

立法會
Legislative Council

LC Paper No. CB(2)1935/10-11

(These minutes have been seen
by the Administration)

Ref : CB2/PL/FE

Panel on Food Safety and Environmental Hygiene

Minutes of meeting
held on Tuesday, 12 April 2011, at 2:30 pm
in the Chamber of the Legislative Council Building

Members present : Hon Tommy CHEUNG Yu-yan, SBS, JP (Chairman)
Hon WONG Yung-kan, SBS, JP (Deputy Chairman)
Hon Fred LI Wah-ming, SBS, JP
Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon WONG Kwok-hing, MH
Dr Hon Joseph LEE Kok-long, SBS, JP
Hon KAM Nai-wai, MH
Dr Hon LEUNG Ka-lau
Hon WONG Sing-chi
Hon Alan LEONG Kah-kit, SC
Hon WONG Yuk-man

Member attending : Hon Tanya CHAN

Public Officers attending : Item IV

Dr York CHOW Yat-ngok, GBS, JP
Secretary for Food and Health

Mrs Marion LAI CHAN Chi-kuen, JP
Permanent Secretary for Food and Health (Food)

Mr Clement LEUNG Cheuk-man, JP
Director of Food and Environmental Hygiene

Ms Gracie FOO Siu-wai, JP
Deputy Secretary for Development (Planning and Lands) 1

Ms Karen CHAN Pui-yee
Assistant Director of Lands (Estate Management)

Mr LING Chi-tack
Assistant Director of Planning/Board

Item V

Prof Gabriel M LEUNG, JP
Under Secretary for Food and Health

Mr Kevin YEUNG Yun-hung
Principal Assistant Secretary for Food and Health (Food) 1

Mr LO Fu-wai, JP
Assistant Director of Food and Environmental Hygiene
(Operations) 1

Mr Peter Geoffrey HUNT
Assistant Commissioner of Police (Support)

Mr Thomas WONG Kin-yee
Superintendent of Police (Licensing Office) (Acting)

Mr Alex CHOW Kim-ping
Assistant Director/Support (Acting)
Buildings Department

Mr LAU Mun-ming, FSMSM
Chief Fire Officer (Licensing and Certification Command)
Fire Services Department

Mrs Vicki KWOK WONG Wing-ki, JP
District Officer (Yau Tsim Mong)
Home Affairs Department

Mr LING Chi-tack
Assistant Director of Planning/Board

Attendance : Item V
by invitation

Liquor Licensing Board

Mr Stephen YAU How-boa, BBS, MH, JP
Chairman

Mr KONG Wai-yeung
Vice-Chairman

Mr SHUM Hon-wo
Member

Hong Kong Bars and Karaoke Rights Advocacy

Miss Anita TO
Vice Chairman

Individual

Mr NG Po-keung
Kowloon City District Council Member

Mongkok District Residence Association

Mr WONG Kin-san
Vice-Chairman

Entertainment Business Rights Concern Group

Miss Lilian CHAN
Spokeswoman

CWD Liquor Licence Concern Group

Mr HUI Chi-fung
Convenor

Individual

Mr YUEN Bun-keung
Central and Western District Council Member

Individual

Ms CHENG Lai-king
Central and Western District Council Member

United Social Service Ltd.

Mr YONG Chak-cheong
Member

The Democratic Party

Mr Wilhelm TANG Wai-chung
Community Officer

Residents' Association of Prince Edward

Mr LAU Chun-yip
Chairperson

Hillwood Merchant Association

Mr Charlie CHAIR
Chairman

Hong Kong Bar & Club Association

Mr George TSAI
Chairman

港九麻雀聯誼會總商會

Mr LEE Wai-hung
Chairman

The Federation of Hong Kong and Kowloon Ballroom
and Night Club Merchants

Mr SHEK Kin-chung
Spokesman

Wanchai Bar Association

Mr David MAK
Spokesman

酒吧業(香港)聯社

Mr Simon LEE
Spokesman

Clerk in attendance : Mrs Sharon TONG
Principal Council Secretary (2)

Staff in attendance : Mr Jove CHAN
Senior Council Secretary (2) 8

Ms Mina CHAN
Council Secretary (2) 7

Miss Michelle LEE
Legislative Assistant (2) 7

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I. Confirmation of minutes

(LC Paper No. CB(2)1352/10-11)

The minutes of the meeting held on 15 February 2011 were confirmed.

II. Information paper(s) issued since the last meeting

(LC Paper Nos. CB(2)1362/10-11(01) and (02))

2. Members noted that the following papers had been issued since the last meeting -

- (a) letter dated 8 March 2011 from Miss HO Hang-mui, Tuen Mun District Council Member; and
- (b) the Administration's reply to Miss HO dated 25 March 2011.

III. Items for discussion at the next meeting

(LC Paper Nos. CB(2)1451/10-11(01) and (02))

3. Members agreed to discuss the following items proposed by the Administration at the next meeting to be held on 17 May 2011 -

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- (a) Imported Game, Meat, Poultry and Poultry Egg Regulation under the Food Safety Bill; and
- (b) Proposed measures to further enhance animal welfare.

4. Mr WONG Kwok-hing expressed concern about the sustained diffusion of radioactive substance from the Daiichi nuclear power plant in Fukushima in Japan, giving rise to contamination of certain food products in nearby regions. Mr WONG suggested and members agreed to request the Administration to update the progress and findings of radiation contamination monitoring since the last visit by the Panel to the Airport Food Safety Office on 8 April 2011 at the next meeting. Mr WONG Sing-chi and Mr WONG Yung-kan said that the radiation examination of agricultural and fishery products imported from Mainland China should also be monitored and requested the Administration to provide findings on radiation examination of food products from Mainland China.

IV. Review of columbarium policy

(LC Paper Nos. CB(2)1451/10-11(03) and (04))

5. Secretary for Food and Health ("SFH") briefed members on the outcome of the public consultation on the review of columbarium policy and the updated measures taken by the Administration to increase supply of columbarium facilities, and enhance consumer protection, as well as some preliminary proposals for a licensing scheme to strengthen regulation of private columbaria as detailed in the Administration's paper. SFH remarked that the Administration would develop more detailed proposals to further consult the public on the licensing scheme ("the Scheme").

6. Mr WONG Kwok-hing noted that during the public consultation, views had been expressed for pre-existing private columbaria with niches of a designated number or below, or those which had existed for long time, to be exempted from the Scheme. Mr WONG requested the Administration to specify the designated number and define the time-span for the "long time" with the underlying rationales, to avoid possible disputes of double standards.

7. SFH responded that designated number of niches and time-span of existence were two among other possible factors for the consideration of exemption from the Scheme. During the public consultation, there were suggestions that storage of cremains of family members at home and storage of cremains of monks or believers in the genuine religious institutions should be exempted from the licensing scheme. Also, certain pre-existing private

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columbaria had been operating at their locations long before the development of residential estates nearby. Further discussions would be necessary for the public to reach a consensus on the standard of "limited number" and "time-span of existence".

8. Mr WONG Kwok-hing expressed worry that if the time span of existence was not defined, operators of unauthorized columbaria might mislead consumers by alleging that they would be exempted from the Scheme. SFH said that there were records documenting the existence of private columbaria, including records at the Planning Department and the Lands Department. The licensing authority could draw reference from these documents when identifying the starting date of a columbarium's business.

9. Mr WONG Kwok-hing and Mr WONG Sing-chi enquired whether the columbaria to be exempted from the Scheme would still be requested to comply with the requirements to be imposed by the licensing authority to protect interests of consumers. Mr WONG Sing-chi referred to an unauthorized columbarium which packaged itself as a charity organization and launched large-scale publicity to attract new customers by offering niches free-of-charge. He enquired how the Administration would restrain these unauthorized columbaria and sought information on the follow up actions to be taken by the Administration.

10. SFH stressed that all those columbaria to be exempted from the Scheme would still need to adhere to requirements of other legislation such as those on lands, planning, fire safety and building structure. In order to continue their business, the unauthorized columbaria should regularize any breaches of planning and/or lease terms by applying for the relevant planning permission and/or lease modification. Deputy Secretary for Development (Planning and Lands)1 ("DS(PL)1") added that the Development Bureau ("DEVB") had published information on private columbaria known to the Lands Department and the Planning Department, i.e. the "Information on Private Columbaria" issued on 16 December 2010 and updated on 31 March 2011. Those columbaria pending checking for compliance with the relevant requirements for inclusion in Part A of the Information, or had been confirmed not compliant with the user restrictions in the land leases and/or statutory town planning requirements and/or were illegally occupying Government land, would be included in Part B. Relevant departments would continue to take enforcement actions against relevant aspects of private columbaria in accordance with their respective mandate as empowered by the relevant legislation and/or land lease.

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11. Regarding the enforcement actions, DS(PL)1 advised that the Planning Department had issued enforcement notice to three private columbaria for discontinuance of the unauthorized development. One of these three cases was due. The Planning Department would re-visit the concerned columbarium and assess whether the unauthorized development had discontinued. In case of non-compliance, the Planning Department would collect evidence and initiate prosecution action against the columbarium operator. If an operator did not agree to the Government's actions and sought judicial review, such information would also be reflected in Part B of the Information where appropriate.

12. Noting that certain private columbaria had been advertised as "government-recognized" columbaria, Mr TAM Yiu-chung sought information on the Administration's follow-up actions against false declaration in the advertisement. SFH responded that DEVB had published the Information on Private Columbaria, including in Part A private columbaria compliant with user restrictions in the land leases and the statutory town planning requirements and not illegally occupying Government land. The public should make reference to it instead of the advertisements posted by operators of columbaria.

13. Mr TAM Yiu-chung said that it had been reported that urns with cremains were netted by fishermen during their practices in waters where the pilot scheme of cremains scattering at sea took place. He enquired whether the service users of the pilot scheme had been informed not to dispose of urns into the sea. Mr WONG Yung-kan echoed Mr TAM's view. Mr WONG asked about the number of private boats involved in providing the cremains scattering services in the last two years and details of the Administration's actions to monitor their practices.

14. SFH responded that prior approval from the Food and Environmental Hygiene Department ("FEHD") should be obtained before scattering cremains at sea. Such activities could only take place at one of the three designated areas which were away from fish culture zones. Director of Food and Environmental Hygiene ("DFEH") said that 80% of such activities used FEHD's pilot scheme and no disposal of urns was allowed. For people who rented private boats for scattering at sea, FEHD had also reminded families of the deceased, licensed undertakers and vessel operators not to dispose of urns or other offerings into the sea. DFEH added that if fishermen found urns during their fishing activities, they could seek assistance from FEHD for proper disposal.

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15. Mr TAM Yiu-chung sought information on the timetable for introducing legislation in the Legislative Council. SFH responded that the Administration hoped to proceed with legislation as early as practicable. However, as the issues were complicated and sensitive, the Government needed to gauge the mainstream public opinion on the detailed proposals, particularly the exemption criteria and definition of columbarium, etc. The Administration would develop more detailed proposals to further consult the public on the licensing scheme and would launch the second public consultation in the second half of 2011. It would hence be more practicable to submit the legislative proposals in the next term of the Government.

16. Miss Tanya CHAN enquired about the reasons for the Administration not requiring the columbarium operator to own the land occupied by the columbarium, and whether the requirement of setting up maintenance fund would be adopted as a licensing condition.

17. SFH responded that it had been proposed as one of the criteria for granting licence that the land occupied by a private columbarium should preferably be owned by the columbarium operator. Permanent Secretary for Food and Health (Food) ("PSFH(F)") said that, according to the views collected in the public consultation, there was concern about the operation of columbaria pertaining to the safety and long term maintenance of the physical structure, particularly those columbaria where most niches had been sold, as their long-term income source was limited and unstable. The Government, therefore, proposed that an applicant for a licence to operate a columbarium should set up a maintenance fund to be used for the repair and maintenance of the columbarium concerned. Detailed proposals of the fund, e.g., sources of the fund and monitoring measures, would be further discussed in the second public consultation exercise. PSFH(F) added that in certain overseas practices, a specified percentage of sales revenue was allocated to the maintenance fund which could not be used for other recurrent expenses, e.g., employees' salaries. The Administration would make reference to such overseas experience in drawing up the proposals concerning the maintenance fund.

18. Noting the maximum period of temporary exemption and the time needed for the legislative process, Miss Tanya CHAN commented that it was unreasonably long for operators to regularize the non-compliance in five to six years. Miss CHAN questioned whether the maximum period of temporary exemption could be shortened. SFH responded that adequate time would be necessary for departments to assess and process the applications and examine the details of the land lease, land use, etc. Time would also be needed to deal with possible disputes and where necessary examine views

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from districts. Therefore, two and a half years were considered to be appropriate for temporary exemption.

19. Mr WONG Yuk-man commented that the Administration was putting off the legislation by carrying out the second public consultation in the second half of 2011. He said that the columbarium policy involved various interested parties. He also commented that the Government did not enforce the law seriously and questioned whether the Administration was determined to proceed with legislation.

20. SFH said that the Administration was determined to enhance regulation of private columbaria through legislation after the community had reached a consensus. Yet, there were divergent views over the scope and intensity of regulation under the licensing scheme and the arrangements for pre-existing private columbaria. It would take time to resolve these issues.

21. Mr WONG Yuk-man expressed understanding on the difficulties for the Government to enforce the relevant regulations. He said that the issues involved were complicated and people should not put all the blames on the Administration.

22. Mr WONG Yung-kan said that people burned joss paper on street in districts where a number of private columbaria located during Ching Ming and Chung Yeung Festivals and thus causing nuisance to residents nearby. He enquired about the ways to handle the problem.

23. DFEH said that FEHD worked closely with members of the Kowloon City District Council during the last Ching Ming Festival to enhance the publicity and education to undertakers and their customers. Notably, there were fewer complaints about environmental nuisances this year. DFEH added that FEHD would warn and prosecute those who breached the law. Last year, more than 400 verbal warnings were given and there were more than 100 cases of prosecution. FEHD would also arrange cleaners to clear up the streets more frequently over the period.

24. Mr WONG Yung-kan asked how the allocation of niches in public columbaria could be speeded up. SFH replied that to relieve the short-term demand, the Government was building a new public columbarium within the Wo Hop Shek Cemetery, providing about 41 000 niches by 2012. Apart from public columbaria, non-governmental organizations, such as the Board of Management of the Chinese Permanent Cemeteries, would also provide more niches in the coming years. In the long run, support from communities in all districts for district-based columbarium development scheme would be

essential.

25. Mr WONG Kwok-hing opined that the provision of niches should be defined as a kind of property right transaction instead of contract for service. Mr WONG enquired about the reasons for the Administration not defining provision of niches places as sales transaction of property right to avoid grey areas. Mr WONG said that certain operators of columbaria had misled consumers by charging various kinds of service, for example, incensing fee, management fee and charity donation, etc. He asked about the measures adopted to regulate the charges imposed on consumers.

26. SFH said it was doubtful if the sale or rental of niche would be akin to a transaction of property right. The use of niche had been limited to storage of cremains only. He added that members could refer to paragraph 22(c) of the Administration's paper for the measures proposed for regulating charges imposed and paid by consumers.

27. Mr WONG Sing-chi raised concern about the measures to protect consumers' right when a columbarium winded up. SFH responded that it would be important to include provisions in legislation to protect consumers' right. He referred members to the Administration's paper for details of the main principles.

28. Miss Tanya CHAN commented that Part A and Part B attached to the "Information on Private Columbaria" were not exclusive to include all private columbaria. She also said that there were about 2 000 agents in the trade and most of them had not received any formal training on related regulations of columbaria. She enquired about the monitoring measures of sales agents of columbaria. Miss CHAN also questioned whether licence validity of five years would be appropriate and whether the licensing authority would adopt a marking/demerit mechanism in re-assessing the columbaria when renewing licences.

29. SFH replied that generally customers would visit the columbaria in person instead of purchasing or renting niches via agents only. The Administration would regulate the operators of the columbaria and require them to enter into a contract with consumers over the ownership / terms of use of a niche. Regarding the licence validity period, five years was considered to be appropriate as the licensing authority would need to review the operation of columbaria for a certain period of time.

30. Mr WONG Yuk-man expressed concern about the issue on relocation of cremains and compensation when an unauthorized columbarium was

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scrapped. Unauthorized columbaria would be encouraged if priority would be given to those affected in providing niches in public columbarium facilities. He doubted whether the Government had assessed the number of niches needed to be re-allocated and expressed worry that the unauthorized columbaria listed in Part B could not be genuinely regularized.

31. DS(PL)1 explained cases of the enforcement actions taken for private columbaria in Part B. The Administration allowed time for the operators to ameliorate the non-compliance and would monitor the progress for protection of consumers' rights.

V. Liquor licensing review

(LC Paper Nos. CB(2)1451/10-11(05), CB(2)1451/10-11(06) and CB(2)1476/10-11(01))

Views of deputations / individuals

Liquor Licensing Board

(LC Paper No. CB(2)1205/10-11(01))

32. Mr Stephen YAU How-boa presented the views of Liquor Licensing Board ("LLB") as detailed in its submission.

Hong Kong Bars and Karaoke Rights Advocacy

33. Miss Anita TO presented the views of Hong Kong Bars and Karaoke Rights Advocacy as detailed in its submission tabled at the meeting.

(*Post-meeting note:* The submission was circulated to members vide LC Paper No. CB(2)1513/10-11(02) on 13 April 2011)

Mr NG Po-keung (Kowloon City District Council Member)

(LC Paper No. CB(2)1451/10-11(09))

34. Mr NG Po-keung presented his views as detailed in his submission.

Mongkok District Residence Association

(LC Paper No. CB(2)1451/10-11(07))

35. Mr WONG Kin-san presented the views of Mongkok District Residence Association as detailed in its submission.

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Entertainment Business Rights Concern Group

36. Miss Lilian CHAN presented the views of Entertainment Business Rights Concern Group as detailed in its submission tabled at the meeting.

(Post-meeting note: The submission was circulated to members vide LC Paper No. CB(2)1513/10-11(02) on 13 April 2011)

CWD Liquor Licence Concern Group

37. Mr HUI Chi-fung presented the views of CWD Liquor Licence Concern Group. He disagreed with LLB's practice of allowing bars located at commercial-cum-residential areas to open till 6:00 am or even 24 hours a day. He also opined that LLB should play the role of monitoring and law enforcement.

Mr Yuen Bun-keung (Central and Western District Council Member)

38. Mr YUEN Bun-keung commented that LLB should impose supplementary licensing conditions on premises located in residential or commercial-cum-residential areas to alleviate the nuisances caused to the residents.

Ms CHENG Lai-king (Central and Western District Council Member)

39. Ms CHENG Lai-king said that the Administration should better coordinate various departments on law enforcement actions. She suggested standardizing the business hours of licensed premises to a reasonable time and setting a maximum number of persons allowed at licensed premises.

United Social Service Ltd.

40. Mr YONG Chak-cheong presented the views of United Social Service Ltd. He expressed support for the suggestion of the demerit points system ("DPS"). He also opined that the Administration should better coordinate various departments to handle residents' complaints.

The Democratic Party

41. Mr Wilhelm TANG Wai-chung presented the views of the Democratic Party. He suggested the Administration setting up a joint departmental office to handle residents' complaints more proactively. He also expressed support to the suggestion of DPS.

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Residents' Association of Prince Edward

42. Mr LAU Chun-yip presented the views of Residents' Association of Prince Edward. He commented the location planning of premises for selling liquor. He also suggested LLB seeking public's views on liquor licence applications through new channels, e.g., social networks on the internet.

Hillwood Merchant Association

43. Mr Charlie CHAIR presented the views of Hillwood Merchant Association as detailed in its submission tabled at the meeting.

(Post-meeting note: The submission was circulated to members vide LC Paper No. CB(2)1513/10-11(02) on 13 April 2011)

Hong Kong Bar & Club Association

44. Mr George TSAI presented the views of Hong Kong Bar & Club Association as detailed in its submission tabled at the meeting.

(Post-meeting note: The submission was circulated to members vide LC Paper No. CB(2)1513/10-11(02) on 13 April 2011)

港九麻雀聯誼會總商會

45. Mr LEE Wai-hung presented the views of 港九麻雀聯誼會總商會 as detailed in its submission tabled at the meeting.

(Post-meeting note: The submission was circulated to members vide LC Paper No. CB(2)1513/10-11(02) on 13 April 2011)

The Federation of Hong Kong and Kowloon Ballroom and Night Club Merchants

46. Mr SHEK Kin-chung presented the views of The Federation of Hong Kong and Kowloon Ballroom and Night Club Merchants as detailed in its submission tabled at the meeting.

(Post-meeting note: The submission was circulated to members vide LC Paper No. CB(2)1513/10-11(02) on 13 April 2011)

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Wanchai Bar Association

47. Mr David MAK presented the views of Wanchai Bar Association as detailed in its submission tabled at the meeting.

(Post-meeting note: The submission was circulated to members vide LC Paper No. CB(2)1513/10-11(02) on 13 April 2011)

酒吧業(香港)聯社

48. Mr Simon LEE presented the views of 酒吧業(香港)聯社 as detailed in its submission tabled at the meeting.

(Post-meeting note: The submission was circulated to members vide LC Paper No. CB(2)1513/10-11(02) on 13 April 2011)

The Administration's response to the views expressed by deputations / individuals

49. Under Secretary for Food and Health ("USFH") responded with the following points -

- (a) concurring with LLB's views, the Administration considered it justifiable to retain the "natural person" requirement of a liquor licensee as this provided for a clear liability and legal responsibility of the licensee to supervise and manage the licensed premises personally. The Administration would also consider the practicality of "reserve licensee" which was supported by some members of LLB;
- (b) when LLB considered granting a liquor licence, especially to "upstairs bar", other licensing conditions, which included preventive measures to reduce nuisances to residents, were often added;
- (c) LLB invited public's views on liquor licence application via the District Offices of the Home Affairs Department ("HAD"), notices posted by FEHD, and notice placed in newspapers by the applicant. The suggestion of DPS, similar to the one applicable to food business licences, could in principle provide reference to LLB in the consideration of licence applications. However, it should not override the statutory authority of LLB; and

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- (d) the Administration would take into account the views of various stakeholders for the preparation of the consultation documents.

Discussion

50. Mr Vincent FANG opined that there were difficulties in law enforcement in handling smoking problem. He supported the proposal of allowing separate indoor smoking room. While expressing support for the suggestion of DPS, Mr FANG requested the Administration to provide clear guidelines on its operation. Mr FANG commented that as there were bars operating in commercial-cum-residential buildings and residential building already, it would be unfair to impose limitation on new licence applications at these kinds of buildings. In his view, the existence of bars and restaurants was beneficial to business sector provided that there were clear guidelines, for example, on regulation on business hours and proper law enforcement. It was important to balance the views of different stakeholders.

51. USFH expressed understanding on the worries of the trade about the operation of DPS. He agreed that the details, particularly on the provision of operational guidelines, could be further explored to ensure that DPS, if implemented, could provide quantitative indices for LLB's reference and allow flexibility for LLB in its overall consideration. The Administration would further invite views, especially those of licensed premises operating in the Central and Western, Wanchai and Yau Tsim Mong districts, and would make practical suggestions in the consultation documents. Regarding the view on limiting the number of licensed premises in certain districts or buildings, USFH advised that it was LLB's current practice to review the number of licensed premises in neighbourhood for safety consideration, especially the safety for persons under influence of alcohol.

52. Mr Vincent FANG enquired about the details on the operation of licence check. Assistant Commissioner of Police (Support) ("ACP(S)") agreed to provide the information after the meeting.

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53. Mr KAM Nai-wai said that when the Police took law enforcement action, it usually focused on fighting crime and was not able to genuinely help residents handle the nuisances. Mr KAM also said that LLB should refer to the three criteria in its consideration of liquor licence application, i.e., whether the applicant was a suitable person, whether the premises was at a suitable location, and the consideration of public interest. Possible financial loss of investor on liquor selling business should not be a factor in LLB's consideration. Mr KAM queried whether DPS could eliminate breaches of regulations by the licensed premises, as LLB seldom revoked liquor licence

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during its validity. He also enquired about the details of LLB's request made to the Administration for policy and guidelines regarding lands planning.

54. Mr Stephen YAU How-boa said that it was LLB's standing practice to consider all liquor licence applications with reference to the three criteria. However, in the absence of Government policy on lands planning regarding liquor selling in commercial-cum-residential buildings or residential areas, LLB would need to balance the interests of different stakeholders when considering applications for operating business at these buildings or areas. Additional licensing conditions might be imposed where necessary, e.g., restriction on the liquor selling hours. Mr YAU further advised that LLB revoked liquor licences of 27 premises in 2010 amidst their validity period. He stressed that the DPS mechanism, which was expected to provide certain reference indices for LLB in considering granting or renewal of liquor licence, was just a preliminary suggestion.

55. Mr WONG Kwok-hing requested LLB to give a clearer indication of the number of members who shared the views and agreed with the suggestions made by LLB to facilitate the Panel's considerations. Mr Stephen YAU How-boa responded that the exact figures were not available.

56. Mr WONG Kwok-hing enquired about the reasons for the Administration not accepting LLB's suggestion of commissioning consultant to conduct a comprehensive review. He also said that thorough review was necessary to resolve the confrontation between operators of licensed premises and the residents.

57. USFH responded that the only resolution to the said confrontation was to entirely separate the licensed premises from residential areas, which was not practical in Hong Kong. He invited Mr WONG to make suggestions in the coming public consultation. Regarding the suggested consultancy review, USFH said the Administration considered it most important to implement the enhanced measures of liquor licence policy after long deliberations since 2007. The Administration would start preparing the consultation documents after listening to the opinions from stakeholders and expect to complete public consultation by the end of 2011.

58. Mr WONG Kwok-hing did not agree with USFH. He opined that the Administration devised the policy and measures with an objective of business facilitation and ignored the views of residents. Commissioning a third party as consultant would help the Administration and LLB impartially collect views of all stakeholders and map out solutions to handle the confrontations.

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He commented that the Administration did not respect LLB's recommendation.

59. Mr WONG Yung-kan asked LLB whether the Administration opposed its suggestion of providing separate indoor smoking room in licensed premises. Mr Stephen YAU How-boa said that LLB had recommended defining a statutory no smoking area outside bars. However, this suggestion might be contradictory to the Government policy.

60. The Chairman expressed regret for the decline by LLB and the Administration to accept a company or more than one natural persons to be a licensee. He said that the current practice of requiring a natural person to be the licensee would hinder the development of business as an operator might plan to operate more than one licensed premises. The Chairman urged LLB and the Administration, including the Police, to seriously consider constricting the procedures for revocation of licence raised by a licensee. He also urged LLB and the Administration to reconsider the proposal of allowing a company to be a licensee.

61. The Chairman opined that LLB and the Administration had concentrated on regulatory measures on bars, and ignored the business facilitating measures for club houses, Chinese restaurants and tea restaurants. The Chairman suggested LLB and the Administration considering exemption of the requirement for liquor licence or issuance of classified liquor licence for clubs and restaurants selling low alcohol drinks.

62. The Chairman considered it controversial to set floor limit for "upstairs bar" as there were restaurants and bars operating on high floors of commercial buildings and hotel buildings. In the Chairman's view, LLB should have the power to determine the locations permitted for licensed premises.

63. Mr KAM Nai-wai asked about the details on coordination among various departments for the law enforcement actions, especially the Police's actions to handle nuisance to residents happened outside licensed premises. He also enquired about the details of procedures and communication between LLB and the Administration in seeking public views on liquor licence application.

64. ACP(S) responded that as regulations of liquor licence did not apply to activities outside the licensed premises, it was difficult for the Police to tackle nuisance problems outside a licensed premises as the operator was not responsible for them. Regarding the procedures of public consultation

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involving HAD, District Officer (Yau Tsim Mong) advised that FEHD, on behalf of LLB, would request relevant district offices to help consult the local stakeholders who, generally speaking, included District Council members, area committees, owners' corporations, property management companies, and/or other residents' organizations, depending on the characteristics of the neighbourhood concerned. During the process, HAD would help disseminate to stakeholders the consultation briefs prepared by FEHD, and convey the views collected to FEHD afterwards.

65. Mr KAM Nai-wai asked LLB for the factors to be considered for issuing new liquor licence to new applicant who intended to start business where a number of licensed premises already existed. Mr KONG Wai-yeung said that LLB consistently considered all liquor licence applications with reference to the three criteria and did not have a criterion of limiting the number of licensed premises at a specific location.

VI. Any other business

66. There being no other business, the meeting ended at 5:32 pm.