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Health Service Executive,
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Cork. T12 EWVO
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S. I No. 117 of 2010:

**EUROPEAN COMMUNITIES (OFFICIAL CONTROL OF FOODSTUFFS) REGULATIONS
2010**

CLOSURE ORDER

To: **Mr. ChuanYu Lin, Rose Garden Chinese Restaurant, 1 Church Street, Douglas,
Cork.**

I, [REDACTED], being an authorised officer of the **Health Service Executive** under the Food Safety Authority of Ireland Act, 1998 and S. I. 117 of 2010, and in exercise of the powers conferred on me by Regulation 19 of S.I 117 of 2010, hereby direct that the food business cease operating or the premises be closed as specified in Part 1 of the Schedule 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 [1] 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 of the opinion that all or part of the food business to which the order relates should cease operating or all or part of the premises to which the order relates should be closed as specified in Part 1 of the Schedule.

Schedule

Part 1 Food business/Premises

The premises occupied by **Mr. ChuanYu Lin at 1 Church Street, Douglas, Cork** and trading as **Rose Garden Chinese Garden**

This closure order requires: All the food business to cease operating/all the premises to be closed

Part 2 Particular reasons for making of Order

CHAPTER II Article 5 REGULATION 852/2004

Hazard analysis and critical control points

1. Food business operators shall put in place, implement and maintain a permanent procedure or procedures based on the HACCP principles.

There was no food safety management system based on the HACCP principles in operation in the food premises.

As evidence by:

- The absence of a recognised guide (Hygiene in the catering Sector I.S 340:2007), a fully completed Safe Catering Pack or food safety management plan developed by a food safety consultant and all

the necessary documentation to support this plan.

- Management and food handlers demonstrated extremely poor knowledge of basic good food hygiene practices.
 - One chef wiped his nose with the edge of his thumb, donned disposable plastic gloves and commenced working with ready to eat food without washing his hands. When instructed to wash his hands he proceeded to do so without removing the disposable plastic gloves. The food worker did not appear to be aware of a proper routine for hand washing.
 - Another food handler, who was not wearing protective clothing, handled raw meats with gloved hands then removed the gloves and attempted to handle ready to eat foods without washing his hands. When instructed to wash his hands he displayed a lack of comprehension for the importance of hand washing.
- The absence of staff food hygiene training records for all staff to verify that they had received food hygiene training commensurate with their work activity.
- The absence of up to date food temperature records to demonstrate that food temperatures were being monitored during delivery, storage, defrosting, cooking, cooling, reheating and hot holding.
- The absence of an internal traceability system for the purpose of food stock rotation and traceability.
 - Some foods processed on the premises were stored in unlabelled containers e.g. seven clear bags of sesame toast were stored in one chest freezer.
 - There was no clarification available from food handlers for the meaning of the date on containers which were labelled.
 - Food on the premises was processed, cooked, cooled, frozen and defrosted with no means of identifying the date of processing for each stage.
- The absence of calibration certificates/records for three food probe thermometers in use in the kitchen to demonstrate that they were functioning accurately.

Annex II CHAPTER I GENERAL REQUIREMENTS FOR FOOD PREMISES

(OTHER THAN THOSE SPECIFIED IN CHAPTER III)

1. Food premises are to be kept clean and maintained in good repair and condition.

There was a build up of dirt throughout the premises indicating a lack of routine cleaning.

- Greasy deposits were evident along the floor/wall junction behind cooking equipment.
- Greasy deposits and dirt were evident on pipes around/behind cooking equipment.
- Greasy deposits were dripping down from sections of the mechanical extraction canopy.
- The light covers within the mechanical extraction canopy were encrusted with greasy deposits.
- Engrained dirt was evident along the floor/wall junction in the main wash up area (under a double deep-well sink unit).
- Filth including food remnants (rice) were evident in a floor drain in the main wash up area. A foul odour emanated from the drain.
- Wooden boards on the floor in the walk in coldroom were filthy.

Annex II CHAPTER V EQUIPMENT REQUIREMENTS

1. All articles, fittings and equipment with which food comes into contact are to:

- (a) be effectively cleaned and, where necessary, disinfected. Cleaning and disinfection are to take place at a frequency sufficient to avoid any risk of contamination;
- (b) be so constructed, be of such materials and be kept in such good order, repair and condition as to minimise any risk of contamination;
- (c) with the exception of non-returnable containers and packaging, be so constructed, be of such materials and be kept in such good order, repair and condition as to enable them to be kept clean and, where necessary, to be disinfected; and
- (d) be installed in such a manner as to allow adequate cleaning of the equipment and the surrounding area.

There was a build up of dirt on equipment and there were no systems in place to maintain equipment in a good state of repair.

- A significant build up of greasy deposits was evident in the lower compartments of two deep fat fryers. The outer surfaces of the two fryers were also encrusted with oily deposits.
- The internal surfaces of the lids of two chest freezers, used to store foodstuffs, were cracked and defective.
- The external surface on one chest freezer, used as a food preparation surface, was worn and defective.
- Door seals on an upright fridge and bench fridge were defective.
- Food debris was lodged in the grid on the inner surface of a microwave door. The microwave control panel was held together with dirty and torn adhesive tape.
- The internal surfaces of rice cookers were encrusted with burnt food debris.
- Engrained dirt was present on the wheels of one upright fridge.

Annex II CHAPTER IX PROVISIONS APPLICABLE TO FOODSTUFFS

2. Raw materials and all ingredients stored in a food business are to be kept in appropriate conditions designed to prevent harmful deterioration and protect them from contamination.

As evidenced by:

- Foodstuffs were stored in dirty and defective containers
- A dirty scoop was used to handle decanted dried foodstuffs

3. At all stages of production, processing and distribution, food is to be protected against any contamination likely to render the food unfit for human consumption, injurious to health or contaminated in such a way that it would be unreasonable to expect it to be consumed in that state.

As evidenced by

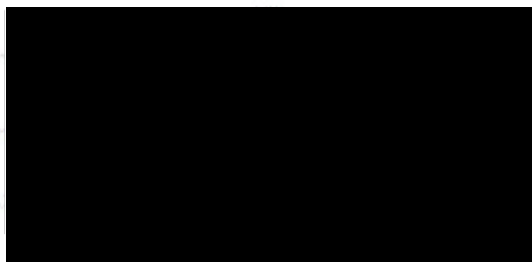
- No preparation areas or sinks had signage to identify their designated use thus presenting a risk of cross contamination between different foodstuffs/food equipment.
- No segregation/designated zones identifiable in the fridges, freezers and walk in coldroom for the storage of raw meats and cooked/ready to eat foods.
 - Raw pork chops were stored on a shelf in the coldroom beside raw lettuce.
 - Raw meat in the coldroom was stored directly over cooked foodstuffs and a container of prepared lettuce.
- Raw beef for processing was stored directly on a sink draining board and diced beef pieces were placed directly into one well of a double deep-well sink unit. Dirty cooking equipment was stored in the second well of this unit. Blood was dripping down the wall surface behind the sink.
- Cooked eggfried rice was stored in a steam oven which had been switched off for several hours. The rice recorded a temperature of 47°C which is within the danger zone for bacterial multiplication.
- Dirty cloths were evident on food contact surfaces and were in use throughout the kitchen. There was no obvious segregation/identification of cloths for use in low and high risk areas thus increasing the risk of cross contamination.
- The mechanical dishwasher was broken and staff displayed no knowledge of the correct procedures to manually sanitise used crockery, eating utensils and cooking equipment. Some items which had been washed were still in a dirty condition.
- A white chopping board in the kitchen was badly scored and heavily stained.

4. Adequate procedures are to be in place to control pests.

As evidenced by:

- There was no satisfactory system to demonstrate that recent rodent activity in the premises had been adequately dealt with. No information or records were available to demonstrate that pest activity was under control.

Dated this day 7th December 2017



Environmental Health Officer

duly authorised by Health Service Executive for purposes of Regulation 19 of S. I. 117 of 2010.

Note: Under Regulation 19(5) of S.I. No. 117 of 2010, a person who is aggrieved by a Closure Order may, within the period of seven days beginning on the day on which the Closure Order is served on him or her, appeal against the Order to a Judge of the District Court in the District Court District in which the Order was served. Under Regulation 19(6) a person who appeals against a closure order or who applies for a direction suspending the application of the closure order under paragraph (4) shall at the same time notify the Authority or official agency of the appeal or the application and the grounds for the appeal or the application and the Authority or official agency shall be entitled to appear, be heard and adduce evidence on the hearing of the appeal or the application.
