

For Information

LegCo Panel on Food Safety and Environmental Hygiene

Regulation and inspection of clubs with catering facilities

PURPOSE

This paper informs Members of existing regulation and inspection of clubs with catering facilities.

DEFINITION OF CLUBS

2. “Clubs” are defined under the Clubs (Safety of Premises) Ordinance (Cap.376). A “club” means any corporation or association of persons formed for the purpose of affording its members facilities for social intercourse or recreation and which: (a) provides services for its members (whether or not for the purpose of gain); and (b) has a clubhouse of which only its members and their accompanied guests have a right of use. A club may be a society registered under the Societies Ordinance (Cap. 151) or a company registered under the Companies Ordinance (Cap. 32).

REGULATION

3. As many clubs are designed for recreational/entertainment uses by its members, Government needs to ensure that these facilities are properly regulated to safeguard public safety. Under the Clubs (Safety of Premises) Ordinance, all clubhouses are required to be registered. As the registration authority, the Secretary for Home Affairs is responsible for processing and assessing these applications. Under the Ordinance, the Secretary is also empowered to issue a certificate of compliance for a clubhouse or a certificate of exemption, imposing conditions relating to building and fire safety.

4. As at 1 January 2001, there were 524 clubhouses registered with the Home Affairs Department. Half were recreational/catering clubs, and others were recreational lease clubs and residents clubs, etc.

5. Under the Food Business Regulation (sub.leg. Cap. 132), clubs providing catering facilities for the exclusive use of their members and accompanied guests are exempted from the Regulation and do not require to obtain a licence from the Director of Food and Environmental Hygiene (DFEH). Since clubs are primarily designed for use by its members and not meant for the general public, and that their management should have been closely monitored by its members, it is considered appropriate to exempt them from the Food Business Regulation. Moreover, they are already required to meet certain building and fire safety requirements imposed by the Secretary for Home Affairs.

6. However, clubs selling liquor are required to obtain a licence from the Liquor Licensing Board. Under the Dutiable Commodities (Liquor) Regulations (sub.leg. Cap. 109), no liquor shall be supplied at any premises used by any club for the purposes of the club to any member of the club except under and in accordance with a club liquor licence.

INSPECTION

7. Though clubs with catering facilities are not required to obtain separate licences from DFEH, club premises are subject to regular inspections by relevant Government departments. During application for issue and renewal of the certificates of exemption or compliance, the Home Affairs Department inspects club premises for the checking of compliance with building, fire, health and sanitation requirements as set out in the Buildings Ordinance (Cap 123). The Food and Environmental Hygiene Department (FEHD) inspects clubs with catering facilities regularly, usually around once every month, to ensure that the premises are hygienic and food is safe. During these inspections, FEHD staff will give warning to the club management of any unhygienic operations and advise the taking of rectification measures. FEHD may also take out prosecution against clubs under the Public Health and Municipal Services Ordinance (Cap. 132) for serving unfit or unsafe food such as in relation to food complaints and food poisoning cases.

8. As far as liquor licence is concerned, the Police is authorized to enter and conduct licence checks at licensed liquor selling premises and will take enforcement action against irregularities. The Environmental Protection Department also conducts inspections from time to time to investigate complaints relating to noise and will take enforcement action if required.

Food and Environmental Hygiene Department
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