

LCQ7: Factory canteens

Following is a question by the Hon Tommy Cheung and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (January 23):

Question:

Under the Food Business Regulation (Cap 132X), a factory canteen may only serve factory employees who work in the building where the canteen is located. The Food and Environmental Hygiene Department implemented new conditions for the Factory Canteen Licence (FCL) in February 2018 to stipulate that (i) a licensee must display a notice reading "FACTORY EMPLOYEES OF THIS BUILDING ONLY" outside each entrance of the canteen, and (ii) a factory canteen may only serve persons who possess employee identity cards issued by their employers or other acceptable proof. Some proprietors of factory canteens have relayed that the aforesaid requirements have led to a plunge in their businesses. They had applied for converting their canteens into general restaurants but their applications were rejected on grounds that the industrial buildings in which their canteens were located did not meet the fire safety and building structure requirements applicable to general restaurants. They have also pointed out that with the gradual decline of industries in Hong Kong, the existing legislation that regulates factory canteens is obviously outdated. On the other hand, while the Government has, since 2010, implemented measures to revitalise industrial buildings under which owners are permitted to convert or redevelop some industrial buildings for non-industrial uses (such as offices, art studios, cultural and creative industries, light industries, logistics), the authorities have not correspondingly adjusted the licensing conditions of FCL to dovetail with such measures. In this connection, will the Government inform this Council:

(1) whether it will, in view of changing times and in order to dovetail with the measures to revitalise industrial buildings, amend the legislation to the effect that a factory canteen is permitted to serve, in addition to factory employees who work in the industrial building where the canteen is located, also other employees who work in the same industrial building as well as the employees of those organisations which have business dealings with the organisations situated in the industrial building; if so, of the details; if not, the reasons for that;

(2) of the respective numbers of applications for converting factory canteens into general restaurants received, approved and rejected by the authorities in the past eight years; if some applications were rejected, the main reasons for that; and the average processing time taken in respect of the approved applications;

(3) of the respective current numbers of industrial buildings and licensed factory canteens in Hong Kong, and whether it knows the number of factories that are in active operation in industrial buildings and the number of their

employees, with a breakdown by District Council district; and

(4) whether it has compiled statistics on the numbers of units in industrial buildings used for non-industrial uses in each of the past three years and the numbers of employees involved; if so, of the details; if not, whether it will compile such statistics, so as to grasp the clientele size of factory canteens?

Reply:

President,

Having consulted the Development Bureau and the Labour and Welfare Bureau, the reply to the various parts of the question is as follows:

(1) Under the Food Business Regulation (Cap 132X), a factory canteen licence (FCL) must be obtained from the Food and Environmental Hygiene Department (FEHD) for operation of food business in a factory building which involves the sale or supply of meals or drinks for consumption on the premises by persons employed in the factory building concerned. The FCL was introduced to facilitate factory workers to take meals.

Industrial activities often involve the loading, unloading, storage and use of dangerous goods. The risks of fire hazards and accidents are therefore far greater in factory buildings than in commercial/composite buildings. Members of the public who do not work in such factory buildings are not familiar with their interior settings. They may be exposed to heightened danger if they are allowed to patronise factory canteens given they may not realise the potential dangers and know the escape routes in a factory building.

In terms of food safety, licensed factory canteens are subject to less stringent requirements than general restaurants with regard to the provision of food room and sanitary fitments as the types of food provided by factory canteens and their mode of operation are relatively simple. If factory canteens are allowed to serve members of the public, the existing provision of food room and sanitary fitments of a factory canteen may not be capable of coping with the substantial need for food storage and stock changes due to a vast increase in customers. The resulting food safety and hygiene implications will also constitute potential food safety hazards to customers.

In view of the above, the Government has no plan to relax the relevant licensing requirement, in other words, a factory canteen can only serve employees in the factory building where the canteen is situated.

(2) The respective numbers of FCL and General Restaurant Licence (GRL) applications received, approved, withdrawn/abandoned and rejected in the past eight years are set out at Annex 1. FEHD does not have the number of GRL applications lodged by licensed factory canteens.

(3) and (4) The distribution of factory buildings and licensed factory

canteens in various districts is set out at Annex 2 and Annex 3 respectively. The Development Bureau and the Labour and Welfare Bureau do not maintain the number of factories in operation currently, the number of factory units used for non-industrial purposes in factory buildings and the number of employees concerned.