



ENVIRONMENTAL HEALTH SERVICE

Regulation 30

CLOSURE ORDER

Regulation 30 of the European Union (Official Controls in relation to Food Legislation) Regulations 2020 (S.I. No. 79 of 2020)

To: Mr. Zhang Yu Qing

I, [redacted] being an authorised officer of the Health Service Executive under the Food Safety Authority of Ireland Act, 1998 and S.I. No. 79 of 2020, and in exercise of the powers conferred on me by Regulation 30 of S.I. No. 79 of 2020, hereby direct all or part of the premises, as identified in Part 1 of the Schedule be closed with immediate effect until the earliest of:-

- (i) An Order to contrary effect by a Court of competent jurisdiction; or
- (ii) Further written direction by the Health Service Executive.

I make this order being of the opinion that there is failure to comply with food legislation for the particular reasons set out in Part 2 of the Schedule and being of the opinion that **all or part** of the business, or its establishments, holdings or other premises to which the order relates as identified in Part 1 of the Schedule be closed.

Schedule

Part 1 Business/Establishments/Holdings/Other Premises

The business operated by Mr. Zhang, Yu Qing
at Main Street, Clogheen, Co. Tipperary trading as Panda Chinese Take Away

This Closure Order Directs that:

- (a) All of the business, its establishments, holdings or other premises be closed
- Or
- (b) Part of the business, its establishments, holdings or other premises be closed

(Please Specify):

Part 2 Particular Reasons for Making of the Closure Order

The following are outlined in the attached Schedule.

1. The name/title of the food legislation with which the operator or person in charge has failed to comply
2. The specific part of the food legislation with which the operator or person in charge has failed to comply
3. Evidence of specific non-compliance(s).

Dated this day 11/12/2024

Signed: [redacted] (authorised officer)
Duly authorised for the purposes of Regulation 30 of S.I. No. 79 of 2020.

Note 1: Under Regulation 30(5) of S.I. No. 79 of 2020 a person who is aggrieved by a Closure Order may, within the period of 7 days beginning on the day on which the Closure Order is served on him or her, appeal against the Closure Order to a judge of the District Court in the District Court district in which the Closure Order was served.

Note 2: Under Regulation 30(7) of S.I. No. 79 of 2020 a person who appeals against a Closure Order or who applies for a direction suspending the application of the Closure Order shall at the same time notify the Food Safety Authority of Ireland or the Health Service Executive, as appropriate, of the appeal or the application and the grounds for the appeal or the application and the Food Safety Authority of Ireland or the Health Service Executive shall be entitled to appear, be heard and adduce evidence on the hearing of the appeal or the application.

Schedule

Regulation (EC) No. 853/2004 on the hygiene of foodstuffs

Annex II, Chapter I (1) General requirements for food premises
Food premises are to be kept clean and maintained in good repair + condition.

Annex II, Chapter I (2) The layout design, construction and size of food premises are to:

(a) permit adequate maintenance, cleaning and/or disinfection, avoid or minimise airborne contamination and provide adequate working space to allow for hygienic performance of all operations

(b) be such as to protect against the accumulation of dirt, contact with toxic materials, the shedding of particles into food + the formation of condensation or undesirable moulds on surfaces

(c) permit good food hygiene practices, including protection against contamination and, in particular, pest control.

Annex II, Chapter V (1)(a) Equipment Requirements.

All articles, fittings or equipment with which food comes into contact are to:

be effectively cleaned and where necessary, disinfected.

Cleaning + disinfection are to take place at a frequency sufficient to avoid any risk of contamination.

Annex II, Chapter IX (4) Provisions Applicable to Foodstuffs

Adequate procedures are to be in place to control pests.



Schedule

Evidence

- 1) There were deposits of dust, grease and food debris on the following surfaces:
- main kitchen floor, walls and wall/floor junctions throughout
 - equipment surfaces, eg. surfaces of the work unit, microwave and hot cabinet, rice cooker
 - the internal surfaces of all fridges, fridge door seals of the unit in the kitchen + dry goods store
 - on the surfaces of food containers eg. the glass plastic containers, plastic bowls, saucepans and mixing bowls.
 - the work-hand basin, the stainless steel sinks and draining boards
 - the work surfaces for preparing food
 - the chopping boards.
- 2) The following was noted, with respect to pest control:
- mouse droppings were noted in food preparation + storage rooms.
 - insufficient lighting in the dry goods store + in other parts of the premises made it difficult to undertake a complete survey to ascertain the extent of the pest activity. Several items were stored on the floor in the rear store room. These were deposits of dust and food debris in areas eg wall/floor junctions.
 - the electric fly killer was not clean. It was not switched on, on arrival on the premises.
 - there was no evidence to show that pest monitoring had been carried out since February 2024
 - the fly screen to the rear external door was in disrepair and the screen-material was not clean
 - the external door to the yard was open.