

**CAP 132X**

**FOOD BUSINESS REGULATION**

**Empowering section**

**FOOD BUSINESS REGULATION**

(78 of 1999 s. 7)

(Cap 132, section 56)

[1 July 1963] *L.N. 78 of 1963*

(Originally L.N. 63 of 1963)

**Part I PRELIMINARY**

**s 1 (Repealed 78 of 1999 s. 7)**

**s 2 (Repealed 78 of 1999 s. 7)**

**s 3 Interpretation**

(1) In this Regulation, unless the context otherwise requires-

"air conditioning plant" (空氣調節機) includes any kind of mechanical ventilation system which contains a device for reducing or increasing the temperature of the air in any building or any part thereof below or above the temperature of the external air;

"bottled" (瓶裝) means contained in an unopened hermetically sealed bottle, tin or container;

"Director" (署長) means the Director of Food and Environmental Hygiene; (78 of 1999 s. 7)

"dressed poultry carcass" (經處理的家禽屠體) means a poultry carcass from which the offal or feathers have been removed; (L.N. 171 of 1998)

"food business" (食物業) has the meaning assigned to it in section 4; (78 of 1999 s. 7)

"food premises" (食物業處所) means any premises on or from which there is carried on any food business and the expression "premises" (處所) includes a vessel and a stall;

"food room" (食物室) means any room, (being, or being part of, any food premises) where any person engages in the handling of open food or in the cleaning of equipment for the purposes of a food business, but does not include a room in which the only handling of food which occurs is in the course of serving food for consumption therein;

"fresh" (新鮮) in relation to beef, fish, game, meat, mutton, offal, pork, a poultry carcass, a reptile or shell fish, means beef, fish, game, meat, mutton, offal, pork, a poultry carcass, a reptile or shell fish which has not been subjected to a process of preservation; (L.N. 220 of 2001)

"latrine fitment" (廁所設備) means a fitment containing a receptacle for excrement, which is removable; (L.N. 495 of 1993)

"meat" (肉類) means the flesh of-

- (a) cattle (including buffaloes), goats, sheep and swine; and
- (b) horses, mules, hinnies and donkeys, if intended for human consumption;

"offal" (什臟) means the internal organs or intestines of a poultry; (L.N. 171 of 1998)

"open food" (未加掩蓋的食物) means-

- (a) uncooked perishable food; and
- (b) food not contained in a container of such materials, and so closed, as to exclude all risk of contamination,

but does not include raw vegetables and uncut fruit or any food which has to be subjected to a process of milling, refining or cooking (other than food referred to at (a) and food in the course of preparation) for the purpose of rendering it fit for human consumption;

"plan" (圖則) includes a sketch;

"poultry carcass" (家禽屠體) means the body of a dead poultry; (L.N. 171 of 1998)

"pre-packaged" (經預先包裝), in relation to any chilled beef, mutton or pork, means completely enclosed in a package in such a way that-

- (a) the contents of the package cannot be altered without opening the package or changing the packaging; and
  - (b) the chilled beef, mutton or pork is ready for sale as a single food item;
- (L.N. 169 of 2006)

"preparation" (配製) in relation to food includes manufacture and any form of cooking or other treatment or preparation for sale;

"proprietor" (東主) means the owner of or the person for the time being appearing to have charge of a food business and in the case of a licensed food business the licensee thereof;

"sanitary fitment" (衛生設備) includes any kind of ablution or sanitary facility;

"sashimi" (刺身) means food consisting of fillets of marine fish, molluscs, crustaceans, fish roe or other seafood to be eaten in raw state; (L.N. 407 of 1996)

"shell fish" (介貝類水產動物) means molluscs and crustaceans, but does not include molluscs or crustaceans in the form of sashimi or forming part of sushi, or oyster to be eaten in its raw state; (L.N. 407 of 1996; 78 of 1999 s. 7)

"soil drain" (污水渠) means any pipe or gutter which receives soil matter or which receives waste from a sanitary convenience;

"soil fitment" (污水設備) means a water-closet fitment, trough water-closet, urinal, slop sink, bidet or any similar fitment; (L.N. 495 of 1993)

"stall" (攤檔) includes any stand, marquee, mobile canteen, and any vehicle whether movable or not which is used for the sale of food;

"sushi" (壽司) means food consisting of cooked and pressed rice flavoured with vinegar and garnished with other food ingredients including raw or cooked or vinegared seafood, marine fish or shellfish roe, vegetable, cooked meat or egg on top or in the middle which may or may not be wrapped with seaweed and usually served in pieces; (L.N. 407 of 1996)

"vending machine" (售賣機) means a coin-operated automatic vending machine; (L.N. 212 of 1973)

"water bird" (水禽) means any bird that ordinarily lives on or feeds in water which may be used for human consumption and includes ducks and geese; (L.N. 171 of 1998)

"wholesale market" (批發市場) means any wholesale market established by the Director of Marketing or the Director of Agriculture, Fisheries and Conservation, but does not include the Western Wholesale Food Market. (L.N. 171 of 1998; 78 of 1999 s. 7; L.N. 331 of 1999)

(78 of 1999 s. 7)

(2) A person shall be deemed for the purposes of this Regulation to engage in the handling of food if for the purposes of a food business he carries out or assists in the carrying out of any process or operation in the sale of food or in the preparation, transport, storage, packing, wrapping, exposure for sale, service, or delivery of food.

(3) For the purposes of this Regulation, the supply of food, otherwise than by sale at, in or from any place where food is supplied in the course of a business, shall be deemed to be a sale of that food, and

references to purchasing and purchasers shall be construed accordingly; and where in connection with any business in the course of which food is supplied the place where food is served to the customers is different from the place where the food is prepared, both those places shall be deemed to be places in which food is sold.

(4) In determining for the purposes of this Regulation whether any matter involves risk of contamination to any food, regard shall be had to the extent to which contamination in the respect in question is immaterial because of-

- (a) the nature of the food; or
- (b) the manner in which the food is packed; or
- (c) any process to which the food is to be subjected before sale to the consumer, being a process to which food of that nature is normally so subjected.

(10 of 1986 s. 32(2); 78 of 1999 s. 7)

#### **s 4 Interpretation of food business**

(1) In this Regulation, unless the context otherwise requires, the expression "food business" (食物業) means, subject to the succeeding provisions of this section, any trade or business for the purpose of which any person engages in the handling of food or food is sold by means of a vending machine.

(L.N. 212 of 1973)

(2) The said expression does not include any agricultural activity, any canteen in any naval, military or air force establishment or provided in any school or work place (other than a factory canteen referred to in section 31) for the use exclusively of the pupils of the school and the persons employed in the work place, respectively, any club or (except so far as the handling of food may be involved in the course of a retail business or in the course of supplying food for immediate consumption) so much of any trade or business as consists of the handling of food at, in or upon- (L.N. 175 of 1980)

- (a) any dock or wharf; or (L.N. 125 of 1970)
- (b) except in the case of any business involving the transport of meat, whether cooked or uncooked, any premises or place occupied by a carrier of foods for the purposes of his trade as such a carrier; or
- (c) any slaughterhouse; or
- (d) any premises or place occupied by a wholesaler of raw vegetables and used exclusively for the purpose of his trade or business as such a wholesaler; or
- (e) any premises which-
  - (i) are used exclusively for the storage of food manufactured and packed by the occupier thereof; and
  - (ii) are situated outside the curtilage of the premises used for the manufacture or packing of that food; and
  - (iii) are not used for the storage of any open food; or
- (f) any warehouse, other than a warehouse in which articles of food are stored under refrigeration. (L.N. 125 of 1970)

(10 of 1986 s. 32(2); 78 of 1999 s. 7)

### **Part II GENERAL REQUIREMENTS RELATING TO FOOD BUSINESSES**

#### **s 5 Cleanliness and repair of food premises**

(1) Every person who carries on any food business shall at all times cause the walls, floors, doors, windows, ceiling, woodwork and all other parts of the structure of any food premises used by him in

the course of such food business to be kept clean and free from noxious matters and to be kept in such good order, repair and condition as to-

- (a) enable them to be effectively cleaned; and
  - (b) prevent, so far as is reasonably practicable, infestation by rats, mice and insects and the entry of birds.
- (2) No person engaged in any food business shall place or permit to be placed or to remain placed any furniture or equipment, other than such as can be moved without difficulty by one man, so near to any wall in any food premises as to obstruct access to any part of such wall, or of such furniture or equipment, for the purpose of cleaning.
- (3) No person engaged in any food business shall knowingly suffer or permit-
  - (a) in any food premises, the presence of rats, mice or insects; or
  - (b) in any food room, the presence of live birds or animals.
- (4) If it appears to the Director on the report of any health officer or health inspector that any food premises, or any part thereof, are or is, by reason of uncleanness or structural repair or condition, in such a state as to be unfit for use in any food business, the Director may cause a notice to be served upon the proprietor of such food business requiring him to cleanse, disinfest, limewash, repair or modify such food premises, or such part thereof, in such manner and within such time as shall be specified in the notice and, in the opinion of the Director, be necessary to render such premises or such part thereof fit for use as food premises. (10 of 1986 s. 32(2); 78 of 1999 s. 7)
- (5) If the proprietor fails to comply with any of the requirements of a notice served under subsection (4)-
  - (a) he shall be guilty of an offence; and
  - (b) the Director may cause such work as may be necessary for compliance with the requirements of the notice to be carried out and may recover any expenses incurred thereby from the proprietor. (10 of 1986 s. 32(2); 78 of 1999 s. 7)

## **s 6 Cleanliness of equipment, etc.**

Every person who carries on any food business shall at all times cause all furniture, articles, equipment and utensils used or liable to be used in the course of such business to be kept clean and free from noxious matters and in proper repair and free from cracks or chipping.

(L.N. 495 of 1993)

## **s 7 Prohibition of preparation of food in domestic premises**

No person shall, for the purposes of any food business, give out any food, or arrange for or permit the giving out of any food, for preparation or packing by another person on or about any domestic premises.

## **s 7A Prohibition of non-permitted colouring matter on food premises**

- (1) No person engaged in any food business shall place or store or cause or permit to be placed or stored on any food premises any colouring matter for use in food which is not a permitted colouring matter.
- (2) In this section, "permitted colouring matter" (准許染色料) means any colouring matter, or a combination of more than one thereof, specified in the First Schedule to the Colouring Matter in Food Regulations (Cap 132 sub. leg. H). (10 of 1986 s. 32(2); 78 of 1999 s. 7)

(L.N. 247 of 1972)

## **s 8 Prohibition of use of food rooms for dwelling purposes**

No person shall use or permit the use of any food room for the purpose of a dwelling place, nor the use of any dwelling place as a food room.

## **s 9 Restriction on spitting**

- (1) No person shall spit in any food room, and no person shall spit in any other part of any food premises except into a spittoon or other receptacle provided for that purpose.
- (2) Where the proprietor of any food business provides in any food premises spittoons or other receptacles, he shall cause each such spittoon or receptacle to contain disinfectant fluid and to be cleansed, and the fluid renewed, not less than once in every 24 hours.
- (3) In the case of any food business in respect of which a licence is required under Part IV, the proprietor thereof shall, unless exempted in writing by the Director, cause one or more notices prohibiting spitting, written in English and Chinese, to be continuously displayed in a conspicuous manner in every food premises. (10 of 1986 s. 32(2); 78 of 1999 s. 7)

## **s 10 Protection of food from risk of contamination**

Every person engaged in any food business shall, while so engaged, take all such steps as may be reasonably necessary to protect the food from risk of contamination or deterioration, and in particular, without prejudice to the generality of the foregoing, no person shall-

- (a) so place, or cause, suffer or permit any other person so to place, any open food as to involve any risk of contamination; or
- (b) wrap up or otherwise bring any open food into direct contact with any printed newspaper or other unclean paper or wrapping material.

## **s 10A Control of water quality**

- (1) No person shall in the course of any food business keep any live fish or shell fish intended for human consumption in water of a quality below the standard specified by the Director by notice published in the Gazette.
- (2) (Repealed 78 of 1999 s. 7)
- (3) In this section, "food business" (食物業) includes any trade or business for the purpose of which live fish or shell fish is sold or is intended to be sold for human consumption.

(L.N. 447 of 1994; 78 of 1999 s. 7)

## **s 10AB Seawater extracted from prohibited areas**

- (1) In this section—  
“food business” (食物業) has the same meaning as in section 10A(3);  
“prohibited area” (禁區) means an area specified in Schedule 1A.
- (2) A person shall not extract seawater from a prohibited area for the purpose of keeping by that person, in the course of any food business, any live fish or shell fish that is intended for human consumption.
- (3) A person shall not use for the purpose of keeping, in the course of any food business, any live fish or shell fish that is intended for human consumption seawater knowing or having reason to believe that it is extracted from a prohibited area.

(4) A person shall not extract seawater from a prohibited area knowing or having reason to believe that it is to be used by another person for the purpose of keeping, in the course of any food business, any live fish or shell fish that is intended for human consumption.

(5) A person shall not supply, deliver or cause to be delivered, to another person seawater knowing or having reason to believe that—

(a) it is extracted from a prohibited area; and

(b) it is to be used for the purpose of keeping, in the course of any food business, any live fish or shell fish that is intended for human consumption.

(L.N. 93 of 2009)

#### **s 10B Prohibition of dogs on food premises**

(1) No person shall bring any dog onto any food premises.

(2) No person engaged in any food business shall knowingly suffer or permit the presence of any dog on any food premises.

(3) Nothing in this section shall be construed to prohibit the presence on any food premises (other than a food room) of a dog serving as a guide for a totally or partially blind person, or to prohibit the presence on any food premises of a dog in connection with the exercise of a lawful power. (78 of 1999 s. 7)

(L.N. 464 of 1994)

#### **s 11 Storage of open food**

(1) No person in the course of any food business shall store (including display for sale) or suffer or permit the storage of any open food other than uncooked perishable food, except in a suitable container so designed and constructed as to prevent, so far as is reasonably practicable, the access of dust, insects and vermin:

Provided that nothing in this subsection shall be construed to prevent such reasonable exposure of food as may be necessary in the course of carrying on the business.

(2) No person shall knowingly suffer the existence of any dust, insects or vermin within any such container referred to in subsection (1).

(78 of 1999 s. 7)

#### **s 12 Transport of open food**

No person in the course of any food business shall transport, or cause, suffer or permit to be transported, any open food in the open air except so far as may be necessary for the purpose of loading or unloading any vehicle or container, unless such open food is adequately protected by suitable material from risk of contamination or deterioration.

#### **s 12A Requirements for transportation of dressed poultry carcass or offal**

(1) No person shall, in the course of any food business, transport or cause, suffer or permit to be transported, the whole or part of a dressed poultry carcass or offal removed from a poultry except in a goods vehicle approved in writing by the Director and subject to such conditions as he thinks fit.

(2) Notwithstanding subsection (1), the Director may give consent to transportation by other means of conveyance subject to such conditions as he thinks fit.

(3) Any approval or consent given by the Director under subsection (1) or (2) may be withdrawn at any time by giving written notice.

(L.N. 171 of 1998; 78 of 1999 s. 7)

### **s 13 Restriction on the use of open spaces**

(1) No person shall for the purpose of any food business use, or cause, suffer or permit to be used, any yard, alley, street, open space, roof top or open deck space for the preparation or storage of open food or for the washing, cleansing or storage of any equipment or utensil used in the preparation or service of food.

(2) Nothing in this section shall be construed to prevent-

(a) any process in the manufacture or preparation of food in the open air which could not reasonably be carried on elsewhere having regard to the circumstances; but where the process of the trade necessitates the use of open spaces, every such open space shall be surfaced and drained to the satisfaction of the Director; or

(b) the carrying on of any food business from a stall:

Provided that for the purpose of this paragraph no open food shall be placed lower than 450 mm from the ground unless it is adequately protected from any risk of contamination. (L.N. 89 of 1979; 10 of 1986 s. 32(2); 78 of 1999 s. 7)

### **s 14 Use of wet refrigerators, etc.**

No person in the course of any food business shall keep, or cause, suffer or permit to be kept, any drink contained in bottles in a wet refrigerator or immersion cooler unless such bottles are placed in an upright position and the level of the water in the refrigerator or cooler, as the case may be, is not less than 75 mm below the mouths of the bottles.

(L.N. 89 of 1979)

### **s 15 Cleanliness and repair of food rooms**

(1) The walls, floors, doors, ceilings, woodwork and all other parts of the structure of every food room shall be kept clean and shall be kept in such good order, repair and condition as to-

(a) enable them to be effectively cleaned; and

(b) prevent, so far as is reasonably practicable, any risk of infestation by rats, mice or insects or the entry of birds.

(2) Where any works affecting the structure of a food room, other than mere removal of part of the structure, are executed, the structure affected by such works shall after the completion of the works be such as to-

(a) enable it to be effectively cleaned; and

(b) prevent, so far as is reasonably practicable, any risk of infestation by rats, mice and insects and the entry of birds.

### **s 15A Cleanliness and repair of sanitary fittings**

Every sanitary fitment shall at all times be maintained in a clean and sanitary condition and shall be kept in good order and repair.

(L.N. 495 of 1993)

#### **s 16 Accumulation of refuse in food rooms**

No refuse or filth, whether solid or liquid, shall be deposited or allowed to accumulate in a food room except so far as may be unavoidable for the proper carrying on of the food business.

#### **s 17 Certain tables, etc. to be surfaced with hardwood or impervious material**

No proprietor shall use, or suffer or permit to be used, in the preparation of any food, any table, sideboard, bench or like article of furniture the surface of which comes into contact with any food, or is liable to come into contact with any food, unless such surface is made of smooth close jointed hardwood or a smooth impervious material.

#### **s 18 Prevention of lying or sitting on certain tables, etc.**

No person shall lie down, sit or stand upon any table, sideboard, bench or other article of furniture the surface of which comes into contact with any food or is liable to come into contact with any food.

#### **s 19 Sterilization and storage of utensils**

No person engaged in any food business shall use, or cause, suffer or permit to be used, in the course of such food business any crockery, glassware or other utensil used in the preparation or consumption of food, which has not, since the last occasion on which it was used for any purpose, been-

- (a) (i) washed clean and thereafter immersed in boiling water, other than the water used for the washing thereof, for not less than one minute; or
- (ii) washed clean and thereafter immersed for a period of at least one minute and at a temperature of not less than 24 degrees Celsius in an effective and non-toxic solution of a bactericidal agent approved by the Director; or
- (iii) mechanically washed clean in an apparatus which has been manufactured and sold for the washing of crockery, glassware or other utensils of the type for the washing of which such apparatus is being used and is of a type approved by the Director; and (10 of 1986 s. 32(2); 78 of 1999 s. 7)
- (b) dried by evaporation or with a clean, light coloured drying cloth; and
- (c) unless immediately required for further use, stored in a cupboard which has been rendered proof against the access of dust, insects and vermin.

(L.N. 125 of 1970)

#### **s 20 Cleansing of napkins, etc.**

No person engaged in any food business involving the serving of meals to customers shall provide for the use of any customer any napkin or cleansing towel unless, since the last preceding occasion upon which such napkin or cleansing towel was used for any purpose, it has been washed and immersed for not less than one minute in boiling water used exclusively for that purpose.



### **s 21 Prevention of contamination by contact with clothing**

No person engaged in any food business shall hang up or otherwise place any garments while not in use in such a place or in such a manner as to, or to be liable to, come into contact with or to be suspended directly above any open food, and no person shall hang up or otherwise place any such garments in any food room.

### **s 22 Personal cleanliness**

Every person who engages in the handling of food in any food business shall while so engaged-

- (a) keep as clean as may be reasonably practicable all parts of his person which may be liable to come into contact with food;
- (b) keep as clean as may be reasonably practicable all parts of his clothing, overclothing or overalls which may be liable to come into contact with food;
- (c) keep any open cut or abrasion on any exposed part of his person covered with a suitable waterproof dressing;
- (d) refrain from the use of tobacco while he is handling any open food or is in any food room.

### **s 23 Immunization of persons engaged in food businesses against certain diseases**

(1) No person shall be engaged in or take any part in any food business unless he has been-

- (a) (Repealed L.N. 164 of 1982)
- (b) immunized, in accordance with such of the requirements of a notification under subsection (3) as apply to him.

(2) Failure by any person engaged in or taking part in any such food business as may be specified by notification under subsection (3), on demand to produce for inspection by any health inspector or health officer a valid certificate of immunization against such disease as may be so specified shall be prima facie evidence in any court of the commission by such person of a contravention of the provisions of subsection (1).

(3) The Director may from time to time by notification published in the Gazette require persons employed in or taking part in all or any particular food businesses to be immunized against such diseases as shall be specified in such notification. (10 of 1986 s. 32(2))

(L.N. 181 of 1978; L.N. 164 of 1982; 78 of 1999 s. 7)

### **s 23A Prohibition of employment in food businesses of persons not immunized against certain diseases**

(1) No proprietor of any food business, or, as the case may be, of any such food business as may be specified by notification under section 23(3), shall employ any person in, or cause or permit any person to be engaged in or to take part in, such business unless that person-

- (a) (Repealed L.N. 181 of 1978)
- (b) (Repealed L.N. 164 of 1982)

(c) has been immunized in accordance with such of the requirements of a notification under section 23(3) as apply to that person. (L.N. 181 of 1978)

(2) Failure by the proprietor of any such food business as may be so specified, on demand to obtain the production of, or to produce, for inspection by any health inspector or health officer a valid certificate of immunization against such disease as may be so specified, or a certified copy thereof, showing that any person employed, engaged or taking part in such business, has been so immunized shall be prima facie evidence in any court of the commission by him of a contravention of the provisions of subsection (1). (L.N. 164 of 1982)

(L.N. 121 of 1965; 10 of 1986 s. 32(2); 78 of 1999 s. 7)

## **s 24 Restriction on employment of persons likely to spread diseases**

(1) No person engaged in any food business who is suffering from a discharging wound or sore on any exposed part of the body, or from a discharge of the ear or from attacks of diarrhoea or vomiting or from a sore throat shall take any part in the handling of open food:

Provided that a health officer may issue a certificate in writing to such person exempting him from this subsection in any case in which such health officer is satisfied that no danger to the public health is involved.

(2) Any person engaged in the course of any food business in any food room or in any room in which food is served or in the handling of open food shall, if so required in writing by a health officer, submit himself to medical examination at such time and place as such health officer shall direct and if, after medical examination, a health officer is satisfied that such person is suffering from any communicable disease, or is likely to communicate to any other person any communicable disease, such health officer may notify such person in writing to that effect and thereafter such person shall forthwith cease to work or take part in the same or any other food business.

(3) A notification made under subsection (2) shall remain effective until cancelled by a further notification by a health officer declaring such first mentioned notification to be cancelled.

(4) Subject to the proviso to subsection (1), no person shall cause, suffer or permit any other person whom he knows or has reason to believe to be suffering from any of the complaints mentioned in subsection (1) to take any part in the handling of open food in any food business; and no person shall cause or suffer or permit any other person in respect of whom he knows or has reason to believe a notification made under subsection (2) is effective to be engaged in the course of any food business in any food room or in any room in which food is served or in the handling of any open food.

(78 of 1999 s. 7)

## **s 25 Inspection books, etc.**

(1) The Director may in his discretion supply to any food business an inspection book or form for the use of health inspectors.

(2) Where such inspection book or form is provided by the Director, the proprietor of the food business to which it has been supplied shall cause it to be kept at all times on the food premises concerned and available for use by any health inspector visiting the premises.

(3) No person shall destroy any such book or form or alter or obliterate any entry made therein.

(10 of 1986 s. 32(2); 78 of 1999 s. 7)

## **s 26 (Repealed 61 of 1976 s. 7)**

### **s 27 Horse flesh to be labelled as such**

Where in the course of any food business the flesh of any horse, mule, hinny or donkey is sold, or offered or exposed for sale, it shall, at the time of the sale, or offer or exposure for sale, be clearly labelled "HORSE FLESH" in English lettering and Chinese characters of sufficient size to be easily legible to every customer.

### **s 28 Prohibition against the collection of shell fish in certain areas**

No person shall collect for sale for human consumption any shell fish in-

- (a) the harbour; or
- (b) the harbour in Aberdeen, being all those waters and foreshores bounded by a line drawn north from the westernmost extremity of the Island of Ap Lei Chau and a line drawn east from the southernmost extremity of that island.

(78 of 1999 s. 7)

## **Part III PROHIBITED AND RESTRICTED FOODS**

### **s 29 Prohibition of the sale, etc. of articles specified in Schedule 1**

No person shall sell, or offer or expose for sale, or possess for sale or for use in the preparation of any article of food for sale, any of the foods specified in Schedule 1.

### **s 30 Restriction on sale, etc. of specified articles**

(1) Save with the permission in writing of the Director, no person shall-

- (a) sell or offer or expose for sale, or possess for sale or for use in the preparation of any article of food for sale, any of the foods specified in items 1 to 5 inclusive, items 9 to 14 inclusive and items 16 to 21 inclusive of Schedule 2: (L.N. 212 of 1973; L.N. 407 of 1996; L.N. 1 of 1999)

Provided that this paragraph shall not apply to the hawking of live poultry in any place or area for the time being set aside by the Director pursuant to section 4(1)(a) of the Hawker Regulation (Cap 132 sub. leg. AI);

- (b) sell or offer or expose for sale, or possess for sale any of the foods specified in items 6, 7, 8 and 15 of Schedule 2 unless such food is contained in an unopened hermetically sealed container; or
- (c) possess for use in the preparation of any article of food for sale any of the foods specified in items 6, 7, 8 and 15 of Schedule 2 unless such food is, until the time it is about to be so used, contained in an unopened hermetically sealed container. (L.N. 125 of 1970)

(1AA) Subsection (1) does not apply to item 9, 10, 11, 12, 13, 14, 15, 17, 18, 19 or 20 of Schedule 2 if the sale, or the preparation for sale, of the item is carried on under and in accordance with a composite food shop licence. (L.N. 57 of 2010)

(1A) Save with the permission in writing of the Director, no person shall sell, or offer or expose for sale, or possess for sale a fresh, chilled or frozen water bird carcass-

- (a) at premises where there are live poultry, unless the water bird carcass-

- (i) is a dressed water bird carcass; and
- (ii) is packed separately in a container closed in a manner that ensures that the carcass is securely contained within it; and
- (b) at any other premises, unless the water bird carcass-
  - (i) is a dressed water bird carcass; and
  - (ii) is packed separately or only with one or more other water bird carcasses in a container. (L.N. 220 of 2001)

(1B) Subsection (1A)(a) does not apply in relation to the sale, or offer or exposure for sale, or possession for sale of any water bird carcass at the Western Wholesale Food Market. (L.N. 220 of 2001)

(1C) Save with the permission in writing of the Director, no person shall deliver or cause to be delivered-

- (a) to premises where there are live poultry, or to any person at such premises, for the purpose of sale, a fresh, chilled or frozen water bird carcass, unless the water bird carcass-
  - (i) is a dressed water bird carcass; and
  - (ii) is packed separately in a container closed in a manner that ensures that the carcass is securely contained within it; and
- (b) to any other premises, or to any person at such premises, for the purpose of sale, a fresh, chilled or frozen water bird carcass, unless the water bird carcass-
  - (i) is a dressed water bird carcass; and
  - (ii) is packed separately or only with one or more other water bird carcasses in a container closed in a manner that ensures that the carcass or carcasses is or are securely contained within it. (L.N. 220 of 2001)

(1D) Subsection (1C)(a) does not apply in relation to the delivery of any water bird carcass within the Western Wholesale Food Market. (L.N. 220 of 2001)

(1E) Save with the permission in writing of the Director, no person shall sell, or offer or expose for sale, or possess for sale-

- (a) at premises where there are live poultry any fresh, chilled or frozen offal removed from a water bird, unless the offal is packed, separately or only with the offal removed from the same or any other water bird, in an unopened hermetically sealed container; and
- (b) at any other premises any fresh, chilled or frozen offal removed from a water bird, unless the offal is packed, separately or only with the offal removed from the same or any other water bird, in a container. (L.N. 220 of 2001)

(1F) Subsection (1E)(a) does not apply in relation to the sale, or offer or exposure for sale, or possession for sale of any offal of a water bird at the Western Wholesale Food Market. (L.N. 220 of 2001)

(1G) Save with the permission in writing of the Director, no person shall deliver or cause to be delivered-

- (a) to premises where there are live poultry, or to any person at such premises, for the purpose of sale, any fresh, chilled or frozen offal removed from a water bird, unless the offal is packed, separately or only with the offal removed from the same or any other water bird, in an unopened hermetically sealed container; and
- (b) to any other premises, or to any person at such premises, for the purpose of sale, any fresh, chilled or frozen offal removed from a water bird, unless the offal is packed, separately or only with the offal removed from the same or any other water bird, in a container. (L.N. 220 of 2001)

(1H) Subsection (1G)(a) does not apply in relation to the delivery of any offal of a water bird within the Western Wholesale Food Market. (L.N. 220 of 2001)

(2) Every permission granted under subsection (1), (1A), (1C), (1E) or (1G) shall- (L.N. 220 of 2001)

(a) if granted to an applicant who is already in possession of a valid licence granted by the Director under any of the following Regulations, namely-

- (i) this Regulation,
  - (ii) the Milk Regulation (Cap 132 sub. leg. AQ),
  - (iii) the Frozen Confections Regulation (Cap 132 sub. leg. AC),
  - (iv) the Hawker Regulation (Cap 132 sub. leg. AI),
- be granted free of charge and shall, subject to section 30AA(2), be valid for so long as the licence is valid;

(b) if granted to an applicant who is the lessee of a market stall leased to him-

- (i) by the Director under the provisions of the Public Markets Regulation (Cap 132 sub. leg. BO), or
  - (ii) by the owner, within the meaning of the Private Markets Regulation (Cap 132 sub. leg. BG), of a private market under the provisions of that Regulation,
- be granted free of charge and shall, subject to section 30AA(2), be valid for the duration of the lease; and

(c) if granted to an applicant to whom neither paragraph (a) nor paragraph (b) applies, subject to section 30AA(2), be valid for a period of 12 months from and including the date on which such permission is granted and shall be granted subject to the payment in advance to the Director of the prescribed fee. (L.N. 495 of 1993; L.N. 85 of 1995; L.N. 185 of 2008)

(3) Where the Director is satisfied that any permission granted under this section has been lost, destroyed or accidentally defaced, the Director may, upon payment of the prescribed fee, issue a duplicate thereof. (L.N. 209 of 1983; L.N. 33 of 1987; L.N. 63 of 1988; L.N. 54 of 1991; L.N. 54 of 1992; L.N. 59 of 1993; L.N. 142 of 1994; L.N. 85 of 1995)

(4) For the avoidance of doubt, nothing in this section shall be construed to exempt any person from complying with any other licensing requirements prescribed by this or any other Regulation.

(5) The Director may, by notice in the Gazette, exempt from all or any of the prohibitions in subsection (1), (1A), (1C), (1E) or (1G), either generally or in any particular case, the following persons or any such person or class of such persons- (L.N. 220 of 2001)

(a) any person who holds a licence granted under subsection (1) of section 31 or who is exempt from the prohibition in that subsection pursuant to a notice under subsection (7) of the said section;

(b) any person who holds a licence granted under the Milk Regulation (Cap 132 sub. leg. AQ) or the Frozen Confections Regulation (Cap 132 sub. leg. AC) or a specified kind of licence granted under the Hawker Regulation (Cap 132 sub. leg. AI);

(c) any person who is a lessee of a market stall referred to in subsection (2)(b). (L.N. 181 of 1978)

(6) An exemption granted under subsection (5) may be amended or revoked at any time by the Director by notice in the Gazette. (L.N. 181 of 1978)

(7) For the purposes of this section, "dressed water bird carcass" (經處理的水禽屠體) means a water bird carcass from which the alimentary tract, liver and feathers have been removed. (L.N. 220 of 2001)  
(10 of 1986 s. 32(2); 78 of 1999 s. 7)

### **s 30AA No live poultry at retail premises overnight**

(1) A permittee shall ensure that—

- (a) each day, before 8:00 p.m., all live poultry remaining at the relevant permitted premises (whether sold or unsold) is slaughtered; and

(b) there is no live poultry at the permitted premises between 8:00 p.m. each day and 5:00 a.m. the next day.

(1A) If a black rainstorm warning or a gale warning is in force at any time between noon and 8:00 p.m. on a day, a permittee is exempt from compliance with subsection (1)(a) on that day and from compliance with subsection (1)(b) between 8:00 p.m. that day and 5:00 a.m. the next day. (L.N. 242 of 2008)

(2) Without limiting any other powers the Director has in respect of the revocation of a permission, the Director may revoke the relevant permission if subsection (1) is contravened.

(3) In this section—

“black rainstorm warning” (黑色暴雨警告) has the meaning given to it by section 71(2) of the Interpretation and General Clauses Ordinance (Cap 1); (L.N. 242 of 2008)

“gale warning” (烈風警告) has the meaning given to it by section 71(2) of the Interpretation and General Clauses Ordinance (Cap 1); (L.N. 242 of 2008)

“permission” (准許) means a permission granted under section 30(1)(a) in respect of any food specified in item 4(a) and (b) of Schedule 2;

“permitted premises” (獲准許處所), in relation to a permission, means the premises at which the relevant permittee is permitted to sell or offer or expose for sale, or possess for sale or for use in the preparation of any article of food for sale, any food specified in item 4(a) and (b) of Schedule 2;

“permittee” (獲准許人士) means a person who has been granted a permission.

(L.N. 185 of 2008)

### **s 30A Restriction on the possession for sale of live poultry specified in Schedule 2**

No person shall possess for sale any live water bird specified in item 4(a) of Schedule 2 and any live poultry specified in item 4(b) of that Schedule in the same premises.

(L.N. 171 of 1998)

### **s 30B Restriction on possession for sale of live quails**

A person shall not possess for sale live quails with any other live poultry at the same premises.

(L.N. 220 of 2001)

### **s 30C Further restrictions on trading of fresh, chilled and frozen offal of water birds at retail level**

(1) Unless with reasonable excuse, no person having possession for sale any offal of a water bird contained in a sealed container shall—

(a) open; or

(b) in any other way tamper with,

the container at premises at which the offal is possessed for sale, if there are live poultry at those premises.

(2) This section does not apply in relation to the Western Wholesale Food Market.

(3) In this section, "sealed container" (加封容器) means a container required to be sealed in accordance with section 30(1E)(a).

(L.N. 220 of 2001)

### **s 30D Restriction on sale, etc. of chilled beef, mutton or pork**

- (1) No person shall sell, or offer or expose for sale, or possess for sale fresh beef, mutton or pork and chilled beef, mutton or pork at the same premises.
- (2) No person shall sell, or offer or expose for sale, or possess for sale fresh beef, mutton or pork and chilled beef, mutton or pork at the same market stall.
- (3) In subsection (1), “premises” (處所) means the premises on which the business of a fresh provision shop is carried on.

(L.N. 169 of 2006)

**s 30E Exception to restriction on sale, etc. of chilled beef, mutton or pork**

Section 30D does not apply if—

- (a) the chilled beef, mutton or pork concerned is pre-packaged;
- (b) it has been packaged in a place other than in the premises or market stall referred to in that section; and
- (c) the package is marked and labelled in the manner prescribed in Schedule 6.

(L.N. 169 of 2006)

**s 30F Further restrictions on trading of pre-packaged chilled beef, mutton or pork at retail level**

Unless with reasonable excuse, no person having the possession for sale of any pre-packaged chilled beef, mutton or pork at any premises referred to in section 30D or market stall shall open, or in any other way tamper with, the package at the premises or market stall.

(L.N. 169 of 2006)

**Part IV LICENSING OF CERTAIN FOOD BUSINESSES**

**s 31 Licensing of food business**

(1) Subject to section 33C, except under and in accordance with a licence granted by the Director under this Regulation, no person shall carry on or cause, permit or suffer to be carried on any of the following food businesses- (L.N. 212 of 1973; L.N. 493 of 1995)

- (a) any food factory; or (L.N. 57 of 2010)
- (b) any restaurant; or
- (ba) any factory canteen; or (L.N. 175 of 1980)
- (c) any siu mei and lo mei shop; or (L.N. 57 of 2010)
- (d) any fresh provision shop; or
- (e) any cold store; or (L.N. 125 of 1970; L.N. 57 of 2010)
- (f) any composite food shop. (L.N. 57 of 2010)

(1A) If a food business involves only either or both of the following-

- (a) the sale of all or any of the foods or classes of food specified in Part 2 of Schedule 2A for human consumption off the premises;
- (b) the sale of food by a vending machine for human consumption off the premises,

and the food business is carried on in compliance with section 30(1), subsection (1) does not apply to the food business. (L.N. 57 of 2010)

(2) For the purposes of this Regulation, the expression- (L.N. 493 of 1995)

"authorized person" (認可人士) has the meaning given by section 2(1) of the Buildings Ordinance (Cap 123); (L.N. 57 of 2010)

"cold store" (凍房) means any warehouse in which articles of food are stored under refrigeration; (L.N. 125 of 1970)

"composite food shop" (綜合食物店) means any food business which involves-

(a) the sale and preparation for sale of all or any of the foods or classes of food specified in Part 1 of Schedule 2A;

(b) the sale of all or any of the foods or classes of food specified in Part 2 of that Schedule;

(c) the reheating of pre-cooked food for sale; or

(d) the sale of food by a vending machine,

for human consumption off the premises; (L.N. 57 of 2010)

"composite food shop licence" (綜合食物店牌照) means a licence granted under this section in respect of a composite food shop; (L.N. 57 of 2010)

"factory" (工廠) has the meaning assigned to it by section 2(1) of the Factories and Industrial Undertakings Ordinance (Cap 59); (L.N. 175 of 1980)

"factory building" (工廠大廈) means any building which contains one or more factories; (L.N. 175 of 1980)

"factory canteen" (工廠食堂) means any food business in a factory building which involves the sale or supply of meals or unbottled non-alcoholic drinks other than Chinese herb tea for consumption on the premises by persons employed in any factory in that factory building, but does not include a restaurant or any business carried on by a hawker who is the holder of a licence under the Hawker Regulation (Cap 132 sub. leg. AI); (L.N. 175 of 1980; 78 of 1999 s. 7)

"food factory" (食物製造廠) means any food business which involves the preparation of food for sale for human consumption off the premises, but does not include a frozen confection factory, a milk factory or any business carried on by a hawker who is the holder of a licence under the Hawker Regulation (Cap 132 sub. leg. AI); (L.N. 125 of 1970; 78 of 1999 s. 7; L.N. 57 of 2010)

"fresh provision shop" (新鮮糧食店) means any food business which involves the sale of fresh, chilled or frozen beef, mutton, pork, reptiles (including live reptiles), fish (including live fish) or poultry (including live poultry), but does not include a restaurant, factory canteen, market stall or any business carried on by a hawker who is the holder of a licence under the Hawker Regulation (Cap 132 sub. leg. AI); (L.N. 125 of 1970; L.N. 212 of 1973; L.N. 152 of 1976; L.N. 175 of 1980; 78 of 1999 s. 7; L.N. 220 of 2001)

"frozen confection factory" (冰凍甜點製造廠) means any food business which involves, within the meaning of the Frozen Confections Regulation (Cap 132 sub. leg. AC), the manufacture of any frozen confection; (78 of 1999 s. 7)

"full licence" (正式牌照) means a licence other than a provisional licence or a temporary licence; (L.N. 493 of 1995)

"general restaurant" (普通食肆) means a restaurant other than a light refreshment restaurant; (L.N. 57 of 2010)

"licensee" (持牌人) means a person to whom a full licence, a provisional licence or a temporary licence has been granted under this Regulation; (L.N. 493 of 1995; 78 of 1999 s. 7)

"light refreshment restaurant" (小食食肆) means a restaurant selling only light refreshments; (L.N. 57 of 2010)

"milk factory" (奶品廠) means any food business which involves, within the meaning of the Milk Regulation (Cap 132 sub. leg. AQ), the processing or reconstitution of milk or any milk beverage; (L.N. 216 of 1977; 78 of 1999 s. 7)

"provisional licence" (暫准牌照) means a licence granted under section 33C; (L.N. 493 of 1995; 78 of 1999 s. 7)

"registered structural engineer" (註冊結構工程師) has the meaning given by section 2(1) of the



Buildings Ordinance (Cap 123); (L.N. 57 of 2010)

"restaurant" (食肆) means any food business which involves the sale of meals or unbottled non-alcoholic drinks other than Chinese herb tea, for consumption on the premises, but does not include a factory canteen or any business carried on by a hawker who is the holder of a licence under the Hawker Regulation (Cap 132 sub. leg. AI); (L.N. 125 of 1970; L.N. 175 of 1980; 78 of 1999 s. 7)

"siu mei and lo mei shop" (燒味及滷味店) means any food business which involves the sale by retail of siu mei or lo mei, but does not include a restaurant, factory canteen or any business carried on by a hawker who is the holder of a licence under the Hawker Regulation (Cap 132 sub. leg. AI); (L.N. 125 of 1970; L.N. 175 of 1980; 78 of 1999 s. 7)

"temporary licence" (臨時牌照) means a licence granted under proviso (b) to subsection (5). (L.N. 493 of 1995; 78 of 1999 s. 7; L.N. 57 of 2010)

(3) Without prejudice to anything contained in the Ordinance relating to licences, any licence granted under this section may be subject to any or all of the following conditions-

- (a) a condition prohibiting or restricting the carrying on at or from the food premises to which such licence relates of any particular kind of food business;
- (b) a condition prohibiting or restricting the carrying on at or from the food premises to which such licence relates of any kind of business other than that specified in the licence;
- (c) a condition prohibiting or restricting the sale to customers at or from the food premises to which such licence relates of any food or class of food other than the food or class of food that is specified in the licence; (L.N. 125 of 1970; L.N. 57 of 2010)
- (d) in the case of a composite food shop licence, a condition prohibiting or restricting the preparation for sale at the food premises to which the licence relates of any food or class of food other than the food or class of food that is specified in the licence. (L.N. 57 of 2010)

(4) A full licence shall be valid for a period of 12 months from and including the date of its issue. (L.N. 493 of 1995)

(5) The grant or renewal of a full licence shall be subject to the payment in advance to the Director of the prescribed fee for the class of licence issued: (L.N. 493 of 1995)

Provided-

- (a) (Repealed L.N. 495 of 1993)
- (b) that a temporary licence for any period not exceeding 7 days may be granted upon payment of the prescribed fee. (L.N. 209 of 1983; L.N. 33 of 1987; L.N. 63 of 1988; L.N. 97 of 1989; L.N. 74 of 1990; L.N. 54 of 1991; L.N. 54 of 1992; L.N. 59 of 1993; L.N. 142 of 1994; L.N. 85 of 1995)

(6) Where the Director is satisfied that any licence granted under this Regulation is lost, destroyed or accidentally defaced, the Director may, upon payment of the prescribed fee, issue a duplicate thereof. (L.N. 209 of 1983; L.N. 33 of 1987; L.N. 63 of 1988; L.N. 97 of 1989; L.N. 74 of 1990; L.N. 54 of 1991; L.N. 54 of 1992; L.N. 59 of 1993; L.N. 142 of 1994; L.N. 85 of 1995)

(7) The Director may, by notice in the Gazette, exempt from the prohibition in subsection (1), either generally or in any particular case, any person who carries on any food business or class of food business mentioned in that subsection. (L.N. 181 of 1978)

(8) An exemption granted under subsection (7) may be amended or revoked at any time by the Director by notice in the Gazette. (L.N. 181 of 1978)

(10 of 1986 s. 32(2); 78 of 1999 s. 7)

### **s 31A Power of Director to grant permission**

(1) Notwithstanding section 30(1), in relation to the food specified in items 1(a) and 1(b) of Schedule 2, the Director may grant permission to a person to sell, or offer or expose for sale, or possess for sale

at any premises the food specified in that item 1(a) or the food specified in that item 1(b) but not both at the same premises.

(2) Notwithstanding section 30(1), in relation to the food specified in items 1(a) and 1(b) of Schedule 2, the Director may grant permission to a person to sell, or offer or expose for sale, or possess for sale at any market stall the food specified in that item 1(a) or the food specified in that item 1(b) but not both at the same market stall.

(3) In subsection (1), “premises” (處所) means the premises on which the business of a fresh provision shop is carried on.

(L.N. 169 of 2006)

## **s 32 Application for licence**

(1) Every application for a licence under section 31 shall be made in writing addressed to the Director and accompanied by 3 copies of a plan, as nearly as may be to scale, of the whole of the food premises (excluding a stall) to which such licence will relate, and, so far as may be applicable having regard to the nature of business, including the following particulars-

- (a) space allocated to the cooking, preparation or handling of open food;
- (b) space allocated to the storage of any kind of open food;
- (c) space allocated to the serving of meals to customers;
- (d) space allocated to the cleansing, drying or storage for ready use of utensils;
- (da) if the application relates to a composite food shop, the space, and equipment and furniture of a substantial and permanent nature, allocated for use in the sale, or the preparation for sale, of the food or class of food to which the licence will relate, and the siting of the space, equipment and furniture; (L.N. 57 of 2010)
- (e) sanitary fitments and drainage works;
- (f) cloakrooms, passageways and open spaces;
- (g) all means of exit, entry and internal communication;
- (h) all windows or ducts providing ventilation or, in the case of ventilation by mechanical means, such means;
- (i) the siting of all furniture of a substantial and permanent nature, including food manufacturing or preparation plant, cooking ranges, refrigeration or cooling equipment, fixed sideboards, washbasins or sinks, drying racks, water tanks and other like equipment;
- (j) means of refuse storage and disposal;
- (k) space allocated to the thawing of frozen articles of food and to facilities for inspection and sampling of such food. (L.N. 125 of 1970)

(2) Every plan submitted for approval under subsection (1) shall be accompanied by a statement in writing declaring-

where applicable-

- (a) the class of licence required; and
- (b) the type of heating equipment and fuel intended to be used; and
- (c) the type and country of manufacture of any air conditioning plant intended to be installed.

(2A) Every plan submitted for approval under subsection (1) in an application for a composite food shop licence must be-

- (a) accompanied by a statement in writing declaring the food or class of food intended to be covered by the licence; and
- (b) certified by an authorized person or a registered structural engineer to be in conformity with the layout of the food premises to which the application relates. (L.N. 57 of 2010)

(3) Every plan or such modification thereof as is approved by the Director shall be endorsed to that effect and shall be signed by or on behalf of the Director and one copy shall be returned to the applicant and the remaining 2 copies shall be retained by the Director.

(4) Every application for a composite food shop licence must be accompanied by a certification made by an authorized person or a registered structural engineer that, in relation to the premises in respect of which the application is made, the authorized person or registered structural engineer is satisfied as to all matters specified in section 33(1)(b), (c), (d), (e), (f), (fa), (g), (h), (i), (l) and (m). (L.N. 57 of 2010)

(10 of 1986 s. 32(2); 78 of 1999 s. 7)

### **s 33 Conditions for issue of licence**

(1) No full licence shall be granted under section 31 unless the Director is satisfied, in relation to the premises in respect of which the application for such licence was made, that- (L.N. 493 of 1995)

(a) the plan referred to in section 32 has been approved by the Director and the premises conform thereto;

(b) the means of ventilation provided, whether natural or mechanical or partly natural and partly mechanical, are sufficient in every part of the premises, other than any part used exclusively for storage purposes, to safeguard in that respect the maximum number of person likely to be in such part of the premises at any one time;

(c) sanitary fitments are provided to a standard not less than that required by the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap 123 sub. leg. I):

Provided that in the case of any premises to which such regulations do not apply, the Director may approve such lesser standard as, having regard to considerations of public health and the circumstances of the case, he may consider adequate;

(d) public mains water is laid on to the premises and that adequate tank storage suitably protected against access of dust and mosquitoes is provided:

Provided that where the Director is satisfied that public mains water cannot reasonably be laid on, for all or any purpose, the Director may in his discretion approve such other water supply as, having regard to consideration of public health, he considers adequate;

(e) no food room contains any soil fitment or latrine fitment or communicates directly with a room or other place which contains a soil fitment or latrine fitment;

(f) the floors of every food room are surfaced with smooth, light coloured and non-absorbent material; (L.N. 57 of 2010)

(fa) the internal surfaces of the walls of every food room are surfaced with smooth and non-absorbent material up to a height of not less than 2 m and the junctions between the walls and floors of every food room are coved; (L.N. 57 of 2010)

(g) the ceilings of every food room are rendered impervious to dust;

(h) the facilities for cleansing equipment and utensils used in the preparation, service or consumption of food on the premises are adequate having regard to the nature of the food business to be carried on; (L.N. 57 of 2010)

(i) except where adequate provision is made elsewhere, suitable and sufficient cupboard or locker accommodation is provided for clothing and

footwear not worn during working hours of all persons engaged in the handling of food on or about the premises:

Provided that-

(i) this requirement shall not apply to food premises upon which no open food is handled; and

(ii) this requirement may be waived or modified by the Director by notice in writing;

(j) (Repealed L.N. 57 of 2010)

(ja) (Repealed L.N. 57 of 2010)

(k) (Repealed L.N. 57 of 2010)

(ka) (Repealed L.N. 57 of 2010)

(kb) (Repealed L.N. 57 of 2010)

(l) the surface of every article of furniture referred to in section 17 is capable of being lit to a standard of not less than 90 lux, and the top plates of every stove and cooking range are capable of being lit to a standard of not less than 65 lux, either by natural or artificial lighting or partly by natural and partly by artificial lighting; (L.N. 89 of 1979; L.N. 57 of 2010)

(m) any heating equipment or air conditioning plant provided is properly installed and, having regard to the nature of the premises, is not likely to be dangerous; (L.N. 57 of 2010)

(n) if the application relates to a general restaurant-

(i) at least one kitchen is provided; and

(ii) the area of the food room, or if there is more than one food room, the aggregate area of the food rooms, is not less, or less in proportion to the gross floor area, than that prescribed in Part 1 of Schedule 5A; (L.N. 57 of 2010)

(o) if the application relates to a light refreshment restaurant, the area of the food room, or if there is more than one food room, the aggregate area of the food rooms, is not less, or less in proportion to the gross floor area, than that prescribed in Part 2 of Schedule 5A; and (L.N. 57 of 2010)

(p) if the application relates to a factory canteen, the area of the food room, or if there is more than one food room, the aggregate area of the food rooms, is not less, or less in proportion to the gross floor area, than that prescribed in Part 3 of Schedule 5A. (L.N. 57 of 2010)

(2) Where the premises in respect of which such application is made are a vessel, the provisions of subsection (1) shall apply subject to such modification as is appropriate.

(10 of 1986 s. 32(2); 78 of 1999 s. 7)

### **s 33A Additional requirement for issue of licence for siu mei and lo mei shops**

No licence shall be granted by the Director in respect of a siu mei and lo mei shop unless the Director is satisfied that the premises in respect of which the application is made are not being used for the sale of fresh or chilled meat.

(L.N. 125 of 1970; 10 of 1986 s. 32(2); L.N. 349 of 1998; 78 of 1999 s. 7; L.N. 220 of 2001; L.N. 57 of 2010)

### **s 33B Compliance with fire safety requirements**

No licence shall be granted by the Director under section 31 unless the applicant for such licence produces to the Director a certificate from the Director of Fire Services and such other evidence as the Director may require to the effect that the premises in respect of which the application is made comply

with any requirements issued by the Director of Fire Services. This section does not apply to the issue of a provisional licence under section 33C.

(L.N. 238 of 1982; 10 of 1986 s. 32(2); L.N. 495 of 1993; L.N. 493 of 1995; 78 of 1999 s. 7)

### **s 33C Provisional licence**

(1) The Director may on application grant a provisional licence permitting the carrying on of any food business mentioned in section 31(1) where the applicant satisfies the Director- (L.N. 349 of 1998)

(a) that the conditions mentioned in sections 33(1)(b), (c), (d), (e), (f), (fa), (g), (h), (i), (m), (n), (o) and (p) and 33A have been complied with; and (L.N. 57 of 2010)

(b) that any requirements issued by the Director of Fire Services have been complied with. (L.N. 349 of 1998)

(2) The Director shall not consider an application for a provisional licence unless the applicant has applied to the Director for a full licence for the carrying on of any food business mentioned in section 31(1) in respect of the same premises. (L.N. 349 of 1998)

(3) A provisional licence shall be valid for a period of 6 months from and including the date of its issue.

(4) A provisional licence may be renewed on one occasion, and only on one occasion at the absolute discretion of the Director.

(5) A provisional licence that is renewed under subsection (4) shall be valid for a period of 6 months from and including the date of its renewal or such lesser period as may be specified in the provisional licence.

(6) The fee for the grant or renewal of a provisional licence shall be half of the prescribed fee for a full licence.

(7) If a full licence is granted before the expiry of a provisional licence, any refund of part of the fee paid in respect of the provisional licence will be made on a pro-rata basis. Any fraction of \$1 in the refund shall count as \$1.

(L.N. 493 of 1995; 78 of 1999 s. 7)

### **s 34 Restriction on alteration of premises or fittings after grant of licence**

After the grant or renewal of any licence under this Regulation, except with the written permission of the Director, no licensee shall, in respect of the premises in relation to which such licence was granted, cause or permit-

(a) any alteration or addition which would result in material deviation from the plan approved under section 32; or

(b) any alteration in respect of any matter specified in section 33; or

(c) in relation to any heating equipment, any alteration of any part of such equipment or any change in the type of fuel used therein.

(10 of 1986 s. 32(2); 78 of 1999 s. 7)

### **s 34A Transfer of licence**

Save with the consent in writing of the Director, a person to whom a full licence has been granted under section 31 or a provisional licence has been granted under section 33C shall not transfer his full or provisional licence to any person.

(L.N. 493 of 1995; 78 of 1999 s. 7)

#### **s 34B Licensee to exhibit licence**

Where a licence is granted under this Regulation, the licensee shall exhibit and keep exhibited such licence at a conspicuous place near the entrance of the premises to which such licence relates.

(L.N. 493 of 1995; 78 of 1999 s. 7)

#### **s 34C Food business otherwise than at the place delineated in the plan**

No licensee shall, save with the permission in writing of the Director, carry on or cause, permit or suffer to be carried on a food business at or from any place beyond the confines of the food premises as delineated on the plan approved under section 32 in respect of his licence.

(L.N. 561 of 1996; 78 of 1999 s. 7)

#### **s 34D Alteration or addition to the matters specified in section 32(1)**

(1) No licensee shall, save with the permission in writing of the Director, make or cause, permit or suffer to be made any alteration or addition to the matters specified in the plan approved under section 32 in respect of the food premises.

(2) No licensee shall, save with the permission in writing of the Director, add or cause, permit or suffer to be added within or to the food premises to which the licence relates-

(a) space for any of the purposes specified in section 32(1)(a), (b), (c), (d), (da) or (k); or (L.N. 57 of 2010)

(b) sanitary fitments and drainage works, cloakrooms, passageways and open spaces, means of exit, entry and internal communication, windows or ducts (or means of ventilation), furniture of a substantial and permanent nature or means of refuse storage and disposal of the kind specified in paragraph (e), (f), (g), (h), (i) or (j) of section 32(1) respectively,

which is or are not specified in the plan approved under section 32 in respect of the food premises.

(L.N. 561 of 1996; 78 of 1999 s. 7)

#### **s 34E False certification**

Without prejudice to section 125(1)(b) of the Ordinance, if a composite food shop licence is granted on an application under section 32, and the plan or certification referred to in section 32(2A), or the certification referred to in section 32(4), that is submitted in connection with the application is found to be false or misleading in a material particular, the Director may cancel the licence.

(L.N. 57 of 2010)

#### **s 34F Partial suspension or cancellation of licence**

Without prejudice to section 125(1)(b) of the Ordinance, a composite food shop licence or a provisional licence granted in respect of a composite food shop may be suspended or cancelled to the extent that it is related to any particular food or particular class of food covered by the licence.

## **Part V OFFENCES AND MISCELLANEOUS**

### **s 35 Offences and penalties**

(1) Any person who-

- (a) contravenes any of the provisions of section 5(1), (2) or (3), 6, 7, 7A, 8, 9, 10, 10A(1), 10AB(2), (3), (4) or (5), 10B(1) or (2), 11, 12, 12A(1), 13, 14, 15A, 17, 18, 19, 20, 21, 22, 23(1), 23A(1), 24(1) or (4), 25(2) or (3), 28, 29, 30(1), (1A), (1C), (1E) or (1G), 30AA(1), 30A, 30B, 30C(1), 30D(1) or (2), 30F, 31(1), 34, 34A, 34B, 34C or 34D; (L.N. 121 of 1965; L.N. 247 of 1972; 61 of 1976 s. 7; L.N. 218 of 1984; L.N. 291 of 1987; L.N. 495 of 1993; L.N. 447 of 1994; L.N. 464 of 1994; L.N. 493 of 1995; L.N. 561 of 1996; L.N. 171 of 1998; L.N. 220 of 2001; L.N. 265 of 2001; L.N. 169 of 2006; L.N. 93 of 2009)
- (b) (Repealed L.N. 181 of 1978)
- (c) being a person engaged in the course of any food business, in any food room or in any room in which food is served or in the handling of open food-
  - (i) fails to submit himself to medical examination when required to do so under section 24(2); or
  - (ii) fails to cease to work or to take part in any food business when required to do so by the provisions of that subsection,

shall be guilty of an offence.

(2) In the event of any contravention of any of the provisions of section 15, 16 or 27, the licensee of the food business in relation to which the contravention occurred shall be guilty of an offence.

(3) Any person who is guilty of an offence under this Regulation shall be liable on summary conviction to a fine and imprisonment as follows and, where the offence is a continuing offence, to an additional fine as follows for each day during which it is proved to the satisfaction of the court that the offence has continued-

- (a) for an offence under subsection (1) for contravening section 29, 30(1), 30A, 30D(1) or (2), 30F or 31(1), a fine at level 5, imprisonment for 6 months and \$900 for each day as aforesaid; (L.N. 454 of 1995; L.N. 177 of 1996; L.N. 171 of 1998; L.N. 220 of 2001; L.N. 265 of 2001; L.N. 169 of 2006)
- (aaa) for an offence under subsection (1) for contravening section 30AA(1), a fine at level 5 and imprisonment for 6 months; (L.N. 185 of 2008)
- (aa) for an offence under subsection (1) for contravening section 30(1A), (1C), (1E) or (1G), 30B or 30C(1), a fine at level 4; (L.N. 265 of 2001)
- (b) for an offence under subsection (1) for a contravention other than those referred to in paragraphs (a), (aaa) and (aa), an offence under subsection (2), or an offence under section 5(5), a fine at level 3, imprisonment for 3 months and \$300 for each day as aforesaid. (L.N. 181 of 1978; L.N. 175 of 1980; L.N. 291 of 1987; L.N. 177 of 1996; L.N. 57 of 2010)

(10 of 1986 s. 32(2); 78 of 1999 s. 7; L.N. 185 of 2008)

### **s 36 Name in which proceedings for offences may be brought**

Without prejudice to the provisions of any other enactment relating to the prosecution of criminal offences and without prejudice to the powers of the Secretary for Justice in relation to the prosecution of such offences, prosecutions for an offence under any of the provisions of this Regulation may be brought in the name of the Director.

(10 of 1986 s. 32(2); L.N. 362 of 1997; 78 of 1999 s. 7)

### **s 37 Transitional arrangement for existing licence holders**

(1) The amendments in the Amendment Regulation apply, with effect from the specified date but not earlier, in relation to a holder of a licence which-

- (a) is granted under section 31 in respect of a fresh provision shop; and
- (b) is in force immediately before the commencement date and is in force on the specified date.

(2) The amendments in the Amendment Regulation do not apply in relation to a holder of a licence which is granted under section 31 in respect of a fresh provision shop and which-

- (a) is in force immediately before the commencement date and is in force on that date; but
- (b) ceases to have effect on or before the specified date.

(3) In this section-

"Amendment Regulation" (《修訂規例》) means the Food Business (Amendment) Regulation 2001 (L.N. 220 of 2001);

"commencement date" (生效日期) means the date on which the Amendment Regulation comes into operation;

"specified date" (指明日期) means the date next following the expiry of the period of 60 days beginning on the commencement date. (L.N. 264 of 2001)

(L.N. 220 of 2001)

### **s 38 Transitional requirements for restaurants and factory canteens**

(1) In relation to a restaurant or factory canteen in respect of which a licence was granted under section 31 before 1 August 2010 ("relevant date"), section 33(1)(j), (ja), (k), (ka) and (kb) ("repealed provisions") as in force immediately before the relevant date continues to apply as if it had not been repealed, and section 34(b) and Schedules 4 and 5 are to have effect accordingly.

(2) In relation to a restaurant or factory canteen in respect of which a licence was granted under section 31 before the relevant date, if any alteration is made on or after the relevant date in respect of any matter specified in the repealed provisions applicable to it under subsection (1), and the written permission of the Director referred to in section 34 is given in respect of the alteration—

- (a) subsection (1) ceases to apply on the date of the written permission; and
- (b) section 33(1)(n), (o) or (p) applies to the restaurant or factory canteen



as if a licence were granted in respect of it under section 31 on or after the relevant date.

(3) The repealed provisions are set out in Schedule 7.

(L.N. 57 of 2010)

### **Sched 1 PROHIBITED FOODS**

[section 29]  
(78 of 1999 s. 7)

Item	Description of food
1.	The following Chinese dishes- Yu Sang (魚生).
2.	Fresh, chilled or frozen meat of animals which have not been slaughtered in a Government slaughterhouse or in a slaughterhouse approved by the Director except where such meat was lawfully imported into Hong Kong in accordance with the Imported Game, Meat and Poultry Regulations (Cap 132 sub. leg. AK). (78 of 1999 s. 7; L.N. 220 of 2001)
3.	Shell fish which has been collected in contravention of section 28 of this Regulation. (78 of 1999 s. 7)

(L.N. 78 of 1972; 10 of 1986 s. 32(2))

### **Sched 1A PROHIBITED AREAS FOR EXTRACTION OF SEAWATER FOR PURPOSE OF KEEPING LIVE FISH OR SHELL FISH INTENDED FOR HUMAN CONSUMPTION**

[section 10AB]

1. Any area within the typhoon shelters specified in column 2 of the Schedule to the Merchant Shipping (Local Vessels) (Typhoon Shelters) Regulation (Cap 548 sub. leg. E).
2. Any area within the following boundaries—
  - (a) on the north—the shoreline of Kowloon and the New Territories;
  - (b) on the east—a straight line drawn from the northern shore of A Kung Ngam at position 22°17.058' north 114°14.027' east to the southern shore of Lei Yue Mun at position 22°17.273' north 114°14.192' east;
  - (c) on the south—the shoreline of Hong Kong Island; and
  - (d) on the west—a straight line drawn from the westernmost point of Hong Kong Island to the westernmost point of Green Island, from there a straight line drawn from the westernmost point of Green Island to the southern shore of Tsing Yi at position 22°19.623' north 114°06.400' east, from there along the southern, eastern and northern shorelines of Tsing Yi to the westernmost extremity of Tsing Yi and from there a straight line drawn true north therefrom to the mainland.
3. Any area—
  - (a) between the high water level and low water level of the shoreline along Hong Kong Island; and
  - (b) within 50 m seaward from the low water level of the shoreline along Hong Kong Island.

4. Any area—

- (a) between the high water level and low water level of the shoreline along Ap Lei Chau; and
- (b) within 50 m seaward from the low water level of the shoreline along Ap Lei Chau.

5. Any area—

- (a) between the high water level and low water level of the shoreline along the New Territories from the western mouth of the Shenzhen River at Deep Bay (Shenzhen Bay) southerly to Ting Kau at position 22°22.031' north 114°04.739' east; and
- (b) within 50 m seaward from the low water level of the shoreline along the New Territories from the western mouth of the Shenzhen River at Deep Bay (Shenzhen Bay) southerly to Ting Kau at position 22°22.031' north 114°04.739' east.

6. Any area—

- (a) between the high water level and low water level of the shoreline along Tsing Yi; and
- (b) within 50 m seaward from the low water level of the shoreline along Tsing Yi.

(Schedule 1A added L.N. 93 of 2009)

## **Sched 2 RESTRICTED FOODS**

[sections 30, 30AA & 31A]

(78 of 1999 s. 7; L.N. 169 of 2006; L.N. 185 of 2008)

Item	Description of food
1.	(a) Fresh meat (b) Chilled meat other than pre-packaged chilled beef, mutton or pork (c) Pre-packaged chilled beef, mutton or pork (d) Frozen meat (L.N. 169 of 2006)
2.	Fresh, chilled or frozen game (L.N. 220 of 2001)
3.	Fresh, chilled, frozen or live fish, excluding live fish on a fish farm (L.N. 220 of 2001)
4.	(a) Live water birds, excluding live water birds on a poultry farm or in a wholesale market (b) Other live poultry, excluding live poultry on a poultry farm or in a wholesale market (c) Fresh, chilled or frozen poultry carcass (L.N. 171 of 1998; L.N. 220 of 2001)
5.	Fresh, chilled or frozen shell fish, excluding shell fish specified in Schedule 1 (L.N. 220 of 2001)
6.	Imported cooked or dried meat or imported meat which has been otherwise treated or prepared
7.	Imported intestines or other parts of any animal which are prepared in the form of sausage casings
8.	Imported pies, sausages or other prepared or manufactured articles of food which contain any meat or cooked or dried meat other than fat
9.	Milk or any milk beverage within the meaning of the Milk Regulation (Cap 132 sub. leg. AQ) other than milk or milk beverage approved by the Director under section 5(2) of that Regulation (L.N. 57 of 2010)
10.	(a) Soft ice cream (b) Other frozen confections
11.	Chinese herb tea
12.	Non-bottled drinks

13. Siu Mei (燒味) or Lo Mei (滷味)
  14. Cut fruit
  15. Leung Fan (涼粉)
  16. Man Tau Lo (饅頭籮)
  17. Food sold by means of a vending machine
  18. Sashimi (L.N. 407 of 1996)
  19. Sushi (L.N. 407 of 1996)
  20. Oyster to be eaten in raw state (L.N. 407 of 1996)
  21. Meat to be eaten in raw state (L.N. 1 of 1999)
- (L.N. 142 of 1994; L.N. 85 of 1995)

## **Sched 2A FOOD AT COMPOSITE FOOD SHOP**

[section 31]

### **PART 1**

#### **FOODS OR CLASSES OF FOOD THAT MAY BE PREPARED FOR SALE AND SOLD AT COMPOSITE FOOD SHOP**

1. Coffee
2. Tea
3. Salad
4. Sandwich
5. Waffle
6. Sashimi
7. Sushi
8. Oyster to be eaten in raw state
9. Soft ice cream
10. Frozen carbonated beverage

### **PART 2**

#### **FOODS OR CLASSES OF FOOD THAT MAY BE SOLD AT COMPOSITE FOOD SHOP**

1. Siu Mei or Lo Mei
2. Cut fruit
3. Leung Fan
4. Non-bottled drinks
5. Frozen confections
6. Chinese herb tea
7. Milk or any milk beverage within the meaning of the Milk Regulation (Cap 132 sub. leg. AQ) other than milk or milk beverage approved by the Director under section 5(2) of that Regulation
8. Sashimi
9. Sushi
10. Oyster to be eaten in raw state

(Schedule 2A added L.N. 57 of 2010)

## **Sched 3 (Repealed L.N. 85 of 1995)**

## Sched 4 APPORTIONMENT OF SPACE IN RESTAURANTS

[section 38 and Schedule 7]  
(78 of 1999 s. 7; L.N. 57 of 2010)

### PART I Class B1 restaurants

Seating accom. in m <sup>2</sup>	Kitchen accom. in m <sup>2</sup>	Aggregate area of kitchen, food preparation room and scullery accom. in m <sup>2</sup>
65 or less	Not less than 6	Not less than 1/2 of the total area of seating accommodation.
66-75	" " " 10	Not less than 33 m <sup>2</sup>
76-85	" " " "	" " " 34 "
86-95	" " " "	" " " 35 "
96-100	" " " "	" " " 36 "
101-110	" " " "	" " " 37 "
111 or over	" " " 14	Not less than 1/3 of the total area of seating accommodation.

### PART II Class B2 restaurants

Usable floor space in m <sup>2</sup>	Minimum aggregate area of kitchen, food preparation room and scullery accom. in m <sup>2</sup>
22 or less	5m <sup>2</sup>
23-35	22 1/2% of usable floor space or 7 m <sup>2</sup> whichever is the less.
36-55	20% of usable floor space or 9 m <sup>2</sup> whichever is the less.
56-95	16% of usable floor space or 14 m <sup>2</sup> whichever is the less.
96-185	15% of usable floor space or 19 m <sup>2</sup> whichever is the less.
186 or over	10% of usable floor space or 28 m <sup>2</sup> whichever is the less.

Note: The usable floor space is the aggregate floor area of the restaurant excluding any offices, store-rooms, staircases, staircase halls, lift landings (up to a maximum of 5 m<sup>2</sup>), space used in providing water closet fittings, urinals and lavatory basin, and any space occupied by machinery for any lift, air-conditioning system or similar service. (L.N. 125 of 1970)

(L.N. 89 of 1979; L.N. 495 of 1993)

## Sched 5 APPORTIONMENT OF SPACE IN RESTAURANTS AND FACTORY CANTEENS

[section 38 and Schedule 7]  
(78 of 1999 s. 7; L.N. 57 of 2010)

Ratio of Food Preparation Space, Scullery and Kitchen Area to  
Gross Floor Area

### PART I

Class B1 restaurants

Gross floor area in m <sup>2</sup>	Minimum kitchen area in m <sup>2</sup>	Minimum aggregate area of kitchen, food preparation room and scullery accommodation in m <sup>2</sup>
100 or less	6	30% of gross floor area, but not less than 9 m <sup>2</sup>
101-150	10	25% of gross floor area, but not less than 27 m <sup>2</sup>
151-250	10	23% of gross floor area, but not less than 36 m <sup>2</sup>
251 or over	14	21% of gross floor area, but not less than 54 m <sup>2</sup>

### PART II

Class B2 restaurants

Gross floor area in m <sup>2</sup>	Minimum aggregate area of kitchen, food preparation room and scullery accommodation in m <sup>2</sup>
22 or less	Not less than 5 m <sup>2</sup>
23-35	20% of gross floor area or 7 m <sup>2</sup> whichever is the less
36-55	18% of gross floor area or 8 m <sup>2</sup> whichever is the less.
56-95	14% of gross floor area or 12 m <sup>2</sup> whichever is the less
96-185	13% of gross floor area or 17 m <sup>2</sup> whichever is the less
186 or over	9% of gross floor area or 28 m <sup>2</sup> whichever is the more

### PART III

Class F factory canteens

Gross floor area in m <sup>2</sup>	Minimum aggregate area of kitchen, food preparation room and scullery accommodation in m <sup>2</sup>
Any gross floor area	15% of gross floor area, but not less than 6m <sup>2</sup>

Note: Gross floor area is the roofed-over area used exclusively for the business of the restaurant or factory canteen. It includes store-rooms, cold storage chambers, staff changing rooms, offices, air-conditioning engine rooms, lavatories, lift lobbies, stair halls and any space used exclusively by the restaurant or factory canteen. It does not include any yard or open space.

(L.N. 212 of 1973; L.N. 89 of 1979; L.N. 175 of 1980; L.N. 495 of 1993)

## Sched 5A FOOD ROOM REQUIREMENT FOR RESTAURANTS AND FACTORY CANTEENS

[section 33]

### PART 1 GENERAL RESTAURANTS

Gross floor area	Minimum area of food room
100 m <sup>2</sup> or less	25% of gross floor area, but not less than 8 m <sup>2</sup>
exceeding 100 m <sup>2</sup> but not exceeding 150 m <sup>2</sup>	22% of gross floor area, but not less than 25 m <sup>2</sup>
exceeding 150 m <sup>2</sup> but not exceeding 250 m <sup>2</sup>	19% of gross floor area, but not less than 33 m <sup>2</sup>
exceeding 250 m <sup>2</sup> but not exceeding 500 m <sup>2</sup>	16% of gross floor area, but not less than 48 m <sup>2</sup>
exceeding 500 m <sup>2</sup> but not exceeding 1000 m <sup>2</sup>	13% of gross floor area, but not less than 80 m <sup>2</sup>
exceeding 1000 m <sup>2</sup>	10% of gross floor area, but not less than 130 m <sup>2</sup>

### PART 2

#### LIGHT REFRESHMENT RESTAURANTS

Gross floor area	Minimum area of food room
23 m <sup>2</sup> or less	Not less than 4.5 m <sup>2</sup>
exceeding 23 m <sup>2</sup> but not exceeding 35 m <sup>2</sup>	20% of gross floor area or 6 m <sup>2</sup> whichever is less
exceeding 35 m <sup>2</sup> but not exceeding 55 m <sup>2</sup>	18% of gross floor area or 7.5 m <sup>2</sup> whichever is less
exceeding 55 m <sup>2</sup> but not exceeding 95 m <sup>2</sup>	14% of gross floor area or 12 m <sup>2</sup> whichever is less
exceeding 95 m <sup>2</sup> but not exceeding 185 m <sup>2</sup>	13% of gross floor area or 17 m <sup>2</sup> whichever is less
exceeding 185 m <sup>2</sup>	9% of gross floor area or 18 m <sup>2</sup> whichever is more

### PART 3

#### FACTORY CANTEENS

Gross floor area	Minimum area of food room
250 m <sup>2</sup> or less	14% of gross floor area, but not less than 5 m <sup>2</sup>
exceeding 250 m <sup>2</sup> but not exceeding 1000 m <sup>2</sup>	12% of gross floor area, but not less than 35 m <sup>2</sup>
exceeding 1000 m <sup>2</sup>	10% of gross floor area, but not less than 120 m <sup>2</sup>

Note: In this Schedule, “gross floor area” (總樓面面積), in relation to a restaurant or factory canteen, means the roofed-over area used exclusively for the business of the restaurant or factory canteen. It includes any area used for a store-room, cold storage chamber, staff changing room, office, air-conditioning engine room, lavatory, lift lobby or stair hall.

(Schedule 5A added L.N. 57 of 2010)

## **Sched 6 MARKING AND LABELLING OF PRE-PACKAGED CHILLED BEEF, MUTTON OR PORK**

[section 30E]

### **1. Name or designation**

Pre-packaged chilled beef, mutton or pork shall be legibly marked or labelled with the name or designation of the food.

### **2. Indication of “slaughtering” and “use by” dates**

- (1) Pre-packaged chilled beef, mutton or pork shall be legibly marked or labelled with the “slaughtering date” and the “use by” date.
- (2) The “slaughtering date” shall be indicated by the words “slaughtering date” in English lettering and by Chinese characters “屠宰日期” followed by the date on which the animal was slaughtered.
- (3) The “use by” date shall be indicated by—
  - (a) the words “use by” in English lettering and by Chinese characters “此日期或之前食用” followed by the date up to and including which the pre-packaged chilled beef, mutton or pork, if properly stored, is recommended for use; and
  - (b) a statement of conditions for storage which need to be observed if the pre-packaged chilled beef, mutton or pork is to retain its quality attributes until that date.
- (4) The “slaughtering date” and the “use by” date shall be shown either in Arabic numerals or in both the English and Chinese languages and, subject to subsection (6), shall be expressed in terms of a day, a month and a year.
- (5) The “slaughtering date” and the “use by” date may appear on the labelling of the pre-packaged chilled beef, mutton or pork separately from the words immediately preceding the date, if those words are followed by a reference to the place where the date appears.
- (6) Where the “slaughtering date” and the “use by” date are shown in Arabic numerals—
  - (a) the day shall be indicated by the words “DD”, “dd”, “D” or “d” in English lettering and by Chinese character “日”;
  - (b) the month shall be indicated by the words “MM”, “mm”, “M” or “m” in English lettering and by Chinese character “月”; and
  - (c) the year shall be indicated by the words “YY”, “yy”, “Y” or “y” in English lettering and by Chinese character “年”,and the day, month and year can appear in any order.

### **3. Name and address of slaughtering plant**

Pre-packaged chilled beef, mutton or pork shall be legibly marked or labelled with the business name and the full address of the slaughtering plant.

### **4. Net weight**

- (1) Pre-packaged chilled beef, mutton or pork shall be legibly marked or labelled with its net weight.
- (2) The net weight shall, so far as is practicable, be indicated in accordance with the Weights and Measures Ordinance (Cap 68) or with the International System of Units set out in the First Schedule to the Metrication Ordinance (Cap 214).

## 5. Appropriate language

The marking and labelling for the purposes of sections 1, 2(1), 3 and 4 shall be in the English language or Chinese language or in both languages, but if both languages are used for any such marking or labelling, the name or designation of the food under section 1 shall be shown in both languages.

(Schedule 6 added L.N. 169 of 2006)

### **Sched 7 SECTION 33(1)(j), (ja), (k), (ka) and (kb) IN FORCE IMMEDIATELY BEFORE 1 AUGUST 2010**

[section 38]

(j) in the case of any restaurant (other than a restaurant selling only light refreshments) in respect of which—

- (i) a licence was granted before 1 February 1974; and
- (ii) since that date, no alteration has been made to the space allocated to the kitchen, the preparation of food or the seating accommodation, the space allocated to the kitchen and the preparation of food and cleansing of utensils is not less in proportion to the space allocated to the seating accommodation than that prescribed in Schedule 4;

(ja) in the case of any restaurant (other than a restaurant selling only light refreshments) in respect of which a licence was not granted before 1 February 1974, the space allocated to the kitchen and the preparation of food and cleansing of utensils is not less in area, or in proportion to the gross floor area, than that prescribed in Part I of Schedule 5;

(k) in the case of any light refreshment restaurant, in respect of which—

- (i) a licence was granted before 1 February 1974; and
- (ii) since that date, no alteration has been made to the space allocated to the kitchen, the preparation of food or the usable floor space, the total space allocated to the kitchen and the preparation of food and cleansing of utensils is not less in proportion to the usable floor space than that prescribed in Schedule 4;

(ka) in the case of any light refreshment restaurant in respect of which a licence was not granted before 1 February 1974, the total space allocated to the kitchen and the preparation of food and cleansing of utensils is not less in area, or in proportion to the gross floor area, than that prescribed in Part II of Schedule 5;

(kb) in the case of any factory canteen, the total space allocated to the kitchen and the preparation of food and cleansing of utensils is not less in area, or in proportion to the gross floor area, than that prescribed in Part III of Schedule 5;

(Schedule 7 added L.N. 57 of 2010)