

CONTROLLING OFFICER'S REPLY

FHB(FE)032

(Question Serial No. 0174)

Head: (49) Food and Environmental Hygiene Department

Subhead (No. & title): (-) Not specified

Programme: (2) Environmental Hygiene and Related Services
(3) Market Management and Hawker Control

Controlling Officer: Director of Food and Environmental Hygiene (Ms Irene YOUNG)

Director of Bureau: Secretary for Food and Health

Question:

Regarding illegal shop front extension (SFE) and obstruction problems, please advise this Committee of:

1. the manpower involved in the enforcement actions against obstructions by hawkers, stalls and shops in the past 3 years;
2. the numbers of complaints against SFEs received, prosecutions initiated, fixed penalty notices and summonses issued, arrests instituted and confiscation of hawker goods made by the Food and Environmental Hygiene Department in each of the past 3 years respectively, with a breakdown by District Council district;
3. whether the Department has reviewed the effectiveness of its joint enforcement operations mounted with the Police and also the possibility of regularising the operations; if yes, the details; if no, the reason(s);
4. whether the Department has reviewed if the existing enforcement tools against SFEs have sufficient deterrent effect; whether heavier penalties will be considered for repeated offenders; if yes, the details; if no, the reason(s); and
5. whether the Department will step up inspections and enforcement actions at serious SFE blackspots, deploy staff to inspect SFE blackspots regularly, and take timely enforcement actions; if yes, the details; if no, the reason(s).

Asked by: Hon YANG Wing-kit (LegCo internal reference no.: 8)

Reply:

Shop front extension (SFE) is a street management problem which is shared across the purviews of a number of government departments. Individual departments will take enforcement actions using powers under the relevant Ordinances in the light of the ground situation. Where a case is more complicated or involves several departments, the District

Office concerned will assist in co-ordinating inter-departmental joint operations if necessary. As the core function of the Food and Environmental Hygiene Department (FEHD) is to maintain environmental hygiene, it accords priority to handling cases involving illegal hawking or obstruction to scavenging operations. FEHD will issue fixed penalty notices (FPNs) or institute prosecution as appropriate when shops extend their business illegally and cause obstruction on the street. The Hong Kong Police Force (the Police) will offer assistance by taking part in joint operations, and issue FPNs if necessary.

- 1) Taking enforcement actions in relation to hawker control and SFEs is part of the duties of the hawker control officers of FEHD. Information on the staff establishment of hawker control officer grade in the past 3 years is provided at Annex I.
- 2) The number of complaints against SFEs received, FPNs issued, prosecutions instituted, summonses issued, prosecutions with arrests instituted and seizure of goods or articles made by FEHD in the past 3 years, with a breakdown by year and district, are provided at Annex II.
- 3) & 4) To tackle SFE and obstruction problems in a more effective manner, FEHD has launched joint operations with the Police on a trial basis in Kowloon City, Kwun Tong and Tsuen Wan since late September 2021. During the process, apart from stepping up prosecution or issuing FPNs to offenders, the two departments collaborate to require the offending shops to remove obstructions (including goods) placed on carriageways or public places within the prescribed time limit in accordance with the powers conferred under the relevant legislation. If they fail to do so, FEHD will seize and temporarily store the unclaimed obstructions or goods and consider taking enforcement actions against the claimants. Having assessed the outcomes, FEHD and the Police initially consider that the joint operations are effective in combating the problem of SFEs in carriageways. It is therefore decided that the trial scheme will continue and consider extending it to other districts.
- 5) At present, the list of black spots of SFEs in a particular district is drawn up by the District Office of the Home Affairs Department and relevant enforcement departments (including FEHD) after consultation with the District Council and/or District Management Committee. Consideration is given to whether the obstruction problem at specific locations in the district will cause imminent danger to the pedestrians and other road users, or cause severe impact on road access, environmental hygiene, living environment, etc. FEHD will accord priority in taking enforcement actions at such locations which include stepping up daily inspections and blitz operations, so as to maintain environmental hygiene.

Staff establishment of the hawker control officer grade

Financial year	Staff establishment
2019-20	2 253
2020-21	2 224
2021-22	2 289

Number of complaints received, fixed penalty notices (FPNs) issued, prosecutions instituted, summonses issued, prosecutions with arrests instituted and seizure of goods or articles made against SFEs by FEHD

Table 1: Number of complaints received

District	Number of complaints		
	2019	2020	2021
Central & Western	547	648	836
Wan Chai	978	648	731
Eastern	1 248	1 674	2 582
Southern	237	460	638
Islands	58	90	122
Yau Tsim	689	663	811
Mong Kok	1 878	2 060	2 189
Sham Shui Po	1 750	2 519	3 390
Kowloon City	722	892	1 491
Wong Tai Sin	810	1 246	1 394
Kwun Tong	1 286	1 183	851
Kwai Tsing	371	616	781
Tsuen Wan	640	644	1 174
Tuen Mun	412	481	363
Yuen Long	1 597	2 772	3 577
North	381	633	674
Tai Po	941	1 033	1 159
Sha Tin	228	364	389
Sai Kung	249	278	358
Total	15 022	18 904	23 510

Table 2: Number of FPNs issued

District	Number of FPNs issued		
	2019	2020	2021
Central & Western	221	200	157
Wan Chai	425	360	370
Eastern	291	587	941
Southern	80	136	252
Islands	4	2	3
Yau Tsim	94	66	128
Mong Kok	913	1 464	1 974
Sham Shui Po	946	1 636	1 600
Kowloon City	278	377	463
Wong Tai Sin	295	341	691
Kwun Tong	404	796	1 262
Kwai Tsing	304	562	853
Tsuen Wan	664	624	919
Tuen Mun	202	500	821
Yuen Long	1 764	1 889	2 565
North	254	277	191
Tai Po	391	730	1 380
Sha Tin	70	137	115
Sai Kung	26	50	81
Total	7 626	10 734	14 766

Table 3: Number of prosecutions instituted

District	Number of prosecutions ^{Note 1}		
	2019	2020	2021
Central & Western	76	45	80
Wan Chai	162	91	113
Eastern	308	332	441
Southern	62	82	93
Islands	18	32	26
Yau Tsim	90	95	130
Mong Kok	205	132	253
Sham Shui Po	343	916	605
Kowloon City	76	44	97
Wong Tai Sin	111	175	226
Kwun Tong	230	297	266
Kwai Tsing	156	63	39
Tsuen Wan	198	77	194
Tuen Mun	296	353	338
Yuen Long	238	366	426
North	51	44	45
Tai Po	129	97	169
Sha Tin	149	55	53
Sai Kung	100	58	111
Total	2 998	3 354	3 705

Note 1: The number of prosecutions includes the number of summonses issued (Table 4) and the number of prosecutions with arrests instituted (Table 5).

Table 4: Number of summonses issued

District	Number of summonses		
	2019	2020	2021
Central & Western	73	39	78
Wan Chai	100	57	56
Eastern	218	280	386
Southern	62	82	87
Islands	18	32	26
Yau Tsim	90	95	128
Mong Kok	205	132	253
Sham Shui Po	321	852	443
Kowloon City	76	44	93
Wong Tai Sin	111	159	200
Kwun Tong	216	203	142
Kwai Tsing	64	61	38
Tsuen Wan	198	76	194
Tuen Mun	290	353	338
Yuen Long	164	183	204
North	41	36	45
Tai Po	107	95	167
Sha Tin	147	55	53
Sai Kung	96	58	109
Total	2 597	2 892	3 040

Table 5: Number of prosecutions with arrests instituted

District	Number of prosecutions with arrests instituted		
	2019	2020	2021
Central & Western	3	6	2
Wan Chai	62	34	57
Eastern	90	52	55
Southern	0	0	6
Islands	0	0	0
Yau Tsim	0	0	2
Mong Kok	0	0	0
Sham Shui Po	22	64	162
Kowloon City	0	0	4
Wong Tai Sin	0	16	26
Kwun Tong	14	94	124
Kwai Tsing	92	2	1
Tsuen Wan	0	1	0
Tuen Mun	6	0	0
Yuen Long	74	183	222
North	10	8	0
Tai Po	22	2	2
Sha Tin	2	0	0
Sai Kung	4	0	2
Total	401	462	665

Table 6: Number of seizure of goods or articles

District	Number of seizure of goods or articles ^{Note 2}		
	2019	2020	2021
Central & Western	1	3	1
Wan Chai	31	37	48
Eastern	45	45	55
Southern	0	0	2
Islands	0	0	0
Yau Tsim	4	5	4
Mong Kok	0	0	0
Sham Shui Po	6	2	5
Kowloon City	0	0	2
Wong Tai Sin	3	18	19
Kwun Tong	7	47	53
Kwai Tsing	46	1	7
Tsuen Wan	0	2	0
Tuen Mun	3	0	0
Yuen Long	58	171	168
North	5	4	0
Tai Po	11	1	0
Sha Tin	3	296	274
Sai Kung	11	0	0
Total	234	632	638

Note 2: Including goods or articles seized as a result of arrests instituted and goods or articles that have been abandoned.

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