

# **Government's mechanism of regulating illegal bicycle parking caused by bicycle rental shops Investigation Report**

A member of the public (“the complainant”) complained to this Office against the Home Affairs Department (“HAD”).

## **The Complaint**

2. The complainant alleged that some bicycle rental shops in Shatin persistently placed a large number of bicycles along the pedestrian walkways outside the shops (“the Location”), obstructing pedestrians and even posing safety concerns. He notified HAD in mid-2024, requesting that it take follow-up action in collaboration with other relevant departments, but the departments failed to properly address the illegal bicycle parking caused by the rental shops such that the problem persisted.

## **Our Findings**

### ***Division of Responsibilities among Departments***

3. In addressing the problem of illegal bicycle parking, the member departments of the local “Working Group on Tackling Illegal Bicycle Parking” (“Working Group”), including the District Office (“DO”) of HAD, the District Lands Office (“DLO”) of the Lands Department (“LandsD”), the Food and Environmental Hygiene Department (“FEHD”) and the Transport Department (“TD”), exercise their respective power under the law, depending on the location of the bicycles, to conduct inter-departmental joint operations (“joint operations”) as necessary to remove bicycles illegally parked on government land in accordance with established procedures.

4. Under the Working Group’s guidelines on joint operations for clearing illegally parked bicycles (“Operation Guidelines”), DLO may invoke the Land (Miscellaneous Provisions) Ordinance (“Land Ordinance”) to conduct land control actions during joint operations. Section 4 of Part II of the Land Ordinance<sup>1</sup> prohibits occupation of unleased government land except under a licence or a deed or

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<sup>1</sup> Section 4 of Part II of the Land Ordinance provides that unleased land shall not be occupied except under a licence or a deed or memorandum of appropriation.

memorandum of appropriation. In cases of contravention, enforcement officers may issue a notice (“statutory notice”), requiring the occupier to cease occupation by the date specified in the notice, under section 6 of Part II of the Land Ordinance<sup>2</sup>. Pursuant to the Land Ordinance and based on legal advice, DLO allows at least one full day for occupiers to remove illegally parked bicycles. Failure to comply will result in seizure and confiscation. The division of responsibilities among the Working Group’s member departments is as follows:

<b>Department</b>	<b>Responsibilities</b>
DO	Coordinates and organises joint operations, including scheduling their dates and locations.
DLO	Posts statutory notices requiring the occupation of the land (except for public transport interchanges managed by TD) to cease and illegally parked bicycles to be removed by the date specified in the notices; verifies whether bicycles with statutory notices posted remain at their original locations.
FEHD	Deploys staff and vehicles to remove bicycles that remain despite posted statutory notices, and to clear abandoned or damaged bicycles from streets.
TD	Removes illegally parked bicycles from areas under its management (e.g., public transport interchanges). TD is generally not required to participate in joint operations targeting government land in front of shops. If bicycle parking places <sup>3</sup> are targeted, TD will temporarily suspend their use in order to coordinate with other departments in removing illegally parked bicycles from them.

5. Upon receiving complaints about illegal bicycle parking, DLO, FEHD, and TD refer them to DO for follow-up in accordance with the Operation Guidelines (see **para. 4**). Joint operations are carried out by the Working Group under the coordination of DO.

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<sup>2</sup> Section 6 of Part II of the Land Ordinance provides that subject to any other provision, if unleased land is occupied, otherwise than under a licence or a deed or memorandum of appropriation, the Authority may post a statutory notice, requiring the occupation of the land to cease before such date as may be specified in the notice. If the occupation of unleased land does not cease as required by the statutory notice, the Authority may take possession of any property or structure on the land. Any person occupying unleased land, otherwise than under a licence or a deed or memorandum of appropriation, who without reasonable excuse does not cease to occupy the same as required by a statutory notice shall be guilty of an offence and is liable to a fine and imprisonment.

<sup>3</sup> Section 8 of the Road Traffic (Parking) Regulations provides that any person who parks a bicycle in a bicycle parking place for a continuous period of more than 24 hours commits an offence and is liable to a fine at level 1.

6. In the district where the Location is situated (“the District”), the Working Group holds meetings approximately every six months to review the effectiveness of joint operations. On average, two joint operations are carried out each month at various locations within the District, including blackspots of illegal bicycle parking (“Blackspots”).

### ***Blackspots***

7. The Working Group identifies Blackspots based on three factors: the number of statutory notices posted, bicycles cleared and complaints received in relation to each location over the past year. The list of Blackspots is reviewed every six months. Currently, there are ten Blackspots in the District, but the Location is not among them.

8. Since August 2025, DO has been installing signage at the Blackspots within the District to remind shop operators and related parties to exercise self-discipline, raise law-abiding awareness, and comply with bicycle parking regulations. DO is also concerned about the situation at the Location and will arrange for signage to be installed there.

### ***Follow-up by the Working Group***

9. After receiving the complaint in mid-2024 (see **para. 2**), DO reviewed the case and raised it at a Working Group meeting. Following deliberation, the Working Group resolved to include the Location in all future joint operations.

10. To address illegal bicycle parking caused by bicycle rental shops at the Location, the Working Group carried out six joint operations between July 2024 and June 2025 (one year). Details are as follows:

	Date of operation	No. of statutory notices posted <sup>4</sup>	No. of bicycles cleared <sup>5</sup>
(1)	July 2024	130	2
(2)	September 2024	118	2
(3)	December 2024	136	3
(4)	January 2025	160	3
(5)	March 2025	290	26
(6)	June 2025	160	5
	<b>Total</b>	<b>994</b>	<b>41</b>
	<b>Average per operation</b>	<b>166</b>	<b>7</b>

11. Since June 2025, the frequency of joint operations at the Location has increased from an average of once every two months to once a month. During the joint operations conducted in July and August 2025, the Working Group posted 130 and 187 statutory notices, and cleared 2 and 9 bicycles, respectively.

12. To enhance the handling of illegal bicycle parking, DO invited FEHD to assess whether provisions on shopfront extensions under the Public Health and Municipal Services (Amendment) Ordinance 2025 (“Amendment Ordinance”)<sup>6</sup>, effective 17 August 2025, apply to illegal bicycle parking caused by rental shops. FEHD’s preliminary response indicated that the Amendment Ordinance primarily introduces shopfront extension provisions into the Public Health and Municipal Services Ordinance, empowering the Department to remove suspected extensions without invoking police powers under section 32 of the Summary Offences Ordinance<sup>7</sup>. FEHD confirmed that the Amendment Ordinance does not affect the Working Group’s joint operation model or the division of responsibilities among the Working Group’s member departments.

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<sup>4</sup> During joint operations, the Working Group identifies and records both shared and non-shared bicycles.

<sup>5</sup> DO and DLO were unable to ascertain whether the bicycles cleared belong to the bicycle rental shops at the Location.

<sup>6</sup> The Amendment Ordinance empowers FEHD to –

- require shop operators to remove obstructing articles, and remove such articles directly if any operator fails to comply;
- forfeit such articles if no claim is made within 7 days (for non-perishable items) or 48 hours (for perishable items) following the exercise of the removal power.

<sup>7</sup> Section 32(1) of the Summary Offences Ordinance provides that it shall be lawful for the Commissioner of Police to require any person whose duty it may be to remove any filth or obstruction, or to do any other matter or thing required to be done by this Ordinance, to do so within a certain time to be then fixed by the said officer, and, in default of such requisition being complied with, the officer shall cause to be removed such filth or obstruction or do or cause to be done such other matter or thing as aforesaid.

### ***Government's Discretionary Mechanism***

13. Although shopfront extension is an offence, the Government may consider tolerating such extension if it constitutes distinct characteristics and contributes to the vibrancy of the respective districts without causing imminent danger to pedestrians and traffic. Subsequent to the deliberation between law enforcement departments, District Councils and local organisations, and with agreement by shops to comply with the established terms, the Government has designated “tolerated areas” where shopfront extensions of several feet may be permitted. Law enforcement departments regularly inspect the “tolerated areas” and decisively take enforcement actions against any breach of terms by shop operators. Depending on the need and enforcement experience, the departments will review the arrangement for “tolerated areas”.

### ***Our Site Inspections***

14. To better understand the situation of illegal bicycle parking at the Location, our staff conducted four site inspections between July and September 2025 on various dates and at different times, including observations of the joint operations conducted by the Working Group.

15. During a site inspection on the evening of 9 July 2025, we noted that the pedestrian walkway in front of the bicycle rental shops at the Location was about 10 metres wide. However, over a hundred bicycles had been placed along the walkway and the adjacent rear lane. Some were covered with canvas, occupying most of the pedestrian walkway and the rear lane, thereby obstructing pedestrians and even posing safety concerns. Certain bicycles bore the names of bicycle rental shops at the Location. Our staff also inspected several bicycle parking places near the nearby railway station and found that some still had vacant spaces available.

16. On the afternoon of 26 August and the morning of 28 August 2025, our staff visited the Location to observe the Working Group’s joint operation, including its division of responsibilities and operational procedures. On 26 August, the situation resembled that on 9 July, with over a hundred bicycles parked illegally (see **para. 15**). DLO posted a statutory notice on each illegally parked bicycle, including those bearing the rental shops’ names. By 28 August, the deadline stated in the statutory notices, nearly all illegally parked bicycles had been removed, leaving the pedestrian walkway unobstructed. Only a few remained illegally parked on streets near the Location. After DLO confirmed that they were still in place, FEHD seized and impounded at

DLO's designated storage location nine bicycles (see **para. 11**), none of which belonged to the bicycle rental shops.

17. On the afternoon of 1 September 2025, several days after the joint operation, our staff conducted another site inspection at the Location and found the pedestrian walkway outside the rental shops again occupied by over a hundred bicycles. Some bore the names of the rental shops, while many were covered with canvas, obstructing part of the pedestrian walkway.

### **Our Comments**

18. We understand that there is public demand for bicycle rental services. However, some bicycle rental shops persistently place over a hundred bicycles along pedestrian walkways, causing serious obstruction and posing safety concerns to pedestrians. We consider it the Government's responsibility to regulate effectively and balance stakeholder interests, enabling bicycle rental shops to operate without compromising pedestrian access or safety.

19. Regarding the Location, our investigation found that the Working Group had established Operation Guidelines to address illegal bicycle parking, and its member departments had exercised their power under the law to conduct joint operations in accordance with these guidelines and established procedures. In response to the complaint, the Working Group carried out six joint operations between July 2024 and June 2025, during which nearly 1,000 statutory notices were posted and illegally parked bicycles were cleared (see **para. 10**).

20. Following our inquiry, the Working Group increased the frequency of joint operations at the Location from an average of once every two months to once a month, starting in June 2025 (see **para. 11**).

21. Additionally, the Working Group identified and compiled a list of Blackspots, and intensified joint operations at severely affected locations. Since August 2025, DO has been installing signage at the Location and the Blackspots within the District to remind shop operators and related parties to exercise self-discipline, raise law-abiding awareness, and comply with bicycle parking regulations (see **paras. 7 and 8**).

22. In summary, we acknowledge that the Working Group has taken steps to address illegal bicycle parking caused by rental shops at the Location. To resolve the problem, it is essential not only for the Working Group to continue reviewing the effectiveness of its enforcement efforts, but also for shop operators to exercise self-discipline and comply with relevant regulations.

23. Based on **paragraphs 18 to 22**, the Office considers the complaint **unsubstantiated**.

### **Recommendations**

24. Although the Ombudsman found no maladministration in the Working Group's handling of the complaint, our investigation revealed that both before and after the joint operation, over a hundred bicycles remained parked on the pedestrian walkway outside the bicycle rental shops (see **paras. 15 to 17**), indicating the severity of illegal bicycle parking at the Location. The improvement was short-lived, with the problem soon recurring.

25. We understand that member departments of the Working Group have distinct roles in tackling illegal bicycle parking at the Location, and their participation in joint operations varied. However, the departments should further strengthen inter-departmental collaboration with the shared goal of improving the economy and people's livelihood. Therefore, although the complaint is unsubstantiated, we have the following recommendations for HAD, LandsD, FEHD and TD as members of the Working Group regarding illegal bicycle parking at the Location:

### ***Regulation and Enforcement***

- (1) continue inter-departmental collaboration and closely monitor illegal bicycle parking at the Location;
- (2) continue conducting joint operations at least once a month;
- (3) further to (2), immediately consider further increasing the frequency and intensity of joint operations as necessary if illegal parking at the Location persists or even worsens;

- (4) consider increasing the frequency of reviews on the effectiveness of joint operations from biannual to quarterly or even monthly, and adjusting enforcement strategies as needed;
- (5) in addition to regular joint operations, conduct routine patrols and, when irregularities are found, consider issuing advice or warnings to offenders, along with requests for rectification;
- (6) further to (5), during routine patrols, prioritise clearing illegally parked bicycles that severely obstruct pedestrian walkways or pose a danger to pedestrians;
- (7) during joint operations, staff must photograph any bicycles bearing the names of rental shops and compile statistics for the Working Group to assess the severity of the problem;
- (8) further to (7), consider seeking further legal advice on the Amendment Ordinance and other applicable regulations concerning street obstruction and following up accordingly to more effectively address illegal bicycle parking caused by bicycle rental shops;
- (9) review and revise the assessment criteria for identifying Blackspots as appropriate, and consider including the Location among the Blackspots;
- (10) further to (9), step up enforcement at the Blackspots in both frequency and intensity;
- (11) explore the introduction of innovative smart surveillance systems, including the pilot installation of AI-enabled cameras at the Location to identify illegally parked bicycles, with a view to enhancing enforcement effectiveness;

### ***Planning and Facilities Management***

- (12) consult with the District Council and local organisations to consider designating the Location as a “tolerated area”, with a view to preserving district characteristics and vibrancy, while also meeting public expectations regarding road usage rights and safety;



- (13) consider increasing the number of bicycle parking places or expanding existing facilities near the Location to better serve the public and accommodate the parking needs of rental shops;
- (14) drawing on management practices for car parks, explore the feasibility of implementing double-deck parking racks at bicycle parking places;

### ***Publicity and Education***

- (15) step up publicity and education to raise awareness among shop operators about avoiding illegal bicycle parking;
- (16) introduce incentive measures to encourage shop operators to voluntarily enter into a compliance agreement, committing not to obstruct public passageways; and
- (17) further to (15) and (16), enhance communication and consultation with shop operators at the Location, solicit their views and explore concrete improvement measures to address illegal parking.

26. HAD, LandsD, FEHD and TD have accepted and will implement our recommendations in **paragraph 25**.

**Office of The Ombudsman**

**November 2025**

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