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***Legislative Council***

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**Report of the  
Subcommittee on matters relating to environmental hygiene**

**for the meeting of the  
Legislative Council Panel on Environmental Affairs  
on 2 June 2000**

**Purpose**

This paper reports on the work of the Subcommittee on matters relating to environmental hygiene set up under the LegCo Panel on Environmental Affairs in February 2000.

**Background**

2. The responsibilities for the provision of municipal services including environmental hygiene services have been taken over by the Government following the dissolution of the two Provisional Municipal Councils on 1 January 2000. To enable Legislative Council (LegCo) Panels to monitor the provision of these services by the new administrative structure, the Council passed a resolution on 26 January 2000 to expand the terms of reference of the Panel on Environmental Affairs and Panel on Health Services. The Panel on Environmental Affairs has since taken up the task of monitoring issues relating to environmental hygiene.

3. Given the wide range of environmental hygiene issues to be monitored, the Panel on Environmental Affairs decided on 10 February 2000 that a subcommittee should be established under the Panel to provide dedicated attention to these matters.

**The Subcommittee**

4. The Subcommittee comprises six members of the Panel. Chaired by Dr Hon TANG Siu-tong, the Subcommittee held four meetings between February and May 2000. The membership list of the Subcommittee is in **Appendix 1**.

5. At the first meeting on 25 February 2000, the Subcommittee agreed that its scope of work should cover the following areas -

- Pest control;
- Licensing services;
- Hygiene services;
- Market services;
- Cleansing services;
- Toilet services;
- Hawker management services; and
- Dead disposal services.

### **Work of the Subcommittee**

#### The new administrative structure

6. Members noted that, from 1 January 2000, a new Environment and Food Bureau had been set up to assume policy responsibilities for environment and food safety, while the new Food and Environmental Hygiene Department (FEHD) was responsible for the regulation and control of food safety, public health and environmental hygiene. To enable members to have a better understanding of the policy objectives and performance targets in relation to environmental hygiene services under the new structure, the Subcommittee sought a briefing from the new Bureau and Department. Members were briefed that the new FEHD performed a wide range of environmental hygiene functions including hawkers and markets, pest control, food business and liquor licensing, street cleansing, public toilets and dead disposal.

7. In response to members' concern that there should be greater participation of District Councils (DCs) in the provision of municipal services, the Administration assured members that the new FEHD would increase communication with DCs to enhance accountability and transparency of the work of the new Department. As a first step, FEHD had briefed the 18 DCs on its work and would work towards effective partnership with the DCs in the provision of municipal services at the district level.

#### Streamlining proposals and policy reviews

8. The Administration informed members that the frontline operation and staffing for the provision of environmental hygiene services were basically the same as before. Some manpower savings had been achieved through economies of scale, streamlining of the Headquarters Division in FEHD and closing down of Cheung Sha Wan Abattoir.

9. With regard to the progress of policy reviews and implementation of the recommendations of the Consultancy Reports to streamline operations and to improve the provision of municipal services, the Administration had advised that the various recommendations including corporatization and privatization proposals were still at the initial stage of consideration. The Administration undertook to discuss with the relevant LegCo Panels when more concrete proposals were available. On the current contracting out arrangements, FEHD informed members that these were mainly concerned with public cleansing services. Most of the public toilets and public market cleansing service had already been contracted out, while part of street cleansing service was being undertaken by contractors engaged by FEHD.

10. At the request of members, the Administration had provided a list of the reviews in hand and the approximate timing for completion and implementation. The Administration had advised that the review to align the various fees and charges of the two former municipal councils would be carried out at the end of 2000 or in early 2001. The review of public market rental adjustments would be conducted around December 2000.

11. As regards the Itinerant Hawker Licence Compulsory Deletion Policy approved by the former Urban Council in 1993, members noted that the former Urban Council/Provisional Urban Council had decided to postpone implementation of the policy. Members also noted that the former Provisional Regional Council had a different policy of allowing gradual phasing out of such licences through natural wastage. In response to members' concern, the Administration had advised that it had no intention to introduce any major change to these policies at the present stage.

#### Food business licensing

12. The Subcommittee had urged the Administration to expedite actions to streamline the complicated food business licensing procedures to facilitate the trade and to reduce the time for the issue of a licence. This would also reduce the problem of food premises operating without licences. Members noted that the Consultant engaged by the Business and Services Promotion Unit under the Financial Secretary's Office had delivered its final report in January 2000 recommending measures to improve restaurant licensing. The main recommendations were the provision of a fast track process allowing recognized professionals to issue "fit for purpose" certificates, streamlining of the normal licence process to enable issue of "Letter of Requirement" for both full and provisional licences within 26 working days, speedy retrieval of building plans, and a Case Manager system to coordinate application matters.

13. Members noted that the Administration would give priority to measures to streamline the normal track process by shortening the time for the issue of Letter of Requirement to 20 days. FEHD had also started the Case Manager

system since April 2000, while the Buildings Department had deployed additional staff to shorten the retrieval time of building plans from 30 days to four days. With these improvements, a Provisional Licence could be issued within 28 days, while a Full Licence would be issued within 4 to 6 months if the applicant satisfied all licensing requirements.

14. Members stressed the importance of better coordination among government departments and the inculcation of a "customer-oriented" culture for food business licensing. Some members were of the view that the processing time for the issue of a Full Licence was still too long, and suggested a one-stop service unit to speed up the process. The Administration had responded that the current arrangements could provide greater flexibility in resource deployment and the departments concerned would make their best endeavours to reduce the processing time with better coordination and streamlined procedures. Since the implementation of the improvement measures in April 2000, 95% of the applications could meet the performance pledge. Members also noted that consideration was being given to the establishment of a Resource Centre to provide user-friendly information on restaurant licensing. The Administration would provide progress reports to the Panel on the improvements made.

15. With regard to the proposed "fit for purpose" certification system, members considered that the Administration would consult the trade and professional bodies on the legislative amendments and implementation details. In this regard, members noted that the Administration would continue to discuss the proposals with the trade and professionals before taking a decision.

16. Members also requested the Administration to streamline the procedures for various kinds of food business licences as well as the licence renewal process. The Administration had responded that studies were underway to review these licensing procedures, and there should be a clearer direction on the licensing system in 2001.

#### Closure of food business without a licence

17. Members had discussed with the Administration the legislative proposal to close immediately any unlicensed food premises which were not fit to operate on grounds of structural, fire or public health reasons. Members expressed concern that the present process for closing an unlicensed food premises took as long as nine months and that these unlicensed food premises could continue to operate illegally during the period. As there were some 600 food premises operating without a licence and 19% of them did not meet the licensing requirements, members considered that the Administration should step up enforcement actions against illegal operations, including unlicensed food factories, to minimize risks to public health.

### Open Classification Scheme for food premises

18. Members noted that the Open Classification Scheme was launched by the two former Provisional Municipal Services in late 1999 as a pilot scheme for restaurants and food factories supplying lunch boxes to schools, and that a total of 4 530 restaurants and 20 food factories were graded as "Excellence in Hygiene". Members expressed concern that 16% of those food premises graded as "Excellence in Hygiene" under the Open Classification Scheme were found to be only of Category C standard or even of poor conditions during regular inspections by FEHD. While acknowledging that the Open Classification Scheme was designed with the objective of providing an incentive for food business licensees to upgrade the hygienic standard of their premises, members had reservations that less stringent assessment criteria had been adopted under the Scheme. They were also concerned that premises graded as "Excellence in Hygiene" could continue to display the certificate pending conviction in court for breaches of the relevant legislation and licensing requirements/conditions. Members considered the arrangement confusing to the public and urged the Administration to conduct an early review of the Scheme. In response to members' concerns, the Administration had responded that the review would be completed before expiry of the certificates of the Scheme in October 2000, and that the trade would be consulted before a decision was taken on the future of the Scheme.

### Hawker management

19. In view of the public concern about reports of improper practice in the operation of the Hawker Control Force (HCF), the Subcommittee discussed with the Administration measures to improve the management of HCF and the operation arrangements. Members noted that the Corruption Prevention Department (CPD) of the Independent Commission Against Corruption had completed an assignment study on the hawker control operations and made recommendations in May 2000. The Administration would also conduct an overall review of the HCF management focusing on manpower deployment and enhancing professionalism through staff training and discipline. The overall review would be completed by the end of 2000.

20. Members expressed much concern that some licensed itinerant hawkers were hired to stand in for illegal hawkers upon arrest in order to avoid forfeiture of goods. As such acts amounted to perversion of the course of justice, members urged the Administration to take early action to address the problem. The Administration had responded that "substitution" was strictly prohibited and measures would be taken immediately to address the problem. A member also suggested a fixed penalty or demerit system for those licensed itinerant hawkers who "substituted" for illegal hawkers in prosecution in order provide deterrence. In addition, members considered that the Administration should review the policy on deletion of itinerant hawker licences and consider means to assist existing licensees to change trade. The Administration had

agreed to take into account members' suggestions in conducting the policy review on licensed itinerant hawkers.

21. Members also expressed concern that the Administration should step up efforts to prevent leakage of operation information (such as raiding targets) by HCF members or other departments involved in joint operations. FEHD responded that it would implement the CPD recommendations in relation to confidentiality of operations, and that the Police also had internal guidelines for joint operations.

22. On the problem of discretionary enforcement such as illegal shop extensions, a member had suggested more targeted enforcement on black spots and repeated offenders. In this connection, the Administration had stressed the importance of self-regulation by the trade and that enforcement would be taken if warnings failed. In the light of members' comments, the Administration would review the enforcement strategies to ensure fairness and to provide sufficient deterrence.

#### Crematoria service

23. In response to members' concern about the waiting time for crematoria service, the Administration had briefed members on the various improvements to the booking service. Members noted that additional sessions for crematoria service were made available to meet the need of the families of the deceased and the demand during peak periods. Members also noted that a replacement programme had been planned for the existing cremators as some of them had been in use for many years.

24. Concerning the emissions from cremators, the Administration had assured members that any proposal for increase of cremation facilities would be subject to the Environmental Impact Assessment. The Administration would also consult the DC concerned on these proposals.

#### Other issues

25. The Subcommittee will meet again on 19 June 2000 to discuss the hygiene standards and facilities in public toilets, as well as the problem of drippings from ventilating systems.

Legislative Council Secretariat

1 June 2000