

**Proposed amendments to the environmental hygiene-related legislation
(Second-stage legislative review)
Summary of public consultation results**

From 21 November 2023 to 21 January 2024, the Food and Environmental Hygiene Department (FEHD) had conducted public consultation on the various proposed legislative amendments and administrative measures. The statistical results of public responses gathered through the questionnaire survey are as follows –

Questions	Responses			
Shopfront extension (SFE)				
	Agree	Disagree	No response	
1. To empower the FEHD to require shops to remove obstructing articles within a specified time period, otherwise the FEHD may remove such articles.	91.2% [1586]	8.1% [141]	0.7% [12]	
2. To empower the FEHD to dispose of the perishable goods removed immediately.	90.4% [1572]	8.5% [148]	1.1% [19]	
3. To empower the FEHD to, based on the images / video recordings captured by video cameras of the department, issue fixed penalty notices to / institute prosecution against the proprietor of the business registration certificate of a shop causing obstruction, so as to enhance enforcement efficiency.	88.0% [1531]	10.3% [179]	1.7% [29]	
4. To further increase the maximum penalty which the court may impose for SFE (the current penalty is a fine of \$25,000 or imprisonment for 3 months).	82.5% [1435]	16.6% [288]	0.9% [16]	
	Appropriate level	Too low	Too high	No response
5. To set up a two-tier penalty level: (i) First conviction: a fine of \$25,000 and imprisonment for 3 months; (ii) Second or subsequent conviction: a fine of \$50,000 and imprisonment for 6 months.	87.6% [1257]	3.4% [49]	8.2% [117]	0.8% [12]

Public health nuisances (Including water seepage in buildings, water dripping from air-conditioners and “garbage apartments”)				
	Agree	Disagree	No response	
6. The hours for public officers to enter premises to investigate nuisance incidents, be extended from the current 7:00 a.m. to 7:00 p.m., to 10:00 p.m., so as to facilitate public to cooperate with the investigation.	86.3% [1501]	12.2% [213]	1.4% [25]	
7. To stipulate non-compliance of the owner / occupier of the premises concerned with the “Notice of Intended Entry” issued by public officers to be an offence, and is liable to a maximum fine of \$5,000, so as to ensure enforcement officers can enter the premises concerned to investigate public health nuisances in reasonable time.	88.2% [1534]	10.8% [188]	1.0% [17]	
8. To empower the authority to require the premises concerned to provide relevant proofs of abating the public health nuisance, so as to enhance enforcement efficiency.	89% [1548]	9.7% [168]	1.3% [23]	
9. To amend the definition of “litter” in the legislation to cover “articles”, so as to clear up public health nuisance from “garbage apartments” more effectively.	89.4% [1554]	9.2% [160]	1.4% [25]	
	Appropriate level	Too low	Too high	No response
10. For non-compliance with “Nuisance Notice”, to raise the maximum penalty from a fine of \$10,000 and daily fine of \$200, to a fine of \$25,000 and daily fine of \$450, so as to drive the persons concerned to take timely action to abate the public health nuisance.	79.5% [1383]	2.9% [50]	16.3% [283]	1.3% [23]
11. For non-compliance with “Nuisance Order” issued by court, to raise the maximum penalty from a fine of \$25,000 and daily fine of \$450, to a fine of \$50,000 and daily fine of \$600.	78.3% [1362]	2.7% [47]	17.5% [304]	1.5% [26]

Proliferation of vermin				
	Agree	Disagree	No response	
12. To serve “Notice of Elimination of Vermin” on property management companies in respect of vermin infestation in common parts of buildings and require them to take steps to destroy and remove the vermin.	91.9% [1599]	6.8% [119]	1.2% [21]	
13. To empower the FEHD to, according to the circumstances (such as when the vermin infestation has posed public health risks or imminent hazards), take steps to destroy or remove vermin without having served the “Notice of Elimination of Vermin” and can still recover the associated expenses from the person responsible of the premises concerned, so as to avoid the persons to view the disinfection work as a free service by the Government and thus lacking the motivation to clean up their premises.	90.1% [1566]	8.7% [151]	1.3% [22]	
14. To create an offence of tampering with any equipment or devices for conducting pest-related tests, surveillance or assessments with a maximum fine of \$5,000.	89.7% [1560]	9.0% [156]	1.3% [23]	
	Appropriate level	Too low	Too high	No response
15. For non-compliance with “Notice of Elimination of Vermin”, to increase the maximum penalty from a fine of \$5,000 and daily fine of \$100, to a fine of \$25,000 and daily fine of \$450, so as to drive the persons concerned to take timely action to eliminate vermin infestation.	83.0% [1443]	3.0% [52]	12.5% [218]	1.5% [26]
16. For tampering with any equipment used for destroying vermin, to raise the maximum penalty from a fine of \$2,000 to \$5,000.	84.4% [1468]	2.8% [49]	11.4% [199]	1.3% [23]

Occupation of public places (e.g. rear lanes) by miscellaneous articles causing obstruction to scavenging operations				
	Agree	Disagree	No response	
17. For the time period allowed for removing articles causing obstruction to scavenging operations, to shorten from 4 hours to not less than 30 minutes, so as to expedite scavenging work and keep the environment clean.	85.9% [1493]	12.8% [223]	1.3% [23]	
	Appropriate level	Too low	Too high	No response
18. For causing obstruction to scavenging operations, to raise the maximum penalty from a fine of \$5,000 and daily fine of \$50, to a fine of \$10,000 and daily fine of \$300, in order to strengthen deterrence.	83.2% [1447]	3.0% [52]	12.6% [219]	1.2% [21]
Illegal display or affixation of bills or posters				
	Agree	Disagree	No response	
19. To empower enforcement officers to, aside from removing bills or posters, also remove and handle display apparatuses like “easy-mount frames”, in order to further increase the cost of non-compliance.	89.4% [1554]	9.4% [163]	1.3% [22]	
	Appropriate level	Too low	Too high	No response
20. For illegal display or affixation of bills or posters, to raise the maximum penalty from a fine of \$10,000 and daily fine of \$300, to a fine of \$25,000 and daily fine of \$450.	82.5% [1435]	2.8% [48]	13.2% [230]	1.5% [26]

Other views

A small number of people put forward other views, including suggesting providing guidelines to shops on how to carry out loading and unloading activities legally; the government as a whole to strengthen street management, including dealing with illegal acts of intentional occupation of roads; informing the Property Management Services Authority when issuing the “Notice of Elimination of Vermin” to property management offices; defining “proofs of abating the public health nuisance” and “tampering of equipment or devices for monitoring or assessing the situation of vermin infestation”; exploring the use of images or video recordings captured by video cameras for prosecuting and monitoring those who affix bills or posters; providing one-off additional resources and manpower to The Joint Office for Investigation of Water Seepage Complaints, etc.

The consultation results and submissions received have been uploaded to the websites of the Environment and Ecology Bureau and the FEHD for reference.

Suggestions received (*Only Chinese version is available*)

[意見書－就環境衛生相關法例修訂建議諮詢文件的回應](#)

[意見書－政府就環境衛生相關法例修訂第二階段法例修訂的初步建議](#)

[意見書－修改現行法例\(單車置放道路\)](#)