

**Legislative Council
Panel on Food Safety and Environmental Hygiene
Subcommittee on Issues Relating to the Improvement of
Environmental Hygiene and Cityscape**

Follow-up on the Meeting of 24 May 2021

Supplementary information requested by Members at the captioned meeting is provided in the ensuing paragraphs.

Enforcement Efforts against Shop Front Extensions and the Trial Scheme

Shop front extension (SFE) is a street management problem which straddles the purviews of a number of government departments. At present, law enforcement against specific situations of street obstruction is generally undertaken by various law enforcement departments (including the Food and Environmental Hygiene Department (FEHD), the Hong Kong Police Force (the Police), the Lands Department and the Buildings Department) in accordance with their respective regulatory responsibilities. The core function of FEHD is to maintain environmental hygiene. Hence, it accords priority to handling cases causing obstruction to scavenging operations or cases relating to illegal hawking or unauthorised extension of food premises, and takes enforcement action in the light of the ground situation.

2. The Fixed Penalty (Public Cleanliness and Obstruction) Ordinance (Cap. 570) came into operation on 24 September 2016. Since the introduction of the fixed penalty system to tackle illegal street obstruction problem, law enforcement officers of various departments may issue fixed penalty notices (FPNs) of \$1,500 to offenders causing obstruction as a result of the illegal extension of business by shops under their purview in the light of the ground situation. Meanwhile, the Police will take part in joint operations to offer assistance to FEHD, and issue FPNs, maintain law and order at the scene, safeguard public safety and maintain social order, if necessary, in inter-departmental operations. Where a case is more complicated or involves several departments, the District Office concerned will assist in co-ordinating inter-departmental joint operations if necessary.

3. According to FEHD's observation, some shop operators illegally place goods delivered to them on the roadsides and even the carriageways in recent years for convenience sake, extending their business areas and evading enforcement actions by FEHD officers against SFEs. Such practice not only causes illegal occupation of public places and obstruction of passageways, but also jeopardises the safety of road users. Amidst the COVID-19 pandemic over the past two years, some people have reduced the frequency of dining out and would prefer buying fresh food for cooking at home instead. This contributes to a rise in the sales volume of fresh food outlets, thereby expediting the intake of goods which causes occasional occupation of carriageways.

4. Over the past several years, FEHD has stepped up law enforcement against illegal SFEs. The number of FPNs issued have been increasing progressively from a total of 7 586 in 2018 to 10 734 in 2020, which represents an increase of more than 40%. Nevertheless, unruly merchants have continued to use the carriageways in front of shops for temporarily placing goods, and regarded fix penalty as part of their operating costs. In this light, FEHD considers it necessary to change its enforcement strategy. On top of stepping up prosecution against offenders, the removal and seizure of obstructions placed on carriageways or in public places are deemed vital for greater deterrent effect.

5. Since 2020, FEHD and the Police have been discussing and exploring on how to strengthen collaboration against obstruction on public passageway by goods / articles, with a view to effectively solving the SFE problem in accordance with their respective enforcement powers conferred under the existing legislative framework. The specific collaboration model includes FEHD taking the lead, with the exercise of the Police's statutory powers in removing obstructions, in arranging the removal and seizure of obstructions (including goods) placed on carriageways or in public places. The two departments are exploring the feasibility and implementation details of the collaboration model.

6. Upon finalising the details, FEHD plans to launch a trial scheme in two to three districts. In selection of trial districts, FEHD's factors of consideration include the current SFE situation and effectiveness of enforcement efforts in the districts, the deployment of resources (e.g. manpower, storage and transportation requirements) and the concerted effort of the stakeholders concerned. The working target of FEHD is to strive for the launch of the trial scheme in the third quarter of 2021. In considering the way forward, we will carefully observe and evaluate the outcome of the trial scheme, and pay close attention to other districts with

SFE problems. Subject to the outcome of the trial scheme, FEHD will discuss with the Police on the progressive extension of the trial scheme to other districts as necessary as far as the resources of both parties permit and under flexible deployment of resources.

Enforcement Efforts and Public Education against Littering

7. FEHD is always mindful of street cleanliness and has been combating illegal refuse deposit under a multi-pronged approach, including enhanced public education, street cleansing, enforcement action and application of technology. Apart from stepping up routine enforcement by officers, FEHD has set up 35 dedicated enforcement teams (DETs), primarily to take stringent enforcement actions against various public cleanliness offences. In the second quarter of 2021, FEHD will set up five additional DETs to strengthen law enforcement, convey messages on environmental hygiene and distribute leaflets and warning notices to arouse public awareness of maintaining street cleanliness and proper disposal of refuse. In 2020, FEHD issued a total of 41 700 FPNs to littering offenders.

8. Moreover, FEHD has been proactively deploying technologies. Internet Protocol (IP) cameras have been installed at about 270 illegal refuse deposit spots across the territory, and the number is expected to increase to about 300 in 2021. FEHD will closely monitor the targeted blackspots and suitably adjust its action plans in the light of actual circumstances, including the change of IP camera locations in a timely manner, so as to enhance the effectiveness of enforcement actions.

9. As for public education, FEHD has been disseminating information on personal, household and environmental hygiene through different channels, including broadcast of Announcements in the Public Interest on television and radio, display of posters at main public transport facilities such as MTR stations and bus stops, distribution of pamphlets and leaflets, and the use of Facebook and Instagram pages of Keep Clean Ambassador Ah Tak and YouTube. The presence of Ah Tak at public functions is also arranged to appeal to the public to maintain street cleanliness and educate them on proper disposal of refuse.

**Food and Health Bureau
Food and Environmental Hygiene Department
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