

**《食物內甜味劑規例》**  
**(第 132 章，附屬法例 U)**  
**Sweeteners in Food Regulations**  
**(Cap. 132 sub. leg. U)**

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**尚未實施的條文 / 修訂 ——**

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### 制定史

本為 1969 年第 183 號法律公告 —— 1983 年第 299 號法律公告，1985 年第 67 號法律公告，1986 年第 10 號，1987 年第 328 號法律公告，1987 年編正版，1989 年第 33 號法律公告，1996 年第 (C)36 號法律公告 ( 中文真確本 )，1996 年第 177 號法律公告，1997 年第 362 號法律公告，1999 年第 259 號法律公告，1999 年第 78 號，2000 年第 29 號，2003 年第 225 號法律公告，2010 年第 61 號法律公告，2019 年第 4 號編輯修訂紀錄

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**《食物內甜味劑規例》**  
**(第 132 章，附屬法例 U)**

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**Sweeteners in Food Regulations**  
**(Cap. 132 sub. leg. U)**

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## 《食物內甜味劑規例》

(第 132 章第 55 及 143 條)

[1970 年 1 月 1 日]

(格式變更——2019 年第 4 號編輯修訂紀錄)

### 1. 引稱

本規例可引稱為《食物內甜味劑規例》。

(2003 年第 225 號法律公告)

### 2. 釋義

在本規例中，除文意另有所指外——

**航空過境貨物** (air transit cargo) 指在進口及托運出口時均是以飛機運載的過境物品；(2000 年第 29 號第 5 條)

**航空轉運貨物** (air transhipment cargo) 具有《進出口條例》(第 60 章) 第 2 條給予該詞的涵義；(2000 年第 29 號第 5 條)

**售賣** (sell) 包括為出售而展示、要約出售或為出售而管有；

**甜味劑** (sweetener) 指任何帶甜味的化合物，但不包括糖或其他碳水化合物或多醣醇；(2003 年第 225 號法律公告)

**過境物品** (article in transit) 具有《進出口條例》(第 60 章) 第 2 條給予該詞的涵義；(2000 年第 29 號第 5 條)

**碳水化合物** (carbohydrate) 指只含有碳、氫及氧的物質，其中氫及氧的比例與水的氫及氧的比例相同；

**機場貨物轉運區** (cargo transhipment area of Hong Kong International Airport) 具有《進出口條例》(第 60 章) 第 2 條給予該詞的涵義；(2000 年第 29 號第 5 條；2019 年第 4 號編輯修訂紀錄)

## Sweeteners in Food Regulations

(Cap. 132, sections 55 and 143)

[1 January 1970]

(Format changes—E.R. 4 of 2019)

### 1. Citation

These regulations may be cited as the Sweeteners in Food Regulations.

(L.N. 225 of 2003)

### 2. Interpretation

In these regulations, unless the context otherwise requires—

**air transhipment cargo** (航空轉運貨物) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60); (29 of 2000 s. 5)

**air transit cargo** (航空過境貨物) means any article in transit that is both imported and consigned for export in an aircraft; (29 of 2000 s. 5)

**article in transit** (過境物品) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60); (29 of 2000 s. 5)

**carbohydrate** (碳水化合物) means a substance containing only carbon, hydrogen and oxygen, in which the hydrogen and oxygen occur in the same proportion as they do in water;

**cargo transhipment area of Hong Kong International Airport** (機場貨物轉運區) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60); (29 of 2000 s. 5)

**糖** (sugar) 指任何可溶解於水中的帶甜味碳水化合物物質。(2019 年第 4 號編輯修訂紀錄)

(2019 年第 4 號編輯修訂紀錄)

### 3. 限制出售與使用甜味劑

- (1) 任何人不得售賣、託付、交付或輸入任何非附表內所指明的甜味劑以供人食用。
- (2) 任何人不得售賣、託付、交付或輸入任何含有非附表內所指明的甜味劑並擬供人食用的食物。

(2003 年第 225 號法律公告)

#### 3A. 對航空過境或航空轉運貨物的適用

- (1) 如第 3 條所述的甜味劑或食物屬航空過境貨物或航空轉運貨物，則該條不適用於該甜味劑或食物的輸入；但如該甜味劑或食物自其被帶進至運出香港的期間內被移離機場貨物轉運區，則為施行該條——(2003 年第 225 號法律公告)
  - (a) 該甜味劑或食物須當作是在被移離該區時輸入的；及
  - (b) 將該甜味劑或食物作為航空過境貨物或航空轉運貨物而帶進香港或致使該甜味劑或食物被如此帶進香港的人，須當作在該甜味劑或食物被移離該區時是輸入該甜味劑或食物的人，

**sell** (售賣) includes expose or offer for sale or have in possession for sale;

**sugar** (糖) means any soluble carbohydrate sweetening matter; (L.N. 61 of 2010)

**sweetener** (甜味劑) means any chemical compound which is sweet to the taste, but does not include any sugars or other carbohydrates or polyhydric alcohols. (L.N. 225 of 2003; L.N. 61 of 2010)

### 3. Restriction on sale and use of sweeteners

- (1) No person shall sell, consign, deliver or import any sweetener for human consumption which is not specified in the Schedule.
- (2) No person shall sell, consign or deliver or import any food intended for human consumption containing any sweetener which is not specified in the Schedule.

(L.N. 225 of 2003)

#### 3A. Application to air transit or air transshipment cargo

- (1) Regulation 3 does not apply in relation to the import of any sweetener or food referred to in that regulation that is air transit cargo or air transshipment cargo; but if at any time between its being brought into and taken out of Hong Kong such sweetener or food is removed from the cargo transshipment area of Hong Kong International Airport then, for the purposes of regulation 3—(L.N. 225 of 2003)
  - (a) the sweetener or food is deemed to be imported at the time of such removal; and
  - (b) the person who brought the sweetener or food, or caused it to be brought, into Hong Kong as air transit cargo or air transshipment cargo is deemed to be the person who imports the sweetener or food at the time of its removal,

而除非是在 (a) 或 (b) 段所指的範圍內，第 3 條須在猶如本款不曾制定的情況下具有效力。

- (2) 在檢控某人犯第 4 條所訂的罪行的法律程序中，如 ——
- (a) 該法律程序關乎輸入第 3 條所述並屬航空過境貨物或航空轉運貨物的甜味劑或食物；及
  - (b) 控方需證明該甜味劑或食物自其被帶進至運出香港的期間內被移離機場貨物轉運區，
- 則該人如證明他已採取所有合理步驟和已盡了合理的努力以避免該甜味劑或食物被如此移離該區，則可以此作為免責辯護。
- (3) 在任何法律程序中，凡第 (2) 款所訂的免責辯護涉及一項指稱，謂該罪行的發生是 ——
- (a) 另一人的作為或過失所致；或
  - (b) 倚賴另一人所提供的資料所致，
- 則被告如沒有法院的許可，不得引用該免責辯護，但如被告於聆訊該法律程序前 10 天或之前，已向檢控人送達書面通知，提供被告在送達該通知時所知悉的關於 ——
- (i) 該另一人的一切詳情；及
  - (ii) 該作為、過失或資料的一切詳情，
- 則屬例外。
- (4) 任何人如擬引用第 (2) 款所訂的免責辯護，而所據的理由是他倚賴另一人所提供的資料，則除非他證明有鑑於整體情況，尤其是在顧及以下事宜後，倚賴該資料實屬合理，否則不得引用該免責辯護 ——
- (a) 他為核實該資料而已採取的步驟，及為核實該資料而理應已採取的步驟；及
  - (b) 他是否有任何理由不相信該資料。

(2000 年第 29 號第 5 條；2003 年第 225 號法律公告)

and, except to that extent, that regulation has effect as if this paragraph had not been enacted.

- (2) In proceedings against a person for an offence under regulation 4, being proceedings—
- (a) in relation to the import of any sweetener or food referred to in regulation 3 that is air transit cargo or air transshipment cargo; and
  - (b) in which it is necessary for the prosecution to prove that, at any time between its being brought into and taken out of Hong Kong, the sweetener or food was removed from the cargo transshipment area of Hong Kong International Airport,
- it is a defence for the person to show that he took all reasonable steps and exercised reasonable diligence to avoid such removal occurring.
- (3) Where in any proceedings the defence provided by paragraph (2) involves an allegation that the commission of the offence was due to—
- (a) the act or default of another person; or
  - (b) reliance on information given by another person,
- the defendant is not, without the leave of the court, entitled to rely on the defence unless, not less than 10 days before the hearing of the proceedings, he has served a notice in writing on the prosecutor giving all particulars of—
- (i) the person who committed the act or default or gave the information; and
  - (ii) the act, default or information,
- of which he is aware at the time he serves the notice.
- (4) A person is not entitled to rely on the defence provided by paragraph (2) by reason of his reliance on information

**4. 罪行及罰則**

任何人違反第 3 條的任何條文，即屬犯罪，一經循簡易程序定罪，可處第 5 級罰款及監禁 6 個月。

(1983 年第 299 號法律公告；1987 年第 328 號法律公告；1996 年第 177 號法律公告)

**5. 提出法律程序時可用的名義**

在不損害與檢控刑事罪行有關的其他成文法則的條文，以及在不損害律政司司長關於檢控刑事罪行的權力的原則下，就本規例所訂罪行而作出的檢控，均可以食物環境衛生署署長的名義提出。

(1997 年第 362 號法律公告；1999 年第 78 號第 7 條)

supplied by another person, unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular to—

- (a) the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information; and
- (b) whether he had any reason to disbelieve the information.

(29 of 2000 s. 5; L.N. 225 of 2003)

**4. Offences and penalties**

Any person who contravenes any of the provisions of regulation 3 shall be guilty of an offence and shall be liable on summary conviction to a fine at level 5 and to imprisonment for 6 months.

(L.N. 299 of 1983; L.N. 328 of 1987; L.N. 177 of 1996)

**5. Name in which proceedings may be brought**

Without prejudice to the provisions of any other enactment relating to the prosecution of criminal offences, and without prejudice to the powers of the Secretary for Justice in relation to the prosecution of criminal offences, a prosecution for an offence under these regulations may be brought in the name of the Director of Food and Environmental Hygiene.

(L.N. 362 of 1997; 78 of 1999 s. 7)

S-1  
第 132U 章

附表

Schedule

S-2  
Cap. 132U

## 附表

[ 第 3 條 ]

## 經准許的甜味劑

1. 醋磺內酯鉀
2. 縮二氨基酸基酰胺
3. 天冬酰胺
4. 天冬酰胺 - 醋磺內酯鹽
5. 環己基氨基磺酸 ( 和鈉、鉀、鈣鹽 )
6. 糖精 ( 和鈉、鉀、鈣鹽 )
7. 三氯半乳蔗糖
8. 索馬甜
9. 紐甜 (2010 年第 61 號法律公告)
10. 甜菊醇糖苷 (2010 年第 61 號法律公告)  
( 附表由 2003 年第 225 號法律公告代替 )

## Schedule

[reg. 3]

## Permitted Sweeteners

1. Acesulfame Potassium
2. Alitame
3. Aspartame
4. Aspartame-acesulfame Salt
5. Cyclamic Acid (and Sodium, Potassium, Calcium Salts)
6. Saccharin (and Sodium, Potassium, Calcium Salts)
7. Sucralose
8. Thaumatin
9. Neotame (*L.N. 61 of 2010*)
10. Steviol Glycosides (*L.N. 61 of 2010*)  
(*Schedule replaced L.N. 225 of 2003*)