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Secretary for Health, Welfare and Food
(Attn : Mr Vincent LIU, PAS(FEH)2)
Health, Welfare and Food Bureau
20/F, Murray Building
Garden Road
Hong Kong

1 September 2006

BY FAX
Fax No. : 2136 3281

Dear Mr LIU,

Food Business (Amendment) Regulation 2006 (L.N. 169)

We refer to your letter of 22 August 2006 and have the following questions for your further clarification.

New section 30D

Licensing requirements/conditions

- Your letter says that “[i]nso far as structure is concerned, it is stipulated that, as a general rule, premises on solid ground floor having direct access to a street (as a means of escape in case of emergency) are normally suitable”.
- In considering whether fresh pork, etc. and chilled pork, etc. are sold on the same premises, would you explain whether an area separated by a perspex divider to a height (say 7 feet from the ground) but less than the full height to the ceiling is regarded as a separate premises within the definition of structure?

Legal responsibility of contravention of section 30D(1) or (2)

- Your letter says that enforcement actions will be taken against the person in charge of the business. In light of the policy intent, would you consider expressing clearly in the provisions that, instead of any person, the person in charge of the premises or stall is liable for the relevant offences? Example of a licensee liable for offences can be found in sections 9-17 of the Places of Amusement Regulation (Cap. 132 sub. leg. BA).

It is appreciated for your reply, in both languages, to reach us at your earliest convenience.

Yours sincerely,

(Stephen LAM)
Assistant Legal Adviser

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