

**立法會**  
**Legislative Council**

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**Panel on Food Safety and Environmental Hygiene**

**Minutes of special meeting**  
**held on Friday, 30 April 2021, at 10:30 am**  
**in Conference Room 2B of the Legislative Council Complex**

**Members present** : Hon Steven HO Chun-yin, BBS (Chairman)  
Hon SHIU Ka-fai, JP (Deputy Chairman)  
Hon Tommy CHEUNG Yu-yan, GBS, JP  
Hon WONG Ting-kwong, GBS, JP  
Hon CHAN Hak-kan, BBS, JP  
Hon CHAN Han-pan, BBS, JP  
Hon LEUNG Che-cheung, SBS, MH, JP  
Hon KWOK Wai-keung, JP  
Hon Elizabeth QUAT, BBS, JP  
Hon Wilson OR Chong-shing, MH  
Hon YUNG Hoi-yan, JP  
Dr Hon Pierre CHAN  
Hon LAU Kwok-fan, MH  
Hon Kenneth LAU Ip-keung, BBS, MH, JP

**Members absent** : Dr Hon CHENG Chung-tai  
Hon Vincent CHENG Wing-shun, MH, JP  
Hon Tony TSE Wai-chuen, BBS, JP

**Public Officers** : Item I

Dr CHUI Tak-yi, JP  
Under Secretary for Food and Health

Miss Diane WONG Shuk-han, JP  
Deputy Director (Environmental Hygiene)  
Food and Environmental Hygiene Department

Mr Gabriel TSANG Wing-lok  
Assistant Director (Operations) 1  
Food and Environmental Hygiene Department

Dr CHEN Hong  
Head, Infection Control Branch  
Department of Health

Mr WONG Wai-kwong  
Assistant Director/2  
Electrical and Mechanical Services Department

Mr CHAU Shu-man  
Chief Engineer/Municipal  
Electrical and Mechanical Services Department

Mr YUE Chak-sang  
Chief Building Surveyor/New Territories East (1) and Licensing  
Buildings Department

Dr Kenneth LEUNG Kai-ming  
Principal Environmental Protection Officer (Air Science)  
Environmental Protection Department

Professor YUEN Pak-leung  
President of the Hong Kong Institution of Engineers  
Chairman of the Working Group on Implementing the  
Requirement on Air Change or Air Purifiers in Dine-in  
Restaurants

Dr David LUNG  
Specialist in Clinical Microbiology and Infection  
Member of the Working Group on Implementing the  
Requirement on Air Change or Air Purifiers in Dine-in  
Restaurants

**Clerk in attendance** : Miss Josephine SO  
Chief Council Secretary (2) 2

**Staff in attendance** : Ms Wendy LO  
Senior Council Secretary (2) 2

Miss Cally LAI  
Legislative Assistant (2) 2

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**I. Issues relating to the requirements on air change or air purifiers in catering premises**

(LC Paper Nos. CB(2)1032/20-21(01) to (03), CB(2)1041/20-21(01), G.N. (E.)s 166, 192 and 216 of 2021 and LC Paper No. LS63/20-21)

At the invitation of the Chairman, Under Secretary for Food and Health ("USFH") briefed members on the requirement on ventilation in the seating areas of dine-in catering premises stipulated in the Secretary for Food and Health's directions under the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F) ("the Regulation") issued on 17 March 2021 ("ventilation requirement"). According to the ventilation requirement, operators of catering premises were required to register with the Food and Environmental Hygiene Department ("FEHD") on or before 30 April 2021 that the air changes per hour ("ACH") at seating areas of their premises had reached a minimum of six times or air purifiers which met the specified specifications had been installed according to the on-the-ground situation, together with a certificate issued by a registered specialist contractor (ventilation works category) ("registered ventilation works contractor") providing information related to the air change or air purifier(s) installed in the respective premises.

2. With the aid of power-point presentation, Dr David LUNG, Specialist in Clinical Microbiology and Infection cum Member of the Working Group on Implementing the Requirement on Air Change or Air Purifiers in Dine-in Restaurants ("Working Group"), briefed members on the theoretical and scientific basis of the ventilation requirement.

*(Post-meeting note: The softcopy of the power-point presentation materials was issued to members vide LC Paper No. CB(2)1043/20-21(01) on 30 April 2021.)*

Justifications for implementing the ventilation requirement

3. The Deputy Chairman and Mr Tommy CHEUNG queried the rationale for adopting an air change rate of a minimum of six ACH in the seating areas of dine-in catering premises. Mr CHEUNG said that as set out in Enclosure I to the Administration's paper, adopting ACH at 4.5 already offered a relative risk reduction of exposure to the coronavirus disease 2019 ("COVID-19") by 90%, whereas ACH at 6 offered a reduction by 95%. It seemed that the relative risk of exposure to COVID-19 would not be significantly reduced even after increasing ACH from 4.5 to 6. He urged the Administration to clearly explain

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to the catering trade how the adoption of ACH at 6 or the installation of air purifiers could help reduce the risk of virus transmission in actual circumstances and to provide detailed information or figures to justify the Administration's decision to implement the ventilation requirement.

4. USFH and Deputy Director (Environmental Hygiene)/FEHD ("DD(EH)/FEHD") responded that based on anti-epidemic considerations, expert advisers recommended adopting ACH at 6 or above in the seating areas of dine-in catering premises or the installation of air purifiers which met the specified specifications. After expert advisers put forward the recommendation, relevant government departments conducted a literature review of the related research materials available at the time around August and September 2020. After balancing all the relevant factors (including the effectiveness of the measures and the acceptability to the trade), the Government made an optimal choice and decided in October 2020 to adopt ACH at 6 or above in respect of the seating areas of dine-in catering premises as the threshold under the "Voluntary Declaration Scheme on Air Changes in Licensed Catering Premises" launched on 16 October 2020. The voluntary declaration scheme had been replaced by the mandatory registration scheme since 18 March 2021.

5. Assistant Director/2, Electrical and Mechanical Services Department ("AD2/EMSD") added that the World Health Organization, Centres for Disease Control and Prevention in the United States, and many other international professional bodies advocated increasing the air change of indoor venues with a view to reducing the risk of air-borne transmission of COVID-19. The Working Group had reviewed the relevant literature and research materials and came to a conclusive view that increasing ACH to 6 was an effective engineering control measure to reduce the relative risk of exposure to COVID-19 by 95%.

6. In response to the Deputy Chairman's and Mr Tommy CHEUNG's enquiries about the findings of the site investigation at a restaurant in K11 Musea to look into the cause(s) of the cluster of confirmed COVID-19 cases occurred in early March 2021, DD(EH)/FEHD and AD2/EMSD gave an account of the air flow measurement works carried out by relevant government departments. As indicated in the press statement issued by the Government on 4 April 2021, the on-site investigation revealed that all the confirmed COVID19 cases occurred in the areas with low ACH at 1.2 and 2.1 on the lower floor of the restaurant.

7. Mr WONG Ting-kwong noted that under the Public Health and Municipal Services Ordinance (Cap. 132) ("PHMSO"), licence holders of the restaurants and factory canteens which did not have adequate natural ventilation should provide a ventilating system able to supply a minimum amount of

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17 cubic metres of outside air per hour for each person accommodated in the premises (i.e. equivalent to 3.8 to 4.9 ACH). He and Mr Wilson OR asked whether the enhancement of air ventilation to a minimum of six ACH under the Regulation was a temporary requirement adopted during the epidemic or would be turned into a long-term measure.

8. USFH and DD(EH)/FEHD responded that while the ventilation requirement under PHMSO was to maintain sufficient fresh air supply in catering premises, the policy intent behind the Regulation was related to infection control. The enhanced ventilation requirement stipulated under the Regulation was a time-limited measure that was separate from the food business licensing regime. To be law abiding, one had to comply with all legislation, including the more stringent provisions. The Administration had no plan to roll out any ventilating measures under the food business licensing regime at the present stage, but would keep in view the development in this respect.

Support to the catering premises

*Progress of registration on air change/installation of air purifier(s)*

9. Members, including the Chairman, the Deputy Chairman, Mr Tommy CHEUNG, Mr WONG Ting-kwong, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Ms Elizabeth QUAT, Mr Wilson OR and Ms YUNG Hoi-yan, expressed concern that the business of catering premises had been badly hit by the COVID-19 epidemic and the Government's anti-epidemic and social distancing measures. Many catering business operators had reflected that as they lacked the knowledge about air ventilation and the compliance of air purifiers with the specified specifications, they could hardly complete the registration on air change/installation of air purifier(s) by 30 April 2021. Also, they had to fork out a considerable sum of money to appoint registered ventilation works contractors for providing relevant services (e.g. checking the air change rate of the existing ventilating systems, giving recommendations on enhancement of air ventilation, and issuing certificates in respect of ACH and/or installation of air purifier(s)) and to purchase air purifiers if so warranted.

10. The Chairman said that the Administration should have thoroughly consulted the catering trade before implementing the ventilation requirement and should have strengthened publicity on the follow-up arrangements. He added that while the catering trade was not opposed to the implementation of measures for reducing the risk of virus transmission, it was incumbent on the Administration to ensure that the ventilation requirement was reasonable and practicable and to give catering business operators sufficient time to complete the necessary ventilation works as well as the registration. Ms YUNG Hoi-yan

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considered that the Administration should have started liaising with the catering trade on measures to enhance the air ventilation after the COVID-19 cluster outbreaks reported in March and July 2020, as this would give the trade more time to get prepared for the Administration's implementation of the ventilation requirement.

11. Mr WONG Ting-kwong criticized the Administration, in drawing up the ventilation requirement, for failing to take into account the current bleak business situation of the catering trade and the compliance difficulties faced by the trade. He asked whether the Administration would consider further extending the registration deadline specified by FEHD.

12. DD(EH)/FEHD responded that the Government had kept reviewing the anti-epidemic and social distancing measures in light of the developments of the epidemic. As advised earlier, FEHD launched on 16 October 2020 a voluntary declaration scheme for licensed catering premises to declare voluntarily the information on ACH of the ventilating system and/or air purification device(s) installed in their premises. To enable the smooth implementation of the ventilation requirement, FEHD had established a Working Group comprising expert representatives drawn from a wide spectrum of backgrounds (including public health, engineering, surveying and ventilation) to put forward recommendations to the Government and work on specific guidelines for ventilation contractors, so as to assist catering premises operators in the smooth implementation of and compliance with the requirement. Since its establishment on 16 March 2021, the Working Group, together with relevant government departments, had been in close communication and cooperation with relevant stakeholders (including catering business operators, registered ventilation works contractors and air purifier suppliers) to understand their experiences in resolving problems/finding appropriate solutions and to assist them in the implementation of and compliance with the ventilation requirement.

13. DD(EH)/FEHD further said that if catering business operators were unable to complete the registration on air change/installation of air purifier(s) on time, they might download a form from FEHD's website and submit an application for an extension of time for registration according to the instructions on the website. FEHD would consider each case based on individual circumstances. If the application was approved, catering business operators had to complete the registration within the extended time limit specified by FEHD. During the extension period, catering premises which had submitted such an application would not be regarded as not adopting the requirement on air change, if FEHD considered that the submission was made within a reasonable timeframe; and catering premises could still provide dine-in service subject to the prevailing directions on the dine-in hours and the maximum number of persons at each table. FEHD would handle separately cases which did not

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apply for an extension or which applications were not approved or cases which failed to follow up on the ventilation requirement in accordance with the extended time limit specified by FEHD.

14. In response to the Deputy Chairman's enquiry, DD(EH)/FEHD advised that at present, there were more than 18 000 catering premises in Hong Kong. As at 28 April 2021, operators of 4 899 catering premises had registered through the online platform on FEHD's webpage and uploaded the signed certificates specifying that the business had fulfilled the requirement on attaining ACH at 6 or above and/or installation of air purifier(s) which met the specified specifications; whereas over 2 100 applications for an extension of time for registration had been received. According to the information provided by the Hong Kong Registered Specialist Contractors Association ("HKRSCA"), registered ventilation works contractors were now handling more than 2 000 cases seeking compliance with the requirements on air change/air purifiers.

15. The Chairman said that the Administration should clearly inform the trade of the need to apply for an extension of time for registration if operators of catering premises were unable to complete the registration by 30 April 2021. Noting that quite a large number of catering premises had yet to apply for an extension, the Chairman enquired whether any follow-up actions would be taken by FEHD against those premises. DD(EH)/FEHD responded that the option for catering business operators to apply for an extension if they could not complete the registration on time had been specified in relevant gazette notices made under the Regulation. She assured members that applications for an extension submitted/received within a reasonable period of time after 30 April 2021 would be considered by FEHD.

16. Mr Wilson OR asked whether operators of catering premises had provided any reasons for failing to complete the registration on time (i.e. on or before 30 April 2021) when they applied for an extension and what efforts had been made by the Administration to assist the trade in fulfilling the relevant ventilation requirement. DD(EH)/FEHD responded that the Administration noted that some catering business operators had difficulties in acquiring air purifiers which met the specified specifications. While the Administration would collect more data from applicants to get a better picture of the size of the problem, the Working Group had promulgated "A Guide on Compliance with the Requirement on Air Change/Air Purifiers in Seating Areas of Dine-in Catering Premises" to enable the trade to master the key points and expedite follow-up actions for the prompt implementation of the relevant requirement. Also, FEHD would take into account reasons provided by catering premises (such as lead time required from procurement to delivery of air purifiers for installation), in considering applications for an extension.

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17. Mr WONG Ting-kwong asked, if catering business operators had submitted an application for an extension of time for registration, whether FEHD would take enforcement actions against the catering premises concerned when the application results were yet to be released. In response, USFH and DD(EH)/FEHD stressed that FEHD would adopt a balanced and reasonable approach in handling applications of an extension. During the initial period of implementing the new ventilation requirement, FEHD would focus on publicity, education and provision of advice, while closely monitoring the situation. Enforcement actions would not be taken in the situation as mentioned by Mr WONG.

18. Mr Tommy CHEUNG pointed out that for catering premises operating in shopping malls, fresh air supply was provided through the central ventilation system of the malls. He asked how the Working Group would assist those catering premises in fulfilling the ventilation requirement. He was also concerned whether bars and karaoke establishments were required to meet the new ventilation requirement. DD(EH)/FEHD and AD2/EMSD responded that the Working Group had approached relevant parties, e.g. the Real Estate Developers Association of Hong Kong and major properties management companies (including the Link Asset Management Limited), to appeal for their support and assistance as far as practicable to catering premises operating in shopping malls in terms of providing fresh air supply. FEHD staff had also conducted site visits to bars and karaoke establishments providing dine-in service to understand their progress in upgrading the ventilation systems and how FEHD could provide assistance to these premises.

*Fees charged by ventilation works contractors for undertaking the works and for issuing a certificate in relation to ACH and/or air purifier(s)*

19. The Chairman, Mr Tommy CHEUNG, Mr WONG Ting-kwong, Mr CHAN Han-pan and Ms Elizabeth QUAT criticized that the requirements on operators of catering premises to fulfill the new ventilation requirement and to complete registration on air change/installation of air purifier(s) within a short time frame had led to a sudden surge in demand for ventilation works and pushed up the relevant services fees including that for issuing a certificate providing information related to the air change or air purifier(s) installed in the respective premises. These members had received complaints from the catering trade that some registered ventilation works contractors charged a fee up to \$5 000 for issuing a certificate. The Chairman expressed dissatisfaction that the Administration had not explored other means (e.g. the Government's appointment, through tender exercises, of registered ventilation works contractors for provision of one-stop services for catering premises) to help lower the compliance costs of catering premises.



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20. Mr CHAN Han-pan suggested that the Administration should explore measures to introduce competition to the market for the purpose of lowering the fee for issuance of a certificate. He asked, apart from the registered ventilation works contractors listed on the website of the Buildings Department ("BD"), whether the Administration would consider allowing professionals/companies specialized in measuring indoor air quality in buildings to check the air change rate of the ventilating system in catering premises and to issue the relevant certificates.

21. DD(EH)/FEHD responded that the registered ventilation works contractors currently listed on BD's website (over 180 professionals/companies) were the same group of contractors engaged by catering business operators to conduct annual inspection of the ventilating systems in their premises as required under PHMSO during the licence renewal exercises. According to HKRSCA's estimation, the registered ventilation works contractors in the territory had sufficient manpower resources to carry out the necessary ventilation works and to issue certificates for the trade by 30 April 2021.

22. Professor YUEN Pak-leung, President of the Hong Kong Institution of Engineers cum Chairman of the Working Group, added that the registered ventilation works contractor had to check whether the seating areas of the catering premises had ACH at 6 or above, based on the plans for food business licence. Some might also collect data through site measurement, where necessary. Should the catering business operator decide to opt for the alternative of installing air purifiers, the registered ventilation works contractor had to calculate the number of air purifiers required and determine the placement of air purifiers in the seating areas, having regard to the on-the-ground situation and the manufacturer manual, and complete the certificate based on information as provided by air purifier manufacturers. As the process involved provision of expert advice on ventilating systems, it would be more appropriate for catering business operators to appoint registered ventilation works contractors with expertise to provide the relevant services. It would also be in line with the prevailing licensing condition applicable to the annual renewal of licences of dine-in catering premises.

23. The Chairman, Mr WONG Ting-kwong, Mr CHAN Han-pan and Ms Elizabeth QUAT asked whether the Administration would consider capping the fees to be charged by registered ventilation works contractors for provision of services related to the ventilation requirement (including issuance of a certificate). Ms QUAT further asked whether any measures would be taken by the Administration to assist small-sized catering premises in meeting the ventilation requirement (e.g. specifying the numbers and models of air purifiers suitable for installation in catering premises of certain sizes, thereby sparing operators the need to appoint registered ventilation works contractors).

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24. DD(EH)/FEHD responded that according to the information obtained from HKRSCA, the fee of issuing a certificate in respect of ACH and/or air purifier(s) ranged from \$1,000 to \$2,000. Under the free market principle, it was not appropriate for the Government to interfere with the pricing for provision of services as that was a commercial decision of the trade. That said, the Working Group would make its best endeavours to offer views to the catering trade on the implementation of and compliance with the ventilation requirement. On 27 April 2021, the Working Group and relevant government departments had held a webinar to enable direct communication between catering business operators and registered ventilation works contractors. The Working Group would continue to help the catering trade resolve technical issues and problems encountered during the implementation of the ventilation requirement.

*(To allow sufficient time for discussion and with the consent of all members present, the Chairman extended the meeting for 30 minutes beyond the appointed ending time.)*

*Supply of air purifiers*

25. Mr Tommy CHEUNG, Mr WONG Ting-kwong, Mr CHAN Han-pan, Ms Elizabeth QUAT and Mr Wilson OR said that catering business operators had reflected that they had difficulties in acquiring air purifiers which met the specified specifications in recent months. There was an inadequate supply of low to medium-priced air purifiers in the market, and the prices of some models had gone up significantly within a short time. Mr CHAN asked whether the Administration had assessed if there was sufficient supply of air purifiers in the market to meet the sudden surge in demand.

26. DD(EH)/FEHD responded that as of April 2021, more than 300 models of air purifiers could meet the specified specifications. According to the information obtained by the Working Group, there was a stock of around 47 000 air purifiers of models meeting the specified specifications available in the market. However, individual demand and supply might be subject to commercial considerations.

27. Mr Tommy CHEUNG said that to his understanding, some low-priced air purifiers ordered by catering business operators were currently out of stock and would not be available for delivery until July or August 2021. He asked how FEHD would handle those cases involving premises affected when considering applications for an extension of time for registration. DD(EH)/FEHD responded that FEHD would adopt a reasonable and considerate approach in considering each application.

*Financial assistance to catering premises*

28. The Deputy Chairman, Mr LEUNG Che-cheung, Ms Elizabeth QUAT and Ms YUNG Hoi-yan expressed concern that the expenditure to be incurred for compliance with the ventilation requirement would no doubt aggravate the financial burden of the catering trade. They asked whether the Administration would consider providing financial assistance to catering business operators under the Anti-epidemic Fund ("AEF") so as to facilitate their compliance with the ventilation requirement.

29. USFH responded that financial assistance/suitable relief had been provided to various sectors and individuals hard-hit by the COVID-19 epidemic through AEF. The Administration would keep in view whether further support had to be provided to the catering trade in light of the economic situation. DD(EH)/FEHD supplemented that the Catering Business Subsidy Scheme rolled out under the third round of AEF provided one-off subsidy ranging from \$50,000 to \$250,000 to eligible licence holders of general restaurants, light refreshment restaurants, marine restaurants and factory canteens in operation according to the floor area of the premises, primarily to provide further relief to licensed catering premises with seating areas. Catering business operators might use the subsidies to upgrade their ventilating systems, where necessary.

**II. Any other business**

30. There being no other business, the meeting ended at 12:11 pm.