

L.N. 58 of 2010**FROZEN CONFECTIONS (AMENDMENT) REGULATION 2010**

(Made by the Director of Food and Environmental Hygiene under section 56 of the Public Health and Municipal Services Ordinance (Cap. 132))

1. Commencement

This Regulation comes into operation on 1 August 2010.

2. Section 5 substituted

Section 5 of the Frozen Confections Regulation (Cap. 132 sub. leg. AC) is repealed and the following substituted—

“5. Permits or licences to sell frozen confections

A person must not sell, or offer or expose for sale, for human consumption, or possess for sale for human consumption, any frozen confection except under and in accordance with—

- (a) the permission in writing of the Director granted under section 30 of the Food Business Regulation (Cap. 132 sub. leg. X); or
- (b) a composite food shop licence within the meaning of that Regulation.”.

3. Frozen confections not to be sold except in the manufacturer’s containers

(1) Section 15(1) is amended, in the English text, by repealing “No person shall” and substituting “A person must not”.

(2) Section 15(2) is repealed and the following substituted—

“(2) Subsection (1) does not apply in respect of—

- (a) any frozen confection which is sold on any premises for human consumption on those premises in respect of which a licence has been granted under section 31 of the Food Business Regulation (Cap. 132 sub. leg. X); or

- (b) any frozen confection the sale of which is carried on under and in accordance with a composite food shop licence within the meaning of that Regulation.”.

4. Section 17 substituted

Section 17 is repealed and the following substituted—

“17. Frozen confections not to be manufactured except under licence

(1) Except under and in accordance with a licence granted by the Director and in the premises that are specified in the licence, a person must not manufacture any frozen confection or cause any frozen confection to be manufactured.

(2) Subsection (1) does not apply in respect of—

- (a) any frozen confection which is manufactured on any premises for human consumption on those premises in respect of which a licence has been granted under section 31 of the Food Business Regulation (Cap. 132 sub. leg. X); or
- (b) any frozen confection the manufacture of which is carried on under and in accordance with a composite food shop licence within the meaning of that Regulation.”.

5. Full licence

Section 19(1)(e) is amended by repealing everything after “manufactured” and substituting—

“—

- (i) the floors are surfaced with smooth, light coloured and non-absorbent material;
- (ii) the internal surfaces of the walls are surfaced with smooth and non-absorbent material up to a height of not less than 2 m and the junctions between the walls and floors are coved; and
- (iii) the ceilings are impervious to dust;”.

6. Offences and penalties

- (1) Section 41(1)(a) is amended by adding “(1)” after “17”.
- (2) Section 41(2)(a) is amended by adding “(1)” after “17”.

CHEUK Wing-hing
Director of Food and
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17 May 2010

Explanatory Note

The object of this Regulation is to amend the Frozen Confections Regulation (Cap. 132 sub. leg. AC) (“the principal Regulation”) in connection with the introduction of a new class of licence under the Food Business Regulation (Cap. 132 sub. leg. X) (“the Food Business Regulation”). The new class of licence is introduced for a food business selling certain simple or ready-to-eat food or preparing certain simple or ready-to-eat food for sale for human consumption off the premises on or from which the business is carried on (“composite food shop”). This Regulation also relaxes certain licensing requirement for a full licence granted under the principal Regulation permitting the manufacture of frozen confections.

2. Section 2 replaces section 5 of the principal Regulation by new provisions which provide that the prohibition under the principal Regulation against selling frozen confections does not apply to the sale of frozen confections under a licence granted under section 31 of the Food Business Regulation in respect of a composite food shop (“composite food shop licence”).

3. Section 3 amends section 15 of the principal Regulation to provide that the requirement that only frozen confections contained in manufacturer’s containers may be sold does not apply to the sale of frozen confections under and in accordance with a composite food shop licence.

4. Section 4 replaces section 17 of the principal Regulation by new provisions which provide that the requirement that a licence must be obtained from the Director of Food and Environmental Hygiene for the manufacture of frozen confections does not apply to the manufacture of frozen confections under and in accordance with a composite food shop licence.

5. Section 5 amends section 19 of the principal Regulation to dispense with the requirement that the internal surfaces of the walls and ceilings of any premises where frozen confections are manufactured must be in a light colour.