

**Thirty-second Meeting of  
the Business Facilitation Advisory Committee**

***Agenda Item 3(b) : Report on the work of the Food Business  
and Related Services Task Force***

**Purpose**

This paper reports on the work of the Food Business and Related Services Task Force (FRSTF) since the last Business Facilitation Advisory Committee meeting held on 31 March 2016.

**Work progress of FRSTF**

***Business Facilitation Measures for Submission of Minor Works Documents to Expedite Issue of Provisional Food Business Licences***

2. The Buildings Department (BD) and the Food and Environmental Hygiene Department (FEHD) have jointly briefed FRSTF on the proposed business facilitation measures for submission of minor works (MW) documents to expedite the issue of provisional food business licences.

3. The minor works control system (MWCS) was fully implemented on 31 December 2010. In connection with provisional food business licence applications, applicants are required to comply with the requirements of MWCS for carrying out certain building works such as erection/removal of supporting structures for air-conditioners or signboards. After completion of the required MW, the applicants have to submit to BD certificates of completion of works and supporting documents, with a copy to FEHD for checking and processing. It normally takes a lead time of three to five working days for FEHD to check and process each case, hence prolonging the issue of provisional licences. Moreover, the building safety requirements (BSRs) issued by BD are in English while the MW contractors usually prepare the completion certificates in Chinese. It is not uncommon for FEHD case managers to find out that the Chinese descriptions of MW stated in completion certificates do not tally with those listed in the BSRs such that amendment and re-submission of the MW documents are required.

4. To facilitate the early issue of provisional food business licences, it is proposed that the Authorised Persons/Registered Structural Engineers certifying Certificate of Compliance B on building requirements should also certify that the MW completion certificates are in order when checked against the BSRs and BD should perform audit check accordingly. As such, pre-submission of MW completion certificates and supporting documents to FEHD for checking will no longer be required.

5. Recently, BD has provided bilingual descriptions for the MW items in BSRs of new application cases since 16 May 2016. This improvement measure not only facilitates MW contractors to prepare their completion certificates, but also avoids any unnecessary misinterpretation of the MW requirements by the relevant stakeholders.

6. FRSTF welcomes these business facilitation measures and requests the Government to implement the new arrangements as proposed in paragraph 4 above as soon as possible.

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

7. FEHD and the Fire Services Department (FSD) have jointly briefed FRSTF on key findings and observations of a post-implementation review conducted after the three new measures to ensure full compliance with fire safety requirements (FSRs) by food premises were implemented for a full year cycle.

8. Up to 30 September 2015, no serious breaches of FSRs were observed by FSD after the imposition of the additional licensing condition on General Restaurant (GR), Light Refreshment Restaurant (LRR) and Factory Canteen (FC) licences requiring the licensees to comply with FSRs at all times. There were only 24 cases of minor breaches of FSRs involving 22 in GRs and 2 in LRRs. Up to 30 April 2016, no licence was suspended or cancelled due to non-compliance with FSRs.

9. During the period from 1 October 2014 to 30 September 2015, there were 12 712 licences, comprising 9 078 GR licences, 3 181 LRR licences and 453 FC licences, required to obtain the “No Objection to Licence Renewal Notices” (NOLRNs) issued by FSD for licence renewal. 12 108 (or 95.2%) of them were successfully renewed with the issue of NOLRNs and 568 (or 4.5%) were not renewed which were attributable to

voluntary surrender of licences, cessation of business or cancellation of licences due to other reasons. As regards the remaining 36 cases (or 0.3%) which were not issued with NOLRNs, FEHD and FSD have adopted a pragmatic approach to facilitate the licensees concerned to renew their licences without compromising the fire safety of the premises.

10. During the period from 30 June 2014 to 30 September 2015, there were 4 945 applications for provisional licence and 3 203 of them made declaration of using polyurethane foam filled mattresses and upholstered furniture in their premises. All of the applicants concerned were able to submit invoices and test certificates before or during the verification inspections by FSD.

11. Regarding the earlier problem of some NOLRNs sent to wrong places, FEHD has revised the application form of food business licence so that the applicant can provide, if applicable, two different correspondence addresses for use before and after issue of licence. Having noticed quite a large number of licences are due for renewal in the month of June, FEHD has further advanced the issue of their renewal notices to allow the licensees to have more time for making necessary arrangements for the renewal of their licences.

12. The post-implementation review concludes that there are no significant hiccups or teething problems arising from implementation of the new measures. FRSTF appreciates the implementation efforts of FEHD and FSD, especially their pragmatic and robust approach to dealing with the licence renewal applications.

### ***Update on the Proposed Simplification of Appeal Mechanism for Suspension/Cancellation of Food Business Licences***

13. FEHD has updated FRSTF on the current status of the proposal to simplify the present three-tier appeal mechanism for suspension and cancellation of food business licences issued under the Food Business Regulation, Cap.132X, by removing the third tier (i.e. the Municipal Services Appeals Board).

14. At its meetings held on 6 June 2014 and 17 October 2014, FRSTF expressed to FEHD grave concern on the proposal as it would significantly undermine the legal rights of licensees and the current three-tier mechanism was very effective to prevent abuse of power and provided a good check and balance.

15. Having carefully examined the views of FRSTF and other stakeholders on the proposal and taken into account the effectiveness of the enhanced regulatory and enforcement measures, FEHD considers that there is no imminent need to pursue the simplification of the appeal mechanism at this moment. The department will vigilantly monitor the situation and re-visit the need for simplifying the appeal mechanism if abuse of the mechanism is observed.

16. FRSTF welcomes the department's decision to maintain the three-tier appeal mechanism.

### **Way forward**

17. Members are invited to note the work progress of FRSTF. FRSTF will continue to monitor the development of the above issues.

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