

LCQ15: Efforts to improve environmental hygiene

Following is a question by the Hon Kingsley Wong and a written reply by the Deputy Chief Secretary for Administration, Mr Cheuk Wing-hing, in the Legislative Council today (April 2):

Question:

The Working Group on Environmental Hygiene and Cityscape led by the Deputy Chief Secretary for Administration steers various bureaux and departments in improving environmental hygiene and street management. However, there are views that the fragmentation of responsibilities among departments (for example, the Food and Environmental Hygiene Department (FEHD) is responsible for clearing refuse in rear lanes, while the Transport Department is responsible for handling abandoned motorcycles) and the unclear delineation of enforcement powers and responsibilities (for example, the FEHD and the Highways Department can both clean up graffiti and bills) have undermined the effectiveness of improving environmental hygiene. In this connection, will the Government inform this Council:

(1) whether it will consider conferring comprehensive enforcement powers on specific government departments to centrally handle environmental hygiene and street management, so as to enhance speed and efficiency; if so, of the details; if not, the reasons for that;

(2) as it has been learnt that many problems of hygiene black spots originate from scavengers or street sleepers, whether the government departments keep a systematic record of such people and refer their cases to the Social Welfare Department, charitable organizations or District Services and Community Care Teams, etc for follow-up, so as to tackle problems of hygiene black spots at source;

(3) as some hawker stall operators have relayed to me that the streets stink due to effluent flowing from suspected burst sewers of locked vacant shops near their stalls, and some people also advise that some fenced-off private sites have long been reduced to rubbish dumps fraught with pest and rodent problems, regarding hygiene problems with private premises/sites (especially cases where owners cannot be contacted), apart from applying for a warrant to effect entry into premises from the Court (warrant) to enter such premises, how the authorities handle such cases more expeditiously and effectively; and

(4) of the number of cases in the past three years in which various government departments have applied for warrants from the Court to enter locked/fenced-off private premises/sites to handle hygiene problems, and the respective average duration between the decision of the government departments to take legal actions and the granting of warrants by the Court?

Reply:

President,

In consultation with the relevant Bureaux, the reply to the questions raised by the Hon Kingsley Wong is as follows:

(1) Each department handles environmental hygiene and street management issues according to its jurisdiction. This reflects the different function, profession and legal empowerment of each department. Conferring comprehensive enforcement powers on specific Government departments is not practical and will also lead to the problem of excessive span of control. To tackle district environmental hygiene problems that involve various departments and with unclear delineation of responsibilities, the Task Force on District Governance (Task Force) chaired by the Deputy Chief Secretary for Administration (now renamed as the Working Group on Environmental Hygiene and Cityscape) has already formulated the relevant standard mode of operation, i.e. departments concerned will conduct joint operations in accordance with the clarified division of labour. Successful examples include resolving the problems of shopfront extension and abandoned motorcycles in back alleys. We therefore do not consider it necessary to empower a designated department to carry out comprehensive enforcement.

(2) Scavengers or street sleepers is not merely an environmental hygiene issue. The Government would be caring and reasonable in handling these cases, taking into account individual circumstances in considering whether to take enforcement action and/or to make appropriate referral, so as to strike a balance between maintaining environmental hygiene and handling the matter in a humane manner. Upon receiving public complaints or reports concerning environmental hygiene, the District Office (DO) concerned will review the cases and, where necessary, deploy staff to conduct site inspections and preliminary assessments, and then liaise with the Food and Environmental Hygiene Department (FEHD) and/or other relevant departments for their prompt follow-up actions. If the hygiene black spots are owing to the behaviour of scavengers or street sleepers, for whom professional follow-up and handling are required to cater for their physical and mental well-being as well as welfare needs, the DO concerned, the FEHD or the relevant department will refer the case to the Social Welfare Department for appropriate support and assistance.

(3) Owners and occupiers are responsible for maintaining the good hygiene of their private premises. For hygiene problem that occurs in private premises and causes nuisance to others or the general public, the FEHD will provide hygiene education to the occupiers or owners concerned, or order them to rectify the situation according to the Public Health and Municipal Services Ordinance (Cap. 132) (Ordinance). If they fail to comply, the FEHD will carry out prosecution and other follow-up actions. In case of appalling hygiene conditions, the FEHD would consider conducting one-off operation to improve the hygiene situation as soon as possible, and subsequently recover the expenses incurred from the person(s) concerned.

The Government has conducted a comprehensive review of the existing statutory powers and penalties of environmental hygiene-related legislation and is amending the Ordinance and other relevant legislations to enhance the Government's efficiency, effectiveness and deterrence in handling various environmental hygiene problems. As regards the problem of rodent infestation in private premises, amendments to the Ordinance include raising the penalty for non-compliance with the "Notice of Elimination of Vermin", to make the persons concerned take timely follow-up action. It is also proposed that the "Notice of Elimination of Vermin" be served on property management companies for their follow-up action to eliminate vermin infestation in the common areas of private premises.

(4) In the past three years (2022 to 2024), the FEHD has successfully obtained 144 warrants from the Court for investigating or handling water seepage cases in buildings and other environmental hygiene cases. The FEHD would generally issue a notice to the occupier or owner concerned before applying for a warrant. However, in urgent circumstance, the FEHD will apply for a warrant from the Court without first issuing a notice. Upon receiving the application, the Court will typically decide on the same day whether to grant the warrant.