

Your Ref. : CB4/PAC/R68
Our Ref. : FEHD H&M-H 33-70/5/3C

香港中區
立法會道1號
立法會綜合大樓
立法會秘書處
政府帳目委員會秘書
朱漢儒先生

朱先生：

政府帳目委員會

《審計署署長第六十八號報告書》(《審計報告書》)

審議第 2 章：監察慈善籌款活動

本年六月九日來函要求提交相關補充資料備悉，現回覆如下

—

(a) 提供一份臨時小販牌照的申請表和申請人須知

有關申請臨時小販牌照的申請表和申請人須知見附件。

(b)&(c) 就審計報告書第 2 章第 5.5 段註 33 所述個案，有關的慈善機構的可疑籌款活動(即沒有將所得款項放入捐款收集箱)的跟進詳情;以及第 5.5(c)段所述只要求機構在 12 個月內由於獲簽發第 13 個牌照始須遞交經審計的財務報告而不是每個牌照均須提交財務報告的有關理據

《小販規例》(第 132AI 章)規定臨時小販牌照的有效期不超過一個月。過往，食環署簽發的臨時小販牌照除此規定外，並沒有為申請人設定在一年內獲簽發該牌照的數目上限。二零一二年二月有傳媒報導有免稅慈善機構在一年內獲食環署簽發逾一百二十個臨時小販牌照，讓該機構藉街頭販賣而進行籌款活動，引起社會關注有關牌照是否被人濫用。食環署除通知社會福利署和警務處跟進上述事件

外，亦隨即檢討簽發臨時小販牌照的機制，並在同年七月引入新的行政措施，防止臨時小販牌照被濫用，以及公平分配公共資源予籌款機構。有關措施包括：

- (一) 在一般情況下，每個籌款團體在十二個月內可獲簽發的臨時小販牌照總數不得多於二十個，當中獲准在同一分區內擺賣的牌照總數不得多於兩個，而獲准在小販黑點範圍內擺賣的牌照亦不得多於四個；
- (二) 牌照的最長有效期為任何兩個連續星期內不多於五天；以及
- (三) 任何團體如在十二個月內獲簽發牌照數目多於十二個，須就其後的每個牌照提交審計帳目報告。

自實施上述新的行政措施後，防止臨時小販牌照被濫用的情況已見成效，被傳媒報導的有關機構其後亦再沒有向本署申請臨時小販牌照。

獲簽發臨時小販牌照的機構是以街頭賣物方式進行籌款，過程涉及顧客向有關機構支付金錢以換取實際商品；有關牌照亦只容許於指定時間和指定一個地點賣物，而牌照最長有效期為任何兩個連續星期內不超過五天。我們認為有關籌款活動規模相對較小，加上涉及實物交易及捐款人不獲退稅，因此，有關交易應與一般不涉及利益回報的慈善籌款活動有所區分。本署須在便利免稅慈善機構及非牟利機構以街頭賣物形式而進行的籌款活動，以及回應公眾對籌款活動的關注兩方面作出考慮。現時，本署只要求有關機構如在十二個月內獲簽發牌照超過十二個才須就其後的每個牌照提交審計帳目報告，是平衡這兩方面要求的恰當做法。

- (d) **就機構在 12 個月內因獲簽發第 13 個牌照而須遞交經審計的財務報告的個案，一共收到多少個帳目報告？以及相關臨時小販牌照的籌款活動的平均收入及支出。**

自二零一二年七月實施新行政措施後，本署只在二零一三年錄得一間機構在十二個月內獲簽發多於十二個臨時小販牌照的個案（詳見審計報告第 5.8(a)段）。按相關規定，該機構理應在第十三個臨時小販牌照涵蓋的籌款活動結束後的九十日期限內就有關該活動向本署提交經審計的帳目報告。由於有關機構在該期限前遞交其後的臨時小販牌照的申請，而處理臨時小販牌照申請的電腦系統的設計在新措施實施初期有欠妥善，以致在該機構未有提交相關經審計的帳目報告的情況下獲批多於十二個臨時小販牌照。本署將分別就處理牌照申請機制和相關電腦處理系統作出改善，以確保負責人員能適時採取跟進行動，並有效防止同類事情發生。

有關機構自二零一四年一月起已沒有向本署申請臨時小販牌照，也未有提交經審計的帳目報告。本署因此未能提供有關牌照籌款活動涉及的收入和支出款項。

(e) 就審計報告書第 2 章第 5.7 段、5.14(a)段及 5.15(c)段，有關的改善行政措施以監察獲發臨時小販牌照的街頭賣物慈善籌款活動的詳情

就審計報告 5.7, 5.14(a) 及 5.15(c) 段的建議，本署現考慮在切實及法理可行的範圍內，在發給免稅慈善機構及非牟利機構的臨時小販牌照內加入新的持牌條件及行政措施。在考慮有關建議時，我們會參考社署《參考指引》所訂明的最佳安排，同時顧及籌款活動的性質、規模及時限，以及有關規定與實際情況的相稱程度和遵行規定的成本等因素。就籌款活動所收款項的保管安排、財務問責和籌款目的透明度方面，我們預算會由今年十二月起施加新的持牌條件，要求相關持牌人展示通告/橫額以說明籌款目的。我們亦會透過行政措施，提醒申請人須提供堅固密封收集箱以便收集、貯存和妥善保管賣物籌款所得款項。

(f) 就審計報告書第 2 章第 5.14(b)段及 5.15(d)段所述引入的新行政措施，即機構若未能按規定提交經審計賬目報告，有關團體其後的新申請將暫時不獲處理，直至已提交所須的經審計賬目報告為止的進度

就審計報告 5.14(b) 及 5.15(d) 段的建議，本署計劃在二零一七年十二月起實施新的行政措施，規定任何免稅慈善機構及非牟利機構如在十二個月內已獲簽發十二個臨時小販牌照而欲在該期間繼續向本署提交第十三次申請時，該機構在遞交有關該牌照申請書時須一併提交經香港會計師公會註冊的會計師審核的財務報告，向本署披露過往十二次的牌照所籌得的款項及每項與籌款活動有關的支出的收支結算賬目報告表。若有關免稅慈善機構及非牟利機構未能按規定提交經審計賬目報告，其遞交的新申請將暫時不獲處理，直至所須的審計賬目報告已妥為提交為止。有關提交審計賬目報告的措施，亦適用於相關期間內繼續向本署提交的臨時小販牌照申請，但獲簽發的臨時小販牌照總數仍然以二十個為限。

(g)&(h) 就審計報告書第 2 章第 5.15(g)段及 5.15(h)段，與社會福利署和地政總署探討如何阻止慈善機構輕率申請公開籌款許可證以及和上述部門加強溝通以精簡處理、轉介和審批申請的進度

民政事務局將於六月下旬統籌另一次跨部門會議，討論事項其中包括探討協調各類慈善籌款活動牌照和許可證的相關要求以及如何與相關部門銜接以便有關持牌/持證人使用政府土地作籌款活動，本署會繼續就當中涉及街頭販賣活動的事宜參與討論。此外，我們亦樂意在會議中與社會福利署和地政總署商討加強部門溝通的方法，探討共用執法資料和對屢次“不出現”個案採取一致行動的可行性。

食物環境衛生署署長

(鄭家瑜



代行)

二零一七年六月十六日

副本送：

民政事務局局長

社會福利署署長

民政事務總署署長

地政總署署長

財經事務及庫務局局長

審計署署長



臨時小販牌照申請書 Application for Temporary Hawker Licence

本表格內你所需填報的資料，乃依照《小販規例》(第 132 章，附屬法例) 第 7 條之規定而申報。至於你在本表格內所提供之資料，日後如有任何變更，則須於變更後七天內通知食物環境衛生署署長，否則根據《小販規例》(第 132 章，附屬法例) 第 24 及 56(2) 條之規定乃屬違法。又根據《小販規例》(第 132 章，附屬法例) 第 56(7) 條之規定，凡故意填報任何明知虛假的資料，即屬違法。任何人士如違反上述規例，一經定罪，食物環境衛生署署長有權將其獲發給之牌照予以取消，或將其獲得編配之攤位予以收回。請注意，根據《小販規例》(第 132 章，附屬法例) 第 6 條，牌照不得發給已持有有效牌照的人。

The information, which you supply in this application form, is required in accordance with Section 7 of the Hawker Regulation (Cap. 132, sub. leg.). Any subsequent change in particulars supplied by you in this form should be notified to the Director of Food and Environmental Hygiene within 7 days of any such change, failing which is an offence under Sections 24 and 56(2) of the Hawker Regulation (Cap. 132, sub. leg.). It is also an offence under Section 56(7) of the Hawker Regulation (Cap. 132, sub. leg.) to knowingly give information which you know to be false in relation to any of the particulars supplied by you in this form. Any licence granted or site allocated to any person who is guilty of an offence under the said Regulation shall be cancelled or withdrawn by the Director of Food and Environmental Hygiene. Please note that, in accordance with Section 6 of the Hawker Regulation (Cap. 132, sub. leg.), a licence will not be issued to any person who is the bearer of a valid licence.

第一部份 (申請人資料)

Part I (Personal particulars of applicant)

- (1) 申請人姓名：.....
Name of Applicant (中文 Chinese) (英文 English)
- (2) 別名：.....
Alias
- (3) 出生日期：.....
Date of birth
- (4) 性別：.....
Sex
- (5) 香港身分證號碼：.....
HKID Card No.
- (6) 地址：.....
Address
- (7) 電話號碼：..... (8) 電郵地址：.....
Tel. No. Email Address
- (9) 傳真號碼：.....
Fax No.
- (10) 通訊地址(如與上述地址不同)：.....
Correspondence Address (if different from the above-mentioned address)

第二部份 (與籌款活動有關, 請填寫這部份)

Part II (In connection with fund-raising activities, please complete this part)

- (11) 團體名稱:
Name of Organisation
- (12) 團體地址:
Address of Organisation
- (13) 申請人在團體的職位:
Position of Applicant in Organisation
- (14) 擬販賣地點 (請夾附草圖以展示有關地點):
Proposed Hawking Location (please enclose a sketch showing the relevant location)
-
- (15) 擬行使臨時小販牌照時期: 由 From.....至 To.....
Proposed Period of the Temporary Hawker Licence
- (16) 擬販賣之貨品:
Proposed Commodities for Sale
- (17) 籌得款項擬作用途:
Intended Use of Fund Raised
- (18) 補充說明(如需要):
Explanatory Remarks (if any)
-

第三部份 (與持牌小販固定攤位有關, 請填寫這部份)

Part III (In connection with licensed fixed-pitch hawker stall, please complete this part)

- (19) 攤位地點:
Pitch Location
- (20) 攤位面積:×.....平方米(m²)
Pitch Size
- (21) 現時販賣之貨品/經營之行業*:
Existing Commodity/Trade*
- (22) 補充說明(如需要):
Explanatory Remarks (if any)
-

聲明 DECLARATION

致: 食物環境衛生署署長
To: Director of Food and Environmental Hygiene
本人現謹聲明:

I hereby declare that

- (1) 就本人所知所信, 本表格內所填報各項資料, 均屬正確無訛, 而本人亦無隱瞞任何需要提供之資料;
to the best of my knowledge and belief, the information given in this application form is true and correct, and I have not withheld any information required to be provided herein;
- (2) 本人並不是任何有效小販牌照持有人; 及
I am not a holder of any valid hawker licence; and
- (3) 本人明白, 本表格第二部份內所填報各項資料, 會在簽發臨時小販牌照後上載到食環署、香港政府一站通及資料一線通網頁讓公眾人士參考。

I understand that the information given in Part II of this application form will be uploaded to FEHD, GovHK and Data.One websites for public reference after the issue of Temporary Hawker Licence.

日期:
Date

申請人簽署:
Signature of Applicant

* 請刪去不適用者。

Please delete where appropriate.

申請人須知 NOTICE TO APPLICANT

- (1) 申請人須附上 2 張半身正面照片 (約 39 毫米 x 25 毫米)，以辦理簽發臨時小販牌照。
Applicant shall provide 2 full-face photographs (approximate 39 mm x 25 mm) for processing the issuance of the temporary hawker licence.
- (2) 食物環境衛生署(食環署)在有需要時，會要求申請人提交其家庭成員的資料及／或其他與本申請有關的資料。
Applicant may be required to furnish the Food and Environmental Hygiene Department (FEHD) with particulars of his/her family members and/or other information in relation to this application.
- (3) 臨時小販牌照申請書，須在籌款活動舉辦前至少 12 個工作天（工作天並不包括星期六、星期日及公眾假期），遞交食環署。
Temporary hawker licence application should be made to the FEHD at least 12 working days (working days exclude Saturdays, Sundays and public holidays) before the start of the fund-raising activities.
- (4) 主辦團體應向其他政府部門，包括社會福利署署長（電話：2832 4311）或民政事務局局長（電話：2835 1492），查詢上述籌款活動是否需按《簡易程序治罪條例》（第 228 章）第 4(17)條的規定申領許可證。
Organiser should seek advice from other Government departments including the Director of Social Welfare (Tel : 2832 4311)/ the Secretary for Home Affairs (Tel : 2835 1492), as to whether a permit in accordance with Section 4(17) of the Summary Offences Ordinance (Cap. 228) is required for the above-mentioned fund-raising activities.
- (5) 為提升籌款活動的透明度及問責性、確保市民捐款獲得適當保障和運用、防止臨時小販牌照被濫用及公平分配公共資源予籌款團體，食環署對 2012 年 7 月 31 日或以後遞交與籌款活動有關的臨時小販牌照申請施行新措施，詳情見夾附的「臨時小販牌照申請須知」及「牌照條件」。
With aims to enhance transparency and accountability of fund-raising activities, to safeguard and ensure the proper use of donations, to prevent abuse of temporary hawker licences, and to achieve a fair distribution of public resources among the fund-raising organizations, the FEHD has imposed new measures for applications for temporary hawker licences in connection with fund-raising activities received on or after 31st July 2012. For details, please refer to the attached "Points to Note for Application for Temporary Hawker Licence" and "Licence Conditions".
- (6) 在獲簽發臨時小販牌照後，持牌人仍須確保有關活動符合其他政府部門按其執行的法例所訂立的規定。
The grant of a temporary hawker licence does not exempt the licensee from meeting any requirements and conditions imposed under the legislation administered by other Government departments in relation to the activity concerned.

關於申請臨時小販牌照所填報的個人資料
Collection of Personal Data in Connection with
Application for Temporary Hawker Licence
(根據《個人資料(私隱)條例》的規定處理)
(In accordance with the Personal Data (Privacy) Ordinance)

目的說明
Statement of Purpose

1. 收集資料的目的

Purposes of Collection

食物環境衛生署(食環署)會利用經這份申請表填報的資料作以下用途：

The personal data provided by means of this form will be used by the Food and Environmental Hygiene Department (FEHD) for :

- (a) 處理申請臨時小販牌照：
carrying out activities relating to the application for temporary hawker licence;
- (b) 方便食環署職員及其他政府部門的職員與你互相聯絡；及
facilitating communication among staff of the FEHD, other Government departments and yourself.
- (c) 按照食物安全條例的規定披露給食環署轄下的食物安全中心*。
disclosing to the Centre for Food Safety of the FEHD in accordance with the provisions of the Food Safety Ordinance*.

你透過本申請表提供個人資料，純屬自願。不過，如你不提供充分的資料，則食環署恐怕不能處理你的牌照申請。
The provision of personal data by means of this form is voluntary. However, if you do not provide sufficient information, the FEHD may not be able to process your application for licence.

2. 獲轉授資料的機構的類別

Class of Transferees

在本申請表填報的資料可能會交給其他政府部門包括香港警務處、地政總署、民政事務總署或社會福利署，以達致上文第1段所載的目的。

The personal data which you have provided by means of this form may be disclosed to other Government departments including the Hong Kong Police Force, the Lands Department, the Home Affairs Department or the Social Welfare Department in pursuance of the purposes mentioned in paragraph 1 above.

3. 查閱個人資料

Access to Personal Data

根據《個人資料(私隱)條例》第18條、第22條及附表1內第6原則的規定，你有權查閱及更改你的個人資料。查閱的權利包括有權索取此申請表內所提供的個人資料副本一份。應查閱要求而提供資料時，可能要徵收費用。

You have a right of access and correction with respect to personal data as provided for in accordance with Sections 18 and 22 and Principle 6 to Schedule 1 of the Personal Data (Privacy) Ordinance. Your right of access includes the right to obtain a copy of your personal data which you have provided by means of this form. A fee may be imposed for complying with data access request.

* 適用於售賣食物類貨品的小販牌照。

Applicable to hawker licence for the sale of food-related commodities.

4. 查詢

Enquiries

如對本申請表格收集的個人資料有任何查詢，包括查閱及更改資料等，可向下列各有關分區環境衛生辦事處提出：

Enquiries concerning the personal data collected by means of this form, including the making of access and corrections, should be addressed to the following respective District Environmental Hygiene Office :

<p style="text-align: center;"><u>港島及離島區</u></p> <p style="text-align: center;"><u>中西區環境衛生辦事處</u> 香港皇后大道中 345 號上環市政大廈 10 樓 電話號碼：2543 4238/ 2545 0506 傳真號碼：2851 7653/ 2854 2755</p> <p style="text-align: center;"><u>東區環境衛生辦事處</u> 香港鰂魚涌街 38 號鰂魚涌市政大廈 3 樓 電話號碼：2563 4340 傳真號碼：2565 8203/ 2562 5836</p> <p style="text-align: center;"><u>南區環境衛生辦事處</u> 香港香港仔大道 203 號香港仔市政大廈 4 樓 電話號碼：2552 8406 傳真號碼：2873 1608/ 2552 9071</p> <p style="text-align: center;"><u>灣仔區環境衛生辦事處</u> 香港灣仔軒尼詩道 225 號駱克道市政大廈 7 樓 電話號碼：2507 3364 傳真號碼：2519 6884</p> <p style="text-align: center;"><u>離島區環境衛生辦事處</u> 香港中環統一碼頭道 38 號海港政府大樓 6 樓 電話號碼：2852 3215 傳真號碼：2545 2964</p>	<p style="text-align: center;"><u>Hong Kong & Islands</u></p> <p style="text-align: center;"><u>Central/Western District Environmental Hygiene Office</u> 10/F., Sheung Wan Municipal Services Building, 345 Queen's Road Central, Hong Kong Tel. No.: 2543 4238/ 2545 0506 Fax. No.: 2851 7653/ 2854 2755</p> <p style="text-align: center;"><u>Eastern District Environmental Hygiene Office</u> 3/F., Quarry Bay Municipal Services Building, 38 Quarry Bay Street, Hong Kong Tel. No.: 2563 4340 Fax. No.: 2565 8203/ 2562 5836</p> <p style="text-align: center;"><u>Southern District Environmental Hygiene Office</u> 4/F., Aberdeen Municipal Services Building, 203 Aberdeen Main Road, Hong Kong Tel. No.: 2552 8406 Fax. No.: 2873 1608/ 2552 9071</p> <p style="text-align: center;"><u>Wanchai District Environmental Hygiene Office</u> 7/F., Lockhart Road Municipal Services Building, 225 Hennessy Road, Wanchai, Hong Kong Tel. No.: 2507 3364 Fax. No.: 2519 6884</p> <p style="text-align: center;"><u>Islands District Environmental Hygiene Office</u> 6/F., Harbour Building, 38 Pier Road, Central, Hong Kong Tel. No.: 2852 3215 Fax. No.: 2545 2964</p>
<p style="text-align: center;"><u>九龍</u></p> <p style="text-align: center;"><u>九龍城區環境衛生辦事處</u> 九龍馬頭圍道 165 號土瓜灣政府合署 3 樓及 4 樓 電話號碼：2711 2493 傳真號碼：2761 0718</p> <p style="text-align: center;"><u>觀塘區環境衛生辦事處</u> 九龍觀塘瑞和街 9 號瑞和街市政大廈 7 樓 電話號碼：3102 7388 傳真號碼：2343 6734</p> <p style="text-align: center;"><u>旺角區環境衛生辦事處</u> 九龍旺角花園街 123 號A花園街市政大廈 6 樓及 7 樓 電話號碼：2395 2727 傳真號碼：2391 5572</p> <p style="text-align: center;"><u>深水埗區環境衛生辦事處</u> 九龍深水埗元州街 59 - 63 號元州街市政大廈 8 樓 - 10 樓 電話號碼：2748 6959 傳真號碼：2748 6937</p> <p style="text-align: center;"><u>黃大仙區環境衛生辦事處</u> 九龍彩虹道 121 號大成街街市大廈 3 樓 電話號碼：2328 6531 傳真號碼：2351 5710</p> <p style="text-align: center;"><u>油尖區環境衛生辦事處</u> 九龍油麻地寶靈街 17 號官涌市政大廈 3 樓及 4 樓 電話號碼：2302 1299 傳真號碼：2735 5955</p>	<p style="text-align: center;"><u>Kowloon</u></p> <p style="text-align: center;"><u>Kowloon City District Environmental Hygiene Office</u> 3/F. & 4/F., To Kwa Wan Market and Government Offices, 165 Ma Tau Wai Road, Kowloon Tel. No.: 2711 2493 Fax. No.: 2761 0718</p> <p style="text-align: center;"><u>Kwun Tong District Environmental Hygiene Office</u> Level 7, Shui Wo Street Municipal Services Building, 9 Shui Wo Street, Kwun Tong, Kowloon Tel. No.: 3102 7388 Fax. No.: 2343 6734</p> <p style="text-align: center;"><u>Mong Kok District Environmental Hygiene Office</u> 6/F. & 7/F., Fa Yuen Street Municipal Services Building, 123A Fa Yuen Street, Mong Kok, Kowloon Tel. No.: 2395 2727 Fax. No.: 2391 5572</p> <p style="text-align: center;"><u>Sham Shui Po District Environmental Hygiene Office</u> 8/F. - 10/F., Un Chau Street Municipal Services Building, 59 - 63 Un Chau Street, Sham Shui Po, Kowloon Tel. No.: 2748 6959 Fax.No.: 2748 6937</p> <p style="text-align: center;"><u>Wong Tai Sin District Environmental Hygiene Office</u> 3/F., Tai Shing Street Market Building, 121 Choi Hung Road, Wong Tai Sin, Kowloon Tel. No.: 2328 6531 Fax. No.: 2351 5710</p> <p style="text-align: center;"><u>Yau Tsim District Environmental Hygiene Office</u> 3/F. & 4/F., Kwun Chung Municipal Services Building, 17 Bowring Street, Yau Ma Tei, Kowloon Tel. No.: 2302 1299 Fax. No.: 2735 5955</p>

新界

葵青區環境衛生辦事處

新界葵涌興芳路 166 - 174 號葵興政府合署 9 樓
電話號碼：2420 9204 傳真號碼：2480 4023

北區環境衛生辦事處

新界上水智昌路 13 號石湖墟市政大廈 4 樓
電話號碼：2679 2812 傳真號碼：2679 5695

西貢區環境衛生辦事處

新界將軍澳培成路 38 號西貢將軍澳政府綜合大樓 8 樓
電話號碼：3740 5100 傳真號碼：2792 9937

沙田區環境衛生辦事處

新界沙田鄉事會路 138 號
新城市中央廣場第 1 座 12 樓
電話號碼：2634 0136 傳真號碼：2634 0442

大埔區環境衛生辦事處

新界大埔鄉事會街 8 號大埔綜合大樓 3 樓
電話號碼：3183 9109 傳真號碼：2650 1171

荃灣區環境衛生辦事處

新界荃灣楊屋道 45 號楊屋道市政大廈 3 樓
電話號碼：2212 9701 傳真號碼：2414 8809

屯門區環境衛生辦事處

新界屯門屯喜路 1 號屯門政府合署 1 樓及 3 樓
電話號碼：2146 8642 傳真號碼：2452 6559

元朗區環境衛生辦事處

新界元朗橋樂坊 2 號元朗政府合署 2 樓 - 5 樓
電話號碼：2475 3433 傳真號碼：2477 5099

New Territories

Kwai Tsing District Environmental Hygiene Office

9/F., Kwai Hing Government Offices Building,
166 - 174 Hing Fong Road, Kwai Chung, N. T.
Tel. No.: 2420 9204 Fax. No.: 2480 4023

North District Environmental Hygiene Office

4/F., Shek Wu Hui Municipal Services Building,
13 Chi Cheong Road, Sheung Shui, N. T.
Tel. No.: 2679 2812 Fax. No.: 2679 5695

Sai Kung District Environmental Hygiene Office

8/F., Sai Kung Tseung Kwan O Government Complex,
38 Pui Shing Road, Tseung Kwan O, N. T.
Tel. No.: 3740 5100 Fax. No.: 2792 9937

Sha Tin District Environmental Hygiene Office

Level 12, Tower 1, Grand Central Plaza,
138 Rural Committee Road, Sha Tin, N. T.
Tel. No.: 2634 0136 Fax. No.: 2634 0442

Tai Po District Environmental Hygiene Office

3/F., Tai Po Complex,
8 Heung Sze Wui Street, Tai Po, N. T.
Tel. No.: 3183 9109 Fax. No.: 2650 1171

Tsuen Wan District Environmental Hygiene Office

3/F., Yeung Uk Road Municipal Services Building,
45 Yeung Uk Road, Tsuen Wan, N. T.
Tel. No.: 2212 9701 Fax. No.: 2414 8809

Tuen Mun District Environmental Hygiene Office

1/F. & 3/F., Tuen Mun Government Offices Building,
1 Tuen Hi Road, Tuen Mun, N. T.
Tel. No.: 2146 8642 Fax. No.: 2452 6559

Yuen Long District Environmental Hygiene Office

2/F. - 5/F., Yuen Long Government Offices,
2 Kiu Lok Square, Yuen Long, N. T.
Tel. No.: 2475 3433 Fax. No.: 2477 5099

臨時小販牌照申請須知 (以賣物形式進行籌款活動的發牌安排)

香港是一個守望相助，熱心公益的社會。政府當局一直致力提供一個友善環境，盡量精簡行政程序，方便團體動員社區資源進行籌款活動。為方便團體透過以販賣物品形式進行籌款活動，本署會就有關販賣活動簽發臨時小販牌照。然而，籌款活動涉及公眾利益，社會人士亦關注籌款活動的安排是否恰當、所得捐款是否用得其所，並期望當局能對籌款活動進行適度監管，而傳媒亦不時報導一些可疑的街頭籌款活動個案。

為提升籌款活動的透明度及問責性、確保市民捐款獲得適當保障和運用、防止臨時小販牌照被濫用及公平分配公共資源予籌款團體，本署最近完成檢討簽發臨時小販牌照在公眾地方販賣物品以進行籌款活動的安排，並會施行一些新措施，防止濫用此發牌機制：

- (一) 除非獲得食物環境衛生署署長的特別批准，否則每個籌款團體在十二個月內可獲簽發的臨時小販牌照總數不得多於二十個，當中獲准在同一分區內擺賣的牌照總數不得多於兩個，而獲准在小販黑點範圍內擺賣的牌照亦不得多於四個（有關小販黑點詳情請參閱本署網頁<http://www.fehd.gov.hk>）；
- (二) 牌照的最長有效期為任何兩個連續星期內不多於五天；以及
- (三) 任何團體如在十二個月內獲簽發牌照數目多於十二個，須就其後的每個牌照遵辦以下的附加條件：
 - (i) 就該牌照所批准的賣物籌款活動編製一份收支結算表，包括所有公開籌款的收入及每項與籌款活動有關的支出細項（例如審計、運輸、印刷及文具費用等），並交由會計師或會計師事務所或執業法團審計。有關的會計師或會計師事務所或執業法團，須屬香港會計師公會註冊主任按《專業會計師條例》（第50章）第32（1）條的規定，在香港特別行政區政府的憲報公布的持有執業證書的會計師或根據《專業會計師條例》註冊的事務所或執業法團；及
 - (ii) 把上述審計報告的正本，在該牌照有效期的最後一日起計九十日內，遞交食物環境衛生署署長，而署長可以以任何方式或安排將審計報告的內容公開給市民查閱。

請注意：上述的新措施適用於二零一二年七月三十一日及其後的申請。此外，在有需要的情況下，本署可就個別牌照申請增訂其他附加條件。如持牌人或其所屬機構未能遵辦相關條件，本署可根據《公眾衛生及市政條例》（第132章）的規定，取消有關的臨時小販牌照，以及拒絕處理有關團體在往後遞交的臨時小販牌照申請。

食物環境衛生署署長

二零一二年七月

**Points to Note for Application for Temporary Hawker Licence
(licensing arrangements for sale of goods for fund-raising purpose)**

Hong Kong is a caring society and the community is supportive of charitable causes. The Administration strives to provide a friendly environment with administrative procedures kept to a minimum to facilitate charitable organisations to mobilise community resources for their fund-raising activities. To facilitate fund-raising in form of sale of goods, the Food and Environmental Hygiene Department (the Department) issues temporary hawker licences to organisations for conducting the selling activities. Nevertheless, fund-raising activities do, after all, involve public interest. The community is concerned if these activities are properly arranged and if the donations are properly used. The Administration is expected to exercise adequate control over the fund-raising activities. Meanwhile, there has been media coverage on suspicious on-street fund-raising activities.

With aims to enhance transparency and accountability of fund-raising activities, to safeguard and ensure the proper use of donations, to prevent abuse of temporary hawker licences, and to achieve a fair distribution of public resources among the fund-raising organisations, the Department recently reviewed the arrangements for issuing temporary hawker licences regarding the sale of goods in public places for fund-raising purpose. The following new measures will be introduced to prevent abuse of the licensing mechanism:

- (1) Except with the approval of the Director of Food and Environmental Hygiene, the total number of temporary hawker licences granted to each fund-raising organisation in 12 months shall not exceed 20. Among them, no more than two licences shall be granted for selling goods in the same district and no more than four licences shall be granted for selling goods at hawker black spots (for details of hawker black spots, please refer to our website <http://www.fehd.gov.hk>);
- (2) The maximum licence period is five days in any two consecutive weeks; and
- (3) Organisations issued with more than 12 licences within 12 months shall be subject to the following additional conditions for each and every of the licences subsequently issued:
 - (i) The organisation shall prepare an income and expenditure account, including all the monies received from public subscription and a detailed breakdown of every disbursement item (e.g. expenses in auditing, transportation, printing and stationery, etc.) related to the fund-raising activities covered by the licence for audit by an accountant or firm or corporate practice whose name appears on the list of certified public accountants holding practising certificates or on the list of firms or corporate practice registered under the Professional Accountants Ordinance, published in the Gazette by the Registrar of the Hong Kong Institute of Certified Public Accountants under Section 32(1) of the Professional Accountants Ordinance, Cap. 50; and
 - (ii) The original auditor's report shall be forwarded to the Director of Food and Environmental Hygiene within 90 days from the last day of the licence period, and the Director may publicise the auditor's report in any form or manner for public inspection.

Note: The above new measures are applicable to all applications made on or after 31 July 2012. Other additional licensing conditions may be imposed where necessary. If the licensee or the organisation concerned fails to comply with the conditions, the Department may cancel the temporary hawker licence and refuse the subsequent applications for a temporary hawker licence from the organisation under the Public Health and Municipal Services Ordinance (Cap. 132).

Director of Food and Environmental Hygiene

July 2012

臨時小販牌照(賣物籌款活動)
Temporary Hawker Licence (Fund-raising Sale Activity)

牌照條件

- 一、持牌人必須遵守《小販規例》(第 132 章，附屬法例)之規定。
- 二、本牌照是簽發予持牌人以賣物方式進行籌款活動。
- 三、未經食物環境衛生署署長(署長)書面批准，持牌人不得轉讓或轉售其牌照，亦不得轉租或放棄管有其攤檔。
- 四、持牌人須設置足夠的垃圾桶或盛器，盛載因經營小販業務而引致的所有垃圾及其他廢物，以等待清理。該等垃圾桶或盛器須以不透水物料製造，構造良好，容量須為 30 升至 100 升之間，並配有緊貼蓋子或其他配件，以防塵埃和臭味溢出。
- 五、相關的賣物籌款活動不得妨礙任何道路工程或其他公用設施的維修工程。
- 六、在任何賣物籌款活動進行期間，必須在牌照核准的地點設置一個不超出核准面積的攤檔展示和擺賣牌照核准的有關物品。所有賣物籌款活動須在該攤檔進行。
- 七、攤檔只可用作售賣在相關牌照上規定的貨品。
- 八、在任何賣物籌款活動進行期間，持牌人須親自在攤檔主理或監督有關活動，如無充分理由，不得離去。
- 九、在賣物籌款活動進行期間，必須於攤檔顯眼處展示本牌照。
- 十、在賣物籌款活動進行期間，必須於攤檔顯眼處展示一個長度不小於 50 厘米和闊度不小於 40 厘米的告示或條幅，顯示獲發本牌照的機構的名稱及食物環境衛生署指定的查詢／投訴電話號碼。告示牌上的字體須在兩米範圍內清晰可見。
- 十一、違反上述任何規定，署長可取消本牌照。

LICENCE CONDITIONS

1. The licensee shall comply with the provisions of the Hawker Regulation (Cap. 132, sub. leg.).
2. This licence is issued to the licensee to raise funds through the sale of commodities.
3. The licensee shall not transfer or assign his licence to any person, or sub-let or part with possession of the stall without the prior approval in writing from the Director of Food and Environmental Hygiene (Director).
4. Sufficient refuse bins or receptacles, made of sound construction and impervious materials, with a capacity not exceeding 100L and not less than 30L and close-fitting lids or other means to prevent the emission of dust and stench therefrom, shall be provided for the storage of all refuse and other waste matter generated from the hawking business whilst awaiting disposal.
5. Related fund-raising activities should not cause obstruction to any road works and maintenance operations of other utility services.
6. At all time when any fund raising sale activity is carried on, a stall of the size not exceeding the approved area shall be set up at the approved location for display and sale of the approved commodities as specified in this licence. All fund-raising sale activities shall be conducted at the stall.
7. The stall shall only be used for selling commodities specified on the relevant licence.
8. Unless absent for reasonable causes, the licensee shall be personally present at the stall and conduct or supervise activities there at all times when any fund raising sale activity is carried on.
9. This licence shall be displayed conspicuously at the stall at all times when any fund raising sale activity is carried on.
10. At all time when any fund raising sale activity is carried on, a notice/banner of not less than 50 cm in length and 40 cm in width showing the name of the organization to which this licence has been issued and the enquiry/complaint hotline specified by the Food and Environmental Hygiene Department shall be displayed conspicuously at the stall. The characters on the notice/banner shall be legible at a distance of 2 metres.
11. The Director may cancel the relevant licence if there is a breach of any of the above conditions.