

**CONTROLLING OFFICER'S REPLY**

**EEB(F)166**

**(Question Serial No. 3456)**

Head: (49) Food and Environmental Hygiene Department

Subhead (No. & title): (-) Not specified

Programme: (2) Environmental Hygiene and Related Services

Controlling Officer: Director of Food and Environmental Hygiene (Donald NG)

Director of Bureau: Secretary for Environment and Ecology

Question:

In recent years, there have been cases in which officers of the Food and Environmental Hygiene Department were insulted and even assaulted by shop personnel in the course of giving advice or taking enforcement action against street obstruction by goods of fruit and vegetable shops in various districts of Hong Kong. Even after joint-departmental enforcement operations were conducted, the problem of street obstruction relapsed very soon, which affected the safety of passers-by. Some opined that unlike other fresh provision shops, a fruit and vegetable shop can operate without a licence from the Department. The Department can only issue fixed penalty notices to fruit and vegetable shops which insist on non-compliance despite repeated exhortations. This, however, fails to deter operators and turn around such a chaotic situation. In this connection, please advise this Committee of the following:

1. In the past year, how many cases of street obstruction by goods of fruit and vegetable shops were found by the Department (please provide a breakdown by district)? How many joint operations were conducted?
2. In the past year, how many complaints against street obstruction by goods did the Department receive (please provide a breakdown by district)?
3. In the past 5 years, how many cases were reported about officers of the Department encountering non-co-operation of traders and being verbally abused or assaulted when giving advice or taking enforcement action?
4. Currently, if fruit and vegetable shops are found to have caused street obstruction by repeatedly placing goods or disposing of refuse from commercial activities, what actions will the Department take to turn around the chaotic situation in those street obstruction blackspots?
5. In view of the increasingly severe situation of street obstruction by goods of fruit and vegetable shops in recent years, has the Department considered amending the legislation to require these shops to follow the practice of other fresh provision shops and apply for a licence, so that when street obstruction by these shops persists despite repeated exhortations, penalties can be raised to have their licences suspended or permanently revoked as a punishment?

Asked by: Hon LEUNG Hei, Edward (LegCo internal reference no.: 30)

Reply:

1. The enforcement actions taken against illegal shop front extension (SFE) by the Food and Environmental Hygiene Department (FEHD) cover various types of retail shops, including shops selling fruits and vegetables. In the past year, the number of joint operations against SFE blackspots mounted by FEHD and the Hong Kong Police Force (the Police), and the number of fixed penalty notices (FPNs) issued against street obstruction by fruit and vegetable shops, with a breakdown by district, are provided in Annex I and Annex II.
2. The number of complaints against SFE received by FEHD in 2024, with a breakdown by district, is provided in Annex III.
3. FEHD does not maintain the number of cases where officers are verbally abused or assaulted when handling SFE. The number of Hawker Control Team staff injured while on duty in the past 5 years is as follows:

<b>Year</b>	<b>No. of Hawker Control Team staff injured</b>
2020	32
2021	28
2022	21
2023	19
2024	16

- 4 and 5. To combat SFE in a more effective manner, FEHD has strengthened co-operation with the Police in various districts. Starting from October 2022, a new enforcement mode for joint operations has been progressively implemented in various districts across the territory, under which the Police may, with the power conferred by the Summary Offences Ordinance (Cap. 228), require the person(s) concerned to remove the obstructions within a specified time, otherwise FEHD will assist in removing the obstructions. Under the new enforcement mode, apart from strengthened prosecutions against offenders, the goods or articles placed in public places will also be removed and seized. This imposes a higher cost on non-compliant shop operators, thereby enhancing the deterrent effect and effectively curbing the malpractices of shop owners with regard to prolonged occupation of public places by their goods and miscellaneous items. After the implementation of the new joint operation mode, notable improvement was seen in the problem of SFE in many districts. In addition, the fixed penalty for SFE has sharply increased from \$1,500 to \$6,000 since October 2023 which has resulted in greater deterrent effect. In the year after the new penalties took effect, the number of FPNs issued against SFE dropped significantly by 90% over the previous year, and the problem of SFE was substantially restrained and remarkably improved in many districts.

The Government has submitted an amendment bill to the Public Health and Municipal Services Ordinance and related legislation, which includes new provisions that empower FEHD to address SFE independently. After the amendments, on top of issuing FPNs or initiating prosecutions under the new

provisions and other legislation according to actual circumstances, FEHD will also be able to remove obstructing articles if the shops refuse to remove them within a specified time, which helps enhance the enforcement efficiency in handling SFE. As the current enforcement work against SFE has achieved notable results, FEHD has no plan to introduce a licensing regime to regulate SFE situations caused by fruit and vegetable shops at the moment.

**Number of joint operations against SFE blackspots mounted by  
FEHD and the Police in 2024**

<b>District</b>	<b>No. of joint operations</b>
Central & Western	157
Wan Chai	60
Eastern	94
Southern	104
Islands	0*
Yau Tsim Mong	149
Sham Shui Po	157
Kowloon City	95
Wong Tai Sin	77
Kwun Tong	128
Kwai Tsing	88
Tsuen Wan	96
Tuen Mun	96
Yuen Long	21
North	48
Tai Po	94
Sha Tin	153
Sai Kung	71
<b>Total</b>	<b>1 688</b>

\*There are currently no SFE blackspots in Islands District requiring joint operations.

**Number of FPNs issued against street obstructions by fruit and vegetable shops  
in 2024**

<b>District</b>	<b>No. of FPNs</b>
Central & Western	7
Wan Chai	4
Eastern	24
Southern	2
Islands	0
Yau Tsim Mong	53
Sham Shui Po	73
Kowloon City	82
Wong Tai Sin	36
Kwun Tong	41
Kwai Tsing	35
Tsuen Wan	55
Tuen Mun	13
Yuen Long	66
North	4
Tai Po	16
Sha Tin	12
Sai Kung	19
<b>Total</b>	<b>542</b>

**Number of complaints against SFE received by FEHD in 2024**

<b>District</b>	<b>No. of complaints</b>
Central & Western	731
Wan Chai	512
Eastern	1 237
Southern	170
Islands	198
Yau Tsim Mong	2 379
Sham Shui Po	1 426
Kowloon City	508
Wong Tai Sin	333
Kwun Tong	1 015
Kwai Tsing	380
Tsuen Wan	523
Tuen Mun	768
Yuen Long	1 407
North	156
Tai Po	620
Sha Tin	420
Sai Kung	188
<b>Total</b>	<b>12 971</b>

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