

A GUIDE TO APPLICATION FOR FOOD FACTORY LICENCE

Food and Environmental Hygiene Department

(February 2024 Edition)

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

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
10. puddings;
11. manufacturing gluten and products from gluten such as vegetarian lo mei;
12. processing food, such as manufacturing fish balls, shrimp balls, meat balls and frying pig skin etc; and
13. 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 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 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, correspondence 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 managing director and authorized person;
- (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 other Government departments concerned. 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.

Certification of Free of Unauthorized Building Works, Compliance with Government Lease Conditions and Statutory Plan Restrictions

With effect from 18 April 2006, premises under application for **Food Factory Licence** should be free of unauthorized building works and 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 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.

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 for licensing, the Assistant Secretary (Other Licences) concerned will acknowledge it and inform the applicant in writing the date and time when the Licensing Inspector will conduct inspection to the subject premises to assess its suitability for licensing after the proposed layout plan passing the preliminary screening. If the appointment is inconvenient to him, he can always request to change it to another date by telephoning the Assistant Secretary (Other Licences) 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 and other Government departments concerned for comments, as appropriate.

After all these inspections and upon clearance from all Government departments concerned, the Assistant Secretary (Other Licences) 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 make reference to the Food Business Regulations, Cap.132X.

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 rejection to the application by the Assistant Secretary (Other Licences) 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.

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

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 of Compliance with Licensing Requirements and Issue of Licence

Existing System

Upon compliance with all the licensing requirements, the applicant should immediately inform the Licensing Office concerned in writing and submit the acceptable documents. The Licensing Office will then arrange for a Licensing Inspector (Case Manager) to visit the premises for verification inspection. The acceptable documents shall include final layout plans of the premises, completed and signed prescribed form of FEHB 191 (Form UBW-2), nomination form for Hygiene Manager and/or Hygiene Supervisor and other required supporting documents, such as Certificate of Compliance (Category 1 requirements), electrical installation certificate (Form WR1 / WR2), Certificate of Compliance / Certificate of Completion in respect of gas installations, food supplier's certificate and final ventilation plans.

Professional Certification System

Other than the existing system mentioned above, the Food and Environmental Hygiene Department (FEHD) has provided a **“Professional Certification System” (PCS)** as an additional option for the issue of full food factory licence **with effect from 1 March 2023**. **The applicant can choose to adopt either the existing system or the PCS for the issue of the full licence.** Under the PCS, the applicant is allowed to report compliance with all the health requirements for full licence by submission of a Certificate of Compliance (Health Requirements) for Full Food Business Licence (FEHE 331/FEHC 331) issued by an authorized person / a registered structural engineer (AP / RSE) registered under section 3 of the Buildings Ordinance, Cap. 123. Upon compliance with all the licensing requirements, the applicant should submit the Report of Compliance

for the Grant of Full Food Business Licence (FEHE 332/FEHC 332) enclosing with the said Certificate of Compliance, final layout plans and final ventilating system layout plans and all other required certificates /documents to the respective Licensing Office provided that all the licensing requirements imposed by other relevant government departments have already been complied with and complaint against the premises for causing environmental nuisance, if any has been resolved. Concerning the final layout plans and final ventilating system layout plans (if applicable) which should be tallied with the proposed plans lastly cleared by concerned departments, both the applicant and his/her AP / RSE have to certify its conformity with the existing layout by signing with date at back of the plans. After receiving the submitted documents, the FEHD staff will check the documents. If all the documents are found acceptable, without the need to conduct verification inspection, the applicant will be informed of approval of issue of the full licence within 2 working days. The premises issued with full licence under PCS will be subject to audit check by the Licensing Authority.

After the collection of full licence by the licensee upon payment of the licence fee, the Case Manager will arrange with the licensee to conduct on-site audit check within 7 working days. If the Certificate of Compliance issued by his/her AP / RSE, the certified final layout plans and certified final ventilating system plans (if applicable) and other certifications / documents that are submitted in connection with the application are subsequently found to be incorrect, fraudulent or misleading in a material particular, the Licensing Authority may cancel the licence.

For fire safety requirements, the applicant should inform the Fire Services Department direct to arrange for an inspection. To ensure smooth processing of licence inspection, the applicant should submit **ALL** required documentary proof of compliance with fire safety requirements to the respective Regional Office before a compliance inspection would be arranged. Common documentary proof of compliance with fire safety requirements are Certificates of Fire Service Installations and Equipment (FS 251). 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 flow chart for processing of application for Food Factory Licence is at Appendix IV.

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, Chapter 132X 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 (Other Licences) concerned.

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

Main Requirements for the Issue of a Food Factory Licence

(A) Licensing requirements

1. Public mains water shall be laid on to the premises.
2. The internal surfaces of walls of the food preparation room and scullery shall be surfaced with smooth 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 (i.e. rounded). Remaining surfaces of walls and ceiling shall be limewashed or painted. The floor of the food preparation room and scullery 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) Toilets shall not communicate directly with the kitchen, food preparation room, scullery accommodation or food store.
4. Suitable number of wash-hand basin(s) of not less than 350mm in length (measured between the top inner rims) shall be installed near the water closets or flushed urinals and inside the food preparation room.
5. Suitable number of wash-up sink(s) of not less than 450mm in length (measured between the top inner rims) shall be provided in the food preparation room and the scullery accommodation.
6. A minimum aggregate food room area of 6m² shall be provided in food factories selling take-away cooked food/fast food. For food factories reheating pre-cooked food for sale, a minimum aggregate food room area of 3.5m² shall be provided therein.
7. The tops of tables used for food preparation shall be made of close-jointed hardwood or other impervious material.
8. Cupboard space shall be provided to accommodate all utensils, crockery and cutlery used in the business.

9. Except for areas allocated for storage purpose, all part of the premises shall be adequately ventilated by natural and/or mechanical means.
10. 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.
11. If solid fuel or diesel oil is used for cooking, an independent chimney must be built on external wall, preferably at the rear of the building. Every chimney stack shall be carried up above the roof level of the highest point of the building.
(Note: This licensing requirement is only applicable to the cases involving total fuel consumption capacity of premises, including that of the proposed work, exceeding (a) 25 litres of conventional liquid fuel per hour; or (b) 35 kilograms of conventional solid fuel per hour. In case chimney is to be installed, permission of the Building Authority and the Director of Environmental Protection must be obtained and it is the applicant's / licensee's responsibility to seek such permission.)
12. All extraction fans installed on the premises shall be 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 nuisance.
13. 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.)

14. 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.
15. One or more grease traps shall be provided between the drain trap and the main sewer.
16. Sufficient dustbins with close-fitting lids shall be provided for the storage of all refuse and other waste matter awaiting disposal.
17. 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 meet all the criteria of (i) gross floor area not larger than 100m², (ii) use of electricity only as fuel and with no use of open fire, and (iii) no deep frying activities.)
18. 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 Works Completion Certificate (Form WR1) shall be submitted to the Food and Environmental Hygiene Department 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.
19. The premises shall be drained by connection to a Government sewer.

(**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 Buildings Ordinance, Cap. 123 should 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. 123B.
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. 123F 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 :

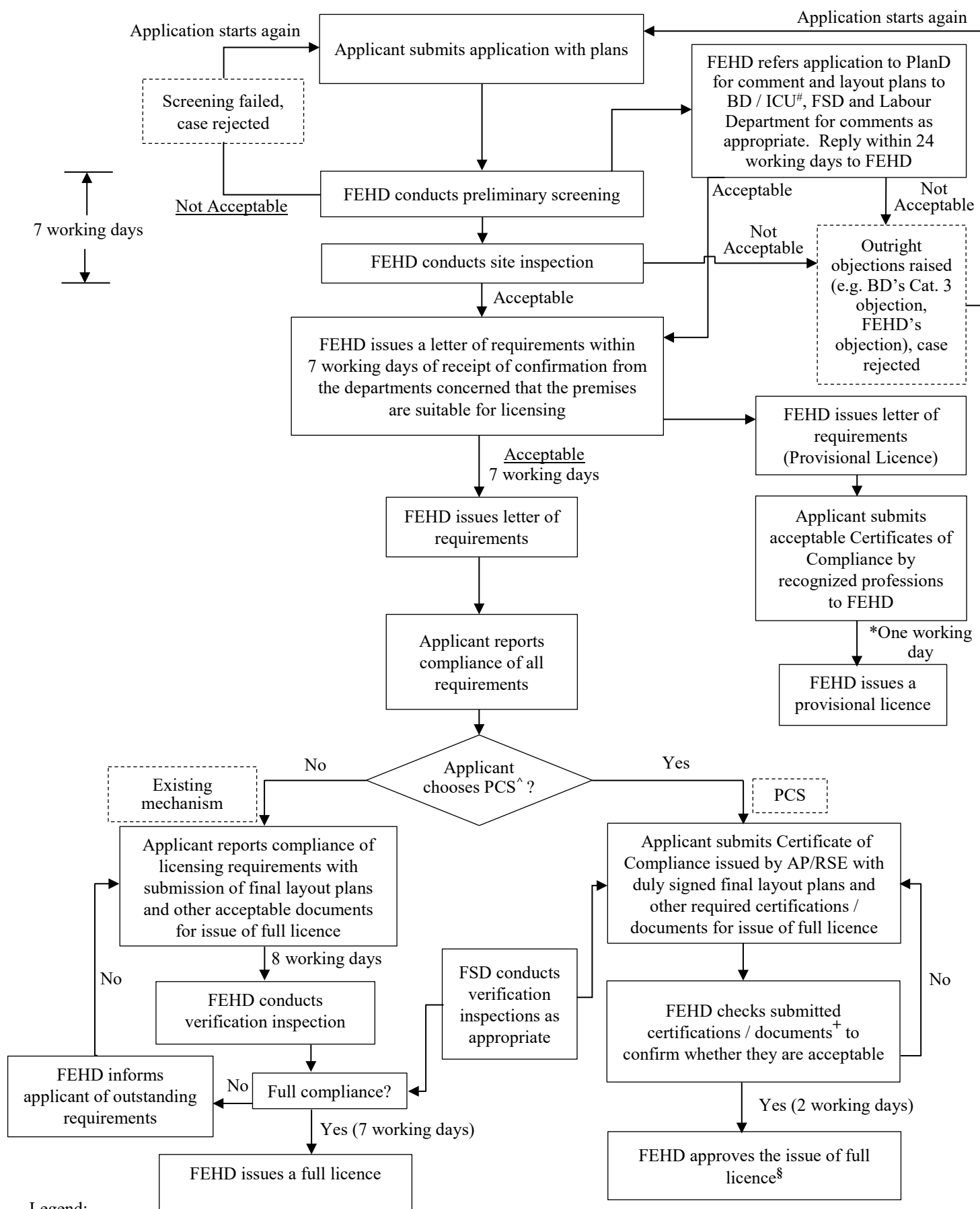
1. Any buildings/structures which are of substandard construction.
2. Premises in level 4 of basement and below.
3. Premises in areas designed for emergency use, such as the “buffer” floor (also referred to as the refuge floor).
4. Premises located vertically below, and posing a fire hazard to, a registered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

The Environmental Protection Department (EPD) Regional Offices

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

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.

Flow Chart for Processing of Application for Food 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

^ Professional Certification System

+ Paper checking on the submitted certifications / documents only and site verification inspection is not required

§ Audit and confirmation check within 7 working days arranged by FEHD staff after collection of full licence by licensee upon payment of licence fee