

**Information requested by the Bills Committee  
at its meeting on 17 January 2006**

- (a) In the past five years, there were 38 cases in which the Authority had exercised the powers of entry to private premises under section 126(2) of the Public Health and Municipal Services Ordinance (Cap. 132). The breakdown of these 38 cases is as follows –

Purpose for application for warrant of entry	No. of applications for warrant of entry				
	2001	2002	2003	2004	2005
Clearance of accumulation of refuse / elimination of rodent infestation	0	0	2	0	0
Investigation of water seepage	0	0	2	3	6
Taking enforcement action against unlicensed food premises/ illegal slaughterhouses	10	1	1	4	9
<b>Total</b>	<b>10</b>	<b>1</b>	<b>5</b>	<b>7</b>	<b>15</b>

- (b) Guidelines specifying the circumstances that contain mosquito-related health hazard and actions that are to be taken by the Food and Environmental Hygiene Department (FEHD) are at **Annex**.
- (c) At present, the Director of Food and Environmental Hygiene (the Director) is the authority to authorise public officers of FEHD including (i) Assistant Directors; (ii) Senior Superintendents; (iii) Superintendents; (iv) Chief Health Inspectors; (v) Senior Health Inspectors; (vi) Health Inspectors; (vii) Senior Overseers; (viii) Overseers; (ix) Senior Foremen; and (x) Foremen to exercise the powers of entry under section 126(2) of Cap. 132 for entering into the premises/land to take imminent anti-mosquito actions. The same provision will be used to empower FEHD officers to implement the proposals in the Amendment Bill. The Director, where circumstances permit, will inform and seek views from the Panel on Food Safety and Environmental Hygiene of the Legislative Council when there is a need to add or amend the scenarios of “mosquito-related health hazard” if, upon the advice of a health officer, he is satisfied that there is such a need to do so.

**Guidelines on anti-mosquito actions taken  
under the circumstances of mosquito-related health hazard**

- (1) Under section 27(1AA) of the amendment legislation, “mosquito-related health hazard” means any circumstances that –
  - (i) create favourable condition for the transmission of mosquito-borne diseases which constitute a danger to human health; or
  - (ii) are likely to create such a condition if immediate remedial action is not taken.
- (2) The scenarios where “mosquito-related health hazard” will refer to are –
  - (i) Any potential mosquito breeding grounds found within 500 m radius of a recent local or imported case of dengue fever;
  - (ii) Any potential mosquito breeding grounds found within 2 Km radius of a recent local case of Japanese encephalitis; and
  - (iii) Any areas where the area ovitrap indices are above 40%.
- (3) When any one of the scenarios under paragraph (2) above is found to exist, FEHD staff will inspect all places with potential mosquito breeding grounds within the area. These include government land, public thoroughfare, lanes and footpaths, private land and common parts of buildings, both occupied and vacant.
- (4) FEHD staff will try to locate the occupier/owner/management body/manager of the land (司理) concerned as appropriate by making enquiries to the neighbouring households, the village representatives or the management office, etc. If the concerned occupier/owner/management body/manager of the land (司理) can be readily identified, FEHD staff will seek his/her cooperation to clear the accumulation of water/eliminate the mosquito breeding ground at once or within a short period (say not more than 2 hours).
- (5) If the concerned occupier/owner/management body/manager of the land (司理) cannot be readily identified e.g. premises occupied but locked up or entry is refused, FEHD staff will post up a “Notice of Intended Entry” at the conspicuous location of the premises/places demanding entry

thereto say after 2 hours.

- (i) For premises occupied but locked up, if entry is still unsuccessful after the specified period of 2 hours, FEHD staff will post up the “Notice of Intention to Apply for Warrant of Entry” at the conspicuous location of the concerned premises. If nothing is heard from the occupier/owner, FEHD staff will proceed to apply to the Magistrate for a warrant of entry. If there is doubt on the address or land status of the premises, FEHD staff will verify the land status of the premises before making application to the Magistrate for a warrant of entry.
  - (ii) For unoccupied premises such as abandoned huts or vacant land, FEHD staff will verify the land status of the premises or vacant land. If it is confirmed that the premises or vacant land rests on private lot, FEHD staff will proceed to apply to the Magistrate for a warrant of entry.
- (6) Upon the grant of warrant of entry, FEHD staff will arrange for the attendance of the Police to execute the warrant (if necessary). Prior to the execution of the warrant, FEHD staff will make a final attempt to contact the occupier/owner/management body/manager of the land (司理) to take anti-mosquito actions. If the attempt fails, FEHD staff will execute the warrant and complete anti-mosquito actions and/or enforcement actions. FEHD staff will recover from the owner the cost incurred in taking anti-mosquito actions.