

Advisory Council on Food and Environmental Hygiene

**Introduction of a Voluntary Categorisation Scheme
on Hygiene Standards of Kitchens in Licensed Food Premises**

Purpose

This paper briefs Members on the Administration's views on the proposal of adopting a voluntary categorisation scheme (VCS) on hygiene standards of kitchens in licensed food premises.

Background

2. At the last meeting held on 14 September 2012, the Chairman proposed adopting a voluntary categorisation scheme on hygiene standards of kitchens in restaurants with a view to encouraging food business operators to improve such standards, and providing the public with more information to facilitate their choice of dining-out venues. The food hygiene rating schemes in the UK and New York City (NYC) were cited as examples.

Considerations

3. The Food and Environmental Hygiene Department (FEHD) has considered the suggestion. Information on the UK and NYC rating schemes obtained through websites and published information is presented in the ensuing paragraphs.

The UK and NYC Schemes

UK Scheme

4. The UK operates a voluntary Food Hygiene Rating Scheme. Its operation could be summarised as follows -

- (a) the scheme is run by local authorities on a voluntary basis in partnership with the Food Standards Agency, the UK Government department responsible for food safety. The Agency gives local authorities advice, training and other assistance in running the scheme;
- (b) a food safety officer of the local authority inspects a business to check if it meets food hygiene laws. The food safety officer may exercise enforcement powers if he finds the business is in breach of food hygiene laws. The business renders itself liable to forced closure if its hygiene standard is very poor and there is an imminent risk to health; and
- (c) at the same time, the hygiene standards found at the time of inspection are rated on a scale of 0 (urgent improvement necessary) to 5 (very good). The display of food ratings at food premises is not mandatory, but the public may check the hygiene ratings through the internet.

NYC Scheme

5. NYC operates a Restaurant Grading System and it is a compulsory one. Its operation is as follows -

- (a) the Department of Health and Mental Hygiene is responsible for issuing a permit to a food establishment and carrying out inspection to monitor compliance with city and state food safety regulations;
- (b) inspections are scored using a point system. An inspector records violations by a range of points according to the type and extent of the violation and the risk it poses to the public;
- (c) a food establishment that accumulates 0 to 13 violation points will receive an A-grade, 14 to 27, a B-grade and 28 or more a C-grade;
- (d) a food establishment may be closed by the authority if it accumulates 28 or more points in three consecutive inspections; and
- (e) display of grading sign by food premises is mandatory.

6. More details of the UK and NYC schemes are set out in **Annex I**.

Adopting a Voluntary Grading System in Hong Kong

7. FEHD is the licensing and enforcement authority of food premises in Hong Kong. It only issues licences to premises if the hygiene requirements and standards of the premises and its kitchen and food rooms are satisfied and met. The current system has a clear cut standard and is well accepted by the community and the food business trade. If FEHD were to rate premises with different hygiene grades, this is liable to generate confusion to the public and the food trade. The public may cast doubt on the food safety of premises that fail to attain the highest level. For the licensees, they would likely feel aggrieved if lower than expected ratings are given to them. Significant resources will need to be deployed to consider appeals. This may well distract FEHD from carrying out its core duty of ensuring food safety and hygiene.

8. In the 2000s, FEHD considered, among other initiatives to enhance inspection and regulation of food establishments, the introduction of an “open categorisation scheme” for licensed food premises. The proposal was shelved in 2007 due to the need for extensive legislative amendments in order to resolve the legal issues involved and the strong opposition by the trade.

9. Apart from the “open categorisation scheme” proposals, a number of new/enhanced measures have already been implemented to strengthen regulation of food establishments since the 2000s. They include -

- (a) revised inspection arrangement built on a risk-based approach; and
- (b) introduction of the hygiene manager/hygiene supervisor requirement.

Coupled with the considerations explained in paragraph 7 above, FEHD does not consider it appropriate at this point in time to put forward a proposal to revive a similar scheme for mandatory or voluntary rating licensed food premises, in parallel with its licensing and enforcement role.

10. The Government’s regulation on food premises is to ensure food safety and environmental hygiene. The restaurant trade tends to be skeptical of initiatives that may substantially increase compliance cost or put

smaller establishments in a disadvantaged position. The trade is inclined to argue that the question of whether and if so how individual food businesses should, after they have met the licensing requirements, attain/maintain higher food safety and hygiene standards as a measure to attract more customers and instil consumer confidence is best left to themselves. A non-government organisation, as opposed to the enforcement authority, is better suited when it comes to running a voluntary rating scheme which aims to encourage upgrading and transparency. A food industry association with reputable standing or an independent third party with credibility and expertise may well be a suitable body to set the appropriate parameters for assessment of the hygiene grading.

Existing Voluntary Schemes on Standards and Quality

11. It is noted that a number of voluntary schemes administered by non-government organisations to encourage adoption of higher standards in the food industry of Hong Kong already exist. These include -

(i) ***Licensed Food Premises Accredited under ISO 22000***

ISO 22000 is a food safety management system launched by the International Organisation for Standardisation (ISO) on 1.9.2005. It has integrated the Hazard Analysis Critical Control Point System developed by the Codex Alimentarius Commission and the quality management system ISO 9000 developed by ISO. At present, ISO 22000 is the most rigorous international standard for food safety management. FEHD encourages licensees to adopt ISO 22000 by introducing, since February 2007, a Scheme of facilitation measures for licensed food premises accredited under ISO 22000. Such food premises are excluded from the Demerit Points System and are subject to less frequent inspection. At present, about 100 licensed food premises are recognised under the Scheme. Through FEHD's website, the public may gain access to the relevant particulars of the premises concerned, including their shop signs and addresses. A brief on the operation of the Scheme is at [Annex II](#).

(ii) ***The Food Safety Charter***

The Centre for Food Safety (CFS) of FEHD has developed the Food Safety Charter (the Charter) jointly with the food trade since 2008. The voluntary Charter encourages and facilitates

the trade to incorporate appropriate measures in their day-to-day practice according to food safety principles. The signatories are provided with regular publications on food safety issues, a designated newsletter, and easy access to education activities such as seminars and workshops to keep them abreast of the latest food safety development. In 2011/12, a total of 21 food trade associations and some 2 000 food premises and retail outlets signed the Charter.

(iii) *Quality Tourism Services Scheme*

The Hong Kong Tourism Board (HKTB) launched the Quality Tourism Services Scheme (QTS Scheme) to raise overall service standards and confidence of visitors, covering in particular dining and shopping premises in Hong Kong. The voluntary QTS Scheme makes it easy for visitors to find, among others, restaurants that are considered trustworthy. Under the scheme, QTS-accredited establishments must meet high standards of product quality and service and pass stringent annual assessments.

Commissioned by HKTB, the Hong Kong Productivity Council is the consultant responsible for conducting assessments and mid-year surveillance visits of shopping and dining merchants.

(iv) *Quality Bar Label for the Bar Industry*

The Hong Kong Bar and Club Association, with funding support from Yau Tsim Mong District Council, organised the Quality Bar Label in 2012 with a view to promoting the image, providing quality services and enhancing management knowledge in the bar industry. Operators of bars in Hong Kong are the target participants. The assessment criteria are based on four aspects relating to quality service, management, food and beverage, and environment. Bar operators are entitled to display the Quality Bar Label if all qualifying criteria are met.

12. FEHD has been supporting the ISO22000 scheme and the Food Safety Charter described above by providing food safety and hygiene related advice to the food industry. If a non-government organisation is interested in operating a voluntary rating scheme to enhance hygiene standards of restaurants, encourage voluntary compliance and upgrade the skills of the trade, FEHD will provide similar support to the organisation.

Conclusion

13. Members are invited to note the contents of this paper.

**Food and Health Bureau
Food and Environmental Hygiene Department
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Food Hygiene Rating Schemes in the UK and New York City, USA

UK Food Safety Regulations

Licensing authority

- Licences from local authority are required for selling or supplying alcohol, selling hot food between 11 p.m. and 5 a.m., providing entertainment, selling food from a stall or van on the street.
- For catering business, registration should be made with the local authority at least 28 days before opening.

Food Hygiene Rating Scheme (FHRS)

- The Food Hygiene Ratings Scheme is a joint initiative by the UK Food Standards Agency in partnership with various local enforcement authorities. The Scheme was introduced in November 2010. The local authorities can choose to enter into agreement with the Food Standards Agency to operate the scheme.
- The purpose of the FHRS is -
 - to allow consumers to make informed choices about the places where they eat out or shop for food
 - to encourage businesses to improve their hygiene standards
 - to reduce the incidence of food-borne illness and the associated costs to the economy
- The local licensing authority is responsible for carrying out inspections of food businesses to check that they meet requirements of food hygiene laws.
- At the inspection, a food safety officer will check how hygienically the food is handled, the condition of the structure of the buildings and how the business manages and records what it does to make sure the food is safe.

- According to the “Food Law Code of Practice”, food premises are rated based on a Demerit Point System according to assessment of the following criteria -
 - Compliance with food hygiene and safety procedures (including food handling practices and procedures, temperature control etc)
 - Compliance with structural requirements (including cleanliness, layout, condition of structure, lighting, ventilation, facilities etc)
 - Confidence in management/control procedures.
- Each of the criteria is accorded a point from 0 to 30, with 0 point being full compliance and the maximum point of 30 assigned to poorly complied practices.

Total Score	Additional Scoring Factor	Rating
0-15	No individual score more than 5	“5” Very good
20	No individual score more than 10	“4” Good
25-30	No individual score more than 10	“3” Generally satisfactory
35-40	No individual score more than 15	“2” Improvement necessary
45-50	No individual score more than 20	“1” Major improvement necessary
>50	-	“0” Urgent improvement necessary

Inspection result and appeal mechanism

- The food hygiene standards found at the time of inspection are rated on a scale from 0-5. The top rating of ‘5’ means that the business was found to have ‘very good’ hygiene standards.

- The officer will explain to the person who owns or manages the business the improvements that need to be made and actions to improve the hygiene rating. The local authority will conduct follow-up checks to see if improvements are made.
- The owner or manager of the business may discuss with the local authority food safety officer responsible for the inspection of the business if he/she thinks the rating given is unfair or wrong. If the business owner or manager still thinks that the rating is unfair or wrong, they can appeal in writing to the safety officer's supervisor within 14 days.
- Display of the food ratings is not mandatory. Authorities in the UK are reviewing this policy. However, the public can search for hygiene ratings of food business in the internet.
- A pilot scheme in a town in Northern Ireland revealed that out of 700 food premises, 21% is rated as "very good" and 49% rated "good".
- Two types of food premises are exempted -
 - businesses that are low-risk to people's health in terms of food safety and not normally considered as a food business – for example, newsagents, chemist shops or visitor centres selling tins of biscuits.
 - childminders and businesses that offer caring services at home.
- There are now 382 Councils and more than 400 000 food premises rated in this scheme.

New York Food Safety Regulations

Licensing authority

- Local and county health departments are responsible for licensing of food businesses.
- Food and Drug Administration (FDA) serves as a scientific and technical consultant to county health departments.

Restaurant Grading System

- The Department of Health and Mental Hygiene of New York City administers the Restaurant Grading System and conducts unannounced inspections at least once a year so as to monitor compliance of restaurants with city and state food safety regulations.
- Since July 2010, posting signs of food safety grading become mandatory. The public display of the sanitary inspection scores is to help achieve the following three goals -
 - to inform the public about a restaurant’s inspection results in a simple, accessible way
 - to improve sanitary conditions and food safety practices in restaurants
 - to reduce illnesses associated with dining out

Demerit points	Grading	Inspection frequency
0 – 13	A	At least once a year
14 – 27	B	Once every 150 – 210 days
28 or more	C	Once every 90 – 150 days

- Inspectors check for compliance in food handling, food temperature, personal hygiene, facility and equipment maintenance and vermin control. Each violation of a regulation results in registering a certain number of points. At the end of the inspection, the inspector calculates the points, and this number is the restaurant’s inspection score – the lower the score, the better the Grade.

Inspection result and appeal mechanism

- If a restaurant does not earn the grade A on the first inspection, the score would not be disclosed and an “ungraded” sign would be displayed. An inspector goes back to the restaurant typically within one month for re-inspection. If the final grade is a B or C, the restaurant will receive a grade card and a grade pending card. It can post either card until it has an opportunity to be heard at the Office of Administrative Trials and Hearings Health Tribunal. The results are also posted onto the Health Department’s website.

- As at January 2012, 72% of all restaurants had a grading of “A”.
- Restaurants receiving an A grade is exempt from any sanitary fines.
- Display of the grade sign is mandatory.
- If a restaurant is assigned Grade C for three consecutive times, the food establishment would be forced to close.
- Grades are not assigned to –
 - mobile food vending units
 - temporary food service establishments
 - food service establishments operated by primary or secondary schools, hospital-operated cafeterias, correctional facilities, charitable organizations
 - food service establishments operated by not-for-profit membership organizations that serve food only to their members.
- Food premises inside grocery stores or markets are exempt from the regulations. This is seen as a loophole as more NYC food premises are taking advantage of it.

**Revised Procedures for Licensed Food Premises Implementing
Food Safety Management under ISO 22000**

- FEHD introduced the Revised Procedures for Licensed Food Premises Implementing Food Safety Management under ISO 22000 (Revised Procedures) to the trade on 8.2.2007. At present, **99** licensed food premises are recognized by FEHD for the Revised Procedures.
- Licensees are required to submit an application if they wish to have their premises included for regulatory control under the Revised Procedures. Food premises covered by a valid food business licence (provisional or full licence), have fully implemented ISO 22000 and are fully covered by a valid ISO 22000 certificate issued by an accrediting body are eligible to apply for recognition under the Revised Procedures.
- The premises should have a good track record in the past 12 months immediately before the date of application (or between the date of issue of licence and the date of application if the licence was first issued in less than 12 months) and during the interval when the application is under processing.
- Food premises recognized under Revised Procedures will be excluded from the Demerit Points System (DPS) despite prosecution and the premises are subject to a less frequent inspection of once in every 5 months. However, Warning Letter System remains applicable to the food premises.
- Recognition under the Scheme will be cancelled under any of the following situations and the food premises will be reverted to the normal control mechanism by FEHD and subject to sanctions under the DPS -
 - (a) the ISO 22000 certificate has expired or is withdrawn or cancelled by the accrediting body;

- (b) the food premises are involved in food incident leading to temporary closure of the food premises;
- (c) the food premises are not covered by a valid food business licence;
- (d) breach of the law which is considered to be of public health or safety significance or very serious in nature; and
- (e) upon transfer of the food business licence, the incoming licensee fails to obtain certification from the accrediting body within three months (in such circumstances, any convictions of offences committed within the interim period will be counted for demerit points against the food business licence for sanction under the DPS).