

**A GUIDE TO APPLICATION FOR
FROZEN CONFECTION FACTORY
LICENCE**

Food and Environmental Hygiene Department

(December 2023 Edition)

A GUIDE TO APPLICATION FOR FROZEN CONFECTION FACTORY LICENCE

General

In accordance with the laws of Hong Kong, any person who intends to manufacture any frozen confections at any premises in the territory must obtain a frozen confection factory licence issued by the Licensing Authority before commencement of such business.

The manufacture of soft ice cream from pre-prepared mixture in a dispensing machine for direct retail sale also requires a frozen confection factory licence.

However, if the manufacture of frozen confections is carried out in a restaurant licensed under the Food Business Regulations Cap. 132X for customers' consumption on the premises, no separate frozen confection factory licence is required.

Application Procedure

Application should be made by submission of a standard application form (FEHB 94), a declaration on premises in compliance with Government lease conditions (FEHB 192), and 3 copies of a proposed layout plan of the premises (drawn to scale and in metric unit) to Assistant Secretary (Other Licences) of Licensing Office concerned (see Appendix I). The standard forms are obtainable from all Licensing Offices and District Environmental Hygiene Offices and can be downloaded from the website of Food and Environmental Hygiene Department at http://www.fehd.gov.hk/english/forms/index_forms.html.

The application should contain the following :-

- (a) the class of licence applies 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 shop number etc to avoid postal misdelivery;
- (c) the name, correspondence address and telephone number of the applicant; if the applicant is a corporation, the name and address of the corporation and the names and addresses of the managing director and authorized person;
- (d) the type of fuel, if any, intended to be used; and
- (e) whether ventilating 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.

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.

Compliance with Government Lease Conditions and Statutory Plan Restrictions

With effect from 18 April 2006, premises under application for **Frozen Confection Factory Licence** should comply with Government lease conditions and statutory plan

restrictions. Applicants may refer to the “A Guide to Applicants/Licensees on Procedures of Applying for Issue and Transfer of Food Business Licences on (i) Certification of Free of Unauthorized Building Works (UBW), (ii) Compliance with Government Lease Conditions and (iii) Compliance with Statutory Plan Restrictions” for details. The said documents are obtainable from all Licensing Offices and District Environmental Hygiene Offices and can be downloaded from the website of Food and Environmental Hygiene Department at http://www.fehd.gov.hk/english/howtoseries/forms/new/External_guide_combine_e.PDF.

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 location of food preparation room and sanitary facilities. In the proposed layout plan, the following particulars should be furnished :-

- (a) area where frozen confections are sterilized by heating or packaged;
- (b) toilets and wash-hand basins and drainage works;
- (c) all windows or ducts providing ventilation or mechanical means of ventilation, if installed;
- (d) all entrances and exits, doors and internal communication;
- (e) built in clothing lockers or cloakrooms, passageways and all open spaces (such as yards and light wells);
- (f) rooms or other spaces (if any) for the exclusive use of staff;
- (g) means of refuse storage and disposal; and
- (h) the siting of all furniture and fittings of a substantial and permanent nature including heat-treatment plant, cleansing, refrigeration or cooling equipment, sterilization machinery or storage and packing equipment, and any fixed sideboards, wash-hand basins, wash-up sinks, water tanks, etc.

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

If the applicant intends to sell soft ice cream manufactured in soft ice cream dispensing machine only, or to sell ice cream with a container for the customers' immediate consumption, he is only required to show the position of the soft ice cream dispensing machine and the furniture, fittings or equipment next to it. He does not have to indicate all the details mentioned above.

Whenever there are changes to the submitted plans for the application, the applicant is required to highlight any proposed changes on the revised plans with colour pens and simple descriptions before making submission to the Licensing Authority for consideration and referral to other Government departments for processing. Revised plans not in compliance with this requirement will be rejected.

Processing of Application and Notification of Licensing Requirements

Upon receipt of the application of licensing, the Assistant Secretary (Other Licences) will acknowledge it and inform the applicant in writing the date and time when the Licensing Inspector will conduct inspection to the 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 (Other Licences). This, however, may cause some delay in the processing of the application.

Meanwhile, the application will be referred to other Government departments concerned for comments, as appropriate.

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 (See Appendix II) for the installation of the stoves and chimneys :

- | | | |
|------------------|---|-------------------------------|
| (a) gaseous fuel | : | 1,150 megajoules per hour; or |
| (b) liquid fuel | : | 25 litres per hour; or |
| (c) solid fuel | : | 35 kilograms per hour. |

After the inspection and upon clearance from all Government departments concerned, the Assistant Secretary (Other Licences) 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 III. The applicant is advised, in his own interest, to make reference to the Frozen Confections Regulations, Cap. 132AC.

The applicant is advised to start the decoration work only when he has received the letter of licensing requirements from the Licensing Authority. If the premises are unsuitable for licensing, the applicant will be informed of the rejection of the application together with reasons by the Assistant Secretary (Other Licences).

Besides, the applicant shall comply with the Factories and Industrial Undertakings Ordinance (Cap. 59), the Occupational Safety and Health Ordinance (Cap. 509) and their subsidiary regulations to ensure the safety and health of their employees at work. Among others, pursuant to section 9(1) of the Factories and Industrial Undertakings Ordinance, the proprietor of a notifiable workplace (i.e. the applicant) shall, before the first occasion on which any process is commenced or any operation is carried on in the workplace, submit a notification in the prescribed form (FIUO-NOT) to the Labour Department. For details, please refer to the website of the Labour Department at <https://www.labour.gov.hk/eng/osh/nywcw.htm>.

Full contents of the above-mentioned legislation are available at the website of the Department of Justice via the following link in the website of the Labour Department <https://www.labour.gov.hk/eng/legislat/contentA.htm>.

Relevant safety publications can be downloaded from the website of the Labour Department at https://www.labour.gov.hk/eng/public/content2_8.htm.

Electrical Safety

A fixed electrical installation shall, after completion (including any work completed after repair, alteration or addition) and before it is energised for use, be inspected, tested and certified (i.e. Work Completion Certificate, Form WR1) by a registered electrical contractor (REC) and a registered electrical worker (REW) to confirm that the requirements of the Electricity Ordinance have been met.

An owner of fixed electrical installation shall refer to Regulation 20 of the Electricity (Wiring) Regulations to have the fixed electrical installation be inspected, tested and certified (i.e. Periodic Test Certificate, Form WR2) at least once every 12 months or 5 years. The owner shall submit the certificate to EMSD for endorsement. For details, please refer to the website of the Electrical and Mechanical Services Department at https://www.emsd.gov.hk/en/electricity_safety/periodic_test_for_fixed_electrical_installations/.

Enquiry on Licensing Matters

If the applicant has difficulty in understanding the licensing requirements imposed by the Licensing Authority or has any enquiries 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 of Compliance with Licensing Requirements and Issue of Licence

The applicant should expedite action to comply with the licensing requirements and report compliance in writing and submit the acceptable documents as soon as possible to the Licensing Office. The Licensing Office will then arrange for a Licensing Inspector to visit the premises for verification inspection. The acceptable documents shall include final layout plans of the premises, the duly completed nomination form for Hygiene Manager and/or Hygiene Supervisor and other required supporting documents, such as Certificate of Compliance (Category 1 requirements).

When all the licensing requirements have been confirmed to be complied with, a licence will be issued. The applicant will be informed in writing to pay a fee and to collect the licence. The flow chart for processing of application for Frozen Confection Factory Licence is at Appendix IV.

The licence fee for a frozen confection factory licence, which is subject to review, is calculated according to the floor area of the factory. For details, please refer to Frozen Confection Regulations Cap. 132AC or call the Licensing Offices.

The objective of issuing frozen confection 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, the applicant should approach the Assistant Secretary (Other Licences).

Non-compliance with Licensing Requirements

If the applicant fails to comply with all the licensing requirements after verification inspection by Licensing Inspector, the Assistant Secretary (Other Licences) 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 once within the first 3 months after the issue of letter of requirements to check progress of the application. Afterwards, only quarterly reminders will be issued to the applicant reminding to expedite action to comply with all licensing requirements for the issue of licence by the Assistant Secretary (Other Licences).

Deadline for Compliance with Licensing Requirements

The maximum period of time allowed for the applicant to comply with all licensing requirements is 3 months after the expiry of provisional licence or 12 months after the issue of the letter of requirements for a full licence in the case where application for a full licence is made or provisional licence is not issued, unless the applicant can demonstrate that the delay in meeting the licensing requirements is due to factors beyond his reasonable control. The application for a full licence will be deemed withdrawn after the above period of time.

Appeal Mechanism for Refusal of Application for Licence

Pursuant to section 125(8) of the Public Health and Municipal Services Ordinance (Cap.132), the Director of Food and Environmental Hygiene shall inform you in writing of any decision made to refuse your application for the grant of licence. If you are dissatisfied with the decision made by the Director, you may within 14 days after the service on you of the notice declaring the decision appeal to the Licensing Appeals Board in accordance with section 125(9) of the Ordinance.

IMPORTANT NOTICE

Applicants and their employees, agents and contractors must not offer an advantage as defined in the Prevention of Bribery Ordinance (Cap. 201) to any government officer in connection with their applications or while having dealings of any kind with government departments.

Licensing Offices of Food and Environmental Hygiene Department

Hong Kong & Islands

Assistant Secretary (Other Licences)
Hong Kong & Islands Licensing Office,
8/F, Lockhart Road Municipal Services Building,
225 Hennessy Road,
Wan Chai, Hong Kong.
Tel. No. : 2879 5712
Fax No. : 2507 2964
E-mail : hkis_lo@fehd.gov.hk

Kowloon

Assistant Secretary (Other Licences)
Kowloon Licensing Office,
4/F, Pei Ho Street Municipal Services Building,
333 Ki Lung Street,
Sham Shui Po, Kowloon
Tel. No. : 2729 1293
Fax No. : 2789 0107
E-mail : kln_lo@fehd.gov.hk

New Territories

Assistant Secretary (Other Licences)
New Territories Licensing Office,
4/F, Tai Po Complex,
8 Heung Sze Wui Street,
Tai Po, New Territories
Tel. No. : 3183 9226
Fax No. : 2606 3350
E-mail : nt_lo@fehd.gov.hk

The Environmental Protection Department (EPD) Regional Offices

EPD Regional Offices				
District	Regional Offices	Address	Tel No.	Faxline
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

Main Requirements for the Issue of a Frozen Confection Factory Licence

(A) Health Requirements

1. Public mains water shall be laid on to the premises.
2. The internal surfaces of walls of the area where frozen confections are manufactured shall be surfaced with smooth non-absorbent material or tiles up to a height of not less than 2 metres. The junctions between the walls and floors shall be coved (i.e. rounded). All surface areas above the 2 metres level, and ceilings not tiled or imperviously surfaced shall be limewashed or painted. The floor of the area where frozen confections are manufactured shall be surfaced with smooth light coloured non-absorbent material.
3. 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.123I.
 - (b) The toilets shall not have direct access to areas where frozen confections are manufactured or where utensils are cleaned.
4. Suitable wash-hand basin(s) shall be installed near the water closets or flushed urinals and in areas where frozen confections are manufactured or in the scullery space.
5. Suitable wash-up sink(s) shall be provided in areas where frozen confections are manufactured or in the scullery space.
6. Suitable equipment and facilities shall be provided for the cleansing and sterilization of all utensils, containers and paraphernalia used for the manufacture of frozen confections, and any parts of machinery liable to come into contact with the frozen confections.
7. Every part of the premises in which frozen confections are manufacture should, as far as possible, be protected against flies, vermin and dust.
8. One or more grease traps shall be provided between drain traps and the main sewer.
9. The container for soft ice cream mixture shall be of a design approved by the Licensing Authority. On the container, the name and address of the manufacturer, and the date and time the mixture is prepared must be stated.
10. Sufficient dustbins with close-fitting lids shall be provided for the storage of all refuse and other waste matter awaiting disposal.

11. Except for areas allocated for storage purpose, all parts of the premises shall be adequately ventilated by natural and/or mechanical means.
12. No soil pipe, rain-water and waste pipe or manhole are allowed in any part of the premises where frozen confections are manufactured or stored and where equipment are cleaned or stored.
13. A plant or apparatus of a type approved by the Licensing Authority for heat treatment of frozen confections shall be provided.

(B) Licensing Requirements for the Manufacture of Soft Ice-cream from Pre-prepared Mixture in Dispensing Machines for Direct Retail

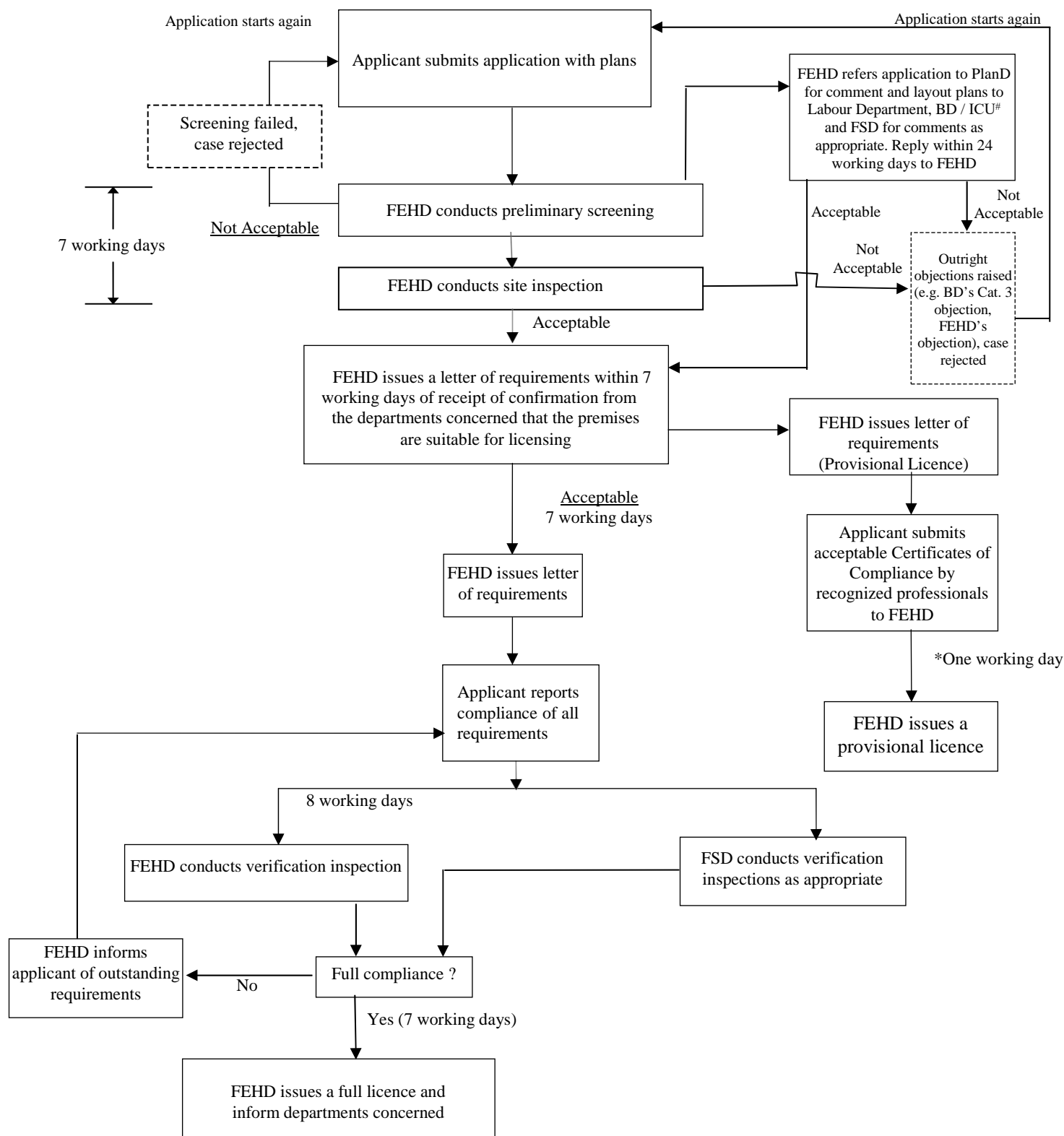
1. A dispensing machine in good working order must be provided for the manufacture of soft ice-cream.
2. Public mains water shall be laid on to the premises.
3. A sterilizer of not less than 23 litres capacity shall be provided for the sterilization and cleansing of all parts of any machinery likely to come into contact with the ice-cream.
4. A bactericidal agent, of a brand approved by the Licensing Authority, shall be used in the sterilizer.
5. The serving nozzle, when not in use, shall be protected by a plastic dome or cap.
6. The interior walls and ceilings of the premises shall be lime-washed or painted.
7. One wash-hand basin shall be installed near to the dispensing machine.

(C) Structural Safety 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. Generally, 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 additional 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 Buildings 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. 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.
5. For means of escape, the Code of Practice on Provision of Means of Escape and Part V of the Building (Planning) Regulations, Cap. 123F will apply.

Note : For enquiries, please contact the Buildings Department at
Buildings Department Headquarters, North Tower,
West Kowloon Government Offices, 11 Hoi Ting Road,
Yau Ma Tei, Kowloon.
Telephone No. 2626 1616 (Handled by "1823")

Flow Chart for Processing of Application for Frozen Confection Factory Licence



Legend:

*The applicant may approach the Licence Issuing Office for issue of the Provisional Licence over the counter

Independent Checking Unit (ICU) under the Office of the Permanent Secretary for Housing