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(FOOD BRANCH)
GOVERNMENT SECRETARIAT

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19 January 2024

Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road Central, Hong Kong
(Attn: Ms. Shirley Chan)

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 9 January 2024 to the Secretary for Environment and Ecology regarding Chapter 2 of the Director of Audit's Report No. 81 – Licensing of food premises. The consolidated reply of the Environment and Ecology Bureau and the Food and Environmental Hygiene Department is enclosed at **Annex.**

Your sincerely,

A handwritten signature in black ink, appearing to be "Wendy AU", written over a light grey rectangular background.

(Ms. Wendy AU)

for Secretary for Environment and Ecology

c.c. Director of Food and Environmental Hygiene
Secretary for Financial Services and the Treasury
Director of Audit

**Ch 2 of the Director of Audit's Report No. 81
"Licensing of food premises"**

Part 2: Processing of applications for new food business licences and permits

(a) with reference to paragraph 2.28 of the Audit Report and paragraphs (n)(i) and (ii) of the reply dated 2 January 2024 from the Secretary for Environment and Ecology, please provide/advise:

(i) a chronology of events in relation to the two cases of unlicensed food premises in Tuen Mun and Tsuen Wan from first identification of the cases to the issue of provisional food licences, including each action taken by the Regional Licensing Office ("RLO") and the District Environmental Hygiene Offices ("DEHOs") concerned under the Food and Environmental Hygiene Department ("FEHD") and the joint inspections with the Audit Commission ("the Audit");

For the chronology of events in relation to the two cases in Tuen Mun and Tsuen Wan, please refer to **Appendix I** and **Appendix II**.

(ii) whether referrals had been made to the DEHOs concerned for follow-up actions after the inspections with the Audit; if yes, the details and why FEHD had not clarified the relevant arrangements with the Audit before the issue of the Audit Report; if not, why not;

On the enquiries of the Public Accounts Committee (PAC), FEHD has on further examination of the relevant files, found records showing that for the case in Tuen Mun, staff of RLO has referred the observations during the joint inspection with the Audit to the premises on 27.6.2023 to the Tuen Mun DEHO on 5.7.2023.

As for the case in Tsuen Wan, staff of RLO has referred the observation during the joint inspection with the Audit to the premises on 27.6.2023 to Tsuen Wan DEHO on 7.7.2023.

As such records were not found before the release of the Audit report and the PAC public hearings, the relevant follow-up actions

were not clearly set out earlier, which was undesirable. We will expedite referral through the enhanced Licensing Management Information System 2 and strengthen and improve file record and management work.

- (iii) for the Tuen Mun case, the Public Accounts Committee was told at the public hearing on 12 December 2023 that the inspection with the Audit was conducted on 27 June 2023 and no referral was made to the DEHO concerned for follow-up actions for this case because the operator was granted a provisional food licence on 28 June 2023. Please provide the rationale and basis for such an arrangement, together with the number of similar cases of unlicensed food premises under application for licence without enforcement actions taken by DEHOs in the past three years; and**

As mentioned in part (ii) above, according to the latest record found, for the case in Tuen Mun, staff of RLO has referred the observations during the joint inspection with the Audit to the premises on 27.6.2023 to the Tuen Mun DEHO on 5.7.2023. Tuen Mun DEHO was notified on 29.6.2023 that a provisional licence was issued to the subject premises on 28.6.2023.

As will be further elaborated in part (a)(iv) below, upon receiving notification of a new licence application from RLO, staff of the respective DEHO will inspect the concerned premises within a week, followed by weekly inspections thereafter. If any unlicensed food business is detected during inspection, staff of DEHO will initiate immediate prosecution. Monitoring and relevant enforcement actions will continue to be taken on a weekly basis. Therefore, under no scenario will DEHOs not take enforcement actions on detected unlicensed food business.

For unlicensed food premises operating during the licence application period, FEHD currently prosecutes on a monthly basis. If continuous operation is observed at the premises during the month, FEHD will take record of it and apply to the Magistrate for imposition of daily fine upon conviction in Court. To prevent operators from learning the inspection patterns of staff of DEHO and evading from enforcement action, staff of DEHO will not conduct the inspections on the same day of the week regularly.

- (iv) the FEHD's guidelines on conducting inspections of food premises and taking enforcement actions against unlicensed food premises with explanations on the coordination work between RLOs and DEHOs regarding the handling of cases of unlicensed food premises under application for licence;**

Upon receiving notification of a new licence application from RLO, staff of the respective DEHO will inspect the concerned premises within a week, followed by weekly inspections thereafter. If any unlicensed food business is detected during inspection, staff of DEHO will initiate immediate prosecution. Monitoring and relevant enforcement actions will continue to be taken on a weekly basis. At the same time, staff of RLO will inspect the premises as part of the licence application process. If any suspected unlicensed food business is detected by staff of RLO, they will notify DEHO of their observations.

Part 3: Management of food business licences and permits

- (b) according to paragraph (d)(i) of the reply dated 2 January 2024 from the Secretary for Environment and Ecology, if an operator who has his food business licence/permit cancelled submits a fresh application for licence/permit but on different premises, he is free from the 12-month time limit. Similarly, according to paragraph (t) of the above reply from the Secretary for Environment and Ecology, the three-year time limit does not apply to applications for provisional food business licence in relation to new premises. Does the Environment and Ecology Bureau ("EEB") agree that the current licensing regime may create a loophole in regulation, which will pose a threat to the public health and reduce the deterrent effect on unscrupulous food operators; if yes, the remedial measures taken/to be taken to address the issue; if not, why not;**

Paragraph d(i) of the reply mentions that if an operator's licence is cancelled due to contravention of legislative or licensing requirements, and they wish to carry on business at the same premises, they must apply for a new licence but such new application will not be accepted within 12 months from the date of licence cancellation. This has taken into consideration a higher risk of repeated violation at the same premises. Indeed, some contraventions are caused by constraints of the premises concerned and might cease if the operators are to move to a different premises. Debarring an individual from the food business industry for a

year is a severe punishment and would significantly impact not only the individual's livelihood but also that of his/her employees. The 12-month arrangement has been designed to strike a balance between the impact on the trade and the need to ensure food safety. Taking note of Members' concerns, the Government will review the need for other measures to tackle contraventions not related to the premises.

Paragraph (t) of the reply is about refusing provisional food business licence application from a former holder for the same nature of food business on the same premises within 3 years from the date of expiry of the previous provisional licence. A provisional licence allows a food business licence applicant to start operating the business after meeting certain essential requirements but at a lower level than that for a full licence. For example, a premises may only need to provide one toilet for fulfilling the requirement of a provisional licence, whereas the number of toilets required under a full licence may be higher. A provisional licence holder however is obliged to meet all the requirements in fire safety, building safety and hygiene, etc. in order to obtain a full licence. A full licence would allow the food business operator to run the food business for one year, and the full licence is renewable upon presenting proof of meeting the necessary annual fire safety checking requirement. This mechanism is for preventing food business licence applicants from operating a food business on a provisional licence continuously on the same premises without getting a full licence. On the other hand, the reason for the three-year time limit being inapplicable to applicant for provisional food business licence at a new premises is to allow flexibility for a licence applicant to opt for starting a new business at another suitable premises in case its previous application failed in meeting the requirements of a full licence due to constraints of the premises. If the three-year time limit applies to application for provisional food business licence in relation to new premises, a licence applicant failing to obtain a full licence at one premises would be prohibited from starting a new business at another location for three years, which would impose substantial restrictions to the trade. Taking note of Members' concerns, the Government will review the need for alternative measures to tackle contravention not related to premises.

- (c) **with reference to paragraphs 3.9(a) and 3.36 of the Audit Report, please advise the follow-up actions taken/to be taken by FEHD in response to the Audit's recommendation of setting target processing time for restricted food permits;**

FEHD will review the workflows, procedures and guidelines etc. in

relation to the licensing regime and make improvement in order to meet the changing needs of the society. When conducting the review, FEHD will take full consideration of the recommendations made by the Audit. In particular, FEHD will review its various guidelines and timeframes to make them more realistic and facilitate all parties to comply with the requirements.

- (d) **with reference to paragraph 3.10 of the Audit Report, please provide the number of food business licence/permit transfer applications involving petrol filling stations that were received but had not been referred to the Fire Services Department (“FSD”) during the period from May 2017 to October 2023, and advise whether FEHD will refer these cases to FSD for review; if not, why not;**

Currently, there are 33 restricted food permits issued by FEHD with addresses at petrol filling stations and/or liquefied petroleum gas (LPG) filling stations. According to the records, there were 7 cases completing the transfer application during the period in question. The department has referred the information of the permits abovementioned to FSD for review.

- (e) **with reference to paragraph (s) of the reply dated 2 January 2024 from the Secretary for Environment and Ecology and paragraph 3.14 of the Audit Report, whether EEB and FEHD will further study the feasibility of providing an option for those operators with good track records to renew their food business licences with a longer validity so as to provide more flexibility to these operators and reduce the workload of FEHD; if yes, the details; if not, why not;**

In response to the concerns of members of the PAC, FEHD will consult the trade and stakeholders on the issue. EEB and FEHD will further study taking into account the views of the trade and stakeholders and other factors.

- (f) **with reference to paragraphs 3.15 and 3.20 of the Audit Report, please advise/provide;**

- (i) **whether there was negligence committed by FEHD in processing the case of renewal of corporate licence mentioned in paragraph 3.15; if yes, the areas of improvement identified by FEHD in the renewal procedures and the corresponding actions taken/to be taken by FEHD to enhance the procedures; and**

Licence applicants have responsibility to provide correct information in their applications to FEHD. Any person who intentionally misleads or makes false statements shall bear criminal liability. When deciding whether and how to verify the information provided by applicants, FEHD will consider various factors, such as the nature of the information, any previous cases of providing false information, resources required for verification checks and impact on application processing time.

In response to the recommendations from the Audit, FEHD is improving the procedures of the licence renewal process. Corporate licensees will be requested to make declaration and confirm the validity of the corporates at the time of renewal application submission using the application form under the Oaths and Declarations Ordinance (Chapter 11). Any person making a false declaration shall be liable to criminal responsibility and his/her licence/permit will be cancelled.

- (ii) the details of the operation of the risk-based verification checks against the validity of the company registration of corporate licensees/permittees in processing their renewal applications by FEHD; how this new mechanism can effectively identify non-compliance cases, particularly those cases of overseas registered companies;**

FEHD is now formulating the details of the verification checks. This includes selecting a specific ratio of cases to verify the information of the corporates through the Companies Registry's system. The number of cases to undergo verification checks will be adjusted depending on whether provision of false information is found to be common. For verification checks of overseas registered companies, FEHD will consult the Companies Registry and the Department of Justice for professional advice.

- (g) with reference to paragraph 3.27(b) of the Audit Report, please provide the details of the two applications with grace periods further extended for five and eight months respectively, and the relevant justifications;**

In both cases, the applicant had actively contacted respective licensing office and submitted a revised plan for the application. It is believed that the concerned staff of RLO, at that time, considered the applicant to have taken the initiative to fulfill the licensing requirements and invested

considerable resources for that. As a result, they continued to process the application beyond the grace period. Nevertheless, as the Audit Commission revealed that the relevant justification for extension was not recorded, which is undesirable, FEHD has required the concerned staff of RLO to improve this situation.

- (h) **with reference to paragraph 3.32 of the Audit Report, please explain why there were instances where the performance measures were not achieved but FEHD reported an achievement of 100% in its Controlling Officer's Report or website. Do EEB and FEHD agree that such data irregularities are unacceptable; if yes, the follow-up actions taken/to be taken to rectify the problem (including the details of the enhanced Licensing Management Information System launched in May 2023 as mentioned at the public hearing);**

FEHD has commenced an investigation into the mentioned situation. The initial findings indicate that there are discrepancies in some FEHD staff's interpretation of individual work measures. For example, in case where delay was due to reasonable grounds, some still considered the case to be meeting the performance measures. FEHD does not rule out that the possibility that some colleagues were careless and did not fully verify the information before submission. The investigation by FEHD is underway, meanwhile both EEB and FEHD consider the above situation to be unacceptable.

FEHD has immediately requested supervisors of relevant sections to review the quarterly return and performance measures to ensure the accuracy of figures, and will strengthen relevant elements in internal training this year. Furthermore, after the launch of the enhanced Licensing Management Information System in May 2023, information in relation to key dates of cases will be automatically recorded in and can be directly extracted from the system. This will minimise possible deviations caused by manual input and figure compilation.

Part 4: Other related issues

- (i) **according to paragraph 4.4 of the Audit Report, FEHD would expand the scope of "Professional Certification System" ("PCS") to cover more food business licences. Please advise/provide:**
- (i) **the time that can be shorten by adopting PCS in processing the food licence applications by FEHD;**

Under the general licensing regime, after receiving the written report of compliance with the final layout plans and other required documents from the applicant, officers of FEHD will conduct a final verification inspection on site within 8 working days. Once the applicant's compliance with all licensing requirements is confirmed, FEHD will issue a full licence to the applicant within 7 working days.

PCS adopts an approach of "licence first, inspection later" which simplifies the licence application process. Upon receiving all required documents from the applicants, officers of FEHD will check the submitted documents. If all the documents are accepted, FEHD will inform the applicant of the approval of a full licence within 2 working days without the need of a site inspection. Officers of FEHD will conduct the on-site audit and confirmation check afterwards. Compared to the general licensing regime, applicants can obtain a full licence 13 working days earlier.

(ii) whether the approach of "licence first, inspection later" adopted under PCS will undermine the regulatory power of the existing licensing regime; and

Under PCS, officers of FEHD will conduct an on-site audit and confirmation check within a short period of time (7 working days) after the applicant has obtained the full licence. If any certifications/documents submitted with the application are subsequently found to be incorrect, false or misleading in a material particular, FEHD will take follow-up action, including to consider instigating prosecution, revoking the licence issued, or referring the case to law enforcement departments for follow-up etc. FEHD trusts that the food business can be regulated effectively under the PCS.

(iii) the updated statistics on the respective numbers of food business licence applications adopting PCS for light refreshment restaurants and food factories since the implementation of PCS from 1 March 2023 and the percentages of such applications in the total number of applications;

From 1 March 2023 to 31 December 2023, there were approximately 1 570 applications for light refreshment restaurant licences and food factory licences. Among them, 10 applications

opted for PCS and 6 applications have been approved to date.

- (j) referring to paragraph 4.6 of the Audit Report about the small number of applications for composite food shop licence, please advise whether FEHD has reviewed this measure; if yes, the way forward of the measure; if not, why not; and why FEHD is still planning to introduce composite permit for restricted food items given the low application rate of composite food shop licence;**

The composite food shop licence is a food business licence that was implemented by the government in 2010 in response to request from the trade after years of consultation with them. At its peak, there were nearly 40 applications for composite food shop licence. However, due to the changes in food business operation mode and commercial considerations, there is currently only one valid composite food shop licence that is still operating. In view of the recommendation in the Audit Report, FEHD will seek to gauge feedback on the composite food shop licence from the licensee and the trade, in order to explore the future direction.

Under the Food Business Regulation, there are some differences between licence and permit. A licence holder is allowed to conduct food handling procedures, such as food preparation and cooking, at the premises. The application process for a licence is relatively complicated and must comply with various requirements including building safety, fire safety, ventilation equipment and sanitary fitments. A Permit, on the other hand, allows an operator to sell restricted foods specified in Schedule 2 of the Food Business Regulation but does not allow any food handling procedure such as food preparation and cooking, and thus, only compliance with simple ablution facilities requirements is required and most of the applications do not need to be referred to other departments for comment.

Currently, if an operator intends to sell more than one restricted food item, he/she has to apply for separate permit for each restricted food item. In order to reduce compliance costs of the trade and enhance flexibility in the local business environment, meanwhile without compromising food safety, the Chief Executive announced in the “2023 Policy Address” to introduce a composite permit that covers multiple restricted food items to obviate the need for separate applications.

- (k) referring to paragraphs 4.7 to 4.8 of the Audit Report about the implementation of restriction relaxation on light refreshment restaurant licences, please provide the updated number of applications received from licensees for switching to the relaxed**

regime and the percentage for such switching in the total number of applications; does FEHD consider the response from the trade to this new initiative satisfactory; if yes, why; if not, the way forward;

FEHD will issue licences in accordance with the new regime when processing new application for light refreshment restaurant licences and when those existing licensees apply for changes. Since the introduction of the new regime, over 580 existing and new light refreshment restaurants have benefited from the relaxed regime and are allowed to sell a wider variety of food items. Before launching the new regime and during its implementation, FEHD has conducted extensive consultations and maintained communication with the trade. Feedback from the trade is that the new regime is well-received. FEHD will continue to communicate with the trade and listen to the opinions of relevant stakeholders, monitor the mode of operation of the trade, and review relevant arrangements in a timely manner.

- (l) according to paragraph 4.11 of the Audit Report, FEHD has agreed with the Audit's recommendations of reviewing various business facilitation measures as mentioned in paragraph 4.10. In paragraph 1.18, the Secretary for Environment and Ecology has pledged to provide policy steer and oversight of FEHD to take forward the Audit's recommendations. In this regard, what specific measures have been taken/will be taken by EEB to support the work of FEHD;**

The EEB has been providing policy steer and support to the FEHD for implementing various initiatives to streamline the application process for food business licences and permits, as well as enhance regulatory control over food premises.

The management of EEB and FEHD hold regular meetings to review on matters of concern. As a follow-up on the Audit report, EEB has requested FEHD to provide monthly reports on the implementation of the Audit's recommendations, which include the review of the business facilitation measures. EEB will provide policy steer and monitor the progress of implementation as needed. FEHD has also been tasked to set up a working group with relevant bureaux/departments to explore room for streamlining the procedures for handling the application of food business licences and permits and enhancing communication, including better defining each other's functions and the time required in providing comments and processing the applications. The working group is expected to complete its work by the first half of 2024, with an agreed

implementation plan listing tasks to be accomplished with effective dates. EEB will oversee FEHD in taking forward the implementation plan.

- (m) according to paragraphs 4.13 and 4.16 of the Audit Report, FEHD planned to extend the online payment service to all payment of fees related to food business licences/permits by the second quarter of 2024 and launch an online platform for applications for renewal of food business licences/permits by the end of 2023. According to paragraph 4.15 of the Audit Report, electronic submission of applications for food business licences/permits was rolled out in January 2013, please explain why the use of technology by FEHD to facilitate processing of applications for food business licences/permits has taken such a long time and measures taken by FEHD to expedite the process;**

As the various tasks involve different systems, taking into account factors such as resource availability and trade's opinions, FEHD enhanced these systems step by step. FEHD will continue to make good use of technology to enhance its public services. For example, online payment services will be expanded to cover all licenses/permits in the second quarter of 2024 and all food business licences will be issued through electronic means.

- (n) according to paragraph 4.15 of the Audit Report and paragraph (v)(ii) of the reply dated 2 January 2024 from the Secretary for Environment and Ecology, the usage rate of online submission of food business licence/permit applications had been on a rising trend from 22% in 2021 to 26% in 2023 (up to 30 November). Please provide updated statistics for 2023, and advise whether FEHD has set a target on the usage rate for this online service; if yes, the details; if not, why not; measures taken/to be taken to further promote the use of online submission by applicants;**

In order to facilitate individuals interested in operating restaurants understand the procedures for applying restaurant licences and the licensing requirements of various relevant departments, FEHD organises bi-monthly "Seminar on Restaurant Licensing" at different locations. The seminars are free to attend and cover introduction on how to submit a food business licence application online. Officers of FEHD also participate various meetings organised by the Business Facilitation Advisory Committee for the trade each year to enhance communication with the trade and promote online licence application services. In addition, FEHD will provide guidelines in the first quarter of 2024 on the

"DIY application for food business licences" to encourage applicants to submit food business licence applications online.

The number of online applications for new food business licences / permits in the past three years are tabulated below:

Year	2021	2022	2023
No. of new application for licence/ permit (a)	14 129	10 227	10 558
No. of new applications submitted online (b)	3 166	2 638	2 801
Percentage (b) / (a)	22%	25%	26%

- (o) **according to the reply dated 28 December 2023 from the Director of Fire Services, FSD is developing an e-Issuance of Licences and Certificates System by which FSD can issue its correspondence to applicants and exchange information with FEHD electronically. In this regard, please advise the corresponding measures/actions taken/to be taken by FEHD to dovetail with the launch of this new system of FSD with a view to expediting the processing of applications for food business licences and permits;**

FEHD and FSD have reached a consensus on referring applications and receiving comments through electronic means to improve efficiency. FSD is simultaneously developing an "e-issuance of licences and certificates system" to provide comments, documents etc. to the applicants and FEHD through electronic means. FEHD will continue to liaise closely with FSD to ensure smooth interface of the systems of FSD and FEHD, so as to expedite information exchange and the processing time of application for food business licences and permits.

- (p) **with reference to paragraphs 4.25 to 4.27 of the Audit Report, please advise the follow-up actions taken/to be taken by FEHD in response to the Audit's recommendation of enhancing the search function of licensed/permitted food premises on its website; and**

FEHD has enhanced the search page for licensed premises on the department's website. The public now simply need to enter the address or shop sign of the premises concerned, without needing to choose the licence/permit type, to obtain relevant search results.

- (q) **referring to paragraphs 4.28 to 4.31 of the Audit Report about dissemination of application and licensing-related information to the public, please advise further publicity and promotional efforts made/to be made by FEHD to enhance its work in this regard.**

FEHD has reminded all Licensing Offices that they have to display the latest version of key information materials regarding licence application in prominent places of the office to facilitate access and reference by the public.

In addition, FEHD has been placing advertisements in free newspapers of the highest circulation to widely promote information about upcoming “Seminar on Restaurant Licensing” to the public, and will announce information about upcoming seminars on the FEHD website and in the three licensing offices to let more members of the public to learn about and attend the seminar.

FEHD has also updated, compiled and uploaded both Chinese and English versions of the seminar presentation materials to the FEHD website for reference by the public. FEHD will review and update relevant information in a timely manner in the future to ensure that the public has access to the latest information.

FEHD will also produce a "DIY application for food business licences" in the first quarter of 2024 to enhance the trade's understanding about the licence application process and reduce start-up costs of micro, small and medium enterprises.

**Chronology of events in relation to a case of unlicensed food business
handled by the Tuen Mun District Environmental Hygiene Office**

Date	Sequence of events/follow up action
29.3.2023	The New Territories Licensing Office (NTLO) received application for General Restaurant Licence (GRL) and Provisional General Restaurant Licence (PGRL) of the subject premises. The document was dated 28.3.2023.
30.3.2023	NTLO issued a memo to the Tuen Mun District Environmental Hygiene Office (DEHO) to seek their comment on the above application.
31.3.2023	Staff of DEHO received the memo from NTLO and arranged staff inspection to the concerned premises within a week, followed by weekly inspections thereafter ¹ .
3.4.2023	Staff of DEHO conducted an inspection and detected no unlicensed food business.
11.4.2023	Staff of DEHO conducted an inspection and detected no unlicensed food business.
21.4.2023	Staff of DEHO detected unlicensed food business during inspection, and instituted prosecution against the proprietor in accordance to the Food Business Regulation ² .
26.4.2023	Staff of DEHO detected unlicensed food business operation during inspection, and took record of it to apply for imposition of a daily fine on the premises upon conviction of the prosecution instituted on 21.4.2023 in Court.
3.5.2023	Staff of DEHO detected unlicensed food business during inspection, and took record of it to apply for imposition of a daily fine on the premises upon conviction of the prosecution instituted on 21.4.2023 in Court.
5.5.2023	Letter of Requirements of GRL and PGRL was issued to the applicant by NTLO.
10.5.2023	Staff of DEHO detected unlicensed food business during inspection, and took record of it to apply for imposition of a daily fine on the premises upon conviction of the prosecution instituted on 21.4.2023 in Court.

¹ To prevent operators from learning the inspection patterns of staff of DEHO and evading from enforcement action, staff of DEHO will not conduct the inspections on the same day of the week regularly.

² FEHD currently prosecutes on a monthly basis. If continuous operation is observed at the premises during the month, FEHD will take record of it and apply to the Magistrate for imposition of daily fine upon conviction in Court.

Date	Sequence of events / follow up action
17.5.2023	Staff of DEHO detected unlicensed food business during inspection, and took record of it to apply for imposition of a daily fine on the premises upon conviction of the prosecution instituted on 21.4.2023 in Court.
25.5.2023	Staff of DEHO conducted an inspection and detected no unlicensed food business.
30.5.2023	Staff of DEHO conducted an inspection and detected no unlicensed food business.
6.6.2023	Staff of DEHO detected unlicensed food business during inspection, and instituted prosecution against the proprietor in accordance to the Food Business Regulation.
13.6.2023	Staff of DEHO detected unlicensed food business during inspection, and took record of it to apply for imposition of a daily fine on the premises upon conviction of the prosecution instituted on 6.6.2023 in Court.
20.6.2023	Staff of DEHO detected unlicensed food business during inspection, and took record of it to apply for imposition of a daily fine on the premises upon conviction of the prosecution instituted on 6.6.2023 in Court.
27.6.2023	Staff of NTLO and the Audit Commission conducted site inspection for progress report. Unlicensed food business operation was found at the subject premises.
29.6.2023	The Licensing Management Information System (LMIS) generated and sent notification email automatically to DEHO informing the issuance of PGRL, with validity period from 28.6.2023 to 27.12.2023 to the subject premises.
5.7.2023	Staff of NTLO issued memo referring observations of suspected unlicensed food business operation during the 27.6.2023 inspection to the subject premises to DEHO.

**Chronology of events in relation to a case of unlicensed food business
handled by the Tsuen Wan District Environmental Hygiene Office**

Date	Sequence of events / follow up action
6.6.2023	Staff of the Tsuen Wan District Environment Hygiene Office (DEHO) detected unlicensed food business operation on the premises during routine inspection, and instituted prosecution against the proprietor in accordance to the Food Business Regulation. Follow-up inspections were conducted on a weekly basis thereafter ¹ .
16.6.2023	<ul style="list-style-type: none"> ● The New Territories Licensing Office (NTLO) received application for Food Factory Licence (FFL) and Provisional Food Factory Licence (PFFL) for the subject premises. The document was dated 14.6.2023. ● NTLO issued a memo to DEHO to seek their comment on the abovementioned application. ● Staff of DEHO detected unlicensed food business operation during inspection, and took record of it to apply for imposition of a daily fine on the premises upon conviction of the prosecution instituted on 6.6.2023 in Court.
19.6.2023	Staff of DEHO received the memo from NTLO informing them of the abovementioned application for FFL and PFFL for the premises.
23.6.2023	Staff of DEHO detected unlicensed food business operation during inspection, and took record of it to apply for imposition of a daily fine on the premises upon conviction of the prosecution instituted on 6.6.2023 in Court.
27.6.2023	<ul style="list-style-type: none"> ● Staff of NTLO and the Audit Commission conducted site inspection for progress report of the application. Unlicensed food business operation was found at the subject premises. ● Staff of DEHO detected unlicensed food business operation during inspection, and took record of it to apply for imposition of a daily fine on the premises upon conviction of the prosecution instituted on 6.6.2023 in Court.

¹ To prevent operators from learning the inspection patterns of staff of DEHO and evading from enforcement action, staff of DEHO will not conduct the inspections on the same day of the week regularly.

Date	Sequence of events / follow up action
6.7.2023	Staff of DEHO detected unlicensed food business operation during inspection, and took record of it to apply for imposition of a daily fine on the premises upon conviction of the prosecution instituted on 6.6.2023 in Court.
7.7.2023	NTLO issued a memo to DEHO informing them of suspected unlicensed food business operation at the subject premises.
12.7.2023	DEHO received the memo from NTLO.
13.7.2023	Letter of Requirements of FFL and PFFL was issued to the applicant by NTLO.
14.7.2023	Staff of DEHO detected unlicensed food business during inspection, and instituted prosecution against the proprietor in accordance to the Food Business Regulation ² .
20.7.2023	Staff of DEHO detected unlicensed food business operation during inspection, and took record of it to apply for imposition of a daily fine on the premises upon conviction of the prosecution instituted on 14.7.2023 in Court.
26.7.2023	The Licensing Management Information System (LMIS) generated and sent notification email automatically to DEHO informing them of the issuance of PFFL, with validity period from 26.7.2023 to 25.1.2024, to the subject premises.

² FEHD currently prosecutes on a monthly basis. If continuous operation is observed at the premises during the month, FEHD will take record of it and apply to the Magistrate for imposition of daily fine upon conviction in Court.