

**For discussion
on 9 January 2007**

LegCo Panel on Food Safety and Environmental Hygiene

Proposed Composite Licence/Permit for Ready-to-eat Food

Purpose

This paper briefs Members on our proposal to introduce a composite licence/permit for the manufacture/sale of various types of ready-to-eat food for consumption off the licensed/permitted premises.

Background

2. Under the existing licensing regime, food business operators are required to obtain different licences/permits for the sale of different types of ready-to-eat food, e.g. siu mei and lo mei, sushi and sashimi, cut fruits, non-bottled drinks etc. for consumption off the licensed/permitted premises, even if these food items are sold within the same premises.

3. One of the suggestions made earlier by the trade to the Legislative Council Subcommittee to Study the Streamlining of Food Business Licensing and the Retail Task Force under the former Economic and Employment Council Subgroup on Business Facilitation set up by the Financial Secretary was the introduction of a new class of food business licence to cover generic categories of food for businesses that operate multiple product lines. The Food and Environmental Hygiene Department (FEHD) has followed up on the issue and worked out some preliminary ideas and gauged the views of trade representatives in November 2005 and March 2006. Trade representatives are supportive of the proposed approach. Our latest proposal is set out in the ensuing paragraphs.

Proposed Way Forward

Scope

4. The current proposal is to categorise the composite licence/permit into three groups, with Group A allowing the manufacture of 3 food items and sale of 12 food items; Group B and C allowing the sale of 10 and 2 items respectively

(details at Annex A). Notwithstanding the categorisation, the existing food permit system is retained in parallel to ensure that business operators will not lose out even if they cannot directly benefit from the new licensing regime.

Licensing Procedure

5. Under the new regime and as in the case of other food business licences, FEHD will make use of a certification system to provide for the issue of provisional licence which will be valid for six months. During the period, the applicant should comply with the licensing requirements for a full licence to be granted a full licence by FEHD. FEHD will further consider the acceptance of certificates by authorised persons (APs)/registered professionals on confirming compliance of all basic hygiene requirements for the issuance of a full licence for applications which do not require referral to the Fire Services Department. In other words, for such licences, FEHD will no longer conduct compliance checks prior to the issuance of licence, but will conduct audit checks afterwards. However, the system shall allow the Government to take effective regulatory measures in case of irregularities detected during subsequent inspections for the protection of public health and safety. A robust mechanism of sanctions shall be in place to achieve deterrence on APs/registered professionals and the operators.

Licensing Requirements / Conditions

6. To streamline the licensing process, FEHD has identified the basic requirements to be met by an applicant before issue of a licence/permit under Group A, B or C. As Group A allows the manufacture of 3 items and sale of 12 items, the applicant is required to fulfil more basic requirements. As applicants for Group B or Group C licence/permit will only be allowed the sale of 10 and 2 food items respectively, they have correspondingly fewer number of basic requirements to meet. In addition, an applicant will have to fulfil the specific conditions for the particular food items at the point when he chooses to sell such items. The draft basic licensing requirements for issue of licence/permit under Groups A, B and C are set out at Annex B. Sample conditions for a specific food item are at Annex C.

7. The holder of a composite licence/permit may not choose to sell all the food items on the approved list under the relevant group in the beginning, but to increase the number of food items at a later stage. Irrespective of the number of items an applicant will sell at the start, and in order for the applicant to enjoy the benefit that the proposed composite licence/permit will offer (as explained in paragraph 8 below), he has to decide at the time of application the final layout of the whole premises and fully meet all the basic requirements applicable to the

relevant group (i.e. Group A, B or C) prior to the issue of the composite licence/permit under the group. To facilitate the applicant's planning, FEHD will issue to him the full set of basic licensing requirements plus specific conditions of the food items under the relevant group upon his application.

8. Once the applicant has been issued with a composite licence/permit, the applicant has the flexibility to meet certain licensing conditions later on if he is not manufacturing/selling a particular food item at that stage, but decides to do so afterwards. The arrangement enables the trade to make timely decisions in the light of operational needs. In illustration, if a licensee/permittee with a Group A licence/permit wishes to sell an additional food item (say, manufacture and sale of sushi and sashimi) after he has commenced business, he needs only notify FEHD rather than seeking prior approval from FEHD, provided that:

- (a) he complies with the additional conditions applicable to the new item;
- (b) there is no change to the approved layout plan; and
- (c) the requisite licence fee for the sale of the new item has been paid.

Regulatory Control

9. The premises under the full or provisional composite licence/permit are subject to the same regulatory control as other food businesses, including risk-based inspections and the sanction under a Demerit Point System. In addition, upon receipt of notification from the licensee/permittee concerning sale of an additional food item, FEHD will conduct follow up inspections to the premises to ascertain compliance with all the specific conditions in relation to the new food item added. In respect of provisional licence, for the deterrence of malpractice, FEHD will effect immediate cancellation if the licensee/permittee is found to have contravened the licensing requirements and to have failed to rectify the breach within a prescribed time upon warning in a subsequent inspection.

Licence/Permit Fee

10. The guiding principle of the charging method for composite licence/permit is that operators should not be required to pay more for the same type/number of food items sold under the existing licensing regime. We are considering charging the licence/permit fee on the basis of either the number of ready-to-eat food items on sale or the size of the premises.

Legislative Amendments

11. To introduce the composite licence/permit as proposed above, legislative amendments are necessary. The fee of the composite licence/permit will have to be provided in law in accordance with section 124I of the Public Health and Municipal Services Ordinance (Cap. 132). An amendment to the Public Health and Municipal Services (Fees) Regulation is therefore also necessary.

Next Steps

12. Subject to Members' views, we will proceed to work out the legislative amendments and the licensing requirements/conditions. We will also further consult the trade and the LegCo Panel when we have concrete legislative proposals.

Advice Sought

13. Members are invited to comment on the proposal as set out in paragraphs 4 to 10 above.

**Health, Welfare and Food Bureau
Food and Environmental Hygiene Department
January 2007**

Proposed Framework for Composite Licence/Permit for Ready-to-eat Food

		Group A	Group B	Group C
1	Manufacture of sushi	✓		
2	Manufacture of sashimi	✓		
3	Preparation of oysters to be eaten in raw state	✓		
4	Sale of siu mei and lo mei	✓		
5	Sale of pre-cooked food	✓		
6	Sale of sushi	✓	✓	
7	Sale of sashimi	✓	✓	
8	Sale of cut fruits, leung fan etc.	✓	✓	
9	Sale of oysters to be eaten in raw state	✓	✓	
10	Sale of non-bottled drinks	✓	✓	
11	Sale of frozen confections (ice-cream sold by the scoop)	✓	✓	
12	Sale of Chinese herb tea	✓	✓	
13	Sale of food by vending machine	✓	✓	
14	Sale of milk and milk beverages	✓	✓	✓
15	Sale of frozen confections in manufacturers' wrappers	✓	✓	✓

- As illustrated in the table above, holders of composite licence/permit under Group A are permitted to manufacture/sell food under item nos. 1 to 15; holders of composite licence/permit under Group B and Group C are permitted to sell food under item nos. 6 to 15 and item nos. 14 and 15 respectively.

(A) Proposed major basic requirements for Group A

- (1) All ceilings and walls of the premises not panelled, tiled or imperviously surfaced shall be limewashed or painted in a light colour.
- (2) Public mains water shall be installed on the premises.
- (3) Proper drainage system shall be provided to the premises.
- (4) Wash-hand basins ¹ shall be provided to the premises.
- (5) Wash-up sinks ² shall be provided to the premises.
- (6) No manhole shall be situated inside any food room.
- (7) Refrigerators with thermometers shall be provided to the premises.
- (8) Proposed layout and ventilating plans of the premises shall be submitted.
- (9) One or more grease traps shall be provided to the premises.
- (10) The premises shall be adequately lit and ventilated.
- (11) A Hygiene Manager and a Hygiene Supervisor shall be appointed to supervise the daily operation of the premises.
- (12) The floors and the surfaces of walls or partitions shall be surfaced with smooth light coloured non-absorbent material or tiles to a height of not less than 2 metres and the floors shall slope towards a floor drain. The junctions between the walls, partitions and floors must be coved.
- (13) Toilet facilities shall be provided for staff.

(Note : In addition to the above major basic licensing requirements, applicants are also required to comply with the specific licensing conditions for individual food items.)

¹ **One** wash-hand basin shall be provided **in each portion** of the premises for the (a) manufacture / preparation of sushi / sashimi / oyster to be eaten in its raw state; (b) sale of siu mei and lo mei; and (c) sale of pre-cooked food respectively. Additionally, **one** wash-hand basin shall be provided on the premises for communal use of the food business.

² **One** wash-up sink shall be provided **in each portion** of the premises for the (a) manufacture / preparation of sushi / sashimi / oyster to be eaten in its raw state; (b) sale of siu mei and lo mei; and (c) sale of pre-cooked food respectively. Additionally, **one** wash-up sink shall be provided on the premises for communal use of the food business.

(B) Proposed major basic requirements for Group B

- (1) All ceilings and walls of the premises not panelled, tiled or imperviously surfaced shall be limewashed or painted in a light colour.
- (2) Public mains water shall be installed on the premises.
- (3) Proper drainage system shall be provided to the premises.
- (4) One wash-hand basin shall be provided to the premises.
- (5) Two wash-up sinks shall be provided to the premises.
- (6) No manhole shall be situated inside any food room.
- (7) Refrigerators with thermometer shall be provided to the premises.

(Note : In addition to the above major basic licensing requirements, applicants are also required to comply with the specific licensing conditions for individual food items.)

(C) Proposed major basic requirements for Group C

- (1) All ceilings and walls of the premises not panelled, tiled or imperviously surfaced shall be limewashed or painted in a light colour.
- (2) Refrigerators with thermometer shall be provided to the premises.

(Note : In addition to the above major basic licensing requirements, applicants are also required to comply with the specific licensing conditions for individual food items.)

**Proposed Specific Conditions for
Manufacture and Sale of Sushi and Sashimi**

1. Preparation of sushi/sashimi shall be conducted in a separate portion or food preparation room specified for such purpose, which shall be bilingually labelled for preparation of sushi/sashimi only. There shall be a notice conspicuously affixed in such portion of the premises in the following bilingual form:
“This portion is to be used only for the preparation of sushi/sashimi.
此處只供配製壽司 / 刺身之用”
2. Separate equipment shall be provided for the preparation of sushi/sashimi. The equipment shall be bilingually labelled “Sushi/Sashimi only” and “壽司 / 刺身專用”, and be kept apart from other equipment.
3. Raw materials for the preparation of sushi/sashimi shall be sound, wholesome and of good quality and should be obtained from a reliable and reputable source. If the food materials are imported, a copy of the health certificate issued by the relevant authority of the exporting country and acceptable to the Director of Food and Environmental Hygiene shall be kept by the licensee. The licensee shall on demand by any health inspector produce such copy of certificate for inspection.
4. All ready-to-serve raw food for the preparation of sushi/sashimi shall be kept in a refrigerator or compartment of refrigerator separated from other food items at a temperature between 0°C and 4°C.
5. All knives used in preparation and cutting of sushi/sashimi shall be:
 - (a) immersed for not less than 1 minute in boiling water before business; and
 - (b) during business hours, placed or stored under cover in the knife sterilization apparatus and immersed in the sterilization solution in the sterilizer when they are not in use.
6. A sushi/sashimi-knife sterilization apparatus shall be provided for sterilization of knives used in the preparation and cutting of sushi/sashimi.
7. The sushi/sashimi-knife sterilization apparatus shall be cleansed and the sterilization solution renewed at least once daily.
8. Frozen raw materials for the preparation of sushi/sashimi shall be stored at a temperature below -18°C in a separate or designated part of a freezer to

avoid cross contamination. A thermometer shall be provided to indicate the temperature at which the food is being stored.

9. Defrosted raw materials for the preparation of sushi/sashimi shall be kept in a refrigerator or compartment of a refrigerator separated from other food items at a temperature between 0°C and 4°C. A thermometer shall be provided to indicate the temperature at which the food is being stored.
10. Towels used for wiping the utensils and equipment used for the preparation of sushi/sashimi shall be clean and sterilized. Disposable paper towels may be used as a substitute.
11. All sushi/sashimi shall be properly wrapped up by a layer of non-toxic plastic material or stored in covered containers when displayed inside a refrigerator.
12. Freshness of sushi/sashimi shall be maintained at all times. Any sushi/sashimi food with slimy surface, in dripping state or of dull colour shall be immediately discarded.
13. All handlers of sushi/sashimi shall wear clean protective clothing including head coverings.
14. Stock records on the raw materials for the preparation of sushi/sashimi shall be kept. Overstocking of raw materials shall be avoided
15. Sushi/sashimi on display shall be labelled with the date before which the sushi/sashimi shall be consumed.
16. During transportation, pre-prepared sushi/sashimi and chilled raw materials shall be stored under refrigeration at a temperature between 0°C and 4°C whereas frozen materials shall be stored at a temperature below -18°C. A thermometer shall be provided to indicate the temperature at which the pre-prepared sushi/sashimi and frozen or chilled raw materials are being transported.