

Tel : Food and Environmental Hygiene Department
Fax : (Address of the District Office)
Ref. : Date :

Dear Sir/ Madam,

(Address and type of licence of the premises)

This letter serves to inform you that the Food and Environmental Hygiene Department (FEHD) will implement a set of Revised Procedures (“the Scheme”) for licensed food premises that have fully implemented the food safety management system under ISO 22000 and obtained the ISO 22000 certification.

Food premises recognised under the Scheme will be subject to a revised inspection regime and excluded from the Demerit Points System (DPS).

Eligibility

The food premises fulfilling the following recognition criteria are eligible to apply for recognition under the Scheme:

- (a) The food premises are covered by a valid food business licence (provisional or full licence) issued by FEHD and have a good track record in the past 12 months immediately before the date of application (or between the date of issue of licence and the date of application if the licence was first issued in less than 12 months) and during the interval when the application is under process i.e. (i) no breach of any provisions of the Public Health and Municipal Services Ordinance, Cap. 132 (including its subsidiary legislation); (ii) no breach of licensing requirements and conditions leading to issue of warning letter; (iii) no suspension of licence; and (iv) no closure order has been made in respect of the food premises;
- (b) The food premises have fully implemented ISO 22000 and are covered by a valid ISO 22000 certificate issued by an accrediting body;

- (c) The ISO 22000 certificate must cover the entire food premises to which the food business licence relates. Partial certification of part of the licensed food premises will not be accepted; and
- (d) For food business licence issued in the name of an individual person, the licensee has to prove his relationship with the company to which the ISO certification is granted, e.g. a director or employee, etc.

Consent to Release Information

In order to join the Scheme, the licensee has to give consent for the FEHD to :

- (a) release to the accrediting body any of the information and documents provided or to be provided in connection with the application, and the details of irregularities and actions taken during the inspections, change in layout, records on prosecutions / breach of licensing requirements and conditions and any other penalties administered by the FEHD and other relevant authorities; and
- (b) obtain information relating to the food premises from the accrediting body concerning aspects in accrediting the food premises under ISO 22000 (e.g. audit results, withdrawal of certificates, etc.).

The Scheme

Exclusion from Demerit Points System (DPS)

Food premises recognised under the Scheme will be excluded from the DPS.

Inspection frequency

Under the Scheme, the food premises will be inspected at intervals of at least once every 5 months. During such inspections, the

general hygienic condition, layout plan, and licensing requirements and conditions will be checked. The premises will be subject to additional inspections in the event of food poisoning outbreak, food complaint and other complaints.

Prosecution actions

The recognition of the food premises under the Scheme excludes the food premises from the DPS, but does not exempt the licensee / operator from complying with the legislation. Prosecution will be instituted against the licensee / any responsible person if there is any breach of legislation but no demerit points under the DPS will be counted.

Warning Letter System

The current policy on cancellation of provisional licence or full licence as set out at Appendix A is still applicable to the food premises recognised under the Scheme.

Cancellation of Recognition

Recognition under the Scheme will be cancelled under any of the following situations and the food premises will be reverted to the normal control mechanism by this Department and subjected to sanctions under the DPS:

- (a) The ISO 22000 certificate has expired or is withdrawn or cancelled by the accrediting body;
- (b) The food premises are involved in food incident leading to temporary closure of the food premises;
- (c) The food premises are not covered by a valid food business licence;
- (d) Breach of the law which is considered to be of public health or safety significance or very serious in nature (e.g. sale of unfit food under section 54 of Public Health & Municipal Services

Ordinance, Cap. 132; sale/possession of meat not derived from an approved slaughterhouse or other approved sources in contravention of section 29 of the Food Business Regulation, Cap. 132X) or repeated violation of offences with significant food safety and hygiene implications (e.g. unauthorised extension of food business outside the licensed area under section 34C of Food Business Regulation, Cap. 132X);

(Remarks : Breach of offence under section 29 of Food Business Regulation, Cap. 132X in connection with sale/possession of meat not derived from an approved slaughterhouse or other approved sources will, upon its conviction, warrant both the cancellation of recognition under the Scheme and cancellation of the food business licence)

- (e) Upon transfer of the food business licence, the incoming licensee fails to obtain certification from the accrediting body within three months (in such circumstances, any convictions of offences committed within the interim period will be counted for demerit points against the food business licence for sanction under the DPS).

Application

Those who are interested in applying for recognition under the Scheme should complete and return the attached application form to General Registry, Branch Administration Division, 42/F, Queensway Government Offices, 66 Queensway, Hong Kong by hand or by post together with the relevant documents.

If you have any enquiries on this letter, please do not hesitate to contact Senior Health Inspector Mr./Ms. _____ at telephone number _____.

Yours faithfully,

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for Director of Food and Environmental Hygiene

Current Policy on Suspension and Cancellation of Full Licence/Permit

If any relevant provision of the Public Health and Municipal Services Ordinance Cap. 132 or its subsidiary legislation is contravened, (except for the sale or possession for sale etc. of meat derived from unapproved sources in contravention of section 29 of the Food Business Regulation, (Cap.132 sub. leg.) the policy on which is described below), your licence/permit will be subject to suspension or cancellation in accordance with the Demerit Points System. This system is applicable to premises issued with food business licences/permits.

Under the Demerit Points System, only food or hygiene-related offences are counted towards the imposition of the suspension/cancellation order. Such offences are graded according to the seriousness of the contraventions committed. The Procedural Guide for Demerit Points System and the Schedule of Demerit Points are at Appendix A and Appendix B for your information.

When a prosecution in respect of any offence which attracts demerit points is taken out against the licensee/permittee/owner/operator of the food business, the licensee/permittee will be informed by letter of the number of demerit points, if any, recorded against his licence/permit in the past 12 months and the number of demerit points to be added upon conviction of the new offence.

Regarding the sale, or offer or exposure for sale, or possession for sale or for use in the preparation of any article of food for sale, of meat of animals in contravention of section 29 of Food Business Regulation, (Cap. 132 sub. leg.) (that is, fresh, chilled or frozen meat of animals which have not been slaughtered in a Government slaughterhouse or in a slaughterhouse approved by this Department except where such meat was lawfully imported into Hong Kong in accordance with the Imported Game, Meat and Poultry Regulations, (Cap. 132 sub. leg.)), the policy is that the food licence/permit registered with one conviction of this offence will be subject to immediate cancellation. The Director of Food and Environmental Hygiene will consider not exercising his discretion to suspend the “immediate cancellation” decision even if the licensee/permittee appeals against the decision to the appeals tribunals.

The current policy in respect of breach of licensing requirement(s) and/or condition(s) is that –

- (a) A verbal warning will be issued to a licensee/permittee when a breach of licensing requirement and/or condition is detected on the premises.
- (b) If the licensee/permittee fails to heed the verbal warning or the irregularity recurs within a six-month period from the date of the issue of the verbal warning, a warning letter which is valid for six months will be issued immediately.
- (c) This Department will consider to cancel a licence/permit if the licensee/permittee has been issued with three warning letters within any period of six months resulted from the breach of one or more licensing requirement(s) and/or condition(s) and subsequent breach(es) is/are detected thereafter.
- (d) If the irregularity amounts to an offence, the Department will prosecute the offender instead of the issue of a warning.
- (e) This Department will issue a warning on top of the legal action taken in certain cases such as material deviation from approved layout.

In addition to the above, if the breach of the law or licensing requirement/condition is considered of public health or safety significance or very serious in nature, the Director of Food and Environmental Hygiene may exercise his power to suspend or cancel the licence/permit with immediate effect in accordance with section 125(1)(b) of the Public Health and Municipal Services Ordinance, Cap. 132.

It is the responsibility of the licensee to ensure authenticity of all the certificates and documents submitted to the Food and Environmental Hygiene Department. The Director of Food and Environmental Hygiene may immediately cancel the licence issued to him if any information certified to be correct in the certificates of compliance, certification on free of unauthorized building works or self-declaration on compliance with Government lease submitted is later found to be incorrect, fraudulent or misleading or the declaration made is false. The Director of Food and Environmental Hygiene will consider not exercising his discretion to suspend the “immediate cancellation” decision during the pending period of appeal even if the licensee appeals against the decision to be heard in the respective appeal tribunals.

Current Policy on Suspension and Cancellation of Provisional Licence

If any relevant provision of the Public Health and Municipal Services Ordinance Cap. 132 or its subsidiary legislation is contravened, (except for the sale or possession for sale etc. of meat derived from unapproved sources in contravention of section 29 of the Food Business Regulation, (Cap.132 sub. leg.) the policy on which is described below), your licence will be subject to suspension or cancellation in accordance with the Demerit Points System. This system is applicable to premises issued with food business licences/permits.

Under the Demerit Points System, only food or hygiene-related offences are counted towards the imposition of the suspension/cancellation order. Such offences are graded according to the seriousness of the contraventions committed. The Procedural Guide for Demerit Points System and the Schedule of Demerit Points are at Appendix A and Appendix B for your information.

When a prosecution in respect of any offence which attracts demerit points is taken out against the licensee/owner/operators of the food business, the licensee will be informed by letter of the number of demerit points, if any, recorded against his licence in the past 12 months and the number of demerit points to be added upon conviction of the new offence.

Regarding the sale, or offer or exposure for sale, or possession for sale or for use in the preparation of any article of food for sale, of meat of animals in contravention of section 29 of Food Business Regulation, (Cap. 132 sub. leg.) (that is, fresh, chilled or frozen meat of animals which have not been slaughtered in a Government slaughterhouse or in a slaughterhouse approved by this Department except where such meat was lawfully imported into Hong Kong in accordance with the Imported Game, Meat and Poultry Regulations, (Cap.132 sub. leg.)), the policy is that the food licence registered with one conviction of this offence will be subject to immediate cancellation. The Director of Food and Environmental Hygiene will consider not exercising his discretion to suspend the “immediate cancellation” decision even if the licensee/permittee appeals against the decision to the appeals tribunals.

The current policy in respect of breach of licensing requirement(s)/condition (s) is that –

(a) For breach of licensing requirement :

- (i) On detection of breach of any requirement, a written warning will be given to the licensee.
- (ii) Failure to comply with the warning, or a subsequent breach of the same requirement, will lead to cancellation of the provisional licence.

(b) For breach of licensing condition :

- (i) A verbal warning will be issued to a licensee when a breach of licensing condition is detected on the premises.
- (ii) If the licensee fails to heed the verbal warning or the irregularity recurs within a six-month period from the date of the issue of the verbal warning, a warning letter which is valid for six months will be issued immediately.
- (iii) This Department will consider to cancel the provision licence if the licensee has been issued with three warning letters within any period of six months resulted from the breach of one or more licensing condition(s) and subsequent breach(es) is/are detected thereafter.
- (iv) If the irregularity amounts to an offence, the Department will prosecute the offender instead of the issue of a warning.

In addition to the above, if the breach of the law or licensing requirement/condition is considered of public health or safety significance or very serious in nature, the Director of Food and Environmental Hygiene may exercise his authority to suspend or cancel the licence with immediate effect in accordance with section 125(1)(b) of the Public Health and Municipal Services Ordinance, Cap. 132.

All outstanding demerit points registered under the Demerit Points System resulted from conviction of offence(s) committed, and all verbal and written warnings issued against the premises for breaches of licensing conditions during the provisional licence period and the penalties in the form of suspension of licence incurred will not be cancelled and will be carried forward to the full licence issued in respect of the same premises.

It is the responsibility of the licensee to ensure authenticity of all the certificates and documents submitted to the Food and Environmental Hygiene Department. The Director of Food and Environmental Hygiene may immediately cancel the licence issued to him if any information certified to be correct in the certificates of compliance, certification on free of unauthorized building works or

self-declaration on compliance with Government lease submitted is later found to be incorrect, fraudulent or misleading or the declaration made is false. The Director of Food and Environmental Hygiene will consider not exercising his discretion to suspend the “immediate cancellation” decision during the pending period of appeal even if the licensee appeals against the decision to be heard in the respective appeal tribunals.

Application Form

Revised Procedures for Licensed Food Premises Implementing Food Safety Management System under ISO 22000

Part A : Details of Applicant

- (1) Name of Licensee (in block letters) [☞] : _____
- (2) Name in Chinese : _____
- (3) Name of Authorized Person* : _____
- (4) Hong Kong Identity Card No. *# : _____
- (5) Company Registration No*# : _____
- (6) Address of food premises: _____
_____ Tel. No.: _____
- (7) Type of licence: _____
- (8) Licence number and licence expiry date: _____

Remarks : For food business licence issued in the name of an individual person, the licensee is required to prove his/her relationship with the company to which the ISO certification is granted, e.g. a director or employee, etc.

Part B : Details of ISO 22000 certification

(9) Name and address of holder of the ISO 22000 certificate:

(10) Validity period of the current ISO 22000 certificate#: _____

(11) Date of first obtaining ISO 22000 certification : _____

(12) Name of Accrediting Body for ISO 22000: _____

(13) Address of Accrediting Body: _____

Remarks : The ISO 22000 certificate must cover the **whole** food premises to which the food business licence relates. Partial certification of part of the licensed food premises **will not be accepted**.

Note : * Please delete as appropriate

Please attach the relevant document

☞ For food business licence issued in the name of an individual person, the licensee has to prove his/her relationship with the company to which the ISO 22000 certification is granted, e.g. a director or employee, etc.

Part C : General Declarations

- (1) I/we declare that all information and documents provided in this Application are true, accurate and complete.
- (2) I/we agree to abide by the recognition criteria for the Revised Procedures.
- (3) I/we agree that the Food and Environmental Hygiene Department (FEHD) may release to the ISO 22000 Accrediting Body any of the information and documents provided or to be provided by me/us in connection with the application (including the application form), and the details of the irregularities and actions taken during the inspections, change in layout, records on prosecutions / breach of licensing requirements and conditions and any other penalties administered by the FEHD and other relevant authorities.
- (4) I/we agree that the ISO 22000 Accrediting Body may release any of the information and documents provided or to be provided by me/us, and the details of audit findings/reports and other information concerning the ISO 22000 certification to the FEHD.
- (5) I/we agree that FEHD may disclose or publish the name and address of my/our licensed food premises and the implementation of ISO 22000 at my/our licensed food premises for public information.
- (6) I/We have read and fully understood the Statement of Purposes for Collection of Personal Data in connection with Application for recognition under the Revised Procedure (Part E). Should I/we propose any subsequent change to this application, I/we shall notify the Food and Environmental Hygiene Department in writing.

Part D : Return of Application Form

After completion of the application form, please send the application form together with all relevant documents to General Registry, Branch Administration Division, 42/F, Queensway Government Offices, 66 Queensway, Hong Kong by hand or by post.

Signature of Licensee /

Company Stamp :

Authorized Person : _____

Date : _____

Part E : Collection of Personal Data in Connection with Application for Recognition under the Revised Procedures (In accordance with the Personal Data (Privacy) Ordinance)

Statement of Purposes

1. Purposes of Collection

The personal data provided by means of this form will be used by the FEHD for –

- (a) Carrying out activities relating to the applications for recognition under the Revised Procedures; and
- (b) Facilitating communication among staff of the Licensing Authority, other Government departments and yourself.

The provision of personal data by means of this form is voluntary. However, if you do not provide sufficient information, we may not be able to process your application for recognition under the Revised Procedures.

2. Class of Transferee

The personal data which you have provided by means of this form may be disclosed to other Government departments and agencies in pursuance of the purposes mentioned in paragraph 1 above.

3. Access to Personal Data

You have a right of access and correction with respect to personal data as provided for in accordance with sections 18 and 22 and Principle 6 of Schedule 1 of the Personal Data (Privacy) Ordinance. Your right of access includes the right to obtain a copy of your personal data which you have provided by means of this form.