

CONTROLLING OFFICER'S REPLY

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(Question Serial No. 0040)

Head: (49) Food and Environmental Hygiene Department

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

Programme: (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:

During 2024-25, the Food and Environmental Hygiene Department will enhance enforcement against irregularities in public markets. In this connection, please advise this Committee of:

1. the number of irregularity cases in public markets each month in the past 3 years, with a breakdown by category;
2. the plan on how to enhance enforcement against irregularities in public markets, as well as the manpower and expenditure involved; and
3. the relevant enforcement guidelines.

Asked by: Hon SHIU Ka-fai (LegCo internal reference no.: 12)

Reply:

1. The Food and Environmental Hygiene Department will enhance enforcement against irregularities in public markets, in particular against unauthorised obstruction of passageways. The number of enforcement actions against unauthorised obstruction of passageways in public markets each month in the past 3 years is set out at Annex.
2. In addition to routine inspections, the Department arranges surprise inspections and enforcement actions where necessary to ensure that the operations of market stall tenants are in compliance with the tenancy terms and legal requirements. To further improve the environment of public markets, the Department has stepped up enforcement actions against unauthorised obstruction of passageways by stall tenants in phases since the third quarter of 2023. The first phase of work focused on handling serious cases of irregularities, including occupation of the adjacent stall which is vacant or the common areas in the market which are far away from the tenant's own stall, obstruction to the functional use of barrier-free facilities and other public facilities, and cases which undermine fire safety. The enforcement actions have borne fruits in a gradual manner, and the cases of irregularities have significantly reduced. The Department will review the work in the first phase in a timely manner so as to formulate the implementation details for the next phase of actions. The work involved in the enhanced enforcement actions is handled by existing manpower. The Department does not keep a breakdown of the figures.

3. Regarding the enforcement actions against unauthorised obstruction of passageways by stall tenants, the Department accords priority to handling serious irregularity cases in the first phase. Where irregularity by a stall tenant is found, the Department will first give advice and warnings. If the stall tenants refuse to rectify the situation despite repeated advice, the Department will institute prosecutions or issue warning letters in accordance with the law. For serious cases, the tenancy may be terminated.

**Number of enforcement actions against unauthorised obstruction of
passageways in public markets in 2021**

Month	Number of prosecutions	Number of verbal warnings	Number of warning letters
January	116	61	2
February	81	54	15
March	108	57	6
April	102	70	4
May	93	66	4
June	124	97	5
July	91	56	12
August	99	41	5
September	167	73	15
October	83	49	5
November	100	36	9
December	95	33	3
Total	1 259	693	85

**Number of enforcement actions against unauthorised obstruction of
passageways in public markets in 2022**

Month	Number of prosecutions	Number of verbal warnings	Number of warning letters
January	102	60	10
February	39	19	3
March	49	32	2
April	109	64	12
May	131	47	7
June	111	38	17
July	105	34	17
August	117	43	7
September	91	81	10
October	95	82	8
November	97	51	6
December	77	42	11
Total	1 123	593	110

**Number of enforcement actions against unauthorised obstruction of
passageways in public markets in 2023**

Month	Number of prosecutions	Number of verbal warnings	Number of warning letters
January	103	72	9
February	75	50	17
March	121	40	10
April	115	45	7
May	84	42	3
June	77	42	5
July	113	37	0
August	51	45	2
September	81	79	8
October	64	66	12
November	42	74	10
December	40	42	8
Total	966	634	91

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