

For discussion  
on 17 July 2001

**LegCo Panel on Food Safety and Environmental Hygiene**  
**Comprehensive Review of Hawker Control Operations**

**Introduction**

In May 2000, the Food and Environmental Hygiene Department (FEHD) informed the then LegCo Environmental Affairs Panel Sub-Committee on matters relating to environmental hygiene that a comprehensive review of hawker control operations would be conducted. The Review has now been completed. This paper informs Members of the outcome of the Review.

**Background**

2. Hawking has a long history in Hong Kong and hawker control, being a complex matter, has always been a subject of community concern. Prior to the setting up of the FEHD in January 2000, policy on control of hawkers was formulated by the two former Municipal Councils and executed by the two former municipal services departments. In 1999, enforcement action by Hawker Control Teams (HCTs) over a number of cases had attracted wide media coverage. The public expressed concern over the propriety of such enforcement actions and the question of the integrity, discipline and professional standard of the HCTs was also raised.

3. Separately, as part of the on-going corruption prevention work, the ICAC and the then Urban Services Department agreed that upon the establishment of the FEHD, a study should be conducted to examine the procedures and practices adopted by hawker control officers in the conduct of their operations, with emphasis on planning and execution of raids and seizure and storage of goods. The ICAC study was completed in May 2000. The recommendations of the study related mainly to the modus operandi and deployment of human resources in hawker control work, and the need to instill a positive culture among the Hawker Control Officer (HCO) grade.

4. Following the re-organization of municipal services, FEHD took up the responsibilities for hawker control from 1.1.2000. Although the policies, organizational structures and operational systems of hawker control were different between the urban and the New Territories areas, FEHD has decided to maintain the status quo as a transitional measure until these have been thoroughly reviewed. Taking into account the ICAC study and the need to review and re-align the policies and practices on hawker control, FEHD embarked on a comprehensive review of hawker control operations and the management of HCTs in July 2000. The purpose of the review was to identify ways in which hawker control operations can be improved and the management of HCTs strengthened. It is hoped that the improvements can enhance public confidence in and recognition of the work of HCTs which plays a key role in ensuring public hygiene.

### **The Review**

5. A Steering Committee was set up under the Chairmanship of the Director of Food and Environmental Hygiene to oversee the review. The Steering Committee was underpinned by three Working Groups formed to review different aspects of hawker control management and operations. They are Working Groups on Modus Operandi; Organizational Structure and Establishment; and Human Resource Management.

6. 46 focus group discussions involving over 1,200 staff from the Health Inspector (HI), Hawker Control Officer (HCO) and Workman I (Wml) grades were held. Staff unions and members of the HCO grade were also invited to give their views. Views expressed by staff were used as the basis for deliberation by the Working Groups.

7. The review has been completed and a copy of the executive summary of the report is at Annex. The major recommendations as well as their background and rationale are set out below.

### **Recommendations**

#### **Human Resource Management**

8. The Steering Committee considers that strengthening the human resource management of the HCO grade is the key to boosting service quality. To this end, a range of measures are proposed, including enhancing training programmes for each rank, boosting performance management to ensure accurate appraisals of staff on which decision on promotion and training

are based, and setting up posting committee to increase transparency.

9. Other suggestions include improving the uniform of the grade to enhance its professional image and changing the title of the grade to reflect more accurately the nature of work of the grade.

#### Organizational Structure and Establishment

10. There are two different modes of HCT deployment in the control of hawking activities, namely “sector patrol” and “raiding”. At present, 121 squads are performing sector patrol duties while 28 teams are performing raiding duties.

#### New Squad Structure of HCT

##### Sector Patrol

11. Sector patrol squads play a multifarious role in the control of licensed and unlicensed hawkers, illegal shop extension and anti-littering duties. The structure of sector patrol squads<sup>1</sup> in urban and NT areas is different, as follows :-

Urban : 1 SHCO, 2 HCOs, 10 AHCOs and 1 WmI  
NT : 1 SHCO, 1 HCO, 6 AHCOs and 4 WmI

12. Given the same nature of work, the differences are hard to justify and therefore it is proposed that they should be aligned. To ensure effective control of hawkers in different parts of the territories, it is proposed that in future, all sector patrol routes should be classified under three categories with different patrol frequencies:-

<u>Category</u>	<u>Routes with</u>	<u>Frequency of patrol</u>
A	Very serious hawker blackspots, sensitive areas and special spots.	10 times a day
B	A number of hawker blackspots and where illegal shop extensions are common.	4 times a day
C	Sporadic hawker spots and illegal shop extensions are not common.	2 times a day

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<sup>1</sup> The same structure applies to raiding squads.

13. To achieve optimal team size for enhanced supervision and mobility to enable sector patrol squads to play its roles, it is proposed that the new squad structure should be 1 SHCO : 1 HCO : 6 AHCOs. 131 squads will be required for sector patrol in the territory.

#### Revised Enforcement Strategies

14. To tie in with the new squad structure for sector patrol, it is recommended that the enforcement strategies against the licensed hawkers and illegal shop extension be revised. At present, when a licensed hawker or a shop owner displays his goods in such a way that it causes street obstruction, the sector patrol squad will warn him verbally. If obstruction persists, the licensed hawker or the shop owner will be arrested and brought to the nearby police station for laying charges. During this process, the sector patrol squad will leave its patrol area to complete the formalities.

15. To ensure cost effectiveness in staff deployment, the review recommends that instead of arresting a licensed hawker or a shop owner whenever obstruction is caused by him, the latter should be verbally warned first, followed by prosecution by means of summons if the warning is unheeded. Only if obstruction persists after summons action will the sector patrol squad call upon the raiding team for arrest action. Under the revised strategies, the sector patrol squad does not have to leave its patrol area while the raiding team can focus its enforcement action against unlicensed hawkers, and licensed hawkers and shop owners who cause substantial obstruction.

#### Raiding Teams

16. The work of raiding teams is to conduct raiding operations in hawker blackspots. The review recommends that there should be three raiding teams in each district, thus maintaining at least one raiding team in each shift. In addition, the number of Hawker Task Force (HTF) teams in each Operations Division at the headquarters level which conduct raiding to assist district raiding teams should be increased from 28 to 36.

17. The proposed new team structure for raiding operation is 1 SHCO : 2 HCOs : 6 AHCOs : 2 WmI. The structure will provide stronger support at HCO level so as to strengthen the team's performance. This will enhance the level of supervision and flexibility in deployment into sub-teams when needed. The HCOs will also perform other duties including pre-raiding surveillance and intelligence checking. The WmIs will provide labour support in transporting

and carrying seized goods. A total of 96 teams will be required for raiding operations in the territory.

18. In order to enhance the flexibility of staff deployment and to enrich HCTs' operational skill in carrying out their multi-faceted hawker control duties, they will be arranged to perform raiding and sector patrol duties on a rotation basis.

#### Support Services

19. Support services in hawker control operations include works relating to licensing matters and manning of district control centres, seized goods stores, and hawker handling centres. The current manning ratios for the above services in the urban and N.T. areas are different and it is recommended that such ratios be standardized.

#### Establishment of the HCO Grade

20. The proposed new squad/team structure, coupled with the revised enforcement strategy and related staffing requirements mean that the establishment of the HCO Grade will be reduced from 2,587 to 2,292. A total of 323 AHCO posts will no longer be required but 1 CHCO, 17 SHCO, and 10 HCO posts will be created, i.e. a net reduction of 295 posts.

#### Staffing Requirement of Motor Driver in HCT and Vehicle Provision

21. Due to operational need, HCT squads/teams are provided with transportation to take them to the place of work as well as to carry the seized hawker equipment and goods to the police stations or FEHD's seized goods stores. Under the new modus operandi for hawker control work set out above, vehicle provision should be as follows :-

- (a) one van for each sector patrol squad;
- (b) one van and one lorry for each raiding team; and
- (c) one van as command car for each district.

22. With the revised number of squads/teams in sector patrol and raiding operation, a total of 359 Motor Drivers will be required, i.e. a reduction of 69 posts compared with the present establishment.

### Staffing Requirement of WmI in HCT

23. WmIs in HCTs provide labour support in transporting and carrying seized goods. The review recommends that it would not be necessary to provide WmI to support HCTs performing sector patrol duties in the future since the related work can be taken up by HCO grade staff. The review also proposes a number of revisions in the requirement for WmI in other duties of hawker control operations. The new requirement for WmI amount to 413 which is a reduction of 211 posts compared with the present establishment.

### Modus Operandi

#### Enhancement of Hawker Management

24. At present, the Senior Health Inspector (Hawker) (SHI(H)) in the Environmental Hygiene Branch of FEHD manages the Hawker Section, implements policies and legislation on hawkers and initiates major hawker clearances. The Principal Hawker Control Officer (PHCO) in the district takes the lead in reviewing hawker control strategies and in consultation with SHI(H), plans joint operations against street obstruction and illegal hawking.

25. The review recommends that the duties of SHI(H) and PHCO should be more clearly defined whereby PHCO should initiate improvement in operational tactics for effective hawker control with SHI(H) assessing the effectiveness of such improvements. As regards collection of evidence for mounting prosecution, it is recommended that a proper system for surveillance and intelligence checking be set up in all districts whereby staff in civilian clothes would be deployed for surveillance check and for taking video/photo record to enhance chances of success in prosecution.

#### Shift Patterns and Break for HCT Field Staff

26. The review recommends to make the shift pattern of HCT staff more flexible such that working hours may commence and end in the small hours of the day to facilitate a wider ground coverage. The current arrangement regarding break for HCT field staff would also be improved so that they would be allowed to take a 20-minute break (as opposed to the current 15-minute) in each shift to recuperate after a period of field operations. The break should be inclusive of travelling time at a suitable interval but not during the first two hours, or the last hour of the shift.

### Arrest, Seizure and Prosecution Procedures

27. Having examined the current arrest, seizure and prosecution procedures, the review recommends improvements in a number of aspects. The squad/team leader (SHCO), CHCO or PHCO must ensure that only action officers directly involved in the arrest or seizure and the squad/team leader or his deputy as case vetting officer should accompany the arrested person and seized article to the police station so that other HCTs will continue their patrol at the normal or scheduled route assigned after conducting an arrest or seizure.

28. To enable raids to become more effective, HCT staff should be deployed to carry out surveillance and observation at the target location before the raid. The observers should be able to link up the chain of evidence before, during and after the raid and act as witnesses in corroborating the evidence of the arresting officers.

29. HCT staff should fully and accurately record in the notebook the material facts relating to the arrest so as to facilitate the preparation of evidence for taking prosecution action. The HCT staff on surveillance should also record their surveillance evidence or relevant facts in their notebooks.

30. Introduction of the “Officer-in-charge Case System”, whereby a supervisor would vet the Arrest Case Summary Form and check the relevant records before a charge is made by the Police, should be considered to ensure that the proposed charge is supported by sufficient evidence.

31. Arrested unlicensed hawkers should be charged with both illegal hawking and obstruction (rather than with obstruction alone) if there is sufficient evidence to do so.

32. FEHD staff involved in hawker management and control should be provided with more on the job training to enhance their knowledge of prosecution of hawker offences. The respective staff should also be more involved in operational matters and planning and field supervision.

### Grey Areas and Discretionary Power

33. The Operational Manual provides, among other things, general guidelines to hawker control staff in law enforcement actions concerning hawker control. It should be read in conjunction with the relevant Ordinance and the Hawker Regulation. Relevant parts of the Operational Manual have been revised from time to time to suit changing circumstances.

34. Fixed pitch licensed hawkers usually extend their business area to the public street for the display of goods beyond the pitch area. For better control purpose and to assist HCT staff in interpreting the degree of obstruction caused by licensed hawkers in law enforcement, the review recommends that enforcement action should be taken if the “tolerated display area” (in excess of the permitted size) is exceeded.

35. The “tolerated display area” should be subject to the physical condition of the ground situation and arrangement, without causing inconvenience to the public. The District Management Committee/District Council concerned should be consulted.

36. The trading area for Itinerant Hawker Licence (IHL) holders should not be specified to allow flexibility for enforcement. Enforcement officers should exercise discretion having regard to the physical condition of the prevailing ground situation to determine whether the IHL holders are causing serious obstructions that necessitate summons or arrest action as appropriate.

#### Protection of Confidential Information

37. The ICAC study referred to in para. 3 above has recommended a series of measures to protect confidential information and these recommendations have been implemented since June 2000.

#### Communication Equipment for HCT

38. To further enhance communication, each raiding team and sector patrol squad should be provided with three and two mobile phones respectively to supplement the present radio communication system. A Working Group on Improvement of Communication Equipment has been formed to further examine the present communication system for enhancement.

#### Working Relationship with Concerned Departments

39. For effective hawker control, there is a need for closer liaison between FEHD and the relevant departments. In view of this, the review recommends that meetings with the senior management of the Police and Customs & Excise Department should be arranged. This would be in addition to the current regular meetings with the departments such as the Police, Housing Department, Leisure & Cultural Services Department at the district level.



### Discipline Code

40. The existing management and disciplinary arrangements are generally adequate to provide guidelines on conduct and discipline for HCT staff. To further improve the existing arrangements, the review recommends adding guidelines relating to correct signing on attendance book, proper way of wearing uniforms and proper behaviour whilst on duty.

### **Staffing and Financial Implication**

41. In the financial year 2001-02, the estimated expenditure relating to hawker control is \$1,045 million. The implementation of the recommendations of the review would result in a total of 603 posts (323 AHCOs, 69 MDs and 211 WmI) to be deleted and to be offset by the creation of 28 posts (1 CHCO, 17 SHCOs and 10 HCOs). If the recommendations are fully implemented, the net saving to be achieved is estimated to be \$90.06 million per annum. However, even if the recommendations are all supported by staff, it is unlikely that they will be implemented fully in one go. Reduction of 69 MDs and 211 Wm I could take place within 2001/02 and 2002/03 as these two grades are subject to the Voluntary Retirement Scheme (VRS). The deletion of 323 AHCOs would prove to be more difficult. Under the prevailing principle that no staff should be made redundant, the deletion would have to be phased over a period of time and achieved by means of natural wastage. To this end, the structure of sector patrol squads and raiding operation, which contributes to the bulk of the proposed deletion of AHCOs, would need to be implemented in stages. Staff rendered surplus after this staged implementation would be considered for re-deployment to other duties.

### **Way Forward**

42. The Report has been issued for staff consultation. Implementation of the recommendations, subject to views of staff, would require careful planning and co-ordination within FEHD, and in some cases, with other departments and bureaux. A task force would therefore be set up under the chairmanship of Deputy Director (Administration & Development) to take forward the recommendations and monitor their implementation.

## **Report on the Comprehensive Review of Hawker Control Operations**

### **Executive Summary**

#### **Introduction**

The purpose of the review is to identify ways in which hawker control operations can be improved and the management of HCTs strengthened. It is hoped that the improvements could enhance public confidence in and recognition of the work of HCTs which plays a key role in ensuring environmental hygiene.

#### **Conduct of the Review**

2. A Steering Committee was set up under the Chairmanship of the Director of Food and Environmental Hygiene to oversee the review.

3. Three Working Groups were formed to review different aspects of the hawker control operations. They are Working Groups on Modus Operandi; Organizational Structure and Establishment; and Human Resource Management.

#### **Staff Consultation**

4. A total of 46 focus group discussions were held involving over 1,200 staff members including Health Inspector, Hawker Control Officer (HCO) and Workman I (WmI) grade staff. Ideas, comments, suggestions and expectation of the staff were expressed during focus group discussions, and used as the basis for deliberation by the Working Groups.

5. A letter was sent to all HCO grade staff inviting their comments on the Review. Staff unions were also asked to give their views.

#### **Recommendations**

##### **Entry Requirements, Terms of Appointment and Grade Structure**

6. No change is recommended to the existing entry requirements, terms of appointment and grade structure [i.e. the five-tier grade : Principal Hawker Control Officer (PHCO); Chief Hawker Control Officer (CHCO); Senior Hawker

Control Officer (SHCO); Hawker Control Officer (HCO) and Assistant Hawker Control Officer (AHCO)].

### Posting Policy

7. Recommendations on posting policy are as follows:-
- (a) To enhance transparency, posting policy should be promulgated. A letter to all HCO grade staff was issued on 3.10.2000 to promulgate the posting policy;
  - (b) Staff may approach the Staff Relations and Welfare (SR & W) Unit to request for special consideration. In order to prevent abuse, SR & W Unit will examine each case in details, e.g. obtaining documental evidence such as medical records before acceding to a request;
  - (c) A Posting Committee under the chairmanship of Assistant Director (Grade Management & Development) will be formed to consider postings to be arranged under special circumstances;
  - (d) One CHCO should be created in the Grade Management Section to enhance communication with colleagues;
  - (e) The posting of Senior Health Inspectors (Hawker) (SHI(H)s) and PHCOs should also be arranged in such a manner to ensure continuity of work; and
  - (f) Annual internal staff rotation in the squad/team should be revised to rotate staff from every 12 months to every 18 months.

### Title of the Grade

8. The title 'Hawker Control Team' (HCT) may not comprehensively and appropriately reflect the work nature of the grade at present. The title of the grade may need to be changed. The new title will be further considered after staff have expressed their views.

### Uniform of the Grade

9. To give the grade a new image, the uniform should be improved and the standing Departmental Uniform Committee should be asked to follow up on this.

### Training Programme

10. Recommendations to enhance the effectiveness of training for the HCO grade are as follows:-

- (a) Intensive core courses should be established for each rank and attendance of such core courses should be made compulsory;

- (b) Systematic and formal assessment of trainees' performance should be conducted. Those who have failed in the assessment should be given the opportunity to be re-trained; and
- (c) Short refresher courses for each rank will be run on a need basis.

#### Performance Management System

11. Recommendations to enhance performance management system are as follows:-

- (a) Staff should be encouraged to write performance appraisals in Chinese;
- (b) Assessment panels will be introduced to all ranks of the grade. A pre-assessment approach should be adopted for SHCO, HCO and AHCO ranks. Assessment panel(s) will be formed to agree on the contents of the appraisals before they are written, i.e. to consider the appraisals in draft form. For the PHCO and CHCO ranks, in view of the small number involved, a post-assessment approach will be adopted, i.e. the assessment panel will be formed after the appraisals are written by individual supervisors;
- (c) The use of core competencies should be adopted; and
- (d) A distribution of ratings (i.e. a quota system) should be considered for the performance appraisal system.

#### Private Solicitor Scheme

12. The Civil Service Bureau has agreed to extend the Private Solicitor Scheme until 31.12.2002 and the Department will initiate a review in mid-2002 in the light of prevailing circumstances upon implementation of the new modus operandi of the hawker control operation recommended in this report.

#### New Squad Structure of HCT

13. At present, for the control of hawking activities, there are in broad terms two different modes of HCT deployment, namely "sector patrol" and "raiding". There are 121 squads performing sector patrol duties and 28 teams raiding duties.

#### Sector Patrol

14. At present, the squad structures of the HCTs in urban and NT areas are different. They are as follows:-

Urban	:	1 SHCO	2HCOs	10 AHCOs	and	1 WmI
NT	:	1 SHCO	1 HCO	6 AHCOs	and	4 WmI

15. A new modus operandi on hawker control operations will be introduced. All sector patrol routes should in future be classified under three categories as follows :-

- Category A: Routes with very serious hawker blackspots, sensitive areas and special spots.
- Category B: Routes with a number of hawker blackspots and where illegal shop extensions are common.
- Category C: Routes with sporadic hawker spots and illegal shop extensions are not common.

16. The sector patrol frequencies for the respective categories should be as follows :

- Category A: 10 times a day
- Category B: 4 times a day
- Category C: 2 times a day

17. The new squad structure for sector patrol will be : 1 SHCO : 1 HCO : 6 AHCOs. The structure has taken into account the optimal team size in terms of enhanced supervision and mobility and the multifarious role of patrol squads in the control of licensed and unlicensed hawkers, illegal shop extension and anti-littering duties. A total of 131 squads (including operational and leave relief (OL/R)) will be required for sector patrol in the territory. The respective staffing requirements for the three Operations Divisions are as follows :-

Division	No. of AHCOs	No. of squads
1	234	39
2	318	53
3	234	39

Raiding Operations

18. There should be three raiding teams (two functional and one OL/R) in each district, thus maintaining at least one raiding team in each shift. In addition, the Hawker Task Force (HTF) teams are to be strengthened with the provision of OL/R team from the present 28 to 36 teams.

19. The new team structure for raiding operation will be 1 SHCO : 2 HCOs : 6 AHCOs : 2 Wml. The structure will provide stronger support at HCO level so as to strengthen the quality of performance of HCT teams in raiding operations. This will enhance the level of supervision and flexibility in deployment into sub-teams when need arises. The additional HCO will also perform other duties including pre-raiding surveillance and intelligence checking. The Wml will provide labour support in transporting and carrying seized goods. A total of 96 teams will be required for raiding operations in the territory. The breakdown is as follows :-

1	18	8
2	18	12
3	24	16
Sub-total	60	36

#### Support Services

20. The staffing requirements for support service in all districts should be standardized as follows :-

<u>Duties</u>	<u>No. of HCO grade staff to be provided under the new proposal</u>
Command of Support Services	1 SHCO and 1 HCO
District Control Centre (DCC)	1 AHCO for each shift
Seized Goods Store (SGS)	1 AHCO for each shift
Hawker Handling Centre (HHC)	1 AHCO for each shift
Hawker Casework	1 SHCO and 1 AHCO

#### Establishment of the HCO Grade

21. Under the new modus operandi and staffing requirements, the

establishment of the HCO will be reduced from 2,587 to 2,292. A total of 323 AHCO posts will no longer be required but 1 CHCO, 17 SHCO, and 10 HCO posts will be created.

Staffing Requirement of Motor Driver in HCT and Vehicle Provision

22. Under the new modus operandi, the vehicle provision will be as follows:-

- (a) one van for each sector patrol squad;
- (b) one van and one lorry for each raiding team; and
- (c) one van as command car for each district.

23. With the revised number of squads in sector patrol and raiding operation, a total of 359 Motor Drivers including OL/R staff will be required, i.e. a reduction of 69 posts compared with the present establishment.

Staffing Requirement of WmI in HCT

24. Under the new modus operandi, it will not be necessary to provide WmI support to HCTs performing sector patrol duties.

25. The staffing requirements of WmI in hawker control operations should be as follows:

<u>Duties</u>	<u>No. of WmI to be provided under the new proposal</u>
Raiding Team	2 WmI each
DCC	1 WmI for each shift
SGS	2 WmI for each shift
HHC	1 WmI for each shift

26. A total of 413 WmI including OL/R will be required, i.e. a reduction of 211 posts compared with the present establishment.

Enhancement of Hawker Management

27. The duties of SHI(H), PHCO and CHCO should be more clearly defined;

SHI(H) should monitor closely his team and collaborate with PHCO to plan and map out effective hawker control strategies; PHCO and CHCO, through daily contact with HCT squads in briefing and de-briefing sessions, should reflect the need for major changes in operational tactics to SHI(H) and initiate overall review for improvement; and SHI(H) should monitor closely the progress of the review, give support to PHCO where necessary and assess effectiveness of the review. He should report progress of review to district Chief Health Inspector (CHI) who would oversee in full the operational strategies and evaluate their effectiveness including resources deployment.

28. For collection of evidence, a proper system for surveillance and intelligence checking should be set up in all districts. This includes deployment of suitable staff in civilian clothes for surveillance check and for taking video/photo record as evidence to enhance success in prosecution. Views from Department of Justice should be sought on contentious cases.

#### Working Hours and Shift Patterns

29. A flexible approach for the shift system based on operational requirements of the district should be adopted. The shift pattern and working hours may commence and end in small hours of the day to facilitate a wider ground coverage.

#### Break for HCT staff on the field

30. HCT staff (except support services) will be allowed to take one 20-minute break in each shift, inclusive of travelling time at a suitable interval but not during the first two hours after commencement of their duty shift or during the last hour before end of the shift. Squad/Team leaders of HCT should record on notebook and report to the DCC.

#### Arrest, Seizure and Prosecution Procedures

31. The Working Group on Modus Operandi has given due consideration to the concerns raised by HCT staff on the legislative provisions and procedures for arrest, seizure and charging. The lack of statutory power to inspect the Hong Kong Identity Card of the arrested person would not hamper the act of arrest as under section 85 of the Public Health and Municipal Services Ordinance, Cap. 132. Any person who is arrested under section 84(1) of Cap. 132 by a HCT staff shall forthwith be taken to the nearest police station or given into the custody of a police officer. There are more cons than pros for HCTs to perform the charging function. There is no strong justification for FEIID to take over from the Police the charging



process of all hawker offences.

32. There is no justification for HCTs to depart from the existing seizure policy. No guideline can be exhaustive as to clearly define what should or should not be seized in connection with a hawker offence. Each HCT officer is expected to exercise his judgment according to the actual ground situation. The guiding principle is that the HCT shall seize all hawker equipment or commodities which he has reason to believe that the items involved are used for committing the alleged offence.

#### Existing Legislative Provision and Problem Areas Identified

33. The squad leader (SHCO), CHCO or PHCO must ensure that only action officers directly involved in the arrest or seizure and the squad leader or his/her deputy (the officer-in-charge case - the O/C case) as case vetting officer should accompany the arrested person and seized article to the police station so that other HCTs will continue their patrol at the normal or scheduled route assigned after conducting an arrest or seizure. The O/C case should ensure that the proposed charge is supported by sufficient evidence.

34. There is no need for raids to be carried out in a haste. A more effective tactic would be to deploy HCT staff to carry out surveillance and observation at the target location before the raid. The observers should be able to link up the chain of evidence before, during and after the raid and act as witnesses in corroborating the evidence of the arresting officers. The mentality and culture of HCT should change.

35. HCT staff should fully and accurately record in the notebook the material facts relating to the arrest so as to enhance the credibility of the action officer in taking prosecution action. The HCT staff on surveillance should also record their surveillance evidence or relevant facts in their notebooks.

36. Arrested unlicensed hawkers should be charged with both illegal hawking and obstruction (rather than with obstruction alone) if there is sufficient evidence to do so.

37. Health Inspectorate Officers with the right calibre should be selected to take up the posts of SHI(H) in order to enhance their professionalism in hawker control and management work. It is also essential that adequate special training be provided to all SHI(H)s, PHCOs and CHCOs to enhance their legal perception

and prosecution of hawker offences.

Illegal Shop Extension

38. Illegal shop extension is a growing problem. It does not only infringe on illegal occupation of Government land but also affects amenity, causes obstruction to pedestrians and creates hygiene problems. The issue should be further pursued in consultation with relevant departments and the Environment and Food Bureau.

Grey Areas and Discretionary Power

39. The Operational Manual provides, among other things, general guidelines to hawker control staff on the procedures to follow in law enforcement concerning hawker control operations. It should be read in conjunction with the relevant Ordinance and its Hawker Regulation. Relevant parts of the Operational Manual have been revised from time to time to suit changing circumstances.

40. To assist HCT staff in interpreting the degree of obstruction caused by licensed hawkers for the purpose of law enforcement, the Working Group on Modus Operandi recommends that enforcement action should be taken if the "tolerated display area" (in excess of the permitted size) as listed below, subject to the condition stated hereafter, is exceeded:-

<b>Nature</b>	<b>Tolerated Display Area</b>
Fixed pitch with or without stall structure (other classes) (Permitted size: 900mm x 1,200mm)	500 - 1,000mm fronting the fixed pitch
Newspaper stall (Permitted size: 450mm x 1,800mm)	1800mm x 450mm fronting the fixed pitch and 450mm x 450mm at both sides

41. The "tolerated display area" suggested above is subject to the physical condition of the ground situation and arrangement, without causing inconvenience to the public. The District Management Committee/District Council concerned should be consulted.

42. The trading area for Itinerant Hawker Licence (IHL) holders should not

be specified to allow flexibility for enforcement. Enforcement officers should exercise discretion having regard to the physical condition of the prevailing ground situation to determine whether the IHL holders are causing serious hawking obstructions that necessitate summons or arrest action as appropriate.

43. Enforcement action would be considered against cooked food stalls if more than two tables and eight chairs are provided in the seating area of a cooked food stall.

#### Protection of Confidential Information

44. ICAC has recommended a series of measures to protect confidential information and these recommendations have been implemented since June 2000. The measures are effective and adequate.

#### Communication Equipment for HCT

45. To further enhance communication, each raiding team and sector patrol squad should be provided with three and two official mobile phones respectively to supplement the present radio communication system. A Working Group on Improvement of Communication Equipment has been formed to further examine the present communication system for enhancement.

#### Facilities in HCT Depot and HHC

46. Some facilities such as lockers and changing facilities in HCT depots and HHCs are quite old and district management is required to look into the matter and to improve the facilities as far as practicable.

#### Working Relationship with Concerned Departments

47. In addition to continuing with the current practice of holding regular meetings with the departments concerned (Police, Housing Department and Leisure & Cultural Services Department) at district level, regular contacts/meetings with senior management of the Police and Customs & Excise Department should be arranged.

#### Discipline Code

48. The existing management and disciplinary arrangements are generally adequate to provide guidelines on conduct and discipline for HCT staff. The Steering Committee has proposed the following additional guidelines:-

- (a) Making incorrect entries in the attendance book and signing on the attendance book for colleagues should be classified as serious

disciplinary offence; and

- (b) The following should also be included as offences other than serious disciplinary offences:-
- (i) Failure to wear uniform properly and in accordance with the requirements specified in the proposed dress code whilst on duty;
  - (ii) While in uniform at any time, enters into a Hong Kong Jockey Club off-course betting centre or on-course betting area or any places of entertainment and amusement such as mah-jong saloon and amusement games centre other than in connection with a duty commitment;
  - (iii) When dealing directly with members of the public or in any HCT vehicle or in the public view at any time, smokes, reads newspaper/journal/magazine or consumes refreshments; and
  - (iv) While in uniform at any time or performing duties in the public view, behaves in an inappropriate manner (e.g. leaning against railings, gathering and chatting in groups, using mobile phone for private purpose, seeking autograph from celebrities, etc.).

49. HCT staff must pay special attention to their physical appearance, behaviour and posture in the course of performing their duties and they must be careful with their language and manner in communicating with members of the public.

#### Dress Code

50. A dress code for HCTs will be proposed and it should be adopted for implementation as soon as possible to provide clear guidelines for compliance by HCT staff.

#### Way Forward

51. A task force will be set up to take forward the recommendations and monitor the implementation.