

For Discussion
on 9 June 2009

Legislative Council Panel on Food Safety and Environmental Hygiene

Proposed Relaxation of Food Room Requirements for Licensed Restaurants and Factory Canteens

Purpose

This paper briefs Members on the proposal to relax the statutory food room requirements for licensed restaurants and factory canteens.

Background

Present Position

2. Section 3 of the Food Business Regulation (Cap. 132X) (FBR) defines “food room” as any room where any person engages in the handling of open food or in the cleaning of equipment for the purposes of a food business. The size of a food room is the aggregate area of the kitchen, other food preparation areas (such as a bar counter or an area where washing, cutting and other food preparation steps are undertaken), and space used for cleansing of utensils.

3. To ensure that reasonable space is provided for food rooms to safeguard food safety and hygiene, Schedule 5 of the FBR specifies the minimum requirements for licensed restaurants¹ (i.e. general restaurants (GR) and light refreshment restaurants (LRR)) and factory canteens (FC). The relevant requirements are set out at Annex A.

¹ Schedule 5 of the FBR only specifies the minimum food room requirements for restaurants licensed on or after 1 February 1974. Restaurants licensed before that date and where no alteration has been made to the food room area, or seating accommodation (for GRs) / usable floor space (for LRRs) thereof are subject to requirements stipulated in Schedule 4. In case restaurants that were licensed before 1 February 1974 undergo alteration works now which affect their licensed “food room” areas or GFAs, they would still need to comply with the prevailing minimum “food room” requirements stipulated in Schedule 5.

4. In the case of a GR or LRR, the statutory minimum food room requirement is to some extent inversely proportional to its gross floor area² (GFA) in recognition of the economy of scale enjoyed by larger restaurants. Hence, the larger a GR or LRR, the lower is the percentage requirement of the food room size to its GFA.

5. For GRs, there are four levels of food room requirements which gradually decrease from 30% to 21% of the GFA, as one moves up the area bands from the smallest of 100m² or less to the largest of 251m² or over. There is also an absolute minimum food room area and a separate minimum kitchen area specified for each area band.

6. The case for LRRs is similar. The food room requirements as a percentage of GFA gradually decrease as the size of an LRR moves up the six area bands from the smallest of 22m² or less to the largest of 186m² or over. By comparison, the food room requirement for an LRR as a percentage to its GFA is lower than that for a GR because the types of food that can be prepared in an LRR are limited.

7. For FCs, the present requirement is “15% of the GFA, but not less than 6 m²”, regardless of the GFA of the premises.

The Review and Considerations

8. The minimum food room requirement has been in place for many years. It is a useful control measure for ensuring food safety and hygiene standards of licensed restaurants and FCs in a densely populated city like Hong Kong where space is often a constraint for commercial establishments. From time to time, we receive suggestions from the food trade for its relaxation.

9. The Food and Environmental Hygiene Department (FEHD) has reviewed the minimum food room requirement, including the scope for revising the area bands and their corresponding requirements without compromising food safety and hygiene.

² According to Schedule 5 of FBR, GFA is the roofed-over area used exclusively for the business of the restaurant or factory canteen. It includes store-rooms, cold storage chambers, staff changing rooms, offices, air-conditioning engine rooms, lavatories, lift lobbies, stair halls and any space used exclusively by the restaurant or factory canteen. It does not include any yard or open space.

10. The existing area bands and their corresponding minimum food room requirements came into effect in 1974. Over time, we have seen significant changes in the operation of food businesses. At present, there are more than 2 400 GRs (29%) and nearly 130 FCs (27%) with a GFA of 250m² or over. Many food businesses operate in chains and share the same food supplier who undertakes some common food preparation procedures centrally before delivering food to individual outlets. This reduces the food room area required within individual food business premises for serving the same number of customers. Improvements in food handling and storage equipment as well as enhanced food safety awareness have also raised the general hygiene standard of food businesses. In view of these developments, FEHD considers there is scope in relaxing the existing minimum food room and kitchen requirements to allow greater flexibility to operators. The Buildings Department and Fire Services Department have been consulted and they have no objection to the proposals.

The Proposal

11. We propose -

- (a) to introduce new area bands for larger-scale GRs and FCs and reduce their minimum food room requirements. More specifically, the existing top area band of “251 m² or over” for GRs should be replaced by three area bands, namely, “>250 – 500 m²”, “>500 – 1 000 m²” and “>1 000 m²”. Three new area bands are also introduced for FCs. The minimum food room requirements for GRs will be reduced from the existing 21% to 16%, 13% and 10% respectively for the three new area bands. Since the existing minimum food room requirement for FCs is lower (at 15% for all sizes), we propose a more moderate reduction to 14%, 12% and 10% respectively for the three new area bands;
- (b) to reduce the minimum food room requirements for GRs in existing smaller area bands from 30%, 25% and 23% to 25%, 22% and 19% of the GFA respectively; and
- (c) to retain the existing requirement for GRs to provide for a kitchen, but

remove the minimum kitchen area requirement; and

- (d) in view of the proposed relaxations described in (a) and (b) above, to revise the absolute minimum food room area for each area band of GRs and LRRs to ensure that a restaurant at the lower end of a higher area band will be required to provide a food room larger in size than that required of one at the upper end of a lower area band despite the diminishing percentage requirement. The opportunity should also be taken to align the area bands and remove existing anomalies. For example, at present a GR with a GFA of 150.5 m² is neither covered by the lower area band of “101 – 150m²” nor the higher area band of “151 – 250m²”.

12. A detailed comparison of the relaxation proposals with the existing requirements is at Annex B.

13. Following implementation of the relaxation proposals, all food premises will continue to be subject to rigorous monitoring and controls including inspections, enforcement and licence suspension / cancellation on accumulation of demerit points. These will ensure the relaxation will not adversely affect food safety or hygiene.

Trade Consultation

14. We consulted the food business trade on the proposals described in paragraph 11 above on 14 May 2009. They were supportive and urged the Administration to take forward the proposals as soon as practicable.

Way Forward

15. Subject to the views of this Panel, we will initiate a legislative exercise to amend the FBR for effecting the relaxation proposal. Our plan is to table the amendment regulation for negative vetting by the Legislative Council in the 2009/10 legislative session.

Advice Sought

16. Members are invited to comment on the proposals in paragraph 11 above.

**Food and Health Bureau
Food and Environmental Hygiene Department
June 2009**

Ratio of Food Preparation Space, Scullery and Kitchen Area to Gross Floor Area Existing Requirements

General Restaurants

Gross floor area in m ²	Minimum kitchen area in m ²	Minimum aggregate area of kitchen, food preparation room and scullery accommodation in m ²
100 or less	6	30% of gross floor area, but not less than 9 m ²
101-150	10	25% of gross floor area, but not less than 27 m ²
151-250	10	23% of gross floor area, but not less than 36 m ²
251 or over	14	21% of gross floor area, but not less than 54 m ²

Light Refreshment Restaurants

Gross floor area in m ²	Minimum aggregate area of kitchen, food preparation room and scullery accommodation in m ²
22 or less	Not less than 5 m ²
23-35	20% of gross floor area or 7 m ² whichever is the less
36-55	18% of gross floor area or 8 m ² whichever is the less
56-95	14% of gross floor area or 12 m ² whichever is the less
96-185	13% of gross floor area or 17 m ² whichever is the less
186 or over	9% of gross floor area or 28 m ² whichever is the more

Factory Canteens

Gross floor area in m ²	Minimum aggregate area of kitchen, food preparation room and scullery accommodation in m ²
Any gross floor area	15% of gross floor area, but not less than 6 m ²

A Comparison between Existing and Proposed Food Room Requirements

General Restaurants

Gross floor area (GFA) in m ²		Minimum kitchen area in m ²		Minimum aggregate area of kitchen, food preparation room and scullery accommodation in m ² (% of GFA or absolute size, whichever is the more)	
<i>Existing</i>	<i>Proposal</i>	<i>Existing</i>	<i>Proposal</i>	<i>Existing</i>	<i>Proposal</i>
100 or less	Ditto	6	Kitchen to be provided, but area requirement to be waived	30% or 9	25% or 8
101-150	> 100 – 150	10		25% or 27	22% or 25
151-250	> 150 – 250	10		23% or 36	19% or 33
251 or over	> 250 – 500	14		21% or 54	16% or 48
	> 500 – 1 000				13% or 80
	> 1 000				10% or 130

Light Refreshment Restaurants

Gross floor area (GFA) in m ²		Minimum aggregate area of kitchen, food preparation room and scullery accommodation in m ² (% of GFA or absolute size, whichever is the less)	
<i>Existing</i>	<i>Proposal</i>	<i>Existing</i>	<i>Proposal</i>
22 or less	23 or less	5	4.5
23 – 35	> 23 – 35	20% or 7	20% or 6
36 – 55	> 35 – 55	18% or 8	18% or 7.5
56 – 95	> 55 – 95	14% or 12	14% or 12
96 – 185	> 95 – 185	13% or 17	13% or 17
186 or over	> 185	9% or 28 (whichever is the more)	9% or 18 (whichever is the more)

Factory Canteens

Gross floor area (GFA) in m ²		Minimum aggregate area of kitchen, food preparation room and scullery accommodation in m ² (% of GFA or absolute size, whichever is the more)	
<i>Existing</i>	<i>Proposal</i>	<i>Existing</i>	<i>Proposal</i>
Any GFA	250 or less	15% or 6	14% or 5
	> 250 – 1 000		12% or 35
	> 1 000		10% or 120