

CONTROLLING OFFICER'S REPLY

FHB(FE)093

(Question Serial No. 1313)

Head: (49) Food and Environmental Hygiene Department
Subhead (No. & title): (000) Operational expenses
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

Question:

The Food and Environmental Hygiene Department (the Department) will continue to take stringent enforcement actions against unlicensed food premises and food premises which pose immediate health hazards or with illegal extension of food business area. How does the Department review and improve its enforcement standards and approaches in daily operations so that it will not be out of tune with public sentiments and affect residents' lives and shop operators' normal business?

Asked by: Hon CHENG Chung-tai (Member Question No. 14)

Reply:

One of the core duties of the Food and Environmental Hygiene Department (the Department) is the control and inspection of licensed and unlicensed food premises. To protect public health, the Department will take stringent enforcement action against the illegal operation of food business without a licence. For recalcitrant operators, the Department will step up enforcement efforts which include enhancing frequency of inspection; taking arrest and seizure action; applying to Court for closure orders to close the unlicensed food premises; and publicising the information of the unlicensed food premises through the media and Department's website once the closure orders are executed.

To enhance prospective applicant's understanding of restaurant licence application procedures, the licensing requirements and the role of relevant government departments, the Department regularly organises bi-monthly Seminar on Restaurant Licensing in different venues across the territory with free admission. All potential applicants are encouraged to attend the seminars.

For food premises which pose immediate health hazards or involve in food poisoning outbreak or food related incident, the Department will take prompt follow-up investigation to the suspected food premises involved in the incident to access the overall hygiene condition of the food preparation area, identify irregularities, if any, in food and personal hygiene that may lead to the food incident, and trace the source of the incriminated food with a view to preventing further outbreak.

We will take enforcement action against the licensee/operator of the food premises for any violation of the relevant Food Business Regulation (Cap. 132X), and may require them to temporarily close the food premises for thorough cleansing and disinfection before resumption of business. Proper health advice on food safety and personal hygiene will be given to food handlers to prevent recurrence of food incidents.

Extension of food business outside the boundary of licensed premises, in particular in densely populated districts where space is limited, often leads to obstruction of streets and causes environmental hygiene and noise problems to nearby residents. The Department, as the licensing authority, has been tackling illegal extension of business area by food premises through the licensing system and enforcement under the Public Health and Municipal Services Ordinance (Cap. 132), and the Summary Offences Ordinance (Cap. 228). In addition to prosecution, the Department may impose administrative sanctions on licensees of the food premises under the Demerit Points System for convicted offences under Cap. 132 and its subsidiary legislation, and under the Warning Letter System for breaches of licensing requirements or conditions.

If a licensee of a restaurant wishes to set up an outside seating accommodation (OSA) beyond the boundary of the premises for alfresco dining, he may seek prior approval from the Department. The Economic Analysis and Business Facilitation Unit has formed a Working Group comprising representatives of concerned government departments to review OSA applications. The Working Group has completed the review and put forward 10 recommendations for improvement at various stages to speed up the OSA application process. The recommendations have been fully implemented by the Department by June 2015.

The Department will devise enforcement strategy and measures against unlicensed or improper operation of food business and illegal extension of food business in the light of the situation on the ground, feedback from the District Councils and members of the public and review the effectiveness of the measure from time to time.

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