

**立法會**  
***Legislative Council***

LC Paper No. CB(2) 967/01-02(06)

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**Panel on Food Safety and Environmental Hygiene**

**Background Paper prepared by Legislative Council Secretariat**

**Inspection and categorisation of food establishments**

**Purpose**

This paper summarises the discussions of the Legislative Council (LegCo) since 2000 on the Open Categorisation Scheme (OCS) and the Administration's Consultation Paper entitled "The inspection and categorisation of food establishments".

**Background**

2. The OCS, or commonly known as the "5-star" grading scheme, was launched by the two former Provisional Municipal Councils in late 1999 as a pilot scheme for restaurants and food factories supplying lunch boxes to schools. Under the Scheme, grading of food premises was based on the results of surprise inspections conducted by the two former municipal services departments from June to September 1999. Food premises with an average of not more than two irregularities detected were graded "5-star" and awarded "Excellence in Hygiene" certificates. The grading was valid for one year ending on 30 October 2000.

3. Since the introduction of the pilot scheme in November 1999, there was general feedback that the "5-star" grading was handed out too generously. In fact, 129 of these food premises had their "5-star" grading subsequently withdrawn due to breaches of licensing requirements and association with food poisoning cases. Hon LAW Chi-kwong also raised a question on the subject at the LegCo meeting on 16 February 2000.

4. The former Subcommittee on matters relating to environmental hygiene under the LegCo Panel on Environmental Affairs discussed the OCS at a meeting on 16 March 2000. At the meeting, members noted that about 16% of food premises with "Excellence in Hygiene" grading were only of grade C level (i.e. the just acceptable level) under the regular inspection system of the two former municipal services departments. Members urged the Administration to conduct a review of the OCS in consultation with the trade, and take measures to ensure that food premises with "Excellence in Hygiene" grading were commensurate with the "5-star" standards. The Administration undertook to complete a review of the OCS before the end of 2000. In November 2000, the Administration announced the discontinuation of the Scheme.

#### **Discussion by the Panel on Food Safety and Environmental Hygiene**

5. On 22 January 2001, the Administration released a Consultation Paper entitled "The Inspection and categorization of food establishments", which was discussed at the meeting of the LegCo Panel on Food Safety and Environmental Hygiene held on the same day.

6. The Panel had invited views from the food trade and members of the public on these proposals. As the public consultation period ended on 30 April 2001, the Panel held another meeting on 26 April 2001 to meet with 10 deputations (**Appendix I**) and listened to their views.

7. The Administration's proposal on a new OCS is part and parcel of a package of new measures put forward by the Administration in the Consultation Paper. These measures include -

- (a) refocusing the existing inspection system;
- (b) introducing the Hygiene Manager (HM) and Hygiene Supervisor (HS) requirements;
- (c) introducing a new OCS based on the results of inspections, and a score or grading will be awarded to a food establishment under the new OCS; and

- (d) improving the Demerit Points System (DPS).

A summary of the Administration's proposals extracted from the Consultation Paper is in **Appendix II**.

8. At the Panel meeting on 26 April 2001, the deputations made the following points -

- (a) the trade welcomed the proposed improvements to the inspection system and the DPS, as well as the proposal of including health education during each inspection;
- (b) the trade supported reducing inspection frequency and agreed that food safety checks, such as those on food temperature and storage, should be conducted;
- (c) more training on food safety and hygiene should be organized for employees of the catering industry as many of them were new immigrants who were not acquainted with the local food hygiene standards;
- (d) the proposed HM and HS requirements would increase operation cost, and the proposed responsibilities of HM and HS might duplicate those of licensees or restaurant managers;
- (e) any OCS was unnecessary and would have a labelling effect on those food establishments which had been graded unfavourably;
- (f) an appeal mechanism should be put in place to hear appeals against results of inspections and scores or grading given under the DPS or OCS; and
- (g) under the DPS, demerit points should be registered only for violations related to food safety and health hazard. A fine rather than demerit points should be imposed for minor offences.

9. Members had diverse views on the proposals in the Consultation Paper. While members belonging to the Democratic Party supported the proposal of introducing the HM and HS requirements to food establishments, a member

suggested that the proposal should be made optional to the trade. As regards the grading system, members belonging to the Democratic Party generally supported the proposed OCS to enhance consumer information, and requested that a scientific basis and objective standards be devised for the new OCS. A member suggested that an incentive scheme should be introduced to reward food establishments achieving good grading results. However, some members were not entirely convinced of the need and the scientific basis for a grading system for food establishments. A member was of the view that given the high frequency of inspections of food premises, it was not necessary to have a grading system for these premises, as the grading largely relied on the subjective judgement of individual health inspectors.

10. While members generally supported that health education should be given at the end of each inspection, some members opposed the reduction in the frequency of inspections. On the DPS, a member considered that only offences related to food safety should be included, and that the minimum demerit points should be "3" instead of "5".

### **Relevant papers**

11. A list of the relevant papers and documents is in **Appendix III** for members' easy reference. These papers/documents are available on the Research and Library Information System and the Council's web site at <http://www.legco.gov.hk>.

Council Business Division 2  
Legislative Council Secretariat  
24 January 2002

**List of organizations presented views at the meeting of the  
Panel on Food Safety and Environmental Hygiene  
held on 26 April 2001**

1. Estate Restaurant (Hong Kong) Merchants Association
2. Chiu Chow Overseas Food Trade Merchants Association
3. Association of Restaurant Managers Limited
4. Hsin Kuang Restaurant (Holding) Limited
5. Hong Kong Catering Industry Association
6. Lucky House Restaurant Group Limited
7. Kowloon City Merchants Association
8. Hong Kong Federation of Restaurants and Related Trades
9. Hong Kong Tourism Board
10. Lan Kwai Fong Association

## Appendix II

### Chapter 5 Summary of Proposals and Views Sought

#### Summary of Proposals

5.1 Our proposals are summarized as follows -

#### Refocusing the Existing Inspection System

5.2 We propose -

- that in future, inspections should include food safety checks and health education in addition to sanitation checks, and the time for each inspection be extended from the current 25 minutes to 45 - 60 minutes (para. 4.4);
- to introduce a scoring system as the basis for inspection, so as to enhance its fairness and transparency (para. 4.5); and
- to adopt a risk-based approach and categorize food establishments into three risk groups, namely: "high", "medium" and "low". The respective inspection frequency to be set at 4 weeks, 8 weeks and 12 weeks (para. 4.6).

#### Introducing Hygiene Manager and Hygiene Supervisor Requirements

5.3 We propose -

- that all large food establishments and food establishments producing or selling high-risk food be required to appoint a Hygiene Manager and a Hygiene

Supervisor as his deputy (para. 4.9); and

- that all other food establishments be required to appoint a Hygiene Supervisor (para. 4.9).

### **Introducing a New Open Categorization Scheme**

5.4 We propose -

- to introduce a new Open Categorization Scheme based on the results of routine and special inspections conducted by FEHD, and award a score or grading (paras. 4.13 - 4.14).

### **Improving the Demerit Points System**

5.5 We propose -

- to set aside accrued demerit points if licensees undertake to implement improvement measures to upgrade the hygiene conditions of their premises within a specified period (para. 4.21);
- to introduce a bound-over period during which the licensees concerned are not allowed to commit any of the three offences which have accounted for most of the licence suspensions under the DPS (para. 4.22);
- to forestall abuse, the option to have accrued demerit points set aside will only be offered to a licensed food establishment once a year (para. 4.23);
- to link the number of demerit points to the seriousness of the violation, to abolish the trebling of demerit points and to remove minor violations from the DPS (para. 4.24); and
- to exclude from the DPS large food manufacturing plants and plants producing high risk food, and subject them to another regulatory regime (para. 4.25)

## Relevant Papers/Documents

| <u>Meetings</u>   | <u>Meeting Dates</u> | <u>Papers/Motion Passed/Council Question</u>   |
|---|----------------------|--|
| Subcommittee on matters relating to environmental hygiene (formed under the Panel on Environmental Affairs) | 16 March 2000        | Administration's paper - Paper No. CB(2) 1399/99-00(02)<br><br>Minutes of meeting (LC Paper No. CB(2) 2028/99-00)  |
| Legislative Council   | 16 February 2000     | Question No. 3 on "Hygiene of restaurants" of the Official Record of Proceedings of the Council meeting on 16 February 2000.   |
| Panel on Food Safety and Environmental Hygiene  | 22 February 2001     | Government Consultation Paper entitled "The Inspection and Categorization of Food Establishments"<br><br>Minutes of meeting (LC Paper No. CB(2) 918/00-01)                                 |
|   | 26 April 2001        | Submissions from deputations (LC Paper No. CB(2) 757/00-01 (01), LC Paper No. CB(2) 918/00-01 and LC Paper No. CB(2) 1371/00-01)<br><br>Minutes of meeting (LC Paper No. CB(2) 1821/00-01) |