

**CONTROLLING OFFICER'S REPLY**

**EEB(F)104**

**(Question Serial No. 2429)**

Head: (49) Food and Environmental Hygiene Department

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

Programme: (2) Environmental Hygiene and Related Services

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

Director of Bureau: Secretary for Environment and Ecology

Question:

With regard to matters concerning food premises with illegal extension of food business areas, please advise this Committee of the following:

1. Please set out the numbers of complaints received, inspections conducted, verbal warnings issued, demerit points registered and licences suspended/cancelled in the past 3 years, with a breakdown by the 19 District Environmental Hygiene Offices under the Food and Environmental Hygiene Department.
2. Has the Department assessed if there is any improvement in the shop front extension problem after the amended Fixed Penalty Ordinance came into effect last year? If yes, what are the details? If no, what is/are the reason(s)?
3. There were views that licensees of food premises could defer the Department's execution of a decision to suspend or cancel their licences by abusing the appeal mechanism. In the past 3 years, how many appeal cases were received and what was its percentage out of the total number of cases? What was the average, shortest and longest processing time for an appeal case?
4. Has the Department looked into how to shorten the processing time for executing penalties in order to prevent licensees' deferral through abusing the procedures? If yes, what are the details? If no, what is/are the reason(s)?

Asked by: Hon LEUNG Hei, Edward (LegCo internal reference no.: 69)

Reply:

1. The statistics kept by the Food and Environmental Hygiene Department on complaints about and law enforcement against illegal extension of business areas by food premises are at Annex. As conducting inspections to food premises is part of the routine duties of staff of the Department, a breakdown of the number of inspections is not available. If food premises are found to have illegal extension of business areas during inspections, law enforcement will be instituted.
2. Since the increase in penalty for shop front extension (SFE) (covering general retail shops causing obstruction by shop front trading) to \$6,000 on 22 October 2023, significant improvements have been observed in various districts. As at

31 January 2024, the Department had issued 353 fixed penalty notices and initiated 481 prosecutions (including those with summonses served and arrests instituted) for SFE, a drop of about 90% and 70% respectively as compared with 4 177 notices and 1 909 prosecutions during the same period in the previous year.

3. In the past 3 years, there was 1 appeal by food premises against the cancellation or suspension of a licence each in 2021 and 2023, with respective processing time of 57 and 65 working days.
4. Under the Public Health and Municipal Services Ordinance (Cap. 132), even if an appeal has been made by the licensee of the food premises, the Department reserves the right to proceed with the execution of the decision to suspend or cancel the licence during the pending period of appeal. The Department will consider each case on its own merits.

**Statistics on complaints about and law enforcement against illegal extension of  
business areas by food premises**

Year	2021			2022			2023		
District	Number of complaints	Number of prosecutions <small>Note</small>	Number of suspension (cancellation) of a licence	Number of complaints	Number of prosecutions <small>Note</small>	Number of suspension (cancellation) of a licence	Number of complaints	Number of prosecutions <small>Note</small>	Number of suspension (cancellation) of a licence
Central & Western	110	0	0 (0)	121	2	0 (0)	146	1	0 (0)
Wan Chai	118	13	5 (0)	105	22	3 (0)	274	10	6 (1)
Eastern	193	23	3 (0)	308	26	13 (0)	269	11	1 (0)
Southern	40	1	0 (0)	35	0	0 (0)	37	1	0 (0)
Islands	66	0	0 (0)	71	0	0 (0)	123	2	0 (0)
Yau Tsim	188	34	3 (0)	198	33	5 (0)	680	96	10 (0)
Mong Kok	386	27	1 (0)	389	15	0 (0)	562	13	1 (0)
Sham Shui Po	347	14	3 (0)	244	5	4 (0)	469	38	2 (0)
Kowloon City	148	2	1 (0)	85	5	0 (0)	161	6	1 (0)
Wong Tai Sin	36	11	0 (0)	51	9	3 (0)	126	6	4 (0)
Kwun Tong	231	18	5 (0)	151	12	4 (0)	289	16	6 (0)
Kwai Tsing	192	3	0 (0)	109	13	0 (0)	156	18	4 (0)
Tsuen Wan	217	12	3 (0)	359	34	1 (0)	524	132	19 (0)
Tuen Mun	162	21	4 (0)	324	17	7 (0)	266	25	4 (0)
Yuen Long	586	75	6 (1)	536	63	10 (1)	565	66	11 (0)
North	107	21	0 (0)	138	26	0 (0)	93	18	0 (0)
Tai Po	183	8	0 (0)	102	4	0 (0)	192	9	1 (0)
Sha Tin	103	4	0 (0)	159	13	0 (0)	169	17	5 (0)
Sai Kung	128	9	0 (0)	119	5	0 (0)	269	9	6 (0)
<b>Total</b>	<b>3 541</b>	<b>296</b>	<b>34 (1)</b>	<b>3 604</b>	<b>304</b>	<b>50 (1)</b>	<b>5 370</b>	<b>494</b>	<b>81 (1)</b>

Note: All convicted food premises are registered with demerit points under the Demerit Points System.

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