

**A GUIDE TO APPLICATION  
FOR  
FOOD FACTORY LICENCE**

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### General

In accordance with the laws of Hong Kong, any person who intends to prepare and/or manufacture food for sale for human consumption off the premises in the territory must obtain a food factory licence issued by the Licensing Authority before commencement of such business.

There are numerous food preparation and manufacturing trades in Hong Kong which need to be covered by a Food Factory licence. The more common ones are listed below :-

1. preparing food or drinks canned, bottled or packaged in other materials;
2. preparing soy, pickles or sauces (including gourmet powder and sodium glutamate);
3. preserving food, including dried and preserved meat, smoked ham, sausages, lo mei and leung gwo (preserved fruits);
4. operating a take-away food shop or providing catering service etc;
5. roasting meat or poultry;
6. making confections;
7. making bean curd, bean curd whey (soya bean juice), dehydrated bean curd whey, fermented bean curd and fermented taro curd (nam yue) etc;
8. making noodles, rice noodles, vermicelli, macaroni, spaghetti and bean threads etc;
9. manufacturing light refreshments (such as peanuts, shrimp slices, crisps) and puddings;
10. manufacturing gluten and products from gluten such as vegetarian lo mei;
11. processing food, such as manufacturing fish balls, shrimp balls, meat balls and frying pig skin etc; and
12. manufacturing distilled water/bottling water.

However, a Milk Factory licence is required for any business in pasteurizing, manufacturing and packaging of reconstituted milk drinks; a Frozen Confection Factory licence is required for the manufacture of ice cream, soft ice cream and popsicles etc; and a Bakery licence is required for any business in baking bread and other bakery products.

## Application Procedure

Application may be submitted either in writing (Chinese or English) or with the use of a standard form, accompanied by 3 copies of a proposed layout plan of the premises, which should be drawn to scale and in metric unit, and addressed to the Assistant Secretary (Licensing) of the Licensing Office concerned (see Appendix I). However, 5 copies of a proposed layout plan are required in respect of an application for a Food Factory (Meat Roasting) licence. Standard forms are obtainable from all Licensing Offices and respective District Environmental Health Offices.

The application, whether made in writing or with the use of a standard form, should contain the following :-

- (a) the class of licence applied for;
- (b) full address of the premises under application for a licence including name of the street, number of the premises, name of the building and the flat number etc to avoid postal misdelivery;
- (c) the name, home address and telephone number of the applicant; if the applicant is a corporation, the name and address of the corporation and the name and home address of the principal officers;
- (d) the type of heating equipment and the type of fuel intended to be used; and
- (e) whether air-conditioning system is to be installed in the factory; if so, the type and working capacity of such installation.

The application must be signed by the applicant personally. A licence may be issued in the name of a person or a corporation.

The application will be considered by the Licensing Authority, the Fire Services Department and the Labour Department respectively. Before the applicant receives a letter of licensing requirements from the Licensing Authority, he is advised not to start any work on decoration. He must also not start the business before obtaining the licence. Otherwise, he will be liable to prosecution.

### **Preparation of Proposed Layout Plan**

Before preparation of the layout plan, the applicant is required to apportion the factory for the proposed usage such as the locations of the kitchen, food preparation room and sanitary facilities. In the proposed layout plan, the following particulars should be furnished :-

1. kitchen, food preparation room, food storage room and scullery;
2. toilets, wash-hand basins, wash-up sinks and drainage works;
3. all windows and mechanical means of ventilation, if installed, including air ducts, cooling towers, extraction fans etc;
4. all entrances, exits, doors and internal communication;
5. cloakroom(s), passageways, and all open spaces (such as yards and light wells);
6. means of refuse storage and disposal; and
7. the siting of all furniture and fittings of a substantial and permanent nature including food preparation tables, cooking ranges, refrigeration or cooling equipment, wardrobes, fixed cupboards, drying racks etc.

The proposed layout plan may be prepared by the applicant himself or an architect employed by him.

## **Processing of Application and Notification of Licensing Requirements**

Upon receipt of the application for licensing, the Assistant Secretary (Licensing) concerned will acknowledge it and inform the applicant in writing the date and time when the Licensing Inspector will conduct the Quality Audit of the proposed layout plan and inspect the subject premises to assess its suitability for licensing. If the appointment is inconvenient to him, he can always request to change it to another date by telephoning the Assistant Secretary (Licensing) concerned, but this will cause some delay in the processing of the application.

Meanwhile, the application will be referred to the Director of Fire Services, Director of Buildings, Commissioner for Labour and Director of Environmental Protection for comments, as appropriate.

In case the proposed food factory is situated in a housing estate, the application will also be referred to the Director of Housing who will consider whether the applicant is the authorized tenant and whether the proposed business is a designated trade.

After all these inspections and upon clearance from all Government departments concerned, the Assistant Secretary (Licensing) concerned will list out in detail the licensing requirements and convey them to the applicant in writing for his compliance before a licence can be issued.

For details of the main licensing requirements, please refer to Appendix II. The applicant is advised, in his own interest, to purchase a copy of the Food Business Regulations, Cap. 132 for reference from the Government Publications Sales Centre at G/F, Lower Block, Queensway Government Offices, 66 Queensway, Hong Kong.

The applicant can start the decoration work only upon notification in writing of licensing requirements from the Licensing Authority. If the subject premises are unsuitable for licensing, the applicant will be informed of the refusal to the application by the Assistant Secretary (Licensing) concerned together with reasons.

However, if in connection with the food business, the fuel consumption rate exceeds the following statutory limits, the applicant should also obtain prior approval from the Environmental Protection Department (Appendix III) for the installation of the stoves and chimneys :

- |     |              |   |                              |
|-----|--------------|---|------------------------------|
| (a) | gaseous fuel | : | 1150 megajoules per hour; or |
| (b) | liquid fuel  | : | 25 litres per hours; or      |
| (c) | solid fuel   | : | 35 kilograms per hour.       |

As for the fire services requirements, they will be directly conveyed to the applicant by the Fire Services Department with a copy to the Licensing Office for information.

Please note that it is a licensing prerequisite for the applicant to obtain a Fire Services Certificate from the Fire Services Department prior to the issue of the licence. A fee will be chargeable for the issue of this certificate.

### **Enquiry on Licensing Matters**

In case the applicant has difficulty in understanding the licensing requirements or has any queries concerning licensing matters, he can approach the Licensing Inspector in charge of the application either in person or by telephone at the address and telephone number given in Appendix I.

### **Report Compliance with Licensing Requirements and Issue of Licence**

Upon compliance of all licensing requirements, the applicant should immediately inform the Assistant Secretary (Licensing) concerned in writing who will arrange a Licensing Inspector for a verification inspection.

For fire services requirements, the applicant should inform the Fire Services Department direct to arrange for an inspection.

After confirming that all licensing requirements have been complied with, a licence will then be issued. The applicant will be informed in writing to pay fee and to collect licence.

The licence fee for a food factory licence, which is subject to review, is calculated according to the gross floor area of the food factory. For details, please refer to Food Business Regulations or call the Licensing Offices.

The objective of issuing food factory licences is to ensure maintenance of a good standard of hygiene at the premises concerned and the wholesomeness of the food supplied therefrom. In the event of any difficulty or incomprehension, please approach the Assistant Secretary (Licensing) concerned. On the other hand, the applicant must not offer any money or gift to any staff because this is an offence under the law and the offender is liable to prosecution.

### **Non-compliance with Licensing Requirements**

If the applicant fails to comply with the licensing requirements within three months, the Assistant Secretary (Licensing) concerned will inform him of the outstanding requirements in writing for his early remedial action. He will also be advised to report compliance again for another verification inspection after he has complied with the outstanding requirements.

If no report of compliance of licensing requirements is received, the Licensing Inspector will only inspect the premises at 3 months intervals to check progress of the application. Should the applicant fail to meet all the licensing requirements in 6 months, cancellation of his application will be considered.

**Licensing Offices**

**Hong Kong Island**

The Assistant Secretary (Licensing)  
Licensing Office,  
Lockhart Road Municipal Services Building,  
8/F, 225 Hennessy Road,  
Hong Kong

Tel. No. 2879 5712

**Kowloon**

The Assistant Secretary (Licensing)  
Licensing Office,  
Pei Ho Street Municipal Services Building,  
4/F, 333 Ki Lung Street,  
Shamshuipo, Kowloon.

Tel. No. 2729 1293

**New Territories**

The Assistant Secretary(Licensing)  
Licensing Office,  
4th Floor, Tai Po Complex,  
No.8 Heung Sze Wui Street,  
Tai Po, New Territories.

Tel. No. 3183 9226

**Main Requirements for the Issue of a Food Factory Licence**

(A) Licensing requirements

1. The premises shall be painted or limewashed in a light colour.
2. Public mains water shall be laid on to the premises.
3. The floors and internal surfaces of the walls of the kitchen, food preparation room and scullery shall be surfaced with smooth light coloured non-absorbent material or tiles to a height of not less than two metres and the junctions between the walls and floors shall be coved.
4. Facilities in the toilets :
  - (a) Water closets and flushed urinals shall be installed to a standard not less than that required by the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations, Cap. 123 as specified below :

<u>Type</u>	<u>Male Employees</u>	<u>Female Employees</u>
Water closet	Under 100, 1W.C. for every 25 or part thereof;  Over 100, 5W.C.; and 1 additional W.C. for 50 or part thereof, over 150.	1-10 inclusive, 1W.C.; 11-25 inclusive, 2W.C.; over 25, 3W.C.; and 1 additional W.C. for every 25 or part thereof, over 50.
Urinals	10-50 inclusive, 1 urinal; over 50, 2 urinals; and 1 additional urinal for every 50 or part thereof, over 100.	

N.B. If the number of male and female employees is less than 10, 1W.C. shall be deemed sufficient.

- (b) Toilets shall not communicate directly with the kitchen, food preparation room, scullery accommodation or food store.
5. Suitable wash-hand basin(s) shall be installed near the water closets or flushed urinals and inside the food preparation room.
  6. Suitable wash-up sink(s) shall be provided in the food preparation room and the scullery accommodation.
  7. A minimum aggregate food room area of 6m<sup>2</sup> shall be provided in food factories selling take-away cooked food/fast-food.
  8. The tops of tables used for food preparation shall be made of close-jointed hard-wood or other impervious material.
  9. Cupboard space shall be provided to accommodate all utensils, crockery and cutlery used in the business.
  10. Except for areas allocated for storage purpose, all part of the premises shall be adequately ventilated by natural and/or mechanical means.
  11. A metal hood properly connected to air-duct fitted with an extraction fan of suitable capacity shall be provided over all cooking stoves in the kitchen and food room. The exhaust shall be arranged to pass through a grease filter before discharging into the open air or at roof level in such a position as not to be a nuisance.
  12. If solid fuel or diesel oil is used, an independent chimney must be installed. Every chimney stack shall be carried up above the roof level of the highest point of the building and prior approval from the Buildings Department and the Environmental Protection Department must be obtained.
  13. All extraction fans installed on the premises shall discharged into the open air at a height of at least 2.5m above ground or street level and in such a manner as not to be a nuisance.
  14. No manhole shall be situated in any food room. (Note : The resiting of manhole is a drainage alteration which requires the approval from the Building Authority. It is the applicant' s responsibility to seek such approval.)

15. Any soil/waste/rain-water pipe inside any food room shall be enclosed in pipe duct constructed of impervious rust-proof material to the satisfaction of the Licensing Authority. Suitable inspection openings shall be provided to such enclosures.
16. One or more grease traps shall be provided between the drain trap and the main sewer.
17. Sufficient dustbins with close-fitting lids shall be provided for the storage of all refuse and other waste matter awaiting disposal.
18. A Fire Services Certificate in respect of the premises under application for a food factory licence shall be obtained from the Director of Fire Services.

(Note: The requirement is not applicable to those food factories which carry on small scale business and which do not involve open-fire heating).

19. New fixed electrical installations, after completion, shall be inspected, tested and certified by an electrical worker/contractor registered with the Director of Electrical and Mechanical Services (DEMS). A copy of the Work Completion Certificate (Form WR1) shall be submitted to the Council as proof of compliance. For existing electrical installations, a Periodic Test Certificate (Form WR2) endorsed by DEMS in lieu of the required Form WR1 shall be submitted instead.
20. The premises shall be drained by connection to a Government sewer.  
(Note: This requirement is applicable to premises in the New Territories and outlying islands.)

**Remarks :** These licensing requirements for food factories are for general information only. Other requirements may be imposed in addition to the requirements stated above on certain food factories depending on the circumstances of each individual application and the type of food manufactured.

(B) Building structure and Means of Escape

1. Particular care should be taken in the selection of premises as buildings or parts of a building approved for use other than for shop or commercial purposes may not be suitable. As a general rule, all premises on solid ground floor are structurally suitable.
2. Where premises are on a floor not resting on soil or where extensive alteration and addition works are to be carried out on the premises, it is strongly recommended that the service of an authorized person (architect, structural engineer or building surveyor) registered under the Building Ordinance, Cap. 123 be sought.

3. The required superimposed load of the floor is decided after receipt of individual application and consideration is given to the following factors : nature of manufacturing process; total number and types of machinery and plant to be used; types of building and floor area; the purpose/intended purpose of the building.
4. Premises shall be constructed of materials the fire resistance of which satisfies the provisions of the Building (Construction) Regulations, Cap. 123.
5. As a general rule, premises on ground floor having direct access to a street are suitable or can be adapted to meet the requirements on means of escape.
6. Premises shall normally have two or more exits discharging to street.
7. For means of escape, the Code of Practice on Provision of Means of Escape and Part V of the Building (Planning) Regulations, Cap. 123 will apply.
8. Food factory is not permitted on the upper floor of a single staircase building.

(C) Fire Safety

The following premises are considered not suitable to be licensed as a food factory from fire safety point of view :

1. Any buildings/structures which are of substandard construction.
2. Premises in level 4 of basement and below.
3. Premises in areas designed for emergency use, such as the “buffer” floor (also referred to as the refuge floor).
4. Premises located vertically below, and posing a fire hazard to, a registered school/child care centre.

**The Environmental Protection Department (EPD) Regional Offices**

<b>EPD Regional Offices</b>				
<b>District</b>	<b>Regional Offices</b>	<b>Address</b>	<b>Tel No.</b>	<b>Faxline</b>
Kwun Tong, Wong Tai Sin, Sai Kung, Yau Tsim Mong & Kowloon City	Regional Office (East)	5/F., Nan Fung Commercial Centre, 19 Lam Lok Street, Kowloon Bay, Kowloon.	2755 5518	2756 8588
Hong Kong Island & Islands	Regional Office (South)	2/F., Chinachem Exchange Square, 1 Hoi Wan Street, Quarry Bay, Hong Kong.	2516 1718	2960 1760
Tuen Mun, Tsuen Wan, Kwai Tsing & Sham Shui Po	Regional Office (West)	8/F., Tsuen Wan Government Offices, 38 Sai Lau Kok Road, Tsuen Wan, New Territories.	2417 6116	2411 3073
Yuen Long, Shatin, Tai Po & North	Regional Office (North)	10/F., Sha Tin Government Offices, No.1 Sheung Wo Che Road, Sha Tin, New Territories.	2158 5757	2685 1133

Note: The Licensing Authority will also refer all applications for Food Factory licences for meat roasting to Environmental Protection Department for comments. If necessary, the applicants may also contact relevant Environmental Protection Department Regional Offices for relevant details under their purview before submitting the applications to the Licensing Authority.