

The Clerk to Subcommittee
(Attn: Miss Lolita SHEK)
Subcommittee to Study the Streamlining of
Food Business Licensing
Panel on Food Safety and Environmental Hygiene
The Legislative Council

21 June 2005

Dear Miss SHEK,

**Panel on Food Safety and Environmental Hygiene
Subcommittee to Study the Streamlining of Food Business Licensing**

Meeting on 28 June 2005

I refer to your letters of 24 May and 18 June 2005 requesting for the Administration's response to the " Report on the Licensing and Regulatory Review of the Food Retail Business" of the Retail Task Force. I append below the response from the Food and Environmental Hygiene Department (FEHD).

FEHD generally supports the proposals of the Retail Task Force on its review of food retail business. On enhancing the public consultation mechanism, FEHD's standing practice is to consult the trade through various established/formal channels including the Advisory Council on Food and Environmental Hygiene which is an advisory committee with members from different community sectors and the Legislative Council Panel on Food Safety and Environmental Hygiene. FEHD will step up its consultation with the trade on new proposals in the light of the concerns expressed by the trade. On the proposal to conduct

regulatory impact assessment studies, it would be useful to first gauge the Legislative Council's views to weed out non-starters as such studies often involve substantial cost. FEHD also stresses that when making decisions, it will take into account the trade's views as appropriate but it is not possible to accept the trade's views en bloc as there is a need to balance them against public interest.

FEHD proposes that while composite licensing for ready-to-eat food will be considered, the intention is to retain the existing food permit system in parallel to cater for small operators selling only a few food items. There is no objection in principle for the licensee to change food products as specified within a composite licence provided that all the basic requirements plus the specific requirements for the food items concerned have been complied with. However, for effective enforcement, approval of such changes should only be given upon checking of compliance by FEHD staff or by means of a certification system. FEHD is prepared to consider the acceptance of certificates signed by professionals for the issue of a composite licence as in the case of the provisional licence system. Under the latter, there is already sufficient sanction in the form of immediate cancellation of the provisional licence if the licensee is found to have contravened the licensing requirements in subsequent inspections. The same enforcement regime should apply to the issue of the composite licence if a certification system is to be adopted. Details of these initiatives will be worked out for public consultation. Legislative amendments are required for introduction of a composite licence.

With best regard,

Yours sincerely,

(Vincent LIU)
for Secretary for Health, Welfare and Food