

Your Ref. : CB4/PAC/R68

Our Ref. : FEHD H&M-H 33-70/5/3C

16 June 2017

Mr Anthony CHU  
Clerk to the Public Accounts Committee  
Legislative Council Complex  
1 Legislative Council Road, Central  
Hong Kong

Dear Mr CHU,

**Public Accounts Committee  
Consideration of Chapter 2 of the  
Director of Audit's Report No.68  
Monitoring of Charitable Fund-raising Activities**

Thank you for your letter dated 9 June 2017 requesting supplementary information on the subject matter. Our reply is as follows.

**(a) Provide a copy of application form for a temporary hawker licence and guidelines for the applicants.**

Please refer to the Annex for the application form and notice to applicants regarding the temporary hawker licence (“THL”).

**(b)&(c) Referring to the case mentioned in Note 33 (paragraph 5.5) of the Audit Report, details of follow-up actions taken in particular against the reported suspicious activities of the charity concerned i.e. monies received were not put into any donation boxes and the rationale behind the requirement on submission of audited accounts for the 13th licence onwards instead of for all licences issued to such organizations within the 12 months as mentioned on paragraph 5.5(c) of the Audit Report.**

Hawker Regulation (Cap. 132AI) stipulates that the licence period of a THL should not exceed one month. Apart from this, there is no stated limit on the number of THLs granted to an applicant in one year. In February 2012, a media report revealed that a tax-exempt charitable organisation had been issued with more than 120 THLs in a year by Food and Environmental Hygiene Department (“FEHD”) for the organisation to raise fund through on-street sale of commodities, which had in turn aroused public concern on the possible abuse of THLs. Apart from notifying the Social Welfare Department (“SWD”) and the Police Force of the incident for their

follow-up actions, FEHD also immediately conducted a review of the mechanism for issuing THLs and introduced the new administrative measures in July the same year in order to prevent the abuse of THLs and for fair distribution of public resource among fund-raising organisations. The relevant measures include:

- (1) Under normal circumstances, the total number of THLs granted to each fund-raising organisation in 12 months shall not exceed 20. Among them, no more than two licences shall be granted for selling goods in the same district and no more than four licences shall be granted for selling goods at hawker black spots;
- (2) The maximum licence period is five days in any two consecutive weeks; and
- (3) Organisations issued with more than 12 licences within 12 months shall prepare an auditor's report for each and every of the licences subsequently issued.

The implementation of the above administrative measures had effectively prevented the abuse of THLs. On the other hand, no further application of THL was made by the organisation reported by the media.

An organisation granted with the THL will raise funds through the on-street sale of commodities where a customer will pay the organisation money in exchange for an actual commodity. The licence has specified the time and designated one location for sale of commodities with maximum licence period of the THL concerned is five days in any two consecutive weeks. In our opinion, such fund-raising activity is comparatively small in scale. Besides, actual commodities transactions are involved in this kind of activity for which donors are not eligible for tax deduction. For these reasons, such transactions should be distinguished from charitable fund-raising activities which do not involve any benefit in return. It is necessary that the need to facilitate on-street fund-raising activities through the sale of commodities by tax-exempted charitable and non-profit-making organisations and the need to address public concern about such activities be considered at the same time. The existing requirement that organisations issued with more than 12 licences within 12 months shall prepare an auditor's report for each and every of the licences subsequently issued is deemed as an appropriate way to keep a balance of the needs relating to the above two aspects.

- (d) How many audited accounts have been submitted for the 13<sup>th</sup> licence onwards as mentioned in item c above and what is the average amount of income and expenditure for an event under temporary hawker licences?**

For FEHD, since the introduction of the new administrative measures in July

2012, only one organisation had been issued with more than 12 THLs within 12 months in 2013 (see paragraph 5.8(a) of the Audit Report for details). According to the relevant requirement, the organisation concerned should have submitted within 90 days after the completion of the fund-raising activities of its 13<sup>th</sup> THL, the auditor's report to FEHD. However, due to the concerned organisation had submitted further applications for THL before the deadline and because of the faulty design of the computer system in early stage of implementation of the new measures for processing THL applications, the concerned organisation was issued with more than 12 THLs under the situation of no submission of the auditor's reports. FEHD is now working on the mechanism for processing licence applications and improving the licence processing system to ensure timely follow-up actions and to prevent recurrence of similar incident effectively.

The concerned organisation has not applied for any THL from FEHD since January 2014 and neither it had submitted the audited report. FEHD is therefore unable to provide the amount of income and expenditure involved in the fund-raising activities under the licence concerned.

**(e) Measures taken/ to be taken in improving administrative measures for monitoring on-street selling activities for charitable fund-raising purposes covered by temporary hawker licences with reference to paragraphs 5.7, 5.14(a) and 5.15(c) of the Audit Report.**

Regarding the recommendations in paragraphs 5.7, 5.14(a) and 5.15(c) of the Audit Report, FEHD is considering, as far as practicable and legally viable, introducing new licensing condition and administrative measure for issuing THLs to tax-exempted charitable organisations and non-profit making organisations. In considering the recommendations, we will make reference to the best practices specified in the Reference Guide promulgated by SWD while having due regard to factors such as the nature, scale and duration of the fund-raising activities, proportionality of the requirements, and cost of compliance, etc. As regards the safekeeping of the funds raised from fund-raising activities, financial accountability and transparency of the purpose of fund-raising, we plan to, from December this year, impose new licencing conditions which require licensees to display notices/ banners to state the purpose of fund-raising, and through the implementation of administrative measure to remind the applicants concerned to provide secure and sealed boxes for collecting and safekeeping of the funds raised from the sale activity properly.

**(f) With reference to paragraphs 5.14(b) and 5.15(d) of the Audit Report, the progress of introducing a new administrative measure, i.e. not processing any subsequent application from any organization until the audited accounts for the previous fund-raising activities are submitted as required.**

As regards the recommendations in paragraphs 5.14(b) and 5.15(d) of the Audit Report, FEHD plans to introduce an administrative measure in December 2017

for tax-exempted charitable organisations and non-profit making organisations that have been granted with 12 licences within 12 months. If they wish to continue to submit application to FEHD for the 13th THL, they should submit the application forms together with the financial reports audited by a certified public accountant registered with the Hong Kong Institute of Certified Public Accountants. The reports should disclose to FEHD the amount of funds raised through the 12 previous licences, every expense related to the fund-raising activities as well as the statements which set out the income and expenditure account. If the tax-exempted charitable organisation and non-profit making organisations concerned fails to do so, its new application will not be considered until the auditor's report has been submitted as required. The measure of submitting auditor's report is applicable to all subsequent applications within the relevant period but the total number of THLs granted should not exceed 20.

**(g)&(h) With reference to paragraphs 5.15(g) and 5.15(h) of the Audit Report, the progress of exploring with the Social Welfare Department the feasibility of imposing sanction to forestall frivolous applications for the Public Subscription Permit; and the progress of exploring with the Social Welfare Department and the Lands Department means to enhance communication among the departments to streamline application processing, referrals and approvals.**

The Home Affairs Bureau will coordinate another inter-departmental meeting in late June to discuss matters including the study on possible alignment of requirements of different types of charitable fund-raising licences and permits, as well as how to interface with relevant departments on the use of Government land by licensee or permittee for fund-raising activities. FEHD will continue to participate in the discussion on issues relating to on-street hawking activities. Moreover, we stand ready to study with SWD and the Lands Department means to enhance communication among departments and the feasibility of sharing of enforcement information and taking concerted actions on repeated "no-show" cases.

Yours sincerely,



(CHENG Ka-yu)

for Director of Food and Environmental Hygiene

c.c. Secretary for Home Affairs  
Director of Social Welfare  
Director of Home Affairs  
Director of Lands  
Secretary for Financial Services and the Treasury  
Director of Audit



## 臨時小販牌照申請書 Application for Temporary Hawker Licence

本表格內你所需填報的資料，乃依照《小販規例》(第 132 章，附屬法例) 第 7 條之規定而申報。至於你在本表格內所提供之資料，日後如有任何變更，則須於變更後七天內通知食物環境衛生署署長，否則根據《小販規例》(第 132 章，附屬法例) 第 24 及 56(2) 條之規定乃屬違法。又根據《小販規例》(第 132 章，附屬法例) 第 56(7) 條之規定，凡故意填報任何明知虛假的資料，即屬違法。任何人士如違反上述規例，一經定罪，食物環境衛生署署長有權將其獲發給之牌照予以取消，或將其獲得編配之攤位予以收回。請注意，根據《小販規例》(第 132 章，附屬法例) 第 6 條，牌照不得發給已持有有效牌照的人。

The information, which you supply in this application form, is required in accordance with Section 7 of the Hawker Regulation (Cap. 132, sub. leg.). Any subsequent change in particulars supplied by you in this form should be notified to the Director of Food and Environmental Hygiene within 7 days of any such change, failing which is an offence under Sections 24 and 56(2) of the Hawker Regulation (Cap. 132, sub. leg.). It is also an offence under Section 56(7) of the Hawker Regulation (Cap. 132, sub. leg.) to knowingly give information which you know to be false in relation to any of the particulars supplied by you in this form. Any licence granted or site allocated to any person who is guilty of an offence under the said Regulation shall be cancelled or withdrawn by the Director of Food and Environmental Hygiene. Please note that, in accordance with Section 6 of the Hawker Regulation (Cap. 132, sub. leg.), a licence will not be issued to any person who is the bearer of a valid licence.

### 第一部份 (申請人資料)

#### Part I (Personal particulars of applicant)

- (1) 申請人姓名：.....  
Name of Applicant (中文 Chinese) (英文 English)
- (2) 別名：.....  
Alias
- (3) 出生日期：.....  
Date of birth
- (4) 性別：.....  
Sex
- (5) 香港身分證號碼：.....  
HKID Card No.
- (6) 地址：.....  
Address
- .....
- (7) 電話號碼：..... (8) 電郵地址：.....  
Tel. No. Email Address
- (9) 傳真號碼：.....  
Fax No.
- (10) 通訊地址(如與上述地址不同)：.....  
Correspondence Address (if different from the above-mentioned address)
- .....

第二部份 (與籌款活動有關，請填寫這部份)

Part II (In connection with fund-raising activities, please complete this part)

- (11) 團體名稱：.....  
Name of Organisation
- (12) 團體地址：.....  
Address of Organisation
- (13) 申請人在團體的職位：.....  
Position of Applicant in Organisation
- (14) 擬販賣地點 (請夾附草圖以展示有關地點)：.....  
Proposed Hawking Location (please enclose a sketch showing the relevant location)
- .....
- (15) 擬行使臨時小販牌照時期：由 From.....至 To.....  
Proposed Period of the Temporary Hawker Licence
- (16) 擬販賣之貨品：.....  
Proposed Commodities for Sale
- (17) 籌得款項擬作用途：.....  
Intended Use of Fund Raised
- (18) 補充說明(如需要)：.....  
Explanatory Remarks (if any)
- .....

第三部份 (與持牌小販固定攤位有關，請填寫這部份)

Part III (In connection with licensed fixed-pitch hawker stall, please complete this part)

- (19) 攤位地點：.....  
Pitch Location
- (20) 攤位面積：.....×.....平方米(m<sup>2</sup>)  
Pitch Size
- (21) 現時販賣之貨品/經營之行業\*：.....  
Existing Commodity/Trade\*
- (22) 補充說明(如需要)：.....  
Explanatory Remarks (if any)
- .....

聲明 DECLARATION

致： 食物環境衛生署署長  
To Director of Food and Environmental Hygiene  
本人現謹聲明：

I hereby declare that

- (1) 就本人所知所信，本表格內所填報各項資料，均屬正確無訛，而本人亦無隱瞞任何需要提供之資料；  
to the best of my knowledge and belief, the information given in this application form is true and correct, and I have not withheld any information required to be provided herein;
- (2) 本人並不是任何有效小販牌照持有人；及  
I am not a holder of any valid hawker licence ; and
- (3) 本人明白，本表格第二部份內所填報各項資料，會在簽發臨時小販牌照後上載到食環署、香港政府一站通及資料一線通網頁讓公眾人士參考。

I understand that the information given in Part II of this application form will be uploaded to FEHD, GovHK and Data.One websites for public reference after the issue of Temporary Hawker Licence.

日期：.....  
Date

申請人簽署：.....  
Signature of Applicant

\* 請刪去不適用者。

Please delete where appropriate.

## 申請人須知 NOTICE TO APPLICANT

- (1) 申請人須附上 2 張半身正面照片 (約 39 毫米 x 25 毫米), 以辦理簽發臨時小販牌照。  
Applicant shall provide 2 full-face photographs (approximate 39 mm x 25 mm) for processing the issuance of the temporary hawker licence.
- (2) 食物環境衛生署(食環署)在有需要時, 會要求申請人提交其家庭成員的資料及/或其他與本申請有關的資料。  
Applicant may be required to furnish the Food and Environmental Hygiene Department (FEHD) with particulars of his/her family members and/or other information in relation to this application.
- (3) 臨時小販牌照申請書, 須在籌款活動舉辦前至少 12 個工作天 (工作天並不包括星期六、星期日及公眾假期), 遞交食環署。  
Temporary hawker licence application should be made to the FEHD at least 12 working days (working days exclude Saturdays, Sundays and public holidays) before the start of the fund-raising activities.
- (4) 主辦團體應向其他政府部門, 包括社會福利署署長 (電話: 2832 4311) 或民政事務局局長 (電話: 2835 1492), 查詢上述籌款活動是否需按《簡易程序治罪條例》(第 228 章) 第 4(17)條的規定申領許可證。  
Organiser should seek advice from other Government departments including the Director of Social Welfare (Tel : 2832 4311)/ the Secretary for Home Affairs (Tel : 2835 1492), as to whether a permit in accordance with Section 4(17) of the Summary Offences Ordinance (Cap. 228) is required for the above-mentioned fund-raising activities.
- (5) 為提升籌款活動的透明度及問責性、確保市民捐款獲得適當保障和運用、防止臨時小販牌照被濫用及公平分配公共資源予籌款團體, 食環署對 2012 年 7 月 31 日或以後遞交與籌款活動有關的臨時小販牌照申請施行新措施, 詳情見夾附的「臨時小販牌照申請須知」及「牌照條件」。  
With aims to enhance transparency and accountability of fund-raising activities, to safeguard and ensure the proper use of donations, to prevent abuse of temporary hawker licences, and to achieve a fair distribution of public resources among the fund-raising organizations, the FEHD has imposed new measures for applications for temporary hawker licences in connection with fund-raising activities received on or after 31st July 2012. For details, please refer to the attached "Points to Note for Application for Temporary Hawker Licence" and "Licence Conditions".
- (6) 在獲簽發臨時小販牌照後, 持牌人仍須確保有關活動符合其他政府部門按其執行的法例所訂立的規定。  
The grant of a temporary hawker licence does not exempt the licensee from meeting any requirements and conditions imposed under the legislation administered by other Government departments in relation to the activity concerned.



**關於申請臨時小販牌照所填報的個人資料**  
**Collection of Personal Data in Connection with**  
**Application for Temporary Hawker Licence**  
(根據《個人資料(私隱)條例》的規定處理)  
(In accordance with the Personal Data (Privacy) Ordinance)

目的說明  
Statement of Purpose

1. 收集資料的目的

**Purposes of Collection**

食物環境衛生署(食環署)會利用經這份申請表填報的資料作以下用途：

The personal data provided by means of this form will be used by the Food and Environmental Hygiene Department (FEHD) for :

- (a) 處理申請臨時小販牌照：  
carrying out activities relating to the application for temporary hawker licence;
- (b) 方便食環署職員及其他政府部門的職員與你互相聯絡；及  
facilitating communication among staff of the FEHD, other Government departments and yourself.
- (c) 按照食物安全條例的規定披露給食環署轄下的食物安全中心\*。  
disclosing to the Centre for Food Safety of the FEHD in accordance with the provisions of the Food Safety Ordinance\*.

你透過本申請表提供個人資料，純屬自願。不過，如你不提供充分的資料，則食環署恐怕不能處理你的牌照申請。  
The provision of personal data by means of this form is voluntary. However, if you do not provide sufficient information, the FEHD may not be able to process your application for licence.

2. 獲轉授資料的機構的類別

**Class of Transferees**

在本申請表填報的資料可能會交給其他政府部門包括香港警務處、地政總署、民政事務總署或社會福利署，以達致上文第1段所載的目的。

The personal data which you have provided by means of this form may be disclosed to other Government departments including the Hong Kong Police Force, the Lands Department, the Home Affairs Department or the Social Welfare Department in pursuance of the purposes mentioned in paragraph 1 above.

3. 查閱個人資料

**Access to Personal Data**

根據《個人資料(私隱)條例》第18條、第22條及附表1內第6原則的規定，你有權查閱及更改你的個人資料。查閱的權利包括有權索取此申請表內所提供的個人資料副本一份。應查閱要求而提供資料時，可能要徵收費用。

You have a right of access and correction with respect to personal data as provided for in accordance with Sections 18 and 22 and Principle 6 to Schedule 1 of the Personal Data (Privacy) Ordinance. Your right of access includes the right to obtain a copy of your personal data which you have provided by means of this form. A fee may be imposed for complying with data access request.

\* 適用於售賣食物類貨品的小販牌照。

Applicable to hawker licence for the sale of food-related commodities.

#### 4. 查詢

##### Enquiries

如對本申請表格收集的個人資料有任何查詢，包括查閱及更改資料等，可向下列各有關分區環境衛生辦事處提出：  
Enquiries concerning the personal data collected by means of this form, including the making of access and corrections, should be addressed to the following respective District Environmental Hygiene Office :

<p style="text-align: center;"><b>港島及離島區</b></p> <p style="text-align: center;"><u>中西區環境衛生辦事處</u> 香港皇后大道中 345 號上環市政大廈 10 樓 電話號碼：2543 4238/ 2545 0506 傳真號碼：2851 7653/ 2854 2755</p> <p style="text-align: center;"><u>東區環境衛生辦事處</u> 香港鰂魚涌街 38 號鰂魚涌市政大廈 3 樓 電話號碼：2563 4340 傳真號碼：2565 8203/ 2562 5836</p> <p style="text-align: center;"><u>南區環境衛生辦事處</u> 香港香港仔大道 203 號香港仔市政大廈 4 樓 電話號碼：2552 8406 傳真號碼：2873 1608/ 2552 9071</p> <p style="text-align: center;"><u>灣仔區環境衛生辦事處</u> 香港灣仔軒尼詩道 225 號駱克道市政大廈 7 樓 電話號碼：2507 3364 傳真號碼：2519 6884</p> <p style="text-align: center;"><u>離島區環境衛生辦事處</u> 香港中環統一碼頭道 38 號海港政府大樓 6 樓 電話號碼：2852 3215 傳真號碼：2545 2964</p>	<p style="text-align: center;"><b>Hong Kong &amp; Islands</b></p> <p style="text-align: center;"><u>Central/Western District Environmental Hygiene Office</u> 10/F., Sheung Wan Municipal Services Building, 345 Queen's Road Central, Hong Kong Tel. No.: 2543 4238/ 2545 0506 Fax. No.: 2851 7653/ 2854 2755</p> <p style="text-align: center;"><u>Eastern District Environmental Hygiene Office</u> 3/F., Quarry Bay Municipal Services Building, 38 Quarry Bay Street, Hong Kong Tel. No.: 2563 4340 Fax. No.: 2565 8203/ 2562 5836</p> <p style="text-align: center;"><u>Southern District Environmental Hygiene Office</u> 4/F., Aberdeen Municipal Services Building, 203 Aberdeen Main Road, Hong Kong Tel. No.: 2552 8406 Fax. No.: 2873 1608/ 2552 9071</p> <p style="text-align: center;"><u>Wanchai District Environmental Hygiene Office</u> 7/F., Lockhart Road Municipal Services Building, 225 Hennessy Road, Wanchai, Hong Kong Tel. No.: 2507 3364 Fax. No.: 2519 6884</p> <p style="text-align: center;"><u>Islands District Environmental Hygiene Office</u> 6/F., Harbour Building, 38 Pier Road, Central, Hong Kong Tel. No.: 2852 3215 Fax. No.: 2545 2964</p>
<p style="text-align: center;"><b>九龍</b></p> <p style="text-align: center;"><u>九龍城區環境衛生辦事處</u> 九龍馬頭圍道 165 號土瓜灣政府合署 3 樓及 4 樓 電話號碼：2711 2493 傳真號碼：2761 0718</p> <p style="text-align: center;"><u>觀塘區環境衛生辦事處</u> 九龍觀塘瑞和街 9 號瑞和街市政大廈 7 樓 電話號碼：3102 7388 傳真號碼：2343 6734</p> <p style="text-align: center;"><u>旺角區環境衛生辦事處</u> 九龍旺角花園街 123 號A花園街市政大廈 6 樓及 7 樓 電話號碼：2395 2727 傳真號碼：2391 5572</p> <p style="text-align: center;"><u>深水埗區環境衛生辦事處</u> 九龍深水埗元州街 59 - 63 號元州街市政大廈 8 樓 - 10 樓 電話號碼：2748 6959 傳真號碼：2748 6937</p> <p style="text-align: center;"><u>黃大仙區環境衛生辦事處</u> 九龍彩虹道 121 號大成街街市大廈 3 樓 電話號碼：2328 6531 傳真號碼：2351 5710</p> <p style="text-align: center;"><u>油尖區環境衛生辦事處</u> 九龍油麻地寶靈街 17 號官涌市政大廈 3 樓及 4 樓 電話號碼：2302 1299 傳真號碼：2735 5955</p>	<p style="text-align: center;"><b>Kowloon</b></p> <p style="text-align: center;"><u>Kowloon City District Environmental Hygiene Office</u> 3/F. &amp; 4/F., To Kwa Wan Market and Government Offices, 165 Ma Tau Wai Road, Kowloon Tel. No.: 2711 2493 Fax. No.: 2761 0718</p> <p style="text-align: center;"><u>Kwun Tong District Environmental Hygiene Office</u> Level 7, Shui Wo Street Municipal Services Building, 9 Shui Wo Street, Kwun Tong, Kowloon Tel. No.: 3102 7388 Fax. No.: 2343 6734</p> <p style="text-align: center;"><u>Mong Kok District Environmental Hygiene Office</u> 6/F. &amp; 7/F., Fa Yuen Street Municipal Services Building, 123A Fa Yuen Street, Mong Kok, Kowloon Tel. No.: 2395 2727 Fax. No.: 2391 5572</p> <p style="text-align: center;"><u>Sham Shui Po District Environmental Hygiene Office</u> 8/F. - 10/F., Un Chau Street Municipal Services Building, 59 - 63 Un Chau Street, Sham Shui Po, Kowloon Tel. No.: 2748 6959 Fax.No.: 2748 6937</p> <p style="text-align: center;"><u>Wong Tai Sin District Environmental Hygiene Office</u> 3/F., Tai Shing Street Market Building, 121 Choi Hung Road, Wong Tai Sin, Kowloon Tel. No.: 2328 6531 Fax. No.: 2351 5710</p> <p style="text-align: center;"><u>Yau Tsim District Environmental Hygiene Office</u> 3/F. &amp; 4/F., Kwun Chung Municipal Services Building, 17 Bowring Street, Yau Ma Tei, Kowloon Tel. No.: 2302 1299 Fax. No.: 2735 5955</p>

## 新界

### 葵青區環境衛生辦事處

新界葵涌興芳路 166 - 174 號葵興政府合署 9 樓  
電話號碼：2420 9204 傳真號碼：2480 4023

### 北區環境衛生辦事處

新界上水智昌路 13 號石湖墟市政大廈 4 樓  
電話號碼：2679 2812 傳真號碼：2679 5695

### 西貢區環境衛生辦事處

新界將軍澳培成路 38 號西貢將軍澳政府綜合大樓 8 樓  
電話號碼：3740 5100 傳真號碼：2792 9937

### 沙田區環境衛生辦事處

新界沙田鄉事會路 138 號  
新城市中央廣場第 1 座 12 樓  
電話號碼：2634 0136 傳真號碼：2634 0442

### 大埔區環境衛生辦事處

新界大埔鄉事會街 8 號大埔綜合大樓 3 樓  
電話號碼：3183 9109 傳真號碼：2650 1171

### 荃灣區環境衛生辦事處

新界荃灣楊屋道 45 號楊屋道市政大廈 3 樓  
電話號碼：2212 9701 傳真號碼：2414 8809

### 屯門區環境衛生辦事處

新界屯門屯喜路 1 號屯門政府合署 1 樓及 3 樓  
電話號碼：2146 8642 傳真號碼：2452 6559

### 元朗區環境衛生辦事處

新界元朗橋樂坊 2 號元朗政府合署 2 樓 - 5 樓  
電話號碼：2475 3433 傳真號碼：2477 5099

## New Territories

### Kwai Tsing District Environmental Hygiene Office

9/F., Kwai Hing Government Offices Building,  
166 - 174 Hing Fong Road, Kwai Chung, N. T.  
Tel. No.: 2420 9204 Fax. No.: 2480 4023

### North District Environmental Hygiene Office

4/F., Shek Wu Hui Municipal Services Building,  
13 Chi Cheong Road, Sheung Shui, N. T.  
Tel. No.: 2679 2812 Fax. No.: 2679 5695

### Sai Kung District Environmental Hygiene Office

8/F., Sai Kung Tseung Kwan O Government Complex,  
38 Pui Shing Road, Tseung Kwan O, N. T.  
Tel. No.: 3740 5100 Fax. No.: 2792 9937

### Sha Tin District Environmental Hygiene Office

Level 12, Tower 1, Grand Central Plaza,  
138 Rural Committee Road, Sha Tin, N. T.  
Tel. No.: 2634 0136 Fax. No.: 2634 0442

### Tai Po District Environmental Hygiene Office

3/F., Tai Po Complex,  
8 Heung Sze Wui Street, Tai Po, N. T.  
Tel. No.: 3183 9109 Fax. No.: 2650 1171

### Tsuen Wan District Environmental Hygiene Office

3/F., Yeung Uk Road Municipal Services Building,  
45 Yeung Uk Road, Tsuen Wan, N. T.  
Tel. No.: 2212 9701 Fax. No.: 2414 8809

### Tuen Mun District Environmental Hygiene Office

1/F. & 3/F., Tuen Mun Government Offices Building,  
1 Tuen Hi Road, Tuen Mun, N. T.  
Tel. No.: 2146 8642 Fax. No.: 2452 6559

### Yuen Long District Environmental Hygiene Office

2/F. - 5/F., Yuen Long Government Offices,  
2 Kiu Lok Square, Yuen Long, N. T.  
Tel. No.: 2475 3433 Fax. No.: 2477 5099

## 臨時小販牌照申請須知 (以賣物形式進行籌款活動的發牌安排)

香港是一個守望相助，熱心公益的社會。政府當局一直致力提供一個友善環境，盡量精簡行政程序，方便團體動員社區資源進行籌款活動。為方便團體透過以販賣物品形式進行籌款活動，本署會就有關販賣活動簽發臨時小販牌照。然而，籌款活動涉及公眾利益，社會人士亦關注籌款活動的安排是否恰當、所得捐款是否用得其所，並期望當局能對籌款活動進行適度監管，而傳媒亦不時報導一些可疑的街頭籌款活動個案。

為提升籌款活動的透明度及問責性、確保市民捐款獲得適當保障和運用、防止臨時小販牌照被濫用及公平分配公共資源予籌款團體，本署最近完成檢討簽發臨時小販牌照在公眾地方販賣物品以進行籌款活動的安排，並會施行一些新措施，防止濫用此發牌機制：

- (一) 除非獲得食物環境衛生署署長的特別批准，否則每個籌款團體在十二個月內可獲簽發的臨時小販牌照總數不得多於二十個，當中獲准在同一分區內擺賣的牌照總數不得多於兩個，而獲准在小販黑點範圍內擺賣的牌照亦不得多於四個（有關小販黑點詳情請參閱本署網頁<http://www.fehd.gov.hk>）；
- (二) 牌照的最長有效期為任何兩個連續星期內不多於五天；以及
- (三) 任何團體如在十二個月內獲簽發牌照數目多於十二個，須就其後的每個牌照遵辦以下的附加條件：
  - (i) 就該牌照所批准的賣物籌款活動編製一份收支結算表，包括所有公開籌款的收入及每項與籌款活動有關的支出細項（例如審計、運輸、印刷及文具費用等），並交由會計師或會計師事務所或執業法團審計。有關的會計師或會計師事務所或執業法團，須屬香港會計師公會註冊主任按《專業會計師條例》（第50章）第32（1）條的規定，在香港特別行政區政府的憲報公布的持有執業證書的會計師或根據《專業會計師條例》註冊的事務所或執業法團；及
  - (ii) 把上述審計報告的正本，在該牌照有效期的最後一日起計九十日內，遞交食物環境衛生署署長，而署長可以以任何方式或安排將審計報告的內容公開給市民查閱。

**請注意：**上述的新措施適用於二零一二年七月三十一日及其後的申請。此外，在有需要的情況下，本署可就個別牌照申請增訂其他附加條件。如持牌人或其所屬機構未能遵辦相關條件，本署可根據《公眾衛生及市政條例》（第132章）的規定，取消有關的臨時小販牌照，以及拒絕處理有關團體在往後遞交的臨時小販牌照申請。

食物環境衛生署署長

二零一二年七月

## **Points to Note for Application for Temporary Hawker Licence (licensing arrangements for sale of goods for fund-raising purpose)**

Hong Kong is a caring society and the community is supportive of charitable causes. The Administration strives to provide a friendly environment with administrative procedures kept to a minimum to facilitate charitable organisations to mobilise community resources for their fund-raising activities. To facilitate fund-raising in form of sale of goods, the Food and Environmental Hygiene Department (the Department) issues temporary hawker licences to organisations for conducting the selling activities. Nevertheless, fund-raising activities do, after all, involve public interest. The community is concerned if these activities are properly arranged and if the donations are properly used. The Administration is expected to exercise adequate control over the fund-raising activities. Meanwhile, there has been media coverage on suspicious on-street fund-raising activities.

With aims to enhance transparency and accountability of fund-raising activities, to safeguard and ensure the proper use of donations, to prevent abuse of temporary hawker licences, and to achieve a fair distribution of public resources among the fund-raising organisations, the Department recently reviewed the arrangements for issuing temporary hawker licences regarding the sale of goods in public places for fund-raising purpose. The following new measures will be introduced to prevent abuse of the licensing mechanism:

- (1) Except with the approval of the Director of Food and Environmental Hygiene, the total number of temporary hawker licences granted to each fund-raising organisation in 12 months shall not exceed 20. Among them, no more than two licences shall be granted for selling goods in the same district and no more than four licences shall be granted for selling goods at hawker black spots (for details of hawker black spots, please refer to our website <http://www.fehd.gov.hk>);
- (2) The maximum licence period is five days in any two consecutive weeks; and
- (3) Organisations issued with more than 12 licences within 12 months shall be subject to the following additional conditions for each and every of the licences subsequently issued:
  - (i) The organisation shall prepare an income and expenditure account, including all the monies received from public subscription and a detailed breakdown of every disbursement item (e.g. expenses in auditing, transportation, printing and stationery, etc.) related to the fund-raising activities covered by the licence for audit by an accountant or firm or corporate practice whose name appears on the list of certified public accountants holding practising certificates or on the list of firms or corporate practice registered under the Professional Accountants Ordinance, published in the Gazette by the Registrar of the Hong Kong Institute of Certified Public Accountants under Section 32(1) of the Professional Accountants Ordinance, Cap. 50; and
  - (ii) The original auditor's report shall be forwarded to the Director of Food and Environmental Hygiene within 90 days from the last day of the licence period, and the Director may publicise the auditor's report in any form or manner for public inspection.

**Note:** The above new measures are applicable to all applications made on or after 31 July 2012. Other additional licensing conditions may be imposed where necessary. If the licensee or the organisation concerned fails to comply with the conditions, the Department may cancel the temporary hawker licence and refuse the subsequent applications for a temporary hawker licence from the organisation under the Public Health and Municipal Services Ordinance (Cap. 132).

Director of Food and Environmental Hygiene

July 2012

**臨時小販牌照(賣物籌款活動)**  
**Temporary Hawker Licence (Fund-raising Sale Activity)**

**牌照條件**

- 一、持牌人必須遵守《小販規例》(第 132 章, 附屬法例)之規定。
- 二、本牌照是簽發予持牌人以賣物方式進行籌款活動。
- 三、未經食物環境衛生署署長(署長)書面批准,持牌人不得轉讓或轉售其牌照,亦不得轉租或放棄管有其攤檔。
- 四、持牌人須設置足夠的垃圾桶或盛器,盛載因經營小販業務而引致的所有垃圾及其他廢物,以等待清理。該等垃圾桶或盛器須以不透水物料製造,構造良好,容量須為 30 升至 100 升之間,並配有緊貼蓋子或其他配件,以防塵埃和臭味溢出。
- 五、相關的賣物籌款活動不得妨礙任何道路工程或其他公用設施的維修工程。
- 六、在任何賣物籌款活動進行期間,必須在牌照核准的地點設置一個不超出核准面積的攤檔展示和擺賣牌照核准的有關物品。所有賣物籌款活動須在該攤檔進行。
- 七、攤檔只可用作售賣在相關牌照上規定的貨品。
- 八、在任何賣物籌款活動進行期間,持牌人須親自在攤檔主理或監督有關活動,如無充分理由,不得離去。
- 九、在賣物籌款活動進行期間,必須於攤檔顯眼處展示本牌照。
- 十、在賣物籌款活動進行期間,必須於攤檔顯眼處展示一個長度不小於 50 厘米和闊度不小於 40 厘米的告示或條幅,顯示獲發本牌照的機構的名稱及食物環境衛生署指定的查詢/投訴電話號碼。告示牌上的字體須在兩米範圍內清晰可見。
- 十一、違反上述任何規定,署長可取消本牌照。

**LICENCE CONDITIONS**

1. The licensee shall comply with the provisions of the Hawker Regulation (Cap. 132, sub. leg.).
2. This licence is issued to the licensee to raise funds through the sale of commodities.
3. The licensee shall not transfer or assign his licence to any person, or sub-let or part with possession of the stall without the prior approval in writing from the Director of Food and Environmental Hygiene (Director).
4. Sufficient refuse bins or receptacles, made of sound construction and impervious materials, with a capacity not exceeding 100L and not less than 30L and close-fitting lids or other means to prevent the emission of dust and stench therefrom, shall be provided for the storage of all refuse and other waste matter generated from the hawking business whilst awaiting disposal.
5. Related fund-raising activities should not cause obstruction to any road works and maintenance operations of other utility services.
6. At all time when any fund raising sale activity is carried on, a stall of the size not exceeding the approved area shall be set up at the approved location for display and sale of the approved commodities as specified in this licence. All fund-raising sale activities shall be conducted at the stall.
7. The stall shall only be used for selling commodities specified on the relevant licence.
8. Unless absent for reasonable causes, the licensee shall be personally present at the stall and conduct or supervise activities there at all times when any fund raising sale activity is carried on.
9. This licence shall be displayed conspicuously at the stall at all times when any fund raising sale activity is carried on.
10. At all time when any fund raising sale activity is carried on, a notice/banner of not less than 50 cm in length and 40 cm in width showing the name of the organization to which this licence has been issued and the enquiry/complaint hotline specified by the Food and Environmental Hygiene Department shall be displayed conspicuously at the stall. The characters on the notice/banner shall be legible at a distance of 2 metres.
11. The Director may cancel the relevant licence if there is a breach of any of the above conditions.