

立法會
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LegCo Panel on Environmental Affairs

**Subcommittee on matters
relating to environmental hygiene**

**Minutes of Meeting held on
Thursday, 16 March 2000 at 8:30 am
in Conference Room B of the Legislative Council Building**

Members Present : Dr Hon TANG Siu-tong, JP (Chairman)
Hon Fred LI Wah-ming, JP
Hon CHAN Wing-chan
Dr Hon LEONG Che-hung, JP

Non-Subcommittee Member

Hon Ronald ARCULLI, JP

Members Absent : Hon WONG Yung-kan
Hon CHOY So-yuk

Public Officers Attending : For Items I & II

Mr Paul TANG
Deputy Secretary for the Environment and Food

Miss Sarah WU
Deputy Director of Food and Environmental Hygiene

Ms Eva TO
Principal Assistant Secretary for the
Environment and Food

For Item II

Mr K S NG
Senior Superintendent (Hygiene and Licensing)
Food and Environmental Hygiene Department

Clerk in Attendance : Mrs Constance LI
Chief Assistant Secretary (2)2

Staff in Attendance : Miss Betty MA
Senior Assistant Secretary (2)1

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I. Briefing by the Administration on the provision of environmental hygiene services and facilities after the reorganization of municipal services
[Paper No. CB(2)1399/99-00(01)]

At the invitation of the Chairman, Deputy Director of Food and Environmental Hygiene (DD(FEH)) briefed members on the environmental hygiene services and facilities provided by the Food and Environmental Hygiene Department (FEHD) [Paper No. CB(2)1399/99-00(01)]. She said that the mission of the FEHD was to ensure that food was fit for human consumption, hygienic and safe, and to maintain a clean and hygienic living environment for the people of Hong Kong. Under the new structure, three branches viz. the Food and Public Health Branch, the Environmental Hygiene Branch and the Administration and Development Branch had been set up in the FEHD.

2. Regarding the Environmental Hygiene Branch, DD(FEH) pointed out that as detailed in paragraph 4 of the paper, it was responsible for the implementation and co-ordination of environmental hygiene services (including street sweeping and cleansing, household waste collection, etc), management of public markets and hawkers, issuing of hawker licences, provision of cemeteries and public cremation service, and licensing of slaughterhouses and food premises. DD(FEH) clarified at the meeting that there should be 11 public cemeteries under the management of the FEHD (paragraph 4(xii) of the paper). The Environmental Hygiene Branch was also responsible for the licensing of private swimming pools, funeral services and places of public entertainment. In addition, the Branch also provided secretariat service to the Liquor Licensing Board. The performance pledges for various services provided by the FEHD were set out in Annex III of the paper. The FEHD would publish its performance pledges for general information. DD(FEH) pointed out that the Administration attached great

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importance to enhancing the transparency and accountability of the FEHD. To this end, staff members of the FEHD had since January 2000 briefed members of the 18 District Councils (DC) on the work of and the services provided by the FEHD. All DCs were invited to monitor the work of the FEHD in order to enhance communication and cooperation, and the Department's work at district level.

Comparison of the new and old structure and the services provided

3. The Chairman asked whether under the new structure the FEHD had formulated any plan on streamlining manpower structure and outsourcing municipal services, and whether there were differences in the services provided by FEHD as compared to the former Provisional Municipal Councils. DD(FEH) responded that as the front-line services and the scope of work of the FEHD remained unchanged, the operation of its district environmental hygiene offices and manpower structure were basically the same as before. The most noticeable reduction in manpower took place in the Headquarters and Cheung Sha Wan Abattoir. The abattoir staff were no longer required following the closure of the abattoir. The staffing structure of the Headquarters Division of FEHD was also streamlined after reorganization.

4. On the privatization of municipal services, DD(FEH) said that the FEHD had contracted out its public cleansing services. At present, apart from contracting out most of the public toilet cleansing services, the FEHD had also contracted out the cleansing services of about half of the public markets in the New Territories and more than 80% of the public markets in the urban area. About one third of the street sweeping services were undertaken by cleansing services contractors engaged by the FEHD. She added that the main duty of the FEHD at present was to continue delivering the various services provided by the former Provisional Municipal Councils.

5. To enable members to have more information to monitor the Administration's performance on areas related to environmental hygiene and to recommend ways to improve the services, Mr Fred LI urged the Administration to provide a paper on the scope of reviews underway and the proposals to improve the relevant services. The Chairman agreed with the suggestion. He considered that the paper provided for the meeting had not reflected any concrete achievement in improving environmental hygiene since the establishment of the new FEHD.

6. Deputy Secretary for the Environment and Food (DS(EF)) replied that it was the first time since the establishment of the FEHD for representatives of the Department to meet with Subcommittee members. The Administration's aim was to brief members on the provision of environmental hygiene services and facilities after the reorganization of municipal services. As most reviews were still at the initial stage of consideration, the Administration intended to

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report to the Subcommittee after the reviews had been completed and concrete proposals had been put forward.

Admin 7. Mr Fred LI expressed disagreement with the Administration's intention of putting forward the proposals to the Subcommittee for discussion only after they had been finalized. He requested the Administration to provide an outline of the proposed reviews as soon as possible. Dr LEONG Che-hung echoed Mr LI's views. To enable members to monitor the work of the Government more effectively, he requested the Administration to provide a summary of the proposed reviews on hygiene services and facilities as well as a concrete timetable of these reviews. DS(EF) agreed to provide the relevant information.

Licensing of food premises

8. Dr LEONG Che-hung noted that the performance pledge of the FEHD in handling licence application of food premises was based on the processing time after receipt of the licence application. He considered this a tricky approach to derive the time required for processing licence application.

9. DD(FEH) replied that although the Administration agreed that there was still room for improvement in food business licensing, there was no trickery in the relevant performance pledge. In order to further improve the entire licensing system of food premises, the FEHD was now following up the report jointly prepared by the Architectural Services Department (ASD) and Fire Services Department (FSD) on streamlining the existing procedures of licence application of food premises. Under the existing application procedures, where the applicant had satisfied the licensing requirements, a Provisional Licence (Food Premises) would normally be issued within six to eight weeks. She pointed out that both the Buildings Department (BD) and the FSD had an important role to play in the licensing process. If everything was in order, the applicant could be issued a Full Licence (Food Premises) within a few months.

Admin 10. Dr LEONG Che-hung requested the Administration to provide members with a copy of the report on licensing procedures of food premises upon completion of the review. Dr LEONG further enquired whether the Administration had considered providing applicants of food premises licence with one-stop services, so that applicants would not be required to submit application information to different departments.

11. DD(FEH) said that the trade had also put forward the one-stop services proposal, but there were difficulties in implementing the proposal at this stage. The Administration had explained to the trade the reasons for the time required to issue licences of food premises. She pointed out that the delay was mainly due to the time taken to obtain the original approved plan of the relevant premises. As far as she was aware, ASD had already formulated improvement measures and streamlined the procedures. With the concerted

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effort of all departments concerned to improve the workflow, the Administration hoped that the time required for issuing a Provisional Licence (Food Premises) would be shortened from six weeks to four weeks. DD(FEH) added that in order to further improve the licensing services, the FEHD would introduce a “Case Manager” scheme in April this year to follow up individual licence applications. As for the proposal of providing one-stop services, the Administration had to further examine its practicability.

12. Mr Fred LI urged the Administration to finalize as soon as possible the improvement measures to expedite the licensing of food premises, and to consider seconding staff from the ASD and BD to the FEHD to solve the problem of staff shortage.

13. Mr CHAN Wing-chan expressed concern about the application procedures and the licensing time of food premises. He hoped that the FEHD would accord priority to the improvement of the licence application procedures, so as to reduce the number of food premises operating without a licence. As the Administration had already commissioned a consultancy study on the licensing system of food premises, he enquired which government department would receive the consultant report, and whether the consultancy study would cover the shortening of application time for Provisional Licence (Food Premises) and Full Licence (Food Premises). Mr CHAN also enquired whether the FEHD would revise its performance targets in the light of the recommendations in the report.

14. DD(FEH) responded that the FEHD had already set out the performance pledges for various environmental hygiene services. The FEHD would review the existing performance targets to see if any revision was required upon implementation of the Consultant recommendations. Although the consultant was engaged by the Business and Services Promotion Unit under the Financial Secretary’s Office, the FEHD, BD, FSD and other relevant departments had actively participated in the consultancy review, and would follow up the recommendations to streamline the application procedures. The FEHD would be responsible for co-ordinating the implementation of the recommendations. The consultancy study had been carried out for almost a year, and the food business industry had been consulted on the recommendations at the end of last year. The draft Chinese version of the consultant report had also been delivered to the industry in January this year for their comments before March. The Administration would take the initiative to actively approach the industry to gauge their views on the report. The whole report would hopefully be completed in two months’ time and the Administration would then report to the Subcommittee.

15. DS(EF) added that licence applicants also had the responsibility of providing adequate information in respect of their applications, so that the time required for approving and issuing the relevant licences could be shortened.

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To enhance communication with applicants, the FEHD would conduct regular briefings on the application of various types of licences for the industry.

Cremation service

16. Regarding the performance pledge in respect of the booking of cremation sessions, Dr LEONG Che-hung noted that the FEHD had extended the booking period from 10 days to 15 days from the date of application. He expressed concern about the arrangement and considered that the longer the waiting time for cremation service, the greater psychological burden would be imposed on the family of the deceased. He asked whether the Administration had put in place measures to shorten the waiting time for cremation service, such as constructing additional cremators.

17. DD(FEH) explained that the arrangement of booking cremation sessions 15 days from the date of application was a measure simply to facilitate the applicants to make early arrangements. It did not necessarily mean that cremation sessions could not be booked within a shorter period of time. She said that the FEHD operated a total of six crematoria, each providing three service sessions everyday under normal circumstances. The number of daily service sessions could be increased to four if necessary. Over 100 cremation sessions were available to meet public demand. Experience showed that the demand for cremation service was not evenly distributed over a year, and January to March was the peak period for the service. The Administration would closely monitor the situation to see if the cremation service was adequate to meet public demand. In the long run, the Administration would examine the need of constructing more crematoria.

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18. Dr LEONG Che-hung requested the Administration to provide information on the average waiting time for cremation service during peak period and normal days, and advise members whether it had any plans to construct more crematoria. The Chairman suggested that the Subcommittee could follow up the issue at the next meeting.

II. Open Categorization Scheme for food premises

[Paper No. CB(2)1399/99-00(02) and (03)]

19. DD(FEH) briefed members on the Open Categorization Scheme (the Scheme) for food premises, which was commonly known as the “five-star” grading scheme. She advised that the Scheme was launched by the former Provisional Urban Council and Provisional Regional Council as a pilot scheme in November last year, with the objective of providing the licensees with an incentive to upgrade the hygiene conditions of their food premises. As regards the grading under the Scheme, it was based on the results of surprise inspections conducted by health inspectors of the two former municipal

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services departments on all food premises to assess their hygiene standards. The two former municipal councils had agreed that only those food premises awarded with five-star grading would be publicized, while grading for other food premises would not be published. Since the implementation of the Scheme, 4 530 (53%) out of 8 500 food premises in Hong Kong were graded as “Excellence in Hygiene” (i.e. five-star food premises). Despite the fact that the relevant grading would be valid for one year, “Excellence in Hygiene” grading could be cancelled if there was drastic deterioration in the hygiene conditions of a food premises, or upon suspension of licence on conviction of breaches of the relevant legislation. Since the implementation of the Scheme in November last year, six food premises had had their “Excellence in Hygiene” grading cancelled. Up to 19 February 2000, 142 prosecutions had been instituted by the FEHD against food business/food manufacturing premises. She pointed out that while awaiting court hearing, food premises being prosecuted could continue to carry on business with the “Excellence in Hygiene” grading.

20. DD(FEH) added that the Administration had received divergent views since the implementation of the pilot scheme, and the FEHD would conduct a review of the Scheme shortly. The FEHD hoped that the review would be completed by the end of this year, and would consult the trade and the Subcommittee.

Comparison of the Open Categorization Scheme with the Regular Inspection Scheme

21. The Chairman pointed out that at present, regular inspections on food premises would be conducted by the FEHD. However, the assessment standards and grading system adopted in the Regular Inspection Scheme were different from the criteria under the Scheme. He opined that the implementation of two different grading systems for food premises in parallel would confuse the public. The Chairman enquired the differences between the 12 inspection items listed in Annex A of the paper and the 18 inspection items under the Regular Inspection Scheme.

22. In response, Senior Superintendent (Hygiene and Licensing) of the FEHD (SS(HL)) pointed out that the major difference between the two sets of inspection items was that the Scheme did not take into account factors which had no direct relationship with food and environmental hygiene. The items excluded were the ventilation systems and the presence of the licensee in the premises.

23. Mr Fred LI said that the Secretary for the Environment and Food had in her reply to a Member’s question at the Legislative Council meeting on 16 February 2000 indicated that about 16% of food premises with “Excellence in Hygiene” grading were only of grade C level under the Regular Inspection

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Scheme. This would mean that the hygiene standards of these premises were merely of acceptable level, and this had seriously undermined public confidence in the Scheme. Mr LI considered that the assessment of the Scheme appeared less stringent as it assessed only 12 items, whereas 18 items were included in the Regular Inspection Scheme. He therefore asked whether it was necessary for the Administration to have two different grading systems for food premises.

24. DD(FEH) pointed out that the 12 inspection items were determined by the former Provisional Urban Council and Provisional Regional Council for achieving the objectives of the Scheme. The FEHD was of the view that the two existing grading systems should not be combined or cancelled lightly before the completion of the review. The Administration would work out a fair, open and enforceable grading system for food premises to meet public expectation after adequate consultation with the trade.

Inspection on food premises with “Excellence in Hygiene” grading

25. The Chairman asked if the FEHD had inspected the hygiene conditions of food premises awarded “five-star” grading. DD(FEH) replied that the FEHD would inspect all food premises regularly, but due to manpower and resources constraints, more frequent inspections would be made on food premises which were of acceptable or poor hygiene standards.

26. As 16% of food premises with “Excellence in Hygiene” grading were only of grade C level under the Regular Inspection Scheme, Mr Fred LI asked if the Administration would step up the inspection of these food premises. Mr LI was also concerned that “Excellence in Hygiene” grading would only be cancelled upon conviction in court. Since court hearings might take a few months to complete, Mr LI asked what measures were in place in the interim to strengthen the Administration’s regulation of these food premises.

27. SS(HL) responded that the Department of Justice had been consulted on the issue. According to the legal advice, the FEHD could cancel the “Excellence in Hygiene” certificates of the food premises concerned only upon conviction. The principle of presumption of innocence should apply before the food premises concerned were convicted. He reiterated that the FEHD apply the same standard for inspection and enforcement actions on all food premises.

Review of the Open Categorization Scheme

28. Mr Fred LI reminded the Administration that the “Excellence in Hygiene” certificates would expire on 31 October this year. He urged the Administration to expedite the review. He said that he agreed to publicize the grading of all food premises under the Scheme and asked whether the

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Administration would consider publishing the list of food premises with three-star and four-star grading.

29. DD(FEH) responded that the Administration was aware that the “Excellence in Hygiene” certificates would expire by the end of October 2000, and would endeavour to complete the review of the Scheme before then.

30. DD(FEH) added that when the Scheme was introduced by the former Provisional Urban Council and Provisional Regional Council, it was agreed that the grading of three-star and four-star food premises would not be published, and the food premises concerned would only be informed of the award of “five-star” grading. On measures to strengthen the regulation of food premises and to ensure that food premises with “Excellence in Hygiene” grading commensurate with the “five-star” standards, DD(FEH) said that enforcement action would be taken if irregularities were detected during inspections. During prosecution, the Administration would make reasonable arrangements having regard to the individual merits of each case. She agreed that there was still room for improvement in the existing grading system for food premises, and the Administration would therefore conduct a comprehensive review of the Scheme.

Admin 31. Mr CHAN Wing-chan said that as the grading standards of food premises were rather subjective, the trade had divergent views on the Scheme and was resistant to publishing the list of food premises with three-star and four-star grading. In this connection, he urged the Administration to conduct adequate consultation with the trade before making a decision on whether the Scheme should be cancelled. DD(FEH) assured that the Administration would listen to views of all concerned parties.

Admin 32. The Chairman urged the Administration to report the review findings to the LegCo upon completion of the review around November this year.

III. Any other business

[Paper No. CB(2)1399/99-00(04)]

33. Members agreed to hold the next meeting of the Subcommittee on 20 April 2000 at 8:30 am. Members also agreed to discuss crematoria service and the legislative proposal to close unlicensed food premises at the next meeting.

34. There being no other business, the meeting ended at 10:10 am.

Legislative Council Secretariat

17 May 2000