

**For discussion
on 28 June 2005**

**Panel on Food Safety and Environmental Hygiene
Subcommittee to Study the Streamlining of Food Business Licensing**

**Administration's Responses to Suggestions to Streamline
Food Business Licensing**

Purpose

This paper briefs Members on the Administration's responses to the suggestions made by Members and trade deputations on streamlining the food business licensing regime.

Background

2. The Legislative Council Subcommittee to Study the Streamlining of Food Business Licensing (the Subcommittee) has held four meetings since its setting up in March 2005 to study ways to streamline food business licensing. Various improvement suggestions were raised by Members and trade deputations. The Administration has carefully considered the suggestions and has drawn up a series of short and longer term measures to improve the licensing regime. They are set out in the ensuing paragraphs. The Administration's responses to the individual comments of trade deputations are at Annex.

Short-term Improvement Measures

3. The Administration proposes to introduce the following short-term measures to improve the food business licensing regime -

- (a) At present, Buildings Department (BD) specifies the building safety requirements for the issue of a provisional licence and the additional requirement(s), if any, for the issue of a full licence according to a 3-tier system for verification of compliance with building safety requirements. Under the 3-tier system, Food and Environmental Hygiene Department (FEHD) incorporates Categories 1 and 2 requirements in a letter of requirements issued to the applicant and informs the applicant of the arrangements for reporting compliance with Categories 1 and 2 requirements. For cases involving Category 3 requirements, BD has to confirm compliance prior to the

issue of the letter of requirements by FEHD. This takes 14 working days. BD sees scope to re-classify some of the Category 3 items into Category 2 requirements the compliance of which could be certified by a private professional. This may save as long as 14 days for some of the applications.

- (b) At present, there is an inter-departmental service agreement for BD to offer comment on revised building plan of Application Vetting Panel (AVP) cases within 30 working days. BD is prepared to process these cases within 20 working days in future.
- (c) Fire Services Department (FSD) may shorten the processing time for initial application of food factory/bakery licence from 24 working days to 17 working days upon receipt of the application from FEHD, with a performance target of 90%.
- (d) FEHD is prepared to consider introducing a new type of composite food licence to cover the sale of ready-to-eat food, e.g. siu mei and lo mei, cooked food, bakery products, sushi/sashimi, cut fruits, frozen confections, milk, and Chinese herb tea etc. (*Further details of the proposal is set out in LC Paper No. CB(2) 1546/04-05(03) "Proposed Measures to Improve the Food Business Licensing Regime".*)
- (e) At present, a general restaurant which sells bakery products in a separate counter/portion of the restaurant for consumption off the premises is required to obtain an additional bakery licence. FEHD proposes to replace the issuance of a separate licence in such circumstances with a relevant endorsement on the general restaurant licence instead provided that sale of the bakery products is confined to retail basis and that the additional licensing requirements for manufacturing such products are met. (*Further details of the proposal is set out in LC Paper No. CB(2) 1546/04-05(03) "Proposed Measures to Improve the Food Business Licensing Regime".*)
- (f) FEHD is prepared to relax certain licensing requirements which do not pose food hygiene problems, including the lowering of minimum height of food counter and removal of drip board from sink. (*Further details of the proposal is set out in LC Paper No. CB(2) 1546/04-05(03) "Proposed Measures to Improve the Food Business Licensing Regime".*)

- (g) The Hong Kong Police Force and Home Affairs Department (HAD) will shorten the time for comment on liquor licence application from 1 month to 3 weeks in general. More time will be required for comments involving complicated cases.
- (h) FEHD will in consultation with BD and FSD, review the existing requirements for change in layout plans with a view to simplifying the procedures where possible for changes which do not constitute any material deviation and have no hygiene, fire and building safety impact. To speed up the referral of applications for change of layout plan to BD and FSD where necessary, we will require applicants to highlight proposed changes on the revised plans submitted to FEHD.

Longer-term Improvement Measures

Private Sector Certification

4. The Administration is prepared to consider a private sector certification system as a longer term measure to streamline the licensing procedures. Under this system, the relevant departments will continue to set their respective standards and requirements on building safety, fire safety, ventilation and hygiene but the licensing authority will accept the certification by authorised persons (APs)/registered professionals on confirming compliance with these requirements for the issuance of a full licence. In other words, the relevant departments will no longer conduct compliance checks prior to the issuance of licence, but will conduct audit checks afterwards. The system must allow the government to take effective action at the moment of crisis to stop operators from continuing business for the protection of public health and safety. A robust mechanism of sanctions should be provided in order to achieve sufficient deterrence on APs/registered professionals and the operators.

(a) Certification for Building Safety Requirements

5. Basically, the system to be operated by BD is a private sector certification system. In future, BD will continue to set safety standards and requirements for each licence application and the AP, or the applicant as appropriate, will certify compliance with the standards and requirements. In case building works requiring approval under the Buildings Ordinance are involved, the AP should submit an application to BD for approval of plans and consent to commence such building works.

6. Housing Department (HD) also agrees to adopt the system

proposed by BD to process licence application referrals made by tenants in Housing Authority (HA) estates.

(b) Certification for Fire Safety Requirements

7. FSD agrees to adopt a private sector certification system to replace part of its work. To implement the private sector certification system, a Registered Fire Engineer (RFE) system should be introduced.

8. In the context of food business licensing, the RFE should be a recognized professional (i.e. individual person rather than a company) with sufficient competency and independence to address the fire safety standards of food premises (from compliance check to certification of compliance). However, such a profession has not yet been established in Hong Kong. The FSD is now working closely with relevant professional institutions, in particular the Hong Kong Institution of Engineers and the Institution of Fire Engineers, and government departments to establish the RFE who should have the professional ability to address comprehensive fire and life risks.

9. Under the new system, it is expected that the processing time on the part of FSD could be shortened by at least 21 working days i.e. 14 working days for compliance inspection and 7 working days for the issue of Fire Services Certificate. It is expected that the processing time could be further shortened if the RFE is engaged at the early stage of the project to monitor the progress of the project and ensure that all fire safety requirements are complied with.

10. The introduction of the new RFE system will require new legislation for the registration, monitoring and disciplining of RFE. An appeal system should also be in place. In addition, as the establishment of the RFE profession will touch on the interest of various stakeholders, extensive consultation and negotiation must be conducted. It is expected that it would take several years before the system can be implemented.

(c) Certification for Hygiene Requirements

11. FEHD will consider acceptance of certification of hygiene aspects by registered professionals for issue of a full licence.

12. While the Administration has no objection to adopting a Private Sector Certification System to replace part of the work conducted by staff of the BD, FEHD, HD (for HA estates) and FSD in principle, the Administration needs to consult the trade and interested parties and amendments to the legislation are required. In the meantime, the short-term measures as proposed in paragraph 3 will help streamline the licensing procedures to a certain extent.

Central Licensing Office (CLO)

13. The Subcommittee has suggested that the Administration should consider setting up a unified licensing authority to provide one-stop service for all types of food business licences. It proposes that the unified licensing authority should comprise staff from FEHD, BD and FSD and they should be accommodated under one roof to provide services to licence applicants.

14. The Administration has carefully studied the proposal and considered it not desirable to set up a CLO for the following reasons -

- (a) The existing licensing system is already one mode of 'one-stop' licensing. FEHD is responsible for generic processing and handling of applications, coordination, checking completion of supporting documents, payment and issuance and renewal of licences. Applicants fill out a single form to apply for the requisite licence, instead of a series of forms to different authorities.
- (b) The establishment of a CLO might not necessarily speed up the licensing process. Licensing officers from various departments still have to check compliance according to the respective legislation, carry out site inspections, issue requirements to satisfy hygiene and fire and building safety standards. Officers will still need to go back to their parent departments to trace the approved plans and relevant records.

- (c) Co-location of licensing officers will not eliminate the need for applicants to comply with the unique requirements of individual departments under the respective legislation (e.g. fire, building safety). It will not reduce the administrative effort and time of applicants to prepare application submissions and comply with the licensing requirements. Each discipline has its own focus, and one cannot override or make decisions on behalf of another on hygiene, fire and building safety issues.
- (d) New legislation is required to bring the powers and requirements of the relevant departments under one umbrella and we envisage the process will be complex and lengthy.
- (e) When the Private Sector Certification System is introduced, government's involvement in the licensing process will be reduced significantly. There is even less justification for setting up a CLO.

Co-operation from the Trade

15. To shorten the licence application processing time, the trade has an important role to play. There are a number of points which the trade should observe -

- (a) Applicants should urge their contractor to prepare and submit the necessary certifications to relevant government department as soon as possible. It is very common that applicants submit the requisite information to the licensing authority at a very late stage and this delays the application process; and
- (b) Applicants should engage competent coordinators who are familiar with the licensing procedure and requirements. They should be competent to coordinate all the application works and ensure the licensing requirements issued by different authorities are complied with in the shortest possible time and the authorities are notified promptly.

Advice Sought

16. Members are invited to comment on the proposals set out in paragraphs 3 to 15 above.

Health, Welfare and Food Bureau
Food and Environmental Hygiene Department
Buildings Department
Fire Services Department

June 2005

Subcommittee to Study the Streamlining of Food Business Licensing

Views and suggestions made by deputations at the meeting on 5 March 2005

| Subject | Deputations' views and suggestions (LC Paper No. of submission if applicable) | Administration's response to views and suggestions |
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| <p>I. Licensing process</p> <p>I(a) Application processing time</p> | | <p>[The Administration advised at the meeting that-</p> <p>(a) The shortest possible time for an applicant to be granted a provisional licence for restaurant was 21 working days. As for other types of food licence, the shortest possible date for issuing a licence ranged from 11 to 31 days.</p> <p>(b) There were pledges for the departments concerned to process applications.</p> <p>(c) To streamline the licensing process did not mean lowering the requirements for food and building safety.</p> <p>(d) Issuance of the provisional licence was to facilitate the applicants to take steps to comply with the requirements of a full licence. The time required for issuance of a provisional or full licence hinged on the responsiveness of the applicants in complying with the licensing requirements.</p> <p>(e) The licensing regime in Hong Kong was different from that in Japan.]</p> |

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| | <p><u>Hong Kong Federation of Restaurants & Related Trades</u> [CB(2)966/04-05(01)]</p> <p>The licensing process was cumbersome and complicated. It would normally take one and a half months and six months respectively for issuing a provisional licence and full licence. Some food business operators had to commence operation before obtaining the requisite licences to avoid losses due to high rental of premises, and the fine, if any, was regarded as operating cost. The licensing process should be further streamlined. In Japan, a food licence was issued within two to three days.</p> <p><u>Hong Kong Catering Industry Association</u> [CB(2)1007/04-05(02)]</p> <p>Given that the food business operators have to invest a lot of money in renting the premises, they would endeavour to comply with the licensing requirements after being issued with a provisional licence. As a provisional licence was normally issued two to three months after submission of application, the Administration should further shorten the time for issuing a provisional licence.</p> | <p>The Administration has proposed a series of short and longer term measures to streamline the application process.</p> |

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| | <p>The Association also urged for further streamlining of the licensing process. It pointed out that a food licence could be issued in one week's time in Japan.</p> <p><u>Association of Restaurant Managers Limited</u> [CB(2) 1007/04-05(01)]</p> <p>The licensing process was cumbersome and complicated. It would normally take one and half months to three months for processing a provisional licence. In case the applicant was required to submit a revised layout plan, the processing time was sometimes longer than vetting a new application.</p> <p><u>A S Watson Group – PARKnSHOP</u> [CB(2)966/04-05(02)]</p> <p>According to its experience, provisional licences were normally issued in two to three months' time, and full licences were issued in about five months.</p> <p>It suggested that applications should be accepted before the building works of the food premises were completed, and a site inspection could be conducted</p> | <p>Under the existing practice, FEHD accepts applications before building works of the food premises are completed.</p> |

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| | <p>after completion of the building works to verify the drawings and documents.</p> <p><u>Cambo Thai Restaurant Limited</u></p> <p>After obtaining a provisional licence, an applicant had to wait for nearly six months to get a full licence even though he had complied with the basic requirements. The processing time should be shortened.</p> <p><u>De Rodeo Catering Limited</u> [CB(2)966/04-05(06)]</p> <p>The licensing process was cumbersome. The site inspection conducted by Food and Environmental Hygiene Department (FEHD) after the renovation works to check compliance with the layout plan was unnecessary, as the layout plan had provided all the information required. Dispensing with the site inspection could shorten the processing time for licence applications. The licensing authority could take prosecution action if the licensee provided false information in the layout plan.</p> | |

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| | <p><u>California Red Limited</u> [CB(2)999/04-05(01)]</p> <p>The Administration should streamline the licensing process and shorten the processing time.</p> <p><u>Maxim's Caterers Limited</u> [CB(2)1007/04-05(03)] (written submission only)</p> <p>The present licensing system was quite time consuming.</p> | |
| I(b) Applications for alteration of layout | | <p>[The Administration advised at the meeting that-</p> <ul style="list-style-type: none"> (a) BD had made available lists of Authorized Persons (APs) and Fire Services Department (FSD) made list of Registered Fire Service Installation Contractors for the industry's reference. (b) Building safety requirements were laid down in Annex K of the application form for food licence. (c) For the purposes of the Buildings Ordinance, the Administration planned to introduce a legislative proposal to the effect that certain alteration works for food premises would be regarded as minor |

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| | <p><u>Hong Kong Federation of Restaurants & Related Trades</u> [CB(2)966/04-05(01)]</p> <p>The licensing authority should compile a list of qualified contractors who were well-versed with the licensing requirements.</p> <p>The licensing authority should also maintain a record on premises which were unsuitable for operation of food business for public reference.</p> | <p>works which could be accepted on certifications by APs. In the meantime, for works requiring approval and consent under the Buildings Ordinance, the applicant might submit an application for approval of plans and consent to the commencement of building works simultaneously.]</p> <p>BD had made available lists of APs and FSD had made available a list of Registered Fire Service Installation Contractors for the reference of the trade. BD has a list of registered general building contractors for carrying out building works required under the Buildings Ordinance.</p> <p>Given the huge number of premises in the market, it is not practicable to provide a list of premises unsuitable for operation of food business. The licensing authority has issued guidelines on requirements for licensing of restaurant and other food business premises. Applicants should make reference to these guidelines and where appropriate, consult their consultants, in choosing suitable premises for their business.</p> |

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| | <p><u>Hong Kong Catering Industry Association</u> [CB(2)1007/04-05(02)]</p> <p>The industry expressed much concern about the lack of transparency and the long time taken (half to one year) for the departments to study the revised layout plan submitted by the applicant.</p> <p>The Association suggested that if the alteration did not involve structural change to the premises, the licensing authority should allow the alteration to take place, and the revised layout plan could be submitted later.</p> <p><u>Association of Restaurant Managers Limited</u></p> <p>BD lacked flexibility in checking compliance with the layout plan, e.g. any alteration before BD site inspection would not be approved.</p> | <p>At present, there is an inter-departmental service agreement for BD to offer comment on revised building plan of Application Vetting panel (AVP) cases within 30 working days. BD is prepared to process these cases within 20 working days in future. For revised plans for other types of food business licence, BD has introduced an internal performance pledge to process 85% of these cases within 28 days.</p> <p>Works not requiring prior approval and consent under the Buildings Ordinance may be carried out at any time from the building safety point of view. In addition, BD has implemented a 3-tier checking system. Works falling within Cat. 1 and Cat. 2 building safety requirements may</p> |

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| | <p><u>A S Watson Group – PARKnSHOP</u> [CB(2)966/04-05(02)]</p> <p>According to its experience, the departments took two to three months for granting approval of minor changes to layout plans, and up to five months for major changes.</p> <p>A simple and fast system should be adopted, and provisional approval be given, if necessary, within 7 days.</p> | <p>be carried out subject to submission of compliance certificates. BD also sees scope to re-classify some Cat. 3 items as Cat. 2.</p> <p>FEHD worked out with BD and FSD a list of scenarios for food premises other than restaurant, factory canteen and cold store that warrant re-submission of layout plans. FEHD will consider providing similar guidelines for restaurants. Guidelines are issued to applicants upon receipt of new applications.</p> |
| <p>I(c) Approving authority</p> | <p><u>Hong Kong Federation of Restaurants & Related Trades</u></p> | <p>[The Administration advised at the meeting that a “Case Manager” scheme had been implemented under which the case manager acted as a coordinator between the applicant and the departments concerned.]</p> |

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| | <p>[CB(2)966/04-05(01)]</p> <p>The Administration should set up the food business licensing board to provide a one-stop service to the applicants.</p> <p><u>Hong Kong Catering Industry Association</u> [CB(2)1007/04-05(02)]</p> <p>A food business licensing board should be set up, modeled on the Home Affairs Department licensing services for clubhouses, to provide one-stop service to the industry. Staff members of the departments concerned should be seconded to the board.</p> <p><u>A S Watson Group – PARKnSHOP</u> [CB92]966/04-05(02)]</p> <p>A single licensing unit accommodated in one office within FEHD should be set up. Its staff should be seconded from other government departments concerned.</p> | <p>The Administration has carefully studied the suggestion about a Central Licensing Office and considered it not desirable for adoption.</p> |

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| | <p><u>Tsui Wah Restaurant</u></p> <p>The Administration should expedite the setting up of a single licensing office for food businesses, as the current licensing process was not user-friendly.</p> <p><u>De Rodeo Catering Limited</u> [CB92]966/04-05(06)]</p> <p>A food licensing board should be set up and supported by staff seconded from departments concerned.</p> <p><u>Entertainment Business Rights Concern Group</u></p> <p>A single licensing office should be formed under FEHD with staff seconded from departments concerned.</p> <p><u>California Red Limited</u> [CB(2)999/04-05(01)]</p> <p>A one-stop licensing service is suggested.</p> | |

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| | <p><u>Maxim's Caterers Limited</u> [CB(2)1007/04-05(03)](written submission only)</p> <p>To streamline the licensing procedure, a statutory department or council should be established to handle food licensing matters.</p> | |
| II Licensing conditions and requirements | <p><u>Hong Kong Federation of Restaurants & Related Trades</u> [CB(2)966/04-05(01)]</p> <p>Licensing requirements for food premises should be independent of the hygienic requirements.</p> <p><u>Hong Kong Catering Industry Association</u> [CB(2)1007/04-05(02)]</p> <p>The Administration should rationalize the different or inconsistent licensing requirements or regulations among different departments, e.g. regulations governing the opening of fire exits of factory canteens were outdated.</p> <p>The licensing authority should advise the applicants</p> | <p>We do not consider it appropriate to exclude hygienic requirements from the licensing requirements from the public health point of view.</p> <p>Different departments have different jurisdictions to observe. The FSD formulates the fire safety requirements for food premises based on the result of risk assessment.</p> <p>The suggestion is not practicable given the huge</p> |

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| | whether certain premises had been designated for use other than food businesses. | number of premises in the market. |
| | <p><u>Hong Kong Japanese Restaurants Association</u> [CB(2)966/04-05(03)]</p> <p>It was difficult for potential restaurateurs to understand the licensing requirements for sashimi.</p> | <p>[The Administration advised at the meeting that foods to be eaten raw were regarded as high-risk food.]</p> <p>FEHD has issued clear licensing requirements and conditions to applicants to be engaged in the selling and/or preparation of sashimi. In case of doubts, applicants may consult their case managers who will be ready to explain at all times.</p> |
| | <p><u>Rainbow Seafood Restaurant</u></p> <p>The departments concerned adopted a rigid approach in applying the regulations, e.g. provision of toilets and sprinklers, to food premises located in village houses on outlying islands. Fresh seawater should also be allowed to be used for keeping live seafood.</p> | <p>[The Administration advised at the meeting that it would look into the individual cases mentioned by the deputation.]</p> <p>Exemption from standard requirements for provision of toilets will be considered on a case-by-case basis.</p> <p>At present, fresh seawater can be used for keeping live seafood provided that the quality meets the legal standards.</p> |

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| | | <p>In every licensing application, we have to carry out risk assessment to the premises so as to formulate a specific set of fire safety requirements. Should the licensing area be less than 230m², we would normally exempt the provision of sprinkler system.</p> |
| | <p><u>De Rodeo Catering Limited</u> [CB92]966/04-05(06)</p> <p>For food premises in the Housing Authority estates, the licensing authority still required the applicant to provide proof that the operator had complied with the building safety requirements, e.g. thickness of the wall, whereas food premises in commercial premises could largely</p> | <p>[Housing Department (HD) played a dual role as the property owner and authority for building safety of premises in the Housing Authority estates. HD held meetings with the applicants and their building contractors to discuss the building safety requirements. HD would consider ways to further shorten the processing time.]</p> <p>Building safety requirements for food premises in Housing Authority estates are subject to the same licensing requirements as premises in the private buildings. In vetting submission related to application for food business licence, the Housing</p> |

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| | <p>rely on certifications by Authorized Persons.</p> | <p>Department (HD) also accepts certification by AP appointed by tenants. In the case quoted by the Director and Administration Manager of De Rodeo Catering Limited, the tenant's appointed AP certified compliance of the requirements and HD has verified and accepted the certification.</p> |
| | <p><u>Entertainment Business Rights Concern Group</u></p> <p>The licensing authority should make public the criteria for issuing food licences for reference by potential restaurateurs.</p> <p><u>California Red Limited</u></p> <p>The licensing authority should devise guidance notes to the industry on how to meet the specific requirements and conditions for different types of food licences.</p> <p><u>Maxim's Caterers Limited</u> [CB(2)1007/04-05(03)] (written submission only)</p> | <p>Potential restaurateurs could refer to the "A Guide to Application for Restaurant Licences" which is available at the FEHD's website. Hard copies of the "A Guide to Application for Restaurant Licences" and pamphlets guiding applicants on how to apply for other food business licences are available at FEHD's Licensing Offices and District Offices.</p> <p>A case manager is assigned to each new application to provide advice and assistance as necessary to the applicant.</p> |

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| | <p>The Code of Practice and regulations of BD were meant for all buildings in Hong Kong, and not tailor-made for food businesses. It was difficult for food businesses to comply with all the requirements, and exemption should be granted in some cases.</p> | <p>The building regulations and the relevant codes of practices include requirements for restaurants and cafes.</p> |
| III Enforcement | <p><u>Hong Kong Catering Industry Association</u> [CB92]1007/04-05(02)]</p> <p>The authority should step up enforcement against illegal operation of private kitchens and “upstairs” coffee shops.</p> <p>The authorities should review the need for conducting frequent inspections of food premises as these were rather disturbing.</p> <p><u>California Red Limited</u> [CB(2)999/04-05(01)]</p> <p>Different departments applied different standards during site inspections. The standard also varied among districts. Clear guidelines for the Demerit Points</p> | <p>Private kitchens and upstairs coffee shops are subject to the same enforcement action as any other unlicensed food businesses in operation.</p> <p>FEHD would review its inspection programme with a view to targeting its resources at the high risk group of food premises.</p> <p>FEHD staff follow procedural guidelines and operational manual issued by the department to inspect food premises. Regarding the Demerit</p> |

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| | <p>System and site inspections should be drawn up. An appeal mechanism should also be put in place.</p> | <p>Points System, the department has issued clear procedural guidelines and operational manual for staff to follow and informs all licensees of food business in writing of the details of the system and the policy on cancellation and suspension of licence upon the issue of a licence. If a licensee feels aggrieved by any prosecution action or action taken under the demerit points system, he can write to the officers in charge of the case to request a review. In addition, any person who is dissatisfied with the decision of the department to suspend or cancel his licence may appeal to the Licensing Appeals Board (LIAB) and, if he is dissatisfied with the decision of the LIAB, may further appeal to the Municipal Services Appeal Board.</p> <p>Requirements imposed by BD are related to building safety requirements. The standards do not vary amongst districts.</p> |
| <p>IV Types of licences</p> | <p><u>Hong Kong Catering Industry Association</u> [CB92]1007/04-05(02)</p> <p>The Administration should review the categorization of</p> | <p>Under existing licensing regime, different licences</p> |

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| | <p>food licences which could be classified by types of food and services. For example, a general restaurant licence would be required only for operating restaurants, coffee shops and fast food shops. However, as the operation and products of these food premises differed greatly, they should not be subject to the same set of licensing requirements.</p> | <p>are issued to different food businesses e.g. general restaurant licence for restaurant serving multiple items of food; light refreshment restaurant licence to coffee shops selling designated items of food and food factory licence for fast food shops without seating accommodation. The Administration will look into the categorization of food licences in the context of its review.</p> |
| | <p><u>A S Watson Group – PARKnSHOP</u> [CB(2)966/04-05(02)]</p> <p>The Administration should introduce a new general supermarket licence in place of the 19 individual licences required for a supermarket or superstore.</p> | <p>[The Administration advised at the meeting that it would seek legal advice and further consider the suggestion of a general supermarket licence. The Subgroup on Business Facilitation established under the Economic and Employment Council had formed a Retail Task Force to review the number of licences involved in the operation of catering / food and supermarkets / chain stores.]</p> <p>FEHD is prepared to consider a new type of</p> |

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| | | composite food licence to cover the sale of ready-to-eat food. |
| | <p data-bbox="613 384 1240 464"><u>Association of Restaurant Managers Limited</u> [CB92]1007/04-05(01)]</p> <p data-bbox="613 528 1400 703">It was cumbersome to apply for a number of licences for operating a restaurant, e.g. a general restaurant licence, bakery licence, siu mei/lo mei licence and liquor licence.</p> <p data-bbox="613 1203 1003 1283"><u>De Rodeo Catering Limited</u> [CB(2)966/04-05(06)]</p> <p data-bbox="613 1394 1400 1426">The deputation questioned the need for a licensed food</p> | <p data-bbox="1420 528 2175 1182">At present, a restaurant which sells bakery products in a separate counter/portion of the restaurant for consumption off the premises is required to obtain an additional bakery licence. We propose to replace the issuance of a separate licence in such circumstances with a relevant endorsement on the restaurant licence instead provided that the sale of the bakery products is confined to retail basis and that the additional licensing requirements and conditions for manufacturing of such products are met. There is no requirement for a separate siu mei/lo mei licence for restaurant. Only a relevant endorsement is required provided that the additional licensing requirements and conditions are met.</p> <p data-bbox="1420 1299 2175 1378">FEHD proposes to replace the issuance of bakery licence by an endorsement on the restaurant licence.</p> |

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| | <p>premises to also apply for a bakery licence and provide a separate area for baking inside the premises.</p> <p><u>Maxim's Caterers Limited</u> [CB(2)1007/04-05(03)] (written submission only)</p> <p>It was cumbersome to apply for different types of licence and permits for operating one single food premises.</p> | <p>The Administration will consider the proposal of a composite licence in the context of its review.</p> |
| <p>IV(a) Siu mei/lo mei shop licence</p> | <p><u>A S Watson Group – PARKnSHOP</u> [CB(2)966/04-05(02)]</p> <p>The siu mei/lo mei licence should be combined with the food factory licence.</p> | <p>[The Administration advised at the meeting that siu mei and lo mei were regarded as high-risk ready-to-eat food. However, it would consider deputations' views.]</p> <p>The Administration will look into the categorization of food licences in the context of its review.</p> |

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| | <p><u>Hong Kong Japanese Restaurants Association</u></p> <p>It was an outdated practice to require separate licence/permit for selling siu mei/lo mei in licensed food premises.</p> | <p>FEHD is prepared to consider a new type of composite food licence to cover the sale of ready-to-eat food.</p> |
| IV(b) Liquor Licences | | <p>[The Administration advised at the meeting that more stringent requirements were imposed on the liquor licence application and the public might raise objections to any application. The proposal of holding liquor licence in the name of a company would give rise to enforcement difficulties as a liquor licensee was required to be present at the food premises when liquor was sold. The Administration would consider the deputations' proposal but legislative amendments would be required.]</p> |

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| | <p><u>Hong Kong Catering Industry Association</u> [CB(2)1007/04-05(02)]</p> <p><u>Association of Restaurant Managers Limited</u> [CB(2)1007/04-05(01)]</p> <p>The industry expressed grave concern that liquor licences had to be applied by an individual, and not a company. The arrangement was inflexible and caused much inconvenience to the operation of the food business industry as the individual licensees might not be able to exercise his duties because of illness, leave or resignation. It suggested that licensee of a liquor licence should be the food premises where liquor was sold.</p> <p>The Liquor Licensing Board should enhance its transparency in vetting applications.</p> | <p>The spirit of issuing a licence to an individual is that the licensee is given the responsibility to supervise the premises personally in the law and order perspective. If the licence is issued to a company, there will be enforcement difficulties in finding out who should be responsible when any irregularities were found.</p> |

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| | <p><u>Hong Kong Japanese Restaurants Association</u> [CB92]966/04-05(03)]</p> <p>The licensing process was complicated. Different types of liquor licences should be issued for night clubs, pubs and restaurants.</p> <p><u>Tso Heung Holding Limited</u> [CB(2)966/04-05(04)]</p> <p>Corporate licensees or designated company officials (licensee's deputy) should be allowed to hold liquor licences.</p> | <p>With the provision of Regulation 24 of the Dutiable Commodities (Liquor) Regulations, Cap. 109B, the Secretary of the Liquor Licensing Board may authorize any person to manage the licensed premises for a period of not exceeding 3 months in case when the licensee is sick or temporarily absent. This addresses the concerns of the deputations.</p> <p>At present, two types of liquor licence are issued by the Board, i.e. the general liquor licence and the club liquor licence. For a general liquor licence, the nature of business operated on the subject premises (e.g. bar, nightclub and karaoke) is specified on the licence. The Board does not see the need to further categorise the liquor licence issued under the existing system. Dancing and bar activities inside restaurant can be endorsed under the liquor licence.</p> |

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| | <p>To facilitate the operation of food premises, liquor licences should be issued together with the provisional/full licences.</p> | <p>Currently liquor licence and restaurant licence are issued by the Liquor Licensing Board (“the Board”) and the Director of Food and Environmental Hygiene respectively. An applicant who wants to obtain both licences may apply for the liquor licence and the restaurant licence at the same time. The Board will process and consider the application for liquor licence independently in accordance with the provisions of the Dutiable Commodities (Liquor) Regulations. A liquor licence will be issued and be effective only when the subject premises have been issued with a provisional or full restaurant licence. This is to ensure that the premises to be issued with a liquor licence would be in compliance with the requirements imposed in relation to building structure, fire safety and sanitary standards for the issue of a restaurant licence.</p> |

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| | <p><u>Xin Cuisine</u></p> <p>At present, an application for a liquor licence was sometimes approved several months after a provisional/full licence had been issued. To facilitate the operation of the industry, liquor licences and provisional/full licences should be issued at the same time.</p> <p><u>De Rodeo Catering Limited</u> [CB92]966/04-05(06)]</p> <p>Liquor licences and provisional/full licences should be granted to the applicant at the same time.</p> | <p>The applicant can apply for either a liquor licence or a provisional/full licence in parallel. It is not practicable to align the two application processes as the two licences are subject to different application procedures and licensing requirements and are approved by two different licensing authorities, namely, the Director of Food and the Environmental Hygiene and the Liquor Licensing Board.</p> |
| | <p><u>Entertainment Business Rights Concern Group</u></p> <p>Corporate licensees or designated company officials should be allowed to apply for liquor licences.</p> <p>The Liquor Licensing Board (LLB) should enhance its transparency by making public the considerations for rejecting an application (e.g. proximity to residential</p> | <p>Liquor licensing is a controversial issue in the community. Members of the public tend to associate liquor licence with potential law and order problems and may raise objection to such an application. According to the Board's existing liquor licensing procedures, the processing time for</p> |

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| | <p>areas, limitation on liquor selling time), and the progress of vetting an application for liquor licence. The Board should also specify the time limit for raising objection to an application.</p> | <p>an application would be extended if members of the public raise objection to the application.</p> |
| | <p><u>California Red Limited</u> [CB(2)999/04-05(01)]</p> <p>Corporate licensees or designated company officials should be allowed for holding liquor licences.</p> | <p>See our response to Association of Restaurant Managers Limited.</p> |
| <p>IV(c) Factory Canteen Licences</p> | <p><u>King Bakery</u> [CB(2)966/04-05(05)]</p> <p>The licensing requirements for factory canteen licences were outdated, e.g. it was impractical to permit only those working in the factories in the same building to</p> | <p>[The Administration advised at the meeting that a food licence would not be issued to a food premises inside a factory. The restriction imposed on factory canteen licensee was made from fire safety consideration.]</p> <p>The fire risk and hazard of an industrial building is higher than commercial/composite buildings. The objective of a factory canteen is to provide food to</p> |

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| | <p>patronize the canteen, and require the entrance of factory canteen must face the interiors of the building. The licensing conditions for factory canteen licence were rather harsh, and the licence would be cancelled if FEHD had taken prosecution action against the operator thrice.</p> <p><u>De Rodeo Catering Limited</u> [CB(2)966/04-05(06)]</p> <p>It was impractical to permit only those working in the factories in the same building to patronize the canteen.</p> | <p>factory employees, not the general public. The admission of members of the public to any industrial building may expose them to dangers they are unfamiliar with. Therefore, non-regular users of the building should be discouraged to patronize the factory canteen because of the inherent risks emanating from the presence of different types of industrial users (for instance, dangerous goods stores, workshops, etc.) in the same industrial building. The members of the public include the old, infirm or young children.</p> <p>Factory canteens are subject to the same Demerit Points System as other food business licences issued by FEHD.</p> |

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| IV(d) Food Factory Licences | <p><u>Swire Beverages Limited</u> [CB92]999/04-05(02)] (written submission only)</p> <p>The applicant should be a corporate organization or a designated company official, instead of an individual.</p> | <p>At present, food factory licence can be issued to corporate organization or any person nominated by the corporate organization.</p> |
| IV(e) Licence for selling restricted food in school tuck shops | <p><u>Swire Beverages Limited</u> [CB(2)999/04-05(02)] (written submission only)</p> <p>Although school tuck shops were exempted from applying for a Food Factory Licence, different requirements for exemption were adopted by different district inspectors. FEHD should issue clear guidelines to the district offices.</p> <p>Instead of submitting applications for Milk, Sushi and Frozen Confectionery Licences for operating school tuck shops, one general licence should be issued covering the different types of restricted food.</p> | <p>Clear guidelines will be issued to district officers for observance to ensure consistent licensing control on school tuck shops.</p> <p>FEHD is prepared to consider a new type of composite food licence to cover the sale of ready-to-eat food.</p> |

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| <p>V Hygiene Manager (HM) and Hygiene Supervisor (HS) Scheme</p> | <p><u>Hong Kong Federation of Restaurants & Related Trades</u> [CB(2)966/04-05(01)]</p> <p>The Administration should enhance education on food safety of operators of food premises.</p> | <p>[The Administration advised at the meeting that up to January 2005, over 6 300 HMs and 29 000 HSs had undergone the required training courses. Training courses would be on-going. The Administration would consider the request.]</p> <p>Education efforts by FEHD include :</p> <ul style="list-style-type: none"> (a) Free training courses on Hygiene Supervisors, Food Hygiene Seminars and other health talks have been provided by FEHD over the years. (b) Health inspectors also provide advice to operators of food businesses during their regular inspections. (d) FEHD publishes food safety bulletins, posters and pamphlets on food safety for distribution to the public and food businesses on a regular basis. |

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| | <p><u>Association of Restaurant Managers Limited</u> [CB(2)1007/04-05(01)]</p> <p>The industry expressed concern about the implementation of HM and HS Scheme as there was high staff turnover in the trade. The Administration should enhance food safety education instead.</p> <p><u>Hong Kong Japanese Restaurants Association</u></p> <p>Training courses for HMs and HSs should also be offered in Japanese.</p> <p><u>Rainbow Seafood Restaurant</u></p> <p>The Administration should encourage the voluntary participation of the trade in HM and HS Scheme.</p> | <p>About 3,300 HM and 20,000 HS are required for some 20,000 licensed food premises in Hong Kong. As at 31.5.2005, about 8,500 HM and 38,000 HS have been qualified through training. Apart from HS training courses to be provided by the Food and Environmental Hygiene Department, recognized HS and HM courses will continue to be provided by other institutions.</p> <p>[The Administration would consider the request.] FEHD can help liaise with the training institutes if there is sufficient demand for Japanese HM and HS course.</p> <p>The trade was informed of the implementation date of 30.5.2005 of the HM and HS Scheme in writing on 25.2.2005. About 100 HS and 60 HM training courses were offered to the trade between 25.2.2005</p> |

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| | | and 29.5.2005. |
| <p>VI Inconsistency practices adopted by the licensing authority</p> | <p><u>A S Watson Group – PARKnSHOP</u> [CB92]966/04-05(02)]</p> <p>The method of licence fee calculation and notice of payment in urban areas and the New Territories were different. An efficient and consistent method should be adopted.</p> | <p>[The Administration advised at the meeting that a new computer system would be put into use in May 2005, and then a uniform application procedures would be adopted for urban areas and the New Territories.]</p> <p>Review on licence fees is in progress. A uniform payment method for all licence fees will be implemented in the next few months following the implementation of the Licensing Management Information System.</p> |
| | <p><u>Federal Restaurants (Group) Limited</u></p> <p>The licensing authority should reconcile the inconsistent methods for calculating the gross floor area of food premises and the kitchens.</p> | <p>In the calculation of gross floor area for licence fee, FEHD follows the practice of the two ex-Provisional Urban and Regional Councils by taking into account the roofed-over area, and hence area occupied by internal columns will also be included. In counting the apportionment of space for food room including kitchen, we only take into account usable floor area</p> |

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| | | in order to ensure adequate space for food handling activities. This practice is adopted for purpose of safeguarding food hygiene. |
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