

Office of The Ombudsman announces results of direct investigation into Food and Environmental Hygiene Department's regulation over sale of food in hot/cold holding and non-prepackaged beverages by means of vending machine

The following is issued on behalf of the Office of The Ombudsman:

The Ombudsman, Ms Winnie Chiu, today (December 14) announced the completion of a direct investigation into the regulation by the Food and Environmental Hygiene Department (FEHD) over the sale of food in hot/cold holding and non-prepackaged beverages by means of vending machine, and made 10 recommendations for improvement to the FEHD.

In recent years, more and a wider variety of vending machines selling food in hot/cold holding and non-prepackaged beverages are emerging on the market. As at the end of September 2023, there were 489 vending machines in Hong Kong with a vending machine permit (VM Permit) issued by the FEHD under the Food Business Regulation to sell the above-mentioned types of food. The investigation by the Office of The Ombudsman reveals that some permit holders have not complied stringently with the licensing requirements and conditions imposed by the FEHD, and there is room for improvement on the part of the FEHD in its regulatory work when approving applications for VM Permits and monitoring licensed vending machines.

Ms Chiu said, "The FEHD issues permits to operators of vending machines for the purpose of protecting food safety and public health. This Office considers that the FEHD should act pre-emptively to ensure the effectiveness of its regulatory measures amid the growth of this business mode. Summing up our findings, we urge the FEHD to improve the record keeping for approval of VM Permits, step up monitoring of licensed vending machines, and enhance public awareness of the regulation over vending machines through publicity, thereby protecting food safety and public health."

The Office's recommendations made to the FEHD are:

- require VM Permit applicants to submit information about the devices and operation of vending machines and keep it in the case files;
- update existing guidelines with instructions to staff on how to compile specific records of pre-approval inspection;

- beef up the licensing conditions with clear and specific details on temperature control, machine cleansing and sterilisation, and record keeping;
- explore stepping up random checks on permit holders' records of temperature control and machine cleansing and sterilisation as part of its monitoring work;
- explore the feasibility of more proactive bacteriological testing of food and beverages sold by means of vending machine, thereby reinforcing licensing control;
- step up publicity to raise public awareness of licensed vending machines and relevant licensing conditions;
- revise licensing requirements such that permit holders shall display the VM Permit or its copy on the outside of machines, and disseminate information about the licensing requirements/conditions imposed on vending machines to facilitate public monitoring of their compliance;
- require all vending machines of food under temperature control to be fitted with an externally readable thermometer or to provide relevant information;
- review the List of Permitted Premises available on the FEHD website to ensure that the addresses listed thereon are sufficient for the public to locate the vending machines; and
- from the perspective of food safety, provide organisations dispensing free food by self-service machines with important information and good practices for safeguarding public hygiene and health.

The FEHD has accepted all of the improvement recommendations.

The full investigation report is available on the website of the Office of The Ombudsman at www.ombudsman.hk for public viewing.