

**Public Health and Municipal Services (Amendment)  
Ordinance 2025**

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## HONG KONG SPECIAL ADMINISTRATIVE REGION

### ORDINANCE NO. 13 OF 2025



John KC LEE  
Chief Executive  
15 May 2025

An Ordinance to amend the Public Health and Municipal Services Ordinance to strengthen the powers of the Director of Food and Environmental Hygiene and authorized officers for dealing with certain environmental hygiene problems; to introduce an offence targeting unlawful shopfront extensions; to increase the penalties for certain offences relating to environmental hygiene; and to make related and miscellaneous amendments to the Ordinance and related legislation.

[17 August 2025]

Enacted by the Legislative Council.

## Part 1

### Preliminary

#### 1. Short title and commencement

- (1) This Ordinance may be cited as the Public Health and Municipal Services (Amendment) Ordinance 2025.
- (2) This Ordinance comes into operation on the expiry of 3 months after the day on which it is published in the Gazette.

**2. Enactments amended**

The enactments specified in Parts 2 and 3 are amended as set out in those Parts.

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## Part 2

### Amendments to Public Health and Municipal Services Ordinance (Cap. 132)

**3. Section 2 amended (interpretation)**

Section 2(1), definition of *litter*, paragraph (f), after “substance”—

**Add**

“or article”.

**4. Section 22 amended (prevention of obstructions to scavenging or conservancy operations)**

(1) Section 22(2)(a)(i)—

**Repeal**

“of 4 hours after the notice is so served or attached”

**Substitute**

“specified in the notice”.

(2) After section 22(2)—

**Add**

“(2A) A period mentioned in subsection (2)(a)(i) must not be shorter than 30 minutes.”.

**5. Section 47 amended (cleansing of verminous premises)**

(1) Section 47, Chinese text, heading—

**Repeal**

“受”.

(2) After section 47(1)—

**Add**

- “(1A) Without limiting subsection (1), if it appears to the Authority that any common parts of any premises that are a building (or part of a building) are infested with vermin, the Authority may, by notice served on the person responsible for the management of the premises, require the person to do either or both of the following—
- (a) cleanse the common parts (or part of the common parts) within a period specified in the notice;
  - (b) take any other steps specified in the notice for destroying and removing the vermin.
- (1B) In subsection (1A), the reference to a person responsible for the management of any premises that are a building (or part of a building) is a reference to—
- (a) if there is an owners’ corporation for the building (or part of the building)—the owners’ corporation; or
  - (b) if there is no such owners’ corporation—the manager (within the meaning of Cap. 344) of the building (or part of the building).”.

(3) Section 47(2)—

**Repeal**

“the provisions of subsection (1)”

**Substitute**

“subsection (1) or (1A)”.

(4) Section 47(2)(b)—

**Repeal**

“the provisions of subsection (3)”

**Substitute**

“subsections (2A) and (3)”.

- (5) After section 47(2)—

**Add**

“(2A) If the notice concerned is one that is served under subsection (1A), the Authority may recover any expenses under subsection (2)(b) only if the person on whom the notice is served is an owners’ corporation.”.

- (6) Section 47(4)—

**Repeal**

“the provisions of subsection (1)”

**Substitute**

“subsection (1) or (1A)”.

- (7) Section 47(4)—

**Repeal**

everything after “therefrom any”

**Substitute**

“vermin.”.

- (8) After section 47(4)—

**Add**

“(4A) If it appears to the Authority that any premises or vessel (or any part of any premises or vessel) are or is infested with vermin, the Authority may place in the premises or vessel (or part of the premises or vessel) any equipment (however described) for—

- (a) conducting tests; or
- (b) assessing vermin proliferation.

- (4B) When exercising a power under subsection (4) or (4A) in respect of any premises or vessel, the Authority may not—
- (a) make any structural alteration to the premises or vessel (or part of the premises or vessel);
  - (b) move—
    - (i) any fixture; or
    - (ii) any fittings, furniture or equipment, of a substantial nature; or
  - (c) otherwise cause any unreasonable inconvenience to the occupier of the premises or vessel (or part of the premises or vessel).”.

- (9) Section 47—

**Repeal subsection (5)**

**Substitute**

- “(5) If—
- (a) the Authority has placed any thing (such as any trap, bait container or other equipment and any bait or other substance) in any premises or vessel for exercising a power under subsection (4) or (4A) in respect of the premises or vessel; and
  - (b) a person, without lawful authority or reasonable excuse, knowingly—
    - (i) removes, destroys or otherwise interferes with the thing; or
    - (ii) causes, suffers or permits the thing to be removed, destroyed or otherwise interfered with,
- the person commits an offence.”.



(10) After section 47(5)—

**Add**

“(6) If any expenses have been incurred in exercising a power under subsection (4) in respect of any premises or vessel, the expenses may be recovered from the person in charge of the premises or vessel as a civil debt due to the Government.

(7) For the purposes of subsection (6), if the person in charge mentioned in that subsection consists of 2 or more persons, all of them are jointly and severally liable for the expenses.

(8) In this section—

**Cap. 344** (《第344章》) means the Building Management Ordinance (Cap. 344);

**common parts** (公用部分) has the meaning given by section 2 of Cap. 344;

**owners’ corporation** (業主立案法團), in relation to a building (or part of a building), means the corporation registered under section 8 of Cap. 344 for the building (or part of the building);

**person in charge** (負責人) means—

(a) in relation to any premises that are common parts of a building—

(i) the owners’ corporation for the building (or part of the building); or

(ii) if there is no such owners’ corporation—the owner of the premises; or

(b) in relation to any other premises or a vessel—

(i) the occupier of the premises or vessel; or

(ii) the owner of the premises or vessel.”.

**6. Part VIA added**  
After Part VI—  
**Add**

**“Part VIA**  
**Shopfront Extensions**

**86E. Interpretation for Part VIA**

(1) In this Part—

*business* (業務) has the meaning given by section 2(1) of the Business Registration Ordinance (Cap. 310);

*public place* (公眾地方) has the meaning given by section 2(1) of the Summary Offences Ordinance (Cap. 228);

*shop* (店鋪) means any premises used for carrying on a business.

(2) In this Part, a reference to an article includes—

(a) any stock in trade, whether living or non-living; and

(b) any other substance.

(3) In this Part, a reference to a person concerned in a business carried on in a shop is a reference to—

(a) a person carrying on a business in the shop; or

(b) any person who has or appears to have control or management of the shop.

**86F. Offence of shopfront extension**

A person commits an offence if—

- (a) the person, without lawful authority or reasonable excuse—
  - (i) places or otherwise leaves any article in a public place; or
  - (ii) causes, suffers or permits any article to be placed or otherwise left in a public place, for the purpose of, in the course of or otherwise in connection with, the carrying on of a business in a shop; and
- (b) the article so placed or left causes or may cause obstruction, inconvenience or danger to the public.

**86G. Removal of articles constituting unlawful shopfront extensions**

- (1) If a public officer authorized under subsection (6) has reason to believe that an offence is being committed or has been committed under section 86F in respect of a business carried on in a shop, the officer may require—
  - (a) a person concerned in the business; or
  - (b) a person who is apparently an employee or agent of the person mentioned in paragraph (a), to remove the article concerned from the public place within a period specified by the officer.
- (2) In either of the following situations, the Authority may remove, seize or detain the article concerned—
  - (a) a requirement made under subsection (1) is not complied with in respect of the article;
  - (b) no person to whom the requirement may be made is present.

- (3) No claim may be made against the Authority or the Government, or against any person acting for or on behalf of the Authority or the Government, in respect of any loss or damage arising out of the removal, seizure or detention of an article, in good faith, under subsection (2).
- (4) The cost of the removal, seizure or detention of an article under subsection (2) may be recovered from—
  - (a) an owner of the article; or
  - (b) any other person who is concerned in the business,as a civil debt due to the Government.
- (5) For the purposes of subsection (4), if the person from whom the cost may be recovered under that subsection consists of 2 or more persons, all of them are jointly and severally liable for the cost.
- (6) The Authority may in writing authorize a public officer for the purposes of subsection (1).

**86H. Disposal etc. of articles removed, seized or detained**

- (1) If a power under section 86G(2) has been exercised in respect of an article, the Authority may forfeit the article to the Government so long as no claim is made for its return—
  - (a) if the article is not of a perishable nature—within 7 days after the date of the exercise of the power under that section; or
  - (b) if the article is of a perishable nature—within 48 hours after the exercise of the power under that section.

- (2) If any article has been seized under section 86G(2) and a person (*claimant*) makes a claim in respect of the article within the period specified in subsection (1)(a) or (b) (whichever is applicable), the Authority is to, if satisfied that the claimant was entitled to the possession of the article at the time of the seizure, return the article to the claimant.”.

**7. Section 104C amended (power to remove bills and posters)**

After section 104C(3)—

**Add**

- “(4) If a bill or poster to which subsection (1)(a) or (b) applies is displayed, the Authority’s power exercisable under subsection (1) includes the power to remove the display equipment for the bill or poster.
- (5) If—
  - (a) any display equipment is removed by virtue of subsection (4); and
  - (b) no claim is made, within 7 days after the date of the removal, for its return,the Authority may forfeit it to the Government and may dispose of it.
- (6) No claim may be made against the Authority or the Government, or against any person acting for or on behalf of the Authority or the Government, in respect of any loss or damage arising out of the removal of a bill, poster or display equipment, in good faith, under this section.”.

**8. Section 104E amended (definitions and saving for other enactments)**

(1) After section 104E(3)—

**Add**

“(3A) In section 104C and in this section—

*display equipment* (展示設備), in relation to a bill or poster that is displayed, means any structure, apparatus or hoarding used for the display.”.

(2) Section 104E(4)—

**Repeal**

“structure, apparatus or hoarding used for the display of”

**Substitute**

“display equipment for”.

**9. Section 126 amended (general powers of entry)**

After section 126(4)—

**Add**

“(5) For the purposes of this section, to the extent that the Authority for a relevant provision of this Ordinance is the Director of Food and Environmental Hygiene—

- (a) a reference to “between the hours of 7 a.m. and 7 p.m.” in subsection (1) is to be construed as a reference to “between the hours of 7 a.m. and 10 p.m.”;
- (b) a reference to the occupier of any premises in subsections (1) and (2) is to be construed as a reference to the owner or occupier of the premises; and

- (c) a reference to “between the hours of 7 p.m. and 7 a.m.” in subsection (2) is to be construed as a reference to “between the hours of 10 p.m. and 7 a.m.”.

**10. Section 126A added**

After section 126—

**Add**

**“126A. Offence of failing to allow certain entry**

- (1) A person (*specified person*) commits an offence if—
  - (a) the specified person is an owner or occupier of any premises or a person in charge of a vessel;
  - (b) a public officer demands admission to the premises or vessel under section 126(1);
  - (c) the officer is one authorized by the Director of Food and Environmental Hygiene (*Director*); and
  - (d) the specified person, without reasonable excuse, fails to admit the officer to the premises or vessel within—
    - (i) 14 days after—
      - (A) for any premises or vessel that is used for business purposes or as a workplace—the date of the intended entry; or
      - (B) for any premises or vessel that is not used for business purposes or as a workplace—the date on which the notice of the intended entry was given or posted under section 126(1); or

- (ii) if a period is extended under subsection (2)(a) or (b)—the period so extended.
- (2) For the purposes of subsection (1)(d)(ii), the Director may, on application by the specified person, by written notice given on the specified person—
  - (a) extend the period mentioned in subsection (1)(d)(i) for a period that the Director considers appropriate; or
  - (b) further extend any period as extended under paragraph (a) or this paragraph for a period that the Director considers appropriate.”.

**11. First Schedule amended (scheduled offences)**

First Schedule, after the item “section 83B”—

**Add**

“Section 86F”.

**12. Third Schedule amended (designated authorities)**

Third Schedule, after the entry relating to section 86B—

**Add**

“86G Director of Food and Environmental Hygiene

86H Director of Food and Environmental Hygiene”.

**13. Sixth Schedule amended (names in which proceedings for offences may be brought under section 131(1))**

- (1) Sixth Schedule, after the entry relating to section 83B—

**Add**

“86F Director of Food and Environmental Hygiene”.

- (2) Sixth Schedule, after the entry relating to section 124F—



**Add**

“126A Director of Food and Environmental Hygiene”.

**14. Ninth Schedule amended (penalties)****(1) Ninth Schedule—****Repeal**

“22(1)(a) level 2 \$ 50 fine”

**Substitute**

“22(1)(a) level 3 \$ 300 fine”.

**(2) Ninth Schedule—****Repeal**

“47(2)(a) level 2 \$ 100 fine

47(5) level 1 —”

**Substitute**

“47(2)(a) level 4 \$ 450 fine

47(5) level 2 —”.

**(3) Ninth Schedule, after the entry relating to section 83B(3)—****Add**

“86F level 4 and 3 months —”.  
imprisonment

**(4) Ninth Schedule—****Repeal**

“104A(2) level 3 \$ 300 fine”

**Substitute**

“104A(2) level 4 \$ 450 fine”.

**(5) Ninth Schedule—**

**Repeal**

“127(3)(a) or (b)	level 3	\$ 200 fine
127(7)(a)	level 4	\$ 450 fine”

**Substitute**

“126A(1)	level 2	—
127(3)(a) or (b)	level 4	\$ 450 fine
127(7)(a)	level 5	\$ 600 fine”.

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## **Part 3**

### **Related Amendments to Fixed Penalty (Public Cleanliness and Obstruction) Ordinance (Cap. 570)**

**15. Schedule 1 amended (scheduled offence)**

Schedule 1, under heading “**Public Health and Municipal Services Ordinance (Cap. 132)**”, before item 1—

**Add**

“1AA. Section 86F    Unlawful shopfront extension    \$6,000”.

**16. Schedule 2 amended (Authorities and public officers)**

Schedule 2, entry relating to Authority “Director of Food and Environmental Hygiene”, column 1, before “1”—

**Add**

“1AA,”.