

CONTROLLING OFFICER'S REPLY

EEB(F)118

(Question Serial No. 0041)

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 continue to enforce against shop front extension (SFE) under the steer of the Task Force on District Governance. In this connection, please advise this Committee of the following:

1. What is the number of shops prosecuted each month since the increase of fixed penalty for SFE from \$1,500 to \$6,000 on 22 October 2023, and how does the situation compare with that prior to the increase?
2. What are the enforcement guidelines for enforcement officers on loading and unloading activities of shops? How many complaints or objections have been received so far?

Asked by: Hon SHIU Ka-fai (LegCo internal reference no.: 13)

Reply:

1. A total of 353 fixed penalty notices (FPNs) were issued and 481 prosecutions (including those with summonses served and arrests instituted) were initiated by the Food and Environmental Hygiene Department against shop front extension (SFE) from 22 October 2023 to 31 January 2024, representing a decrease of about 90% and 70% respectively as compared with the 4 177 FPNs issued and 1 909 prosecutions initiated during the same period in the previous year. The situations of SFE in various districts have improved significantly. The numbers of FPNs issued and prosecutions initiated in each month during the above period are as follows:

Period	Number of FPNs issued		Number of prosecutions initiated ^{Note}	
	2022-23	2023-24	2022-23	2023-24
22-31 October	508	7	189	33
November	994	119	643	160
December	962	92	649	135
January	1 713	135	428	153
Total	4 177	353	1 909	481

Note: The number of prosecutions initiated under the relevant provisions of the Summary Offences Ordinance (Cap. 228), the Public Health and Municipal

Services Ordinance (Cap. 132) and the Food Business Regulation (Cap. 132X), including cases with summonses served and arrests instituted.

2. The Department has put in place clear enforcement guidelines on handling SFE cases. Frontline staff will, subject to on-site situation, decide whether there is sufficient evidence to take enforcement action against SFE. They will generally not interfere with the normal loading and unloading activities of shops, i.e. in cases that the goods are placed in public places temporarily and the responsible persons can finish moving the goods to and from the shop or vehicle within a reasonable time. However, if the goods are left unattended in public places for a prolonged period and cause obstruction, they will consider taking enforcement action. From 22 October 2023 (when the level of fixed penalty was amended) to 31 January 2024, the Department received a total of 15 complaints against obstruction caused by loading and unloading activities of shops or trucks.

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