

**CONTROLLING OFFICER'S REPLY**

**FHB(FE)350**

**(Question Serial No. 5148)**

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

Question:

With regard to the Demerit Points System (DPS) for licensed food premises,

1. please provide figures on licence suspension as per the table below:

		2016	2017	2018	2019
Number of licence suspensions under the DPS					
Number of reviews by the Food and Environmental Hygiene Department (FEHD) upon requests made in accordance with administrative arrangements					
Review outcome	Dismissed				
	Suspension period shortened				
	Allowed				
Appeals lodged with the Licensing Appeals Board (LIAB)					
Appeal outcome	Dismissed				
	Suspension period shortened				
	Allowed				
	Hearings cancelled due to withdrawal of appeals				
Appeals lodged with the Municipal Services Appeals Board (MSAB)					
Appeal	Dismissed				

outcome	Suspension period shortened					
	Allowed					
	Hearings cancelled due to withdrawal of appeals					

2. please provide figures on licence cancellation as per the table below:

		2016	2017	2018	2019
Number of licence cancellations under the DPS					
Number of reviews by FEHD upon requests made in accordance with administrative arrangements					
Review outcome	Dismissed				
	Suspension period shortened				
	Allowed				
Appeals lodged with LIAB					
Appeal outcome	Dismissed				
	Suspension period shortened				
	Allowed				
	Hearings cancelled due to withdrawal of appeals				
Appeals lodged with MSAB					
Appeal outcome	Dismissed				
	Suspension period shortened				
	Allowed				
	Hearings cancelled due to withdrawal of appeals				

3. what were the 5 most common offences in cases with registration of 5 demerit points under the DPS of FEHD in the past 4 years?

4. what were the 5 most common offences in cases with registration of 10 demerit points under the DPS of FEHD in the past 4 years?
5. what were the 5 most common offences in cases with registration of 15 demerit points under the DPS of FEHD in the past 4 years?

Asked by: Hon TAM Man-ho, Jeremy (LegCo internal reference no.: 603)

Reply:

The information sought is provided as follows:

1.

		<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Number of licence suspensions under the Demerit Points System (DPS)		109	103	93	100
Appeals lodged with the Licensing Appeals Board (LIAB)		13	11	4	10
Appeal outcome	Dismissed	4	4	2	2
	Suspension period shortened	4	6	1	2
	Allowed	0	0	0	0
	Hearings cancelled due to withdrawal of appeal	5	1	1	2
	Pending a decision	0	0	0	4
Appeals lodged with the Municipal Services Appeals Board (MSAB)		2	3	1	0
Appeal outcome	Dismissed	0	1	1	0
	Suspension period shortened	2	1	0	0
	Allowed	0	0	0	0
	Hearings cancelled due to withdrawal of appeals	0	1	0	0

2.

		2016	2017	2018	2019
Number of licence cancellations under the DPS		11	2	6	1
Appeals lodged with LIAB		11	2	5	2 <sup>Note</sup>
Appeal outcome	Dismissed	0	2	2	1
	Licence suspension instead of cancellation	2	0	1	0
	Allowed	5	0	0	0
	Hearings cancelled due to withdrawal of appeals	4	0	2	0
	Pending a decision	0	0	0	1
Appeals lodged with MSAB		0	0	0	0

Note: Including 1 case of licence cancellation in the previous year.

The Food and Environmental Hygiene Department does not have a breakdown on the number of reviews conducted on licence suspension and cancellation upon requests made in accordance with administrative arrangements.

3. to 5. Under the DPS, a pre-determined number of demerit points ranging from 5 to 15 will be registered against a licensee upon conviction of an offence in relation to food safety and environmental hygiene under the Public Health and Municipal Services Ordinance (Cap. 132) and its subsidiary legislation. The prescribed demerit points for a particular offence will be doubled and trebled respectively if the same offence is committed for the second and the third time within a period of 12 months. The Department does not have a breakdown on the offences in relation to which demerit points were registered against the licensee in convicted cases.

The 5 most common offences for which licensed food premises were prosecuted by the Department in the past 4 calendar years are as follows:

2016	2017	2018	2019
Unauthorised extension of food business outside the licensed area	Unauthorised extension of food business outside the licensed area	Unauthorised extension of food business outside the licensed area	Unauthorised extension of food business outside the licensed area
Alteration or addition to the matters specified in the approved plan	Using open space for preparation of food/washing or storage of utensils	Storage of open food	Failing to keep food room clean/in good repair
Storage of open food	Alteration or addition to the	Alteration or addition to the	Alteration or addition to the

	matters specified in the approved plan	matters specified in the approved plan	matters specified in the approved plan
<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Operating another class of unlicensed food business	Storage of open food	Using open space for preparation of food/washing or storage of utensils	Operating another class of unlicensed food business
Using open space for preparation of food/washing or storage of utensils	Failing to keep food room clean/in good repair	Failing to keep food room clean/in good repair	Using open space for preparation of food/washing or storage of utensils

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