

Proposed Schedule of Demerit Points

Annex

Group A: Offences which attract 15 points

Offence which attracts 15 points	Fine and other penalty under the law
<u>Public Health and Municipal Services Ordinance (Cap. 132)</u>	
(1) Sale of food rendered injurious to health by adulteration (Section 50)	Level 3 + 3 months' imprisonment
(2) Sale of adulterated milk (Section 51)	Ditto
(3) Sale of meat adulterated with water or other fluid (Section 51A)	Ditto
(4) Sale of food unfit for human consumption (Section 54)	Level 5 + 6 months' imprisonment
(5) Sale of or interference with seized or detained food (Section 59(3))	Ditto
<u>Food Business Regulation (Cap. 132 sub. leg. X)</u>	
(1) Giving out food for preparation in domestic premises (Section 7)	Level 3 + 3 months' imprisonment + daily fine \$300
(2) Employment of persons not properly immunized against certain diseases (Section 23A)	Ditto
(3) Employment of persons likely to spread disease (Section 24)	Ditto
(4) Sale of the following item of prohibited food (Section 29 and Schedule 1):	
(a) Chinese dishes of Yu Sang (魚生);	Level 5 + 6 months' imprisonment + daily fine \$900
(b) Shell fish which have been collected in contravention of section 28 of this Regulation.	Ditto
(5) Sale of live water bird and other live poultry in the same premises (Section 30A)	Ditto
(6) Sale of live quails with other live poultry in the same premises (Section 30B)	Level 4

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Offence which attracts 15 points	Fine and other penalty under the law
<u>Frozen Confections Regulation (Cap. 132 sub. leg. AC)</u>	
(1) Sale of frozen confections obtained from unapproved source of manufacture (Section 7(1))	Level 3 + 3 months' imprisonment + daily fine \$300
(2) Using water from an unapproved source and non-permitted ingredients for the purpose of manufacturing frozen confections (Section 23)	Ditto
(3) Employment of persons likely to spread diseases (Section 35)	Ditto
(4) Employment of persons not properly immunized against certain diseases (Section 36)	Ditto
(5) Failing to comply with any direction given to stop supply of frozen confections to the danger of public health (Section 38)	Ditto
<u>Milk Regulation (Cap. 132 sub. leg. AQ)</u>	
(1) Sale of milk imported from unapproved source of manufacture (Section 5A)	Level 3 + 3 months' imprisonment + daily fine \$300
(2) Distribution of contaminated or adulterated milk (Section 18)	Ditto
(3) Unauthorized heat-treatment of milk produced outside Hong Kong (Section 20)	Ditto
(4) Using ingredients from unapproved sources for re-constitution of milk (Section 21)	Ditto
(5) Processing milk from unlicensed dairies (Section 21A)	Ditto
(6) Employment of persons likely to spread diseases (Section 35)	Ditto
(7) Employment of persons not properly immunized against certain diseases (Section 36)	Ditto
(8) Failing to comply with any direction given to stop supply of milk to the danger of public health (Section 37)	Ditto

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Group B: Offences which attract 10 points

Offence which attracts 10 points	Fine and other penalty under the law
<u>Public Health and Municipal Services Ordinance (Cap. 132)</u>	
(1) Sale of food not of the substance, nature or quality demanded by the purchaser (Section 52)	Level 3 + 3 months' imprisonment
(2) False labelling and advertisement of food (Section 61)	Level 5 + 6 months' imprisonment
(3) Failing to comply with any demand or requisition by an authorized public officer to take sample for analysis, bacteriological or other examinations (Section 62)	Level 2
<u>Food Business Regulation (Cap. 132 sub. leg. X)</u>	
(1) Knowingly suffering or permitting the presence of rats or insects on the premises and the presence of live birds or animals in food room (Section 5(3))	Level 3 + 3 months' imprisonment + daily fine \$300
(2) Storing non-permitted colouring matter for use in food on food premises (Section 7A)	Ditto
(3) Keeping live fish or shell fish in water of a quality below standard (Section 10A(1))	Ditto
(4) Sale of restricted food without permission (Section 30(1))	Level 5+ 6 months' imprisonment + daily fine \$900
(5) Sale/delivery of water bird carcasses without proper packing (Section 30(1A), (1C))	Level 4
(6) Sale/delivery of water bird offal without proper packing (Section 30(1E), (1G))	Ditto
(7) Opening/tampering of the sealed container of offal of water bird (Section 30C)	Ditto
(8) Operating unlicensed food business (Section 31(1))	Level 5 + 6 months' imprisonment + daily fine \$900
(9) Unauthorized alteration(s) or addition(s) in respect of the premises to which the licence relates resulting in material deviation from the plan approved under section 32 (Section 34(a))	Level 3 + 3 months' imprisonment + daily fine \$300

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Offence which attracts 10 points	Fine and other penalty under the law
(10) Unauthorized alteration(s) to matters as specified in the licensing conditions (Section 34(b))	Ditto
(11) Unauthorized extension of food business outside the licensed area (Section 34C)	Ditto
<u>Frozen Confections Regulation (Cap. 132 sub. leg. AC)</u>	
(1) Sale of frozen confections without permission (Section 5)	Level 5 + 6 months' imprisonment + daily fine \$900
(2) Sale of frozen confections which do not comply with bacteriological standard (Section 6)	Level 3 + 3 months' imprisonment + daily fine \$300
(3) Sale of frozen confections which have not been heat-treated (Section 8)	Ditto
(4) Keeping frozen confections for sale at temperature exceeding -2°C (Section 10)	Ditto
(5) Failing to keep ice cream cones and wafers in dust proof containers (Section 14)	Ditto
(6) Effecting unauthorized alteration of premises (Section 20)	Ditto
(7) Failing to prevent vermin in a frozen confections factory (Section 30)	Ditto
(8) Using open space for manufacture or storage of frozen confections (Section 31)	Ditto
<u>Milk Regulation (Cap. 132 sub. leg. AQ)</u>	
(1) Sale of milk without permission (Section 5)	Level 5 + 6 months' imprisonment + daily fine \$900
(2) Sale of milk which does not comply with bacteriological standard (Section 6)	Level 3 + 3 months' imprisonment + daily fine \$300
(3) Sale of milk which has not been heat-treated (Section 7)	Ditto
(4) Sale of cream with added ingredient other than thickening substance (Section 8)	Ditto

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Offence which attracts 10 points	Fine and other penalty under the law
(5) Sale of milk in an unapproved type of containers (Section 9)	Ditto
(6) Sale of beverages resembling milk in an unapproved container (Section 11)	Ditto
(7) Keeping milk for sale exceeding 10°C (Section 13)	Ditto
(8) Effecting unauthorized alteration of premises (Section 17)	Ditto
(9) Using vessels/containers the material/design of which have not been approved (Section 23)	Ditto
(10) Failing to prevent vermin in a milk factory (Section 31)	Ditto
(11) Using open space for processing or for storage of milk (Section 32)	Ditto
<u>Miscellaneous Subsidiary Legislation under Cap. 132</u>	
(1) Regulation 3, 4, 5(1) or 5(3) of the Colouring Matter in Food Regulations (Cap 132 sub. leg. H)	Level 5 + 6 months' imprisonment + \$300 daily fine
(2) Regulation 3(1) or 3(2) of the Sweeteners in Food Regulations (Cap 132 sub. leg. U)	Level 5 + 6 months' imprisonment
(3) Regulation 3(1)(a), (b) or (c) of Food Adulteration (Metallic Contamination) Regulations (Cap 132 sub. leg. V)	Ditto
(4) Regulation 5 of the Food and Drugs (Composition and Labelling) Regulations (Cap 132 sub. leg. W)	Ditto
(5) Regulation 3 or 3A of the Harmful Substances in Food Regulations (Cap 132 sub. leg. AF)	Ditto
(6) Regulation 3 of the Mineral Oil in Food Regulations (Cap 132 sub. leg. AR)	Ditto
(7) Regulation 3, 4, 5 or 6 of the Preservatives in Food Regulations (Cap 132 sub. leg. BD)	Ditto

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Group C: Offences which attract 5 points

Offence which attracts 5 points	Fine and other penalty under the law
<u>Food Business Regulation (Cap. 132 sub. leg. X)</u>	
(1) Failing to maintain premises (including toilets) clean (Section 5(1))	Level 3 + 3 months' imprisonment + daily fine \$300
(2) Failing to heed of notice to cleanse, disinfest, or repair food premises (Section 5(5))	Ditto
(3) Failing to maintain equipment, utensils clean (Section 6)	Ditto
(4) Using food room for dwelling purpose or using dwelling place as a food room (Section 8)	Ditto
(5) Failing to maintain spittle receptacles in the proper manner and to display no spitting notices (Section 9)	Ditto
(6) Failing to protect food from risk of contamination (Section 10)	Ditto
(7) Knowingly suffer or permit the presence of dog on food premises (Section 10B(2))	Ditto
(8) Failing to store open food in proper manner (Section 11)	Ditto
(9) Failing to transport open food in proper manner (Section 12)	Ditto
(10) Transporting dressed poultry carcass or offal not in the approved type of vehicle (Section 12A(1))	Ditto
(11) Using open space for preparation of food/storage or washing of utensils (Section 13)	Ditto
(12) Failing to maintain food room clean/in good repair (Section 15)	Ditto
(13) Failing to maintain any sanitary fitment clean and in good repair (Section 15A)	Ditto
(14) Allowing the accumulation of refuse in food rooms (Section 16)	Ditto

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Offence which attracts 5 points	Fine and other penalty under the law
(15) Failing to render the surface of food preparation tables, etc. impervious (Section 17)	Ditto
(16) Failing to sterilize/store eating utensils properly (Section 19)	Ditto
(17) Failing to sterilize wet towels before serving to customers (Section 20)	Ditto
(18) Failing to prevent contamination of food by contact with clothing (Section 21)	Ditto
<u>Frozen Confections Regulation (Cap. 132 sub. leg. AC)</u>	
(1) Failing to take precautions against contamination of frozen confections pending sale (Section 9)	Level 3 + 3 months' imprisonment + daily fine \$300
(2) Storing frozen confections with other articles in the same refrigerator (Section 11)	Ditto
(3) Failing to keep refrigerators for the storage of frozen confections clean (Section 12)	Ditto
(4) Failing to keep utensils clean (Section 13)	Ditto
(5) Failing to comply with requirements relating to heat-treatment apparatus (Section 21)	Ditto
(6) Failing to maintain premises/equipment clean (Section 24)	Ditto
(7) Failing to sterilize vessels/utensils properly (Section 25)	Ditto
(8) Failing to prevent contamination of frozen confections by contact with clothing (Section 28)	Ditto
(9) Using frozen confections factory for dwelling purposes (Section 27)	Ditto
(10) Failing to maintain spittle receptacles in the proper manner and to display no spitting notices (Section 29)	Ditto

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Offence which attracts 5 points	Fine and other penalty under the law
(11) Failing to cleanse water tanks (Section 32)	Ditto
(12) Failing to take precautions against contamination of frozen confections during manufacture and distribution (Section 33)	Ditto
(13) Failing to mark containers of soft ice cream with the date and time of manufacture (Section 34)	Ditto
<u>Hawker Regulation (Cap. 132 sub. leg. AI)</u>	
(1) Failing to maintain equipment in safe and clean condition (Section 50)	-
(2) Failing to ensure stall, equipment and food/drink to be provided by licensees dealing in drink or cooked food to be kept in clean and hygienic condition (Section 52)	Level 2 + daily fine \$100
<u>Milk Regulation (Cap. 132 sub. leg. AQ)</u>	
(1) Failing to take precautions against contamination of milk pending sale (Section 12)	Level 3 + 3 months' imprisonment + daily fine \$300
(2) Failing to take precautions against contamination of milk in the course of transportation (Section 13A)	Ditto
(3) Failing to comply with requirements relating to heat-treatment apparatus (Section 19)	Ditto
(4) Failing to maintain premises/equipment clean (Section 22)	Ditto
(5) Failing to sterilize vessels/utensils properly (Section 24)	Ditto
(6) Allowing utensils used in the processing of milk to be used for drinking (Section 25)	Ditto
(7) Using milk factory for dwelling purposes (Section 27)	Ditto
(8) Failing to prevent contamination of milk by contact with clothing (Section 28)	Ditto

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Offence which attracts 5 points	Fine and other penalty under the law
(9) Failing to maintain spittle receptacles in the proper manner and to display no spitting notices (Section 29)	Ditto
(10) Failing to cleanse water tanks (Section 33)	Ditto
(11) Failing to take precautions against contamination of milk during processing/distribution (Section 34)	Ditto
<u>Public Cleansing and Prevention of Nuisances Regulation</u> <u>(Cap. 132 sub. leg. BK)</u>	
(1) Dumping of litter and waste (including wastewater in public places) by licensees or nominated managers in the course of food business (Section 4(1))	Level 4 + 6 months' imprisonment <i>OR</i> Fixed penalty of \$1,500

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Group D: Offences which attract 3 points

Offence which attracts 3 points	Fine and other penalty under the law
<u>Food Business Regulation (Cap. 132 sub. leg. X)</u>	
(1) Placing furniture/equipment as to obstruct cleaning (Section 5(2))	Level 3 + 3 months' imprisonment + \$300 daily fine
(2) Failing to keep bottled drinks in wet refrigerator or immersion cooler properly (Section 14)	Ditto
(3) Selling horse flesh which has not been properly labelled (Section 27)	Ditto
(4) Unauthorized alteration(s) of any part of heating equipment or any change in the type of fuel used therein (Section 34(c))	Ditto
(5) Unauthorized alteration(s) or addition(s) to the matters already specified in the plan approved under section 32 of this Regulation (Section 34D(1))	Ditto
(6) Unauthorized addition of space(s) to be used for such purpose(s) as prescribed in section 32 of this Regulation within the licensed premises but the said unauthorized addition of space(s) is not originally specified in the approved plan (Section 34D(2)(a))	Ditto
(7) Unauthorized addition of matter(s) of the kind as particularized in section 32 of this Regulation within the licensed premises but the said unauthorized addition of matter(s) is not originally specified in the approved plan (Section 34D(2)(b))	Ditto
<u>Hawker Regulation (Cap. 132 sub. leg. AI)</u>	
(1) Failing to maintain the fixed pitch and the adjacent area clean (Section 39(2))	Level 2 + daily fine \$100
(2) Failing to provide sufficient number of refuse bins and to use them properly (Section 51)	Ditto

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Offence which attracts 3 points	Fine and other penalty under the law
<p>Public Cleansing and Prevention of Nuisances Regulation <u>(Cap. 132 sub. leg. BK)</u></p> <p>(1) Failing to comply with a notice to keep surroundings clean (Section 5(1))</p> <p>(2) Failing to provide a sufficient number of dustbins (Section 19)</p>	<p>1st conviction: level 2 Subsequent convictions: Level 3</p> <p>Ditto</p>

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