

Circular 11: Compliance with Applicable Laws and Regulations

Exhibitors are strongly advised to consult their own legal advisors, relevant government authorities and relevant professional bodies before applying for participation in the Exhibition to ensure that they are able to comply with all applicable laws, regulations, codes of practice and guidelines governing the exhibition, promotion and supply of their products and/or services in Hong Kong, including without limitation, the following legislations:

- Trade Descriptions Ordinance (Cap. 362) and its subsidiary legislations – which imposes, amongst others, prohibitions against application of false trade description to goods or services; possession for sale or for any purpose of trade or manufacture goods with false trade description; prohibitions against supply of goods or services with false trade description; prohibitions against forging trade mark or application of false trade mark to goods; prohibitions against import and export of goods with false trade description or forged trade mark; and prohibitions against unfair trade practices including without limitation misleading omissions, aggressive commercial practices, bait advertising, bait and switch and wrongly accepting payment. Specific requirements relating to trade descriptions for jewelry, precious stones, watches, garments and electronic goods may apply.
- Under the Dangerous Drugs Ordinance (Cap. 134), which regulates, amongst others, import, export and supply of dangerous drugs; and the prescription and administration of dangerous drugs. The Ordinance also criminalises the possession and trafficking of dangerous drugs. Exhibitors should note that from 1 February 2023 onwards, cannabidiol (commonly known as “CBD”) is included within the definition of dangerous drugs under the Ordinance. Exhibitors should not supply, possess or in any way deal in or with any items containing cannabidiol.
- Consumer Goods Safety Ordinance (Cap. 456) – which imposes a duty on manufacturers, importers and suppliers of consumer goods to ensure that the consumer goods supplied are safe. Consumer goods refers to any goods which are ordinarily supplied for private use or consumption (except those specified in the Ordinance) and includes the packaging of the consumer goods.
- Sales of Goods Ordinance (Cap. 26) – which codifies the law relating to the sale of goods, including formation, effects and performance of the sales contract, implied terms of the contract, rights of the parties and consequences of breach of the contract.



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- Supply of Services (Implied Terms) Ordinance (Cap. 457) – which consolidates the law with respect to the terms to be implied in contracts for the supply of services, including implied terms as to care, skill, timing of performance and consideration.
- Import and Export Ordinance (Cap.60) – which imposes, amongst other, restrictions on and requirements for import and export of articles to and from Hong Kong and handling and carriage of articles which have been imported into Hong Kong. In particular, the Ordinance provides for articles which are prohibited to be imported into and exported from Hong Kong.
- Prevention of Bribery Ordinance (Cap. 201) – which makes provisions for the prevention of bribery and other related matters.
- Personal Data (Privacy) Ordinance (Cap.486) – which protects the privacy of individuals in relation to personal data by, amongst others, imposing a duty on data users to comply with the data protection principles as listed under the Ordinance.
- Copyright Ordinance (Cap.528) – which makes provisions in respect of protection and enforcement of copyright and other related rights.
- Registered Design Ordinance (Cap.522) – which makes provisions in respect of registered design right.
- Trade Marks Ordinance (Cap.559) – which makes provisions in respect of the registration of trade marks and related matters including protection and enforcement of registered trade marks.
- Patents Ordinance (Cap. 514) – which makes provisions in respect of the registration of patents and related matters including protection and enforcement of registered patents.
- Pyramid Schemes Prohibition Ordinance (Cap.617) – which makes provisions to prohibit the promotion of and the knowing participation and inducement of another to participate in pyramid schemes.
- Undesirable Medical Advertisements Ordinance (Cap. 231) – which imposes, amongst others, prohibitions against advertisements likely to lead to the use of any medicine, surgical appliance or treatment for certain diseases as prescribed in the Ordinance. (See 3.27.14 below)
- Electricity Ordinance (Cap.406) – which provides for, amongst others, safety

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requirements for electrical products, meaning any current-using equipment, lighting fitting or accessory that uses low voltage or high voltage electricity.

- Air Pollution Ordinance (Cap. 311) – which makes provision abating, prohibiting and controlling pollution of the atmosphere, including prohibiting the manufacture in or import into Hong Kong certain regulated consumer products (such as hairspray) that contain volatile organic compound content in excess of the prescribed limit.
- Public Health and Municipal Services Ordinance (Cap.132) – which regulates, amongst others, the preparation and adulteration of food and drugs and provides for protection to purchasers of food and drugs by prohibiting sale of food or drugs unfit for human use and false or misleading labeling or advertising of the same. (See 3.27 below)
- Control of Obscene & Indecent Articles Ordinance (Cap.390) – which controls articles which contain material that is obscene or indecent (including material that is violent, depraved or repulsive).
- Toys and Children's Products Safety Ordinance (Cap. 424) – which provides for, amongst others, safety standards for children's toys, specified chattels used in association with children.
- Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586) – which regulates the import, export, and possession or control of certain endangered species of animals and plants. (See 3.27.16 below)
- Waste Disposal Ordinance (Cap. 354) – which makes provisions for the control and regulation of the production, storage, collection and disposal including the treatment, reprocessing and recycling of waste.
- Firearms and Ammunitions Ordinance (Cap. 238) – which makes provisions for the control and licensing on the possession and dealing in arms and ammunition.
- Weapons Ordinance (Cap. 217) – which prohibits the possession of certain weapons.
- Product Eco-responsibility Ordinance (Cap 603) – which introduces measures to minimize the environmental impact of certain types of products; and provides for related matters.

All of the above mentioned ordinances and regulations can be downloaded from the website <http://www.legislation.gov.hk>.

Warranties

Each Exhibitor hereby represents and warrants to the Organiser that all products, services, promotional, advertising and other materials displayed, exhibited, offered, distributed and supplied by the Exhibitor for, in relation to and at the Exhibition and all other activities of the Exhibitor at the Exhibition:

- (a) shall comply with all laws and regulations applicable to the Exhibitor or the Organiser, including but not limited to the laws of Hong Kong, and any applicable international conventions;
- (b) shall comply with all codes of practice, guidelines or statement issued by the relevant government authorities or professional bodies applicable to the Exhibitor or the Organiser, including but not limited to the government authorities or professional bodies of Hong Kong;
- (c) do not infringe any intellectual property rights or other rights of any third party;
- (d) are not, in the reasonable opinion of the Organiser, unfavorable to the images or reputation of the Organiser or otherwise undesirable.

Each Exhibitor hereby further represents, warrants and undertakes to the Organiser that it shall have duly obtained at its own costs and expenses all necessary and valid exemptions, consents, approvals and licenses for the exhibition, promotion, offer, distribution and supply of all products, services, promotional, advertising and other materials at the Exhibition and all other activities of the Exhibitor at the Exhibition.

Each Exhibitor hereby represents, warrants and undertakes to the Organiser that it shall explain to customers and potential customers the scope, particulars and specification of its products and/or services (as the case may be) and the relevant fees and charges, and that the

Organiser are not liable for any liability, losses, damages, costs and expenses arising from or in connection with any dispute between an Exhibitor and any of its customers or potential customers, which shall be the sole responsibility of the Exhibitor concerned.

Indemnity

Each Exhibitor agrees to comply with all rules and regulations of the Exhibition and all applicable laws and regulations, and to exempt the Organiser and the Exhibition Venue from, and indemnify each of them against all liabilities incurred from any complaint lodged or proceedings instituted by any person arising from any offence committed or breach of laws, rules and regulations by the Exhibitor.

Hong Kong Trade Development Council

通告 11: 遵守適用法律及規章

參展商在申請參展前，應先諮詢其法律顧問、有關政府機關及相關專業團體以確保參展商能夠遵守及符合所有管轄且關於其產品及/或服務在香港的展覽、宣傳/促銷及供應的適用法律、規章、專業守則及指引，包括但不限於以下法例：

- 商品說明條例 (第 362 章) 及其附屬法例 - 該條例其中條文禁止將虛假商品說明應用於貨品或服務；禁止管有應用了虛假商品說明的貨品作售賣或商業或製造用途；禁止供應應用了虛假商品說明的貨品或服務；禁止偽造商標或將虛假商標應用於貨品；禁止進口或出口應用了虛假商品說明或偽造商標的貨品；禁止不良營商手法，包括但不限於誤導性遺漏，具威嚇性的營業行為，餌誘式廣告宣傳，先誘後轉銷售行為及不當地接受付款。條例中包括有關珠寶、寶石、手錶、成衣及電子貨品商品說明的特定規定。
- 《危險藥物條例》(香港法例第 134 章) - 該條例對危險藥物的進口、出口和供應以及危險藥物的處方和施用等進行了規範。於該條例下，管有和販運危險藥物，均屬刑事罪行。參展商應注意，從 2023 年 2 月 1 日起，大麻二酚 (俗稱 "CBD") 已被納入該條例下危險藥物定義範圍內。參展商不應供應、擁有或以任何方式處置含有大麻二酚的物品。
- 消費品安全條例 (第 456 章) - 該條例向製造商、進口商及供應商施加確保所供應的消費品屬安全的責任。消費品是指一般供應予私人使用或耗用 (該條例中所指明的貨品除外) 的任何貨品，並包括供應該等貨品時所用的包裝。
- 貨品售賣條例 (第 26 章) - 該條例編纂有關貨品售賣的法律，包括售賣合約的訂立、效力及履行、合約的隱含條款、合約雙方的權利及違約的後果。
- 服務提供 (隱含條款) 條例 (第 457 章) - 該條例綜合有關服務供應合約中隱含的條款的法律，包括有關謹慎、技術、履行時間及代價的隱含條款。
- 進出口條例 (第 60 章) - 該條例其中施加有關在香港輸入及輸出物品以及對已經輸入香港的物品在香港境內的處理及運輸的限制及就此作出有關規定。尤其是，該條例規定了在香港禁止進口及出口的物品。
- 防止賄賂條例 (第 201 章) - 就防止賄賂及其他相關事項訂立條文。
- 個人資料 (私隱) 條例 (第 486 章) - 該條例藉向資料使用者施加須遵守該條例下所列的保障資料原則的責任及其他條文規定以保障有關個人資料的私隱。
- 版權條例 (第 528 章) - 該條例就版權及其他相關權利的保護及執行訂立條文。

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- 註冊外觀設計條例 (第 522 章) - 該條例就註冊外觀設計權利訂立條文。
- 商標條例 (第 559 章) - 該條例就商標註冊及包括註冊商標的保護及執行的相關事項訂立條文。
- 專利條例 (第 514 章) - 該條例就專利註冊及包括註冊專利的保護及執行的相關事項訂立條文。
- 禁止層壓式計劃條例 (第 617 章) - 該條例禁止推廣、知情參與及誘使他人參與層壓式計劃。
- 不良廣告(醫藥)條例 (第 231 章) - 該條例其中條文禁止發佈可能導致他人使用該條例中所訂明的某些疾病的任何藥物、外科用具或療法的廣告。(見下列 3.27.14)
- 電力條例 (第 406 章) - 該條例其中就電氣產品（指使用低壓或高壓電力的任何用電器具、照明配件或附件）的安全規格訂立條文。
- 空氣污染管制條例 (第 311 章) - 該條例就消滅、禁止與管制大氣污染訂立條文。其中包括禁止在香港製造或進口所含的揮發性有機化合物成分超出所規定限額的若干受規管消費品（例如髮膠）。
- 公眾衛生及市政條例 (第 132 章) - 該條例其中就規管食物及藥物的配製及攪雜並就藉禁止售賣不宜供人使用的食物或藥物或該等食物或藥物的虛假或誤導標籤或廣告而對食物及藥物購買人提供保障訂立條文。(見下列 3.27)
- 淫褻及不雅物品管制條例 (第 390 章) - 管制內容屬於或含有淫褻或不雅資料(包括暴力、腐化或可厭的資料)的物品。
- 玩具及兒童產品安全條例 (第 424 章) - 該條例其中就兒童玩具及指明的兒童用品的安全標準訂定條文。
- 保護瀕危動植物物種條例 (第 586 章) - 該條例對一些瀕危的動物和植物物種的進口、出口、擁有或控制作出管制。(見下列 3.27.16)
- 廢物處置條例 (第 354 章) - 該條例規管廢物的處理、儲存、收集及處置，包括廢物處理、再加工和回收。
- 火器及彈藥條例 (第 238 章) - 該條例規管火器及彈藥的管有和經營的牌照事宜。
- 武器條例 (第 217 章) - 該條例禁止持有某些武器。
- 產品環保責任條例 (第 603 章) - 該條例引入減少某些類型產品對環境影響的措施並提供相關事宜。

上述所有條例及規例均可於網址 <http://www.legislation.gov.hk> 下載。

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保證

各參展商謹此向主辦機構陳述及保證其有關在展覽會所展示、展覽、出售、分派及供應之產品、服務、宣傳品、廣告物品及其他物品及參展商在展覽會的所有其他活動：

- (a) 必須遵守所有適用於參展商或主辦機構的法律及規章（包括但不限於香港法例）及任何適用的國際公約；
- (b) 必須遵守所有由有關的政府機關及專業團體（包括但不限於香港的政府機關及專業團體）發出適用於參展商或主辦機構的專業守則、指引或聲明；
- (c) 並無侵犯任何第三者的任何知識產權或其他權利；
- (d) 根據主辦機構的合理意見，並非不利於主辦機構的形象、聲譽或有其他不良影響。

各參展商謹此向主辦機構進一步陳述，保證及承諾其必須已經自費妥當取得所有在展覽會展覽、宣傳、出售、分派及供應的一切產品、服務、宣傳品、廣告物品及其他物品及參展商在展覽會所有其他活動的必需及有效的豁免、同意、批准及牌照。

各參展商謹此向主辦機構陳述、保證並承諾其將向客戶及潛在客戶解釋其產品及/或服務的範圍、詳情及規格（視屬何情況而定）以及相關費用及收費，及主辦機構對於因為或者有關參展商與其客戶或潛在客戶之間的任何爭議而產生的任何法律責任、損失、損害賠償、費用及開支不承擔任何責任，而有關參展商須獨自為此承擔責任。

彌償

各參展商同意遵從展覽會所有條例及細則和所有適用的法例及規例，並豁免主辦機構及展覽場地就任何人士就參展商任何罪行、違反法律、違反法規或違反規章作出的投訴或程序帶來的全部法律責任，及就該等法律責任對主辦機構及展覽場地作出彌償。

香港貿易發展局