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

<u>CERTIFICATE OF COMPLIANCE A</u> (HEALTH REQUIREMENTS)

Ι,		(Other Names)	(
				(Name in Chinese)
				, being the authorize
		stered under section 3 of the stered		Ordinance (Chapter 123
In respe	ect of the premises kr	nown as		
				n English)
((Shopsign in Cl		situated at	(Address of Premises)
	(Snopsign in Ci	illiese)		(Address of Fremises)
and bei	ng under application	n for a Provisional		Licen
by			(
all heal	(Name of A _l lth requirements list	oplicant in English) ted as Category A rec	Na quirements in t	ame of Applicant in Chinese) he Letter of Requiremen
been fu	lly complied with.		ified such comp	pliance by inspection of t
subject	premises on		I	have read the said Letter
by this (I wilful	Certificate will be su ly or negligently giv	bject to further verific	ation by the Lic	tand that all matters cover- ensing Authority and that his Certificate, I shall rend
	Date		_	e of authorized person / ed structural engineer*
Registration	number :			
Registered a	address:			
(if authorized	mpany/partnership fi I person/registered stru ector/partner* of a con			
				Company Chop

*Please delete where appropriate

CERTIFICATE OF COMPLIANCE B (BUILDING REQUIREMENTS)

Ι,			()
	(Surname)	(Other Names)		(Name in Chinese)
person/structi	ural engineer* regis		3 of the Building	, being the authorize gs Ordinance (Chapter 123 o
In respec	et of the premises kr	nown as	(Shopsign	ı in English)
() situated at	
	(Shopsign in Ch	ninese)	<i>)</i> , situated at	(Address of Premises)
and bein	ng under application	n for a Provisional		Licence
by			()
• —	(Name of Ap	oplicant in English)		Name of Applicant in Chinese)
understar will be s negligen	On(Date of Ind the contents there is subject to further visually and the contents there is no contents the contents	nspection) eof. I also understate verification by the labeleading information	have read the said and that all matte Licensing Author	e by inspection of the subject Letter of Requirements are covered by this Certificative and that if I wilfully of the Letter I shall render myself to be
	Date			re of authorized person / red structural engineer*
Registration 1	number:			
Expiry date o	of registration:			
Registered ad	ldress :			
(if authorized 1		rm*:ctural engineer* is an npany/partnership firm	n*)	
			_	Company Chop

*Please delete where appropriate

CERTIFICATE OF COMPLIANCE C (FIRE SERVICES REQUIREMENTS)

I/We*, (a)	() (HKID No.:),
(Surname) (Other	er Names) (Nar	ne in Chinese)	
(b)	() (HKID No.:),
(Surname) (Other Nam	(Name in (Chinese)	
and (c)(Surname) (Other Na	() (HKID No.:),
(Surname) (Other Na	mes) (Nam	ue in Chinese)	,
being the fire service install	lation contractor(s	s) registered under regulati	on 3 of the Fire
Service (Installation Contract	or) Regulations (C	Chapter 95 of the Laws of	Hong Kong) and
I,		().
I,(Surname)	(Other Names)	(Name in	Chinese)
holder of Hong Kong Identity	Card number		. being the
authorized person/structural engi			
123 of the Laws of Hong Kong),	_	_	oraniano (onapro
123 of the Laws of Hong Rong),	ooth do hereby certh	if and declare as follows:	
In respect of the premises kno	own ac		
in respect of the premises kild)wii as	(Shopsign in English)	
(). s		
(Shopsign in Chir	nese)	ituated at(Address of	Premises)
			and being
1 1: 4: C D :	• 1		τ.
under application for a Provi	sionai		Licence
by		(),
(Name of Ap	plicant in English)	(Name of Application	ant in Chinese)
all fire services requirement	s listed as Categor	y C requirements in the Lette	er of Requirements
addressed to the above	named applicant	by the Director of Fire	Services dated
		have been fully complied	ed with. We have
personally verified such	compliance by	inspection of the subje	ect premises on
(Data of Inspection by Fire	and		_ respectively.
(Date of Inspection by Fire Service Installation Contractor)		(Date of Inspection by Authorized rson/Registered Structural Engineer*)	
		and understand the contents	thereof. We also
	-	ficate will be subject to further	
	-	egligently give false or mislead	•
-	•	able to legal and/or other penalti	_

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

Date	e		
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Signature of the fire se installation contractor is Company Registration Date Signature of authorize authorized person/regi	ervice installation contact a company/partnersly Chop Number e ed person/registered istered structural	hip firm*: structural	Signature (Name and HKID No. of the authorized representative) engineer or its authorized representative
Company Registration Date Signature of authorize authorized person/regis	ervice installation con a company/partnership of the company of th	hip firm*: structural	Signature (Name and HKID No. of the authorized representative) engineer or its authorized representative
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^{*}Please delete where appropriate.

CERTIFICATE OF COMPLIANCE D (VENTILATION REQUIREMENTS)

			()
	(Surname)	(Other Names)	(Name in Chinese)
alist cor	ntractor (ventilation	Card numberon works category) undoing Kong) do hereby certif	, being the registered resection 8A of the Buildings Ordinance and declare as follows:
In respe	ct of the premises	known as	
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((Shonsian in Chines), situated at	(Address of Premises)
	(Shopsign in Clinics		and
being ur	nder application fo	or a Provisional	Licence
bv		()
·	(Name of Applicant in	English) (Name of A ₁	pplicant in Chinese) (Applicant's contact tel.no.)
all vent	ilation requiremen	nts listed as Category D	requirements in the Letter of Requiremen
			have been fully complied pliance by inspection of the subject
oremise	s on		I have read the said Letter of Requirement
premise		ate of Inspection)	
and und Certification	(Da derstand the contact will be subject	ate of Inspection) tents thereof. I also un to further verification by or misleading information	nderstand that all matters covered by the Licensing Authority and that if I wilfull in this Certificate, I shall render myself to be
and und Certification	(Da derstand the con- ate will be subject gently give false of	ate of Inspection) tents thereof. I also un to further verification by or misleading information r penalties. Signatur	the Licensing Authority and that if I wilfull in this Certificate, I shall render myself to be re of registered specialist contractor
and und Certification	(Daderstand the contact will be subject gently give false to legal and/or other	ate of Inspection) tents thereof. I also un to further verification by or misleading information r penalties. Signatur	the Licensing Authority and that if I wilfull in this Certificate, I shall render myself to be
and und Certification or negli- liable to	(Daderstand the contact will be subject gently give false of legal and/or other Date	ate of Inspection) tents thereof. I also un to further verification by or misleading information r penalties. Signatur	the Licensing Authority and that if I wilful in this Certificate, I shall render myself to be re of registered specialist contractor (ventilation works category)

Company Chop

^{*}Please delete where appropriate. $_{\mbox{\tiny FEHB}\,93}$