

# NEWSLETTER

Manuela António - 安文娜 大律師及公證員 | *Lawyers and Notaries*

28 APRIL 2022

## Registration of Take Away Activities in the Macau SAR

The takeaway market in the Macau Special Administrative Region (the “**Macau SAR**”) has been growing quickly in recent years, especially the third-party online food ordering platforms.

For this reason, there was a need to regulate this specific activity within the Macau SAR.

The Chief Executive has decreed and approved, on 11 August 2021, an Administrative Regulation No.30/2021 “Registration System for Establishments of Takeaway Activities” which entered into force on 15 November 2021 (the “**Take Away Regulation**”).

The Take Away Regulation sets forth the definition of “take away activities” and stipulates the requirements for registration of operators of take away activities and the basic requirements for the facilities and equipment of takeaway commercial establishments/shops.

The Take Away Regulation defines “take away activities” as the activities of cooking, processing or preparation of food and the retail sale of food to the public for consumption outside the commercial establishment where the food is sold.

It should be noted that temporary commercial establishments are not subject to the Take Away Regulation.

Pursuant to the Take Away Regulation, all companies and/or commercial establishments that pursue take away activities within the Macau SAR, must be registered with the Municipal Affairs Bureau (the “**IAM**”) and only those registered are considered licensed operators of the take away activities in the Macau SAR.

IAM will only accept the above referred registration, if the company and/or commercial establishment explores its activity within a location that allows the take-away activity to be properly carried out.

## TAKE AWAY ACTIVITIES

*Take away activities are defined in the law as activities of cooking, processing or preparation of food and the retail sale of food to the public for consumption outside the commercial establishment where the food is sold.*

The location where the take away activities will be conducted must be clean and must have a set of equipment that ensures the safety of the consumers and of its employees (e.g., must be ventilated, proper lighting, equipment for pest and rat control, waste disposal equipment, refrigeration and storage of hot food).

If IAM considers that the applicant meets all the requirements to carry out take away activities, it will issue a registration certificate.

For the avoidance of doubt, only after receiving this certificate will the operator be entitled to carry out legally take away activities in the Macau SAR.

Do note that the certificate shall be revoked if the registration with IAM is cancelled. Amongst other situations, revocation may occur if the necessary requirements for the registration with the IAM cease to exist, or if the operator no longer intends to carry out take away activities in the Macau SAR.

After the operator is granted with the registration certificate by IAM, the operator will be required to display said certificate at its physical store and/or in its internet website or in its mobile applications used to carry out its activity (e.g. Wechat, Instagram and Facebook).

In this regard, it should also be stated that the third-party online food ordering platforms must ensure that they will only deliver food to the Macau consumers from duly registered operators.

For ease of reference, the IAM publishes in its website all the operators that are registered to carry out the take away activities.

As regards to the sanctioning framework, any violation of any provision of the Take Away Regulation may constitute an administrative infraction and might be sanctioned by IAM with a fine.

The amount of the fines varies in accordance with the sanction applied by IAM (the fines set out in the Take Away Regulation range from MOP5,000.00 to MOP35,000.00).

Finally, it is stipulated that all existing take away businesses as at the date the Take Away Regulation became effective (i.e. 15 November 2021) must proceed with registration within a term of 6 months and obtain the certificate. This means that everyone operating this activity must have a certificate after 15 May 2022.

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Please contact by e-mail ([info@mantonio.net](mailto:info@mantonio.net)) for further information and advice in respect to the matters described below. Our firm is more than available to assist.

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