

**Thirty-ninth 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 (BFAC) meeting held on 5 November 2018.

Work progress of FRSTF

Dutiable Commodities (Amendment) Ordinance 2018 – Prohibition on the Sale and Supply of Intoxicating Liquor to Minors in the course of business

2. To protect the young people from the impact of alcohol, the Dutiable Commodities (Amendment) Ordinance 2018 (the Ordinance) has been enacted on 30 November 2018 to prohibit the sale and supply of intoxicating liquor to minors in the course of business. The Department of Health (DH) briefed FRSTF on the main features of the legislative amendments in the meeting on 21 November 2018.

3. According to the Ordinance, no person shall sell or supply intoxicating liquor to minors in the course of business. If restaurants supply alcoholic drinks, a sign containing the prescribed notice must be displayed at the premises. If restaurants provide take-away services including alcoholic drinks, a sign containing or expressing the contents of the prescribed notice must be displayed and an age declaration from the purchaser must be received to ensure that the purchaser is over 18 years old.

4. FRSTF appreciated DH's efforts in elaborating the key points of the Ordinance prior to the implementation. This would enable the trade to avoid being in breach of the Ordinance.

Proposed Application Criteria and New Regulatory Measures for Factory Canteen Licence

5. Under the law, a factory canteen can only serve factory employees who work in the factory building where the canteen is located. In recent years, many factory canteens also serve public customers in a high-profile manner. In this light, the Ombudsman conducted a direct investigation and recommended the Government to tighten up the approval and issue of factory canteen licences (FCL), and enhance regulatory measures against factory canteens which served public customers in breach

of the licence conditions. In light of the Ombudsman's recommendations, the Food and Environmental Hygiene Department (FEHD) and the relevant policy bureaux/departments had conducted a comprehensive and in-depth review of the licensing policy on factory canteens and formulated new application criteria and regulatory measures for the FCL as appropriate.

6. To ensure that a factory canteen only serves factory employees who work in the same industrial building, the FEHD has revised the licensing requirements and conditions of the FCL to require the licensee to display a notice reading "FACTORY EMPLOYEES OF THIS BUILDING ONLY" at conspicuous places of the factory canteen, advising the public that only factory employees of the same building are to be served. In addition, customers using a factory canteen shall possess employee identity cards issued by their employers or other acceptable proof. The above measures have been effective since February 2018.

7. Besides, the FEHD recommends to tighten up the application criteria for FCL by reducing the aggregate floor area of factory canteens in an industrial building from 10% to 1% of the gross floor area of the building. The FEHD is considering the arrangement to require an applicant for a new FCL to indicate his awareness that there is factory in operation in the building when submitting the application. The FEHD consulted members on its preliminary ideas of the proposed new application criteria in the same meeting.

8. FRSTF had reservation on the FEHD's recommendations as these would lead to a plunge in the number of factory canteens and therefore be unable to cope with the dietary need of factory employees or facilitate business. FRSTF requested the FEHD to take into consideration the views and concerns expressed by members, review and revise the recommendations on the application criteria, and consult FRSTF when appropriate.

Regulatory Regime and Current Policy on Fresh Water Cooling Towers

9. At the same meeting, the Water Supplies Department (WSD) and the Electrical and Mechanical Services Department (EMSD) briefed FRSTF on the regulatory regime and current policies of Fresh Water Cooling Towers (FWCTs).

10. At present, there are around 5,000 unauthorized FWCT¹ (UFWCTs) in Hong Kong. In average, about 50 UFWCTs are newly identified annually. As FWCTs without proper repair and maintenance have been confirmed in overseas as the source of infection of Legionnaires disease, to curb the growth of UFWCTs in number in order to protect public health, the Government will prioritize enforcement actions² against newly erected UFWCTs³. If it is found that no proper repair and maintenance is

¹FWCTs which use water from the waterworks without the Water Authority's permission.

²WSD will consider taking prosecution action against the offender and even disconnect the water supply to the FWCT.

³Newly erected UFWCT refer to (a) Newly erected UFWCTs commissioned on or after 1 August 2018;

carried out for the existing UFWCTs and hence the bacteria level of the cooling tower water sample is found consecutively exceeding the upper threshold, the Government will also prioritize enforcement against these UFWCTs.

11. FRSTF appreciated the efforts of the departments for clear explanation of regulatory requirements of FWCTs to the trade.

Way forward

12. 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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and (b) Existing UFWCTs which are wholly replaced by new units.