

CONTROLLING OFFICER'S REPLY

(Question Serial No. 0644)

Head: (49) Food and Environmental Hygiene Department
Subhead (No. & title): (000) Operational Expense
Programme: (2) Environmental Hygiene and Related Services
Controlling Officer: Director of Food and Environmental Hygiene (Miss Vivian LAU)
Director of Bureau: Secretary for Food and Health
This question originates from: Estimates on Expenditure Volume I Page 250 (if applicable)
Question (Member Question No. 7):

It is stated that there will be an increase of 6.3% in the estimated expenditure on environmental hygiene and related services. In this connection, please advise on the following:

- 1) the amount and percentage of expenditure and the proportion of the manpower involved in taking actions against illegal extension of business area by restaurants in the past three years;
- 2) in view of the public query on the effectiveness of the actions against illegal extension of business area by restaurants and the different situations in 18 districts, the ways in identifying target spots and restaurants in each district for enforcement actions; the number of prosecutions instituted, the number of complaints received in each district, the actions taken and the effectiveness of these actions in the past three years; and
- 3) whether the Department will explore the feasibility of imposing heavier penalties, or formulating other measures in order to curb illegal extension of food business area. If yes, the plans; if not, the reason(s).

Asked by: Hon. CHAN Han-pan

Reply:

- 1) In the past three years, 291 Health Inspectors in the Food and Environmental Hygiene Department (the Department) are responsible for licensing control of food premises, including taking enforcement actions against illegal extension of business area by restaurants, among other duties relating to environmental hygiene matters. There is no separate breakdown showing the amount and percentage of expenditure and the proportion of the manpower involved in taking actions against illegal extension of business area by restaurants.
- 2) The Department has been vigilant in combating illegal extension of business area by restaurants. In recent years, the Department has adopted a multi-pronged approach and implemented targeted measures to strengthen its actions against illegal extension of business area by restaurants. In formulating the enhanced enforcement strategy, the Department has taken into consideration relevant factors including the problem of illegal extension of business area by food premises and work priorities in different districts etc. The enhanced measures include stepping up inspections and enforcement actions, speeding up the prosecution process and providing additional information to the court for consideration when passing sentences, consultation with District Councils (DCs) on the enhanced measures to solicit their support, and application for closure order from the court against food premises which persistently operate without a licence. In respect of an applicant whose restaurant licence has previously been cancelled due to repeated illegal extension of business area,

his/her application, or an application made by his/her representative/business partner for any licence in relation to the same premises will not be processed within 12 months from the date of cancellation of the licence. With the enhanced measures against illegal extension of business area by restaurants in place, more prosecutions have been taken resulting in an increase in the number of restaurants sanctioned for illegal extension of business area under the licensing regime. The relevant enforcement statistics and number of restaurants sanctioned under the licensing regimes are provided in Annexes I and II respectively. Besides, the total number of complaints against illegal extension of business area by restaurants has dropped in the past three years, with breakdown by districts set out in Annex III.

- 3) The Department set up in May 2013, on a pilot basis, a task force comprising eight health inspectorate officers redeployed within the Department to pursue enhanced enforcement actions in selected areas. The task force has been effective in containing the problematic spots in Tsuen Wan and Kwai Chung. The Department plans to set up additional task force teams to tackle the problem in other problematic spots and, where appropriate, will consult the relevant DCs on the enhanced measures to seek their support.

Prosecutions instituted against illegal extension of food business by restaurants

Year	2011	2012	2013
Section 34C of Food Business Regulation, Cap. 132X (i.e. illegal extension of business area)	871	1 123	859
Section 31(1)(b) of Food Business Regulation, Cap. 132X (i.e. unlicensed food business)	392	1 018	1 535
Section 4A of Summary Offences Ordinance, Cap. 228 (i.e. obstruction of public places)	1 736	1 115	1 163
Total	2 999	3 256	3 557

Number of licensed restaurants sanctioned under the licensing regime

Year	2011	2012	2013
Suspension of licence	99	164	180
Cancellation of licence	16	39	57
Total	115	203	237

Number of complaints against illegal extension of food business by restaurants

District	2011	2012	2013
Central and Western	160	119	68
Wanchai	252	130	222
Eastern	153	98	79
Southern	20	46	42
Islands	44	32	76
Yau Tsim	1 036	485	407
Mong Kok	558	338	208
Sham Shui Po	320	299	276
Kowloon City	201	183	166
Wong Tai Sin	185	146	184
Kwun Tong	594	283	233
Kwai Tsing	182	214	126
Tsuen Wan	413	524	345
Tuen Mun	240	154	265
Yuen Long	987	920	1 096
North	93	218	196
Tai Po	209	147	167
Sha Tin	456	501	355
Sai Kung	120	118	137
Total	6 223	4 955	4 648