

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

***Post-implementation Review on New Measures for
Compliance with Fire Safety Requirements by Food Premises***

Purpose

This paper briefs members on key findings and observations of a post-implementation review of the new measures implemented since 30 June 2014 for compliance with fire safety requirements (FSRs) by food premises.

Background

2. At the Food Business and Related Task Force (FRSTF) meeting held on 10 February 2015, the Food and Environmental Hygiene Department (FEHD) and Fire Services Department (FSD) undertook to conduct a post implementation review after the new measures had been introduced for a full year cycle after discussing FRSTF paper 38 with members.

Post-implementation Review

3. The compliance status of the trade after implementation of the three new measures for a full year cycle is summarized below –

(a) Continuous Compliance with FSRs

With effect from 30 June 2014, an additional licensing condition requiring the licensees to comply with FSRs issued by the Director of Fire Services at all times is imposed on all General Restaurants (GR), Light Refreshment Restaurants (LRR) and Factory Canteens (FC) licences. If any of these licences was issued before 30 June 2014, the newly imposed licensing condition would take effect when the licence was renewed on or after 1 October 2014.

Up to 30 September 2015, no serious breaches of FSRs were observed by FSD. Only 24 cases of minor breach of FSRs, involving 22 in GRs and two in LRRs, were observed by FSD. These cases were referred to FEHD for follow up action under the established monitoring mechanism. Subsequently, FEHD issued to the licensees concerned 40 warning letters¹ requiring them to rectify the irregularities. Up to 30 April 2016, there was no licence suspension or cancellation as a result of non-compliance with FSRs.

(b) Ensuring Compliance with FSRs before licence renewal

All GR, LRR and FC licences due for renewal on or after 1 October 2014 are required to obtain the “No Objection to Licence Renewal Notices”² (NOLRNs) issued by FSD before their licences can be renewed.

Up to 30 September 2015, there were a total of 12 712 licences, comprising 9 078 GR licences, 3 181 LRR licences and 453 FC licences, required to obtain NOLRNs for licence renewal. 12 108 (or 95.2%) of them were successfully renewed with the issue of NOLRNs and 568 (or 4.5%) had not been renewed as a result of voluntary surrender of licences, cessation of business or licences being cancelled due to other reasons. As regards the remaining 36 cases (or 0.3%) which were not issued with NOLRNs, mainly due to historical reasons, a pragmatic approach in handling the licence renewal of these special cases was adopted by FEHD and FSD (**Annex**).

(c) Compliance with FSRs for issuing of P-licence

Effective from 30 June 2014, applicants of provisional licences are required to declare to FEHD in the revised Certificate of Compliance C

¹ For minor breach of FSRs, FEHD will issue a warning to the licensee concerned requiring him/her to rectify the breach within 30 days. If the licensee fails to comply with three consecutive warning letters issued, arising from non-compliance of the same FSR(s), within a period of six months, the licence is subject to suspension for seven days. Thereafter, should the licensee fail to comply with a further two consecutive warning letters issued, arising from non-compliance of the same FSR(s), within four months following the suspension, the licence is subject to cancellation. If a licensee fails to observe a suspension order, the licence is also subject to cancellation.

² FSD will issue the “No Objection to Licence Renewal Notices” to the licensees after satisfying that the Certificates of Fire Service Installations and Equipment (FS 251s) and Annual Inspection Certificates for Ventilating System (AICs), if required, of the respective food premises are valid on the commencement dates of the coming term of the licences.

(Fire Safety Requirements) (Form C) whether polyurethane (PU) foam filled mattresses and upholstered furniture are in use in the subject premises, and if so, to submit invoices and test certificates to FSD.

During the period from 30 June 2014 to 30 September 2015, there were totally 4 945 applications for P-licences and 3 203 of them made declarations of using PU foam filled mattresses and upholstered furniture in their premises. All of the applicants concerned were able to submit invoices and test reports before or during the FSD's verification inspections.

4. In general, the three new measures for compliance with FSRs have been implemented smoothly since 30 June 2014. For the 36 special cases which were not issued with NOLRNs, FEHD and FSD have, after review, adopted a pragmatic approach to facilitate the licensees concerned to renew their licences. So far, both FEHD and FSD are not aware of any significant hiccups or teething problems arising from implementation of the new measures.

5. FEHD and FSD will continue to closely monitor the implementation of the new measures and adopt a facilitating approach to licensees for renewal of the GR/LRR/FC licences without compromising the fire safety of the premises. In order to enhance the fire safety of licensed food premises, FEHD and FSD will take appropriate actions against licensees who have failed to comply with FSRs.

Advice Sought

6. Members are invited to note the content of this paper and offer comments, if any.

**Food and Environmental Hygiene Department
Fire Services Department
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Pragmatic approach in handling licence renewal of special cases

Categories	No. of cases	Pragmatic approach adopted by FEHD and FSD
<p>Licensed premises with licences first issued by the then licensing authority in 60/70s which (a) have not been handled by FSD before and have not been issued with any FSRs for the grant of licences; or (b) have been issued with FSRs for the grant of licences, but such FSRs have not yet been complied with</p>	<p>27</p>	<ul style="list-style-type: none"> • FEHD has renewed all the licences concerned, having taken into account the historical reason • FSD has issued a generic set of fire safety recommendations for the licensees concerned to observe
<p>Licensed premises have not been issued with a new set of FSRs during the process of their alteration application mainly due to sub-standard structure(s) being identified</p>	<p>9</p>	<ul style="list-style-type: none"> • The licensees concerned are required to either (a) obtain clearance from the appropriate authority or a Registered Structural Engineer on structural safety of the building structure(s) concerned; or (b) revert the layout of the premises concerned to the latest plan accepted by FEHD and FSD • For the alteration applications with follow-up action (a), the licensees are required to obtain certification from the appropriate authority or a Registered Structural Engineer on structural safety of the building structure(s) concerned and re-submit a set of layout plan of the respective food premises to FEHD. Upon

		<p>receipt of FEHD's confirmation on clearance of the structural safety of the building structure(s) concerned, FSD would formulate the appropriate set of FSRs and issue to the licensees for compliance</p> <ul style="list-style-type: none">• For the alteration applications with follow-up action (b), the licensees concerned are required to have the layout of the food premises reverted to that as shown on the latest layout plan accepted by FEHD and FSD. After the reversion, the licensees should submit the required supporting documents which include the valid FS251 and /or AIC of the premises concerned to FSD for licence renewal• FEHD has renewed all the licences concerned at this juncture
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