

**For discussion
on 9 December 2008**

**Legislative Council Panel on
Food Safety and Environmental Hygiene**

**Creation of an Assistant Director of Municipal Services post offset by the
deletion of an Administrative Officer Staff Grade C post
in the Food and Environmental Hygiene Department**

PURPOSE

This paper invites Members' views on the proposed creation of an Assistant Director of Municipal Services (ADMS) (D2) post offset by deletion of an Administrative Officer Staff Grade C (AOSGC) (D2) post in the Environmental Hygiene Branch (EH Branch) of the Food and Environmental Hygiene Department (FEHD) to ensure the continued provision of adequate directorate input to the planning and supervision of the smooth and efficient operation of environmental hygiene services and effective enforcement of relevant statutory provisions on a regional basis.

JUSTIFICATION

Directorate set-up of the Environmental Hygiene Branch

2. FEHD was first set up on 1 January 2000 to serve the community of Hong Kong on the area of food safety and environmental hygiene. The EH Branch of FEHD, headed by Deputy Director (Environmental Hygiene) (DD(EH)) ranked at Administrative Officer Staff Grade B (D3) level, is responsible for the provision of environmental hygiene services to the public and management input for planning and setting environmental hygiene standards. At the time of the establishment of FEHD, DD(EH) was underpinned by three ADMSs, departmentally titled as Assistant Directors (Operations) (AD(Ops)1, AD(Ops)2 and AD(Ops)3), and one AOSGC, departmentally designated as Assistant Director (Headquarters) (AD(HQ)). The three ADs(Ops) were responsible for managing the provision of frontline environmental hygiene services in the Hong Kong (including Islands district), Kowloon and New Territories regions whereas AD(HQ) was responsible for providing policy inputs on matters relating to the Public Health and Municipal Services Ordinances (Cap. 132) and its subsidiary legislation, and coordinating on-going policy issues of a territory-wide nature.

3. When the three AD(Ops) posts were created in January 2000 vide EC(1999-2000)26, it was anticipated at the time that it would take about two years to align the management of environmental hygiene services and facilities in the urban area and the New Territories to achieve uniformity in systems, procedures

and standards. It was undertaken by the Administration that with the full implementation of the new territory-wide system, the management structure of the EH Branch would be reviewed. The post of AD(Ops)2, in charge of the environmental hygiene operations in the Kowloon region, was therefore created on a supernumerary basis for a period of two years from 1 January 2000 to 31 December 2001 in case of any streamlining opportunity that might arise after the review.

4. At the end of 2001, FEHD conducted a review of the management structure of the EH Branch in the light of operational experience. It was shown in the review that although the management systems of environmental hygiene services between the urban area and the New Territories had been successfully aligned, the workload of the three ADs(Ops) has increased over time. The continued directorate support of AD(Ops)2 in overseeing and managing the environmental hygiene services in the Kowloon region remained vital. However, in view of the economic climate and the need to exercise stringency in creating directorate posts at that time, it was decided that retention of the supernumerary AD(Ops)2 post should be arranged through the redeployment of existing staffing resources.

5. After reviewing all the directorate posts in FEHD, we have concluded that, as a stop-gap arrangement, the work of the four AD posts within the EH Branch could be reorganised so that the AD(HQ) post could be frozen and each of the three ADs(Ops) could share one-third of the work of AD(HQ) on a grouped subject basis in addition to their existing schedule of duties. We have therefore since January 2002 implemented the redeployment arrangement through the creation of a supernumerary ADMS post, designated as AD(Ops)2, held against the AOSGC post. With the redeployment of the AD(HQ) post to create the AD(Ops)2 post and the re-distribution of duties among the three ADs(Ops), we are able to cover operation of the service regions while at the same time ensuring that matters on policy formation and review are taken care of. We have reviewed this short-term arrangement periodically to ensure that the environmental hygiene services provided to the public are maintained at a high standard.

Continued need for three AD(Ops) posts

6. Over the years, the three ADs(Ops) have shouldered the prime responsibility of ensuring the daily smooth and efficient operation of comprehensive environmental hygiene services within the respective regions as well as effective enforcement of the relevant statutory provisions. Each has to direct the work of an average of some 3 000 staff, no less than that of a medium-size government department. Heavy management/directorate input is required on a full time basis to sustain service standards so that streets are kept clean, food establishments meet the required licensing requirements/conditions, public markets are managed properly and complaints from the public are efficiently dealt with, to name but a few examples.

7. In addition to the operational responsibilities common to the three regions, each AD(Ops) is tasked with specific responsibility for cross-territory functions as well as the re-distributed responsibilities previously vested with AD(HQ). These are detailed below –

- (a) AD(Ops)1 assumes the overall responsibility for the formulation of departmental prosecution policy and procedures to ensure efficient discharge of enforcement action in compliance with legal requirements and departmental policy. The post holder has also taken over AD(HQ)'s role in reviewing and formulating departmental policies, strategies, operational procedures, management practices and procedures relating to the licensing of food and non-food premises, and to steer the operation of the Licensing Section to ensure efficient and effective delivery of licensing services. Since late 2004, he has also assumed the management responsibility of the newly created Hygiene Section on matters relating to licensing enforcement and abatement of environmental nuisances. He has to initiate improvement measures and advise on legislative amendments in relation to these services. He also has to oversee the Boards and Committees Section in the provision of secretariat support to the Liquor Licensing Board and in the processing of appeal cases lodged with the Licensing Appeals Board and the Municipal Services Appeals Board by licensees and licence applicants;
- (b) AD(Ops)2 is responsible for the management of 11 public cemeteries, eight columbaria and six crematoria throughout the territory. He monitors the service standards of these facilities, plans for the expansion of public columbaria to cope with the growing demand for niches and replacement of old cremators with new ones to enhance the handling capacity and reduce air emission. AD(Ops)2 has taken over AD(HQ)'s role in reviewing and formulating departmental policies, strategies, practices and procedures relating to public market management and hawker control, including measures to enhance the viability of public markets and cost-effectiveness in the operation of public markets. Since January 2007, he has taken over the Contract Management and Insect Control Unit of the Pest Control Advisory Section from the Centre for Food Safety; and
- (c) AD(Ops)3 takes charge of all matters concerning meat and poultry consumption and slaughtering activities, meat safety and hygiene standards in the three licensed slaughterhouses, and taking enforcement actions against illegal slaughtering and smuggling activities to ensure that meat sold is fit for human consumption. AD(Ops)3 has taken over AD(HQ)'s role in reviewing and formulating departmental policies, strategies, practices and procedures relating to street cleansing, waste collection,

management of public toilets, contract management matters, anti-littering and pest control operations, and advising the Environmental Protection Department and Department of Health on matters relating to waste management initiatives. AD(Ops)3 is the departmental coordinator for avian influenza and Severe Acute Respiratory Syndrome (SARS) contingency measures. Besides, AD(Ops)3 heads the departmental Intelligence Unit, which plays a critical role in enhancing the surveillance and enforcement capabilities of the department in tackling illicit activities that give rise to food safety and environmental hygiene concerns.

8. With the existing span of control and level of responsibilities, the three ADs(Ops) have an equally heavy workload among them. At the same time, new initiatives implemented by the Department have put additional responsibilities on the ADs(Ops) in leading the operation of environmental hygiene services in their respective regions. We foresee that the workload and the level of responsibilities of the three AD(Ops) posts will remain heavy in the future. We are satisfied that there is a permanent need for the EH Branch to have three ADs(Ops) to undertake the strategic planning and overall management of environmental services in their respective regions.

Deletion of one permanent AOSGC post

9. The permanent AOSGC post, departmentally designated as AD(HQ), has been left vacant and held against by the supernumerary AD(Ops)2 post since 1 January 2002. The work schedule of AD(HQ) has been redistributed amongst and effectively carried out by the three ADs(Ops) for the last few years. With their rich operational experience, the ADs(Ops) have instilled a valuable element of realism in policy formulation and have successfully provided solid input to matters relating to the Public Health and Municipal Services Ordinance and its subsidiary legislation, and coordinating on-going public policy issues of a territory-wide nature. The redeployment arrangement has proved successful after having been put on trial for several years. We therefore propose the directorate structure of the EH Branch be changed by creating a permanent ADMS post offset by the deletion of an AOSGC post. The proposed permanent AD(Ops)2 post will continue to report to DD(EH). The proposed job descriptions of the three AD(Ops) posts are at **Enclosures 1 to 3**. The proposed organisation chart showing FEHD's directorate structure is at **Enclosure 4**.

ALTERNATIVES CONSIDERED

10. We have critically examined whether the other existing directorate staff in FEHD have spare capacity to absorb the duties of the AD(Ops)2 post. As they are already fully occupied with their existing workload and responsibilities, it is operationally not possible for them to take up the duties of AD(Ops)2 without adversely affecting the discharge of their own schedule of duties. Continuation of the existing short-term redeployment arrangement is also not desirable given

the long-term directorate input required for the planning and supervision of the operation of environmental hygiene services and enforcement of relevant statutory provisions on a regional basis.

FINANCIAL IMPLICATIONS

11. The proposal is cost-neutral and will not carry additional financial implications.

WAY FORWARD

12. Subject to Members' views, we will seek the endorsement of the Establishment Sub-committee on 18 February 2009 and the approval of the Finance Committee on 24 April 2009.

Food and Health Bureau
Food and Environmental Hygiene Department
December 2008

Job Description
Assistant Director (Operations)1

Rank : Assistant Director of Municipal Services (D2)

Responsible to : Deputy Director (Environmental Hygiene)

Main Duties and Responsibilities :

1. To plan, review, direct and supervise the operations of environmental hygiene (EH) services and the provision of EH facilities for the Hong Kong and Islands region (comprising the Central/Western, Eastern, Wanchai, Southern and Islands Districts), including management of public markets, hawker control, refuse collection, street cleansing, pest control, licensing and regulation of food and other licensed premises, management of public toilets and dead removal services;
2. To review and formulate departmental policies, strategies, management practices and operational procedures relating to the licensing of food and non-food premises, and to steer the operation of the Licensing Section in the Headquarters (HQs) to ensure efficient and effective delivery of licensing services. To process applications for review to the Appeals Boards in respect of licensing matters of food and non-food premises; and provide support services to Liquor Licensing Board on liquor licensing matters;
3. To assume the management responsibility of the Hygiene Section in HQs on matters relating to licensing enforcement, abatement of environmental nuisances and to initiate improvement measures and advise on legislative amendments in relation to these services;
4. To formulate departmental prosecution policy and procedures to ensure efficient discharge of enforcement functions in compliance with legal requirements and departmental policy;
5. To attend meetings of the Legislative Council (LegCo) Panels and ad hoc committees as appropriate and liaise with stakeholders in the relevant trades and sectors; and
6. To handle referrals and complaints received from LegCo, Audit Commission, Independent Commission Against Corruption, The Ombudsman and other organisations to ensure that policies are implemented consistently and equitably, and problems are identified and addressed.

Job Description
Assistant Director (Operations)2

Rank : Assistant Director of Municipal Services (D2)

Responsible to : Deputy Director (Environmental Hygiene)

Main Duties and Responsibilities :

1. To plan, review, direct and supervise the operations of environmental hygiene (EH) services and the provision of EH facilities for the Kowloon region (comprising the Yau Tsim, Mong Kok, Shamshuipo, Kowloon City, Wong Tai Sin and Kwun Tong Districts), including management of public markets, hawker control, refuse collection, street cleansing, pest control, licensing and regulation of food and other licensed premises, management of public toilets and dead removal services;
2. To manage, review and steer the provision of public cemetery and crematorium facilities and services, initiate facility improvement and service enhancements, plan for and oversee the development of new facilities, and promote modern alternative modes for disposal of human remains (including scattering of ashes at sea and in gardens of remembrance, and use of eco-coffins);
3. To review and formulate departmental policies, strategies, management practices and operational procedures relating to the operation and management of public markets (including cooked food markets), provide inputs in the market policy review, and implement new government initiatives that relate to public markets (e.g. issue of fixed penalty notices to smoking offenders in public markets);
4. To oversee, steer and review existing departmental policies, strategies, management practices and operational procedures relating to the licensing and control of hawkers, provide inputs in the in hawker licensing policy review, and implement new government initiatives that relate to hawkers (e.g. issue of fixed penalty notices to smoking offenders in hawker bazaars);
5. To attend meetings of the Legislative Council (LegCo) Panels and ad hoc committees as appropriate and liaise with stakeholders in the relevant trades and sectors; and
6. To handle referrals and complaints received from LegCo, Audit Commission, Independent Commission Against Corruption, The Ombudsman and other organisations to ensure that policies are implemented consistently and equitably, and problems are identified and addressed.

Job Description
Assistant Director (Operations)3

Rank : Assistant Director of Municipal Services (D2)

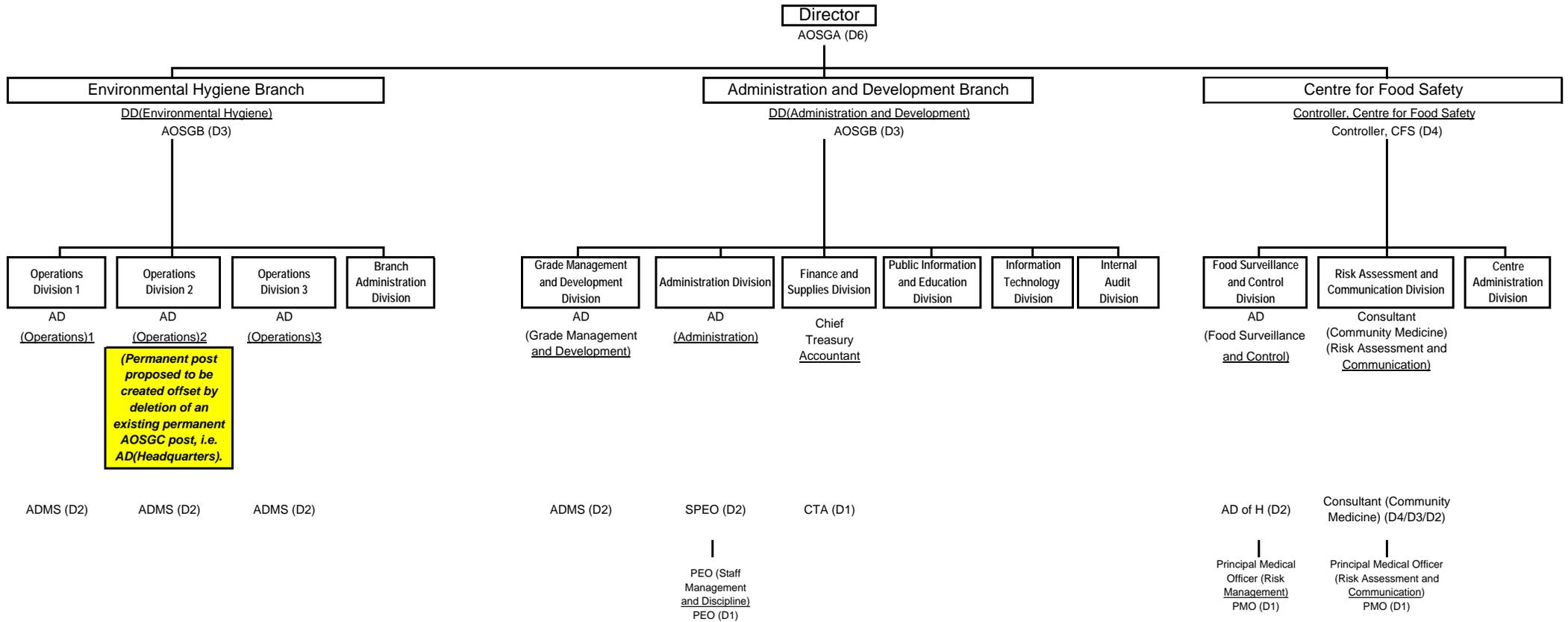
Responsible to : Deputy Director (Environmental Hygiene)

Main Duties and Responsibilities :

1. To plan, review, direct and supervise the operations of environmental hygiene (EH) services and the provision of EH facilities for the New Territories region (comprising the Kwai Tsing, North, Sai Kung, Sha Tin, Tai Po, Tsuen Wan, Tuen Mun and Yuen Long Districts), including management of public markets, hawker control, refuse collection, street cleansing, pest control, licensing and regulation of food and other licensed premises, management of public toilets and dead removal services;
2. To review and formulate departmental policies, strategies, management practices and operational procedures relating to the regulation of meat slaughtering services to protect food safety and public hygiene; oversee the operation of the Sheung Shui Slaughterhouse in accordance with the new Operations Services Agreement; and maintain regulatory oversight over the Tsuen Wan Slaughterhouse;
3. To oversee and coordinate departmental action in the control of avian influenza risk at poultry retail outlets, enforce the ban of overnight keeping of live poultry in retail outlets, and take forward the Poultry Slaughtering Plant project to achieve segregation of live poultry from humans at retail level;
4. To assume the management responsibility of the Cleansing and Pest Control Section in the Headquarters on matters relating to public cleansing, pest control and street management problems (including on-street promotional activities involving unauthorised display of bills and posters, illegal parking of bicycles, laundry drying and metal cages in public places);
5. To plan and implement the public toilet refurbishment and improvement programme and conversion of all aqua privies into flush toilets;
6. To attend meetings of the Legislative Council (LegCo) Panels and ad hoc committees as appropriate and liaise with stakeholders in the relevant trades and sectors; and

7. To handle referrals and complaints received from LegCo, Audit Commission, Independent Commission Against Corruption, The Ombudsman and other organisations to ensure that policies are implemented consistently and equitably, and problems are identified and addressed.

Proposed Organisation Chart of the Food and Environmental Hygiene Department



(Permanent post proposed to be created offset by deletion of an existing permanent AOSGC post, i.e. AD(Headquarters).

Legend:

- | | | | | | | | |
|---------|--|-----------------|--|-----|-------------------------------|------|--|
| AD of H | - Assistant Director of Health | AOSGB | - Administrative Officer Staff Grade B | CTA | - Chief Treasury Accountant | PMO | - Principal Medical and Health Officer |
| ADMS | - Assistant Director of Municipal Services | AOSGC | - Administrative Officer Staff Grade C | DD | - Deputy Director | SPEO | - Senior Principal Executive Officer |
| AOSGA | - Administrative Officer Staff Grade A | Controller, CFS | - Controller, Centre for Food Safety | PEO | - Principal Executive Officer | | |