

CONTROLLING OFFICER'S REPLY

FHB(FE)152

(Question Serial No. 0933)

Head: (49) Food and Environmental Hygiene Department
Subhead (No. & title): (-) Not Specified
Programme: (2) Environmental Hygiene and Related Services
Controlling Officer: Director of Food and Environmental Hygiene (Miss Vivian LAU)
Director of Bureau: Secretary for Food and Health
This question originates from: Estimates on Expenditure Volume I Page 252 (if applicable)

Question (Member Question No. 13):

1. It is stated that the Department will take stringent enforcement actions against unlicensed food premises and food premises which pose immediate health hazards or with illegal extension of food business area. In this connection, please advise on the stringent enforcement actions to be taken.
2. With regard to prosecutions against food premises, please advise on the average amount of fine imposed, as well as the period of licence suspension in 2011, 2012 and 2013.

Asked by: Hon. WONG Pik-wan, Helena

Reply:

1. The Food and Environmental Hygiene Department (the Department) has been vigilant in combating unlicensed food premises. Apart from taking out prosecutions, the Department would arrest persistent offenders and apply for a closure order from the court to close the premises. In addition, the Director of Food and Environmental Hygiene may order the immediate closure of a food premises which poses an immediate health hazard to the public.

In recent years, the Department has adopted a multi-pronged approach and implemented targeted measures to strengthen its actions against illegal extension of business area by food premises. In formulating the enhanced enforcement strategy, the Department has taken into consideration the problem of illegal extension of business area by food premises and work priorities in different districts. The enhanced measures include stepping up inspections and enforcement actions, speeding up the prosecution process and providing additional information to the court for consideration when passing sentences, executing suspension or cancellation of a licence pending appeal by recalcitrant offenders, issuing licence only after the Department is satisfied that the food premises concerned have no illegal encroachment onto the public place, consultation with District Councils (DCs) on the enhanced measures to solicit their support, and application for closure order from the court against food premises which persistently operate without a licence. In respect of an applicant whose restaurant licence has previously been cancelled due to repeated illegal extension of business area, his/her application, or an application made by his/her representative/business partner for any licence in relation to the same premises will not be processed within 12 months from the date of cancellation of the licence. The Department set up in May 2013, on a pilot basis, a task force comprising eight health inspectorate officers redeployed from other units within the Department to pursue enhanced enforcement actions in selected areas. The task force has been effective in containing the problematic spots in Tsuen Wan and Kwai Chung. The Department plans to set up additional task force teams to tackle the problem in other problematic spots and, where appropriate, will consult the relevant DCs on the enhanced measures to seek their support.

2. For successful prosecutions against food premises, the average amount of fine imposed in 2011, 2012 and 2013 was \$2,642, \$2,685 and \$2,842 respectively. The corresponding average period of licence suspension was 8.0 days, 8.5 days and 8.6 days respectively.