

**Extract from minutes of meeting between LegCo Members  
and Sham Shui Po District Council members on 14 June 2001**

**Members present** : Hon Mrs Miriam LAU Kin-ye, JP (Convenor)  
Hon NG Leung-sing  
Hon CHAN Kwok-keung  
Hon Jasper TSANG Yok-sing, JP  
Hon LAU Chin-shek, JP  
Hon LAW Chi-kwong, JP  
Hon LI Fung-ying, JP  
Hon Frederick FUNG Kin-kee

**By invitation** : **Shum Shui Po District Council**

Mr TAM Kwok-kiu (Chairman)  
Mr CHAN Tung, (Vice-chairman), BBS  
Mr CHAN Wai-ming  
Mr CHEUNG Man-tao  
Mr CHEUNG Wing-sum, Ambrose, JP  
Mr LAM Ka-fai, Aaron  
Mr LEUNG Hon-wa  
Mr LEUNG Lai  
Mr LEUNG Yau-fong  
Mr LI Hon-hung  
Mr TAI Yuen-ming  
Mr TAM Kwok-hung  
Mr WAI Woon-nam  
Mr WONG Kam-kuen, MH  
Mr WONG Kuen-wai  
Ms WONG Kwai-wan

**Staff in attendance** : Mr Andy LAU  
Chief Assistant Secretary (1)2

Ms Anita SIT  
Senior Assistant Secretary (1)8

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**IV Illegal shop extensions causing obstruction in pavement**

34. Mr WAI Woon-nam said that many shops, including market stalls, food premises and apparel shops etc. in SSP habitually placed their goods, cooking utensils and paraphernalia outside their shops or simply used the pedestrian pavement as loading/unloading storage areas, causing obstruction and nuisances to pedestrians. While SSPDC had urged FEHD and the Police to make concerted efforts to combat such practices, it appeared that neither FEHD nor the Police was willing to step up enforcement actions, especially when the streets concerned were not blackspots of illegal hawking activities. Mr WAI further said that while the former Urban Services Department (USD) had been accountable to the former Urban Council, FEHD, which had taken over most responsibilities from the former USD, was not accountable to any elected political institution. It was difficult for District Councils to monitor the work of FEHD notwithstanding that many work areas of the department were directly related to the living environment of the public.

35. Mr CHAN Tung said that the problem of illegal shop extensions was so prevalent in SSP that some shops had even erected permanent structures at the shop front.

36. The Convenor informed the meeting that according to the Director of Food and Environmental Hygiene, control of illegal shop extensions formed an integral part of street management for which various Government departments including the Police, Lands Department, Fire Services Department, Highways Department and FEHD were conferred with the power to take enforcement actions.

37. Mr LAW Chi-kwong referred to the information provided by the Administration that FEHD had taken out 1 343 prosecutions against illegal shop extensions in 2000. He commented that notwithstanding the large number of prosecutions, there had been no significant improvement in the situation. He therefore queried whether such prosecutions carried adequate deterrent effect.

38. Mr CHAN Wai-ming said that according to his observation, due to the lack of manpower and the large number of blackspots of illegal shop extensions and hawking activities in SSP, FEHD could only take sporadic operations at individual blackspots. The attitude of shop operators was a major cause of the problem. They generally perceived that placing their goods at the shop front could help attract more customers. Mr CHAN also pointed out that currently, the practice of placing a ramp of one to two feet long at the shop front was becoming rampant among shop operators in SSP and this practice had not been seriously attended to by any Government department. He opined that large scale and persistent enforcement actions were necessary to tackle the problem effectively.

39. Mr NG Leung-sing said that he was aware that similar practices of illegal shop extensions were rampant in many old public housing estates. He considered that apart from stepping up enforcement actions, the Administration should also educate shop operators and change their perception that placing their goods outside the shop

front would help boost their business. He also considered that the Administration should review the enforcement strategies of relevant departments in this regard.

40. Mr LEUNG Yau-fong opined that to tackle the problem effectively, it was necessary to step up enforcement actions against the practices of illegal shop extensions. He remarked that the prevalence of the problem in SSP and some other districts was partly attributed to the lack of authority of the District Councils to monitor the enforcement work of the relevant Government departments.

41. Mr CHEUNG Wing-sum opined that the crux of the problem did not lie in the lack of manpower of Government departments but in the inadequacies of the existing legislation to enable effective law enforcement. These inadequacies might be related to the extent of preciseness of the relevant legal definitions, the prescribed procedures for law enforcement, and the types and severity of the sanctions applicable to the relevant offences. He suggested that LegCo should review the existing legislation, in particular the subsidiary legislation relating to hawking activities and street management. He understood that the issue had been discussed at the former Urban Council in 1996-97 and some suggestions such as the introduction of a fixed penalty system had been made but not adopted at that time.

42. The Convenor suggested and LegCo Members agreed that as many other districts also encountered similar problems, the issue should be referred to the LegCo Panel on Food Safety and Environmental Hygiene for further examination.

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