

**For information**

**LegCo Panel on Food Safety and Environmental Hygiene  
Follow-up to Panel Meeting on 13 May 2014**

**Regulatory Measures and Enforcement Actions against  
Illegal Extension of Business Area by Food Premises**

**Supplementary Information**

**Purpose**

At the meeting on 13 May 2014, the Panel on Food Safety and Environmental Hygiene discussed the regulatory measures and enforcement actions implemented by the Food and Environmental Hygiene Department (“FEHD”) against illegal extension of business area by restaurants and other food premises. In response to Members’ enquiries, we provide supplementary information in the ensuing paragraphs.

**Breakdown by Type of Business of Restaurants with Approved Outside Seating Accommodation (“OSA”) by FEHD**

2. From 2002 to May 2014, the FEHD has approved a total of 327 applications for OSA in restaurants. As at 31 May 2014, there are 264 restaurants which are still in business and granted with approval to provide OSA, among which 208 are general restaurants and 56 are light refreshment restaurants.

**FEHD’s Special Task Force**

3. In May 2013, the FEHD set up, on a pilot basis, a task force comprising health inspectors to undertake enhanced enforcement actions in Tsuen Wan. The task force monitors the food premises for irregularities throughout the peak business hours during weekdays and holidays, and takes stringent enhanced enforcement actions against persistent illegal extension of business area by food premises through increasing the number of prosecutions as appropriate and effecting arrest and seizure of paraphernalia subject to availability of resources. The

work of the task force in Tsuen Wan is bearing fruit. In terms of illegal extension of business area by food premises, the situation has improved significantly. The task force has since October 2013 extended its coverage to additional targets in Kwai Tsing. In June 2014, the FEHD set up two additional teams under the task force for combating persistent illegal extension of business area by food premises in other districts such as Yuen Long, with a view to further enhancing compliance.

### **Lands Department's Follow-up Actions in response to Recommendations in The Ombudsman's Direct Investigation Report**

4. According to the Lands Department ("LandsD"), for an occupier who has repeatedly occupied the same piece of government land unlawfully, whether he/she is considered to be in compliance with the notice issued under Section 6(1) of the Land (Miscellaneous Provisions) Ordinance (Cap. 28) (which requires the occupation of the land to cease before a specified date) depends on the actual circumstances and evidence of each case. At the end of last year, the LandsD has set up a working group (with representative from the Department of Justice) to study the issue. In the light of the study findings, the LandsD will consider how to further enhance the effectiveness of enforcement actions against persistent unlawful occupation of government land. The discussions of the working group are in progress.

### **Conclusion**

5. Members are invited to note the content of this paper.

**Food and Health Bureau  
Food and Environmental Hygiene Department  
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