



衛生防護中心
Centre for Health Protection

Scientific Committee on Enteric Infections and Foodborne Diseases

An overview of regulatory control of food premises

The Food and Environmental Hygiene Department (FEHD) of the Government of the Hong Kong Special Administrative Region (HKSAR) was established on 1 January 2000. It provides a wide range of services including food surveillance and control, certification and licensing, environmental hygiene services and public education.

Licensing

2. Under HKSAR legislation, a food business operator is required to obtain a licence from FEHD before operation of business. Any person found failing to do so will be liable to prosecution.

3. Food business includes restaurants, food factories, fresh provision shops, bakeries, factory canteens, siu mei and lo mei shops, frozen confection factories, milk factories and cold stores. The FEHD also issues permits for the sale of restricted foods, such as frozen confections, milk, non-bottled drinks, Chinese herb tea, cut fruit, sushi and sashimi, oysters and meat to be eaten raw, food sold from vending machines, and for operating karaoke establishments in restaurants.

4. Licences are only issued to food premises when the uses of the premises for the proposed food businesses do not breach the Government lease conditions and statutory plan restrictions and the applicants have complied with the licensing requirements in respect of health, ventilation, structural and fire safety and those under relevant legislation for the proposed food businesses. In addition, documentary proof should be submitted to FEHD to the effect that the food businesses



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at the premises shall be supervised by a full time Hygiene Manager and / or Hygiene Supervisor. There were some 19,600 licensed food premises in 2006.

Inspections

5. Health inspectors perform regular inspections to ensure that licensed food premises comply with the requirements and hygiene standards prescribed under the law.

6. The FEHD adopts a Risk-based Inspection System to inspect licensed food premises. This is a variable frequency inspection system, which aims to direct inspection resources towards licensed food premises with higher risks and with lower hygiene standards. Inspections will focus on on-site food safety checks and health education, in addition to checks on personal and environmental hygiene.

Enforcement

7. Food business operators who breach public health laws face prosecution. Under the Demerit Points System, they also bear the risk of having their licences suspended or cancelled if they repeatedly breach the laws. Food business licences will be cancelled on repeated breach of licensing requirements and conditions.

8. The FEHD also cracks down on unlicensed food businesses by taking out prosecutions and, for persistent offenders, by summary arrest and applying to the court for closure of their premises. In 2006, one closure order was granted and executed to close an unlicensed food factory.

9. The Public Health and Municipal Services (Amendment) Ordinance 2002 provides more effective mechanism to close food premises where there is an immediate health hazard to the public. In 2006, the Director of Food and Environmental Hygiene exercised his power under the legislation to issue two closure orders against two food premises due to clusters of food poisoning outbreaks.

Hygiene Manager / Hygiene Supervisor Scheme

10. The Hygiene Manager (HM) and Hygiene Supervisor (HS) Scheme came into force from May 2005 to strengthen food safety supervision in food premises. Under the scheme, all large food establishments and food establishments producing high-risk food are required to appoint an HM and an HS. All other food establishments are required to appoint either an HM or an HS. There are a number of local academic institutes and vocational training centres offering HM/HS courses that are recognised by the FEHD. The FEHD

has been providing free HS training courses for supervisory staff of licensed food premises since December 2001. By the end of 2006, it had provided 1,085 courses for 48,146 HSs, while 15,570 HMs had been trained by the institutions and training centres.

Cooked Food Centres/Markets

11. The FEHD is vested with the responsibility of properly managing cooked food centres/markets and keeping them tidy. Under the legislation, no person shall carry on any business in a cooked food centre/market unless he is the tenant of a stall.

12. Daily checks are undertaken to ensure stallholders observe the provisions of their tenancy agreements and the law. Health inspectors conduct regular inspections of cooked food stalls to ensure that the food is clean and wholesome and that the relevant legislation and codes of hygiene practices are complied with. Enforcement action is taken as and when necessary.

Hawker

13. FEHD staff inspect fixed pitches regularly and regulate the operation of itinerant hawkers to ensure that licensing conditions and relevant legislative provisions are observed. They also take enforcement action to prevent irregularities caused by licensed hawkers or illegal hawking.

14. As part of the Department's policy of reducing street hawking, no new licences are issued and eligible licensed hawkers are being relocated into public markets and cooked food centres when opportunities arise. In addition, incentives are being offered to encourage hawkers either to give up their licences or to move into the venues.

Centre for Health Protection
October 2007

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