

**For discussion
on 4 April 2005**

**LegCo Subcommittee
to Study the Streamlining of Food Business Licensing**

Certification System for Issue of Provisional Food Business Licence

Purpose

This paper describes the four certificates of compliance in respect of requirements on health/hygiene, fire services, ventilation and building safety for issue of a provisional food business licence.

Provisional Licence System

2. The Food and Environmental Hygiene Department (FEHD) implements a provisional licence system for food business licences covering restaurant, food factory, fresh provision shop, factory canteen, siu mei and lo mei shop, bakery, cold store, frozen confection factory and milk factory.

3. Under section 33C(1) of the Food Business Regulation (Cap. 132X)(the Regulation), an applicant may be issued with a provisional licence when he/she has satisfied the Director of Food and Environmental Hygiene that specified provisions in the Regulation and any requirements issued by the Director of Fire Services have been complied with. The applicant however must apply to FEHD for a full licence at the same time. The issue of a provisional licence is for a period of six months. Renewal of a provisional licence for a further period not exceeding six months will only be considered on a case by case basis if non-compliance with the outstanding requirements is due to factors beyond the reasonable control of the licensee.

4. FEHD issues two different sets of letter of requirements at the same time to an applicant. The first set states all the basic

requirements for the issue of a provisional licence. The second set states all the licensing conditions for the issue of a full licence. The provisional licence system allows an operator who is able to meet the basic requirements to open for business while taking steps to comply with all the licensing requirements for the purpose of a full licence. Generally speaking, at the provisional licence stage, FEHD only requires 50% of the sanitary fitments. Submission of final plans for layout and ventilation system and detailed documents for fire services, electrical installations, gas and ventilation are also not required. All these steps need to be completed prior to the issue of a full licence.

5. Depending on the type of licence, staff from FEHD, Buildings Department (BD) and Fire Services Department (FSD) will conduct site inspections as necessary to ascertain whether the premises under application are suitable for issue of a licence and to identify licensing requirements to be stipulated to the applicant.

6. To speed up the application process, FEHD accepts third party certification for compliance on health/hygiene, fire services, ventilation and building safety requirements for the issue of a provisional licence. For restaurant licence, a total of four certificates are required, namely, Certificate of Compliance A for health/hygiene requirements, Certificate of Compliance B for building requirements, Certificate of Compliance C for fire services requirements and Certificate of Compliance D for ventilation requirements (Appendices I - IV). Certificates A and B must be submitted by an Authorized Person (AP) or a registered structural engineer registered under the Buildings Ordinance, Cap. 123. For Certificate C, it has to be certified by both an AP or a registered structural engineer registered under the Buildings Ordinance, Cap.123 and a fire service installation contractor registered under the Fire Services Ordinance, Cap. 95. As regards Certificate D, it should be signed by a registered specialist contractor (Ventilation Works Category) registered under the Buildings Ordinance, Cap. 123. For non-restaurant food licences, it is not necessary for all four certificates to be submitted in some cases. For example, Certificates of Compliance C and D are not required for a food factory with an area of less than 100 square metres involving no open fire or deep frying activities.

7. Staff will check the validity of the required certificates upon submission by the applicant and will not conduct any inspection to check compliance on site. FEHD will issue a provisional licence over the counter to the applicant on the same day on receipt of the required certificates.

Advice Sought

8. Members are requested to note the information as set out in paragraphs 2 to 7.

Health, Welfare and Food Bureau
Food and Environmental Hygiene Department
March 2005

FOOD AND ENVIRONMENTAL HYGIENE DEPARTMENT

CERTIFICATE OF COMPLIANCE C
(FIRE SERVICES REQUIREMENTS)

I/We*, (a) _____ (_____) (HKID No.: _____),
(Surname) (Other Names) (Name in Chinese)

(b) _____ (_____) (HKID No.: _____),
(Surname) (Other Names) (Name in Chinese)

and (c) _____ (_____) (HKID No.: _____),
(Surname) (Other Names) (Name in Chinese)

being the fire service installation contractor(s) registered under regulation 3 of the Fire Service (Installation Contractor) Regulations (Chapter 95 of the Laws of Hong Kong) and

I, _____ (_____)
(Surname) (Other Names) (Name in Chinese)

holder of Hong Kong Identity Card number _____, being the authorized person/structural engineer* registered under section 3 of the Buildings Ordinance (Chapter 123 of the Laws of Hong Kong), both do hereby certify and declare as follows :

In respect of the premises known as _____
(Shopsign in English)

(_____) , situated at _____
(Shopsign in Chinese) (Address of Premises)

_____ and being

under application for a Provisional _____ Licence

by _____ (_____)
(Name of Applicant in English) (Name of Applicant in Chinese)

all fire services requirements listed as Category C requirements in the Letter of Requirements addressed to the abovenamed applicant by the Director of Fire Services dated _____ have been fully complied with. We have personally verified such compliance by inspection of the subject premises on _____ and _____ respectively.

(Date of Inspection by Fire
Service Installation Contractor)

(Date of Inspection by Authorized
Person/Registered Structural Engineer*)

We have read the said Letter of Requirements and understand the contents thereof. We also understand that all matters covered by this Certificate will be subject to further verification by the Licensing Authority and that if we wilfully or negligently give false or misleading information in this Certificate, we shall render ourselves to be liable to legal and/or other penalties.

Certificate/Certificates* of Fire Service Installations and Equipment (F.S. 251)/Certificate Compliance (FSI/314A) is/are* enclosed.

(a) Signature of the fire service installation contractor or its authorized representative if the fire service installation contractor is a company/partnership firm*:

| | |
|---------------------|---|
| _____ | _____ |
| Company Chop | Signature |
| _____ | _____ |
| Registration Number | (Name and HKID No. of the authorized representative) |
| _____ | |
| Date | |

(b) Signature of the fire service installation contractor or its authorized representative if the fire service installation contractor is a company/partnership firm*:

| | |
|---------------------|---|
| _____ | _____ |
| Company Chop | Signature |
| _____ | _____ |
| Registration Number | (Name and HKID No. of the authorized representative) |
| _____ | |
| Date | |

(c) Signature of the fire service installation contractor or its authorized representative if the fire service installation contractor is a company/partnership firm*:

| | |
|---------------------|---|
| _____ | _____ |
| Company Chop | Signature |
| _____ | _____ |
| Registration Number | (Name and HKID No. of the authorized representative) |
| _____ | |
| Date | |

Signature of authorized person/registered structural engineer or its authorized representative if authorized person/registered structural engineer* is an employee/director/partner* of a company/partnership firm*:

| | |
|--------------|---|
| _____ | _____ |
| Company Chop | Signature |
| _____ | _____ |
| Date | (Name and HKID No. of the authorized representative) |

Registration number: _____ Expiry date of registration : _____

Registered address : _____

Name of company/partnership firm* : _____

*Please delete where appropriate.

FOOD AND ENVIRONMENTAL HYGIENE DEPARTMENT

CERTIFICATE OF COMPLIANCE D
(VENTILATION REQUIREMENTS)

I, _____ (_____, _____),
(Surname) (Other Names) (Name in Chinese)

holder of Hong Kong Identity Card number _____, being the registered specialist contractor (ventilation works category) under section 8A of the Buildings Ordinance (Chapter 123 of the Laws of Hong Kong) do hereby certify and declare as follows :

In respect of the premises known as _____
(Shopsign in English)
(_____), situated at _____
(Shopsign in Chinese) (Address of Premises)

_____ and

being under application for a Provisional _____ Licence

by _____ (_____) _____,
(Name of Applicant in English) (Name of Applicant in Chinese) (Applicant's contact tel.no.)

all ventilation requirements listed as Category D requirements in the Letter of Requirements addressed to the abovenamed applicant dated _____ have been fully complied with. I have personally verified such compliance by inspection of the subjects premises on _____. I have read the said Letter of Requirement
(Date of Inspection)

and understand the contents thereof. I also understand that all matters covered by this Certificate will be subject to further verification by the Licensing Authority and that if I wilfully or negligently give false or misleading information in this Certificate, I shall render myself to be liable to legal and/or other penalties.

Date Signature of registered specialist contractor
(ventilation works category)

Registered address : _____

Name of company/partnership firm* : _____
(if the ventilation contractor
is a company/partnership*)

Company Chop

*Please delete where appropriate.