

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1055/07-08  
(These minutes have been seen  
by the Administration)

Ref : CB2/PL/FE

**Panel on Food Safety and Environmental Hygiene**

**Minutes of meeting**  
**held on Tuesday, 8 January 2008, at 2:30 pm**  
**in Conference Room A of the Legislative Council Building**

**Members present** : Hon Tommy CHEUNG Yu-yan, SBS, JP (Chairman)  
Hon Fred LI Wah-ming, JP (Deputy Chairman)  
Hon WONG Yung-kan, SBS, JP  
Hon Andrew CHENG Kar-foo  
Hon TAM Yiu-chung, GBS, JP  
Hon Vincent FANG Kang, JP  
Hon WONG Kwok-hing, MH  
Dr Hon Joseph LEE Kok-long, JP  
Hon Alan LEONG Kah-kit, SC  
Dr Hon KWOK Ka-ki

**Public officers attending** : Item IV, V and VI

Food and Health Bureau

Ms Olivia NIP  
Deputy Secretary for Food and Health (Food)

Item IV

Dr LEUNG Siu-fai  
Principal Assistant Secretary for Food and Health (Food)<sup>3</sup>

Food and Environmental Hygiene Department

Dr Philip HO Yuk-yin  
Consultant (Community Medicine) (Risk Assessment and  
Communication)

Item V and VI

Mr Francis HO  
Principal Assistant Secretary for Food and Health (Food)2

Food and Environmental Hygiene Department

Ms Alice LAU Yim  
Deputy Director (Environmental Hygiene)

Mr LO Fu-wai  
Assistant Director (Operations)1

**Clerk in attendance** : Miss Flora TAI  
Chief Council Secretary (2)2

**Staff in attendance** : Ms Alice LEUNG  
Senior Council Secretary (2)1

Ms Anna CHEUNG  
Legislative Assistant (2)2

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Action

**I. Confirmation of minutes**  
[LC Paper No. CB(2)682/07-08]

The minutes of the meeting held on 13 November 2007 were confirmed.

**II. Information paper(s) issued since the last meeting**

2. Members noted that an information note provided by the Administration on the extension of the voluntary surrender scheme for itinerant hawker licences had been issued to members since the last meeting [LC Paper No. CB(2)693/07-08(01)].

**III. Items for discussion at the next meeting**  
[Appendices I and II to LC Paper No. CB(2)711/07-08]

3. Members agreed to discuss the progress report on the proposed amendments to the Prevention of Cruelty to Animals Ordinance and the Public Health (Animals & Birds) (Animal Traders) Regulations, as proposed by the Administration, at the next regular meeting scheduled for Tuesday, 19 February 2008 at 4:30 pm.

Action

4. Mr WONG Yung-kan said that, in the light of the public's concern over the recent media reports about shortage of imported food and food ingredients from the Mainland (e.g. flour, live pigs and live cattle), he suggested the Panel to discuss the issue of food supply from the Mainland at the next regular meeting in February 2008. Mr TAM Yiu-chung said that, in view that the subject of food supply from the Mainland in respect of export quota and tariff fell within the purview of the Commerce and Economic Development Bureau, the Panel should consider holding a joint discussion with the Panel on Commerce and Industry if the Panel decided to discuss the issue.

5. At the suggestion of the Chairman, members agreed that, if the Administration did not propose any further item for discussion at the regular meeting in February 2008, the issue of food supply from the Mainland would be discussed at the meeting on 19 February 2008.

*(Post-meeting note: at the suggestion of the Administration and, with the concurrence of the Chairman, an additional item on "introduction of tracking facility to food business licence application" was included in the agenda of the meeting on 19 February 2008.)*

#### **IV. Amendment to the Colouring Matter in Food Regulations**

##### Briefing by the Administration

6. Deputy Secretary for Food and Health (Food) (DS/FH(Food)) said that the use of colouring matter in food was regulated under the Colouring Matter in Food Regulations ("the Regulations") (Cap. 132H) in Hong Kong. No food intended for sale for human consumption should contain any added colouring matter which was not a permitted colouring matter. The proposed legislative amendment was to remove Red 2G from the list of permitted colouring matter under Part I of the First Schedule of the Regulations. The Administration's plan was to introduce the amendment regulation into the Legislative Council (LegCo) in early 2008.

7. With the aid of powerpoint, Consultant (Community Medicine) (Risk Assessment and Communication) of the Centre of Food Safety (Consultant/CFS) briefed members on the background, the recent development on the safety of Red 2G in overseas and the proposed legislative amendment, with details as set out in the Administration's paper [LC Paper No. CB(2)711/07-08(01)]. He informed members that the available evidence did not indicate any immediate health risk upon normal consumption of food containing Red 2G. However, in view of the latest scientific evidence, the international situation, and the availability of other choices of red food colouring matter, the Administration proposed, as a precautionary measure, to remove Red 2G from the list of permitted colouring matter under the Regulations. He said that the proposal was supported by the

Action

Expert Committee on Food Safety (the Expert Committee) and the Advisory Council on Food and Environmental Hygiene (ACFEH).

Issues discussed

*Use of Red 2G in food*

8. Noting that the European Commission (EC) had banned the use of Red 2G in food in July 2007, Mr WONG Kwok-hing said that he was disappointed at the Administration's slow response in putting forward a legislative proposal to prohibit the use of Red 2G in food. He asked whether the Administration had put in any measures for harmonizing local food safety standards in line with prevailing international standards and whether there were any other red colouring matters used in food that were found not fit for human consumption. Mr WONG further said that, as the Administration proposed to provide a six-month grace period to the trade, he considered that the Administration should expedite the introduction of the legislative amendment so that the legislative amendment could take effect earlier. Prior to the coming into operation of the amendment regulation, he considered that the Administration should step up its publicity efforts to enhance public awareness of the health risk of using Red 2G in food.

9. DS/FH(Food) responded that the Administration had already started the review and discussion of the issue of the safety of Red 2G in food soon after the release of the conclusion of the European Food Safety Authority (EFSA) on the use of Red 2G in food in July 2007. The Administration would review and assess fully the health risk of consumption of certain substances in food before making a decision as to whether these substances should be prohibited from use in food. If the available scientific evidence did not indicate any immediate health risk upon normal consumption of food that contained a particular substance, the Administration would not prohibit it from immediate use. Taking into consideration the impact of prohibition of use of certain substances in food on the food trade, there was a need for the Administration to consult the views of the trade concerned in this respect. DS/FH(Food) said that, having regard to the fact that the shelf lives of some of the food items that used Red 2G as a colouring matter in food were longer than six months, the Administration had on balance proposed to provide a six-month grace period.

10. Consultant/CFS supplemented that, given that there was presently no requirement for food manufacturers to indicate date of manufacture on food labels of food items on sale in Hong Kong, should the Administration prohibit immediately the use of Red 2G in food for sale in Hong Kong, the food traders would be required to remove all food items which contained Red 2G from the shelves at once including all food items which were manufactured before the enactment of the amendment regulation. Taking into account that there was no scientific evidence indicating that there was immediate health risk upon normal consumption of food containing Red 2G, the Administration proposed to provide a

Action

grace period of six months to the trade to provide sufficient time for the trade to make the necessary adjustments to its food items for compliance with the proposed legislative amendment. Consultant/CFS reiterated that the Administration's proposal for removing Red 2G from the permitted list was a precautionary measure in view of the latest scientific evidence, the international situation and the availability of other choices of red food colouring matter. He added that there were other substitutes for Red 2G, e.g. Allura Red AC and Ponceau 4R.

11. As regards the publicity efforts on the safety of Red 2G, Consultant/CFS said that information on EFSA's safety concern on Red 2G and the health risk of consuming food items containing Red 2G was available on the CFS's website and in publications. He further said that, under the Food and Drugs (Composition and Labelling) Regulations, all food additives used and their functional classes must be declared explicitly on the labels of pre-packaged food. The public would be able to ascertain from the food labels whether the food items concerned contained a particular colouring matter.

12. The Deputy Chairman said that he wondered if the Administration had made regular review on local food standards to bring them in line with the prevailing international standards such as the food standards adopted by the Codex Alimentarius Commission (Codex), EFSA and the US Food and Drug Administration. He asked how the Administration could assure members that there was a mechanism in place to ensure that local food standards would not lag behind the international standards.

13. Principal Assistant Secretary for Food and Health (Food)3 (PAS/FH(Food)3) responded that CFS staff, on a daily basis, monitored websites relating to food safety incidents and assessed the local impact of different food incidents identified and decided on the appropriate actions to minimise impact of food incidents on the public's health. CFS had been constantly reviewing the existing food standards to keep in line with international developments. CFS kept a close watch of the development of food standards in overseas and made reference to international food standards, notably Codex standards and materials published on the website of overseas food safety authorities. He said that when there was new scientific evidence available which revealed that certain substances might pose health risk to the public, the Administration would review and consider amending the relevant regulations, where necessary, for safeguarding public health.

14. As regards the use of Red 2G in food, PAS/FH(Food)3 explained that the Joint Food and Agriculture Organisation/World Health Organisation Expert Committee on Food Additives (JECFA) evaluated the safety of Red 2G back in 1981. The Administration had taken account of JECFA's view that the use of Red 2G in food would not pose a safety concern when a decision was made on including Red 2G into the permitted list.

Action

15. Referring to paragraph 6 of the Administration's paper, both the Chairman and the Deputy Chairman pointed out that, apart from the European Community, the use of Red 2G as a colouring matter in food was also not allowed in countries including USA, Canada, Australia, Japan, Singapore and the Mainland. They asked whether the Administration had any information on the date of suspension of use of Red 2G in these countries.

16. PAS/FH(Food)3 explained that, when EFSA released its conclusion on the safety of Red 2G in July 2007, the Administration took immediate action to review the safety issue of the use of Red 2G in food. Over the past months, the Administration had consulted the views of the Expert Committee, ACFEH and the food trade on the proposal for removing Red 2G in food. On the prohibition of the use of Red 2G in overseas countries, PAS/FH(Food)3 further explained that every country/place would work out the permitted list of colouring matter according to their own particular needs and requirements. He pointed out that, in some of these countries such as Australia, Red 2G had not been a permitted colouring matter under their legislation and the prohibition of use of Red 2G was not in response to EFSA's conclusion on the safety of Red 2G in July 2007.

Admin

17. On the Administration's response, the Chairman requested the Administration to provide supplementary information on the date of suspension of use of Red 2G in the countries as stated in paragraph 6 of the Administration's paper after the meeting.

18. Dr Joseph LEE enquired whether the Administration had information about the safety of other choices of red colouring matter that were presently permitted for use under the Regulations. He said that the Administration should review whether these red colouring matters had already been suspended for use in other countries/places, e.g. the EC and the Mainland.

19. Consultant/CFS responded that the Administration had reviewed the health risk of Red 2G as well as other colouring matters on the permitted list under the Regulations in this legislative amendment exercise. According to the latest scientific evidence, no other red food colouring matter currently under the permitted list would pose a safety concern.

20. On the Administration's response, Mr WONG Yung-kan asked why the food trade would prefer using Red 2G rather than other red colouring matters in the first place, given that other substitutes of Red 2G as a colouring matter in food did not pose health risk to human. He further said that, given that about 90% of food in Hong Kong was imported from overseas, he considered that, in addition to inspection of locally manufactured food items, inspection of imported food items was equally important in safeguarding public health. He asked whether the Administration would collect samples of food items that were manufactured locally and overseas to check whether they contained Red 2G.

Action

21. DS/FH(Food) responded that CFS staff would inspect and collect food samples for testing, including both imported and local produced food items, at the import, wholesale and retail levels under regular food surveillance to ensure that the food items concerned on sale did not contain substances that were prohibited for use in food or were below the maximum permitted level under the laws. The law enforcing department would take prosecution action against the food trader if the test result indicated that the food items sold by the food trader concerned were not fit for human consumption. DS/FH(Food) said that, upon the commencement of the amendment regulation, all food items on sale in Hong Kong should not be allowed to contain Red 2G.

22. As regards the trade's choices of red colouring matter, Consultant/CFS supplemented that the food trade had different considerations in choosing red colouring matter to suit their product needs and requirements. He said that some red colouring matter were water-soluble while some others were soluble in fat.

*Grace period*

23. On the provision of a six-month grace period, Mr Alan LEONG asked whether the amendment regulation would come into operation six months after gazettal of the amendment regulation or whether the amendment regulation would take immediate effect upon the enactment of the amendment regulation but prosecutions against food items containing Red 2G would not be instituted during the six-month grace period. Mr LEONG said that he preferred the latter arrangement and was strongly of the view that, on the premise of public health and food safety, the amendment to the Regulations should be enacted at the earliest possible date. He considered that the Administration should consider allowing the amendment regulation to take immediate effect upon enactment. He pointed out that, should the amendment regulation come into operation after the expiry of the six-month grace period, some of food traders might continue to use Red 2G in making their food items, which would pose health risk to the public.

24. DS/FH(food) responded that, under normal circumstances, if there was a provision of grace period under legislation, the legislation would come into operation on the day following the expiry date of the grace period provided for. Under the current Administration's proposal, the amendment regulation would come into effect immediately on the day after the expiry of the six-month grace period. She said that the Administration would consult the trade's view on the transitional arrangement.

25. The Chairman enquired about the representatives of the food trade that the Administration had consulted in regard to its legislative proposal. He asked whether the food trade would have access to information whether the sauce that they used as an ingredient of food items would contain Red 2G. He further asked whether Red 2G had uses other than the use as a colouring matter in food.

Action

26. DS/FH(Food) responded that, according to the statutory labelling requirement for pre-packaged food, the food trade was required to provide information on the additives and colouring matter on the food labels of pre-packaged food. If Red 2G or numeric code 128/E128 appeared on food labels of pre-packaged food, it indicated that the food items concerned contained red colouring matter Red 2G. She explained that the Administration could not simply ban the import of Red 2G having regard to the fact that Red 2G might be used by other trades in Hong Kong. She said that the current legislative proposal was pertaining to removing Red 2G as a colouring matter from the permitted list under the Regulations only.

27. On the consultation with the trade, PAS/FH(Food)<sup>3</sup> supplemented that the proposal was discussed at the Trade Consultation Forum organised by CFS in September 2007 and the trade representatives, including representatives of associations of food business trade and catering industry, supported the proposal. The Administration had issued a letter to the trade in early December 2007 to advise them to replace Red 2G with other permitted red food colouring matter in their food items. He added that the Administration would hold another meeting with the trade next week to further discuss the issue.

28. In concluding the discussion, the Chairman said that he was supportive of the Administration's proposal including the proposed provision of six-month grace period. Mr WONG Yung-kan also said that Members belonging to the Democratic Alliance for Betterment of Hong Kong and Progress of Hong Kong in principle were supportive of the Administration's proposal.

**V. Introduction of a composite licence for the manufacture and sale of various types of ready-to-eat food items**

Presentation by the Administration

29. DS/FH(Food) said that the Administration had taken into account views from members of the Panel and the food trade in working out the current proposal for introducing a composite licence for the manufacture/sale of various types of ready-to-eat food items, the details of which were given in the Administration's paper [LC Paper No. CB(2)7116/07-08(02)]. She further said that the intent of introducing a composite licence was to provide an additional option to facilitate the food trade. It would not replace any of the existing types of licences. The Administration's plan was to submit the relevant legislative proposals to LegCo in 2008.

30. Deputy Director (Environmental Hygiene) of the Food and Environmental Hygiene Department (FEHD) (DD/FEHD) briefed members on the salient points of the Administration's proposal, which were summarised below -



Action

(a) Categorisation and scope

Upon introduction of the proposed composite licence, an operator might apply for a composite license to cover any combination of 16 food items as detailed in the Administration's paper, or several composite licences for different bundles of them, or separate licences/permits for each of them as at present.

All relevant licensing requirements and conditions pertaining to the applicant's chosen combination of food items would be issued in one go. A composite licence would be issued upon compliance with all necessary licensing requirements and conditions.

(b) Licensing procedures

To further streamline the licensing process and facilitate the trade, FEHD would accept certification of compliance by authorised persons (APs)/registered professionals. In respect of an application that did not require referral to other departments, a composite licence would be issued upon receipt of certification of compliance issued by an AP/registered professional, and FEHD would conduct audit checks afterwards.

(c) Licensing requirements and conditions

The Administration proposed to remove the requirement for the walls and ceiling of the food room of licensed premises to be light-coloured to allow operators greater flexibility in designing their premises. The Administration also proposed to allow the shared use of certain work area and facilities, such as wash-hand basins and wash-up sinks, among different food items covered by a composite licence so that the operator could enjoy greater flexibility and economy of scale.

(d) Regulatory control

To address the concern of the food trade in respect of contraventions detected in relation to individual food items covered by the composite licence, FEHD intended to apply an adapted version of the Demerit Points System and warning letter system such that each food item under a composite licence would be treated as if it were a separate licence on its own, provided that the manufacture/sale of that food item did not share any common work area, facility or equipment (e.g. wash-hand basin or wash-up sink) with other food items under that composite licence.

Action

(e) Licence fee

Subject to discussion and agreement within the Administration, it was proposed that the same fee scale applicable to food factories should apply to premises covered by a composite licence such that the licence fee would vary according to the size of the premises.

31. Members noted that the LegCo Secretariat had prepared a background brief entitled "Food business licensing" for members' reference [LC Paper No. CB(2)711/07-08(03)].

Issues discussed

*Certification by APs/registered professionals*

32. Referring to paragraph 7 of the Administration's paper, Mr WONG Kwok-hing said that the adoption of certification of compliance by APs/registered professionals was a significant change in the food business licensing regime. He expressed concern about the possibility of abuse of the certification system by unscrupulous professionals/food operators to avoid complying with the licensing requirements on health, building safety and fire safety. He enquired whether the Administration had any measures to prevent any possible abuse of the certification system and what was the robust mechanism of sanction that would be put in place to safeguard against any abuse by unscrupulous food operators/professionals.

33. DD/FEHD explained that the acceptance of certificates of compliance issued by APs/registered professionals was not a new arrangement in the existing licensing regime. It had already been adopted for provisional food business licences and public entertainment (cinema/theatre) licences. It was a trade facilitation measure and was well received by the relevant trades. She said that it was necessary for the Administration to strike a balance between facilitating the food trade and enforcing licensing requirements to ensure compliance. She further explained that, under the current proposal, FEHD would rely on certification of compliance issued by APs/registered professionals as the basis for the issue of a composite licence only if the licence application did not require referral to other departments, e.g. food premises with a floor area not exceeding 100m<sup>2</sup>, or with low risk of fire hazard.

34. DD/FEHD assured members that FEHD would conduct audit checks in respect of certification made by APs/registered professionals for food premises after the issuance of licences. Deliberate circumvention or fraudulent certification might lead to immediate cancellation of the composite licence in question and prosecution as appropriate. DD/FEHD also pointed out that the professional conduct of APs and registered professionals was regulated by professional bodies under respective codes of professional conduct / relevant ordinances.

Action

Admin

35. On the Administration's response, Mr WONG Kwok-hing said that, the Administration's paper failed to provide any information on the mechanism to be put in place by the Administration to guard against abuse of the certification system. He requested the Administration to provide information on the work flow for processing applications and subsequent audit checks after the meeting.

*Licence fee*

36. The Chairman said that the objective of introducing a composite licence was to reduce the number of licences that food premises were required to obtain for the manufacture/sale of a number of ready-to-eat food items. He was concerned about the Administration's proposal of applying the same fee scale applicable to food factories where the licence fee would vary according to the size of the premises. He pointed out that, in the case of large supermarket chain stores, most of the floor area might not be used to do business in relation to the manufacture/sale of the types of ready-to-eat food items concerned. He was worried that the proposed licence fee charging mechanism would discourage the existing licensed food premises from applying the composite licence. The Chairman was of the view that the licence fee of the composite licence should not be more than the licence fees of the same number and types of ready-to-eat food items under the existing licensing regime. He also pointed out that the food business licence fees had been frozen for some years and, if the Financial Services and the Treasury Bureau (FSTB) attempted to achieve full cost recovery at the current price level in determining the licence fee for a composite licence, the licence fee would be increased substantially. He further asked about the legislative timetable for implementing the proposed composite licence.

37. DS/FH(Food) responded that the Administration planned to submit the amendment regulations to LegCo in 2008. She explained that the introduction of the proposed composite licence scheme would require amendments to the Food Business Regulation (Cap. 132X), the Frozen Confections Regulation (Cap. 132AC) and the Public Health and Municipal Services (Fees) Regulation (Cap. 132CJ). In addition, the Food and Health Bureau would need to further discuss the charging principle with FSTB. On the Administration's response, the Chairman said that he hoped that the Bureau would convey members' views on the licence fee charging mechanism to FSTB. He also urged the Administration to expedite the legislative drafting process for early introduction of the legislative amendments into LegCo in this session.

**VI. Rationalisation of the time limit for prosecutions against unauthorised building works in premises licensed by the Food and Environmental Hygiene Department**

Presentation by the Administration

Action

38. DS/FH(Food) referred members to the Administration's proposal to rationalise the time limit for prosecutions against unauthorised alteration in premises licensed by FEHD as set out in the Administration's paper [LC Paper No. CB(2)711/07-08(04)]. She pointed out that, under section 26 of the Magistrates Ordinance (Cap. 227), for any offence other than an indictable offence where no time was limited by any enactment, prosecution must be commenced within six months from the date of the offence. In the absence of any specific provisions under the Food Business Regulation ("the Regulation") (Cap. 132X), prosecutions against unauthorised alterations in licensed premises were subject to the statutory time limit provided for by section 26 of Cap. 227.

39. DS/FH(Food) said that, as recommended by The Ombudsman's direct investigation report on "Monitoring of cases with time-bar for prosecution" released in March 2007, FEHD should consider amending the law to enable its officers to initiate prosecution within six months from the unauthorised alteration being discovered or coming to their notice. The Administration accepted The Ombudsman's recommendation. Although the recommendation was made with reference to unauthorised alteration in respect of food businesses licensed under the Regulation, the Administration considered that the principle should also apply to other premises licensed by DFEH for the sake of consistency. The Administration's plan was to submit the legislative amendments to LegCo in 2008.

Discussion

40. Referring to paragraphs 4 and 7 of the Administration's paper, the Chairman sought clarification on whether the six-month time limit for prosecution against unauthorised alteration would count from the day following the date when alteration was detected by or came to the notice of DFEH personally or the officers of FEHD.

41. DS/FH(Food) explained that, in practice, the inspection to licensed food premises were carried out by officers of FEHD. However, according to section 34 of the Regulation, after the grant or renewal of any licence under the Regulation, except with the written permission of the Director, no licensee should, in respect of the premises in relation to which such licence was granted, cause or permit any alteration or addition which would result in material deviation from the approved plan. In the light of this, the Administration proposed to amend the Regulation to the effect that prosecutions against unauthorised alterations in food premises licensed by FEHD should count from the day following the date when the alteration was detected by or came to the notice of DFEH or his/her delegate. DS/FH(Food) said that, for avoidance of doubt, the Administration would consider making it clearly when drafting the amendment regulation.

42. The Deputy Chairman said that unauthorised building works (UBWs) (e.g. illegal cockloft and canopy) attached to or extending from their premises were often found at many existing licensed food premises and the UBWs might have

Action

already existed for many years. He enquired whether these licensed food premises would be affected by the proposed legislative amendment.

43. DD/FEHD said that whether UBWs attached to licensed food premises would constitute an unauthorised alteration in the context of the Food Business Regulation would depend on the circumstances of individual cases, e.g. whether the UBWs were within the licensed area of the food premises within which food business was allowed to be carried out. The licensed area was delineated in a layout plan setting out both the interior of the premises and the structures attached to or extending from the premises, which was submitted by licence applicants and approved by the Director. The current proposal aimed to address a deficiency in the Regulation which dictated that the six-month time limit for prosecution against unauthorised alteration should count from the day following the date when the approved plan was last checked and found to have been complied with, rather than from the day on which the unauthorised alteration was detected by FEHD officers.

44. As regards UBWs in licensed food premises, DD/FEHD advised that, since 18 April 2006, FEHD had implemented new licensing procedures to help sanction licensed food premises with UBWs or in breach of Government lease conditions and statutory plan restrictions. Applications for new issue or transfer of licence would not be approved if they involved any of the above-mentioned problems. The new procedures did not affect existing licences and their renewals.

45. The Chairman wondered whether there would be a situation where an unauthorised alteration in a licensed food premise had been built for many years after the granting of a food business licence by FEHD but was only detected by FEHD officers during their recent inspections. He asked how the six-month time limit would be counted upon the enactment of the legislative amendment in such a case.

46. DD/FEHD responded that upon enactment of the proposed legislative amendments, the time limit for prosecution against unauthorised alteration should count from the day following the date when the alteration was detected by or came to the notice of FEHD staff. She said that FEHD staff would inspect licensed food premises at least once every five months to check compliance with the approved layout plan. It was very unlikely that unauthorised alterations would be left unnoticed during such inspections.

47. In response to the Deputy Chairman's question, DD/FEHD said that the penalties set for offences relating to unauthorised alterations in premises licensed by DFEH varied. In respect of licensed food premises, a person who committed an offence relating to unauthorised alteration would be liable to a maximum fine of \$10,000 and an imprisonment for three months and a daily fine of \$300 for a continuing offence. She added that the average fine for convicted cases was around \$2,000.

Action

48. In concluding the discussion, the Chairman said that the Panel was supportive of the Administration's proposal to rationalise the time limit for prosecution against unauthorised alteration in premises licensed by FEHD.

**VII. Any other business**

49. There being no other business, the meeting ended at 3:52 pm.

Council Business Division 2  
Legislative Council Secretariat  
13 February 2008