

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

**Reforming the Food Business Licensing Regime –
Introduction of a “Professional Certification System” on a Pilot Basis**

Purpose

This paper briefs members on the introduction of a “Professional Certification System” (PCS) for the issue of licences to light refreshment restaurants (LRRs) and food factories (FFs) on a pilot basis as an additional option for obtaining full licences issued by the Food and Environmental Hygiene Department (FEHD).

Background

2. According to section 31 of the Food Business Regulation (Cap. 132X), any person who intends to carry on a food business is required to obtain a full licence issued by the FEHD. When applying for a full licence, an applicant may choose to apply for a provisional licence at the same time. The premises concerned will only be granted a provisional licence by the FEHD after all essential health, ventilating, building and fire safety requirements imposed by the government departments concerned have been met and authorized professionals have certified in Certificates of Compliance that all the above essential requirements are fulfilled. The provisional licence enables the applicant to have sufficient time to complete the remaining works during the six-month licence period for compliance with all licensing requirements for a full licence.

3. Under the existing licensing regime, after receiving the written report on full compliance with the licensing requirements by the applicant, the final layout plans and other required documents, the FEHD staff will conduct a final verification inspection on site. Upon confirmation of the applicant’s compliance with all licensing requirements, the FEHD will issue a full licence to the applicant.

Introduction of a “Professional Certification System” for the Issue of Full Licences

4. With a view to streamlining procedures and shortening processing time, the FEHD plans to introduce a PCS for the issue of full licences for LRRs and FFs on a pilot basis as an initiative to reform the food business licensing regime. It is expected that this optimisation measure can encourage early compliance with the licensing requirements by the applicants and enable the trade to have a better grasp of when full licences will be approved. Applicants may choose between the current system or the PCS for the issue of the full licences.

5. The PCS will adopt an approach of “**licence issuance first, audit inspection later**” for the issue of full licences. The FEHD will accept a Certificate of Compliance and final layout plans issued by an authorized person or a registered structural engineer (AP/RSE)¹ as the certification for compliance with all health requirements for the issue of a full licence, provided that all licensing requirements imposed by other relevant government departments have already been met. After issuing the full licence, the FEHD staff will conduct on-site audit checks on the premises’ compliance with all health requirements. The above measure will be put in place in the first quarter of 2023. Subject to smooth implementation and support from the trade, the FEHD will extend the new measure to other food business licences in the second half of 2023 the soonest.

False Certification

6. If any information in the relevant documents certified correct by an AP/RSE is found to be incorrect, false or misleading, or if the declaration made is found to be false after on-site audit checks, the FEHD will carry out follow-up action, such as consideration of instigating prosecution, cancellation of the licence issued or referring the case to other departments concerned for follow-up.

Advice Sought

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

Food and Environmental Hygiene Department December 2022

¹ “Authorized Person” means a person whose name is on the authorized persons’ register kept under section 3 of the Buildings Ordinance (Cap. 123) as an architect, an engineer or a surveyor; “Registered Structural Engineer” means a person whose name is for the time being on the structural engineers’ register kept under section 3(3) of the same Ordinance.