

For discussion

On 28 January 2002

LEGCO PANEL ON FOOD AND ENVIRONMENTAL HYGIENE

**The Inspection and Open Categorization of Food Establishments
Outcome of consultation and the proposed way forward**

PURPOSE

This paper reports on the outcome of the public consultation on the proposals set out in the consultation paper “The Inspection and Categorization of Food Establishments” and sets out the way forward.

BACKGROUND

2. The Food and Environmental Hygiene Department (“FEHD”) issued the above consultation paper in January 2001, in which the following four-pronged approach was proposed to ensure that the food supplied by food establishments was clean and fit for human consumption –

- (A) Refocusing the Existing Inspection System;
- (B) Introducing Hygiene Manager and Hygiene Supervisor Requirements;
- (C) Introducing a New Open Categorization Scheme; and
- (D) Improving the Demerits Points System.

3. A total of 22,000 copies of the consultation paper were distributed to the licensees, trade associations, academic/vocational training institutes, District Councils and the general public. 17 briefings/meetings were held. The LegCo Panel on Food Safety and Environmental Hygiene also conducted a special meeting in April 2001 to discuss the proposals and to listen to views presented by representatives of ten deputations. Altogether 75 written submissions were received at the expiry of the consultation period (a breakdown of the types of submissions received is at Annex).

FEEDBACK RECEIVED

(A) Refocusing the Existing Inspection System

4. There was general consensus that the present inspection system should be overhauled. Views of trade and non-trade respondents were as follows –

Trade

- Expressed concern that the extended inspection time would cause inconvenience to the trade's operation;
- There should be clear and express compliance standards and hygiene codes for reference by both the trade and the inspecting officers; and
- The high/medium/low risk classification under the "risk-based approach" should be replaced by neutral terms such as type I/II/III.

Non-trade respondents

- Using potential risk as a basis to determine the frequency of inspection is supported; and
- Reduction in the frequency of inspection is not recommended

(B) Introducing the Hygiene Manager ("HM") and Hygiene Supervisor ("HS") Requirements

Trade

- Majority of the trade expressed reservation on the proposal but a few appreciated the benefit of the proposal in enhancing food safety;
- The appointment of HM/HS would require hiring of extra staff, thus incurring additional costs to the trade; and
- The effectiveness of the HM/HS scheme was uncertain;

Non-trade respondents

- Vast majority of the respondents supported the proposal.
- Some considered that implementation should be mandatory and HM/HS should be professional and dedicated full time jobs.
- Compulsory basic hygiene training should be required for all food handlers.
- Open and independent examinations should be held for HM/HS;
- Practitioners holding equivalent and recognized qualifications should be exempted from attending the HM/HS courses;
- An accreditation mechanism for equivalent HM/HS courses offered by other professional/academic/vocational institutions should be developed;
- A mandatory registration system for HM/HS should be instituted;
- Re-training of HM/HS should be required if the hygiene condition of their

- food establishments falls below set standards; and
- There should be statutory requirement that records of in-house training of food handlers be submitted for inspection.

(C) Introducing a New Open Categorization Scheme

Trade

- Majority of the trade strongly opposed to the proposal;
- The Scheme was deemed unnecessary as all food establishments should have complied with the requisite licensing requirements and have already been under FEHD's regular supervision;
- The Scheme would create a "labelling effect" on those that were poorly rated;
- It would even tarnish Hong Kong's reputation as a gourmet paradise and put off overseas investments if many food establishments were rated poor; and
- A few submissions from the trade were in support of the proposal. They considered that the Scheme could provide better information on the hygiene conditions of food establishments, which would enable the public to make informed choices and give recognition to those attaining excellent ratings.

Non-trade respondents

- They were generally in support of the proposal;
- On the disclosure of ratings, respondents considered publishing the hygiene grading is more preferable than the actual score;
- Newly licensed food establishments should also be rated; and
- The Scheme could provide incentive to food establishments receiving low gradings to improve their hygiene conditions.

(D) Improving the Demerit Points System

5. Submissions received from both trade and non-trade bodies were overwhelmingly supportive of the proposal. Suggested ways to improve the system were as follows –

- Demerit points should apply to violations relating to food safety, and health hazards only;
- "Large food establishments" should be clearly defined as they would be subject to a separate regulatory regime;
- Large food manufacturing plants and plants producing high-risk food should not be excluded from the Demerit Points System for fairness;
- "Doubling of demerit points" for repeated offences should be abolished; and

- Subsidy should be granted to help the trade implement “Hazard Analysis Critical Control Point”.

WAY FORWARD

6. The community, including the trade, is generally agreeable to the Government’s intention to improve the food safety and hygiene standards of food establishments to better safeguard public health. Views received from the public were largely in support of the proposals. Nevertheless, taken into account the trade’s concerns regarding the proposed HM/HS requirements and the disclosure arrangement under the new Open Categorization Scheme, we would adopt a pragmatic approach when implementing the proposals to mitigate the impact on the trade.

7. We propose to implement the proposals in a phased approach starting with the ones that received overall support (i.e. the refocusing of the inspection system and the revised demerit points system). Meanwhile, we would focus our efforts to assist the trade to gear up for the eventual implementation of other proposals, such as increasing the number of free training programmes for HS in the coming two years. Detailed proposals of the phased implementation programme are set out below –

Time	Proposed implementation programme
2002	<ul style="list-style-type: none"> (a) Develop and publish a comprehensive “Food Hygiene Code” on inspection standards, finalize the score-based inspection system and implement the refocused inspection system; (b) Implement the proposals relating to the improvement of the Demerit Point System, including the bound-over arrangements and rationalization of the demerit points for various violations; and (c) Continue to provide free HS training for the trade in order to train up about 10,000 HS a year.
2003	<ul style="list-style-type: none"> (a) Continue free training for HS and promote the training of HM; and (b) Pilot run the Option II grading of food premises. The grading given will be for internal reference and reference by the food establishments themselves only and will not be published.
2004-05	<ul style="list-style-type: none"> (a) Implement the HM/HS requirements by making it a licensing condition for granting or renewing of licences in 2004/05; and (b) In the light of the pilot run in 2003, firm up the implementation date for the new open categorization system.

ADVICE SOUGHT

8. Members are invited to note the outcome of the consultation and comment on the proposed way forward.

Food and Environmental Hygiene Department
January 2002

**Number of Public Submissions Made to the FEHD
On the Consultation Paper on
“The Inspection and Categorization of Food Establishments”**

<u>Respondent</u>	<u>No of Submissions</u>
Trade	46
Public (Individual)	14
Professional bodies & Interested organizations	7
District Council meetings/ District Council member	5
Political parties	2
Academic Institute	1
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	Total : 75