

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

**Food and Environmental Hygiene Department**

**(Sept 2023)**

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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.

For food business which involves the operation of a stall / kiosk of temporary nature for sale of heating up / warming pre-cooked food and/or cooking of pre-prepared, ready-to-cook food for human consumption off the premises in conjunction with a public function (e.g. exhibition, show, concert, sporting contest) of short duration, temporary food factory licence must be obtained. The validity period of a temporary food factory licence shall not exceed seven days.

The licensee of a temporary food factory is allowed to sell only pre-cooked food and/or pre-prepared, ready-to-cook food supplied from licensed food factories or other lawful sources. Unless otherwise approved by Director of Food and Environmental Hygiene, only electricity shall be used as fuel for heating up / warming of pre-cooked food and/or cooking of pre-prepared, ready-to-cook food on the premises subject to satisfying suitable facilities requirements. No deep frying, stir frying, grilling etc. or any other food preparation and cooking methods which generate large amount of greasy fumes in the course of cooking shall be allowed in the premises.

## **Application Procedure**

Application should be made by submission of a standard application form (FEHB 201A (to be issued in the name of an individual) or FEHB 201B (to be issued in the name of a corporation) and a copy of proposed layout plan of the premises to Assistant Secretary (Other Licences) of Licensing Office concerned (see **Appendix II**) of Food and Environmental Hygiene Department (FEHD). The standard form is obtainable from all Licensing Offices and District Environmental Hygiene Offices and can be downloaded from the website of FEHD at [https://www.fehd.gov.hk/english/forms/index\\_forms.html](https://www.fehd.gov.hk/english/forms/index_forms.html).

The application should contain the following :-

- (a) full address of the premises under application for a temporary food factory licence;
- (b) 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 of authorized person;
- (c) the date of commencement and termination of the temporary food factory licence;
- (d) particulars of public function to which the temporary food factory under application is connected to;
- (e) list of food items intended to be sold; and
- (f) food supplier's certificate.

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

The applicant shall submit the application to the Licensing Office concerned at least 12 working days before the proposed commencement date of the licence (only applicable for premises which meet the following criteria, i.e. gross floor area of the premises is not larger than 100 sq.m. [if the gross floor area of the premises is larger than 100 sq.m., longer processing time might be required], only electricity is used, with no use of 'open fire' for reheating food and no deep frying activities are involved). The application will be considered by the Licensing Authority and other Government departments concerned.

No vehicle/truck should be used as food stall/kiosk involving handling of food without prior approval from the Director of Food and Environmental Hygiene.

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.

### **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/](https://www.emsd.gov.hk/en/electricity_safety/periodic_test_for_fixed_electrical_installations/).

### **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 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.

Meanwhile, the application may be referred to the Director of Fire Services, Director of Buildings 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 I**. The

applicant is advised, in his own interest, to make reference to the Food Business Regulation, 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 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 II**.

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

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 to visit the premises for verification 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 a fee and to collect the licence.

If the public function to which the temporary food factory under application is connected requires a temporary places of public entertainment licence, the application for temporary food factory licence will not be considered for approval to issue unless the connected temporary places of public entertainment licence has been approved for issue.

The licence fee for a temporary food factory licence, which is subject to review, is currently \$220 for any period not exceeding 7 days.

The objective of issuing temporary food factory licence is to ensure maintenance of a good standard of hygiene at the premises concerned and the wholesomeness of the food supplied there from. 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.

### **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.

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

### (A) Licensing requirements

#### **IMPORTANT**

Issue of a temporary food factory licence will be made as soon as the following requirements of the Food and Environmental Hygiene Department have been met. The issue of a licence does not exempt the licensee from meeting any requirement or condition that has been, or may be, imposed by the Fire Services Department or other Government departments.

#### 1. Source of supply

All pre-cooked food and/or pre-prepared, ready-to-cook food\* sold on the premises shall be obtained from a licensed food factory or other lawful sources. Documentary proof to this effect shall be furnished to the Director of Food and Environmental Hygiene for retention.

#### 2. Fuel

Unless otherwise approved by Director of Food and Environmental Hygiene, only electricity shall be used as fuel for heating up of pre-cooked food and/or cooking of pre-prepared, ready-to-cook food\* on the premises.

*(Below Applicable to cooking of pre-prepared, ready-to-cook food on the premises)*

#### 3. Water Supply

Public mains water shall be laid on in vicinity of the premises for use unless the Director of Food and Environmental Hygiene approves another source.

#### 4. Scullery accommodation

Wash-up sink(s) of glazed earthenware or other approved material of not less than 450 mm in length (measured between the top inner rims) must be installed in vicinity of the premises for use. Every sink must be connected to public mains water or source of water supply approved by the Director of Food and Environmental Hygiene and fitted with a waste pipe connected to a proper drainage system.

#### 5. Refrigerator

A refrigerator in good working order provided with a thermometer to indicate storage temperature of the refrigerator shall be provided for storage of the pre-prepared, ready-to-cook food at a temperature not exceeding 10°C, preferably at a temperature between 0°C and 4°C.

(B) Licensing conditions

1. Except with the approval of the Director of Food and Environmental Hygiene, or as specified in any licence or permit granted by the Director of Food and Environmental Hygiene, the premises must not be used for any other purpose or class of business.
2. The licence shall remain valid only if the activities in and conditions of the immediate surroundings of the licensed premises are of such a nature as not to prejudice the hygienic operation of the licensed business.
3. All water used in connection with the licensed business must be drawn from public mains or such other sources as has been approved by the Director of Food and Environmental Hygiene.
4. Sufficient containers must be provided for the transportation, storage or display of all open food which must be protected, as far as possible, against contamination from dust and vermin.
5. Only food supplied by licensed food factory or from other lawful sources shall be sold on the premises.
6. Only heating up of pre-cooked food and/or cooking of pre-prepared, ready-to-cook food\* obtained from licensed food factory or other lawful sources shall be allowed on the premises.
7. Only clean new wrapping materials and disposable eating and drinking utensils shall be used in the sale of take-away food on the premises. Food containers shall be made of material which will not release toxic chemicals into food as a result of changes in temperature or acidity in the food.
8. All drinking straws (or tubes) shall be supplied to customers in the manufacturer's original dust-proof wrappings or other dust-proof containers.
9. All unused disposable utensils shall be stored in dust and vermin-proof cupboards or containers.
10. Sufficient dust-bins with close-fitting lids must be provided for the storage of all refuse and other waste matter awaiting disposal.
11. Sufficient clean overalls or outer garments must be provided for all employees on duty.
12. No scullery work shall be carried out on the premises.
13. No seating accommodation for customers shall be provided on the premises.



14. Unless otherwise approved by Director of Food and Environmental Hygiene, only electricity shall be used as fuel on the premises.
15. The licensee, or a manager nominated by the licensee in writing to the Director of Food and Environmental Hygiene and acceptable to the Director of Food and Environmental Hygiene, shall conduct the business in person at the licensed premises.
16. Purchasing invoices showing the date of food supply, descriptions and quantities of food, name and address of the food supplier shall be kept during the entire licence period and be readily available for inspection and for making copies by any health inspector on demand at all times.

*(Below applicable to cooking of pre-prepared, ready-to-cook food on the premises)*

17. All water used in connection with the licensed business must be drawn from public mains or such other sources as has been approved by the Director of Food and Environmental Hygiene.
18. Only simple food cooking methods [like boiling, stewing, steaming, braising and simple frying (excluding deep frying and stir frying etc.)] which shall not generate large amount of greasy fumes in the course of cooking shall be allowed in the premises.
19. No deep frying, stir frying, grilling etc. or any other food preparation and cooking methods which generate large amount of greasy fumes in the course of cooking shall be allowed in the premises.

**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