

CONTROLLING OFFICER'S REPLY

EEB(F)068

(Question Serial No. 1842)

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 Environment and Ecology

Question:

According to the Estimates, one of the tasks of the Food and Environmental Hygiene Department is to “continue to enforce against shop front extensions under the steer of the District Matters Co-ordination Task Force”. Earlier in particular, the Government launched the Government Programme on Tackling Hygiene Black Spots. In this connection, please advise this Committee of:

1. the respective numbers of complaints against shop front extensions (SFEs) received, prosecutions instituted and fixed penalty notices issued by the Department in each of the past 3 years, with a breakdown by District Council district;
2. the number of inter-departmental operations against SFEs jointly conducted by the Department with other government departments in the past 3 years, with a breakdown by District Council district;
3. the number of notices issued against street obstruction by goods during the joint operations conducted in each of the past 3 years, and the total weight of the articles removed by the Department when handling cases of non-compliance beyond deadlines each year; and
4. whether the Government will explore raising the penalties for SFEs with reference to the demerit point system for restaurants under which illegal extension of business areas will be liable to mandatory suspension of business.

Asked by: Hon CHAN Hoi-yan (LegCo internal reference no.: 27)

Reply:

1. The respective numbers of complaints against shop front extensions (SFEs) received, prosecutions instituted and fixed penalty notices (FPNs) issued by the Food and

Environmental Hygiene Department (FEHD) in the past 3 years, with a breakdown by year and District Council district, are provided at Annex I.

2. Since September 2021, FEHD has launched a new mode of joint operations with the Hong Kong Police Force (the Police) on a trial basis in 3 districts, namely Kwun Tong, Kowloon City and Tsuen Wan, under which obstructive items illegally placed on the streets would be removed and seized. Such joint enforcement mode has successively been adopted in all districts across the territory since October 2022. The numbers of joint operations mounted by FEHD and the Police since September 2021, with a breakdown by year and District Council district, are provided at Annex II.
3. The numbers of notices issued by the Police under section 32(1) of the Summary Offences Ordinance (Cap. 228) against street obstruction by goods during the joint operations, and the total weights of the articles removed by FEHD when handling cases of non-compliance beyond deadlines since September 2021 are tabulated as follows:

	2021	2022
Number of notices issued by the Police under section 32(1) of the Ordinance against street obstruction by goods in joint operations	107	445
Total weight of the articles removed by FEHD when handling non-compliance cases beyond deadlines	About 5.8 tonnes	About 18.8 tonnes

4. The Chief Executive announced in the 2022 Policy Address that the Government would conduct a comprehensive review on the statutory powers and penalties regarding environmental hygiene, with a view to enhancing the efficiency, effectiveness and deterrent effect of enforcement actions against thorny environmental hygiene problems. In the first stage of the legislative review, the Government put forth a proposal to increase the fixed penalties for all scheduled offences under the Fixed Penalty (Public Cleanliness and Obstruction) Ordinance (Cap. 570), including raising the fixed penalty for the offence targeting SFEs (i.e. obstruction of public places) from \$1,500 to \$6,000. We propose to implement the increase of the fixed penalties as soon as possible, and continue to issue multiple fixed penalty notices to offenders of SFE who repeatedly commit the offence within a short period of time and remove obstructive items according to the established mechanism, so as to increase the cost of non-compliance. Other legislative amendment proposals, including those for further enhancement of enforcement against SFEs, will be put forth in the second stage of the legislative review in mid-2023.

Number of complaints received, prosecutions instituted and fixed penalty notices (FPNs) issued against shop front extensions (SFEs) by FEHD

Table 1: Number of complaints

District	Number of complaints		
	2020	2021	2022
Central & Western	648	836	1 879
Wan Chai	648	731	677
Eastern	1 674	2 582	2 232
Southern	460	638	571
Islands	90	122	203
Yau Tsim and Mong Kok	2 723	3 000	2 819
Sham Shui Po	2 519	3 390	2 633
Kowloon City	892	1 491	1 515
Wong Tai Sin	1 246	1 394	1 325
Kwun Tong	1 183	851	705
Kwai Tsing	616	781	1 038
Tsuen Wan	644	1 174	903
Tuen Mun	481	363	707
Yuen Long	2 772	3 577	4 202
North	633	674	587
Tai Po	1 033	1 159	1 096
Sha Tin	364	389	477
Sai Kung	278	358	632
Total	18 904	23 510	24 201

Table 2: Number of prosecutions

District	Number of prosecutions ^{Note}		
	2020	2021	2022
Central & Western	45	80	39
Wan Chai	91	113	80
Eastern	332	441	250
Southern	82	93	73
Islands	32	26	26
Yau Tsim and Mong Kok	227	383	388
Sham Shui Po	916	605	330
Kowloon City	44	97	84
Wong Tai Sin	175	226	187
Kwun Tong	297	266	610
Kwai Tsing	63	39	100
Tsuen Wan	77	194	211
Tuen Mun	353	338	659
Yuen Long	366	426	2 225
North	44	45	49
Tai Po	97	169	203
Sha Tin	55	53	89
Sai Kung	58	111	197
Total	3 354	3 705	5 800

Note: The number of prosecutions instituted under section 4A of the Summary Offences Ordinance (Cap. 228), sections 83B(1) and (3), 22(1)(a) and 22(2)(a) of the Public Health and Municipal Services Ordinance (Cap. 132) as well as section 34C of the Food Business Regulation (Cap. 132X), including cases with summonses issued and arrests made against SFEs but excluding those with FPNs issued.

Table 3: Number of FPNs

District	Number of FPNs		
	2020	2021	2022
Central & Western	200	157	185
Wan Chai	360	370	615
Eastern	587	941	775
Southern	136	252	358
Islands	2	3	0
Yau Tsim and Mong Kok	1 530	2 102	2 491
Sham Shui Po	1 636	1 600	1 893
Kowloon City	377	463	586
Wong Tai Sin	341	691	674
Kwun Tong	796	1 262	1 197
Kwai Tsing	562	853	905
Tsuen Wan	624	919	1 360
Tuen Mun	500	821	888
Yuen Long	1 889	2 565	2 201
North	277	191	282
Tai Po	730	1 380	963
Sha Tin	137	115	229
Sai Kung	50	81	186
Total	10 734	14 766	15 788

Number of joint operations mounted by FEHD and the Police against SFEs since the adoption of the new enforcement approach in September 2021

District	Number of joint operations ^{Note}	
	2021	2022
Central & Western	-	21
Wan Chai	-	17
Eastern	-	52
Southern	-	23
Islands	-	-
Yau Tsim and Mong Kok	-	21
Sham Shui Po	-	65
Kowloon City	31	105
Wong Tai Sin	-	11
Kwun Tong	23	96
Kwai Tsing	-	26
Tsuen Wan	20	80
Tuen Mun	-	18
Yuen Long	-	42
North	-	10
Tai Po	-	22
Sha Tin	-	31
Sai Kung	-	22
Total	74	662

Note: The trial scheme on joint operations has been launched in 3 districts (namely Kowloon City, Kwun Tong and Tsuen Wan) since late September 2021.

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