

立法會
Legislative Council

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by the Administration and
cleared with the Chairman)

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LegCo Panel on Environmental Affairs

**Subcommittee on matters
relating to environmental hygiene**

**Minutes of Meeting held on
Tuesday, 30 May 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
Dr Hon LEONG Che-hung, JP
Hon WONG Yung-kan
Hon CHOY So-yuk
- Member Absent** : Hon CHAN Wing-chan
- Public Officers Attending** : For Item II
Mr Paul TANG
Deputy Secretary for the Environment and Food
Ms Eva TO
Principal Assistant Secretary for the
Environment and Food
Miss Sarah WU
Deputy Director of Food and Environmental Hygiene
(Environmental Hygiene)
Mr Charles WONG
Assistant Director (Headquarters)
Food and Environmental Hygiene Department

Mr NG King-sun
Senior Superintendent (Hygiene and Licensing)
Food and Environmental Hygiene Department

Mr K H Ho
Chief Building Surveyor (Consultancy Service)
Buildings Department

For Item III

Mr Paul TANG
Deputy Secretary for the Environment and Food

Ms Eva TO
Principal Assistant Secretary for the
Environment and Food

Miss Sarah WU
Deputy Director of Food and Environmental Hygiene
(Environmental Hygiene)

Miss Janet WONG
Deputy Director of Food and Environmental Hygiene
(Administration and Development)

Mr LO Fu-wai
Assistant Director (Grade Management and Development)
Food and Environmental Hygiene Department

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

Staff in Attendance : Miss Mary SO
Senior Assistant Secretary (2)8

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I. Confirmation of minutes of the meeting on 16 March 2000
[LC Paper No. CB(2)2028/99-00]

The minutes of the meeting of the Subcommittee on 16 March 2000 were confirmed.

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II. Consultancy study report on restaurant licensing

[Paper No. CB(2)2107/99-00(01)]

2. Deputy Director of Food and Environmental Hygiene (Environmental Hygiene) (DD/FEH(EH)) briefed members on the Administration's paper on the present licensing regime for restaurants, the Consultant's study on licensing procedures, and the Administration's response and action plan to expedite the licensing process and to improve the service to the restaurant trade.

3. The Chairman noted that to put in place an efficient system of retrieving building plans and to expedite the licensing process, the Buildings Department (BD) had provided additional space and staff to handle building plan retrieval. The retrieval time had been shortened from 30 working days to four working days with effect from April 2000. In this connection, the Chairman asked about the additional space and staff provided for this purpose.

4. Chief Building Surveyor (Consultancy Service) of BD (CBS) responded that BD had provided additional space for building plan retrieval by the applicants. He undertook to provide information on staff redeployment after the meeting.

5. While paragraph 15 of the Administration's paper mentioned that with the implementation of various improvement measures, the time required for the issue of a provisional licence could be shortened to 28 working days and a full licence to four - six months, Mr Fred LI considered that the time required for the issue of a full licence should be shortened further. He pointed out that a long time was required for licence application because the Food and Environmental Hygiene Department (FEHD) could not control the progress of the checking of layout plans by BD and Fire Services Department (FSD) and that these departments would not accord priority to such work. He pointed out that if applicants revised the layout plans after the issue of a provisional licence, it would take longer for them to be issued a full licence because BD would have to check the revised layout plans and carry out site inspections again. Although FEHD had introduced the "Case Manager" scheme since mid April of this year, Mr LI considered that the scheme would not sufficiently improve the above situation as the Case Manager would only be a coordinator between the applicant and the departments concerned.

6. Mr Fred LI noted that FEHD had decided to set up a Resource Centre comprising staff of the FEHD, BD, Environmental Protection Department (EPD) and FSD in one of its Licensing Offices in the third quarter of this year to provide applicants with the requisite information and answer their questions, Mr LI asked why FEHD would not further consider providing one-stop service to applicants, (i.e. setting up a joint office by FEHD, BD and FSD) to save applicants the trouble of liaising with different departments. Moreover, Mr LI suggested that FEHD should take up the responsibility of supervising and coordinating all matters relating to the application for a restaurant licence so as to

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expedite the licensing process, and that the staff of BD and FSD deployed to work in the aforesaid joint office should be managed by FEHD.

7. CBS responded that with effect from June this year, BD would, within 14 working days of receiving the layout plans referred by FEHD, make an assessment as to whether the premises of a restaurant complied with the basic requirements in respect of building structural safety. If the premises met the preliminary requirements, BD would list out in detail the licensing requirements so that applicants could make the appropriate changes, before issuing the Letter of Requirements for provisional and full licences. CBS further said that vetting revised layout plans would not necessarily take a long time, nor would another site inspection be necessary because normally such revisions would not be substantial and would not affect building structural safety. CBS also said that because of limited manpower resources, BD would accord priority to newly submitted layout plans, which would inevitably extend the time for vetting revised layout plans.

8. As regards Mr Fred LI's suggestion of providing one-stop service for applicants, DD/FEH(EH) considered that it might not improve the licensing process. She pointed out that while BD and FSD could deploy staff to the licensing office, assessing whether the applications complied with building and fire safety requirements was professional work, and the staff would need to use the resources of and report to their respective professional departments. This being the case, there was in fact little difference between the one-stop arrangement and the present referral practice. DD/FEH(EH) further said that although BD and FSD were not under FEHD, FEHD had all along played an active coordinating role in the entire licensing process. Moreover, after continuous reviews over the years, there was effective coordination between FEHD and the relevant departments on licensing matters, and had tried its best to minimize the time required for processing applications. Had it not been the case, it would not have been possible for the Administration to commit to the issue of the Letter of Requirements for provisional and full licences within 20 working days. As to the practice that applicants should follow up their applications with different departments, DD/FEH(EH) said that this would in fact make things easier for applicants because applicants would normally hire different professionals to do the various fitting-out works for these restaurants, such as the ventilation system and fire service equipment. She further pointed out that the consultancy report also agreed that it would expedite the licensing process if the relevant departments followed up the applications separately.

9. Deputy Secretary for the Environment and Food (DS(EF)) added that deployment of BD and FSD staff to the licensing office was not a cost-effective arrangement from the standpoint of optimum use of resources, as it would undermine these departments' flexibility in deploying staff to meet their own work demand.

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10. Mr Fred LI asked whether the Administration would consider training a recognized professional to handle applications for restaurant licences so as to expedite the licensing process. CBS responded that as far as he knew, there was no professional who was qualified to issue all the Certificates of Compliance with building and fire safety requirements. DD/FEH(EH) also said that there would be difficulties in implementing Mr LI's suggestion as internal training alone would not be able to create a recognized professional. However, if the premises of a restaurant was located in a purpose-built building, Mr LI's suggestion might work out. Nevertheless, she undertook to discuss the feasibility of the above suggestion with BD and FSD.

11. As the fitting-out work of a restaurant would inevitably involve various revisions to the layout plans, Dr LEONG Che-hung queried whether the Government's performance pledge had been worked out on the basis of nil revision to the layout plans. DD/FEH(EH) responded that about 70% of the applicants had been issued a full licence within six months of being issued a provisional licence in the past year under the present licensing process. Therefore she was confident that following the introduction of the various improvement measures in June this year, the Administration would be able to achieve the performance pledge of issuing the Letter of Requirements for provisional and full licences within 20 working days of the application, and issuing the full licence within the next four to six months. However, she stressed that the time required for the issue of a restaurant licence would depend to a great extent on the preparation of the applicant such as whether the layout plan and structure of the premises would comply with the various licensing requirements. She hoped that the Resource Centre to be set up could achieve more effective coordination of the various procedures of restaurant licensing in a systematic manner.

12. Dr LEONG Che-hung asked about the number of applications dealt with by each Case Manager. DD/FEH(EH) replied that at present there were three Licensing Offices and 15 Case Managers who were ranked at the level of Senior Health Inspector. Based on the number of applications in the whole year of 1999 and the first three months of 2000 (1 100 and 300 respectively), each Case Manager dealt with approximately 70 to 80 applications each year. She further said that the Administration would consider increasing staff based on the increase in workload.

13. Since the Fast Track Process suggested by the Consultant would involve the development and introduction of a "fit for purpose" certification system by recognized professionals, Dr LEONG asked whether it meant that there was a need to create another category of recognized professionals, and he also asked about the stance of the Administration on the suggestion.

14. CBS replied that there was no need to create another category of recognized professionals because the proposed "fit for purpose" certificate could be issued by existing recognized professionals. DD/FEH(EH) said that the introduction

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of the fast track process involved legislative amendments, and that the Administration would have to consult the trade and recognized professionals. Therefore, the Administration would first assess the response of the trade to the effectiveness of the new licensing process to be introduced in June this year at the time being. If the trade responded favourably to the new licensing process, it would probably not support the more expensive fast track process.

15. Mr WONG Yung-kan asked about the effectiveness of the “Case Manager” scheme since its introduction in mid April this year. DD/FEH(EH) replied that since the introduction of the “Case Manager” scheme, over 95% of the cases had met the performance pledge.

16. Miss CHOY So-yuk pointed out that some of the restaurant licensees had encountered difficulties in renewing their licences because they were not familiar with the new licensing requirements. In view of this, Miss CHOY asked whether the Administration had considered reviewing the process of renewing restaurant licences. Miss CHOY also suggested that the Administration should inform restaurant licensees of the up-to-date licensing requirements by letter.

17. DD/FEH(EH) responded that the review of the renewal of restaurant licences would be the next item on the agenda of the Administration. She further said that the Administration would actively consider informing restaurant owners or operators of the latest licensing requirements by letter, or by other means such as through regular inspections conducted by health inspectors. DD/FEH(EH) also pointed out that restaurant licensees could also seek assistance from the Resource Centre to be set up for handling enquiries.

18. The Chairman asked about the initial response of the trade to the new licensing process to be introduced in June this year.

19. DD/FEH(EH) said that the Administration had conducted two rounds of consultative meetings with the trade in early May this year to brief them on the new initiatives to streamline the licensing procedures and the plan of the Administration. The trade in general reacted favourably to the new measures which would further streamline the existing procedures. She further said that the Administration would review the operation of the new licensing procedures with the trade on a regular basis.

20. With regard to the Chairman’s question on the review of the application process of other food business licences, DD/FEH(EH) said that apart from restaurant licences, the consultant had also examined the procedures for issuing Light Refreshment Restaurant licences and Food Business licences. The consultant had already delivered its final report on the procedures for issuing Light Refreshment Restaurant licences in April this year. FEHD had studied the recommendations of the consultant and was now drawing up an action plan, which was expected to be completed by July this year. As to the procedures for issuing Food Business licences, she said that the consultancy report was expected to be completed within six months.

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21. Mr Fred LI asked whether the Consultant would study streamlining the procedures for issuing liquor licences. DD/FEH(EH) said that the Administration had not asked the Consultant to examine the procedures for issuing liquor licences as it was under the purview of the Liquor Licensing Board which was independent of Government. She pointed out that currently it took about three months to issue a liquor licence.

III. Management of hawker control teams

[Paper No. CB(2)2107/99-00(02)]

22. Deputy Director of Food and Environmental Hygiene (Administration and Development) (DD/FEH(AD)) briefed members on the Administration's paper which outlined the major recommendations of an assignment study conducted by the ICAC on hawker control operations.

23. Mr Fred LI raised the following questions:

- (a) Since the goods of Itinerant Hawker Licence (IHL) holders were not subject to forfeiture when they were arrested for causing obstruction, they might be hired by unlicensed hawkers to "stand in" for them in order to avoid forfeiture of goods. Mr LI asked if the Administration had any plan to delete the category of licensed itinerant hawkers so as to prevent such a situation;
- (b) What measures the Administration would take against the illegal hawking activity of displaying commodities on the pavement outside shops, in order to prevent selective enforcement by the Hawker Control Team (HCT) (e.g. verbal warning and/or prosecution) against shop operators; and
- (c) Since only a small number of hawkers had been arrested during joint raids of black spots of unlicensed hawkers by hawker control staff and the police, Mr LI asked whether there was any leakage of information by police officers on raiding targets, and whether the ICAC would conduct assignment studies to plug such corruption loophole.

24. Concerning leakage of raiding targets, DD/FEH(EH) said that the Police had strict conduct requirements and monitoring system. As far as she knew, police officers were strictly prohibited from carrying private mobile phones during operations for prevention of leakage of information. DD/FEH(EH) further said that FEHD had always considered the joint raids with Police of the unlicensed hawker black spots to be very effective, and therefore did not think there was a problem of confidentiality of operations with the Police.

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25. Referring to paragraph 23(b) above, DD/FEH(EH) said that if shop operators failed to remove the commodities displayed outside their shops after repeated advice by the hawker control staff, FEHD would, depend on the seriousness of the disturbance, bring up the issue for discussion at the District Council or District Committee level, in order that FEHD could carry out joint action with the relevant departments, e.g. the Police, the Home Affairs Department and Lands Department. She pointed out that while joint enforcement actions had a deterrent effect on illegal hawking activities, self-discipline of shop operators and support of members of the public were most important. She pointed out that unless shop operators were caught obstructing the pavement with their commodities red-handed by HCT during patrols, it would be very difficult to give warnings to or/and lay charges against the shop operators concerned. As some of the streets were full of shops and many of the shop operators would display their commodities outside their shops, selective enforcement would be inevitable unless many hawker control staff were deployed to take actions concurrently to lay charges against all shop operators carrying out illegal hawking activities. Nevertheless, she hoped that through staff deployment and improvement of enforcement strategy, there would be fewer complaints in this regard.

26. Referring to paragraph 23(a) above, DD/FEH(EH) said that FEHD would definitely not allow substitution. HCT would lay charges against illegal hawkers and substitutes alike, and it would be for the court to make the judgement. As there were only a total of 1 214 licensed itinerant hawkers in Hong Kong, and many of them were old, the Administration did not consider that there was an urgency to delete itinerant hawker licences at present. Before a decision was taken on the deletion of licensed itinerant hawkers, the Administration would follow the practice of the former Municipal Councils. DD/FEH(EH) informed members that the former Regional Council adopted the policy of natural wastage to delete itinerant hawker licence, whereas the former Urban Council endorsed the Itinerant Hawkers Licence Compulsory Deletion Policy in 1993 with the aim of deleting the category of itinerant hawker licence in the urban area by April 1996. According to this policy, all affected licensed itinerant hawkers surrendering their licenses voluntarily in the interim would be offered the options of an ex gratia payment of \$30,000, a market stall, a licensed fixed pitch under the former Urban Services Department, a stall in a cooked food centre under the former Urban Services Department (only applicable to “mobile van” itinerant hawkers), or a kiosk in a leisure ground by restricted tender (only applicable to “frozen confectionery” and “mobile van” itinerant hawkers). However, as a result of a series of litigation, the above policy of the former Urban Council was not implemented on 1 April 1996. On 15 April 1997, the former Urban Council reconfirmed such policy, and formed a working group to advise on the resettlement of licensed itinerant hawkers who surrendered their licences voluntarily. However, the working group had still not finalized the policy before dissolution of the former Provisional Urban Council.

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27. DS(EF) added that the Administration was conducting a comprehensive review on hawker control and the management of HCT. The review would also cover the policy on the deletion of licensed itinerant hawkers. He stressed that in view of the seriousness of the hiring of licensed itinerant hawkers by unlicensed hawkers to “stand in” for them, the Administration would consider introducing a punitive point system for licensed itinerant hawkers and suspending their licences so as to discourage them from “standing in” for unlicensed hawkers.

28. Mr WONG Yung-kan asked if it was possible for the Administration to suspend the licences of itinerant hawkers if they had been proved to have “stood in” for unlicensed hawkers. DD/FEH(EH) replied that under the existing legislation, the judge could suggest to the Director of Food and Environmental Hygiene that the licences of the convicted itinerant hawkers be suspended.

29. Mr Fred LI considered that the Administration should follow the practice of the Government of Singapore to introduce a fixed penalty system to discourage illegal hawking activities. DS(EF) replied that the Administration would consider Mr LI’s suggestion when conducting a comprehensive review on hawker control and the management of HCT.

30. The Chairman asked about the resources that the Administration had put in hawker control at present. DD/FEH(EH) replied that about 3 000 staff were involved in hawker control at present, and the related expenses for this year were about \$770 million.

31. The Chairman further asked when the comprehensive review on hawker control and the management of HCT would be completed. DD/FEH(AD) replied that it was expected to be completed by the end of the year.

32. Mr Fred LI requested the Administration to provide the number of joint raids of unlicensed hawker black spots conducted by HCT and the police in the past year during which no or very few hawkers were arrested. DD/FEH(EH) said that he would try to look up the information and provide the Subcommittee with the relevant statistics commencing 1 January 2000.

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33. Miss CHOY So-yuk opined that the Administration should consider reissuing new newspaper stall licences to those interested. To prevent newspaper hawkers from extending their hawking area illegally and obstructing the pavement or/and the windows of shops, Miss CHOY suggested that the Administration should make reference to overseas experience to require newspaper hawkers to use pre-built newspaper stands. DD/FEH(EH) responded that in order to gradually reduce hawking activities on the streets, the Administration would not issue new hawker licences under normal circumstances. Nevertheless, she said she would consider Miss CHOY’s suggestion.

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IV. Any other business

34. Members agreed to hold the next meeting on 19 June 2000 at 8:30 am to discuss the following:

- (a) hygiene standard in public toilets and toilets in restaurants; and
- (b) water dripping from ventilation systems.

35. There being no other business, the meeting ended at 10:35 am.

Legislative Council Secretariat
12 October 2000