that the Director considers appropriate, including but not limited to the following—
- (a) information obtained from any importer or supplier of the food;
  - (b) information, reports or testing results obtained from a public analyst;
  - (c) information (including reports, alerts, warnings and advisories) obtained from any international food or health authority or the food or health authority of any place;
  - (d) the time required for obtaining reports or testing results from a public analyst;
  - (e) characteristics of any hazard in the food, the level of the hazard in the food, consumption pattern of the food and the exposure of the general public and vulnerable groups to the food;
  - (f) any statutory requirement relating to the food;
  - (g) information on the source and extent of the hazard, in particular on whether the hazard exists throughout or in any part of the manufacture or supply chain or is limited to a particular batch of food.
- (4) A food safety order must specify—
- (a) the person, persons or class of persons intended to be bound by the order;
  - (b) particulars of the food that is the subject of the order;
  - (c) the reason for making the order and the principal factors that led to the making of the order;

4-5  
第 612 章

第 4 部  
第 31 條

- “危害”(hazard)指食物中可能對健康導致不良影響的某種生物、化學或物理因素，或可能對健康導致不良影響的某種食物狀況；
- “政府分析員”(public analyst)具有《公眾衛生及市政條例》(第 132 章)第 2(1) 條給予該詞的涵義。



Anti Additive

### 31. 作出食物安全命令的方式、送達及刊登

- (1) 食物安全命令須以書面作出，並可致予——
  - (a) 某一或某些特定人士；
  - (b) 某類別人士；或
  - (c) 所有人。
- (2) 致予某一或某些特定人士的食物安全命令——
  - (a) 須送達該人或該等特定人士中的每一人；及
  - (b) 在命令送達某人時即就該人而生效。

PART 4  
Section 31

4-6  
Cap. 612

- (d) the prohibition or action required, as the case may be, and conditions (if any) under the order;
  - (e) the period referred to in subsection (1)(a), (b), (c), (d) or (e), as the case may be; and
  - (f) the provision under which the order is made and the consequences of a contravention of any term of the order.
- (5) The Director may, in the same manner as a food safety order was made, vary or revoke the order, and section 31 applies, with the necessary modifications, in relation to the variation or revocation of a food safety order under this subsection as it applies in relation to a food safety order.
- (6) A food safety order is not subsidiary legislation.
- (7) In this section—
- “hazard”(危害) means a biological, chemical or physical agent in, or condition of, food with the potential to cause an adverse health effect;
- “public analyst”(政府分析員) has the meaning given by section 2(1) of the Public Health and Municipal Services Ordinance (Cap. 132).

### 31. Manner of making food safety orders, service and publication

- (1) A food safety order must be in writing and may be addressed to—
  - (a) a particular person or particular persons;
  - (b) a class of persons; or
  - (c) all persons.
- (2) A food safety order addressed to a particular person or particular persons—



4-7  
第 612 章

第 4 部  
第 32 條

PART 4  
Section 32

4-8  
Cap. 612

- (3) 致予某類別人士或所有人的食物安全命令 ——
- (a) 須在憲報刊登；及
  - (b) 於該命令指明的時間生效。
- (4) 致予某人的食物安全命令對該人具約束力。

- (a) must be served on that person, or each of those persons; and
  - (b) takes effect in relation to a person when it is served on that person.
- (3) A food safety order addressed to a class of persons or all persons—
- (a) must be published in the Gazette; and
  - (b) takes effect at the time specified in the order.
- (4) A food safety order is binding on the person or persons to whom it is addressed.

### 32. 違反食物安全命令

- (1) 受食物安全命令約束的人違反該命令任何條款，即屬犯罪，可處第 6 級罰款及監禁 12 個月。
- (2) 即使有關的人證明，有關食物是根據本條例或任何其他條例而發出或批予的牌照、執照、許可或任何其他形式的授權的標的，亦不構成該人的免責辯護。

### 32. Contravention of food safety orders

- (1) A person bound by a food safety order who contravenes a term of the order commits an offence and is liable to a fine at level 6 and to imprisonment for 12 months.
- (2) It is not a defence for the person to show that the food concerned is the subject of a licence, permit or any other form of authorization issued or granted under this or any other Ordinance.

### 33. 就食物安全命令採取的行動，以及提供樣本

- (1) 署長可向受食物安全命令約束的人送達通知，要求該人（在該通知指明的時間或在如此指明的限期內）——
  - (a) 將該人就該命令採取的行動，告知署長；或
  - (b) 向署長提供該命令所針對的食物的樣本，以供進行化驗或細菌檢測，或其他檢驗，樣本數量須符合該通知所指明者。
- (2) 如有食物樣本遵照第 (1)(b) 款所指的通知而提供予署長，署長須向看似是合法保管該食物的人，支付該樣本的市價，如有關市價不詳或並非可輕易確定，則須支付合理價錢。

### 33. Actions taken in relation to food safety orders and provision of samples

- (1) The Director may serve on a person bound by a food safety order a notice requiring the person (at the time or times, or within the period, specified in the notice) to—
  - (a) inform the Director of the actions taken by the person in relation to the order; or
  - (b) provide to the Director samples of the food that is the subject of the order, in the quantity specified in the notice, for analysis, or for bacteriological or other examination.

- (3) 獲送達第 (1) 款所指的通知的人 ——
- (a) 沒有遵從該通知；或
  - (b) 作出以下作為，充作遵從該通知 ——
    - (i) 提供該人知道在要項上失實的資料；或
    - (ii) 罔顧實情地提供在要項上失實的資料，即屬犯罪。
- (4) 任何人犯第 (3) 款所訂罪行，可處第 3 級罰款及監禁 3 個月。



# Anti Additive

### 34. 取得資料或文件副本的權力

- (1) 如署長有合理理由相信，某人所管有的資料或文件，可協助署長決定是否須作出、更改或撤銷某項食物安全命令，署長可向該人送達通知，要求該人 ——
- (a) 在該通知指明的限期內，提供該通知指明的資料；或
  - (b) 在該通知指明的時間及地點，出示該通知指明的文件，並准許獲授權人員，在該時間及地點，複製該等文件。
- (2) 獲送達第 (1) 款所指通知的人 ——
- (a) 沒有遵從該通知；或
  - (b) 作出以下作為，充作遵從該通知 ——
    - (i) 提供該人知道在要項上失實的資料，或出示該人知道在要項上失實的文件；或

- (2) If a sample of food is provided to the Director in compliance with a notice under subsection (1)(b), the Director must pay to the person appearing to have the lawful custody of the food the market price of the sample or, if the market price is unknown or not readily ascertainable, a reasonable price.
- (3) A person on whom a notice has been served under subsection (1) commits an offence if the person—
- (a) fails to comply with the notice; or
  - (b) in purported compliance with the notice—
    - (i) provides information that the person knows is false in a material particular; or
    - (ii) recklessly provides information that is false in a material particular.
- (4) A person who commits an offence under subsection (3) is liable to a fine at level 3 and to imprisonment for 3 months.

### 34. Power to obtain information or copies of documents

- (1) If the Director has reasonable grounds to believe that a person possesses any information or document that may assist the Director in deciding whether to make, vary or revoke a food safety order, the Director may serve on the person a notice requiring the person to—
- (a) provide the information specified in the notice within the period specified in the notice; or
  - (b) produce the document specified in the notice at the time and place specified in the notice and permit an authorized officer to make copies of the document at that time and place.
- (2) A person on whom a notice has been served under subsection (1) commits an offence if the person—
- (a) fails to comply with the notice; or

4-11  
第 612 章

第 4 部  
第 35 條

- (ii) 罔顧實情地提供在要項上失實的資料，或罔顧實情地出示在要項上失實的文件，  
即屬犯罪。
- (3) 任何人犯第 (2) 款所訂罪行，可處第 3 級罰款及監禁 3 個月。

### 35. 向市政服務上訴委員會提出的上訴

- (1) 任何受食物安全命令約束的人，如因該命令而感到受屈，可在開始受該命令約束後 28 天內，針對原先作出的該命令，向市政服務上訴委員會提出上訴。
- (2) 任何受食物安全命令約束的人，如因該命令根據第 30(5) 條更改而感到受屈，可在開始受該項更改約束後 28 天內，針對經如此更改的該命令，向市政服務上訴委員會提出上訴。
- (3) 如食物安全命令是如第 31(1)(b) 或 (c) 條提述般致予某類別人士或所有人，而有人針對該命令提出上訴，則如《市政服務上訴委員會條例》(第 220 章) 授權或規定送達任何文件或發出任何通知予受該命令約束的人，該文件或該通知可按以下方式送達或發出——
- (a) 在憲報刊登；或
- (b) 市政服務上訴委員會主席藉其簽署的書面通知指明的任何其他方法。
- (4) 除非署長另有決定，否則根據本條提出的上訴，並不令有關食物安全命令暫緩執行。

PART 4  
Section 35

4-12  
Cap. 612

- (b) in purported compliance with the notice—
- (i) provides information or produces a document that the person knows is false in a material particular; or
- (ii) recklessly provides information or produces a document that is false in a material particular.
- (3) A person who commits an offence under subsection (2) is liable to a fine at level 3 and to imprisonment for 3 months.

### 35. Appeals to Municipal Services Appeals Board

- (1) A person bound by a food safety order who is aggrieved by the order may, within 28 days after becoming bound by the order, appeal to the Municipal Services Appeals Board against the order as originally made.
- (2) A person bound by a food safety order who is aggrieved by a variation of the order under section 30(5) may, within 28 days after becoming bound by the variation, appeal to the Municipal Services Appeals Board against the order as so varied.
- (3) In the case of an appeal against a food safety order addressed as referred to in section 31(1)(b) or (c), if the Municipal Services Appeals Board Ordinance (Cap. 220) authorizes or requires any document to be served or any notice to be given to the persons bound by the order, the document may be served or the notice may be given by—
- (a) publication in the Gazette; or
- (b) any other means specified by the Chairman of the Municipal Services Appeals Board by notice in writing signed by the Chairman.
- (4) An appeal under this section does not suspend the food safety order unless the Director decides otherwise.

**36. 補償**

- (1) 受食物安全命令約束的人可就第 (3) 款所列種類的損失申請補償，該項補償可作為政府所欠的民事債項追討，款額為就該個案的整體情況而言屬公正和公平者。
- (2) 有關的人須證明以下情況，方有權獲得補償——
  - (a) 署長在作出或更改有關命令時，沒有合理理由如此行事；及
  - (b) 該人蒙受有關損失。
- (3) 第 (1) 款提述的損失，為屬遵從有關食物安全命令的直接後果所引致的以下損失，或屬根據第 37(1) 條就有關食物安全命令行使權力的直接後果所引致的以下損失——
  - (a) 該命令所針對的食物的全部或部分損失，而該食物——
    - (i) 已遭銷毀或已以其他方式處置；
    - (ii) 不再適宜供人食用；或
    - (iii) 已貶值；
  - (b) 實際和直接招致的費用或開支。
- (4) 可追討的補償款額——
  - (a) 就第 (3)(a) 款所列種類的損失而言，不得超過有關食物在緊接有關食物安全命令作出或更改（視屬何情況而定）前的市值；及
  - (b) 就第 (3)(b) 款所列種類的損失而言，不得超過所招致的費用或開支的實際款額。
- (5) 第 (1) 款所指的申請——
  - (a) 的申索數額如不超過小額錢債審裁處的最高司法管轄權，可向該審裁處提出；或
  - (b) 不論申索數額為何，均可向區域法院提出。

**36. Compensation**

- (1) A person bound by a food safety order may apply for an amount of compensation, recoverable as a civil debt due from the Government, that is just and equitable in all the circumstances of the case, for any loss of a kind set out in subsection (3).
- (2) The person is entitled to compensation only if the person proves that—
  - (a) the Director did not have reasonable grounds to make the order at the time of making the order or to vary the order at the time of a variation of the order; and
  - (b) the person has suffered the relevant loss.
- (3) The losses referred to in subsection (1) are the following losses arising as a direct result of compliance with the food safety order or as a direct result of the exercise of a power under section 37(1) in relation to the food safety order—
  - (a) total or partial loss of the food that is the subject of the order and that—
    - (i) has been destroyed or otherwise disposed of;
    - (ii) is no longer fit for human consumption; or
    - (iii) is depreciated in value;
  - (b) costs or expenditure actually and directly incurred.
- (4) The amount of compensation recoverable—
  - (a) in relation to a loss of a kind set out in subsection (3)(a), must not exceed the market value of the food immediately before the time of making the food safety order or immediately before the time of the variation, as the case may be; and

**37. 食物的檢取、標記或銷毀**

- (1) 如獲授權人員覺得，任何受食物安全命令約束的人就任何食物而違反該命令的條款，該人員可——
  - (a) 將該等食物的任何部分或裝載該等食物的包裝，從該人處檢取和移走；
  - (b) 在該人管有的該等食物加上標記、印記或其他稱述；或
  - (c) 銷毀或以其他方式處置該人管有的該等食物的任何部分，或安排將該等食物的任何部分銷毀或以其他方式處置。
- (2) 署長可在具有司法管轄權的法院，向第 (1) 款提述的人追討根據第 (1)(a)、(b) 或 (c) 款招致的任何合理費用，猶如該等費用為該人欠署長的債項。
- (3) 任何獲授權人員在根據第 (1)(c) 款銷毀或以其他方式處置食物或安排銷毀或以其他方式處置食物前，須將一項說明及其他足可識別該等食物的其他詳情記錄在案。
- (4) 署長須保管根據第 (3) 款作出的紀錄，為期不少於 12 個月。
- (5) 如法院裁定某人犯了本部所訂罪行，法院可命令沒收以下任何一項或多於一項物品——
  - (a) 該項定罪所關乎的食物；
  - (b) 在該人的處所發現的相類食物，或在該罪行發生時或有關食物被檢取時由該人管有的相類食物；

- (b) in relation to a loss of a kind set out in subsection (3)(b), must not exceed the actual amount of the costs or expenditure incurred.
- (5) An application under subsection (1) may be made—
  - (a) to the Small Claims Tribunal, for claims up to the maximum jurisdiction of the Tribunal; or
  - (b) to the District Court, irrespective of the amount claimed.

**37. Seizure, marking or destruction of food**

- (1) If it appears to an authorized officer that a term of a food safety order has been contravened by a person bound by the order in respect of any food, the officer may—
  - (a) seize and remove from the person any of the food or any package in which it is contained;
  - (b) affix to any of the food that is in the person's possession a mark, seal or other designation; or
  - (c) destroy or otherwise dispose of any of the food that is in the person's possession or cause it to be destroyed or otherwise disposed of.
- (2) The Director may, in a court of competent jurisdiction, recover from a person referred to in subsection (1) any reasonable costs incurred under subsection (1)(a), (b) or (c) as if those costs were a debt due to the Director from that person.
- (3) Before an authorized officer destroys or otherwise disposes of any food or causes any food to be destroyed or otherwise disposed of under subsection (1)(c), the authorized officer must record a description and other details that are sufficient to identify the food.
- (4) The Director must keep a record made under subsection (3) for a period of not less than 12 months.

4-17  
第 612 章

第 4 部  
第 38 條

PART 4  
Section 38

4-18  
Cap. 612

- (c) 任何裝載 (a) 或 (b) 段提述的食物的包裝。
- (6) 根據第 (5) 款沒收的食物或包裝，均可按署長指明的方式處置。

- (5) If a court convicts a person of an offence under this Part, the court may order that any one or more of the following is forfeited—
- (a) any food to which the conviction relates;
- (b) any similar food found on the person's premises or in the person's possession at the time of the commission of the offence or of the seizure of the food to which the conviction relates;
- (c) any package in which food referred to in paragraph (a) or (b) is contained.
- (6) Any food or package forfeited under subsection (5) may be disposed of in the manner specified by the Director.

**38. 干擾標記、印記或其他稱述的罪行**

- (1) 任何人如出於欺騙另一人的意圖移去、更改或塗掉任何根據第 37(1)(b) 條加上的標記、印記或其他稱述，即屬犯罪。
- (2) 任何人犯第 (1) 款所訂罪行，可處第 5 級罰款及監禁 6 個月。

**38. Offence to tamper with mark, seal or other designation**

- (1) A person commits an offence if the person, with intent to deceive another person, removes, alters or obliterates a mark, seal or other designation affixed under section 37(1)(b).
- (2) A person who commits an offence under subsection (1) is liable to a fine at level 5 and to imprisonment for 6 months.

**第 5 部****管理及執行****第 1 分部 —— 管理****39. 授權公職人員**

- (1) 為施行本條例，署長可授權公職人員為獲授權人員。
- (2) 授權 ——
  - (a) 須以書面作出；及
  - (b) 可就本條例特定條文或概括地就本條例作出。

**40. 署長作出轉授**

署長可藉書面將其在本條例下的任何職能或權力，轉授予某公職人員或某類別的公職人員。

**41. 保密**

- (1) 除第 (2) 款另有規定外，公職人員不得將其根據本條例行使權力或執行職能的過程中知悉或管有的、關於某行業、業務或生產秘密的任何資料，披露予或給予另一人。
- (2) 在下述情況下，公職人員可將第 (1) 款提述的資料披露予或給予另一人 ——
  - (a) 根據本條例行使該公職人員的權力或執行其職能；
  - (b) 根據第 (3) 款所指的法院命令；或
  - (c) 該公職人員在作出合理查訊之後覺得是對該等資料的保密有利害關係的所有人，以書面同意如此披露或給予該資料。

**PART 5****ADMINISTRATION AND ENFORCEMENT****Division 1—Administration****39. Authorization of public officers**

- (1) The Director may authorize a public officer to be an authorized officer for the purposes of this Ordinance.
- (2) An authorization—
  - (a) must be in writing; and
  - (b) may be given in relation to specified provisions of this Ordinance or in relation to this Ordinance generally.

**40. Delegation by Director**

The Director may in writing delegate any function or power of the Director under this Ordinance to a public officer or class of public officers.

**41. Confidentiality**

- (1) Except as provided by subsection (2), a public officer must not disclose or give to another person any information concerning a trade, business or manufacturing secret that has come to the knowledge of, or into the possession of, the public officer in the course of the public officer's exercise of powers or performance of functions under this Ordinance.
- (2) A public officer may disclose or give to another person information referred to in subsection (1)—
  - (a) in the public officer's exercise of powers or performance of functions under this Ordinance;

- (3) 如在任何法律程序中，法院認為在該案件中秉行公義而有此需要，法院可命令披露第 (1) 款提述的資料。
- (4) 任何公職人員違反第 (1) 款，即屬犯罪，可處第 5 級罰款及監禁 6 個月。
- (5) 被控犯本條所訂罪行的公職人員如證明在指稱的罪行發生時有以下情況，即可以此作為免責辯護——
  - (a) 被告人相信自己有合法權限將有關資料披露予或給予另一人，亦沒有合理理由相信情況並非如此；或
  - (b) 被告人既不知道亦沒有合理理由相信所披露或給予的資料是第 (1) 款提述的資料。



Anti Additive

#### 42. 對公職人員的保障

- (1) 公職人員在根據本條例行使權力或執行職能時，或本意是行使該等權力或執行該等職能時，無需為該公職人員真誠地作出或沒有作出的任何事情，承擔個人法律責任。
- (2) 第 (1) 款賦予的保障，並不影響政府就有關作為或不作為而承擔的法律責任。

- (b) under an order of a court under subsection (3); or
- (c) with the consent in writing of all persons who appear to the public officer, after reasonable inquiry, to be interested in the confidentiality of the information.
- (3) If in any proceedings a court considers that the justice of the case so requires, the court may order the disclosure of information referred to in subsection (1).
- (4) A public officer who contravenes subsection (1) commits an offence and is liable to a fine at level 5 and to imprisonment for 6 months.
- (5) It is a defence for a public officer charged with an offence under this section to show that at the time of the alleged offence the defendant—
  - (a) believed that there was lawful authority for the defendant to disclose or give the information to the other person and the defendant had no reasonable cause to believe otherwise; or
  - (b) did not know and had no reasonable cause to believe that the information disclosed or given was information referred to in subsection (1).

#### 42. Protection of public officers

- (1) A public officer is not personally liable for anything done or omitted to be done by the public officer in good faith in the exercise of a power or performance of a function or purported exercise of a power or purported performance of a function under this Ordinance.
- (2) The protection conferred by subsection (1) does not affect any liability of the Government for the act or omission.



**第 2 分部 —— 實務守則****43. 實務守則**

- (1) 署長可發出署長認為對就本條例提供實務指引屬適合的實務守則。
- (2) 署長如根據第 (1) 款發出實務守則，須藉於憲報刊登的公告——
  - (a) 指出該守則；
  - (b) 指明該守則的生效日期；及
  - (c) 指明是為本條例甚麼條文而發出該守則的。
- (3) 署長可不時修訂根據第 (1) 款發出的實務守則的全部或任何部分。
- (4) 第 (2) 款經必要的變通後，就根據第 (3) 款作出的任何修訂而適用，一如第 (2) 款就實務守則的發出而適用一樣。
- (5) 署長可隨時撤銷根據第 (1) 款發出的實務守則。
- (6) 署長如根據第 (5) 款撤銷實務守則，須藉於憲報刊登的公告——
  - (a) 指出該守則；及
  - (b) 指明撤銷的生效日期。

**44. 在法律程序中使用實務守則**

- (1) 不得僅因某人沒有遵守實務守則的任何條文，而循任何民事或刑事途徑起訴該人。

**Division 2—Codes of Practice****43. Codes of practice**

- (1) The Director may issue any code of practice that in the Director's opinion is suitable for providing practical guidance in respect of this Ordinance.
- (2) If a code of practice is issued under subsection (1), the Director must, by notice published in the Gazette—
  - (a) identify the code;
  - (b) specify the date on which the code is to take effect; and
  - (c) specify for which of the provisions of this Ordinance the code is issued.
- (3) The Director may from time to time revise the whole or any part of a code of practice issued under subsection (1).
- (4) Subsection (2) applies, with the necessary modifications, in relation to any revision made under subsection (3) as it applies in relation to the issue of a code of practice.
- (5) The Director may at any time revoke a code of practice issued under subsection (1).
- (6) If a code of practice is revoked under subsection (5), the Director must, by notice published in the Gazette—
  - (a) identify the code; and
  - (b) specify the date on which the revocation is to take effect.

**44. Use of codes of practice in legal proceedings**

- (1) A failure by a person to observe a provision of a code of practice does not of itself render the person liable to any civil

- (2) 然而，如在法律程序中，法院信納實務守則的條文攸關該程序中受爭議的事宜的裁斷，則——
- (a) 在該程序中，該實務守則可獲接納為證據；及
- (b) 關於有關的人違反或沒有違反該條文的證明，可被該程序中的任何一方援引用於確立或否定該事宜。
- (3) 在法律程序中，在沒有相反證據的情況下，法院覺得屬第 43 條所指公告的標的之實務守則，須視為該公告的標的。
- (4) 在本條中——
- “法律程序”(legal proceedings) 包括就根據本條例提出的上訴而進行的市政服務上訴委員會的程序；
- “法院”(court) 指——
- (a) 《釋義及通則條例》(第 1 章) 第 3 條所界定的法院；
- (b) 裁判官；或
- (c) 市政服務上訴委員會；
- “實務守則”(code of practice) 指根據第 43 條發出、並根據第 43(3) 條不時修訂的實務守則。

### 第 3 分部 —— 執行

#### 45. 取得資料的權力

- (1) 如署長——

- or criminal proceedings.
- (2) However, if in any legal proceedings the court is satisfied that a provision of a code of practice is relevant to determining a matter that is in issue in the proceedings—
- (a) the code of practice is admissible in evidence in the proceedings; and
- (b) proof that the person contravened, or did not contravene, the provision may be relied on by any party to the proceedings as tending to establish or negate that matter.
- (3) In any legal proceedings, a code of practice that appears to the court to be the subject of a notice under section 43 is to be taken to be the subject of that notice in the absence of evidence to the contrary.
- (4) In this section—
- “code of practice”(實務守則) means a code of practice issued under section 43 as revised from time to time under section 43(3);
- “court”(法院) means—
- (a) a court as defined by section 3 of the Interpretation and General Clauses Ordinance (Cap. 1);
- (b) a magistrate; or
- (c) the Municipal Services Appeals Board;
- “legal proceedings”(法律程序) includes proceedings of the Municipal Services Appeals Board on an appeal under this Ordinance.

### Division 3—Enforcement

#### 45. Power to obtain information

- (1) This section applies if the Director—

- (a) 有合理理由懷疑有人違反本條例條文的規定；及
- (b) 有合理理由相信某人持有關乎該項違反的資料或文件，
- 則本條適用。
- (2) 署長可向上述的人送達通知，要求該人 ——
- (a) 在該通知指明的限期內，提供屬該通知指明的種類的資料；或
- (b) 在該通知指明的時間及地點，出示該人管有或掌控的、屬該通知指明的種類的文件。
- (3) 在不限制第 (2) 款的原則下，該款所指的通知可指明的資料或文件的種類包括 ——
- (a) 顯示某人是否食物進口商或食物分銷商的資料或文件；
- (b) 關乎食物的任何交易的資料或文件；
- (c) 關乎以下事宜的資料或文件 ——
- (i) 第 2 部所指的登記申請或登記續期申請中所載或規定須載有的任何資料；
- (ii) 有關申請所附有或規定須附有的任何文件；或
- (iii) 就該申請而提供或規定須就該申請而提供的任何其他資料或文件。
- (4) 獲送達第 (2) 款所指的通知的人 ——
- (a) 無合理辯解而沒有遵從該通知；或
- (b) 作出以下行為，充作遵從該通知 ——
- (i) 提供該人知道在要項上失實的資料，或出示該人知道在要項上失實的文件；或
- (ii) 罔顧實情地提供在要項上失實的資料，或罔顧實情地出示在要項上失實的文件，
- 即屬犯罪。

- (a) has reasonable grounds to suspect that a provision of this Ordinance has been contravened; and
- (b) has reasonable grounds to believe that a person has information or a document relating to the contravention.
- (2) The Director may serve on the person a notice requiring the person—
- (a) to provide, within the period specified in the notice, information of a kind specified in the notice; or
- (b) to produce, at the time and place specified in the notice, any document in the person's possession or control of a kind specified in the notice.
- (3) Without limiting subsection (2), the kinds of information or documents that may be specified in a notice under that subsection include—
- (a) information or documents indicating whether or not a person is a food importer or food distributor;
- (b) information or documents relating to any transaction relating to food;
- (c) information or documents relating to—
- (i) any information contained, or required to be contained, in an application for registration or renewal of registration under Part 2;
- (ii) any documents accompanying, or required to accompany, such an application; or
- (iii) any other information or documents provided, or required to be provided, in relation to such an application.
- (4) A person on whom a notice has been served under subsection (2) commits an offence if the person—

5-11  
第 612 章

第 5 部 —— 第 3 分部  
第 46 條

- (5) 任何人犯第 (4) 款所訂罪行，可處第 3 級罰款及監禁 3 個月。

#### 46. 進入的一般權力

- (1) 獲授權人員可為以下目的，在有關業務經營時的任何時間，進入任何作該業務用途的處所或船隻——
- (a) 執行本條例；或
- (b) 獲授權人員或署長根據本條例行使權力或執行職能。
- (2) 在進入有關處所或船隻後，獲授權人員須應要求而出示該人員根據第 39 條獲書面授權的證據。

#### 47. 在有手令的情況下進入

- (1) 裁判官如按經宣誓而作的書面告發，信納以下事項，該裁判官可發出手令，授權某獲授權人員為第 46(1) 條提述的目的，進入該條提述的任何處所或船隻，並在有需要時強行進入——
- (a) 進入該處所或船隻的要求遭拒絕或預料會遭拒絕；及
- (b) 為第 46(1) 條提述的目的，進入該處所或船隻是有合理理由的。

PART 5—Division 3  
Section 46

5-12  
Cap. 612

- (a) without reasonable excuse, fails to comply with the notice; or
- (b) in purported compliance with the notice—
- (i) provides information or produces a document that the person knows is false in a material particular; or
- (ii) recklessly provides information or produces a document that is false in a material particular.
- (5) A person who commits an offence under subsection (4) is liable to a fine at level 3 and to imprisonment for 3 months.

#### 46. General power of entry

- (1) An authorized officer may enter any premises or vessel used for business purposes at any time during which business is carried on, for the purpose of—
- (a) the enforcement of this Ordinance; or
- (b) the exercise of any power or the performance of any function of the authorized officer or the Director under this Ordinance.
- (2) On entry, the authorized officer must produce evidence of his or her written authorization under section 39, if so required.

#### 47. Entry under warrant

- (1) A magistrate may, by warrant, authorize an authorized officer to enter, by force if necessary, any premises or vessel referred to in section 46(1) for a purpose referred to in that section if the magistrate is satisfied on sworn information in writing that—
- (a) admission to the premises or vessel has been refused or refusal is apprehended; and

5-13  
第 612 章

第 5 部 —— 第 3 分部  
第 48 條

- (2) 手令須符合附表 4 指明的格式。
- (3) 手令一直有效，直至需要進入有關處所或船隻的目的達到為止。

#### 48. 對進入處所或船隻的獲授權人員的協助

根據第 46 或 47 條進入處所或船隻的獲授權人員，可由該人員認為必要的任何人陪同。

#### 49. 在若干情況下逮捕的權力

- (1) 如獲授權人員合理地懷疑任何人已犯或正犯附表 5 指明的成文法則所訂罪行，該人員可無需手令而逮捕該人。
- (2) 如某人強行反抗逮捕或企圖規避逮捕，獲授權人員可用一切所需的合理手段作出逮捕。
- (3) 如獲授權人員根據本條逮捕任何人，該人員須立即將該人帶往最近的警署或交付警務人員看管，以按照《警隊條例》(第 232 章)處理該人。

#### 50. 某些財產的處置

- (1) 如署長或獲授權人員根據本條例取得任何財產的管有權，《刑事訴訟程序條例》(第 221 章)第 102 條即適用，猶如——
  - (a) 署長或該人員是該條條文所指的警方；及

PART 5—Division 3  
Section 48

5-14  
Cap. 612

- (b) there is reasonable ground for entry to the premises or vessel for a purpose referred to in section 46(1).

- (2) A warrant must be in the form specified in Schedule 4.
- (3) A warrant continues in force until the purpose for which the entry is necessary has been satisfied.

#### 48. Assistance for authorized officers on entry

An authorized officer entering premises or a vessel under section 46 or 47 may be accompanied by any persons the authorized officer considers necessary.

#### 49. Power of arrest in certain cases

- (1) If an authorized officer reasonably suspects that a person has committed or is committing an offence under an enactment specified in Schedule 5, the authorized officer may arrest the person without a warrant.
- (2) If a person forcibly resists the attempt of an authorized officer to arrest him or her or attempts to evade arrest, the authorized officer may use all reasonable means necessary to make the arrest.
- (3) If an authorized officer arrests a person under this section, the authorized officer must immediately take the person to the nearest police station or hand the person over to the custody of a police officer, to be dealt with in accordance with the Police Force Ordinance (Cap. 232).

#### 50. Disposal of certain property

- (1) If the Director or an authorized officer comes into possession of any property under this Ordinance, section 102 of the Criminal Procedure Ordinance (Cap. 221) applies as if—
  - (a) the Director or authorized officer were the police within the meaning of that section; and

5-15  
第 612 章

第 5 部 —— 第 4 分部  
第 51 條

- (b) 該財產是在與刑事罪行有關連的情況下落入警方管有的財產一樣。
- (2) 如本條例另一條文訂明有關財產的處置方式，則第 (1) 款並不適用。

### 第 4 分部 —— 罪行

#### 51. 法人團體犯罪

- (1) 如任何法人團體所犯的本條例所訂罪行，經證明是在該法人團體的任何人員的同意或縱容下犯的，則該人員亦屬犯該罪行，並可據此予以起訴和處罰。
- (2) 在本條中 ——
- “人員”(officer) 就法人團體而言，指 ——
- (a) 該法人團體的董事、經理、秘書或其他職位相若人員；
- (b) 其用意是以 (a) 段提述的人的身分行事的人；或
- (c) (如該法人團體的事務是由其成員管理) 關涉該法人團體的管理的該法人團體的成員。

#### 52. 僱主及主事人的法律責任

- (1) 就本條例而言，任何僱員在其受僱期間作出的或沒有作出的任何作為，須視為既是該僱員亦是其僱主所作出的或沒有作出的。
- (2) 就本條例而言，任何作為另一人的代理人並獲該另一人授權 (不論是明示或默示，亦不論是事前或事後授權) 的

PART 5—Division 4  
Section 51

5-16  
Cap. 612

- (b) the property were property that had come into the possession of the police in connection with an offence.
- (2) Subsection (1) does not apply if the manner of disposal of the property is provided for by another provision of this Ordinance.

### Division 4—Offences

#### 51. Offences committed by bodies corporate

- (1) If an offence under this Ordinance by a body corporate is proved to have been committed with the consent or connivance of an officer of the body corporate, the officer also commits the offence and is liable to be proceeded against and punished accordingly.
- (2) In this section —
- “officer”(人員), of a body corporate, means —
- (a) a director, manager, secretary or other similar officer of the body corporate;
- (b) a person purporting to act in the capacity of a person referred to in paragraph (a); or
- (c) if the affairs of the body corporate are managed by its members, a member of the body corporate who is concerned in the management of the body corporate.

#### 52. Liability of employers and principals

- (1) An act done or omission made by an employee in the course of employment is to be treated for the purposes of this Ordinance as done or made by the employer, as well as by the employee.
- (2) An act done or omission made by an agent of another person with the authority (whether express or implied and whether

人所作出的或沒有作出的任何作為，須視為既是該另一人亦是該代理人所作出的或沒有作出的。

- (3) 凡有法律程序就第 4、5、21(5)(a)、22(5)(a)、23(4)(a)、24(4)(a)、26(3) 或 32(1) 條所訂罪行，就某人的僱員或代理人被指稱作出的或沒有作出的作為而針對該人提起，在該法律程序中，除非該人確立第 (4) 款描述的免責辯護，否則該人可被裁定犯該罪行，和因犯該罪行而受處罰。
- (4) 如有法律程序憑藉第 (3) 款針對某人而提起，而該人證明本身已作出一切應有的努力以防止有以下情況，該人即可以此作為免責辯護——
- (a) 有關的僱員或代理人作出有關作為或沒有作出有關作為；或
- (b) 有關的僱員在其受僱期間，或有關的代理人在其獲授權期間，作出有關類別的作為或沒有作出有關類別的作為。

### 53. 僱員的免責辯護

被控犯本條例所訂罪行的僱員如證明以下情況，即可以此作為免責辯護——

- (a) 該僱員是在其受僱期間作出有關作為或沒有作出有關作為，而且是按其僱主在其受僱期間向其發出的指示，而作出或沒有作出該作為；及
- (b) 在有關時間，該僱員所處的崗位，並非可作出或影響關乎該作為或不作為的決定。

### 54. 妨礙任何人執行官方職能等

- (1) 如任何人為根據本條例執行職能，或根據本條例作出或

precedent or subsequent) of that other person is to be treated for the purposes of this Ordinance as done or made by that other person, as well as by the agent.

- (3) In a proceeding for an offence under section 4, 5, 21(5)(a), 22(5)(a), 23(4)(a), 24(4)(a), 26(3) or 32(1) brought against a person in respect of an act or omission alleged to have been done or made by an employee or agent of the person, the person is liable to be convicted of and be punished for that offence unless the person establishes the defence described in subsection (4).
- (4) If a proceeding is brought against a person by virtue of subsection (3), it is a defence for the person to show that the person exercised all due diligence to prevent the employee or agent from—
- (a) doing the act or making the omission; or
- (b) doing an act or making an omission of that description in the course of the employee's employment or the agent's authority.

### 53. Defence for employees

It is a defence for an employee charged with an offence under this Ordinance to show that—

- (a) the act or omission of the employee was done or made in the course of the employee's employment and under instructions given by the employer in the course of that employment; and
- (b) the employee was not, at the relevant time, in a position to make or influence a decision regarding that act or omission.

### 54. Obstruction of persons performing official functions etc.

- (1) A person who wilfully obstructs, resists or uses abusive

發出的命令或手令執行職能，而另一人故意妨礙、抗拒或辱罵該人，則該另一人即屬犯罪，可處第 4 級罰款及監禁 6 個月。

- (2) 如有關行為根據本條例另一條文構成罪行，則第 (1) 款並不適用。

### 55. 針對多於一人進行法律程序

- (1) 如可根據本條例針對多於一人就其共同作為或失責進行法律程序，則可只對其中一人或某些人而不對其他的人提出起訴。
- (2) 如某公職人員根據本條例送達的通知沒有獲遵從，並因此而構成罪行，則如亦有向多於一人就相同事宜送達相類的通知——
- (a) 則可只對其中一人或某些人而不對其他的人提出起訴；及
- (b) 如有多於一人被起訴，法院可將該等被起訴的人作共犯處理。

### 56. 提出檢控的時限

儘管有《裁判官條例》(第 227 章)第 26 條的規定，就本條例所訂罪行而作出的申訴或提出的告發，可在署長發現或獲悉有關罪行後 6 個月內作出或提出。

language to a person who is performing functions under this Ordinance, or under an order made or warrant issued under this Ordinance, commits an offence and is liable to a fine at level 4 and to imprisonment for 6 months.

- (2) Subsection (1) does not apply if the conduct constitutes an offence against another provision of this Ordinance.

### 55. Proceedings against several persons

- (1) If proceedings under this Ordinance are competent against several persons in respect of their joint act or default, any one or more of them may be proceeded against without proceeding against the others.
- (2) If an offence consists of a failure to comply with a notice served by a public officer under this Ordinance and a similar notice was served on several persons in respect of the same matter—
- (a) any one or more of the persons may be proceeded against without proceeding against the others; and
- (b) if more than one person is proceeded against, the court may treat them as if they were joint offenders.

### 56. Time limit for prosecutions

Despite section 26 of the Magistrates Ordinance (Cap. 227), a complaint may be made or an information laid in respect of an offence under this Ordinance within 6 months after the offence is discovered by, or comes to the notice of, the Director.



## 第 6 部

### 一般性條文

#### 57. 發出或送達通知的方式

署長可藉以下方式，根據本條例向某人發出通知或其他文件，或將通知或其他文件送達某人——

- (a) 將該通知或其他文件交付予該人；
- (b) 以掛號郵遞方式，將該通知或其他文件寄往該人最後為人所知的營業或居住地點；或
- (c) 將該通知或其他文件留予該地點的任何成年佔用人，或張貼於該地點的一個顯眼處。

#### 58. 附表的修訂

- (1) 局長可藉於憲報刊登的公告，修訂附表 1、3 或 4。
- (2) 署長可藉於憲報刊登的公告，修訂附表 2。
- (3) 行政長官會同行政會議可藉於憲報刊登的公告，修訂附表 5。

#### 59. 規例

- (1) 局長可為以下目的訂立規例——
  - (a) 就為貫徹施行本條例的目的及條文而需要的事宜，作出規定；
  - (b) 禁止、限制或規管某指明類別的食物的進口；及
  - (c) 概括而言為更有效達致本條例的目的和更有效施行本條例的條文而訂定條文。

## PART 6

### GENERAL

#### 57. Method of giving or serving notice

The Director may give a notice or other document to a person, or serve a notice or other document on a person, under this Ordinance—

- (a) by delivering it to the person;
- (b) by sending it by registered post addressed to the last known place of business or residence of the person; or
- (c) by leaving it with an adult occupier of that place or posting it in a prominent position at that place.

#### 58. Amendment of Schedules

- (1) The Secretary may, by notice published in the Gazette, amend Schedule 1, 3 or 4.
- (2) The Director may, by notice published in the Gazette, amend Schedule 2.
- (3) The Chief Executive in Council may, by notice published in the Gazette, amend Schedule 5.

#### 59. Regulations

- (1) The Secretary may make regulations—
  - (a) providing for any matters that are necessary for giving full effect to the purposes and provisions of this Ordinance;
  - (b) prohibiting, restricting or regulating the importation of food of a specified class; and

- (2) 根據第 (1) 款訂立的規例可 ——
- (a) 就不同情況訂立不同條文，及就特定個案或特定類別的個案作出規定；
  - (b) 被限定僅於該等規例訂明的情況下適用；
  - (c) 為施行該等規例而指明格式；及
  - (d) 就違反該等規例訂定罪行，犯該罪行者可處罰款或監禁，或可處罰款及監禁。
- (3) 就罪行可訂定的最高罰款額為第 6 級罰款，最高監禁刑期為 6 個月；如屬持續的罪行，則可就罪行持續期間的每一天，另訂定罰款不超過 \$1,500。
- (4) 根據第 (1) 款訂立的規例可 ——
- (a) 賦權衛生主任 ——
    - (i) 准許在符合該衛生主任指明的條件下，進口指明類別的食物；
    - (ii) 要求呈交或提供指明類別的進口食物，以供衛生督察檢查；
    - (iii) 就指明類別的進口食物施加該衛生主任覺得適宜的條件或發出該主任覺得適宜的指示，以確保該等食物狀況良好、合乎衛生或適宜供人食用；及
  - (b) 禁止違反 (a) 段提述的條件、要求或指示的情況。
- (5) 在本條中 ——
- “衛生主任” (health officer) 具有《公眾衛生及市政條例》(第 132 章) 第 2(1) 條給予該詞的涵義；
- “衛生督察” (health inspector) 具有《公眾衛生及市政條例》(第 132 章) 第 2(1) 條給予該詞的涵義。

- (c) generally for the better carrying out of the purposes and provisions of this Ordinance.
- (2) Regulations made under subsection (1) may—
- (a) make different provisions for different circumstances and provide for a particular case or class of cases;
  - (b) be made so as to apply only in the circumstances prescribed by the regulations;
  - (c) specify forms for the purposes of the regulations; and
  - (d) prescribe offences for contraventions of the regulations, punishable by a fine, imprisonment or both.
- (3) The maximum fine that may be prescribed for an offence is level 6 and the maximum imprisonment is 6 months. In addition, in the case of a continuing offence, a further fine not exceeding \$1,500 for each day during which the offence continues may be prescribed.
- (4) Regulations made under subsection (1) may—
- (a) empower a health officer to—
    - (i) permit the importation of food of a specified class subject to any conditions the health officer may specify;
    - (ii) require imported food of a specified class to be submitted or made available for inspection by a health inspector;
    - (iii) impose any conditions or issue any directions with regard to imported food of a specified class as may appear to the health officer desirable for the purpose of ensuring that the food is sound, wholesome or fit for human consumption; and
  - (b) prohibit the contravention of any condition, requirement or direction referred to in paragraph (a).

6-5  
第 612 章

第 6 部  
第 60 條

PART 6  
Section 60

6-6  
Cap. 612

60. **過渡性條文——第 2 部第 1 分部生效前的登記**  
儘管第 9(3) 條另有規定，如在第 2 部第 1 分部生效日期前，某食物進口商或食物分銷商根據該部登記，除非該登記在有效期內遭撤銷，否則該登記於該日期後 3 年的期間內有效。
61. **過渡性條文——根據《公眾衛生及市政條例》第 78B 條作出的命令**  
如有根據《公眾衛生及市政條例》(第 132 章) 第 78B 條作出的命令在緊接本條例第 68 條的生效日期前有效，則在該日期當日及之後，該命令繼續按照其條款而有效，猶如該命令是食物安全命令，並可據此更改或撤銷。
62. **過渡性條文——備存紀錄的規定**
- (1) 第 21 條適用於在該條的生效日期當日或之後獲取的食物。
  - (2) 第 22 條適用於在該條的生效日期當日或之後進口的食物，不論該食物是在該日期之前、當日或之後獲取的。
  - (3) 第 23 條適用於在該條的生效日期當日或之後供應的本地水產，不論該本地水產是在該日期之前、當日或之後捕撈的。
  - (4) 第 24 條適用於在該條的生效日期當日或之後以批發方式供應的食物。

(5) In this section—

“health inspector” (衛生督察) has the meaning given by section 2(1) of the Public Health and Municipal Services Ordinance (Cap. 132);

“health officer” (衛生主任) has the meaning given by section 2(1) of the Public Health and Municipal Services Ordinance (Cap. 132).

60. **Transitional provision—registration before commencement of Division 1 of Part 2**

Despite section 9(3), if a food importer or food distributor is registered under Part 2 before the date on which Division 1 of that Part commences, the registration has effect, unless revoked earlier, for the period ending 3 years after that date.

61. **Transitional provision—orders under section 78B of the Public Health and Municipal Services Ordinance**

An order in force under section 78B of the Public Health and Municipal Services Ordinance (Cap. 132) immediately before the date on which section 68 of this Ordinance commences remains in force on and after that date in accordance with its terms as if it were a food safety order and may be varied or revoked accordingly.

62. **Transitional provision—record keeping requirements**

- (1) Section 21 applies to food that is acquired on or after the date on which that section commences.
- (2) Section 22 applies to food that is imported on or after the date on which that section commences whether the food was acquired before, on or after that date.
- (3) Section 23 applies to local aquatic products that are supplied on or after the date on which that section commences whether

**63. 過渡性條文——製冰工廠**

在由第 64(2) 條的生效日期起計的 6 個月期間，任何人不得僅因並非根據及按照根據《食物業規例》(第 132 章，附屬法例 X) 批出的牌照，經營或安排、准許或容受他人經營製造或配製冰的業務，而屬犯該規例第 35 條就違反該規例第 31(1) 條所訂的罪行。

the local aquatic products were captured before, on or after that date.

- (4) Section 24 applies to food that is supplied by wholesale on or after the date on which that section commences.

**63. Transitional provision—ice-making factories**

During the period of 6 months beginning on the date on which section 64(2) commences, a person does not commit an offence under section 35 of the Food Business Regulation (Cap. 132 sub. leg. X) for a contravention of section 31(1) of that Regulation only because the person carries on, or causes, permits or suffers to be carried on, a business that manufactures or prepares ice, otherwise than under and in accordance with a licence granted under that Regulation.



# Anti Additive

7-1  
第 612 章

第 7 部 —— 第 1 分部  
第 64 條

Part 7—Division 1  
Section 64

7-2  
Cap. 612

## 第 7 部

(已失時效而略去 —— 2014 年第 2 號編輯修訂紀錄)

第 1 分部 —— (已失時效而略去 —— 2014 年第 2 號編輯修訂紀錄)

64-73. (已失時效而略去 —— 2014 年第 2 號編輯修訂紀錄)

第 2 分部 —— (已失時效而略去 —— 2014 年第 2 號編輯修訂紀錄)

74. (已失時效而略去 —— 2014 年第 2 號編輯修訂紀錄)

## Part 7

(Omitted as spent—E.R. 2 of 2014)

**Division 1**—(Omitted as spent—E.R. 2 of 2014)

64-73. (Omitted as spent—E.R. 2 of 2014)

**Division 2**—(Omitted as spent—E.R. 2 of 2014)

74. (Omitted as spent—E.R. 2 of 2014)



# Anti Additive

S1-1  
第 612 章

附表 1

SCHEDULE 1

S1-2  
Cap. 612

## 附表 1

[第 4、5、18 及 58 條]

## 無需根據第 2 部登記的人

第 1 欄	第 2 欄	第 3 欄	第 4 欄
項	授權	當局	無需根據第 2 部登記的人
1.	根據《食物業規例》(第 132 章, 附屬法例 X) 第 30 條批出的准許	食物環境衛生署署長	准許的持有人
2.	根據《食物業規例》(第 132 章, 附屬法例 X) 第 IV 部批出的牌照	食物環境衛生署署長	持牌人
3.	根據《冰凍甜點規例》(第 132 章, 附屬法例 AC) 第 3 部批出的牌照	食物環境衛生署署長	持牌人

## SCHEDULE 1

[ss. 4, 5, 18 &amp; 58]

## PERSONS NOT REQUIRED TO BE REGISTERED UNDER PART 2

Column 1	Column 2	Column 3	Column 4
Item	Authorization	Authority	Person not required to be registered under Part 2
1.	A permission under section 30 of the Food Business Regulation (Cap. 132 sub. leg. X)	Director of Food and Environmental Hygiene	The holder of the permission
2.	A licence under Part IV of the Food Business Regulation (Cap. 132 sub. leg. X)	Director of Food and Environmental Hygiene	The licensee
3.	A licence under Part 3 of the Frozen Confections Regulation (Cap. 132 sub. leg. AC)	Director of Food and Environmental Hygiene	The licensee

S1-3  
第 612 章

附表 1

SCHEDULE 1

S1-4  
Cap. 612

第 1 欄	第 2 欄	第 3 欄	第 4 欄
項	授權	當局	無需根據第 2 部 登記的人
4.	根據《小販規例》(第 132 章, 附屬法例 AI) 第 2 部發給的牌照	食物環境衛生署署長	持牌人
5.	根據《奶業規例》(第 132 章, 附屬法例 AQ) 第 3 部批出的牌照	食物環境衛生署署長	持牌人
6.	根據《厭惡性行業規例》(第 132 章, 附屬法例 AX) 批出的牌照	食物環境衛生署署長	持牌人
7.	根據《屠房規例》(第 132 章, 附屬法例 BU) 第 II 部發出的牌照	食物環境衛生署署長	持牌人

Column 1	Column 2	Column 3	Column 4
Item	Authorization	Authority	Person not required to be registered under Part 2
4.	A licence under Part 2 of the Hawker Regulation (Cap. 132 sub. leg. AI)	Director of Food and Environmental Hygiene	The licensee
5.	A licence under Part 3 of the Milk Regulation (Cap. 132 sub. leg. AQ)	Director of Food and Environmental Hygiene	The licensee
6.	A licence under the Offensive Trades Regulation (Cap. 132 sub. leg. AX)	Director of Food and Environmental Hygiene	The licensee
7.	A licence under Part II of the Slaughterhouses Regulation (Cap. 132 sub. leg. BU)	Director of Food and Environmental Hygiene	The licensee



Anti Additive

S1-5  
第 612 章

附表 1

SCHEDULE 1

S1-6  
Cap. 612

第 1 欄	第 2 欄	第 3 欄	第 4 欄
項	授權	當局	無需根據第 2 部 登記的人
8.	根據《儲備商品(進出口及儲備存貨管制)規例》(第 296 章, 附屬法例 A) 第 13 條註冊為儲備商品的貯存商	工業貿易署署長	註冊貯存商
9.	根據《海魚養殖條例》(第 353 章) 第 8 條批出的牌照或第 14 條批出的許可證	漁農自然護理署署長	持牌人或持證人

Column 1	Column 2	Column 3	Column 4
Item	Authorization	Authority	Person not required to be registered under Part 2
8.	Registration as a stockholder of a reserved commodity under regulation 13 of the Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Cap. 296 sub. leg. A)	Director-General of Trade and Industry	The registered stockholder
9.	A licence under section 8 or a permit under section 14 of the Marine Fish Culture Ordinance (Cap. 353)	Director of Agriculture, Fisheries and Conservation	The licensee or permittee



Anti Additive



S1-7  
第 612 章

附表 1

SCHEDULE 1

S1-8  
Cap. 612

第 1 欄	第 2 欄	第 3 欄	第 4 欄
項	授權	當局	無需根據第 2 部登記的人
10.	根據《商船(本地船隻)(證明書及牌照事宜)規例》(第 548 章, 附屬法例 D) 就該規例所指的第 III 類別船隻發出的牌照	海事處處長	有關船隻的(《商船(本地船隻)(證明書及牌照事宜)規例》(第 548 章, 附屬法例 D) 所指的)證明書所指名船東

(編輯修訂——2013 年第 1 號編輯修訂紀錄; 編輯修訂——2014 年第 2 號編輯修訂紀錄)



Anti Additive

Column 1	Column 2	Column 3	Column 4
Item	Authorization	Authority	Person not required to be registered under Part 2
10.	A licence under the Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation (Cap. 548 sub. leg. D) in respect of a Class III vessel (within the meaning of that Regulation)	Director of Marine	The certificated owner (within the meaning of the Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation (Cap. 548 sub. leg. D)) of the vessel

(Amended E.R. 1 of 2013; E.R. 2 of 2014)

S2-1  
第 612 章

附表 2

SCHEDULE 2

S2-2  
Cap. 612

## 附表 2

[ 第 7 及 58 條 ]

## SCHEDULE 2

[ss. 7 &amp; 58]

## 主要食物類別及食物分類

第 1 欄 項	第 2 欄 主要食物類別	第 3 欄 食物分類
1.	穀類及穀物製品 (烘焙食品及小食食品除外)	(a) 穀類、大米、小麥 (b) 麵食製品、麵條 (c) 麵粉、澱粉、麵粉代用品 (d) 早餐穀類食品及其他穀類製品
2.	水果及蔬菜 (小食食品、果汁或蔬菜汁及中草藥除外)	(a) 水果 (b) 水果製品 (c) 蔬菜，包括菇、真菌及海藻 (d) 蔬菜製品，包括菇、真菌及海藻製品 (e) 果仁及種子 (f) 果仁及種子製品 (g) 豆 (h) 豆製品
3.	刺身、壽司及即食生蠔	(a) 刺身 (b) 壽司 (c) 即食生蠔

## MAIN FOOD CATEGORIES AND FOOD CLASSIFICATIONS

Column 1 Item	Column 2 Main food category	Column 3 Food classification
1.	Cereal and grain products (other than bakery products and snack food)	(a) Cereals, rice, wheat (b) Pasta, noodles (c) Flour, starch, substitute flour (d) Breakfast cereal and other cereal products
2.	Fruit and vegetables (other than snack food, juices and Chinese herbs)	(a) Fruit (b) Fruit products (c) Vegetables, including mushrooms, fungi and seaweed (d) Vegetable products, including mushroom, fungi and seaweed products (e) Nuts and seeds (f) Nut and seed products (g) Beans (h) Bean products
3.	Sashimi, sushi and ready-to-eat raw oysters	(a) Sashimi (b) Sushi (c) Ready-to-eat raw oysters

S2-3  
第 612 章

附表 2

第 1 欄	第 2 欄	第 3 欄
項	主要食物類別	食物分類
4.	水產(小食食品、刺身及即食生蠔除外)	(a) 野生珊瑚魚(活生及未經處理) (b) 其他海魚(活生及未經處理) (c) 淡水魚(活生及未經處理) (d) 甲殼類動物、軟體類動物(活生及未經處理) (e) 河豚(經處理及未經處理) (f) 其他可食用的水產(活生及未經處理) (g) 乾海味 (h) 其他經處理水產
5.	肉及肉製品(小食食品及刺身除外)	(a) 冷藏、冷凍及新鮮野味(未經處理) (b) 冷藏、冷凍及新鮮肉(未經處理) (c) 冷藏、冷凍及新鮮禽畜(未經處理) (d) 經處理野味製品 (e) 經處理肉製品 (f) 經處理禽畜製品
6.	蛋及蛋製品	(a) 雞蛋 (b) 鴨蛋、鵝蛋、鵪鶉蛋及其他禽蛋 (c) 蛋製品

SCHEDULE 2

S2-4  
Cap. 612

Column 1	Column 2	Column 3
Item	Main food category	Food classification
4.	Aquatic products (other than snack food, sashimi and ready-to-eat raw oysters)	(a) Wild-caught coral reef fish (live and unprocessed) (b) Other marine fish (live and unprocessed) (c) Freshwater fish (live and unprocessed) (d) Crustaceans, molluscs (live and unprocessed) (e) Puffer fish (processed and unprocessed) (f) Other edible aquatic products (live and unprocessed) (g) Dried seafood (h) Other processed aquatic products
5.	Meat and meat products, (other than snack food and sashimi)	(a) Frozen, chilled, fresh game (unprocessed) (b) Frozen, chilled, fresh meat (unprocessed) (c) Frozen, chilled, fresh poultry (unprocessed) (d) Processed game products (e) Processed meat products (f) Processed poultry products
6.	Eggs and egg products	(a) Chicken eggs (b) Duck eggs, goose eggs, quail eggs and other poultry eggs (c) Egg products

S2-5  
第 612 章

附表 2

SCHEDULE 2

S2-6  
Cap. 612

第 1 欄	第 2 欄	第 3 欄
項	主要食物類別	食物分類
7.	奶及乳製品(嬰兒／幼兒／成長配方粉除外)	(a) 奶及奶類飲品 (b) 忌廉、乳酪、牛油 (c) 煉奶、淡奶、植脂奶製品 (d) 奶粉 (e) 其他乳製品
8.	冰凍甜點	雪糕、雪條、冷凍酸乳酪及其他
9.	脂肪及油	(a) 動物脂肪及油、植物油脂及油、其他脂肪或油脂及油 (b) 沙律醬
10.	飲料(奶及乳製品除外)	(a) 汽水及其他碳酸飲品 (b) 新鮮果汁及蔬菜汁、果汁及蔬菜汁飲品 (c) 咖啡豆、茶葉、沖劑飲品 (d) 樽裝水及食用冰 (e) 其他不含酒精飲料 (f) 啤酒及麥酒 (g) 其他酒精飲料

Column 1	Column 2	Column 3
Item	Main food category	Food classification
7.	Milk and dairy products (other than infant/ follow-up/growing-up formula)	(a) Milk and milk beverages (b) Cream, cheese, butter (c) Condensed milk, evaporated milk, filled milk products (d) Dried milk (e) Other dairy products
8.	Frozen confections	Ice cream, popsicles, frozen yogurt and others
9.	Fat and oil	(a) Animal fat and oil, vegetable fat and oil, other fat and oil (b) Salad dressing
10.	Beverages (other than milk and dairy products)	(a) Soft drink and other carbonated drinks (b) Fresh fruit and vegetable juice, fruit and vegetable juice drink (c) Coffee beans, tea leaves, instant drink mixes (d) Bottled water and edible ice (e) Other non-alcoholic beverages (f) Beer and ales (g) Other alcoholic beverages

S2-7  
第 612 章

附表 2

SCHEDULE 2

S2-8  
Cap. 612

第 1 欄	第 2 欄	第 3 欄
項	主要食物類別	食物分類
11.	糖及糖類製品	(a) 糖、糖霜、食物面層配料、甜品醬汁 (b) 甜味劑 (c) 蜂蜜、糖蜜、糖漿 (d) 果醬、果凍 (e) 糖果、朱古力、香口膠
12.	點心、中式糕點、混合食品、甜品、烘焙食品及小食食品(糖果、朱古力及香口膠除外)	(a) 點心、中式糕點 (b) 混合食品 (c) 甜品、烘焙食品 (d) 小食食品(河豚製品) (e) 小食食品(其他)
13.	鹽、佐料及醬料、香草及香料	(a) 醋、肉汁、調味醬汁，包括豉油、蠔油 (b) 鹽、佐料 (c) 香草及香料
14.	中草藥及其製品	(a) 中草藥 (b) 中草藥製品
15.	嬰兒／幼兒／成長配方粉及嬰兒食品	(a) 嬰兒／幼兒／成長配方粉(供 36 個月或以下嬰幼兒飲用) (b) 其他嬰兒食品

Column 1	Column 2	Column 3
Item	Main food category	Food classification
11.	Sugars and sweets	(a) Sugars, frostings, toppings, dessert sauces (b) Sweeteners (c) Honey, molasses, syrups (d) Jams/preserves, jellies (e) Candy, chocolate, chewing gum
12.	Dim sum, Chinese pastry, mixed dishes, desserts, bakery products and snack food (other than candy, chocolate and chewing gum)	(a) Dim sum, Chinese pastry (b) Mixed dishes (c) Desserts, bakery products (d) Snack food (puffer fish products) (e) Snack food (others)
13.	Salts, condiments and sauces, herbs and spices	(a) Vinegar, gravy, savoury sauces, including soya sauces, oyster sauces (b) Salts, condiments (c) Herbs and spices
14.	Chinese herbs and their products	(a) Chinese herbs (b) Chinese herb products
15.	Infant/follow-up/growing-up formula and baby food	(a) Infant/follow-up/growing-up formula (for babies up to 36 months) (b) Other baby food

S2-9  
第 612 章

附表 2

SCHEDULE 2

S2-10  
Cap. 612

第 1 欄	第 2 欄	第 3 欄
項	主要食物類別	食物分類
16. 雜項	雜項	

Column 1	Column 2	Column 3
Item	Main food category	Food classification
16. Miscellaneous	Miscellaneous	



# Anti Additive

S3-1  
第 612 章

附表 3

SCHEDULE 3

S3-2  
Cap. 612

## 附表 3

[ 第 9、13、15 及 58 條 ]

## 費用

第 1 欄 項	第 2 欄 條文	第 3 欄 說明	第 4 欄 費用
1.	9(1)	根據第 2 部登記的費用	\$195
2.	13(1)	根據第 2 部登記續期的費用	\$180
3.	15(5)(b)	取得登記冊的記項或摘錄的副本的費用	每頁 \$1( 於紙張的兩面複印作兩頁計 )

## SCHEDULE 3

[ss. 9, 13, 15 &amp; 58]

## FEES

Column 1 Item	Column 2 Section	Column 3 Description	Column 4 Fee
1.	9(1)	Fee for registration under Part 2	\$195
2.	13(1)	Fee for renewal of registration under Part 2	\$180
3.	15(5)(b)	Fee for copy of entry in or extract from register	\$1 per page (copies made on both sides of a sheet count as 2 pages)

附表 4

[ 第 47 及 58 條 ]

SCHEDULE 4

[ss. 47 & 58]

手令表格

FORM OF WARRANT

《食物安全條例》

FOOD SAFETY ORDINANCE

( 第 612 章 )

(Cap. 612)

( 第 47(2) 條 )

(section 47(2))

進入 [ 處所 / 船隻 \* ] 手令

Warrant to enter [premises/vessel\*]

本人 [ 填上裁判官的姓名 ] 現職裁判官，鑑於 [ 填上申請人的姓名 ] 向本人提出申請，要求授權 [ 他 / 她 \* ] 進入 [ 填上處所或船隻的說明 ]，又鑑於本人根據經宣誓而作的告發，信納進入該 [ 處所 / 船隻 \* ] 是有合理理由的，並信納 [ 填上發出手令的理由 ]。

WHEREAS [insert name of applicant] has applied to me, [insert name of magistrate], a magistrate, to authorize [him/her\*] to enter [insert description of premises or vessel], and I am satisfied by information on oath that there is reasonable ground for entry to [those premises/that vessel\*] and that [insert ground on which warrant is issued].

因此，現授權 [ 填上申請人的姓名 ] 進入 [ 該處所 / 該船隻 \* ]，並可帶同 [ 他 / 她 \* ] 所需的助理人員，而在有需要時可強行進入 [ 該處所 / 該船隻 \* ]，以在 [ 該處所 / 該船隻 \* ] 根據《食物安全條例》執行其職務。

Now, therefore, I authorize [insert name of applicant] to enter [those premises/that vessel\*], by force if necessary, with any assistants [he/she\*] may require, and there execute [his/her\*] duties under the Food Safety Ordinance.

日期：

Dated:

( 簽署 ) .....

(Signed) .....

裁判官

Magistrate



S4-3  
第 612 章

附表 4

SCHEDULE 4

S4-4  
Cap. 612

\* 刪去不適用者。

\* Strike out as applicable.



# Anti Additive

S5-1  
第 612 章

附表 5

SCHEDULE 5

S5-2  
Cap. 612

## 附表 5

[ 第 49 及 58 條 ]

## SCHEDULE 5

[ss. 49 & 58]

### 可逮捕的罪行

第 4 條  
第 5 條  
第 54 條  
根據第 59 條訂立的任何規例

### ARRESTABLE OFFENCES

Section 4  
Section 5  
Section 54  
Any regulation made under section 59



# Anti Additive