

CONTROLLING OFFICER'S REPLY

EEB(F)127

(Question Serial No. 2217)

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:

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

1. the staffing establishments of the Hawkers Sections and Cleansing Sub-sections of the Food and Environmental Hygiene Department in each of the past 3 years, and whether the existing manpower is sufficient to cope with the enhanced inspection and prosecution work; if yes, the details; if no, the reason(s);
2. the numbers of complaints against SFE received, fixed penalty notices (FPNs) issued, prosecutions initiated (including those with summonses served and arrests instituted), and seizures of goods or articles made by the Department in each of the past 3 years, with a breakdown by District Council district;
3. the numbers of FPNs issued, prosecutions initiated (including those with summonses served and arrests instituted), and seizures of goods or articles made by the Department against SFE, as well as the names of shops summonsed multiple times on the same day for SFE and the respective numbers of prosecutions against them since the Fines and Fixed Penalties (Public Cleanliness and Obstruction) (Miscellaneous Amendments) Ordinance 2023 came into effect;
4. whether the Department has equipped members of the Hawker Control Officer grade with body-worn video cameras to protect their safety during enforcement; if yes, the details; if no, the reason(s); and
5. whether the Department will consider bringing in the monitoring and detection system for occupation of roads for business operation adopted in the Mainland in order to facilitate law enforcement by leveraging technology; if yes, the details; if no, the reasons(s).

Asked by: Hon YANG Wing-kit (LegCo internal reference no.: 22)

Reply:

1. Information on the overall staff establishment of the Hawkers Sections and Cleansing Sub-sections of the Food and Environmental Hygiene Department in the past 3 years (2021-22 to 2023-24 financial years) is provided at Annex I. Taking enforcement actions against shop front extension (SFE) is part of the duties of the Hawker Control

Officers. The Department will continue to deploy resources flexibly according to actual needs to cope with the inspection and prosecution work.

2. The numbers of complaints against SFE received, fixed penalty notices (FPNs) issued, prosecutions initiated (including those with summonses served and arrests instituted), and seizures of goods or articles made by the Department in the past 3 years, with a breakdown by year and District Council district, are provided at Annex II.
3. The amended Fixed Penalty (Public Cleanliness and Obstruction) Ordinance (Cap. 570) (the Ordinance) came into effect on 22 October 2023. As at 31 January 2024, the numbers of FPNs issued, prosecutions initiated (including those with summonses served and arrests instituted), and seizures of goods or articles made by the Department against SFE, with a breakdown by District Council district, are provided at Annex III. The Department does not maintain the information on the names of shops which have been prosecuted multiple times within a single day as well as the number of prosecutions taken against them.
4. In order to assist frontline staff in carrying out their duties more effectively and safeguard the safety of the public and staff, since 12 July 2023, Hawker Control Officers in various districts under the Department have been equipped with Body Worn Video Cameras (BWVCs) while they are on duty. As at 31 December 2023, the Department has procured 920 sets of BWVCs and all of them have been put to use. Such arrangement has proved to be remarkably effective in actual practice. In over 80% of the cases involving radical acts, the person(s) concerned calmed down upon the activation of the BWVC. The Department will keep the situation in view and conduct timely reviews of the personal equipment of law enforcement officers to meet actual operational needs.
5. Under the existing provisions and enforcement arrangements against SFE, law enforcement officers must be physically present at the scene to gather evidence and institute prosecution against the persons causing the obstruction. The Government has proposed legislative amendments to empower the Department to issue FPNs to or institute prosecutions against holders of business registration certificates of shops causing obstruction based on images/videos captured by video cameras, with a view to enhancing the effectiveness and deterrence of law enforcement. The Government expects that the relevant amendment bill will be introduced into the Legislative Council in the fourth quarter of 2024 at the earliest subject to the progress of the drafting work.

Overall staff establishment of the Hawkers Sections and Cleansing Sub-sections

Financial year	Staff establishment of Hawkers Sections^{Note 1}	Staff establishment of Cleansing Sub-sections^{Note 2}
2021-22	2 611	3 166
2022-23	2 610	3 165
2023-24	2 572	3 165

Note 1: Including members from the Health Inspector and Hawker Control Officer grades as well as Workmen I and II

Note 2: Including members from the Health Inspector, Foreman and Ganger grades as well as Workmen I and II

**Numbers of complaints against SFE received,
FPNs issued, prosecutions initiated,
and seizures of goods or articles
Table 1: Number of complaints**

District	No. of complaints		
	2021	2022	2023
Central & Western	836	1 879	1 159
Wan Chai	731	677	463
Eastern	2 582	2 232	1 216
Southern	638	571	289
Islands	122	203	219
Yau Tsim Mong	3 000	2 819	3 210
Sham Shui Po	3 390	2 633	2 118
Kowloon City	1 491	1 515	633
Wong Tai Sin	1 394	1 325	703
Kwun Tong	851	705	902
Kwai Tsing	781	1 038	635
Tsuen Wan	1 174	903	738
Tuen Mun	363	707	466
Yuen Long	3 577	4 202	3 753
North	674	587	231
Tai Po	1 159	1 096	1 161
Sha Tin	389	477	366
Sai Kung	358	632	387
Total	23 510	24 201	18 649

Table 2: Number of FPNs issued

District	No. of FPNs issued		
	2021	2022	2023
Central & Western	157	185	219
Wan Chai	370	615	109
Eastern	941	775	192
Southern	252	358	63
Islands	3	0	1
Yau Tsim Mong	2 102	2 491	1 626
Sham Shui Po	1 600	1 893	1 003
Kowloon City	463	586	447
Wong Tai Sin	691	674	186
Kwun Tong	1 262	1 197	607
Kwai Tsing	853	905	358
Tsuen Wan	919	1 360	706
Tuen Mun	821	888	600
Yuen Long	2 565	2 201	1 173
North	191	282	120
Tai Po	1 380	963	141
Sha Tin	115	229	113
Sai Kung	81	186	49
Total	14 766	15 788	7 713

**Table 3: Number of prosecutions initiated
(Including a separate breakdown of summonses served and arrests instituted)**

District	2021			2022			2023		
	No. of summonses	No. of arrests	Total no. of prosecutions	No. of summonses	No. of arrests	Total no. of prosecutions	No. of summonses	No. of arrests	Total no. of prosecutions
Central & Western	78	2	80	39	0	39	26	0	26
Wan Chai	56	57	113	70	10	80	50	0	50
Eastern	386	55	441	216	34	250	125	0	125
Southern	87	6	93	71	2	73	3	0	3
Islands	26	0	26	26	0	26	35	0	35
Yau Tsim Mong	381	2	383	384	4	388	460	0	460
Sham Shui Po	443	162	605	225	105	330	251	12	263
Kowloon City	93	4	97	83	1	84	65	2	67
Wong Tai Sin	200	26	226	187	0	187	117	0	117
Kwun Tong	142	124	266	105	505	610	74	98	172
Kwai Tsing	38	1	39	85	15	100	120	0	120
Tsuen Wan	194	0	194	189	22	211	326	4	330
Tuen Mun	338	0	338	656	3	659	190	0	190
Yuen Long	204	222	426	188	2 037	2 225	203	550	753
North	45	0	45	49	0	49	71	0	71
Tai Po	167	2	169	183	20	203	85	10	95
Sha Tin	53	0	53	81	8	89	72	6	78
Sai Kung	109	2	111	150	47	197	105	10	115
Total	3 040	665	3 705	2 987	2 813	5 800	2 378	692	3 070

Table 4: Number of seizures of goods or articles

District	No. of seizures of goods or articles ^{Note}		
	2021	2022	2023
Central & Western	1	0	0
Wan Chai	48	8	0
Eastern	55	32	0
Southern	2	1	0
Islands	0	0	0
Yau Tsim Mong	4	6	2
Sham Shui Po	5	0	0
Kowloon City	2	0	2
Wong Tai Sin	19	5	0
Kwun Tong	53	253	49
Kwai Tsing	7	9	8
Tsuen Wan	0	14	0
Tuen Mun	0	33	0
Yuen Long	168	1 231	496
North	0	0	0
Tai Po	0	28	84
Sha Tin	274	115	86
Sai Kung	0	15	7
Total	638	1 750	734

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

Numbers of FPNs issued, prosecutions initiated, summonses served, arrests instituted and seizures of goods or articles made by the Department against SFE from 22 October 2023 to 31 January 2024

District	No. of FPNs issued	No. of prosecutions initiated			No. of seizures of goods or articles ^{Note}
		No. of summonses	No. of arrests	Total no. of prosecutions	
Central & Western	23	6	0	6	0
Wan Chai	6	15	0	15	0
Eastern	8	17	1	18	0
Southern	0	0	1	1	0
Islands	0	17	0	17	0
Yau Tsim Mong	73	98	4	102	0
Sham Shui Po	40	55	0	55	0
Kowloon City	34	13	0	13	0
Wong Tai Sin	7	20	0	20	0
Kwun Tong	14	1	0	1	0
Kwai Tsing	16	28	0	28	3
Tsuen Wan	40	13	1	14	0
Tuen Mun	22	44	0	44	0
Yuen Long	54	64	12	76	15
North	2	17	0	17	0
Tai Po	1	13	0	13	38
Sha Tin	9	27	0	27	22
Sai Kung	4	14	0	14	2
Total	353	462	19	481	80

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

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