

**CONTROLLING OFFICER'S REPLY**

**EEB(F)122**

**(Question Serial No. 2597)**

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:

During 2026-27, the Food and Environmental Hygiene Department will continue to take stringent enforcement actions against unlicensed food premises and food premises which pose immediate health hazards or with illegal extension of business areas. In this connection, please advise this Committee of:

1. the current enforcement procedures and penalty mechanism for food premises with illegal extension of business areas;
2. the number of cases of illegal extension of business areas by food premises in each of the past 3 years;
3. whether there is a discretionary approach for cases in which road access, safety and environmental hygiene have not been seriously affected; if yes, the details; and
4. the current staff establishment and breakdown of expenditure for the relevant enforcement work.

Asked by: Hon SHIU Ka-fai (LegCo internal reference no.: 22)

Reply:

1. The Food and Environmental Hygiene Department is very concerned about the problem of illegal extension of business areas by food premises. In addition to regular inspections, blitz operations are conducted from time to time. For recalcitrant food premises, the Department will step up prosecution, arrest the offenders and seize the articles used, and provide the court with conviction records so that the court may consider a heavier sentence.

Regarding licensing control, the Department implements a Demerit Points System and a Warning Letter System for licensed/permitted food premises. Demerit points based on the nature and severity of the offence will be registered against a licensee/permittee upon conviction of an offence in relation to food safety or environmental hygiene. When a certain number of points are accumulated, the licence/permit is liable to suspension or cancellation. Besides, when food premises are found to have breached the licensing requirements or conditions, the Department may first issue verbal or

written warnings, and cancel the licence/permit concerned if a certain number of warnings are accumulated or if the breaches persist.

2. The numbers of enforcement cases of illegal extension of business areas by food premises in the past 3 years are tabulated as follows:

Offence	2023	2024	2025
Section 34C of the Food Business Regulation (Cap.132X) – Carrying on a food business at any place beyond the confines as delineated on the plan approved	494	174	96
Section 4A of the Summary Offences Ordinance (Cap. 228) – Obstruction of public places	1 860	962	336
Section 86F of the Public Health and Municipal Services Ordinance (Cap. 132) <sup>Note</sup> – Offence of shopfront extension	Not applicable	Not applicable	137

Note: The provision came into effect on 17 August 2025.

3. The Department will, in accordance with established enforcement guidelines, take proportionate and progressive enforcement actions, having regard to the actual circumstances of each case, the persistence of non-compliance, its impact on the community and the records of previous non-compliance.
4. At present, 337 health inspectors are deployed to 19 District Environmental Hygiene Offices across the territory to handle various environmental hygiene issues, including the inspection and regulation of licensed food premises. The Department will keep in view the service demand, allocate manpower and resources as appropriate to meet the operational needs, and seek additional resources under the established mechanism when necessary. The Department does not maintain a breakdown of the manpower and resources involved in the enforcement work against illegal extension of food business areas.

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