

香港特別行政區政府
消防處

香港九龍尖沙咀東部康莊道一號
消防處總部大廈



FIRE SERVICES DEPARTMENT

**GOVERNMENT OF THE HONG KONG
SPECIAL ADMINISTRATIVE REGION**

FIRE SERVICES HEADQUARTERS BUILDING
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HONG KONG

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28 December 2023

Ms Shirley CHAN
Clerk to Public Accounts Committee
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong

Dear Ms CHAN,

**Public Accounts Committee
Consideration of Chapter 2 of the Director of Audit's Report No. 81
Licensing of food premises**

Thank you for your letter dated 15 December 2023. This Department's responses to the questions raised are set out in the Appendix to facilitate the Committee's consideration of the captioned Chapter of the Audit Report.

Yours sincerely,

(Andy YK YEUNG)
Director of Fire Services

c.c. Secretary for Environment and Ecology (email: see@eeb.gov.hk)
Secretary for Financial Services and the Treasury (email: sfst@fstb.gov.hk)
Secretary for Security [Attn: PAS(S)B (email: rplcheung@sb.gov.hk)]
Director of Food and Environmental Hygiene (email: dfehoffice@fehd.gov.hk)
Director of Buildings (email: cpmyu@bd.gov.hk)
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Encl.

Public Accounts Committee
Consideration of Chapter 2 of Director of Audit's Report No. 81
Licensing of food premises

Response to Questions

<i>Part 2: Processing of applications for new food business licences and permits</i>	
(a)	<p><i>referring to paragraphs 2.10 and 2.12 of the Audit Report about the delays in making referrals of the 50 applications for new food business licences to and receiving comments from other relevant government bureaux/departments (“B/Ds”), the Food and Environmental Hygiene Department (“FEHD”) has agreed, according to paragraph 2.32, to take measures to address the problem. Please advise the progress and details of the follow-up actions taken by FEHD and the collaborative efforts made/to be made by FEHD, the Buildings Department and the Fire Services Department (“FSD”) to expedite the processing of applications;</i></p> <p>FSD always facilitates the food business licences application process by adopting a pragmatic approach in the work arrangement, and has actively reviewed the handling process to improve the efficiency of document transmission. In this regard, FSD has taken the initiative to put forward measures on the adoption of electronic means for receiving referrals from and providing comments to FEHD, for better collaboration with FEHD.</p> <p>Firstly, FSD is developing an e-Issuance of Licences and Certificates System, which is expected to be launched by Q2 2024, under which various correspondence by FSD, including letters, fire safety requirements, memorandum as well as certificates, can be issued to applicants and exchanged with FEHD electronically, so as to ensure referrals are received from and comments are provided to FEHD in a timely manner.</p> <p>Besides, FSD is also revamping an internal information management system, namely the Integrated Licensing, Fire Safety and Prosecution System (LIFIPS). The system provides a common platform for case handling and information sharing encompassing scope of licensing, fire safety inspection and prosecution processes among FSD's different units. The revamp is expected to be completed by 2026, by then the system will be connected with the systems of other government departments to further facilitate the food business licences application process.</p> <p>FSD will continue to work closely with FEHD to facilitate the processing of food business licence applications in a timely manner.</p> <p>As for information concerning “follow-up actions taken by FEHD and the efforts made/to be made by FEHD”, FSD is not in a position to provide any advice in this respect. The Public Accounts Committee may wish to approach the relevant department for the information.</p>

(b)	<i>with reference to paragraph 2.28 of the Audit Report, please advise whether there is a referral mechanism for cases of unlicensed food premises between FEHD and other relevant B/Ds, in particular the Buildings Department and FSD, in view of the potential risks to public life and property; if yes, the details; if not, how the public safety can be fully protected;</i>
	<p>Currently, there is no referral mechanism for cases of unlicensed food premises between FSD and FEHD.</p> <p>To protect life and property from fire is one of the missions of FSD. In this regard, under the extant mechanism, upon receipt of fire hazard complaints raised by the public, referrals from 1823 or other B/Ds, members of FSD would conduct inspections to the subject premises and take necessary enforcement actions in accordance with the Fire Services Ordinance (Cap. 95). If there is suspected operation of unlicensed food premises or other irregularities out of the purview of this department, FSD will make referral to FEHD and/or departments concerned for necessary action.</p> <p>To ensure the fire safety of various premises and the safety of public, FSD welcomes and will provide advice to FEHD for its establishment of a referral mechanism for cases of unlicensed food premises with relevant B/Ds.</p>
<i>Part 3: Management of food business licences and permits</i>	
(c)	<i>with reference to paragraph 3.10 of the Audit Report, please explain the reasons for the different understanding between FEHD and FSD on the referral mechanism agreed by the two departments for processing food business licence/permit transfer applications involving petrol filling stations;</i>
	<p>As the regulatory authority of dangerous goods (DG) on land in Hong Kong, FSD regulates the licensing of storage and use of DG at petrol filling station (PFS) in accordance with the Dangerous Goods Ordinance (Cap. 295) (DGO). PFS poses a higher risk of fire and explosion than a normal premises, as it involves the storage, handling, and dispensing of flammable substances i.e. petrol and diesel. The presence of these substances, combined with the potential for ignition sources, will increase the risk level of fire and explosion. Considering the catastrophic consequence and damage of a fire incident in the PFS, FSD has been of the view that all activities, including those not associated with vehicle fuel sales, such as a food business that may potentially attract a large number of customers, should be monitored and controlled with extra care and supervision, and a detailed risk assessment should be conducted for the applications for food business licences or permits located at PFS.</p> <p>Against the above background and for the sake of public safety, a referral mechanism had been established with FEHD since mid-2017 that all applications (i.e. new, renewed, alteration and transfer applications included) for food business licences or permits located at PFS should be referred to FSD, i.e. the licensing authority of PFS under DGO, for detailed risk assessments.</p>

	The purpose and the referral mechanism established have been clear to FSD. We are not in a position to advise the different understanding of other party on the said mechanism for the processing food business licence/permit transfer applications involving PFS.
<i>Part 4: Other related issues</i>	
(d)	<i>referring to paragraph 4.21 of the Audit Report about the progress of the implementation of the electronic-referral system by FEHD, please explain why the data interface with FSD through the system can only be launched by 2026.</i>
	As mentioned above, FSD always facilitates the food business licences application process by adopting a pragmatic approach, and has actively reviewed the handling process to improve the efficiency. As elaborated above, FSD is revamping the internal information management system, i.e. LIFIPS, with a view to connecting it with the electronic systems of other government departments. The revamp is expected to be completed by 2026. In fact, to facilitate the processing of food business licence applications before the completion of the revamp of LIFIPS, FSD is in parallel developing an e-Issuance of Licences and Certificates System, under which various correspondence by FSD can be issued to applicants and exchanged with FEHD electronically. FSD is aiming to launch this system in Q2 2024. We trust that the adoption of the above measures can help expedite the processing of food business licences applications, including referral cases, etc.