

## **Public Consultation on Enhanced Measures against Shop Front Extensions**

### **PURPOSE**

This paper briefs Members on the public consultation document on the enhanced measures against shop front extensions (SFEs) issued by the Government on 14 March 2014.

### **BACKGROUND**

2. SFEs broadly refer to the occupation of public places by shops, including food premises, in front of or adjacent to their premises for the purpose of conducting or facilitating business activities. Such extensions are very often at the expense of road access, safety and environmental hygiene, and affect the quality of city life. They usually cause inconvenience, nuisance and hazards to pedestrians and traffic. In some cases, pedestrians are even forced to walk on the carriageway intended for vehicles due to obstruction on the walkway.

3. Currently the Government tackles the problem of SFEs through a four-pronged approach, namely:

- (a) law enforcement by individual departments using powers under the relevant Ordinances;
- (b) joint operations led by District Officers for more complex cases involving several departments;
- (c) collaboration with the District Councils; and
- (d) public education and publicity.

4. Despite the efforts made by the Government to tackle the problems associated with SFEs, the problems persist. Proliferation of SFEs continues to compromise the access and safety of pedestrians, drivers and other street users. The Government considers that efforts should be stepped up to tackle problems associated with SFEs in a more efficient and effective manner.

## **PUBLIC CONSULTATION**

5. The Home Affairs Department (HAD), in consultation with the Food and Environmental Hygiene Department (FEHD), the Lands Department (LandsD), the Hong Kong Police Force (HKPF) and the Buildings Department (BD), has prepared a consultation document (attached at Annex) to consult the public on how we can tackle problems associated with SFEs more effectively. The consultation period will last for four months from 14 March 2014 until 14 July 2014.

## **PROPOSALS**

### *Enforcement Measures*

6. With regard to enforcement, the Government is now exploring the possibility of introducing a fixed penalty system against SFEs, as outlined in paragraphs 3.1 to 3.4 of the consultation document. It should help address the deficiency of the existing summons system, namely the long lead time involved in the prosecution process and penalties that are proven to carry little deterrent effect.

7. The proposed fixed penalty system is intended to be an additional measure to tackle SFEs and will not replace the other existing enforcement tools such as issuance of summons. The Government will at the same time step up enforcement action and continue to improve the existing multi-disciplinary enforcement regime of the departments referred to above.

### *Community and District Councils' Involvement*

8. The Government also proposes to enhance community involvement by capitalising on District Councils' knowledge of the district characteristics, and the needs and aspiration of people in their districts. Public education and publicity efforts will be stepped up to disseminate messages against SFEs to reach members of the public and shop operators more effectively.

## **WAY FORWARD**

9. During the consultation period, we will consult all the 18 District Councils and meet with interested community groups and relevant stakeholders from the business sector. Members of the public are also invited to send in their views by email, fax or post.

## **ADVICE SOUGHT**

10. Members are invited to comment on the proposals set out in the public consultation document.

**Home Affairs Department  
March 2014**