

**Business Facilitation Advisory Committee
Food Business and Related Services Task Force**

***Review of the Measures to Step up Actions against
Illegal Operation of Food Business***

Purpose

This paper aims at briefing Members on the measures taken by the Food and Environmental Hygiene Department (FEHD) against illegal operation of food business.

Background

2. Under the prevailing food business licensing regime, when an applicant submits a licence application to the FEHD which has passed the preliminary screening, the FEHD will refer the application to other relevant departments for comments. After confirming that the relevant departments have no objections to the application, the FEHD will issue a Letter of Requirements to the applicant. Upon confirmation of the applicant's compliance with all licensing requirements (including those from all other departments), the FEHD will then issue to the applicant a full licence, which is valid for 12 months. In addition, to facilitate business operations, a provisional licensing system for food business licences is also in place. When the premises under application have met all essential requirements for the issue of a provisional licence imposed by all departments concerned, the applicant, upon submission of the certificate(s) duly signed by recognised professionals certifying the premises' compliance, will be granted a provisional licence, which is valid for six months.

Measures to Step Up Actions Against Illegal Operation

3. The FEHD has always taken a serious stance towards unlicensed food businesses, regardless of whether they are in the process of applying for a licence. Once an unlicensed food business is detected, the FEHD will carry out various

regulatory actions, including prosecution, arresting the operator, or even application to the court for a closure order.

4. In February this year, the Legislative Council's Public Accounts Committee (PAC) made recommendations in response to the Audit Commission's Report on licensing and regulatory control of food premises. Given that some food business operators have "premature operating" their business before obtaining a provisional licence/full licence, the premises without a licence pose potential risks to the safety of customers or staff as the premises concerned may fail to comply with building safety, fire safety and hygiene requirements. Therefore, PAC urged the FEHD to review the current regulatory measures to effectively deter the behavior of operating food business before obtaining provisional licence/full licence. In fact, nowadays, some private shopping malls have already implemented some tenancy clauses requiring food business tenants to obtain relevant food business licences before commencing business.

5. In response to the recommendations, FEHD is actively exploring feasible solutions, which include suspending the processing of licence application, in addition to taking enforcement actions. If the applicant of the food business licence is found carrying on unlicensed food business before obtaining a provisional/full licence, and debarring the same applicant and his/her partners from applying for the same type of licence for the same premises for 12 months upon conviction of relevant offence by the court.

6. The FEHD advises food business operators that apart from complying with the relevant food business regulations, they must also pay attention to the progress of their licence applications and take appropriate actions to ensure that the premises must cover by food business licences before commencing business.

Advice Sought

7. Members are invited to note and give comments on the contents of this paper.

Food and Environmental Hygiene Department
July 2024