

民政事務總署

香港灣仔軒尼詩道一百三十號
修頓中心二十九及三十樓



HOME AFFAIRS DEPARTMENT

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29 December 2023

Ms Shirley CHAN
Clerk to the Public Accounts Committee
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Ms CHAN,

Public Accounts Committee
Consideration of Chapter 2 of the Director of Audit's Report No. 81
Licensing of food premises

Thank you for your letter dated 15 December 2023 to the Director of Home Affairs. I am authorised to reply on her behalf.

Our response to the questions of your aforesaid letter is set out at Annex.

Yours sincerely,

(Ms Alsa CHOI)
for Director of Home Affairs

c.c. Secretary for Environment and Ecology (email: see@eeb.gov.hk)
Director of Food and Environmental Hygiene (email: dfefoffice@feh.d.gov.hk)
Director of Buildings (email: cpmyu@bd.gov.hk)
Director of Fire Services (email: dfs@hkfsd.gov.hk)
Secretary for Financial Services and the Treasury (email: sfst@fstb.gov.hk)
Director of Audit (email: ncylam@aud.gov.hk)

Public Accounts Committee (PAC)
Consideration of Chapter 2 of the Director of Audit's Report No. 81
Licensing of food premises

Letter from Clerk to PAC dated 15 December 2023

Reply from Home Affairs Department

Part 2: Processing of applications for new food business licences and permits

- (i) District Offices (“DO”) of the Home Affairs Department (“HAD”) conduct local consultation for outside seating accommodation permission applications (“OSA applications”) at the request of Food and Environmental Hygiene Department (“FEHD”). There are no differences in procedures and arrangements of local consultation adopted for OSA applications relating to the inclusion of OSA into existing licensed premises and those submitted concurrently with new restaurant licences applications. Regarding whether the time taken to conduct local consultations is one of the contributing factors for the long processing time of OSA applications, as noted in the Director of Audit’s Report No.81, FEHD asks the relevant DOs to revert with consultation results within 20 working days. Even for the 10 OSA applications with long processing times examined by the Director of Audit, the time taken from FEHD’s issue of memo for local consultation to its receipt of HAD’s reply on local consultation results ranged from 19 to 75 working days (**on average 33 working days, and 28 working days on average if the longest processing case with complications is excluded**); and for applications involving a further round of local consultation, each further local consultation took 23 workings days on average. On the other hand, the entire duration of processing by FEHD was **15 to 23 months** for cases involving inclusion of OSA into existing licensed premises, and **9 to 19 months** for OSA applications submitted concurrently with new restaurant licences. As borne out from the above Director of Audit’s findings, the time taken by HAD to conduct local consultation is NOT a major part of FEHD’s

processing of OSA permission application.

- (ii) To facilitate DOs to conduct local consultation, the initiating departments make a request to the DO, setting out the necessary details of the request, including information on the subject, suggested stakeholders to be consulted, and suggested scope (e.g. buildings or area affected), etc. The DO concerned would further discuss or seek clarifications on the request (e.g. the stakeholders to be consulted) with the initiating department, if necessary, and conduct the local consultation accordingly. To facilitate the request process, a “Request for Local Consultation” proforma has been made available for the purpose.

The consultation period normally takes two weeks’ time. After the consultation period ends, DO will collate the feedback and forward it to the initiating department together with the statistics of feedback. All views, be it supporting, no views, or objecting, would be forwarded to the initiating department for handling.

- (iii) The “Request for Local Consultation” proforma is to facilitate initiating departments in requesting DOs to conduct local consultation for various specific issues. A key is whether sufficient relevant information is provided to facilitate DOs’ conduct of local consultation. Insofar as the local consultation for OSA applications is concerned, HAD will explore with FEHD room for streamlining the local consultation procedure, for instance by standardising the types of stakeholders to be consulted, to enhance efficiency. Subject to the outcome of the review of consultation workflow, HAD will consider whether there is a need to revise the “Request for Local Consultation” proforma.