

**CONTROLLING OFFICER'S REPLY**

**FHB(FE)161**

**(Question Serial No. 1534)**

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 250 (if applicable)

Question (Member Question No. 14):

Regarding "inspections to food premises", please advise on the following:

- 1) the Department's expenditure on and manpower for conducting "inspections to food premises" in the past three years, as well as the estimated expenditure and manpower for the coming year;
- 2) the total number of prosecutions instituted (with a breakdown by nature) in the past three years, as well as the respective number of premises which had been prosecuted more than once, 5 times and 10 times or more; and
- 3) considering that the Department has indicated it will explore the feasibility of introducing a fixed penalty system as an enforcement action against "food premises with illegal extension of food business area", the scheduled time for tabling the proposed system in the Legislative Council.

Asked by: Hon. WU Chi-wai

Reply:

1. In the Food and Environmental Hygiene Department (the Department), 291 Health Inspectors are responsible for licensing control of food premises, including conducting inspections to food premises, among other duties relating to environmental hygiene matters in the past three years and the coming year. There is no separate breakdown on the Department's expenditure on and manpower for conducting inspections to food premises.
2. In 2011, 2012 and 2013, the number of prosecutions instituted against licensed food premises was 4 207, 4 231 and 3 687 respectively. The breakdown by nature of irregularities is at Annex. There are no separate statistics on the number of licensed food premises instituted with more than one, five and ten prosecutions.
3. The Government launched a public consultation exercise on the enhanced measures against shop front extensions on 14 March 2014. The consultation period will last for four months. The Government consulted the Legislative Council (LegCo) Panel on Home Affairs on 24 March 2014. Taking into consideration the views expressed by members of the public, LegCo Members and relevant stakeholders during the public consultation period, the Government will decide on the way forward in introducing the enhanced measures, including the feasibility of introducing a fixed penalty system against shop front extensions.

**Breakdown of Prosecutions instituted against Licensed Food Premises  
in 2011, 2012 and 2013**

Nature of Irregularities	No. of Prosecutions		
	2011	2012	2013
Food not protected from risk of contamination	5	6	7
Sub-standard fish tank water	4	1	3
Improper storage of open food	179	164	132
Use of open space for scullery / food preparation / storage of food utensils	132	259	171
Sale of restricted food without permission	27	19	17
Operating other types of unlicensed food business	46	9	7
Dirty food room / improper repair of food room	66	64	56
Dirty equipment and utensils	17	15	27
Dirty food premises / presence of vermins, live birds or animals	14	9	15
Dirty toilet	2	1	0
Alteration of premises or fittings	16	14	12
Alteration to the approved layout of the premises	145	116	136
Extension of food business beyond licensed area	1058	1 350	1 044
Obstruction of public places	2 473	2 173	2 048
Other irregularities such as smoking in food room, sale of fresh and frozen meat at the same premises, sale of food unfit for human consumption, sale of food which was not of the substance or quality demanded by the consumer, fresh meat containing preservative, food containing non-permitted colouring matter, etc.	23	31	12
Total	4 207	4 231	3 687