

REGULATORY CONTROL OF FOOD PREMISES

Executive Summary

1. The Food and Environmental Hygiene Department (FEHD) is the licensing authority of food premises and exercises control through its licensing regime, inspections and enforcement actions in accordance with the Public Health and Municipal Services Ordinance (Cap. 132) and its subsidiary legislations (hereinafter collectively referred to as the Ordinance unless otherwise specified). Under the Ordinance, premises are required to be licensed/permitted before operation of food businesses/sale of restricted foods (e.g. sushi and milk). As at 31 March 2023, there were 34,640 valid food business licences and 11,071 valid restricted food permits. The Environmental Hygiene Branch of FEHD is responsible for the licensing and regulatory control of food premises, under which the 3 Regional Licensing Offices (RLOs) are mainly responsible for processing applications for new food business licences and online sale of restricted food permits, and the 19 District Environmental Hygiene Offices (DEHOs) are mainly responsible for conducting inspections of licensed and unlicensed food premises and enforcing the Ordinance and processing applications for other restricted food permits, and renewal and transfer of licences/permits. In 2022-23, the expenditure of the FEHD offices responsible for the work in licensing and regulatory control of food premises, among other duties, amounted to about \$497 million.

2. In 2022, FEHD: (a) conducted 197,778 inspections to licensed/permitted food premises, instituted 3,152 prosecutions against licensed/permitted food premises, and 84 food business licences were suspended or cancelled; and (b) conducted 49,790 inspections to unlicensed food premises and instituted 4,013 prosecutions against unlicensed food premises. FEHD uses the Environmental Hygiene Statistical Information System (EHSIS) for maintaining information for its environmental hygiene services including licensing, and for prosecutions, and the Licensing Management Information System (LMIS) for facilitating the processing of applications and administration of food business licences/permits issued, and providing statistical reports. The Audit Commission (Audit) has recently conducted a review of the work of FEHD on the licensing and regulatory control of food

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premises. The findings are contained in this Audit Report and another one titled “Licensing of food premises” (Chapter 2 of the Director of Audit’s Report No. 81).

Regulatory control of licensed and permitted food premises

3. ***Risk classification of some licensed food premises under Risk-based Inspection System (RBIS) not timely or properly conducted.*** FEHD conducts regular inspections to licensed/permitted food premises to ensure that licence/permit holders comply with the licensing requirements and conditions as well as the law. FEHD adopts RBIS for conducting inspections to licensed food premises. Under RBIS, the frequencies of inspections are determined by the risk potential of individual food premises. According to FEHD guidelines, the risk type of a food premises is classified according to a host of food safety and hygiene risk factors (with scores assigned), and the risk types of licensed food premises are subject to annual review in every December (paras. 2.2, 2.3 and 2.6). Audit noted the following issues:

- (a) ***Risk types of some food premises incorrectly classified.*** Audit examined three DEHOs’ records (January 2022 to June 2023) for risk classification of 6 licensed food premises with conviction of food safety and hygiene related offences under the Ordinance. For the annual review for 2023, the conviction records/appropriate risk levels of all 6 food premises were not taken into account in the score calculations as required. As a result, the scores of the 6 food premises were incorrectly computed, of which 3 (50%) food premises were incorrectly classified at a lower risk level with longer inspection interval adopted (para. 2.7); and
- (b) ***Annual review of risk types of some food premises not timely conducted.*** According to FEHD guidelines, DEHO staff are required to update and approve the score records of the licensed food premises in LMIS on or before 31 December every year. Of the 34,440 food business licences under RBIS as at 31 December 2022, the records of annual review for 14,611 (42%) licences were only approved on or after 1 January 2023, with delays ranging from 1 day to about 7 months (averaging 22 days) (para. 2.8).

4. ***Room for improvement for first inspections and test buying.*** According to FEHD, DEHOs conduct first inspections to newly licensed food premises. Audit examined three DEHOs’ records of first inspections (January 2022 to July 2023) and

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noted that for 8 newly licensed food premises, there were delays in conducting the first inspections for 3 (38%) food premises (ranging from 1 to 2 working days). For 6 food premises with online sale of restricted food permits newly issued, there were delays in conducting the first inspections for 4 (67%) food premises (ranging from 3 to 126 days, averaging 49 days) and in conducting the first test buying for 3 (50%) food premises (ranging from 41 to 55 days, averaging 46 days) (para. 2.13).

5. ***Room for improvement for routine inspections and regular test buying.*** According to FEHD guidelines, DEHOs conduct routine inspections to licensed/permitted food premises and regular test buying of restricted foods online at specified intervals. Audit examined three DEHOs' records (January 2022 to June 2023) for 50 food premises (paras. 2.15, 2.16, 2.19, 2.20 and 2.21) and noted the following issues:

- (a) ***Scope for improving routine inspections to licensed food premises under RBIS.*** For 30 licensed food premises (involving 147 routine inspections), there were delays in conducting 46 (31%) inspections (ranging from 1 to 49 days, averaging 8 days). For 28 (19%) inspections (involving 12 food premises), the food premises concerned were found closed at the time of inspections, but there were no guidelines on whether unsuccessful inspections could be counted as inspections conducted and whether follow-up actions would be required (para. 2.16);
- (b) ***Delays in conducting routine inspections to some permitted food premises.*** For 10 permitted food premises (involving 36 routine inspections), there were delays in conducting 7 (19%) inspections (ranging from 1 to 22 days, averaging 10 days) (para. 2.19); and
- (c) ***Scope for improving routine inspections, supervisory checks and regular test buying for permitted food premises engaging in online sale of restricted foods.*** For 10 permitted food premises engaging in online sale of restricted foods (involving 30 routine inspections): (i) there were delays in conducting 5 (17%) routine inspections (ranging from 20 to 109 days, averaging 48 days); (ii) supervisory checks were not conducted for 7 (70%) food premises; and (iii) only 1 test buying was conducted (instead of 2 as required under the guidelines) for 3 (30%) food premises. According to FEHD, the non-compliances were mainly caused by special work arrangements during the coronavirus disease (COVID-19) epidemic, and

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special manpower deployment to handle Anti-epidemic Fund-related work (paras. 2.20 and 2.22).

6. ***Some licensed food premises operating unlicensed food business.*** Audit noted that there were public concerns about some food premises operating without proper food business licences. While factory canteens are not allowed to serve members of the public and food factories are not allowed to serve customers for consumption of food on the premises, Audit's research (based on information of popular restaurant finder websites/mobile applications) found that the public could dine at 10 food premises selected for audit examination and FEHD had not identified such irregularities during routine inspections (January 2022 to June 2023) of the food premises concerned. According to FEHD, besides routine inspections, it would deploy different tactics (e.g. agent provocateur operations) to tackle the problem. In Audit's view, as the checking of such irregularities was a requirement under routine inspections, FEHD needs to consider reviewing the measures in detecting licensed food premises operating unlicensed food business (e.g. factory canteens or food factories operating as restaurants) and take follow-up actions as appropriate (paras. 2.25 to 2.28).

7. ***Need to rationalise timeframe for following up critical or serious violations identified during inspections.*** The inspection report of food premises contains a list of inspection items which has been pre-assigned with a fixed-score each (ranging from 3 to 15 point-score). According to FEHD guidelines, irregularities with 7 point-score or above were considered critical or serious violations. Audit noted that there were inconsistencies between FEHD guidelines and the inspection report regarding the timeframes for following up the irregularities with 7 point-score or above (para. 2.29).

8. ***Scope for reviewing Demerit Points System (DPS) and Warning Letter System (WLS).*** FEHD operates DPS, under which a pre-determined number of demerit points will be registered against a licensee/permittee upon conviction of an offence in relation to food safety and environmental hygiene under the Ordinance, and a licence/permit may be suspended or cancelled if sufficient number of points are accumulated. In addition, FEHD has implemented WLS, under which verbal and written warnings may be issued against food premises in breach of licensing requirements or conditions, and a licence/permit may be cancelled if sufficient number of warning letters are accumulated and/or breach of licensing requirements or

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conditions persists (para. 1.13). Audit noted scope for reviewing DPS and WLS, as follows:

- (a) **DPS.** Under DPS, the prescribed demerit points for a particular offence will be doubled and trebled respectively if the same offence is committed for the second and the third time within a period of 12 months. On the other hand, after each suspension, the points pertaining to that suspension will be cancelled and the counting of prescribed demerit points for a particular offence should start afresh. Accordingly, the prescribed demerit points for a particular offence might not be doubled or trebled even if the same offence had been committed for the second or the third time respectively within a period of 12 months, and licensees/permittees with lower or higher demerit points might be imposed the same sanction (paras. 2.34 and 2.44); and
 - (b) **WLS.** Under WLS, while licences/permits might be cancelled if sufficient number of warning letters had been accumulated and there were further breaches of licensing requirements and conditions, suspension of licence/permit was not an available sanction. Furthermore, management information on warnings (e.g. the number of warnings issued) for reviewing the implementation of WLS was not readily available (para. 2.45).
9. ***Need to improve reporting of inspection numbers.*** FEHD reports the number of “inspections to food premises” in its Controlling Officer’s Report (COR) as one of the performance indicators. While FEHD conducted various types of inspections to licensed/permitted food premises (e.g. routine inspections and supervisory inspections), there was no central register for maintaining the details of the inspections and the breakdown of the numbers of inspections by type was not readily available. According to FEHD guidelines, a standard “monthly record of inspections to food premises” (for recording information including the total number of inspections conducted on each day with breakdown by types of food premises and inspections) should be completed by each Health Inspector and the consolidated inspection figures of the respective districts would be input into EHSIS. However, the standard monthly records (January 2022 to June 2023) of three DEHOs examined were not available for audit examination (para. 2.56).

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10. *Need to improve reporting of achievement of performance pledge on inspections to licensed food premises.* FEHD publishes a performance pledge “to inspect licensed food premises in accordance with the risk types of the premises” on its website, with a target of 95%. According to FEHD, the target was met from 2018 to 2022 annually, and the actual performance was calculated based on the total number of inspections actually conducted as a percentage of that to be conducted by all 19 DEHOs. Audit examined the relevant records and noted that: (a) under the current reporting approach, while the performance target had been achieved on an overall basis, the under-performance of some DEHOs could not be reflected; (b) for a DEHO, the number of inspections to be conducted was reported as nil in the period from 2018 to 2021; and (c) as of September 2023, the supporting documents for reporting the number of inspections to be conducted and the number of inspections actually conducted were not available for audit examination (para. 2.57).

11. *Need to improve reporting of the number of licence suspension and cancellation.* FEHD reports the number of “food business licences suspended/cancelled” in its COR as one of the performance indicators. According to FEHD, the particulars of licence suspension and cancellation are recorded in LMIS, which will be shared with EHSIS for reporting in COR. Audit noted that there were discrepancies (ranging from 8% to 26%) between the relevant records in LMIS and EHSIS in the period from 2018 to 2022, and the cases not recorded in EHSIS were also omitted from COR (para. 2.59).

Regulatory control of unlicensed food premises

12. *Need to review practice in identifying unlicensed food premises.* According to the Ordinance, no person shall carry on a food business without a licence/permit granted by FEHD (hereinafter the term “unlicensed food premises” also refers to food premises operating without permits, and the term “licence” also refers to “permit” when the subject matter is relating to unlicensed food premises). According to FEHD, DEHOs identify unlicensed food premises from various sources, for example, referrals from RLOs in respect of new applications for food business licences and online sale of restricted food permits, and complaints made by the public. Audit examined the records of three DEHOs and noted that most of the unlicensed food premises identified were referred by RLOs. In September 2023, Audit selected 35 food premises which had been operating for at least one year using a risk-based approach. Audit found that while 13 (37%) of 35 food premises were unlicensed based on LMIS records as of October 2023, 9 of them were not included in DEHOs’ lists for taking follow-up actions (paras. 3.2, 3.4 and 3.5).

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13. ***Need to ensure that a consistent basis is adopted by all DEHOs in preparing the District Action Plans (DAPs) and inputting data in EHSIS.*** According to FEHD, DAP is a comprehensive list of all unlicensed food premises identified with active operation (i.e. unlicensed food premises with prosecution actions taken) in the district. The total number of unlicensed food premises reported in EHSIS shall tally with that reported in DAPs. Audit noted discrepancies between the numbers of unlicensed food premises reported in DAPs and EHSIS between January 2022 and June 2023 by three DEHOs. Furthermore, all cases referred by RLOs (not only those identified with active operation) had been included in DAPs and EHSIS prepared by two DEHOs, but not by one DEHO (paras. 3.9 and 3.10).

14. ***Need to maintain list of unlicensed food premises under surveillance.*** DEHOs conduct weekly visits to all unlicensed food premises upon identification, regardless of whether they are with active operation (e.g. those under applications for food business licences/permits but without prosecution actions taken). While unlicensed food premises with active operation should be included in DAPs, there was no requirement for DEHOs to maintain a full list of unlicensed food premises in the district under surveillance (e.g. for conducting weekly visits) in FEHD guidelines (para. 3.14).

15. ***Room for improvement in reporting unlicensed food premises in EHSIS.*** DEHOs input the data on unlicensed food premises in EHSIS based on various sources (e.g. records of prosecutions and summary arrest operations). However, the three DEHOs could not provide the relevant supporting documentation for audit examination. Furthermore, Audit found that in three EHSIS reports prepared between January 2022 and April 2023 by two DEHOs, three unlicensed food premises in each district which were not in operation in the respective calendar month were misclassified as “in operation” (para. 3.16).

16. ***Need to ensure that inspections are conducted timely.*** According to FEHD, DEHOs will conduct first inspections within a specified timeframe from the dates of referrals from RLOs (see para. 12), conduct weekly inspections to unlicensed food premises upon identification, and document the reasons for deviations. Audit selected 30 cases of unlicensed food premises (all were referred by RLOs) identified between January 2021 and April 2023 for examination and found that the concerned DEHOs did not conduct the first inspections within the specified timeframe (i.e. the longest time lapse was 17 days from the date of referral) in 9 (30%) cases, the intervals between inspections were more than a week (ranging from 12 to 70 days, averaging

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24 days) on 26 occasions for 1,190 inspections conducted between January 2021 and August 2023, and the reasons for the above deviations were not documented (paras. 3.19 and 3.20).

17. ***Need to ensure compliance with requirements for using and checking official notebooks.*** According to FEHD guidelines, Health Inspectors shall record in official notebooks the details of all inspections, and Senior Health Inspectors shall conduct random checks on the official notebooks and sign the notebooks after checking on a monthly basis. Audit examined all official notebooks used by the Health Inspectors of three DEHOs in 2022 and noted that some Health Inspectors had not used the official notebooks in some months while they should have conducted inspections in the months. Furthermore, there was no evidence of checking of the official notebooks by some Senior Health Inspectors in some months (paras. 3.22 and 3.24).

18. ***Need to ensure that standard inspection forms are used and checked.*** According to FEHD guidelines, Health Inspectors shall record key inspection information in a standard inspection form, separate inspection forms shall be used for each inspection, and the inspection forms shall be submitted to Senior Health Inspectors for timely review. Audit selected 30 cases of unlicensed food premises identified between January 2021 and April 2023 and examined the relevant records of 1,190 inspections conducted between January 2021 and August 2023. Audit noted that standard inspection forms were not used in 80 (7%) inspections, separate inspection forms were not used in 353 (30%) inspections, and long time was taken for the Senior Health Inspectors to review the inspection forms (the time elapsed between the form preparation dates and the sign dates ranged from 0 to 253 days) (paras. 3.25 and 3.26).

19. ***Room for improvement in administering summary arrest operations.*** Audit examined the records relating to summary arrest operations prepared by DEHOs (i.e. operations to arrest the persons operating the unlicensed food premises in raid) and noted that:

- (a) the average success rates of summary arrest operations (i.e. the number of persons arrested as a percentage of the number of summary arrest operations conducted) decreased from 50% in 2018 to 35% in 2022. Furthermore, the success rates varied among the 19 DEHOs. In 2022, the

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success rates of 6 DEHOs were 0% (2 to 42 summary arrest operations were conducted by each DEHO) and that of other 6 were 100% (1 to 12 summary arrest operations were conducted by each DEHO); and

- (b) FEHD has set out in its guidelines the criteria for including an unlicensed food premises in the list of targets for summary arrest operations. Of 25 unlicensed food premises included in DAPs prepared by three DEHOs for January to April 2023, 12 unlicensed food premises meeting at least one of the criteria have not been included in the lists, and the justifications for not conducting the summary arrest operations were not documented for 7 of the 12 unlicensed food premises (paras. 3.29 and 3.31).

Other related issues

20. *Need to keep under review implementation of trial scheme for regulating waste disposal arrangement of food premises.* To improve the environmental hygiene and address rodent infestation problem of rear lanes, in November 2022, FEHD launched a trial scheme allowing licensed/permitted food premises to place large-size waste containers in their connected rear lanes under specific conditions for temporary storage of waste until collection by the cleaning workers. As of June 2023, 26 rear lanes in 18 DEHOs (i.e. excluding the Islands District) were covered by the scheme. Audit noted that: (a) the number of target rear lanes covered by the scheme varied among the 18 DEHOs (i.e. 1 rear lane each for 16 DEHOs, 4 rear lanes for a DEHO and 6 rear lanes for the remaining DEHO); (b) 73% of the licensed/permitted food premises located along the 26 rear lanes which were in operation participated in the scheme (the participation rates ranged from 18% to 100% for each rear lane); and (c) for 8 rear lanes visited by Audit in August 2023, there were incidents of non-compliance with rules of the scheme (e.g. wastes were placed outside waste containers) (paras. 4.3, 4.4 and 4.7).

21. *Need to keep under review measures in addressing pet's entrance to food premises.* The Food Business Regulation (Cap. 132X) prohibits the presence of live animal or live birds in food rooms and the presence of dogs on food premises. Audit noted: (a) the increasing number of pet-friendly restaurants; (b) the increasing number of complaints against bringing dogs onto food premises from 2018 to 2023 (up to June); (c) for 12 pet-friendly restaurants (with information in the social media networks showing the presence of dogs on the premises) examined by Audit, while no pet's presence was reported in DEHOs' inspection reports of January to June 2023

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(all inspections were carried out on weekdays during office hours), Audit's site visits to 3 of the 12 restaurants on a weekend in September 2023 found the presence of dogs in 2 restaurants; and (d) while legislations in some cities in the Mainland/overseas countries prohibited the presence of dogs on food premises in general, restricted entry of dogs might be allowed under specific conditions or for specific food business licence type (paras. 4.9 and 4.10).

22. ***Maintenance of prosecution records.*** FEHD arranges for issue of summonses on the related food business operators for contravention of the public health laws. FEHD uses a computer system, namely the Summons Tracking Facility (STF), to record information on prosecution actions taken against food premises, among others (para. 4.15). Audit noted the following issues:

- (a) ***Need to ensure that required information is recorded in STF for cases without prosecution.*** According to FEHD guidelines, if a prosecution is not proceeded for a case (i.e. case without prosecution), relevant officers shall record the reasons, the date of approval and the approving officer in STF. Audit noted that in 2018 to 2022, in 254 (61%) of 417 cases without prosecution, the reasons, the approval dates and the approving officers were not recorded in STF (para. 4.17);
- (b) ***Need to ensure accuracy of STF records.*** Audit noted that prosecutions of 3 cases were not proceeded because they were time-barred (i.e. the six-month time limit for laying of information before the court was exceeded). Upon enquiry, FEHD informed Audit in August and September 2023 that the case officer had incorrectly recorded the reason for not proceeding with prosecution as time-barred in one case. For the remaining two cases, the case officers incorrectly recorded the offence dates in STF and therefore the time-barred dates were incorrectly indicated in the system. When the cases were passed to other officers for applying for summonses, it was noted that the cases had already been time-barred (para. 4.19); and
- (c) ***Need to maintain proper supporting documentation for number of prosecutions reported in COR.*** FEHD reports the number of prosecutions against licensed and unlicensed food premises as indicators in its COR. According to FEHD, the figures reported in COR in a year are based on the number of prosecution records created in STF. Audit analysis of the prosecution records created in STF (based on the licence numbers recorded)

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and the prosecution numbers reported in COR in 2018 to 2022 found discrepancies. FEHD informed Audit in August and September 2023 that the supporting documentation for the number of prosecutions reported in COR was not available, and the classification of licensed or unlicensed food premises based on the licence number recorded in STF contributed to the discrepancies as licence number was not a mandatory field to input in the system (paras. 4.20 and 4.21).

23. ***Implementation of LMIS enhancement projects.*** FEHD has launched two enhancement projects to improve LMIS, one for improving operational efficiency in the food business licensing process (i.e. LMIS 2) and another for providing electronic platforms for facilitating its work on the regulatory control of licensed/permitted food premises (i.e. LMIS 3) (paras. 1.15, 4.33 and 4.35). Audit noted the following issues:

- (a) ***Need to learn from the experience of LMIS 2 project.*** With reference to FEHD's project management plan endorsed in June 2019 for LMIS 2 project, Audit noted that there were delays at various development stages of LMIS 2 (ranging from 14 to 28 months). FEHD informed Audit in August and September 2023 that the delays were mainly due to the outbreak of the COVID-19 epidemic between 2020 and 2022. During the period, some project team members and relating FEHD officers were deployed to support other anti-epidemic projects (e.g. the Anti-epidemic Fund) and the planning of LMIS 3 (paras. 4.33 and 4.34); and
- (b) ***Need to closely monitor the implementation of LMIS 3 project.*** LMIS 3 project was planned to commence in the second quarter of 2020-21 with a project estimate of \$9.8 million. Audit noted that in June 2023, the project management plan was endorsed by FEHD's project steering committee for LMIS 3 project with a revised project estimate of \$18.1 million. FEHD informed Audit in August 2023 that the delay in project commencement was due to the outbreak of the COVID-19 epidemic (see (a) above), and the increase in estimated expenditure for the development of the system was due to revised requirements (e.g. adopting a revised implementation approach by outsourcing the development of electronic inspection functions) (para. 4.36).

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Audit recommendations

24. Audit recommendations are made in the respective sections of this Audit Report. Only the key ones are highlighted in this Executive Summary. Audit has *recommended* that the Director of Food and Environmental Hygiene should:

Regulatory control of licensed and permitted food premises

- (a) take measures to ensure that the annual review and update of risk classification of licensed food premises under RBIS are timely and properly conducted in accordance with FEHD guidelines (para. 2.31(a));
- (b) take measures to ensure that first and routine inspections to licensed/permitted food premises are conducted in accordance with the timeframes and frequencies specified in FEHD guidelines, and enhance FEHD guidelines on unsuccessful routine inspections (para. 2.31(c) and (f));
- (c) take measures to ensure that first and regular test buying of restricted foods online and supervisory checks of permitted food premises engaging in online sale of restricted foods are conducted in accordance with the timeframes and frequencies specified in FEHD guidelines (para. 2.31(d));
- (d) consider reviewing the measures in detecting licensed food premises operating unlicensed food business (e.g. factory canteens or food factories operating as restaurants) and take follow-up actions as appropriate (para. 2.31(i));
- (e) rationalise the timeframe for follow-up actions on critical or serious violations identified during inspections of food premises (para. 2.31(j));
- (f) review the mechanism of suspension and cancellation of food business licences under DPS with a view to enhancing the deterrent effect, particularly for repeated offenders (para. 2.46(d));

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- (g) **compile management information for reviewing the implementation of WLS with a view to identifying room for improvement (para. 2.46(e));**
- (h) **take measures to ensure that monthly records of inspections to food premises are maintained by DEHOs in accordance with FEHD guidelines (para. 2.64(a));**
- (i) **consider reviewing the reporting basis for the performance pledge for inspections to licensed food premises, and take measures to ensure the accuracy and completeness in reporting the achievement of the performance pledge (para. 2.64(b) and (c));**
- (j) **take measures to ensure the accuracy and completeness of the number of food business licences suspended/cancelled reported in FEHD's COR (para. 2.64(e));**

Regulatory control of unlicensed food premises

- (k) **consider reviewing FEHD's practice in identifying unlicensed food premises and take follow-up actions as appropriate (para. 3.7(a));**
- (l) **take measures to ensure that a consistent basis is adopted by all DEHOs in preparing DAPs and inputting data in EHSIS (para. 3.17(a));**
- (m) **consider requiring DEHOs to maintain a full list of unlicensed food premises under their surveillance to facilitate monitoring, enhance surveillance capability and resources planning (para. 3.17(c));**
- (n) **maintain supporting documentation for the data in EHSIS to facilitate checking, and take measures to ensure that unlicensed food premises are accurately classified and reported in EHSIS (para. 3.17(e));**
- (o) **take measures to ensure that inspections are conducted to unlicensed food premises in accordance with the required timeframe/frequency and the reasons for deviations are documented as required (para. 3.27(a));**

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- (p) **take measures to ensure that Health Inspectors and Senior Health Inspectors of all DEHOs comply with the requirements stipulated in FEHD guidelines for using and checking official notebooks respectively (para. 3.27(c) and (d));**
- (q) **take measures to ensure that standard inspection forms are used properly to record details of inspections of unlicensed food premises as required, and the inspections forms are submitted to and reviewed by the Senior Health Inspectors timely (para. 3.27(e));**
- (r) **review the practices of different DEHOs in conducting summary arrest operations with a view to improving the arrangements of the operations (para. 3.36(a));**
- (s) **take measures to ensure that summary arrest operations are conducted in accordance with FEHD guidelines and justifications are documented for not doing so (para. 3.36(d));**

Other related issues

- (t) **keep under review the implementation of the trial scheme for regulating waste disposal arrangement of food premises and take measures to improve the scheme as appropriate, and step up the monitoring of compliance with requirements of the trial scheme and take enforcement actions as appropriate (para. 4.13(a) and (b));**
- (u) **enhance publicity and public awareness of the restrictions over pet's entrance to food premises under the law, review the practice in conducting inspections to pet-friendly restaurants and keep under review the need for reviewing the relevant law on pet's entrance to food premises (para. 4.13(c) to (e));**
- (v) **take measures to ensure that the information on the reasons and approval details are recorded in STF in accordance with FEHD guidelines for cases without prosecution (para. 4.22(b));**

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- (w) **take measures to ensure the accuracy of STF records, in particular the offence date, to prevent recurrence of similar time-barred incidents (para. 4.22(d));**
- (x) **take measures to ensure that documentation is maintained to support the number of prosecutions reported in COR (para. 4.22(e));**
- (y) **closely monitor the implementation of LMIS 3 project (para. 4.37(a)); and**
- (z) **learn from the experience of LMIS projects in implementing other information technology projects in future (para. 4.37(b)).**

Response from the Government

25. The Director of Food and Environmental Hygiene generally agrees with the audit recommendations.

