

Public consultation on second-stage environmental hygiene-related legislative amendment proposals

The Government today (November 21) launched a two-month public consultation on the second-stage environmental hygiene-related legislative amendment proposals. Members of the public are welcome to offer their views.

The Government spokesman said that the Government was committed to enhancing the environmental hygiene and cityscape of Hong Kong. In view of this, a comprehensive review had been conducted on the existing statutory powers and penalties relating to environmental hygiene to enhance the efficiency, effectiveness and deterrent effect of enforcement actions against thorny environmental hygiene problems. Work under the legislative review had been implemented in two stages. The proposal of the first stage concerning raising the fixed penalty and the maximum fines that may be imposed by the court for offences related to environmental hygiene and shopfront extension has come into effect on October 22, 2023.

The Government now proposes to amend the Public Health and Municipal Services Ordinance (Cap. 132) and other related ordinances, supplemented by additional administrative measures, to enhance enforcement efficiency and deterrence, so as to achieve long-term improvements in the following "longstanding, big and difficult" environmental hygiene, public health nuisances, and street management problems:

- shopfront extension;
- public health nuisances such as water seepage in buildings, water dripping from air-conditioners, and "garbage apartments";
- proliferation of vermin;
- occupation of public places (e.g. rear lanes) by miscellaneous articles causing obstruction to scavenging operations; and
- illegal display or affixation of bills or posters.

The preliminary legislative amendment proposals by the Government include empowering the Food and Environmental Hygiene Department (FEHD) to remove shop articles obstructing public places without the assistance from the police, in order to enhance the capability of the FEHD in handling shopfront extension problem independently; extending the hours for public officers to enter the premises concerned to investigate nuisances (e.g. water seepage) and stipulating the non-compliance with the "Notice of Intended Entry" issued by government officers is an offence, so as to ensure that enforcement officers can enter the premises concerned to investigate public health nuisances within a reasonable time; empowering the FEHD to set up equipment in places infested with vermin for surveillance of vermin

infestation and stipulating the tampering with such equipment is an offence; as well as raising the penalty for causing obstruction to scavenging operations, illegal display or affixation of bills or posters, non-compliance with "Nuisance Notice" and "Nuisance Order", etc. The Government consulted the Panel on Food Safety and Environmental Hygiene of the Legislative Council on the preliminary proposals on the second-stage legislative amendments in July 2023.

The Government spokesman said, "We understand that there may be various views in the community on the various environmental hygiene problems. We are therefore conducting a two-month public consultation to earnestly listen to the community's views on the legislative amendment proposals before finalising them."

The consultation paper has been uploaded to the website of the FEHD (www.fehd.gov.hk/english/public_consultation/2023.html). From today until January 21, 2024, member of the public may send their views by post (addressed to Food and Environmental Hygiene Department, 45/F, Queensway Government Offices, 66 Queensway, Hong Kong), by fax (2530 1368), by email (eh_legislative_review@feh.gov.hk) or using the e-form (eform.cefs.gov.hk/form/feh006/en/).