



1. Introduction

1.1 In his 2015-2016 Budget Speech, the Financial Secretary requested relevant government departments to implement the proposal as early as possible to facilitate alfresco dining operation¹, and to consider introducing food trucks to the mix of Hong Kong's existing food scene. At the meeting held on 14 April 2015, the Panel on Food Safety and Environmental Hygiene requested the Research Office to study the regulation of food truck operations in overseas places.

2. Regulation of food truck operations in overseas places

2.1 The Research Office has conducted a preliminary study on the regulatory framework governing the food truck operations in Taiwan, Singapore, Canada, the United Kingdom ("UK"), the United States ("US") and Australia. Among these places, Taiwan has not established any dedicated regulatory framework for food truck operations. While Singapore and major cities in Canada like Vancouver and Toronto allow food trucks to operate in public places, their relatively stringent regulatory regimes might have limited the development of food truck business there.² In the UK, local councils can decide on their own whether to allow food truck operations in their jurisdiction. For example, the City of London prohibits food trucks from trading on any public street or place.

2.2 In contrast, food truck vending is much more popular in the US. Indicative of this trend, sales revenue of the US food truck market grew at an annual average of 9.3% between 2010 and 2014 and is forecast to reach

¹ Alfresco dining means outdoor dining or drinking or both in a public space.

² It was reported that there were only a few food trucks operating in Singapore in 2014. In Canada, the number of food trucks was reportedly also at a low of less than 100 in major cities like Vancouver and Toronto. See The Straits Times (2014), Vancouver Foodie Tours (2014) and The Star (2015).

US\$856.7 million (HK\$6.7 billion) in 2015.³ Los Angeles, San Francisco and the New York City are among those US cities with high prevalence of food trucks operating.⁴ They are characterized by the adoption of different regulatory approach to regulate food truck operations.

2.3 Los Angeles adopts a regulatory framework considered to be conducive to the development of food truck business in the city. For example, its city government imposes very few restrictions on where and when the food trucks can operate. In contrast, the city government of San Francisco requires food truck operators to apply for a permit for vending at each specific public or private location. For the New York City, its city government restricts food trucks from operating at certain specified locations. It also introduces a cap on the number of permits issued for mobile food vending. This cap results in a long waiting list of intended applicants, thereby creating a black market where some mobile food vendors borrow, rent or purchase permits from existing permit holders.⁵

2.4 Similar to the case of the US, food truck operations in Australia are subject to regulation of the local government. Among the local government authorities, the City of Sydney⁶ in New South Wales ("NSW") has been promoting the development of food truck business as a strategy to develop Sydney as a globally competitive and innovative city. It introduced a food truck trial programme between May 2012 and March 2014 with the objective to enliven the city and encourage diversity in takeaway food options. The programme has been well received by key stakeholders such as customers, city officials and operators. As a result, the City of Sydney formally launched the food truck programme in April 2014 with the establishment of an approval system to license up to 50 food trucks between 2014 and 2016. At present, there are 20 food trucks operating in the City of Sydney.

2.5 Against the above background, this information note studies the food truck operations in Los Angeles, San Francisco, the New York City and the City of Sydney. The **Table** below highlights the regulatory framework, public health related approval requirements and application procedures, regulation of food truck operations, and enforcement mechanism in these places.

³ See IBISWorld (2015).

⁴ The number of food trucks operating reportedly totalled 2 400 in the Los Angeles County in 2012, over 100 in San Francisco in 2013, and about 100 in the New York City in 2014. See The Huffington Post (2014), San Francisco Business Times (2013) and Crain's (2014).

⁵ See The New York Times Magazine (2013).

⁶ The City of Sydney is one of the local government authorities of Metropolitan Sydney. Its jurisdiction covers the Sydney central business district and surrounding suburbs.

Table – Regulatory framework governing food truck operations in selected overseas places

| | Los Angeles | San Francisco | New York City | City of Sydney |
|---|--|--|---|---|
| Overview of the regulatory framework | | | | |
| Relevant legislation | <ul style="list-style-type: none"> • <i>California Retail Food Code</i> and the relevant <i>county and municipal codes</i>. | | <ul style="list-style-type: none"> • Including: <ul style="list-style-type: none"> (a) <i>New York State Sanitary Code</i>; (b) <i>New York City Health Code</i>; and (c) other relevant <i>New York City laws and administrative rules</i>. | <ul style="list-style-type: none"> • Including: <ul style="list-style-type: none"> (a) <i>Australia New Zealand Food Standards Code</i>; (b) <i>Food Act 2003 (NSW)</i>; (c) <i>Local Government Act 1993 (NSW)</i>; and (d) <i>Local Government (General) Regulation 2005 (NSW)</i>. |
| Major regulatory authorities | <ul style="list-style-type: none"> • Los Angeles County Department of Public Health ("LADPH"). | <ul style="list-style-type: none"> • San Francisco Department of Public Works ("SFDPW"); San Francisco Planning Department ("SFPD"); and San Francisco Department of Public Health ("SFDPH"). | <ul style="list-style-type: none"> • New York City Department of Health and Mental Hygiene ("DOHMH"). | <ul style="list-style-type: none"> • The City of Sydney. |

Table – Regulatory framework governing food truck operations in selected overseas places (cont'd)

| | Los Angeles | San Francisco | New York City | City of Sydney |
|--|---|--|--|--|
| Overview of the regulatory framework (cont'd) | | | | |
| Permit(s) and/or approval(s) required | <ul style="list-style-type: none"> A food truck operator is required to apply for (a) a business licence issued by the relevant local authority; and (b) a public health permit issued by LADPH. | <ul style="list-style-type: none"> A food truck operator is required to apply for: <ol style="list-style-type: none"> a permit granted by SFDPW for operating at particular public locations⁷; a permit granted by SFPD for operating at particular private locations⁸; a business registration certificate issued by the relevant local authority; a permit issued by the San Francisco Fire Department; and a public health permit issued by SFDPH. | <ul style="list-style-type: none"> A food truck operator is required to apply for: <ol style="list-style-type: none"> a business certificate filed with the relevant local authority; a mobile food vending licence issued by DOHMH which allows an operator to prepare and sell food from a permitted food truck;⁹ and a mobile food vending unit permit issued by DOHMH which allows a food truck to operate on public space.¹⁰ | <ul style="list-style-type: none"> A food truck operator is required to apply for: <ol style="list-style-type: none"> a trade waste permit issued by Sydney Water¹¹ for disposal of waste water to sewer; and an approval granted by the City of Sydney. The approval is categorized into the following three types: <ol style="list-style-type: none"> for street vending only; for street vending and off-street vending at designated low-demand sites; and for street vending and off-street vending at designated low- and high-demand sites.¹² |

⁷ A separate permit is required for operating at each specified public location. A food truck operator intending to operate at different public locations can apply for a maximum of seven permits from SFDPW.

⁸ A separate permit is required for operating at each specified private location and no limit is set on the number of permits to be granted to a food truck operator.

⁹ An operator is only required to apply for one mobile food vending licence to operate one or more food trucks. New York's city government does not cap the number of mobile food vending licence to be issued.

¹⁰ New York's city government has capped the number of mobile food vending unit permits at 5 100. Since these permits are renewable and most of them have already been issued, there is a long waiting list for getting issued a permit. Nevertheless, new mobile food vendors can apply for a restricted area mobile vending unit permit which authorizes vending on private property in a commercially zoned area with the owner's permission, or on property under the jurisdiction of the New York City Department of Parks and Recreation.

¹¹ Sydney Water is Australia's largest water utility wholly-owned by the government of NSW.

¹² The City of Sydney imposes more stringent restrictions on high-demand sites which are highly sought after by operators due to the hectic pedestrian traffic and their location.

Table – Regulatory framework governing food truck operations in selected overseas places (cont'd)

| | Los Angeles | San Francisco | New York City | City of Sydney |
|---|--|---------------|--|--|
| Public health related approval requirements and application procedures | | | | |
| Approval requirements | <ul style="list-style-type: none"> • Requirements for a food truck operator to be issued a public health permit from LADPH or SFDPH include: <ul style="list-style-type: none"> (a) operating in conjunction with an approved commissary (i.e. a food facility where an operator stores and prepares food, disposes waste, cleans their utensils, and parks and cleans his or her truck); (b) using food-related and utensil-related equipment certified by an American National Standards Institute¹³ accredited certification programme; (c) ensuring employees can access to approved restroom facilities if the food truck operates at a fixed location for over an hour. The facilities must be located within 200 feet of the food truck; and (d) meeting the specified construction and equipment requirements for the food truck. | | <ul style="list-style-type: none"> • Requirements for a food truck operator to obtain a mobile food vending unit permit from DOHMH include: <ul style="list-style-type: none"> (a) obtaining a food protection certificate after completing a food protection course for mobile vendors; (b) obtaining a mobile food vending licence from DOHMH; (c) operating in conjunction with an approved commissary; and (d) meeting the specified construction and equipment requirements for the food truck. | <ul style="list-style-type: none"> • Requirements for a food truck operator to obtain an approval from the City of Sydney include: <ul style="list-style-type: none"> (a) obtaining an approval of the concept design from the Food Truck Design Panel established by the City of Sydney to assess the quality of applicants' vehicle designs and menus; (b) getting a satisfactory health inspection report of the facility or commercial kitchen used as the primary food preparation or storage premises; (c) meeting the specified requirements on the structure and layout of the truck; and (d) obtaining a trade waste permit issued by Sydney Water. |

¹³ The American National Standards Institute is a private non-profit organization that oversees the development of voluntary consensus standards for products, services, processes and personnel in the US. It facilitates the development of American National Standards by accrediting the procedures of standards developing organizations.

Table – Regulatory framework governing food truck operations in selected overseas places (cont'd)

| | Los Angeles | San Francisco | New York City | City of Sydney |
|--|--|--|---|----------------|
| Public health related approval requirements and application procedures (cont'd) | | | | |
| Application and approval procedures | <ul style="list-style-type: none"> An applicant is required to submit a plan to LADPH or SFDPH for approval before setting up the food truck.¹⁴ The plan should detail (a) the proposed menu; (b) food preparation and other operational procedures; (c) servicing commissary; and (d) layout and equipment specifications of the food truck. LADPH or SFDPH will conduct a structural evaluation of the food truck after it is set up. It will issue a public health permit after the structure of the food truck and all the required modifications, if there are any, have been approved.¹⁵ | <ul style="list-style-type: none"> An applicant for a mobile food vending unit permit is required to submit a completed application form and the required documentation including a mobile food vending licence. DOHMH will issue the permit to the applicant if the food truck concerned has passed an inspection conducted within six months after application submission. | <ul style="list-style-type: none"> An applicant has to submit a completed application form and the required documents including (a) a plan detailing how food safety and other operational issues will be managed; (b) the proposed menu; (c) the construction and layout plan of the truck; and (d) other required approvals and permits. The food truck has to be inspected for food safety requirements before an approval is granted. The applicant must notify the NSW Food Authority¹⁶ after he or she obtains an approval from the City of Sydney. | |

¹⁴ In San Francisco, an applicant has to obtain a tentative approval of SFDPW or SFPD for operating at the proposed locations before submitting an application to SFDPH.

¹⁵ Enclosed food trucks that have electrical or gas appliances, plumbing and other structural items are required to be inspected and certified by the State Department of Housing and Community Development before the public health permit is issued.

¹⁶ NSW Food Authority is a state government agency administering and enforcing national and state food legislation in NSW.

Table – Regulatory framework governing food truck operations in selected overseas places (cont'd)

| | Los Angeles | San Francisco | New York City | City of Sydney |
|--|--|--|---|--|
| Public health related approval requirements and application procedures (cont'd) | | | | |
| Licensing fees | <ul style="list-style-type: none"> Fees imposed by LADPH on the applicants include: <ul style="list-style-type: none"> (a) plan check fee: US\$649 (HK\$5,030); and (b) annual public health permit fee: US\$602 (HK\$4,670) to US\$787 (HK\$6,110). | <ul style="list-style-type: none"> Fees imposed by SFDPH on the applicants include: <ul style="list-style-type: none"> (a) plan check fee: US\$701 (HK\$5,440); and (b) annual public health permit fee: US\$801 (HK\$6,210).¹⁷ | <ul style="list-style-type: none"> Fees imposed by DOHMH on the applicants include: <ul style="list-style-type: none"> (a) two-year licence fee for a mobile food vending licence: US\$50 (HK\$390); and (b) two-year licence fee for a mobile food vending unit permit: US\$200 (HK\$1,550). | <ul style="list-style-type: none"> Fees imposed by the City of Sydney on the applicants include: <ul style="list-style-type: none"> (a) application fee: AUS\$600 (HK\$3,600); and (b) approval fees: ranging from AUS\$3,400 (HK\$20,400) per annum for street vending to AUS\$16,230 (HK\$97,380) per annum for street vending and off-street vending at all specified sites.¹⁸ |
| Valid period of permit or approval | <ul style="list-style-type: none"> The public health permit is valid for one year, renewable upon payment of the required annual fee. | | <ul style="list-style-type: none"> The mobile food vending licence and the mobile food vending unit permit are valid for two years, renewable upon approval by DOHMH. | <ul style="list-style-type: none"> The approval is valid for one year, renewable upon approval by the City of Sydney. |
| Estimated start-up cost of a food truck | <ul style="list-style-type: none"> It was reported that a food truck business in the US generally required about US\$55,000 (HK\$426,600) to US\$75,000 (HK\$582,000) as start-up cost.¹⁹ | | | <ul style="list-style-type: none"> Ranging from AUS\$78,000 (HK\$468,000) to AUS\$150,000 (HK\$900,000).²⁰ |

¹⁷ Applicants also have to bear the fees for obtaining permits from other relevant authorities including SFDPW and the San Francisco Fire Department.

¹⁸ Applicants for the approval that allows both street and off-street vending are also required to pay a refundable bond of AUS\$2,000 (HK\$12,000) upon application.

¹⁹ See Intuit Network (2012).

²⁰ The figure is estimated by a research study on participants in the Food Truck Trial Programme implemented between May 2012 and March 2014. See Woolcott Research (2013).

Table – Regulatory framework governing food truck operations in selected overseas places (cont'd)

| | Los Angeles | San Francisco | New York City | City of Sydney |
|--|--|---|---|---|
| Regulation of food truck operations | | | | |
| Trading locations | <ul style="list-style-type: none"> Food trucks are allowed to operate in commercial areas or near restaurants. However, they cannot operate within 200 feet of certain parks. | <ul style="list-style-type: none"> Food trucks are restricted from operating: <ol style="list-style-type: none"> at specified locations such as residential districts²¹, and within 75 feet of any restaurant's primary entrance; within a specified distance from certain city facilities e.g. fire hydrants and bus zones; and at one location for more than three days per week. | <ul style="list-style-type: none"> Food trucks are restricted from operating: <ol style="list-style-type: none"> at specified commercial areas all-year-round; at certain locations during specified time periods; and at metered parking space. | <ul style="list-style-type: none"> With street vending approval, food trucks can operate on city-owned roads except for some specified locations including: <ol style="list-style-type: none"> within the Kings Cross precinct exclusion zone; and within 50 meters of existing premises serving similar types of food for takeaway. Food trucks awarded off-street vending approval are only allowed to operate at specified off-street sites i.e. certain city-owned parks and plazas. |

²¹ Food truck operators are, however, allowed to operate in residential-commercial combined districts.

Table – Regulatory framework governing food truck operations in selected overseas places (cont'd)

| | Los Angeles | San Francisco | New York City | City of Sydney |
|---|---|--|--|---|
| Regulation of food truck operations (cont'd) | | | | |
| Trading hours | <ul style="list-style-type: none"> No restriction is imposed. | <ul style="list-style-type: none"> Between 6 am and 3 am subject to the approval of SFDPW after the public notification process.²² | <ul style="list-style-type: none"> Restrictions on trading hours are set for specified locations. | <ul style="list-style-type: none"> Food truck operators can operate for a maximum of five hours within the trading hours allowed at each specific location. For street vending approval, the trading hours are between 8 am and 3 am at Central Sydney, and between 9 am and 12 midnight at other areas. For off-street vending approval, the trading hours vary by the specific location. |
| Food safety requirements | <ul style="list-style-type: none"> All operators are required to comply with the relevant national, state and/or municipal food safety laws which cover areas such as: <ol style="list-style-type: none"> sources of food; food storage; cleaning and maintenance of the truck and equipment; skills and knowledge of employees;²³ health and hygienic practices of employees; and plumbing and waste disposal systems.²⁴ | | | |

²² Under the mandatory public notification process, an applicant is required to inform businesses and residents within 75-foot radius of the proposed trading location through mailing and posting at the location concerned about his or her intention to operate a food truck there. The notification period lasts for 30 days. A public hearing will be held before SFDPW approves the application if one or more objections are received.

²³ In Los Angeles and San Francisco, at least one owner of the food truck or employee has to pass an accredited food safety certification examination. Each employee who handles food has to obtain a food handler card by attending training on food safety and passing an examination. In the New York City, supervisors of the food truck operations are required to attain a food protection certificate by completing a food protection course for mobile vendors. In the City of Sydney, food truck operators are required to appoint at least one accredited food safety supervisor to work on-site.

²⁴ The specific legislative provisions for each food safety area may vary among the selected places studied.

Table – Regulatory framework governing food truck operations in selected overseas places (cont'd)

| | Los Angeles | San Francisco | New York City | City of Sydney |
|------------------------------|---|---|---|---|
| Enforcement mechanism | | | | |
| Inspection and penalties | <ul style="list-style-type: none"> LADPH conducts annual certification inspections and unannounced field inspections of the food trucks. Food trucks failing to pass the annual certification inspection or comply with the relevant legislation are subject to suspension or revocation of the public health permit. | <ul style="list-style-type: none"> SFDPH inspects the food trucks on-site twice a year. A public health permit may be suspended or revoked if the operator does not comply with the relevant health and safety regulations. Food truck operators holding permits to operate at public locations are subject to inspection by SPDPW. Their permits may be suspended or revoked if they violate relevant state or municipal laws, or operate in a manner that negatively impacts the public's health, safety, and/or convenience. | <ul style="list-style-type: none"> DOHMH conducts unannounced on-site inspections of the food trucks. It also inspects the food trucks before permit renewal. Operators failing to comply with the relevant legislation may be subject to suspension or revocation of their mobile food vending licence or mobile food vending unit permit upon notice and hearing. | <ul style="list-style-type: none"> Food trucks are inspected at least once a year by the responsible officers of the City of Sydney. Operators failing to comply with the relevant food safety legislation may be subject to prosecution, penalty infringement notices or prohibition orders (e.g. prohibiting the sale of food or use of certain equipment). |

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