

Executive Summary Direct Investigation Report

Government's Regulation of Illegal Occupation or Obstruction of Streets by Goods and Miscellaneous Articles

Introduction

Illegal occupation or obstruction of streets by goods and miscellaneous articles has been a common street management problem in many districts, causing not only inconvenience but also safety hazards to members of the public and road users. It also adversely affects environmental hygiene and the cityscape. Every year, this Office receives a large number of related complaints. 1823 under the Efficiency Office ("EO") has also received more related complaints in recent years.

2. As the problem falls within the ambit of various Government departments and is subject to a number of ordinances, different departments are empowered to fully resolve or partly address the issues arisen. Hence, inter-departmental collaboration is essential to close gaps, avoid duplicating efforts and prevent buck-passing. Chaired by the Permanent Secretary for Home and Youth Affairs and comprising heads of departments, the Steering Committee on District Administration plays the role of facilitating coordination and deliberation among departments to formulate long-term strategies and define the demarcation of responsibilities jointly in tackling street management problems.

3. In July 2022, the Government set up the District Matters Coordination Task Force. Led by the Deputy Chief Secretary for Administration and with efforts put in publicity, the Task Force aims to tackle local district management issues including illegal refuse deposits and street obstruction. The Task Force has adopted a three-pronged approach, which mainly includes establishing a standard mode of operation to clarify departments' responsibilities and rationalise the inter-departmental procedures for handling environmental hygiene problems, and supervising relevant bureaux and departments in devising sustainable action plans and key performance indicators. We believe that with continuous efforts, various departments can tackle illegal occupation and obstruction of streets more systematically.

4. In this direct investigation, we have examined the Government's regulation of illegal occupation or obstruction of streets by goods and miscellaneous articles, covering the complaint referral mechanism, various departments' ambit and demarcation of responsibilities in enforcement, as well as inter-departmental collaboration and joint operations. Having scrutinised the information provided by EO, the Environmental Protection Department ("EPD"), the Food and Environmental Hygiene Department ("FEHD"), the Highways Department ("HyD"), the Home Affairs Department ("HAD") and the Lands Department ("LandsD"), we have the following comments and recommendations.

Our Findings

Complaint Referral Mechanism

5. Complaints about illegal occupation or obstruction of streets are primarily received by 1823. 1823 could refer most of the complaints to the appropriate departments for follow-up under the prevailing mechanism. As for cases that are more complicated and have been rejected by departments, 1823 would ask different ranks of staff of those departments to re-examine the case for clarification of responsibilities.

6. We notice that between 2018 and 2021, there were over 2,000 cases per year requiring a processing time of two months or longer, far exceeding the departments' performance pledge of issuing a reply within 30 days and outnumbering the cases rejected by departments (926 to 1,678 cases per year). We have grounds to believe that among the cases which were unable to meet the pledge, many of them had been rejected by departments and re-examined by different ranks of staff of the relevant departments before being taken up.

7. Having examined several inter-departmental cases handled by 1823, we notice that when the demarcation of responsibilities was in dispute, the departments concerned would generally conduct inspections and examine complaint details separately, and then explain to 1823 why the case was not within their ambit or which department should take up the case instead. Despite its effort to mediate, 1823 could hardly be more familiar with the work of the departments than the departments themselves. Nor does it have any power to instruct any departments to take up cases. Hence, 1823 could only collate explanations from the departments concerned and request their staff at different ranks to re-examine the cases. This was inevitably inefficient and cumbersome. Without direct communication or joint inspections, disputes among the departments usually turned into their mere expression of views leaving 1823 in perplexity. This was indeed undesirable.

8. We have earlier launched a direct investigation to examine the effectiveness of 1823 in handling complaints and enquiries. We will include the above observations in the said investigation and explore feasible improvement measures.

Departments' Ambit and Demarcation of Responsibilities in Enforcement

9. Currently, enforcement against illegal occupation or obstruction of streets by goods and miscellaneous articles is mainly carried out by FEHD, LandsD and EPD. Meanwhile, HyD is responsible for clearing illegal deposit of construction waste more commonly found on public roads and ancillary road facilities under its management, and clearing unclaimed building materials after LandsD has taken land control actions.

FEHD

10. FEHD enforces a number of legislative provisions. Pursuant to section

83B(1) and (3) of the Public Health and Municipal Services Ordinance (“PHMSO”), FEHD may institute prosecutions against illegal hawking in public places (hereinafter referred to as “illegal hawking provision”). Those who deposit articles in public places resulting in obstruction to scavenging may be liable to prosecution under section 22(1)(a) of PHMSO (hereinafter referred to as “obstruction to scavenging provision”). Street obstruction caused by unauthorised extension of business area in public places may be prosecuted under section 4A of the Summary Offences Ordinance (hereinafter referred to as “street obstruction provision”). In handling cases of street obstruction by shops where the facts are straightforward, clear and easy to substantiate, law enforcement officers (including FEHD staff and police officers) may issue a fixed penalty notice of \$1,500 pursuant to the Fixed Penalty (Public Cleanliness and Obstruction) Ordinance (hereinafter referred to as “fixed penalty provision”).

11. Between 2018 and 2021, FEHD had taken more enforcement actions against the aforesaid offences. During the period, the number of prosecution cases increased from 1,647 to 2,607 and the number of cases involving issuance of fixed penalty notices increased from 7,586 to 14,766. We are pleased that FEHD has in recent years allocated more resources to combat illegal occupation and obstruction of streets by goods and miscellaneous articles. Its efforts are laudable. Nevertheless, there is still room for improvement in FEHD’s work.

12. First of all, after examining the situation of four street obstruction black spots¹, namely Ho Pui Street and Chuen Lung Street in Tsuen Wan, Chun Yeung Street in North Point, Shun Ning Road and Yee Kuk Street in Sham Shui Po, as well as the Flower Market in Mongkok, we found FEHD’s inspections and enforcement actions ineffective in curbing irregularities.

13. Taking Shun Ning Road and Yee Kuk Street in Sham Shui Po as an example, FEHD conducted an average of four or more inspections per day between 2018 and 2021, while the number of prosecutions instituted and fixed penalty notices issued had been maintained at a low level of 0.1 case and 0.3 notice per day on average. The above statistics revealed that FEHD’s inspections had been frequent but the enforcement figure remained low, which should reasonably imply that the irregularities had not been prevalent in the area. However, the number of complaints relating to the area in 2021 was more than twofold that of 2018. During our site inspections, we also found a large quantity of goods and miscellaneous articles occupying public places as well as shop front extensions, and that the environmental hygiene was poor. The regulatory function of FEHD’s inspections was seemingly not realised fully and its enforcement actions failed to curb irregularities.

14. As regards another street obstruction black spot, the Flower Market in Mongkok, FEHD had conducted much fewer inspections than in Sham Shui Po’s Shun

¹ The District Matters Coordination Task Force launched a Government Programme on Tackling Hygiene Black Spots in August 2022 to tackle some 600 hygiene black spots and strengthen the cleansing of about 4,000 public places and the clearance of dangerous/abandoned signboards. We believe that the environmental hygiene condition of street obstruction black spots would be improved after the launch of the programme.

Ning Road and Yee Kuk Street between 2018 and 2021. Nonetheless, the numbers of complaints and enforcement actions had surged. In particular, in 2021, the enforcement figure was far beyond that in Shun Ning Road and Yee Kuk Street. Our inspections also revealed different degrees of irregularities. We believe that FEHD staff had similar observations during its inspection, hence low inspection frequencies with high figures of enforcement. This reflects the need for FEHD to step up inspections on this black spot for greater deterrent effect of its enforcement actions.

15. Moreover, there was a considerable variation in the intensity of inspection and enforcement by FEHD for different street obstruction black spots. For example, in 2021, the numbers of enforcement actions (including prosecutions and issuance of fixed penalty notices) taken by FEHD in Mong Kok's Flower Market and Tsuen Wan's Ho Pui Street and Chuen Lung Street were the highest, but the numbers of inspections conducted in these two black spots were the lowest. On the contrary, the numbers of inspections conducted in North Point's Chun Yeung Street and Sham Shui Po's Shun Ning Road and Yee Kuk Street remained high, but the numbers of enforcement actions taken were the lowest among the four black spots. The Flower Market in Mong Kok recorded the highest number of enforcement actions, which was nearly seven times more than the lowest number recorded in Sham Shui Po's Shun Ning Road and Yee Kuk Street. This reflects possible inconsistencies in the intensity of inspection and enforcement by different District Environmental Hygiene Offices of FEHD. If different officers apply inconsistent enforcement standards or the inspection and enforcement work of individual District Environmental Hygiene Offices are constrained by resources, queries of unfair enforcement may arise.

16. Between 2018 and 2021, the numbers of prosecution cases where FEHD invoked the "obstruction to scavenging provision" were the lowest among all applicable legislative provisions, accounting for not more than 3% of the total each year. Even in Sham Shui Po's Yee Kuk Street where FEHD's enforcement claimed to be mainly based on the "obstruction to scavenging provision", the Department actually seldom invoked it to institute prosecutions. We also observed from complaint cases previously handled that FEHD was not inclined to take enforcement actions by invoking the "obstruction to scavenging provision" even though goods or miscellaneous articles occupied a large area and obstructed scavenging. This reflects that FEHD should enhance frontline staff's understanding and application of the "obstruction to scavenging provision".

17. In view of the analysis in **paragraphs 12 to 16**, we consider that FEHD should use various data (including number/types and distribution of shops, complaint figures and past statistics on inspection and enforcement) as parameters for holistic analysis in order to formulate effective plans for inspection and enforcement. Besides, FEHD should strengthen the training for frontline staff to ensure their proper application of the "obstruction to scavenging provision" in enforcement. FEHD should also step up the monitoring at central level of the arrangements for inspection and enforcement as well as resource utilisation across District Environmental Hygiene Offices, and identify any marked discrepancy requiring adjustment.

18. Between 2018 and 2021, the number of cases where FEHD invoked the “fixed penalty provision” accounted for more than 80% of the total number of enforcement actions taken each year, showing that the provision was the Department’s primary enforcement tool. We notice that the majority of cases in which FEHD applied the “fixed penalty provision” were relapse cases, but the number of repeated offenders was far below the number of cases involved. For example, in 2021, there were 13,208 relapse cases involving only 1,760 repeated offenders. In other words, each offender had committed the offence for 7.5 times on average. This was indeed alarming. Obviously, the provision lacks deterrent effect on habitual offenders.

19. FEHD’s enforcement guidelines provide that the number of fixed penalty notices to be issued should not be determined by the extent of illegal occupation or obstruction. Under the existing fixed penalty system, the penalty is not linked to the scale or period of obstruction. Hence, FEHD would consider invoking the “street obstruction provision” for prosecution against shops causing serious and persistent street obstruction. FEHD’s enforcement figures between 2018 and 2021, however, show that among successful prosecution cases under the “street obstruction provision”, each year the average penalty was only about \$1,000, which was even lower than the fixed penalty of \$1,500. The highest penalty imposed by means of summons was only \$5,000, which is the maximum penalty under the relevant legislation. In our view, the existing penalty is inadequate to deter serious obstruction cases such as large-scale occupation of pavements by goods and miscellaneous articles.

20. With the findings and observations in **paragraphs 18 and 19**, we reckon that when instigating prosecutions against flagrant cases under the “street obstruction provision”, FEHD should explain to the court the severity of the problem and recommend a heavier penalty for stronger deterrent effect. As a further step to increase the non-compliance cost of street obstruction and for more effective control over repeated and persistent offenders, the Environment and Ecology Bureau (“EEB”) and FEHD should review comprehensively the existing penalties under the law, including raising the maximum penalty imposed by means of summons (including the “street obstruction provision”) and the level of fixed penalty, and favourably exploring the introduction of a progressive penalty system under the fixed penalty provision.

21. We are pleased to note the announcement in the Chief Executive’s 2022 Policy Address that the Government would conduct a comprehensive review on the existing statutory powers and penalties regarding environmental hygiene. The first-stage proposals include raising the fixed penalty for shopfront extension from \$1,500 to \$6,000 and the maximum penalty of the corresponding summons-based provision (that is the “street obstruction provision”) from \$5,000 to \$25,000. In December 2022, EEB and FEHD consulted the Legislative Council’s Panel on Food Safety and Environmental Hygiene (“the Panel”) on the first-stage proposals, and completed a public consultation subsequently. The Government is reviewing the views collected in order to finalise the proposals. The Government plans to submit the second-stage proposals to the Panel in mid-2023. Among others, the Government would explore the feasibility of introducing a progressive penalty system as mentioned in the **preceding paragraph**.

Factors for consideration include whether the implementation of such a system would increase the possibility of conflict between frontline enforcement officers and members of the public at the scene, whether the development of a real-time database and system would be cost-effective and beneficial to the society as a whole, as well as whether it is more suitable to introduce the system under the relevant summons-based provision.

LandsD

22. According to LandsD, its enforcement actions are mainly for tackling fixed platforms used for extending business areas and scaffolding bamboos on public roads, as its enforcement power conferred under the Land (Miscellaneous Provisions) Ordinance is not suitable for handling unauthorised occupation by high-mobility articles which can easily be moved away to evade the Department's further action before the statutory notice expires. While acknowledging its constraints on enforcement, we consider that LandsD, as the authority responsible for managing unallocated and unleased Government land, should endeavour to prevent and tackle illegal occupation of Government land. Hence, regardless of whether illegal occupation of Government land is caused by fixed articles or scaffolding bamboos, LandsD should actively render practical assistance when other departments encounter difficulties. It was rigid and conservative of LandsD to have merely focused on making referrals to other law enforcement departments.

23. In a case study, LandsD, upon receipt of 1823's referral, was only concerned whether the building materials occupying the pavement constituted shopfront extension and which department should be responsible for enforcement, rather than rendering appropriate assistance to other departments from the perspective of tackling illegal occupation of Government land. Moreover, LandsD and HyD have different views as to whether LandsD's enforcement should target scaffolding bamboos only or all kinds of building materials.

24. We consider that LandsD should establish a coordination mechanism enabling other departments, when encountering difficulties in case handling, to seek its assistance or invoking of the Land (Miscellaneous Provisions) Ordinance to tackle articles causing illegal occupation or obstruction of streets. The mechanism can also serve as a communication platform to clarify and resolve departments' disputes on their enforcement responsibilities.

25. Although shopfront platforms are one of LandsD's major enforcement targets, the number of statutory notices issued against extension of business area pursuant to the Land (Miscellaneous Provisions) Ordinance has been decreasing in recent years. Between 2018 and 2021, there were 81 cases where shops failed to rectify irregularities before the deadline for compliance in the statutory notices had passed, but LandsD only instituted prosecutions in two of them. Such a low level of prosecution has in a way encouraged prolonged occupation of Government land at no cost, and hence no deterrent effect. In fact, as revealed in our inspections on two of the black spots (Ho Pui Street and Chuen Lung Street in Tsuen Wan and Shun Ning Road in Sham Shui Po),

unauthorised extension of business area with fixed platforms was very common. We consider that LandsD should step up its enforcement against unauthorised extension of business area with fixed platforms and exercise stringent control over offenders who fail to comply with statutory notices.

HyD

26. Although HyD is mainly responsible for clearance work and takes no part in enforcement, it received more complaints about illegal deposition of construction materials on public roads between 2018 and 2021. Those complaints were mostly related to several districts including Yau Tsim Mong District, Sham Shui Po District, Wan Chai District and Wong Tai Sin District, accounting for a significant proportion of nearly or over 50% of the total number of complaints received each year. In our view, HyD could pay more attention to any illegal deposition of construction materials when conducting regular inspection and maintenance of public roads (in particular districts with a greater number of complaints) and strengthen its collaboration with District Lands Offices of LandsD for cracking down the problem.

EPD

27. In recent years, EPD has actively implemented various measures, coupled with surprise inspections and enforcement, to combat fly-tipping. Such measures include drawing up and updating regularly a list of “Priority Sites for Tackling Fly-tipping” jointly with other departments, installing surveillance cameras with night-vision function and conducting aerial and remote surveillance. EPD has also launched a district-based pilot scheme on collection and recycling services to tackle fly-tipping at source. We notice that between 2018 and 2021 EPD had conducted more inspections on illegal deposition of construction waste while the number of complaints continued to decrease, reflecting that its work had a positive outcome.

28. The issue of polyfoam boxes has caused public concerns in recent years. Various bureaux and departments have made concerted efforts at different levels to alleviate the problems of environmental hygiene and street obstruction caused by the piling up of polyfoam boxes. Nevertheless, as reported by the media from time to time, a large number of polyfoam boxes were still piled up in different districts or streets. This shows that the problem remained serious. We understand that the chain for transporting polyform boxes to the Mainland for reuse has recently resumed. However, in the long run, EPD should continue to explore feasible ways in collaboration with relevant departments to further increase the local capacity of recycling polyfoam boxes, so as to resolve the problem completely and address public concerns through multi-pronged measures.

“Tolerated Areas”

29. At present, five locations are designed as “tolerated areas” aiming to constitute distinct characteristics and contribute to the vibrancy of the respective districts. While

the arrangement was put in place after deliberations among enforcement departments, district organisations and shop operators, we found serious irregularities during our inspections at two of the locations namely Mongkok's Flower Market and Tuen Mun San Hui. We consider that FEHD should step up enforcement against non-compliant shops so as to strike a balance between preserving distinct characteristics and vibrancy of the districts and meeting public expectation on public hygiene and road safety.

Inter-departmental Joint Operations

30. A District Management Committee, chaired by the respective District Officer and comprising members from relevant departments, has been set up in each district. The District Management Committee serves to facilitate departments' discussion and coordination on district matters, with a view to resolving more complicated cases or those requiring a longer time to follow up. District Offices organise inter-departmental joint operations depending on the actual situation and need.

31. We notice that the practices of and the number of joint operations conducted by different District Offices varied considerably. While some District Offices proactively invited other departments to participate in joint operations on a monthly or quarterly basis, some organised joint operations only upon request of departments. HAD pointed out that as irregularities vary across districts, it is not the most suitable or effective arrangement to formulate a standard guideline on the conduct of joint operations.

32. HAD's statistics reveal notable differences between the numbers of joint operations organised by District Offices between 2018 and 2021. The Central and Western District Office and the Eastern District Office recorded the highest number of joint operations, with each more than 100. During the same period, the Wan Chai District Office, the Kowloon City District Office and the North District Office did not organise any joint operations but the number of related complaints in those districts increased. Furthermore, a case study shows that even though the District Office concerned attempted to organise a joint operation to resolve irregularities of the location in question, the situation remained a stalemate when the District Office was unable to resolve expeditiously departments' disputes on their enforcement responsibilities.

33. District Offices are duty-bound to ensure prompt resolution of district matters through discussion and collaboration among departments. District Officers play an indispensable, active and leading role in this regard. We acknowledge differences among districts in terms of their environment, pedestrian flow and severity of irregularities, and therefore District Offices should be given certain flexibility to determine the need for joint operations. Our concern is that the differences in the **preceding paragraph** reflect that some District Offices might not have fully discharged their function of making timely intervention for problem-solving. In those districts without any standing mechanism for organising joint operations, departments may be hesitant to seek the District Office's assistance even if joint operations are warranted in particular cases. As a result, the cases could not be handled in a timely manner. On

the other hand, where the disputes between departments still could not be resolved promptly after the District Office's intervention but no further action was taken decisively, the case progress would unavoidably be hampered.

34. HAD explained that law enforcement departments may take appropriate actions on their own to tackle shopfront extension without its coordination. However, HAD expressed its clear stance that same as other street management problems, District Offices strive to coordinate and mediate between departments to resolve problems. The law enforcement departments could also work together for joint operations through the District Management Committee chaired by the respective District Officer. In case any matters remain unresolved after intervention by the District Management Committee, the Steering Committee on District Administration would continue to play an active role by providing a high-level platform for consensus building among departments.

35. We are pleased that HAD has reiterated District Offices' commitment to coordinating and mediating the work of departments. In view of the above observations, we reckon that HAD should supervise District Offices' more active performance of their role in coordinating district affairs and problem-solving among departments, and encourage other departments to make good use of their coordinating role. As for unsettled irregularities or unresolved disputes on enforcement responsibilities after District Offices' intervention, HAD should decisively escalate the matter to the Steering Committee on District Administration for early consensus building through high-level negotiation.

36. In addition, every year, there was a considerable number of cases of illegal occupation or obstruction of streets by goods and miscellaneous articles where the performance pledge on processing time could not be met. There is no doubt that each individual case which requires a longer processing time has its own circumstances, but we cannot rule out the possibility that the longer processing time may involve systemic issues relating to inter-departmental coordination, in particular fundamental disagreement among departments on the demarcation of responsibilities. Currently, no standing centralised mechanism is in place within the Government to review regularly completed inter-departmental cases requiring a longer processing time in different districts for systematic analysis and exploration of necessary improvement measures.

37. The Steering Committee on District Administration currently provides a high-level discussion and negotiation platform for complicated district management cases requiring inter-departmental collaboration. In view of its role, we find the Steering Committee an appropriate platform for the establishment of the centralised mechanism proposed in the **preceding paragraph**. We hope that the Steering Committee on District Administration can favourably consider our recommendation.

38. Since September 2021, FEHD and the Police have been launching a trial scheme on joint operations in individual districts. Apart from prosecuting offenders, they seized and confiscated goods or miscellaneous articles in public places such as

roadside and carriageways to strengthen the deterrent effect. During the joint operations, the Police would post time-bound Notices to Remove Obstruction pursuant to section 32(1) of the Summary Offences Ordinance to require offenders to remove from public places the goods or miscellaneous articles causing obstruction. Otherwise, FEHD would seize the articles and, subject to evidence, consider issuing fixed penalty notices or instituting prosecutions against the owners who claim the articles.

39. During our previous inspections at two of the street obstruction black spots, namely Ho Pui Street and Chuen Lung Street in Tsuen Wan and the vicinity of Chun Yeung Street in North Point, which were included in the trial scheme, we found that the overall cityscape and street hygiene condition were relatively satisfactory though different degrees of irregularities were still observed. We are pleased that the District Matters Coordination Task Force has decided to progressively extend the joint operations by FEHD and the Police to all 18 districts from October 2022 onwards. We agree that the new mode of enforcement could strengthen the deterrent effect thereby curbing shopfront extension more effectively.

40. That said, FEHD would inevitably have to allocate more manpower and resources to cope with the additional workload arising from the new arrangements. We are aware that District Environmental Hygiene Offices under the Department also participate in joint operations organised by different departments. We consider that FEHD should examine the scope and function of various types of joint operations after regularisation of the trial scheme, in order to identify any overlapping areas and modify such operations as necessary to ensure optimum use of resources.

41. The Police has suggested that legislative amendments be considered in the long run to empower FEHD staff to require removal of articles that cause obstruction pursuant to section 32(1) of the Summary Offences Ordinance (see **para. 38**). We agree that this suggestion can facilitate routine enforcement of FEHD staff. At present, FEHD staff are empowered to seize the goods and miscellaneous articles involved only when invoking the “illegal hawking provision” or “obstruction to scavenging provision”, provided that the circumstances meet the evidential requirements thereunder. The above suggestion should provide an additional enforcement tool for FEHD, thereby allowing greater flexibility in enforcement planning and better use of the Police’s manpower. FEHD’s enforcement actions would have a stronger deterrent effect if the Department is empowered to remove, or even seize and detain, the goods and articles causing illegal occupation or obstruction of streets. The Government may carry out a feasibility study on the matter. According to the information from EEB, the Government will explore the feasibility of empowering FEHD staff and other enforcement officers to remove articles causing street obstruction in the second-stage legislative amendment proposals.

Our Recommendations

42. In view of the above comments, this Office has made the following

recommendations to the Steering Committee on District Administration, EEB, FEHD, LandsD, HyD, EPD and HAD:

FEHD

- (1) use various data (including number/types and distribution of shops, complaint figures and past statistics on inspection and enforcement) as parameters for holistic analysis in order to formulate effective plans for inspection and enforcement;
- (2) strengthen the training for frontline staff to ensure their proper application of the “obstruction to scavenging provision” in enforcement;
- (3) step up the monitoring at central level of the arrangements for inspection and enforcement as well as resource utilisation across District Environmental Hygiene Offices and identify any marked discrepancy requiring adjustment;
- (4) when instigating prosecutions against flagrant cases under the “street obstruction provision”, explain to the Court the severity of the problem and recommend a heavier penalty;
- (5) step up enforcement against non-compliant shops in locations designated as “tolerated areas”;
- (6) examine the scope and function of various types of joint operations after regularisation of the trial scheme with the Police in order to identify any overlapping areas and modify such operations as necessary to ensure optimum use of resources;

EEB and FEHD

- (7) review comprehensively the existing penalties under the law, including raising the maximum penalty imposed by means of summons (including the “street obstruction provision”) and the level of fixed penalty, and favourably exploring the introduction of a progressive penalty system under the fixed penalty provision;
- (8) explore the feasibility of empowering FEHD staff to remove, seize and detain goods or miscellaneous articles causing illegal occupation or obstruction of streets;

LandsD

- (9) establish a coordination mechanism enabling other departments, when

encountering difficulties in case handling, to seek its assistance or invoking of the Land (Miscellaneous Provisions) Ordinance to tackle articles causing illegal occupation or obstruction of streets. The mechanism can also serve as a communication platform to clarify and resolve departments' disputes on their enforcement responsibilities;

- (10) step up enforcement against unauthorised extension of business area with fixed platforms and exercise stringent control over offenders who fail to comply with statutory notices;

HyD

- (11) pay more attention to any illegal deposition of construction materials when conducting regular inspection and maintenance of public roads (in particular districts with a greater number of complaints) and strengthen its collaboration with District Lands Offices of LandsD for cracking down the problem;

EPD

- (12) continue to explore feasible ways to further increase the local capacity of recycling polyfoam boxes, so as to resolve the problems of environmental hygiene and street obstruction caused by their piling up in the long run;

HAD

- (13) supervise District Offices' more active performance of their role in coordinating district affairs and problem-solving among departments, and encourage other departments to make good use of their coordinating role. As for unsettled irregularities or unresolved disputes on responsibilities at district level, HAD should decisively escalate the matter to the Steering Committee on District Administration for early consensus building through high-level negotiation; and

Steering Committee on District Administration

- (14) favourably consider establishing a standing mechanism at central level to review regularly completed cases requiring a longer processing time in various districts, with a view to ascertaining whether systemic issues are involved and making improvement where necessary.