

A GUIDE TO APPLICATION FOR FRESH PROVISION SHOP LICENCE

Food and Environmental Hygiene Department

(February 2024 Edition)

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General

In accordance with the laws of Hong Kong, any person who intends to sell fresh, chilled or frozen beef, mutton, pork, reptiles (including live snake), fish (including live fish) and poultry at any premises in the territory must obtain a Fresh Provision Shop licence issued by the Licensing Authority before commencement of such business.

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 and the kind of meat intended to be sold;
- (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;
- (e) whether air conditioning system is to be installed in the shop; 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.

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 **Fresh Provision Shop 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.

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/.

Preparation of Proposed Layout Plan

Before preparation of the layout plan, the applicant is required to apportion the shop for the proposed usage.

In the proposed layout plan, the following particulars should be furnished –

1. area for storing meat;
2. area for the display and sale of fresh, chilled or frozen beef, mutton, pork, reptiles (e.g. snake), fish and poultry;
3. area for washing and storing equipment and utensils;
4. all windows, air conditioning system, if installed, exhaust fans and other relevant machines;
5. toilets, wash-hand basins, wash-up sinks and drainage works;
6. entrances, exits, doors and internal communication;
7. cloakroom, passageways and open space (such as yards and light wells);
8. means of refuse storage and disposal and;
9. all furniture and fittings of a substantial and permanent nature including wardrobes, cupboards, refrigeration or cooling equipment, cooking range 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) 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 other Government departments concerned for comments, if 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.

Enquiry on Licensing Matters

In case the applicant has difficulty in understanding the licensing requirements or has any queries concerning licensing matters, he should 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

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

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 Fresh Provision Shop Licence is at Appendix III.

The licence fee for a Fresh Provision Shop licence, which is subject to review, is calculated according to the type of meat sold by the applicant. For details, please refer to Food Business Regulation or call the Licensing Offices.

The objective of issuing fresh provision shop 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 Fresh Provision Shop Licence

(A) Licensing requirement

1. Public mains water shall be laid on to the premises.
2. The internal surfaces of walls surrounding the business portion 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). Remaining surfaces of walls and ceilings shall be limewashed or painted. The floor of the business portion 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 communicate directly with the food room.

4. Suitable wash-hand basin(s) shall be installed near the water closets or flushed urinals and inside the business portion.
5. Suitable wash-up sink(s) shall be provided in the business portion.
6. A refrigerator of suitable capacity and in good working order shall be provided for the storage of fresh provisions.
7. Benches of smooth close jointed hardwood or chopping blocks of smooth hardwood shall be provided for the chopping of fresh provisions.
8. Any cold storage room shall be equipped with a thermometer.
9. One or more grease traps shall be provided between the drain trap and the main sewer.
10. Sufficient dustbins with close-fitting lids shall be provided for the storage of all refuse and other waste matter awaiting disposal.
11. 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.)
12. 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.
13. Except for areas allocated for storage purpose, all parts of the premises must be adequately ventilated by natural and/or mechanical means.
14. Locker shall be provided for the storage of clothing and other personal effects.

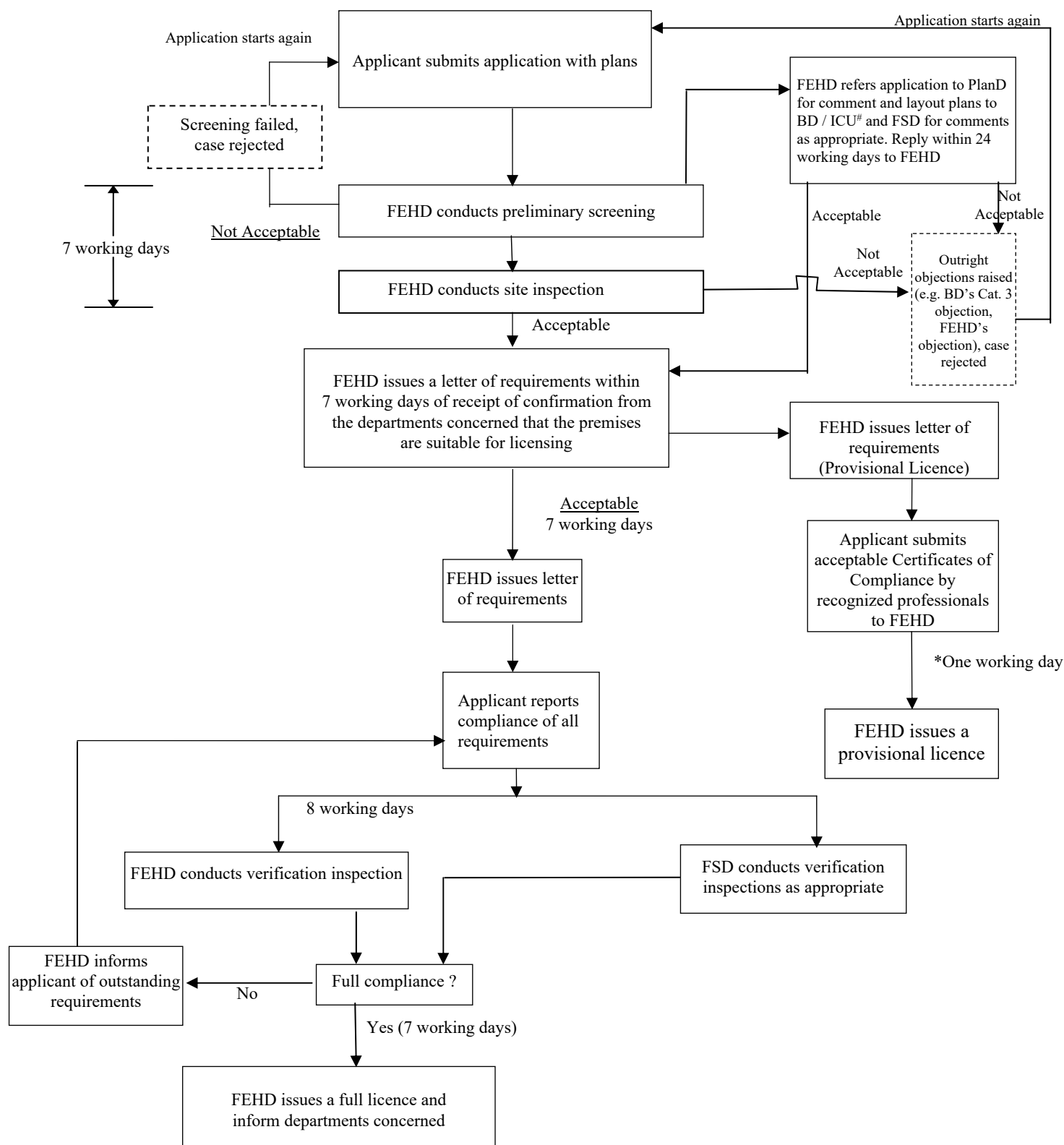
(B) Building structure

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. If the premises are on a floor not resting on soil, they should be designed for a superimposed load of 5Kpa.
3. 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.

(C) Means of escape facilities

1. As a general rule, premises on ground floor having direct access to a street are suitable or can be adopted to meet the requirements on means of escape.
2. 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.

Flow Chart for Processing of Application for Fresh Provision Shop 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