

EFB/1/11/2
CP/C143/2002
2869 9222
2521 7518

傳真信件

香港中區
花園道 3 號
萬國寶通銀行大廈 9 至 10 樓
環境食物局
環境食物局局長
(經辦人：劉淦權先生)
(傳真號碼：2136 3281)

香港
金鐘道 66 號
金鐘道政府合署 45 樓
食物環境衛生署
食物環境衛生署署長
(經辦人：李國權先生)
(傳真號碼：2530 1368)

劉先生、李先生：

有關檢討小販熟食牌照的政策

立法會梁劉柔芬、鄧兆棠、余若薇、梁耀忠和李鳳英 5 位議員於 2002 年 4 月 2 日會晤一羣熟食市場小販，以聽取他們表達對政府當局檢討小販熟食牌照的政策意見。申訴團體的意見書載於**附件**。議員在會晤申訴團體後，便指示本人致函政府當局，以跟進此事。另一方面，議員亦已將有關檢討小販熟食牌照的政策事宜轉交予立法會食物安全及環境衛生委員會跟進。現將有關詳情載述如下。

申訴團體的意見

申訴團體的意見如下：

- (1) 申訴團體表示，香港的工業早已轉往中國發展，在新界工業區內的熟食小販市場難以經營，加上這些市場在七十年代興建，設備簡陋，衛生水平難以符合現今的標準，現時在新界工業區內有五個熟食小販市場，分別位於葵榮路、大連排道、藍地、馬角街及聯仁街，合共有 58 個小販熟食牌照。申訴團體指稱，持牌人的生意難以經營，收入微薄，每年又須繳交約 30,000 元牌費，使他們頓感經濟困難。申訴團體指出，過往前市政局向交回市區熟食牌照的小販發放特惠金，數額為 60,000 元，但前區域市政局卻沒有為新界區的持牌熟食小販作出這項安排，以致不少小販為了謀生，當中甚至包括一些年紀老邁的持牌人，亦須繼續在新界工業區艱辛經營。另一方面，申訴團體獲悉，食物環境衛生署(下稱“食環署”)現正研究有關取締小販熟食牌照的政策，範圍將會包括新界區，申訴團體認為，當局應盡快檢討發放特惠金的政策，並提高特惠金的數額，此舉可協助部分小販在獲得特惠金後，可嘗試投標食環署和房屋署轄下的檔位繼續謀生。
- (2) 申訴團體表示，食環署在大連排道熟食小販市場展開裝修工程，包括加設光管、油漆牆身和重鋪洗手間牆磚等。該署亦派出吸渠車在熟食小販市場清理油污。然而，申訴團體指出，大連排道的熟食小販市場並沒有空調設施，在夏天更難經營，加上該市場鄰近斜坡，每逢下雨便會造成地面積水，顧客也不會光顧。因此，申訴團體批評食環署浪費公帑裝修及管理熟食小販市場，但不能解決根本的營商困難問題。
- (3) 申訴團體指稱，部分食環署的員工上班時偷懶，在大連排道熟食小販市場洗手間內睡覺。申訴團體批評，該署並沒有嚴緊地監察員工。

- (4) 大連排道熟食小販市場 18 號檔持牌人黃瑞堅先生指稱，該市場曾於 2001 年 12 月 24 日發生火警，引致其檔位在火警後須加設 4 條鐵支，在施工期間，他須遷往鄰近空置的 3 號檔繼續營業，直至工程完成。但食環署人員仍不斷要求黃先生在未完成工程前遷返 18 號檔，他遂批評食環署並不體恤持牌人的困難，而且處事作風官僚。

議員的觀點和要求

議員在聽取申訴團體的意見後，提出了以下的觀點和要求：

- (a) 議員不滿食環署浪費公帑，在大連排道熟食小販市場展開裝修工程，他們認為該署應正視熟食小販市場的問題，並盡快檢討小販熟食牌照的政策，向持牌人發放特惠金，以協助部分持牌人在獲得特惠金後可轉往其他地方營業。
- (b) 此外，議員要求政府當局就以下事宜作出回應：
- (i) 食環署每年在管理、維修和保養熟食小販市場的開支數額是多少，當中涉及哪些項目及多少人手。請提供詳細資料。
- (ii) 食環署為何要求大連排道熟食小販市場 18 號檔持牌人黃瑞堅先生在裝修工程完成前遷返 18 號檔，為何工程人員須在該檔加設 4 條鐵支。該署會否准許黃先生在 3 號檔經營，直至 18 號檔的工程完成。
- (iii) 環境食物局須提供有關檢討小販熟食牌照的政策的時間表，該局計劃於何時完成檢討，日後將會透過哪些途徑諮詢受影響的人士。小販熟食牌照的持牌人每年須繳交多少費用續牌。
- (c) 議員批評食環署一方面架構重疊，但另一方面又未能有效管理該署員工，以致部分員工在上班時不盡全責，工作疏懶。

函覆立法會秘書處

謹請閣下就申訴團體的第(2)至第(4)項意見及議員的第(a)至第(c)項的觀點和

要求作出回應，於 2002 年 4 月 20 日或該日前以中英文信件及電子郵件的形式 (lywong@legco.gov.hk)賜覆，以便本人向議員匯報。

謹請注意，閣下提供的資料及文件可能會發給當事人／有關的申訴團體。除非閣下向本秘書處提供該等資料及文件時，表明不可予以公開，否則本秘書處將假定閣下同意將有關資料及文件發給當事人／有關的申訴團體。

立法會秘書處秘書長

(黃麗容小姐代行)

連附件

2002 年 4 月 6 日

f5924

梁 志 成 議 員 辦 事 處

The Office of District Board Member Leung Chi Shing

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要求討論前區域市政局

熟食市場前境問題

鑑於香港工業北移，影響所及令到設於新界工業區內的熟食市場陷入極度困境，加上這些市場建於七十年代，衛生水平難以乎合現今樣準，儘管如此署方仍投入不資源及人力管理這些市場——全新界不足七十個持牌人，像葵涌大連排道熟食市場去年不幸兩遭火劫，署方將整個市場上蓋更換，加裝風扇和照明系統改善環境，但對於檔戶來說根本無濟於事，生意還是『王小二過年』。

過去由於兩個市政局各自為政，區局沒有像市政局訂立以特惠金取締熟食小販牌的政策，以致有不少檔戶爲了糊口仍苟延殘喘下去，但時至今日食境署已統一過去兩局政策，將取締熟食小販牌政策申延至新界及重新檢討惠金金額是刻不容緩，這不僅是解決該等食肆的環境問題，同時有利於署方減省資源，最重要能讓檔戶轉業，重獲生計。

Your ref : CP/C143/2002
Our ref : EFB 7/31
Tel no. : 2136 3339
Fax no. : 2136 3281

Secretary General
Legislative Council Secretariat
Legislative Council Building,
8 Jackson Road, Central,
Hong Kong
(Attn: Ms L Y WONG)

30 April 2002

Dear Ms Wong,

Review of the Cooked Food Hawker Licence Policy

Thank you for your letter dated 6 April 2002 attaching a note from the Office of District Councillor LEUNG Chi-shing, and also setting out LegCo Members' views on cooked food hawker licence policy. Our comments on the points raised are set out below.

Complainants' comments -

1. Renovation of Tai Lin Pai Road Cooked Food Bazaar

Tai Lin Pai Road Cooked Food Hawker Bazaar ("the Bazaar") was built in 1976 with 22 cooked food stalls. At present, 10 of the stalls are occupied.

There were two fire outbreaks at the Bazaar in September and December 2001. The Food and Environmental Hygiene Department ("FEHD") requested the Architectural Services Department to repair the damaged common area of the Bazaar caused by the September fire, which was essential for resuming business in the Bazaar. To improve the trading environment of the Bazaar, FEHD also took the opportunity to improve the lighting and ventilation of the Bazaar, to re-surface the toilets and to re-paint the Bazaar together with the necessary renovation works.

Stall No. 18 was burnt down during the fire outbreak on 25 December 2001. The licensee was required to fix up his own pitch and no separate renovation work was required to be carried out by FEHD.

FEHD was aware of the likely accumulation of water during rainstorm at the portion of the Bazaar adjacent to the hill-slope. The cleansing contractor has been asked to pay special attention to the matter and remove any accumulation of water during the three cleansing operations each day. Further, the cleansing contractor is required to provide weekly clearance of drainage system and manholes to prevent flooding due to blocked drains. FEHD supervisory staff who oversees the performance of the cleansing contractor daily has not detected the aforesaid irregularity.

2. Alleged failure in supervision of staff

One male toilet and one female toilet are provided in the Bazaar. The cleansing services for the Bazaar are currently provided by a contractor employed by FEHD. Supervisory staff of FEHD conducts daily inspection to monitor the contractor's performance and to ensure its level of performance complies with the standard specified in the contract.

According to the FEHD's record, no irregularity on the part of the contractor had been found in the past. Surprise checks have also been conducted to enhance the management of cleansing contracts and there is no evidence to suggest that the contractor's employees were lazy at work. In response to the FEHD's enquiry, the licensee of stall No.1 (which is next to the toilet) said she never saw the contractor's employees sleeping in the toilets. Nevertheless, FEHD would step up the inspections and take disciplinary action against the contractor should any misconduct be detected.

3. Hardship faced by the licensee of Stall No. 18

After the fire at the Bazaar on 25 December 2001, the licensee of stall No. 18 (Mr Wong) was allowed to temporarily move his business to the vacant stall No. 3 in order to facilitate his re-provisioning of a new stall. FEHD staff did urge Mr Wong to expedite the re-provisioning after more than three months have passed since the fire incident but the department has never forced Mr Wong to return to stall No. 18 prior to his completion of the renovation work. Mr Wong's allegation might be due to a misunderstanding.

Members' requests and enquiries

1. FEHD to review the policy on cooked food hawker licences

In 1983, the ex-Urban Council first introduced the ex-gratia payment scheme to buy back cooked food hawker licences, aiming to reduce the number of licensed on-street cooked food hawkers. Before the re-organization of municipal services, the ex-gratia payment of the scheme was \$60,000, which was applicable to licensed cooked food hawkers who voluntarily surrendered their licences for cancellation, and to cooked food hawkers to be resited on a mandatory basis. On the other hand, the ex-Regional Council decided to reduce the number of licensed cooked food hawkers through natural attrition and no ex-gratia payment scheme was implemented in the New Territories.

After the setting up of FEHD on 1 January 2000, the established policies of the two ex-Municipal Councils continued to be followed in the urban area and the New Territories, meaning that the ex-gratia payment scheme is only applicable to the urban area.

FEHD will actively consider the views of the complainant and of Members. At present, FEHD is studying in detail the adoption of an aligned policy for licensed cooked food hawkers in the urban area and in the New Territories. During the process, we have to consider carefully the cost-effectiveness of the scheme and the financial implications for the Government. FEHD intends to complete the review later this year. LegCo will be consulted before the implementation of any new policy arising from the review.

2. Expenditure of FEHD on the management, repair and maintenance of cooked food bazaars and the breakdown of expenses as well as the manpower involved

There are in total 14 cooked food hawker bazaars under the management of FEHD, and the expenditure on repair and maintenance of these bazaars was \$850,000 in 2001/02. In addition, the annual expenditure on public facilities, such as electricity and water, and hiring of cleansing contractors is about \$2,000,000.

At present, no FEHD cleansing workers are stationed at these cooked food hawker bazaars since the cleansing work has been outsourced to contractors. Management staff of FEHD, including health inspectors and hawker control officers conduct regular inspections and monitor the services provided by the contractors.

3. Work connected with Stall No. 18

The installation of four iron bars is a standard design to support the roof of an individual stall. In view of the licensee's request, FEHD had approved his application to modify the standard design of his new stall. Sufficient time has been given to re-provide a new stall. The licensee completed all construction works of the stall on 15 April and returned to operate at stall No.18 on the same day.

4. Timetable for review of the policy on cooked food hawker licence and the annual licence fee payable by holder of a cooked food hawker licence

Please see paragraph above for the details on review of the policy on cooked food hawker licence. Currently, the holder of a cooked food hawker licence is required to pay an annual licence fee of \$28,770 for the urban area, or \$28,494 for the New Territories.

5. Ineffective staff management as a result of overlapping FEHD organization structure

Staff of FEHD Kwai Tsing District Office conduct daily inspection to supervise the performance of the cleansing contractor to ensure no irregularities. At the same time, the quality assurance section of FEHD also carries out surprise inspection to ensure the work of district staff is conducted properly. As regards the possible overlapping organization structure, FEHD since its establishment has been reviewing the provision of public cleansing services with a view to streamlining the supervisory and delivery systems so as to maximize the use of resources, and enhance the cost-effectiveness and productivity.

This is a joint reply from the Environment and Food Bureau and the Food and Environmental Hygiene Department.

(Miss Winnie Leung)
for Secretary for the Environment and Food

c.c.
Director of Food and Environmental Hygiene
(Attn.: Mr. K. K. LEE) 2530 1368