

## **CHAPTER 8**

**Food and Environmental Hygiene Department  
Home Affairs Department  
Housing Department**

**The Government's efforts in developing  
sustainable systems to keep Hong Kong clean**

**Audit Commission  
Hong Kong  
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Report No. 45 of the Director of Audit contains 9 Chapters which are available on our website at <http://www.aud.gov.hk>.

Audit Commission  
26th floor, Immigration Tower  
7 Gloucester Road  
Wan Chai  
Hong Kong

Tel : (852) 2829 4210  
Fax : (852) 2824 2087  
E-mail : [enquiry@aud.gov.hk](mailto:enquiry@aud.gov.hk)

# THE GOVERNMENT'S EFFORTS IN DEVELOPING SUSTAINABLE SYSTEMS TO KEEP HONG KONG CLEAN

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## **PART 1: INTRODUCTION**

1.1 This PART describes the background to the audit of the Government's efforts to keep Hong Kong clean.

### **Background**

1.2 The Government's efforts to keep Hong Kong clean have a long history. The first clean-up operation was launched in 1948. Since then, various activities have been organised. To a certain extent, these activities have brought about a cleaner environment and increased civic-mindedness, especially among the young.

### **Clean-up efforts before 2000**

#### ***Clean Hong Kong Campaign***

1.3 Under the Clean Hong Kong Campaign, a two-week clean-up operation was carried out across the territory each year from 1948 to 1954. Miss Ping On, a highly popular figure introduced as the symbol of the campaign, was used to urge the public to pay attention to household cleanliness, prevent breeding of mosquitoes and wash their hands before eating. From 1965 to 1969, a series of district clean-up operations were also carried out.

#### ***Keep Hong Kong Clean Campaign***

1.4 In 1970, the Keep Hong Kong Clean Campaign Committee was set up. The campaign's publicity and educational activities officially commenced in August 1972. A number of mascots, including the Litter Bug ("Lap Sap Chung"), were created to mark the commencement of the Keep Hong Kong Clean Campaign. A summary of the major activities of the Keep Hong Kong Clean Campaign from 1970 to 1999 is given in Appendix A.

### **Clean-up efforts since 2000**

#### ***Launching of Clean Hong Kong Programme in 2000***

1.5 In his 2000 Policy Address, the Chief Executive announced the launching of a three-year "Clean Hong Kong Programme" in December 2000. The objectives of the programme were to bring about visible and sustainable improvements to the environment through active cleansing operations, public education and publicity efforts, and instil a sense of belonging and pride in the community for a clean environment. A Steering Committee

on Clean Hong Kong was set up to oversee the overall planning of the programme. A Clean Hong Kong Office was set up in the Food and Environmental Hygiene Department (FEHD) to provide support to the Steering Committee on Clean Hong Kong.

1.6 District Clean Hong Kong Committees (DCHKCs), chaired by the Vice-chairmen of the respective District Councils (DCs), were set up in 2000 in all the 18 districts to promote and disseminate the Clean Hong Kong messages. Through the District Councils Subsidy Scheme, subsidies were granted for activities organised by the DCHKCs at the district level. From 1 January 2001 to 31 December 2003, over 1,600 voluntary Clean Hong Kong Ambassadors were recruited through the District Offices (DOs). The Clean Hong Kong Funding Scheme of the FEHD provided funding support for various organisations to hold Clean Hong Kong promotional activities and organise community involvement programmes for public participation.

### ***Setting up of Team Clean in 2003***

1.7 The outbreak of the Severe Acute Respiratory Syndrome (SARS) in March 2003 aroused great public concern over environmental hygiene. On 5 May 2003, the Chief Executive announced the setting up of Team Clean (Note 1), chaired by the Chief Secretary for Administration, to develop and take forward proposals for entrenching a high level of public and environmental hygiene in Hong Kong.

### ***Strategies adopted by Team Clean***

1.8 Team Clean considered that although previous clean-up efforts had resulted in cleaner streets in some parts of Hong Kong, they did not develop into sustained efforts or results across the community because:

- (a) the focus of the campaigns was on cleansing and soft promotion;
- (b) community ownership was not a central feature; and
- (c) there was no sustainable structure to enable efforts to continue beyond the original campaigns.

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**Note 1:** *The terms of reference of Team Clean were, among others, to develop a coherent system and strategy for integrating and augmenting environmental hygiene improvement initiatives across all concerned government bureaux and departments, and determine the relative priorities of areas targeted for improvement action, marshalling as much as possible wider community support, particularly that of the DCs and the non-government organisations to help tackle these areas.*



1.9 Team Clean's mission, therefore, was to establish and promote a sustainable, cross-sectoral approach to improve environmental hygiene in Hong Kong. Team Clean adopted the following two main strategies in devising its programme:

- (a) ***Developing sustainable systems.*** Sustainability would be the key to success. All improvement initiatives should be sustainable. One-off campaigns would achieve some success but these were limited and the effects short-lived. To keep Hong Kong clean for good, it would be necessary to address deep-rooted problems, blend civic education with harsher penalties and develop systems to sustain the efforts; and
- (b) ***Getting the community involved.*** The hygiene and cleanliness of a city could only be maintained with the support of its people. Community participation would be essential in all stages of Team Clean's exercises, and everyone would have an important role to play. It would be necessary to mobilise the whole community, harness their energies and tap their resources. The whole community, including the DCs, the Area Committees, the DCHKCs, schools and academics, professional groups, the business sector, social services groups and other non-government organisations, volunteers, the mass media and members of the public, should be involved.

1.10 On 28 May 2003, Team Clean issued its "Interim Report on Measures to Improve Environmental Hygiene in Hong Kong". The interim report recommended more than 70 short-term measures for Phase I implementation, and more than 40 other longer-term measures for examination and consideration in Phase II. From June to July 2003, the short-term measures were implemented with good results (such as inspections of drains in private buildings and public housing estates (PHEs), enhanced enforcement against illegal cooked-food hawking in PHEs, clearance of environmental blackspots, prevention of dengue fever, improved hygiene standard in public places and empowerment of district administration). An opinion survey conducted in mid-July 2003 revealed that 91% of the respondents considered Hong Kong was cleaner than before.

1.11 On 9 August 2003, Team Clean published its final report "Report on Measures to Improve Environmental Hygiene in Hong Kong". The report put forward longer-term and sustainable measures on a number of areas under the categories of personal, home and community hygiene. Government bureaux and departments were tasked to develop sustainable systems to sustain Team Clean's intensive efforts. After the dissolution of Team Clean on 31 August 2003, institutional arrangements were made to facilitate the implementation of Team Clean's measures, monitor and give effect to interdepartmental coordination and maintain momentum in the community. The Steering Committee on Team Clean Follow Up (the Steering Committee), chaired by the Secretary for Home Affairs, was established in November 2003 to follow up on all Team Clean's proposed measures. The Home Affairs Department (HAD) plays a central coordinating role for interdepartmental

efforts in district hygiene improvement, as well as community involvement and civic education.

### **Audit review**

1.12 A sustainable and integrated approach to environmental hygiene improvement with a high degree of community involvement is likely to keep Hong Kong clean for good. Against this background, the Audit Commission (Audit) has recently conducted a review of the extent of success of the Government's efforts to keep Hong Kong clean. Since this is a broad subject, the scope of this audit review is divided into two topics. The audit findings are contained in two separate reports as follows:

- (a) the Government's efforts in developing sustainable systems to keep Hong Kong clean (the subject matter of this report); and
- (b) the Government's efforts in getting the community involved to keep Hong Kong clean (see Chapter 9 of the Director of Audit's Report No. 45).

1.13 The focus of this report is on the following areas:

- (a) enforcement regimes (PART 2);
- (b) monitoring systems (PART 3); and
- (c) incentive schemes (PART 4).

1.14 In carrying out the audit review, Audit examined the records and interviewed the staff of various government bureaux and departments. Audit has found that good progress has been made to keep Hong Kong clean. Notwithstanding this, there is room for further improvement. Audit has made a number of recommendations to address the issues.

### **Acknowledgement**

1.15 Audit would like to acknowledge with gratitude the full cooperation of the staff of the FEHD, the HAD, the Housing Department (HD), the Education and Manpower Bureau, and the Home Affairs Bureau (HAB) during the course of the audit review.

## **PART 2: ENFORCEMENT REGIMES**

2.1 This PART examines the various enforcement regimes for ensuring due compliance with environmental hygiene related legal or contract provisions, reports the achievements and suggests measures for further improvement.

### **Fixed penalty on public cleanliness offences**

2.2 Spitting, littering, dog fouling, and unauthorised display of bills and posters are irresponsible acts that must not be tolerated. Spitting, littering and dog fouling transmit germs and diseases and pose threats to public health. The unauthorised display of bills and posters adversely affects the appearance of neighbourhoods. With effect from 27 May 2002, these offences were subject to a fixed penalty of \$600 under the Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap. 570). Following the outbreak of SARS, the fixed penalty was raised from \$600 to \$1,500 on 26 June 2003 to create a strong deterrent effect. Pursuant to Team Clean's recommendation on stringent enforcement of public cleanliness offences, a "zero tolerance" approach has been adopted to step up enforcement actions. Officers of the seven enforcement departments empowered to enforce the Ordinance (Note 2) issue fixed penalty notices (FPNs) to offenders without giving verbal warnings in the first instance.

### **Audit observations**

2.3 The fixed penalty on public cleanliness offences was raised from \$600 to \$1,500 on 26 June 2003. Table 1 shows the number of FPNs issued during the 21-month period from July 2003 to March 2005 (Note 3). Audit found that:

- (a) 83% of the FPNs issued were related to littering; and
- (b) the overall daily average for the period was 69 FPNs.

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**Note 2:** *The seven enforcement departments are the Agriculture, Fisheries and Conservation Department, the Environmental Protection Department, the FEHD, the Hong Kong Police Force, the HD, the Leisure and Cultural Services Department, and the Marine Department.*

**Note 3:** *For the sake of simplicity, the 458 FPNs issued from 26 to 30 June 2003 were ignored.*

Table 1

## Number of FPNs issued during the period from July 2003 to March 2005

Month	Types of offences (Number of FPNs issued)				Total	Daily average
	Littering	Spitting	Dog fouling	Unauthorised bills/posters		
<b>2003</b>						
July	1,808	309	4	67	2,188	71
August	1,710	361	7	63	2,141	69
September	1,735	306	1	55	2,097	70
October	1,928	336	4	64	2,332	75
November	1,621	297	4	36	1,958	65
December	1,446	307	5	39	1,797	58
<b>2004</b>						
January	1,242	266	4	36	1,548	50
February	1,615	288	5	36	1,944	67
March	2,005	349	0	55	2,409	78
April	1,929	304	4	57	2,294	76
May	1,908	239	3	59	2,209	71
June	2,076	248	2	72	2,398	80
July	1,954	237	2	69	2,262	73
August	1,892	243	3	48	2,186	71
September	1,930	291	2	62	2,285	76
October	1,852	287	6	71	2,216	71
November	1,786	272	3	62	2,123	71
December	1,727	334	3	67	2,131	69
<b>2005</b>						
January	1,622	351	3	73	2,049	66
February	1,249	204	1	44	1,498	54
March	1,664	307	2	61	2,034	66
<b>Total</b>	<b>36,699</b>	<b>6,136</b>	<b>68</b>	<b>1,196</b>	<b>44,099</b>	<b>69</b>
	<b>(83.2%)</b>	<b>(13.9%)</b>	<b>(0.2%)</b>	<b>(2.7%)</b>	<b>(100%)</b>	

Source: FEHD records

### ***Need to further strengthen enforcement actions***

2.4 According to FEHD records, the daily average number of FPNs issued for the period from 10 June 2002 (when FPNs of \$600 were first issued) to 25 June 2003 (the date before the fixed penalty was increased to \$1,500) was 50. This was lower than the overall daily average of 69 for the 21-month period (see Table 1) after the fixed penalty was increased to \$1,500. Audit noted from the results of the 2004 “Biennial Opinion Survey on Civic Education” published by the Committee on the Promotion of Civic Education (Note 4) in June 2005 that 27% of the respondents “always” and “most of the time”, and 40% of the respondents “sometimes” encountered people polluting public areas (i.e. littering and spitting). **Audit considers that there is a need to further strengthen enforcement actions against public cleanliness offences.**

2.5 The FEHD is the major department taking enforcement actions against public cleansing offences. During the period from 26 June 2003 to 31 March 2005, the FEHD issued 35,165 FPNs (79% of the total 44,557 FPNs issued – Note 5). Since the introduction of fixed penalty, the FEHD has empowered some 4,000 officers under the 22 enforcement units (19 District Environmental Hygiene Offices and 3 Hawker Task Forces) to issue FPNs in addition to their routine duties. On 29 May 2003, 20 Hawker Control Officer grade staff were temporarily redeployed to establish 4 Anti-littering Enforcement Teams (each with 5 members) in the Intelligence Unit (IU – Note 6) to perform full-time enforcement duties. They were plain-clothes officers, normally working in pairs to carry out strategic enforcement at targeted blackspots (such as public transport interchanges, Mass Transit Railway stations, off-course betting centres and strategic roads). The Anti-littering Enforcement Teams also took enforcement actions against soiling of public places by feeding of feral birds, illegal dumping of dead pigs and indiscriminate disposal of used vehicle tyres. Audit noted that among the 23 units in the FEHD, the IU was the most productive. Up to March 2005, the IU issued 12,539 FPNs, representing 35% of the total number of FPNs issued, while the other 22 enforcement units issued a relatively small proportion of FPNs (an average of 3% for each unit), ranging from 1% for the Islands District Environmental Hygiene Office to 8% for the Central/Western District Environmental Hygiene Office.

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**Note 4:** *The Committee on the Promotion of Civic Education, established in 1986, is the main advisory body for promoting civic awareness and responsibility. In 2005, the Committee has 38 members appointed by the Secretary for Home Affairs. It has carried out biennial opinion survey on civic education since 1986.*

**Note 5:** *Apart from the FEHD, the HD issued 7,107 FPNs (16%). The other five departments issued 2,285 FPNs (5%).*

**Note 6:** *The IU was set up on 13 January 2003 with an establishment of 25 officers to perform multifarious functions, such as surveillance duties against smuggling of meat and poultry from illicit source, unlicensed food business activities and illegal slaughter houses/operations.*

2.6 Apparently, plain-clothes officers working on a full-time basis at strategic locations are much more effective in taking enforcement actions against public cleanliness offences. **To further strengthen enforcement actions, Audit considers that the FEHD needs to deploy more plain-clothes officers working on a full-time basis.**

***Need to enhance publicity on littering offences***

2.7 In mid-2004, the FEHD launched a publicity drive to disseminate keep Hong Kong clean messages. The key messages were to express appreciation of the contribution by the community in the past and encourage the public to keep up the clean Hong Kong efforts. In respect of the enforcement actions against public cleanliness offences, posters/pamphlets were used to advise the public not to commit the cleanliness offences on littering, spitting, dog fouling and unauthorised display of bills and posters. Figure 1 is a poster of fixed penalty.

**Figure 1**

**A poster of fixed penalty**



Source: FEHD website

2.8 In addition to advising the public that committing public cleanliness offences would be liable to a fixed penalty of \$1,500, Audit noted that the publicity materials, as shown in Figures 2 and 3, mainly focused on advising the public not to commit the following specific offences:

- (a) spitting into a litter container;
- (b) spitting into a road gully;
- (c) failure to clean up dog faeces;
- (d) depositing litter into wicker baskets or uncovered carton boxes; and
- (e) dirtying public areas while feeding pigeons.

Figure 2

Pamphlet of public cleanliness offences

吐痰在廢屑箱內  
吐痰在廢屑箱內  
Spitting into a litter container

吐痰在路邊坑渠  
吐痰在路邊坑渠  
Spitting into a road gully

因缺紙而未能清理狗隻糞便  
因缺紙而未能清理狗隻糞便  
Failure to clean up your dog faeces

將垃圾投入路邊竹籬或紙盒  
將垃圾投入路邊竹籬或紙盒  
Depositing litter into wicker baskets or uncovered carton boxes

**亂拋垃圾一律罰款1,500元**  
**乱拋垃圾一律罰款1,500元**  
**A Fixed Penalty of \$1,500**  
**for Littering**

**亂拋垃圾  
定額罰款  
\$1,500  
已經實施**

**LITTERING FIXED PENALTY \$1,500  
NOW IN EFFECT**

 食物環境衛生署  
Food and Environmental  
Hygiene Department

Source: FEHD website



Figure 3

## Pamphlet of public cleanliness offences



Source: FEHD website

2.9 Littering was the major offence resulting in the issue of FPNs (see Table 1 in para. 2.3). According to the FEHD Operation Manual on Implementation of Fixed Penalty System, enforcement officers may issue an FPN if a person commits, among others, any of the following littering offences under section 4(1) of the Public Cleansing and Prevention of Nuisances Regulation (Cap. 132 sub. leg. BK):

- (a) pouring/discharging of waste water, food remnants, vegetable remains and fish tank water in public places like streets, lanes, surface channels or roadside gullies;
- (b) depositing bags or baskets of refuse in public places;
- (c) throwing smouldering cigarette butt into a litter container;
- (d) spitting chewing gum onto the road surface or into a litter container;
- (e) leaving strips/chips unattended after dismantling work of scaffoldings or leaving packing materials unattended after loading and unloading process;

- (f) leaving behind litter on the ground, on the top of a litter container planters or other street furniture;
- (g) leaving behind litter after sorting newspapers, vegetables or other food items in public places like streets, pavements or lanes;
- (h) plugging small pieces of litter into the crevices of street structure/furniture; and
- (i) depositing refuse outside/onto the ground surface of an FEHD refuse collection point without the consent of departmental staff.

Audit noted that some of the above littering offences (such as pouring/discharging of waste water in public places and depositing bags or baskets of refuse in public places) were frequently committed by the public and such irresponsible acts were monitored by closed-circuit televisions at selected hygiene blackspots. Some littering offences (such as throwing smouldering cigarette butt into a litter container and spitting chewing gum onto the road surface or into a litter container) were committed by the public through negligence or even ignorance of the law. **A breakdown of littering offences by types could not be made because the FEHD did not record the littering offences by types. Without such information, Audit could not assess whether the FEHD has focused its publicity efforts on the more frequently committed littering offences.**

### **Audit recommendations**

2.10 **Audit has recommended that the Director of Food and Environmental Hygiene should:**

- (a) **consider deploying more plain-clothes officers working on a full-time basis to further strengthen the enforcement actions against public cleanliness offences; and**
- (b) **consider analysing the littering offences by types with a view to focusing the FEHD publicity efforts on the more frequently committed littering offences.**

### **Response from the Administration**

2.11 The **Director of Food and Environmental Hygiene** has said that:

- 
- (a) the FEHD will consider deploying more plain-clothes officers to enforce the fixed penalty system as necessary. The FEHD has also reminded district office staff of the zero-tolerance enforcement approach from time to time;
  - (b) the audit observation that the IU team is more productive than district office staff in issuing FPNs may be attributable to the fact that a certain number of the IU team staff are specifically deployed to enforce the fixed penalty system, while district office staff are tasked with other responsibilities in addition to the issue of FPNs; and
  - (c) the FEHD will keep in view the audit recommendation of analysing the littering offences by types with a view to focusing publicity efforts and conduct further breakdown if and when necessary. The FEHD publicity efforts have focused on four cleanliness related offences (i.e. littering, spitting, unauthorised display of bills/posters and dog fouling) attracting the fixed penalty of \$1,500. While a further breakdown of the types of littering offences may provide more information about the effectiveness of the publicity efforts, this is very labour intensive and will delay the compilation of statistical returns. The current practice of collecting feedback from the DCs, local community and various districts/sections on the types of littering offences which may merit more publicity efforts has been effective so far in helping the FEHD shape public relations messages.

### **Marking Scheme for Tenancy Enforcement in public rental estates and interim housing estates**

2.12 As one of Team Clean's measures to improve the hygiene conditions and living environment of PHEs, the HD has implemented a Marking Scheme for Tenancy Enforcement (the Marking Scheme) in public rental estates (PREs) and interim housing (IH) estates since 1 August 2003 (Note 7). The objectives of the Marking Scheme are to:

- (a) promote personal and environmental hygiene in PHEs;
- (b) assist tenants in rectifying bad habits that jeopardise personal and public hygiene; and
- (c) build up a sustained healthy living environment.

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**Note 7:** *A three-month grace period up to 1 November 2003 was granted on the restriction of keeping animal, bird and livestock in leased premises. Permission was given to tenants submitting applications before 31 October 2003 to continue keeping small dogs (i.e. less than 20 kg in weight) that had been kept in the premises before 1 August 2003. This was a one-off measure.*

2.13 The Marking Scheme covers 20 types of misdeeds grouped under Category I and Category II. Category I misdeeds, shown in Appendix B, are minor ones. The HD gives one verbal and one written warning before allotting penalty points, provided that the offenders can give reasonable explanation and make immediate rectification of their committed misdeeds. Category II misdeeds, shown in Appendix C, are generally more serious ones that can affect the health of public housing tenants and even cause harm to the community. In these cases, the HD immediately prosecutes the offenders and allots penalty points to their households (Note 8).

2.14 In order to keep the tenants aware of the seriousness of the misdeeds, they are notified of any penalty points allotted to their households and reminded to take immediate action to relinquish their bad habits. Once a household accumulates up to 10 penalty points, it receives a warning letter from the HD. This warning letter, copied to all adult members of the household, details the penalty points allotted and reminds the tenant of the possible consequences if more penalty points are allotted. In addition, a HD staff of manager grade meets with the tenant and advises him that he and his family members should not commit further misdeeds, lest more penalty points will be allotted.

2.15 Penalty points allotted under the Marking Scheme are valid for two years from the day the misdeed is committed (Note 9). When the number of penalty points accumulates to 16, the subject tenancy is liable to termination by the service of notice-to-quit (NTQ) pursuant to section 19(1)(b) of the Housing Ordinance (Cap. 283). Upon termination of tenancy, the households are required to vacate the PRE flats. Offers of IH flats in the New Territories may be arranged for those tenants who may become genuinely homeless. Up to 31 March 2005, NTQs were served to four households which had accumulated 16 or more penalty points under the Marking Scheme (Note 10).

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**Note 8:** *Except for households affected by the Government's relocation action, all households with penalty points accumulated under the Marking Scheme will be barred from applying for alternative accommodation, better/larger or otherwise, through transfer.*

**Note 9:** *Change of household head or deletion of household members during the two-year period does not lead to early cancellation of the penalty points allotted.*

**Note 10:** *The tenants of the four households lodged appeals to the Appeal Panel established under the Housing Ordinance. Up to 30 September 2005, three appeals were heard by the Panel which decided that the households concerned in the first two cases would not have to move out of their flats if the household members would not commit further hygiene-related misdeeds on or before 13 August 2005 for the first case, and 3 July 2006 for the second case. The household members of the first case did not commit further hygiene-related misdeeds up to 13 August 2005. In the third case, the Panel decided that the household members would have to move out of their flat. The fourth case was scheduled for hearing on 28 October 2005.*

## Audit observations

### *Effective implementation of the Marking Scheme*

2.16 Audit noted that since the implementation of the Marking Scheme in August 2003, the number of penalty points allotted and FPNs issued for misdeeds had declined. Details are shown in Appendix D. Table 2 shows the number of penalty points allotted and FPNs issued in August 2003 and March 2005. As shown in Table 2, the number of penalty points allotted and the number of FPNs issued dropped by about 60% from August 2003 to March 2005.

**Table 2**  
**Penalty points allotted and FPNs issued**  
**under the Marking Scheme**

Penalties	Penalties imposed in		Percentage of decrease
	August 2003	March 2005	
	(a)	(b)	(c) = $\frac{(a) - (b)}{(a)} \times 100\%$
Penalty points allotted	1,526	521	66%
FPNs issued for littering	431	185	57%
FPNs issued for spitting	102	42	59%

*Source: HD records*

Moreover, the number of complaints on cleansing, hygiene and nuisance-related misdeeds dropped by 64% from 795 in the second quarter of 2003 to 287 in the first quarter of 2005. The declining trends indicated that the Marking Scheme had achieved a deterrent effect.

### *Need to step up enforcement efforts in some PHEs*

2.17 In order to build on the success, Audit considers that the HD should focus its efforts according to the circumstances of individual PHEs. Audit compiled the average number of misdeeds committed in each of the 160 PHEs during the period from 1 August 2003 to 31 March 2005. Audit noted that for every 10,000 tenants, the overall average number of misdeeds committed in the 160 PHEs was 24. There were 12 PHEs with averages of 48 or more misdeeds for every 10,000 tenants (i.e. twice the overall

average). **Audit considers that the HD needs to step up enforcement efforts on the least hygienic PHEs and closely monitor their hygiene conditions.**

***Need to devise incentive schemes***

2.18 A comparison of the average number of misdeeds committed in the 160 PHEs during the period from 1 August 2003 to 31 March 2005 showed that the average number of misdeeds of the 40 least hygienic PHEs (i.e. those with the highest number of misdeeds) was 5.6 times that of the 40 most hygienic PHEs (i.e. those with the lowest number of misdeeds). **In order to motivate the residents of the most hygienic PHEs and recognise their achievements, Audit considers that the HD needs to devise incentive schemes to award the residents so that they would continue their efforts in keeping the estates clean.**

***Need to allot penalty points commensurate with offence seriousness***

2.19 ***Throwing objects from heights in PHEs.*** The Marking Scheme allots 7 penalty points to an offence of throwing objects from heights prosecuted under the Summary Offences Ordinance (Cap. 228 – Note 11). Audit noted that the households involved in the 44 cases of throwing objects from heights between 1 August 2003 and 31 March 2005 were each allotted 7 penalty points. The objects thrown from heights included paper, napkin, nappy, newspaper, water, rubbish, cooked food, wooden board, glass bottle and chopper. **In view of the significant differences in the nature of the objects thrown from heights, Audit considers that the HD needs to allot penalty points commensurate with the seriousness of the offence.** The HD may consider classifying objects thrown from heights into the following two categories:

- (a) objects thrown from heights to the detriment of public hygiene (e.g. paper, napkin, nappy, newspaper, water, rubbish and cooked food); and
- (b) objects thrown from heights which will cause death or serious injury (e.g. wooden board, glass bottle and chopper).

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**Note 11:** *Section 4B of the Summary Offences Ordinance deals with anything which is dropped or allowed to fall from any building to the danger or injury of any person in or near a public place. However, the Marking Scheme does not allot any penalty points to any offence of falling objects from heights (e.g. falling windows).*

## **Audit recommendations**

2.20 **To improve the Marking Scheme for Tenancy Enforcement in PREs and IH estates, Audit has recommended that the Director of Housing should:**

- (a) **step up enforcement efforts on the least hygienic PHEs and closely monitor their hygiene conditions;**
- (b) **devise incentive schemes to award the most hygienic PHEs;**
- (c) **publish periodically the most hygienic PHEs and give recognition to the tenants; and**
- (d) **consider classifying the misdeeds of throwing objects from heights by the severity of the consequences, and allot penalty points commensurate with the seriousness of the offence.**

## **Response from the Administration**

2.21 The **Director of Housing** has said that the HD generally agrees with the audit observations and recommendations. He has also said that:

- (a) the implementation of the Marking Scheme for Tenancy Enforcement has helped achieve sustained improvement in environmental hygiene in PHEs, as evidenced by the few incidents of repeated offences and the decrease in the number of hygiene and cleanliness complaints;
- (b) to improve the cleanliness in some estates where the number of misdeeds continues to be high, the HD will closely monitor their hygiene conditions and remind staff to step up enforcement efforts when necessary. Meanwhile, to recognise the achievement of the estates with the lowest number of misdeeds to keep up with their performance, the HD will explore a scheme to award the cleanest estates/blocks or estates/blocks with the best improvement; and
- (c) a review on the Marking Scheme was carried out at the end of 2004 with new misdeed items added. As recommended by Audit, the HD will consider increasing the penalty points for objects thrown from heights which may cause fatal injury to the public.

## Demerit points system for public markets

2.22 The FEHD manages 79 public markets (Note 12) and 25 free-standing cooked food markets. The cleanliness, or the lack of it, of public markets has been a long-standing problem. Markets always seem to have wet, slippery and dirty floors. There have been many public complaints about poor hygiene around cooked food areas (such as rampant littering, dirty walls as well as feathers and faeces from live poultry). To improve the hygiene conditions of the public markets, Team Clean recommended that the FEHD should introduce market cleansing days, streamline its warning system against breaches of tenancy conditions (Note 13), and introduce a demerit points system (DPS) against breaches of legal provisions for the public markets in early 2004.

2.23 Audit notes that:

- (a) a scheme of market cleansing days has been introduced since November 2003. The cleansing day is held on either the 10th or the 25th of each month to coincide with one of the monthly Rest Days for live poultry stalls, or on any other day as agreed among the market stall tenants;
- (b) the warning system for breaches of tenancy conditions has been implemented since November 2003. Under the warning system, a verbal warning (Note 14) given to a tenant for a first-time breach of a tenancy condition is valid for six months from the date of its issue. If a breach of the same condition is detected within the six-month period, a warning letter is issued immediately, regardless of whether the tenant has shown any sign of improvement since the first breach. The accumulation of three warning letters within six months leads to termination of the tenancy. In addition, with effect from July 2004, tenants with their tenancies terminated are prohibited from bidding for other market stalls for one year; and
- (c) the DPS for public markets has not yet been implemented.

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**Note 12:** *A typical public market building is two to three storeys high with the lower floors selling fish, meat, poultry, vegetables, fruits and dry goods, and the top floor accommodating a cooked food centre.*

**Note 13:** *Market stall tenants need to comply with the conditions set out in their tenancy agreements with the FEHD. These conditions mainly include requirements to maintain clean and sanitary stalls. Tenants selling cooked food and restricted food (such as meat, poultry, fish and siu mei/lo mei) are also subject to conditions on food hygiene similar to those applicable to licensed restaurants and other food businesses.*

**Note 14:** *During the 17-month period from November 2003 to March 2005, the FEHD gave 99,462 (a monthly average of 5,851) verbal warnings.*



## Audit observations

### *Slow progress in developing a DPS for public markets*

2.24 Market stall tenants are required to comply with the Public Markets Regulation and where appropriate, the Food Business Regulation of the Public Health and Municipal Services Ordinance (Cap. 132). The Regulations require the tenants to comply with provisions on refuse bins, prevention of littering, spitting, obstruction and nuisances, alteration of stalls, and food hygiene-related issues. It is an offence to contravene the relevant provisions of the Regulations. Offenders are subject to penalties on conviction. In addition to the penalties on conviction, the FEHD imposes a sanction that four convictions within 12 months may result in termination of tenancy. To enhance the procedures for termination of tenancy for repeated breaches of the law, Team Clean recommended that a DPS should be developed for public markets in early 2004. Under the DPS, each convicted offence would be given a predetermined number of demerit points reflecting the seriousness of the offence. The accumulation of a prescribed number of demerit points within a specified period would result in termination of the tenancy.

2.25 There is a delay in the implementation of Team Clean's recommendation of introducing the DPS for public markets in early 2004. The proposed revamping of the DPS for licensed food premises by the FEHD has affected the progress of developing the DPS for public markets (Note 15). **Audit considers that there is a need to expedite the development of the DPS for public markets.** The reasons are that:

- (a) the DPS for public markets mainly involves breaches of the environmental hygiene provisions of the Public Markets Regulation (1,186 prosecutions in 2004), whereas the DPS for licensed food premises involves extensive consultation related to food safety, these two issues can be dealt with separately. It is undesirable to delay the implementation of the DPS for public markets; and
- (b) under the existing practice, market stall tenants may feel aggrieved if tenancies are terminated because of four convictions for minor offences. The proposed DPS is a fairer system for terminating tenancies because tenants are assigned demerit points commensurate with the seriousness of the offences under the Public Markets Regulation. Details of the major offences under the Public Markets Regulation are given in Appendix E.

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**Note 15:** *The FEHD is considering a revamping of the existing DPS for licensed food premises, which may involve further consultation. The FEHD intends to align the implementation of the DPS for licensed food premises and the DPS for public markets.*

### ***Desirability of revamping the two penalty systems***

2.26 The two penalty systems for public markets (i.e. the warning system for breach of tenancy conditions and the proposed DPS for breach of legal provisions) will both lead to termination of tenancy. **Audit considers that there is a need to consider consolidating the two penalty systems into one DPS.** The reasons are that:

- (a) two separate systems may give more room for manipulation by the market stall tenants. For example, a market stall tenant who breaches both tenancy conditions and legal provisions may keep his tenancy, provided that the number of breaches and the accumulated demerit points are kept just within the set limits;
- (b) assigning demerit points for breaches of tenancy conditions takes into account the seriousness of the offences. Under the existing warning system, a tenancy will be terminated after three written warnings regardless of the seriousness of the offences; and
- (c) the existing enforcement regime differentiates between breaches of tenancy conditions and legal provisions for two different penalty systems. It may be simpler for FEHD enforcement officers to manage a single DPS instead of two different systems.

### **Audit recommendations**

2.27 **Audit has recommended that the Director of Food and Environmental Hygiene should:**

- (a) **develop and implement the DPS for public markets as soon as possible to provide reasonable and fair sanctions against repeated breaches of the Public Markets Regulation of the Public Health and Municipal Services Ordinance; and**
- (b) **consider assigning demerit points for breaches of tenancy conditions under the warning system for public markets and consolidating the warning system and the proposed DPS into one unified DPS for public markets.**

### **Response from the Administration**

2.28 The **Director of Food and Environmental Hygiene** has said that the FEHD will develop the DPS for licensed food premises and the DPS for public markets, and consult the parties concerned as soon as possible prior to their implementation. He has also said that:

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***Development of the DPS for public markets***

- (a) it is necessary to align the DPS for licensed food premises and the DPS for public markets on the principle of equity. Since some hygiene-related issues/offences are relevant to both licensed food premises and public market stalls, it is necessary for the two DPSs to adopt the same practice (e.g. the number of demerit points to be assigned to licensed food premises and public market stalls for the same type of offence should be aligned); and

***Assigning demerit points for breaches of tenancy conditions***

- (b) the FEHD will consider the usefulness and practicability of assigning demerit points for breaches of tenancy conditions under the warning system. The two systems (i.e. DPS and warning system) are distinct from each other as they deal with different offences/violation and are well understood by the stakeholders. The proposed DPS covers offences convicted by court whereas the existing warning system covers breaches of tenancy conditions.

**Marking Scheme for Tenancy Enforcement  
in Housing Authority markets**

2.29 The Housing Authority (HA) manages 126 markets located in PHEs. On 1 August 2003, the HA introduced a Marking Scheme for Tenancy Enforcement in HA markets to sustain a clean, hygienic and tidy environment. Under this Marking Scheme, offences relating to stall-front obstructions only are subject to the assigning of penalty points. Once stall-front obstruction is noted, a verbal warning is given to the market stall tenant before issuing the first warning letter. Penalty points are allotted upon the issue of warning letter. Subsequent warning letters attract more penalty points. For example, the first written warning attracts two penalty points and the fifth written warning attracts four penalty points.

2.30 The penalty points allotted are valid for a period of six months from the date of the first written warning. These penalty points are purged upon the expiry of the validity period. When the number of penalty points accumulates to 16, the subject tenancy is terminated by sending the tenant an NTQ pursuant to section 19(1)(b) of the Housing Ordinance (Note 16).

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**Note 16:** *The tenant may appeal to the Appeal Panel against the termination of tenancy. If the NTQ is enforced, the tenancy will not be re-granted unless recommended by the Panel.*

## **Audit observations**

### ***Need to incorporate hygiene-related offences into the HA Marking Scheme***

2.31 The tenancy agreement between the HA and the market stall tenants requires the tenants to comply with the following contract provisions in relation to environmental hygiene:

- (a) not to leave any rubbish around the market stall or cause any obstruction in the public area;
- (b) to keep the stall slab and the area immediately around the market stall thoroughly clean and tidy;
- (c) to provide and keep a dustbin with lid at the market stall and empty the contents of the dustbin regularly into the HA refuse containers; and
- (d) not to keep any animals or pets in the market stall.

2.32 Audit notes that the Marking Scheme for Tenancy Enforcement in HA markets only addresses the provision of not causing obstructions in the public area, but not other environmental hygiene related provisions. **Since the objective of the scheme is to sustain a clean, hygienic and tidy environment, Audit considers that the HA needs to incorporate into the scheme breaches of all environmental hygiene related provisions in the tenancy agreement with market stall tenants.**

## **Audit recommendation**

2.33 **Audit has recommended that the Director of Housing should consider enhancing the Marking Scheme for Tenancy Enforcement in HA markets by incorporating breaches of all environmental hygiene related provisions in the market stall tenancy agreement into the scheme.**

## **Response from the Administration**

2.34 The **Director of Housing** has said that the HD generally agrees with the audit observations and recommendation. He has also said that:

- (a) the HD will consider the inclusion of more specific hygiene-related breaches into the enhanced Marking Scheme for Tenancy Enforcement in HA markets to sustain the provision of a clean, hygienic and tidy environment; and
- (b) to achieve smooth operation of the Marking Scheme and to reduce the ambiguity and hence appeals from offenders to the minimum, the HD will conduct a review on the Marking Scheme and incorporate into the scheme additional clearly-defined misdeeds or actions of offenders, which will cover the hygiene-related provisions in the tenancy agreement.

## **PART 3: MONITORING SYSTEMS**

3.1 This PART examines the various measures for monitoring the hygiene conditions in Hong Kong, reports the achievements and suggests measures for further improvement.

### **Priority district hygiene blackspots**

3.2 In some parts of Hong Kong, the hygiene condition of rear lanes and private streets is a long-standing problem. Many rear lanes and private streets are plagued with refuse and abandoned articles, defective or illegal connections of pipes, unauthorised building works and uneven ground surface. They are convenient locations for some restaurants to carry out dish washing and food preparation, giving rise to damp and greasy ground surface, choked drains and rodent infestation. Such grimy rear lanes and private streets, known as hygiene blackspots, are principal sources of filth and vermin which pose public health hazard and affect the reputation of Hong Kong.

3.3 The clean-up operations in respect of hygiene blackspots were implemented in three phases:

- (a) a list of 85 priority district hygiene blackspots (priority blackspots), comprising rear lanes, private streets and other eyesores identified by the Clean Hong Kong District Promotion Committee (Note 17) and members of the public, was drawn up for urgent clearance under Phase I. In June 2003, the Phase I priority blackspots clearance exercise commenced. The Steering Committee agreed that Phase I should be completed by February 2004;
- (b) in November 2003, another list of 90 priority blackspots was drawn up for clearance under Phase II. The Steering Committee agreed that Phase II should be completed by July 2004; and
- (c) in January 2005, a new list of 87 priority blackspots was drawn up for clearance under Phase III. In the same month, the Steering Committee agreed that the Phase III priority blackspots should be cleared by June 2005 while more time would be allowed for those blackspots with unauthorised building works and the need to take legal actions.

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**Note 17:** *The community membership of the Clean Hong Kong District Promotion Committee comprises the Councillors of the 18 DCs, community leaders and representatives from the Hong Kong Professional Property Services Alliance.*

## **Audit observations**

### ***Satisfactory clearance progress***

3.4 With the concerted efforts of the HAD, the FEHD, the Buildings Department, the Drainage Services Department, the Environmental Protection Department and other relevant departments, up to the end of March 2005, 187 (71%) of 262 identified priority blackspots had been eradicated under the three phases of clearance exercises. These represented:

- (a) 82 (96%) of the 85 Phase I priority blackspots;
- (b) 85 (94%) of the 90 Phase II priority blackspots; and
- (c) 20 (23%) of the 87 Phase III priority blackspots.

3.5 As at 31 March 2005, eight priority blackspots under Phases I and II were not eradicated. These blackspots were mainly located in the older districts requiring a longer clearance time because of the complexity of unauthorised building works and the need to take legal actions. Details of these eight priority blackspots are as follows:

- (a) two Phase I priority blackspots in Wan Chai and one Phase I priority blackspot in Yau Tsim Mong; and
- (b) two Phase II priority blackspots in Eastern and three Phase II priority blackspots in Yau Tsim Mong.

The overall progress of clearance was satisfactory as over 95% of the priority blackspots under Phases I and II had so far been eradicated.

### ***Effective monitoring of hygiene blackspots***

3.6 At the month-end cleansing exercise conducted during the last week of every month, representatives of the DCHKCs, the DOs and the relevant departments as well as members of the District Hygiene Squads, inspected hygiene blackspots in the districts including priority blackspots on a regular basis before the priority blackspots clearance exercises. After clearing the priority blackspots, random inspections were conducted to ensure that the hygiene problems would not recur.

3.7 To facilitate public monitoring, the location of the priority blackspots together with the progress of the phased clearance exercises were uploaded to the "Team Clean Corner" website of the HAD. Pictures taken "before" and "after" the clearance actions, as shown in Photographs 1 and 2, were also uploaded to the website. The public can therefore easily monitor the clearance progress of the hygiene blackspots by visiting the website.

**Photograph 1**

**A priority blackspot before clean-up actions**



Source: "Team Clean Corner" website

**Photograph 2**

**A priority blackspot after clean-up actions**



Source: "Team Clean Corner" website

***Need to develop a sustainable monitoring system***

3.8 So far, the three phases of clean-up operations have been successful in bringing about quick and visible improvement to priority blackspots. **As hygiene blackspots are not evenly distributed among the districts and the progress of their clearance varies significantly, Audit considers that there is a need to develop a sustainable monitoring system for the eradication of hygiene blackspots at the district level.**

***Need to establish a database of district hygiene blackspots***

3.9 Audit notes that a full list of hygiene blackspots (including public and private rear lanes, cooked food centres, vacant land, shopping malls and public toilets) is not available in each of the 18 districts (Note 18). In the absence of such information, it is difficult for the HAD to monitor the situation of district hygiene blackspots and prioritise clearance actions on an ongoing basis. **Audit considers that the HAD, in consultation with the relevant departments and the local community, needs to establish in each of the 18 districts a database of district hygiene blackspots.**

***Need to devise a clearance plan for each district***

3.10 Audit noted that the selection of hygiene blackspots was not based on objective criteria since about the same numbers of blackspots were selected for each district under the three phases of clean-up operations. **Audit considers that there is a need to establish objective criteria for the selection of hygiene blackspots in terms of the priority of clearance. Based on the selected priority blackspots, a clearance plan for hygiene blackspots for each district and a clearance timetable to eradicate the blackspots need to be devised as soon as possible.**

**Audit recommendations**

3.11 **To prioritise clearance actions on an ongoing basis, Audit has recommended that the Director of Home Affairs should develop a sustainable monitoring system for the eradication of hygiene blackspots at the district level by:**

- (a) **establishing a database of district hygiene blackspots that require clearance actions in each of the 18 districts in consultation with the relevant departments and the local community;**

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**Note 18:** *The FEHD maintains records of problematic rear lanes and unhygienic places.*



- (b) **prioritising the hygiene blackspots in the district database using objective criteria (such as seriousness of nuisances, resources required for clearance actions and complexity of the cases);**
- (c) **coordinating with the relevant departments to devise an action plan for each of the 18 districts to eradicate the priority blackspots as soon as possible; and**
- (d) **updating regularly the database of district hygiene blackspots according to changing circumstances.**

### **Response from the Administration**

3.12 The **Director of Home Affairs** has said that she agrees generally with the audit recommendation that a more systematic approach should be adopted after the third phase of the hygiene blackspots eradication programme is completed in late 2005. She has also said that:

- (a) at the initial stage of implementing Team Clean measures, the HAD aimed at achieving visible results quickly. To maintain community awareness, the HAD had requested each district to identify five hygiene blackspots in each of the first three phases of the programme;
- (b) the HAD understands that each of the relevant departments keeps information on problematic locations under its purview. For example, the FEHD maintains lists of unhygienic rear lanes and public places. The Buildings Department has records of unauthorised building works. The Lands Department manages cases of illegal occupation of government land. The Environmental Protection Department receives complaints on effluent discharge. Works departments such as the Highways Department and the Drainage Services Department have regular inspection programmes for their facilities and carry out maintenance works to repair defects and clear drainage blockages;
- (c) while the HAD had not documented specifically the criteria for compiling priority blackspots in Phases I to III of the eradication programme, the DOs in fact came up with the selected locations after thorough consultation with district personalities and the departments concerned. In the process, factors such as the degree of nuisance of the blackspots and the resources required for clearance were taken into account;

- (d) to formalise the existing arrangements, the HAD will formulate and promulgate a set of objective criteria. While these criteria will serve as useful reference for departments concerned and community personalities, flexibility will also be given in the process of selecting priority blackspots having regard to, among other things, district circumstances; and
- (e) the DOs will ask all departments concerned to share their information and formulate departmental clearance plans. The relevant departments should continue to implement clearance plans for locations falling under their purview. The DOs will provide assistance if the circumstances warrant (e.g. problems involving interdepartmental operations). The clearance plans would be discussed at the appropriate district forums (e.g. DCHKCs) with suitable involvement of community personalities. The departments concerned will be asked to submit periodic eradication reports to the DOs for monitoring.

### **Rapid Response System**

3.13 In trying to mitigate environmental hygiene problems, it was not uncommon for government departments to run into situations where there was confusion as to the delineation of responsibilities among departments. To tackle such situations, Team Clean proposed the empowerment of a district administration framework (involving the DOs, the DCs and the District Management Committees) which comprised an enhanced system for rapid response and follow-up actions to address district hygiene problems.

3.14 To facilitate reporting and speedy response, the Integrated Call Centre (ICC) hotline (1823 Citizen's Easy Link – Note 19) is in operation for the public to report environmental blackspots and other hygiene problems. The complaint-handling machinery in the departments has been re-engineered and a Rapid Response System (RRS) has been put in place to ensure quick response, enhance departmental coordination and strengthen the monitoring of hygiene problems. The RRS has the following features:

- (a) the ICC answers incoming calls within an average waiting time of one minute;
- (b) the ICC refers complaints to designated contact persons in relevant departments within 24 hours with copies to the relevant DOs for information;

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**Note 19:** *The ICC hotline (1823) has been set up under the Efficiency Unit to answer enquiries, service requests and complaints from the public via phone, fax, e-mail and its webpage round-the-clock since July 2001. Thirteen government departments, including major departments involving environmental hygiene (such as the Buildings Department, the FEHD and the Highways Department), subscribe to the service of the ICC.*

- (c) the departments concerned contact the complainant and give an interim reply within three working days. The departments resolve the problems within the pledge period and keep the complainant reasonably informed of progress made;
- (d) the relevant departments provide monthly progress reports to the relevant DOs, giving a summary of cases received, completed and outstanding. For outstanding cases, reasons are also given (Note 20); and
- (e) the DOs maintain a district database of hygiene-related complaints for monitoring purposes. They hold regular meetings with the departments concerned to discuss outstanding cases and delineate, where necessary, responsibilities among departments to ensure interdepartmental cooperation and quick remedial actions.

A flow chart showing the operating procedures of the RRS is at Appendix F.

### **Audit observations**

3.15 According to the monthly progress reports prepared by the 18 DOs, government departments resolved 58,562 complaints (a monthly average of 2,928 complaints) during the period from August 2003 to March 2005. As at 31 March 2005, the number of outstanding hygiene-related complaints, referred to and handled by various departments, was 2,621. The number of outstanding hygiene-related complaints varied considerably among the 18 districts, ranging from zero in Tuen Mun to 946 in Kowloon City, as shown in Table 3.

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**Note 20:** *Reasons given in the monthly progress report included extended investigation required (e.g. water seepage), denied access to premises under complaint, joint action with other departments required, irregularities recurrent in nature and insufficient/incorrect information.*

Table 3

**Outstanding hygiene-related complaint cases  
reported by the 18 DOs  
(as at 31 March 2005)**

District	Number of outstanding cases
Kowloon City	946
Wan Chai	567
Yau Tsim Mong	410
Central & Western	201
Yuen Long	87
Kwun Tong	77
Sai Kung	67
Wong Tai Sin	53
Islands	53
Tsuen Wan	48
North	41
Southern	33
Kwai Tsing	32
Sham Shui Po	2
Tai Po	2
Eastern	1
Sha Tin	1
Tuen Mun	0
<b>Total</b>	<b>2,621</b>

Source: HAD records

Remarks: The 18 DOs reported the number of outstanding cases on two different bases. Some DOs based on the results provided by the relevant departments and some DOs based on their monitoring results of hygiene-related cases classified by the ICC (see para. 3.17).

3.16 As about 86% of the hygiene-related complaint cases were referred to and handled by the FEHD, Audit compared the pertinent ICC records with FEHD records. ICC records refer to those complaint cases classified as hygiene-related and referred to the FEHD by the ICC. FEHD records are stored in the Complaint Management Information System (CMIS), a database for sorting and instant retrieval of hygiene-related complaint information. Audit found that there were significant discrepancies in the number of outstanding cases recorded by the ICC and the FEHD as at 31 March 2005. Details are given in Table 4.

Table 4

**Outstanding hygiene-related complaint cases  
recorded by the ICC and the FEHD  
(as at 31 March 2005)**

District	Number of cases recorded by the ICC	Number of cases recorded by the FEHD	Difference
	(a)	(b)	(c) = (b) - (a)
Kowloon City	38	1,106	1,068
Tuen Mun	10	572	562
Wan Chai	39	567	528
Yau Tsim Mong	34	407	373
Central & Western	18	201	183
Tai Po	7	187	180
Sham Shui Po	18	135	117
Eastern	6	107	101
Yuen Long	13	98	85
Kwun Tong	13	77	64
Sha Tin	4	46	42
Tsuen Wan	6	48	42
Wong Tai Sin	15	53	38
Islands	20	48	28
North	72	57	(15)
Sai Kung	63	57	(6)
Southern	38	33	(5)
Kwai Tsing	32	32	0
<b>Total</b>	<b>446</b>	<b>3,831</b>	<b>3,385</b>

Source: ICC and FEHD records

***Different classification of hygiene-related complaints by the ICC and the FEHD***

3.17 Upon Audit enquiries, the ICC informed Audit that the significant discrepancies in the number of outstanding cases as at 31 March 2005 were mainly attributable to different classification of hygiene-related cases by the ICC and the FEHD (Note 21). Unlike the FEHD, the ICC did not classify cases relating to water seepage, pest, mosquito, blocked gully as well as refuse and unhygienic conditions in public and private places (Note 22) as hygiene-related cases under the RRS.

***Unsatisfactory monitoring by the FEHD***

3.18 An ageing analysis of the 3,831 outstanding cases as at 31 March 2005 recorded in the CMIS (Note 23) is shown in Table 5.

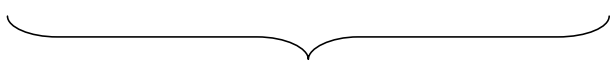
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**Note 21:** *The 12 types of complaints classified by the FEHD as hygiene-related cases are: (a) blocked drains/defective pipes in buildings; (b) nuisances caused by air-conditioners; (c) refuse and unhygienic conditions in private places; (d) refuse and unhygienic conditions in public places; (e) hygiene conditions in food premises; (f) blocked gullies in streets; (g) mosquitoes; (h) insects other than mosquitoes; (i) rodents; (j) hygiene conditions in markets; (k) unhygienic conditions in private lanes; and (l) unhygienic conditions in public lanes.*

**Note 22:** *As at 31 March 2005, there were 1,587 outstanding cases related to refuse and unhygienic conditions in public and private places. These cases were not classified by the ICC as hygiene-related cases under the RRS.*

**Note 23:** *The Director of Audit reported (Chapter 1 of his Report No. 40 of March 2003: Management of public cleansing services) that there had been many long-outstanding cases recorded in the CMIS and recommended that the FEHD should monitor closely the progress of handling complaint cases.*

**Table 5**  
**Ageing analysis of 3,831 outstanding cases recorded in the CMIS**  
**(as at 31 March 2005)**

District	Number of outstanding cases		
	Within six months	More than six months to one year	More than one year
Kowloon City	373	431	302
Tuen Mun	132	185	255
Yau Tsim Mong	218	106	83
Tai Po	102	45	40
Wan Chai	368	177	22
Sham Shui Po	127	2	6
North	45	7	5
Central & Western	181	17	3
Kwai Tsing	31	1	0
Southern	33	0	0
Sai Kung	56	1	0
Islands	46	2	0
Wong Tai Sin	53	0	0
Sha Tin	46	0	0
Tsuen Wan	48	0	0
Kwun Tong	77	0	0
Yuen Long	98	0	0
Eastern	107	0	0
<b>Sub-total</b>	<b>2,141</b>	<b>974</b>	<b>716</b>
			
	<b>Total</b>		
	<b><u>3,831</u></b>		

Source: FEHD records

3.19 In response to Audit enquiries in June 2005 about the large number of long-outstanding cases for over one year for Kowloon City and Tuen Mun, the FEHD informed Audit that most of the complaint cases had been satisfactorily resolved pending the updating of the CMIS records. Therefore, the monthly reports provided by the FEHD to the DOs contained outdated records.

### ***Unsatisfactory monitoring by DOs***

3.20 Under the RRS, the DOs are responsible for ensuring that the hygiene-related complaint cases are expeditiously handled. However, some DOs did not duly monitor the long-outstanding complaint cases. For example, according to the CMIS, 302 of the 1,106 complaint cases as at 31 March 2005 in Kowloon City had remained outstanding for more than one year. In this regard, Audit noted that there were no established monitoring procedures. For example, no trigger points were established for taking follow-up actions on long-outstanding complaints.

3.21 **Audit considers that the monthly reports generated by the ICC, after reconciling with the departmental records, provide a database at the district level for monitoring hygiene-related complaints by the DOs. The HAD needs to establish proper procedures for monitoring the outstanding complaint cases.**

### **Audit recommendations**

3.22 **Audit has recommended that:**

- (a) **the Director of Home Affairs should, in consultation with the Director of Food and Environmental Hygiene and the Head, Efficiency Unit, unify the classification of hygiene-related complaints under the RRS;**
- (b) **the Director of Food and Environmental Hygiene should regularly update the CMIS records and closely monitor the outstanding complaint cases to ensure that up-to-date management information is provided for further monitoring by the DOs; and**
- (c) **the Director of Home Affairs should establish proper procedures for monitoring the outstanding complaint cases, including the setting up of trigger points for taking follow-up actions on such cases.**



## Response from the Administration

3.23 The **Director of Home Affairs** has said that she agrees generally with the audit recommendations. She has also said that:

- (a) the HAD will discuss with the FEHD and the Efficiency Unit on how to unify the classification of hygiene-related complaints under the RRS;
- (b) under the current arrangements, the DOs need to trigger discussion of the exception reports at the District Management Committee, coordinate, arbitrate and, where appropriate, escalate the issue if it could not be resolved. The HAD will remind all the DOs to adhere to the above monitoring procedures, and the DOs will continue to urge their FEHD counterparts to resolve the outstanding cases as soon as possible; and
- (c) while an ageing analysis of complaint cases provides a snapshot of the position of the outstanding cases, these figures should also be read in conjunction with other related information (e.g. the total number of complaints received and dealt with).

3.24 The **Director of Food and Environmental Hygiene** has said that the FEHD has already directed all staff to update the CMIS records and reminded them of the importance of doing so on a regular basis. He has also said that:

- (a) enhanced measures for managing complaints were introduced in 2003 (e.g. the addition of a function in the CMIS to facilitate the monitoring of the outstanding cases and a monthly reminder to staff on the updating requirement of complaint records in the CMIS). The significant increase in the number of complaints after the outbreak of SARS in 2003 (from 72,000 in 2002 to 133,000 in 2003 and 129,000 in 2004) had diverted attention to taking follow-up action on the complaints instead of prompt updating of the CMIS records following the completion of the complaint cases; and
- (b) the FEHD will explore ways to further facilitate the monitoring of outstanding complaint cases and the updating of the CMIS records.

3.25 The **Head, Efficiency Unit** has said that he agrees with the Director of Home Affairs that discussion would be held among the HAD, the FEHD and the Efficiency Unit on how to unify the classification of hygiene-related complaints under the RRS.

## Community Cleanliness Index

3.26 In its Final Report, Team Clean proposed to develop objective means to measure, on a regular and ongoing basis, the general cleanliness of the community with the necessary input and feedback from the community through the compilation of a Community Cleanliness Index (CCI) for Hong Kong. The objectives of the CCI are to:

- (a) sustain efforts to bring about a truly clean Hong Kong;
- (b) enhance public awareness of the importance of community involvement in keeping Hong Kong a clean city;
- (c) measure objectively and regularly the general cleanliness of the community;
- (d) identify specific environmental hygiene problems for remedial action at district level; and
- (e) track the effectiveness of the hygiene improvement measures and the degree of community support.

### ***Selection of survey venues***

3.27 Taking into account the practical constraints, the HAB, in consultation with the Census and Statistics Department, has adopted a simple, viable and flexible framework for the community to measure the general cleanliness level of the 18 districts on a quarterly and ongoing basis. A survey list of some 100 venues, comprising seven venue types, was drawn up for each of the 18 districts. The seven venue types included pavements and streets, rear lanes, open markets and markets in multi-storey buildings, PHEs, private buildings, sitting-out areas and other amenity areas, and public toilets (Note 24).

3.28 Each district determined its appropriate mix of survey venues with due regard to its district characteristics. The survey lists for the 18 districts were finalised after consulting the respective DCs and the DCHKCs. The survey lists are updated annually by replacing the less representative venues with the more representative ones to ensure long-term objectivity and fairness of the system. Every quarter, a random sample

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**Note 24:** *The HAD selected strategic and representative venues for cleanliness assessments. The venues included strategic streets with heavy pedestrian flow and frequent visits by local residents and visitors, problematic rear lanes, markets operated by the FEHD, representative estates/buildings of different ages, sitting-out and amenity areas with high utilisation rate and public toilets operated by the FEHD.*

(Note 25) of about 15% for each venue type in each district are selected from the survey lists for the Clean City Raters to carry out cleanliness assessments.

### ***Recruitment of voluntary Clean City Raters***

3.29 To enhance public awareness and community participation in the cleanliness assessments, voluntary Clean City Raters are recruited from the general public. Recruitment exercises through the DOs have been launched since early 2004 in all the 18 districts. The Education and Manpower Bureau has assisted in promoting the CCI project and recruiting Clean City Raters at schools. About 1,400 Clean City Raters of different age, sex and background are recruited from the 18 districts. Each DO has maintained its pool of Clean City Raters to meet the need for fieldwork operation.

### ***Assessment of cleanliness levels***

3.30 In view of the practicability and safety of Clean City Raters, the fieldwork of the cleanliness assessments is conducted during daytime from Monday to Friday and on Saturday mornings (Note 26). Having regard to the recommendations set out in the Team Clean's Final Report, a specific set of indicators is drawn up for each venue type for assessing the level of cleanliness. Clean City Raters examine and assess the cleanliness level of the sampled venues according to the indicators specified in the surveillance forms designed for the seven venue types. A four-point rating system is used with A, B, C and D denoting good (4 marks), acceptable (3 marks), requiring improvements (2 marks) and bad (1 mark) respectively (Note 27). To minimise the degree of subjectivity, a Clean City

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**Note 25:** *Each venue type, except for pavements/streets and sitting-out/amenity areas, was stratified as appropriate for random sampling. Rear lanes were stratified into more acceptable condition and less acceptable condition. Open markets/markets in multi-storey buildings and public toilets were stratified by size into large, medium and small. PHEs and private buildings were stratified by age into less than 10 years, 10 to 20 years and more than 20 years.*

**Note 26:** *The time selected for assessing a venue is in between the two clean-up operations of the venue, with reference to the cleansing schedules provided by the FEHD, the HD, and the Leisure and Cultural Services Department. Each session is conducted by a team of two Clean City Raters and monitored by a fieldwork supervisor.*

**Note 27:** *To ensure objectivity in rating the cleanliness level, indicators are as far as possible expressed in quantifiable units. The measurable indicators include the number of cigarettes butts/tissues/plastic bags/handbills/soft drink packs/bottles and cans found in 50-metre sections of the pavements and streets. A rating of 'A' is given to 0 - 4 pieces of refuse counted. A rating of 'D' is given to more than 12 pieces of refuse counted in the streets. For immeasurable indicators, such as degree of wetness in public toilets, benchmark photographs are incorporated in the Raters' Manual.*

Raters' Manual, supplemented with explanatory notes and photographs on all the indicators, is compiled for the Raters' reference.

### ***Compilation of the CCI***

3.31 An average score of each of the seven venue types is calculated by taking a simple average of the ratings of all sampled venues for each of the seven venue types. An average score of each of the 18 districts is calculated by taking a simple average of the ratings of all sampled venues in the district. An average score of Hong Kong is similarly calculated by taking a simple average of the scores of all the 18 districts. To forestall undesirable cross comparisons on the level of cleanliness among districts, the average score for the May 2004 round of assessment of each district is translated into an index, using 100 as the base period value. A rise in the CCI, with reference to 100 as the base period value, denotes an improvement in the cleanliness level. A fall in the CCI denotes a worsening in the cleanliness level. The framework for compiling the CCI for each district is shown in Appendix G.

### ***Quarterly release of the CCI***

3.32 Up to May 2005, five rounds of cleanliness assessments had been conducted. The HAD released to the public, on a quarterly basis, the indices for each of the seven venue types, the indices for each of the 18 districts and the overall CCI for Hong Kong. The HAD considered that the scores of each district and each venue type should not be released to the public to avoid unfair cross-comparison among districts and among venue types which would in turn lead to undesirable labelling effect (Note 28). As the 18 districts varied greatly among themselves in terms of population density, socio-economic characteristics, demographic composition, land use and other related factors, there would be unfairness and undesirable political fallouts arising from cross-comparisons of district indices, if the cleanliness level was presented in absolute scores.

## **Audit observations**

### ***A useful tool for monitoring cleanliness level***

3.33 Audit has reviewed the extent to which the objectives of the CCI have been achieved. Audit notes that the CCI is a useful tool for monitoring the cleanliness level in Hong Kong. It measures objectively the improvement/deterioration of the hygiene conditions for the seven venue types, at district level as well as the whole of Hong Kong. The CCI provides reliable and useful indicators as volunteers are involved in the assessment

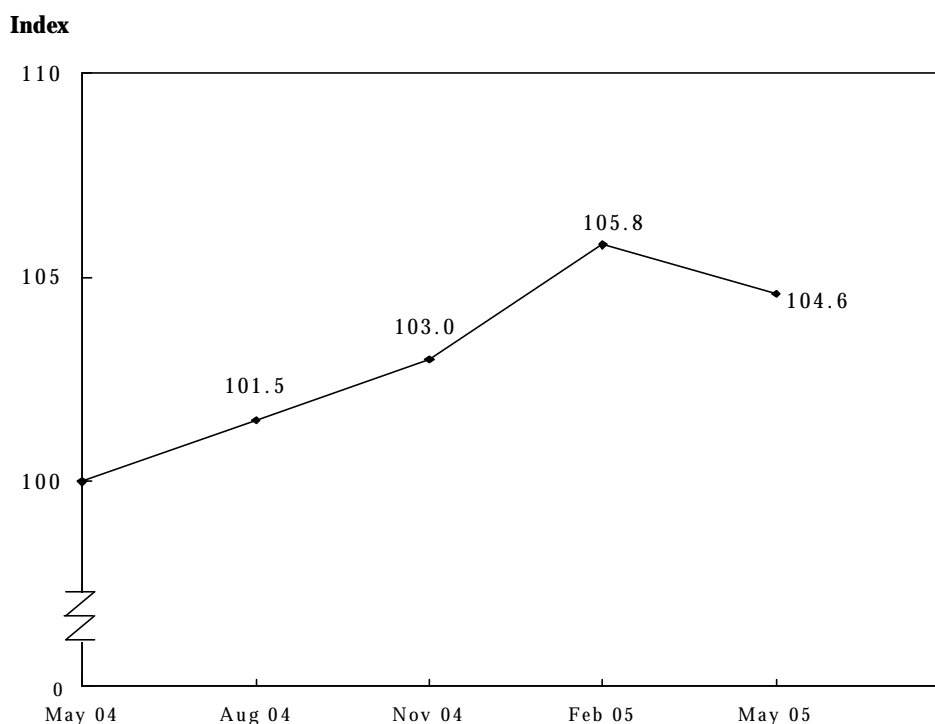
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**Note 28:** *This audit report does not disclose the scores of each district and each venue type.*

of the cleanliness level. Based on the overall CCI for Hong Kong of 100 in May 2004, the overall CCIs for Hong Kong were 101.5 in August 2004, 103 in November 2004, 105.8 in February 2005 and 104.6 in May 2005. There was a deterioration of 1.2% in the hygiene conditions from February to May 2005 and an improvement of 4.6% in the hygiene conditions from May 2004 to May 2005 as shown in Figure 4.

**Figure 4**

**Overall CCI for Hong Kong**



Source: "Team Clean Corner" website

***Disclosure of cleanliness scores***

3.34 After completing each round of cleanliness assessments, various scores, including average scores of venue types, average scores of districts and average score of Hong Kong as a whole, were calculated for further translation into the indices. As the assessment of the cleanliness level by the Clean City Raters was based on the established objective criteria, the scores obtained in each round of cleanliness assessments should, to a large extent, reflect the general cleanliness level of the seven venue types, the 18 districts and the whole of Hong Kong. The Steering Committee considered that the scores of venue types and districts should not be released to the public to avoid undesirable

cross-comparison among venue types and among districts. Up to May 2005, the scores under the four-point rating system were not released to the public. The public, therefore, have no knowledge about the absolute scores that reflect the extent of the cleanliness level of the venue types, the districts and the whole of Hong Kong.

3.35 Audit appreciates that the disclosure of the individual scores of seven venue types and the 18 districts may cause unfair comparisons among venue types and among districts, and the scores should continue not to be disclosed. It is, however, worth considering the release of the overall score of the whole of Hong Kong because it is the result of the objective assessment of the cleanliness level conducted by the community.

**Audit considers that releasing the overall score of the cleanliness level of the whole of Hong Kong facilitates closer community monitoring of the cleanliness level in Hong Kong.** The existing arrangement of releasing only the CCI but not the overall score has the following drawbacks:

- (a) the public have no knowledge of the extent of the cleanliness level expressed under the four-point rating system as the CCI reflects only the changes in cleanliness level over time; and
- (b) they may wrongly expect that the CCI will continue to rise to a level that is unattainable in reality (Note 29).

#### ***Identification of environmental hygiene problems***

3.36 Environmental hygiene problems, mostly related to refuse left on the ground/rear lanes/flower beds, illegal occupation by handcarts, buckets and articles in rear lanes, and passageways blocked by plastic boxes/wicker baskets in markets, were often identified in the course of cleanliness assessments. The identified problems were subsequently referred to the relevant departments for remedial cleansing/clearance operations. **Notwithstanding that such follow-up actions inevitably help improve the hygiene conditions, Audit considers that there is a need to step up enforcement actions and strengthen publicity efforts to enhance civic responsibilities.** Strong enforcement actions increase deterrent effect and intensified publicity efforts help change the mindsets and habits of irresponsible people. Audit notes that trigger points have not been established for taking actions when the CCI reflects deterioration in the cleanliness level.

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**Note 29:** *As an illustration, if the score of 3.2 under the four-point rating system is translated to a base index of 100, the highest attainable index is 125 (equivalent to the maximum score of 4).*

3.37 The CCIs for the 18 districts from November 2004 to May 2005 are shown in Table 6. Audit found that:

- (a) there was a deterioration in the cleanliness level in four districts when compared with the base period of May 2004. The CCIs fell below 100 (i.e. 96.3 for Wan Chai, 96.6 for Yau Tsim Mong, 99.4 for Tai Po, and 99.7 for Islands); and
- (b) there was a significant deterioration in the cleanliness level in two districts. The CCIs fell by more than 10 points (or 10%) from February to May 2005 (i.e. from 113.8 to 99.4 by 14.4 points for Tai Po, and from 115.2 to 104.8 by 10.4 points for Sai Kung).

Table 6

**CCIs for the 18 districts  
from November 2004 to May 2005  
(Base Index of May 2004 = 100)**

District	November 2004 Index	February 2005 Index	May 2005 Index
<b>Hong Kong Island</b>			
Central & Western	106.0	104.5	106.0
Eastern	104.0	99.2	106.8
Southern	100.0	104.8	101.1
Wan Chai	96.0	105.3	96.3
<b>Kowloon</b>			
Kowloon City	100.0	98.8	111.3
Kwun Tong	102.4	104.5	100.0
Sham Shui Po	110.3	102.5	104.1
Wong Tai Sin	104.2	102.6	102.9
Yau Tsim Mong	101.2	101.8	96.6
<b>New Territories</b>			
Islands	107.9	106.8	99.7
Kwai Tsing	106.3	106.9	107.2
North	98.8	101.2	102.4
Sai Kung	101.8	115.2	104.8
Sha Tin	102.7	106.3	107.5
Tai Po	111.0	113.8	99.4
Tsuen Wan	94.3	112.5	111.9
Tuen Mun	104.2	111.1	115.3
Yuen Long	105.8	109.1	112.2

Source: HAB records



3.38 **Audit considers that a fall of the CCI below 100 or a significant fall of the CCI in a quarter is an indicator for further action.** The HAD, in consultation with the DCHKCs, needs to consider formulating strategies (such as strengthening of enforcement actions and promotion of civic education) to improve the cleanliness levels of these districts.

### **Audit recommendations**

3.39 A sustainable system has been developed for monitoring the cleanliness levels to foster a sense of community ownership in improving environmental hygiene. **To further improve this sustainable system, Audit has recommended that the Director of Home Affairs, in collaboration with the relevant government bureaux and departments, should consider:**

- (a) **releasing to the public the overall score of the cleanliness level of the whole of Hong Kong on a quarterly basis to inform the public the degree of cleanliness achieved so that the community can have a more meaningful perception of the cleanliness level in Hong Kong;**
- (b) **apart from conducting cleansing/clearance operations on environmental hygiene problems identified in the course of cleanliness assessments, stepping up enforcement actions and strengthening publicity efforts to enhance civic responsibilities at the district level; and**
- (c) **establishing trigger points for the relevant departments to take immediate environmental hygiene improvement actions when the CCIs reflect deterioration in the cleanliness levels.**

### **Response from the Administration**

3.40 The **Director of Home Affairs** has said that:

- (a) after thorough deliberation, the Steering Committee had agreed that the average of the scores should not be released to avoid any misunderstanding and misinterpretation of its meaning as CCI assessments covered different types of venues using different measurement criteria. The HAD is now conducting a review of the CCI scheme which has been implemented for just over one year. The Steering Committee will consider again whether to release the overall score of the cleanliness level of the whole of Hong Kong. The review is scheduled for completion by early 2006; and

- (b) under the current arrangements, the DCHKCs, through the coordination of the DOs, will formulate hygiene improvement strategies, which include stepping up civic education, enhancing community participation and strengthening enforcement action against hygiene offences, if the CCI falls below 100 (i.e. the trigger point). For example, the following measures were taken in Tai Po when its CCI dropped below 100:
- (i) paying weekly visits to problematic locations to monitor improvement progress and ensuring that all the problems were resolved with no recurrence;
  - (ii) stepping up regular hygiene inspections (i.e. month-end inspections) from once to twice a month. All inspections were conducted with community participation; and
  - (iii) stepping up publicity to spread the Clean Hong Kong messages in the district.

The HAD will also request the DOs to take similar actions when the CCI drops significantly in a district even though it is still above 100.

## **PART 4: INCENTIVE SCHEMES**

4.1 This PART examines the various incentive schemes for improving the hygiene conditions of licensed food premises in Hong Kong, reports the achievements and suggests measures for further improvement.

### **Incentive Scheme for licensed food premises**

#### ***Hygiene problems of licensed food premises***

4.2 After the outbreak of SARS, there were concerns about the general cleanliness of food premises. Food business operators in general met the minimum legal hygiene requirements but many of them might be reluctant to upgrade the hygiene standard of their food premises because of financial considerations. In parallel with the stepping up of inspections and enforcement actions, Team Clean proposed to launch a loan scheme, known as the Incentive Scheme for Hygiene Improvement in Food Premises (the Incentive Scheme), to help improve the hygiene conditions of food premises.

4.3 According to the FEHD, many restaurants, factory canteens, food factories, siu mei/lo mei (i.e. cooked meat) shops and cooked food stalls that sold ready-to-eat food in Hong Kong were in the medium and high risk categories, having regard to the type of food sold, the number of patrons and the hygiene standard of the premises (Note 30). Although these medium/high risk food premises met the minimum hygiene requirements, the following hygiene problems were quite commonly found in some food premises, particularly among small/medium-sized ones:

- (a) insufficient attention was paid to the hygiene conditions, and state of repair and maintenance of their kitchens with the scullery (in some cases used for food preparation) extended to rear lanes;
- (b) washing and drying of eating utensils were mainly carried out manually, and sterilisation might not be properly done;
- (c) many operators, particularly small food factories and siu mei/lo mei shops, tended to extend their business to outside the shop fronts and expose their food to open air; and
- (d) toilets were dirty and in a poor state of repair and maintenance.

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**Note 30:** *In January 2004, there were some 16,000 restaurants, factory canteens, food factories, siu mei/lo mei shops and cooked food stalls that sold ready-to-eat food in Hong Kong. About 12,400 food premises were in the medium and high risk categories.*

### ***Objective and scope of the Incentive Scheme***

4.4 In February 2004, the Finance Committee of the Legislative Council approved the implementation of the Incentive Scheme with a commitment of \$310 million (Note 31) for granting loans to food business operators. The objective of the scheme, launched in April 2004 and administered by the FEHD, is to raise the hygiene standard of food premises that sell ready-to-eat food. Under the scheme, food business operators of food premises (such as restaurants, factory canteens, food factories, siu mei/lo mei shops, market stalls at public markets selling cooked food or siu mei/lo mei, cooked food hawker stalls and premises selling sushi and sashimi) are eligible for financial assistance in the form of an interest-bearing loan (Note 32). The loan amount is capped at 40% of the approved refurbishment cost or \$50,000, whichever is the lower (Note 33). Specifically, the scheme offers financial assistance for the following types of upgrading works:

- (a) refurbishment of kitchens and toilets;
- (b) installation of scullery and storage facilities;
- (c) installation of display panel/chamber at shop fronts or any other facilities needed to maintain food displayed at shop fronts in hygienic conditions; and
- (d) any other incidental or consequential works relating to the above works.

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**Note 31:** *On the assumption that 6,200 food premises (i.e. 50% of the 12,400 food premises in the medium and high risk categories) would apply for loans at a maximum of \$50,000 in the first round, the maximum amount of loan commitment was \$310 million. The loan fund was of revolving nature, with repayments used to finance loan applications in the subsequent rounds. The FEHD planned to invite a maximum of six rounds of applications.*

**Note 32:** *The borrowers are required to pay interest for the loan at the Government's "no-gain-no-loss" rate. Repayment of the loan principal and interest can be made by 24 monthly instalments. The first instalment starts three months after full drawdown of the loan or six months after the first drawdown, whichever is earlier. Borrowers may opt for early repayment of the full outstanding loan.*

**Note 33:** *The FEHD releases up to 30% of the loan upon presentation of relevant supporting documents (e.g. invoices and receipts) together with a confirmation from the borrower that refurbishment works have started, and the balance of the loan upon completion of the proposed refurbishment works to the satisfaction of the FEHD and presentation of relevant supporting documents.*

## Audit observations

### *Poor response from food business operators*

4.5 Up to June 2005, there were four rounds of applications under the Incentive Scheme (Note 34). The response to the first three rounds of the scheme was far from satisfactory. Details are given in Table 7.

**Table 7**

**Response to the Incentive Scheme from food business operators  
(as at 14 May 2005)**

<b>Round of application</b>	<b>Number of applications received</b>	<b>Application results</b>
<b>First round</b> (8 April – 15 July 2004)	47	12 out of the 47 applications were approved. 10 approved applications were subsequently withdrawn by the applicants. 2 applicants successfully secured loans totalling \$23,108 (i.e. \$12,798 and \$10,310).
<b>Second round</b> (18 October 2004 – 15 January 2005)	8	3 applications for loans totalling \$55,800 were approved. 2 applications were under vetting and 3 applications were withdrawn by the applicants.
<b>Third round</b> (16 February – 14 May 2005)	5	1 application for loan of \$25,300 was approved. 4 applications were under vetting.
	<b>Total</b>	
	<b>60</b>	

Source: FEHD records

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**Note 34:** Applications for the fourth round of the Incentive Scheme could be made from 16 June to 15 September 2005.

4.6 Up to 30 June 2005, only 60 food business operators (i.e. 1% of the estimated 6,200 applicants) had applied for loans under the three rounds of application. For the first round of application, only two applicants successfully secured loans totalling \$23,108 (i.e. 0.0075% of the loan commitment of \$310 million). At the fifth meeting of the Steering Committee held in June 2004, the FEHD considered that the poor response to the Incentive Scheme might be attributable to:

- (a) the removal of cash subsidy proposed in the original scheme. When the proposed scheme was discussed in January 2004, the Legislative Council Panel on Food Safety and Environmental Hygiene considered that it should be the operators' full responsibility to meet/improve hygiene requirements as they would benefit from such improvements in their premises. The original proposal of offering a cash subsidy (the lower of 8% of the refurbishment cost or \$10,000) to successful applicants in the first round of applications (Note 35) was dropped notwithstanding the trade representatives' indication in November 2003 that they welcomed the proposed cash-subsidised incentive scheme; and
- (b) some food business operators might have already refurbished their food premises during the SARS period, rendering it unnecessary to undertake a further round of improvements (Note 36).

**Notwithstanding the poor response, the FEHD has not carried out a review of the implementation of the Incentive Scheme.**

***Lack of incentives to improve hygiene conditions***

4.7 Despite efforts made after the implementation of the Incentive Scheme by sending invitation letters to food business operators and by providing publicity information in the FEHD website, the response from the food business operators is poor. **In this connection, Audit notes that the new Open Categorisation Scheme (OCS – paras. 4.10 to 4.13) may provide an incentive for food establishments, in particular those receiving a low grading, to improve their hygiene conditions. However, the new OCS has not yet been implemented.**

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**Note 35:** *Under the original proposal, cash subsidy would be given to first round successful applicants to provide incentives for early applications. No such subsidy would be given for subsequent rounds of applications.*

**Note 36:** *According to the progress reports submitted by the FEHD to the HAD, the number of prosecutions against breaches of cleanliness law by licensed food premises was 2,460 in 2004 (i.e. a monthly average of 205). The hygiene conditions of some food premises warranted public attention.*

## **Audit recommendations**

4.8 **Audit has recommended that the Director of Food and Environmental Hygiene should:**

- (a) **consider conducting a review of the implementation of the Incentive Scheme in view of the poor response;**
- (b) **ascertain the needs of food business operators for financial assistance in improving the hygiene conditions of their premises;**
- (c) **encourage food business operators, particularly those receiving a low hygiene grading, to improve the hygiene conditions of their premises; and**
- (d) **draw up a new implementation plan for the Incentive Scheme to dovetail with the introduction of the new OCS so that both schemes can be implemented more effectively.**

## **Response from the Administration**

4.9 The **Director of Food and Environmental Hygiene** has said that the FEHD will conduct a review of the implementation of the Incentive Scheme. He has also said that:

- (a) the loan scheme was approved by the Finance Committee to facilitate food business operators in enhancing the hygiene conditions of their food premises in case they have cash flow problems in undertaking the improvement works. The FEHD considers that it is necessary to adhere to the commitment made in the Finance Committee meeting to offer six rounds of loan applications. The poor response rate in the past few rounds, in the FEHD's view, could not serve as a good reason to drop the scheme as the FEHD might deprive prospective operators of the opportunity to apply for the loan; and
- (b) the FEHD will keep in view the need to provide financial incentive to the food business operators in the light of the result of the review on the Incentive Scheme and the implementation experience of the OCS.

## **Open Categorisation Scheme for licensed food premises**

4.10 The OCS, also known as the "5-star" grading scheme, was launched by the two former Provisional Municipal Councils in late 1999 as a pilot scheme for restaurants and food factories supplying lunch boxes to schools. Under the scheme, grading of the hygiene conditions of food premises was based on the results of surprise inspections conducted by

the two former municipal services departments from June to September 1999. Food premises with an average of not more than two irregularities detected were graded “5-star” and awarded “Excellence in Hygiene” certificates. The grading was valid for one year and ended on 30 October 2000. After the introduction of the pilot scheme in November 1999, there was general feedback that the “5-star” grading was granted too generously (Note 37). In November 2000, the FEHD announced the discontinuation of the scheme.

4.11 In January 2001, the FEHD released a consultation paper on the inspection and categorisation of food establishments. A new OCS was proposed in the consultation paper. Divergent views were received during the consultation period ended in July 2001. While non-trade respondents generally supported the new OCS, the majority of the trade strongly opposed to the proposal. The trade’s views, among others, were that:

- (a) the new OCS would be unnecessary as all food establishments should have complied with the requisite requirements and have already been under FEHD regular supervision; and
- (b) the new OCS would create a negative labelling effect on those food premises receiving a low grading.

#### ***Development of the Score-Based Inspection System***

4.12 Under the new OCS, the hygiene conditions of all food premises would basically be graded in accordance with the results of a Score-Based Inspection System. The grading would be given to the food premises in printed form for display. For the purpose of finalising the grading system, the FEHD collated data on inspections of food premises for the period from 1 January 2004 to 12 December 2004 (covering 100,147 inspections of 18,840 food premises).

4.13 Team Clean proposed to bring forward the implementation of the new OCS to July 2004 and publish the resulting hygiene grading in January 2005. Food premises would be required to post a hygiene grading sign at a conspicuous location on their premises. The grading would be valid for one year and any deterioration in a restaurant’s hygiene standard would be reflected by a subsequent lower grade. For those achieving the highest grade, Team Clean proposed to offer them a Team Clean mark and commendation in recognition of outstanding hygiene conditions.

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**Note 37:** *The “5-star” grading for 129 food premises was subsequently withdrawn due to breaches of licensing requirements and association with food poisoning cases.*



## Audit observations

### ***Delayed implementation of the new OCS***

4.14 The implementation of the new OCS is behind schedule. The FEHD is still in the process of devising the hygiene grading of the scheme. The FEHD expects to finalise the grading proposal for trade consultation before making a submission to the Legislative Council Panel on Food Safety and Environmental Hygiene for further deliberation.

4.15 The implementation of the new OCS will facilitate customers to choose their eating places based on the hygiene information of licensed food establishments and provide incentives for the licensed food establishments to enhance their hygiene conditions, especially for those with a low hygiene grading. Overseas experience suggests that similar schemes have improved food industry revenue and reduced food-related hospitalisation (Note 38). **Audit considers that there is a need to expedite the implementation of the new OCS.**

## Audit recommendations

4.16 **Audit has recommended that the Director of Food and Environmental Hygiene should:**

- (a) **consider introducing as soon as possible the new OCS to facilitate consumers to make informed choices of food establishments based on their hygiene conditions; and**
- (b) **devise an implementation strategy for the new OCS, including the provision of financial assistance under the Incentive Scheme to food establishments receiving a low hygiene grading under the new OCS.**

## Response from the Administration

4.17 The **Director of Food and Environmental Hygiene** has said that:

- (a) the new OCS involves legal considerations which the FEHD needs to examine in detail before its implementation; and
- (b) the FEHD will keep in view the need to provide financial incentive to the food business operators in the light of the result of the review on the Incentive Scheme and the implementation experience of the OCS.

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**Note 38:** *Audit notes that similar categorisation schemes are established, either compulsorily or voluntarily, in some cities in the USA, the UK and Singapore to provide their citizens with hygiene information of food establishments. In particular, after the introduction of the restaurant hygiene grade cards in Los Angeles in January 1998, the food industry revenue increased by 3.3% and the food-related hospitalisation was reduced by 20% in 2000.*

**Major activities of Keep Hong Kong Clean Campaign from 1970 to 1999**

<b>Decade</b>	<b>Major activities</b>
1970s	<p>The major activities were as follows:</p> <ul style="list-style-type: none"> <li>(a) in December 1970, the Keep Hong Kong Clean Campaign Committee was set up. The publicity and educational activities officially commenced in August 1972. Posters were designed to enhance public awareness in cleaning Hong Kong. A number of mascots including the disgusting Litter Bug, the cute and lovely Miss Super Clean and the amiable bunny “Siu Pak To” were created. Activities were promoted through various media such as Announcements in the Public Interest on television and radio, and advertisements on trams, buses and the exterior of buildings with the participation of popular movie stars and artists in the publicity drive;</li> <li>(b) “Blitz” squads were set up to clear the litter blackspots in response to public complaints;</li> <li>(c) in 1973, the “Clean Our Buildings” campaign was held to encourage the public to join hands to clean up the environment;</li> <li>(d) 1975 was designated as the Year of Cleanliness with youngsters as the target of the publicity drive. An innovative activity was also launched to give awards to those who kept the environment clean if their efforts were captured on camera. The award winners’ photos were published in newspapers;</li> <li>(e) in 1976, the “Clean Living” exhibition was held at the City Hall to arouse public concern over environmental hygiene. The Picnic Warden Scheme was introduced to encourage picnickers and hikers to appoint one team member to take up the responsibility for cleaning up the refuse left behind by the whole team;</li> <li>(f) in 1978, the Auxiliary Litter Warden Scheme was implemented to make beaches cleaner;</li> <li>(g) in 1979, the publicity drive targeted the family as a whole, encouraging all family members to work together to keep Hong Kong clean; and</li> <li>(h) signs of “Rubbish Street” were put up in filthy streets where media reporting and photo-taking sessions were arranged in order to alert the public of the need to prevent littering.</li> </ul>

<b>Decade</b>	<b>Major activities</b>
1980s	<p>The major activities were as follows:</p> <ul style="list-style-type: none"> <li>(a) from 1981 to 1984, the publicity design of a pair of furious eyes with the slogans “Hong Kong is Watching” or “A Clean City is a Healthy City” was used to remind the public to keep Hong Kong clean;</li> <li>(b) legislative amendments were made to increase the maximum penalty to a fine of \$5,000 and an imprisonment of six months;</li> <li>(c) in the mid-1980s, the theme of the Clean Hong Kong Campaign was changed to care and love. The logo featuring a “heart” design and the slogan “Everybody Loves a Clean Hong Kong” were printed on posters;</li> <li>(d) in 1987, to encourage the community to pitch in to keep the environment clean voluntarily, the promotion activities focused on community involvement. The Clean Hong Kong promotional theme song, “We are pitching in”, reminded the public to keep the environment clean; and</li> <li>(e) territory-wide large-scale clean-up activities (such as Clean Beach, Clean Countryside, Clean Harbour, Clean Estates and Clean Squatter Areas) were regularly launched.</li> </ul>
1990s	<p>The major activities were as follows:</p> <ul style="list-style-type: none"> <li>(a) in 1992, the Keep Hong Kong Clean Campaign celebrated its 20th anniversary. Famous artists were invited to play the role of “Cleanliness Stars”;</li> <li>(b) in 1993, the Keep Hong Kong Clean Activities Funding Scheme was introduced to encourage district organisations or schools to mount clean-up operations through granting of subsidies. Funds were allocated to the then District Boards for organising various clean-up activities for people from all walks of life at the district level; and</li> <li>(c) territory-wide large-scale clean-up activities (such as Clean Beach, Clean Countryside, Clean Harbour, Clean Estates and Clean Squatter Areas) were regularly launched. The Dragon of Cleanliness, a healthy cartoon character, was introduced. The concept of “home” was the theme of the campaign. Some light-hearted community involvement activities (such as concerts, carnivals, roving exhibitions, tele-matches and variety shows) were also organised.</li> </ul>

Source: FEHD records

**Category I misdeeds under the Marking Scheme for Tenancy Enforcement  
in public rental estates and interim housing estates**

<b>Misdeeds</b>	<b>Penalty points allotted</b>
1. Drying clothes in public areas (except in areas designated by the HD)	3
2. Utilising laundry pole-holders for drying floor mops	3
3. Putting dripping flower pots or dripping laundry at balconies	3
4. Dripping oil from exhaust fans	3
5. Accumulating a large quantity of refuse or waste inside leased premises, creating offensive smell and hygienic nuisance	5
6. Obstructing corridors or stairs with sundry items rendering cleansing difficult	5
7. Causing mosquito breeding by accumulating stagnant water	5
8. Denying HD staff or staff representing the HD entry for repairs responsible by the HD	7
9. Refusing repair of leaking pipes or sanitary fittings responsible by the tenant	7
10. Damaging down/sewage pipes causing leakage to the flat below	7

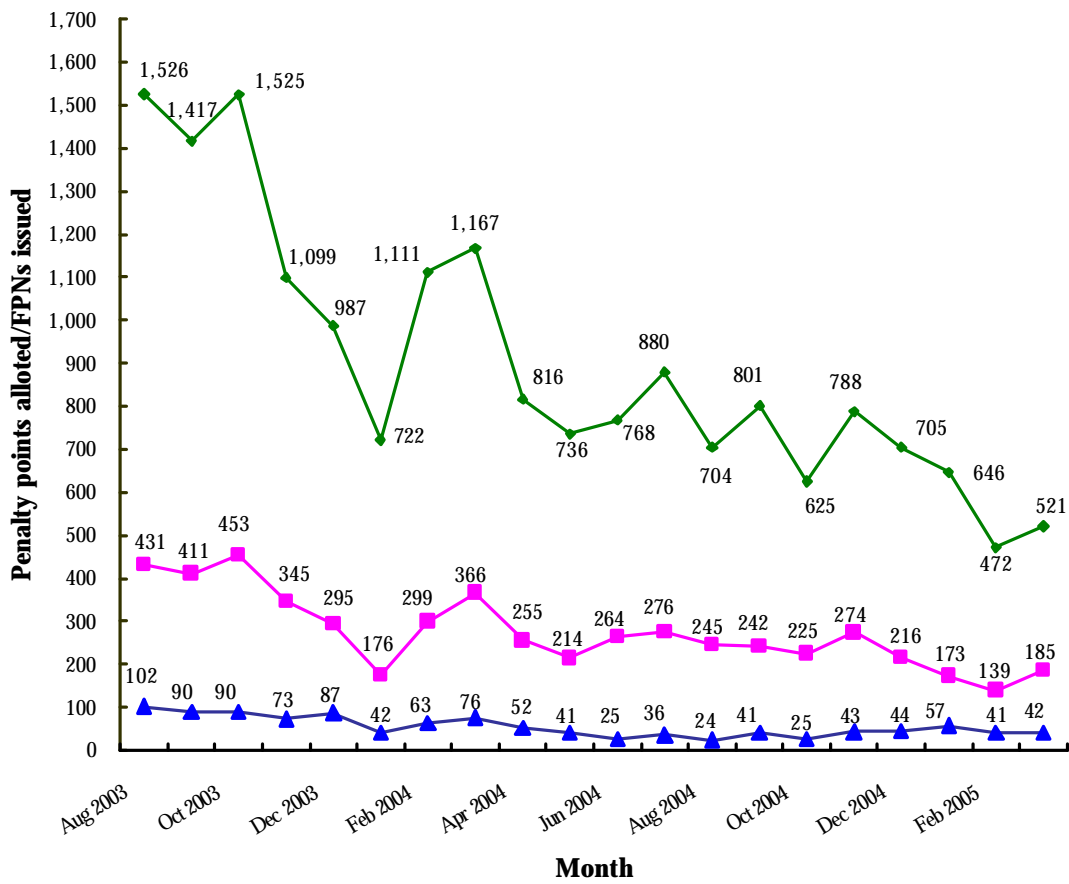
*Source: HD records*

**Category II misdeeds under the Marking Scheme for Tenancy Enforcement  
in public rental estates and interim housing estates**

<b>Misdeeds</b>	<b>Penalty points allotted</b>
1. Littering	5
2. Disposing of domestic refuse indiscriminately (such as disposal in lift lobbies or inside bins without cover)	5
3. Keeping animal, bird or livestock inside leased premises without landlord's permission	5
4. Allowing animals and livestock under charge to foul public places with faeces	5
5. Boiling wax in public areas	5
6. Throwing objects from heights	7
7. Spitting in public areas	7
8. Urinating and defecating in public areas	7
9. Dumping or disposing of decoration debris indiscriminately at refuse collection points, within a building or in other public areas	7
10. Using leased premises as food factory or storage	7

*Source: HD records*

**Penalties imposed under the Marking Scheme for Tenancy Enforcement  
in public rental estates and interim housing estates  
(1 August 2003 to 31 March 2005)**



Legend: ◆ Penalty points allotted  
■ FPNs issued by the HD for littering  
▲ FPNs issued by the HD for spitting

Source: HD records

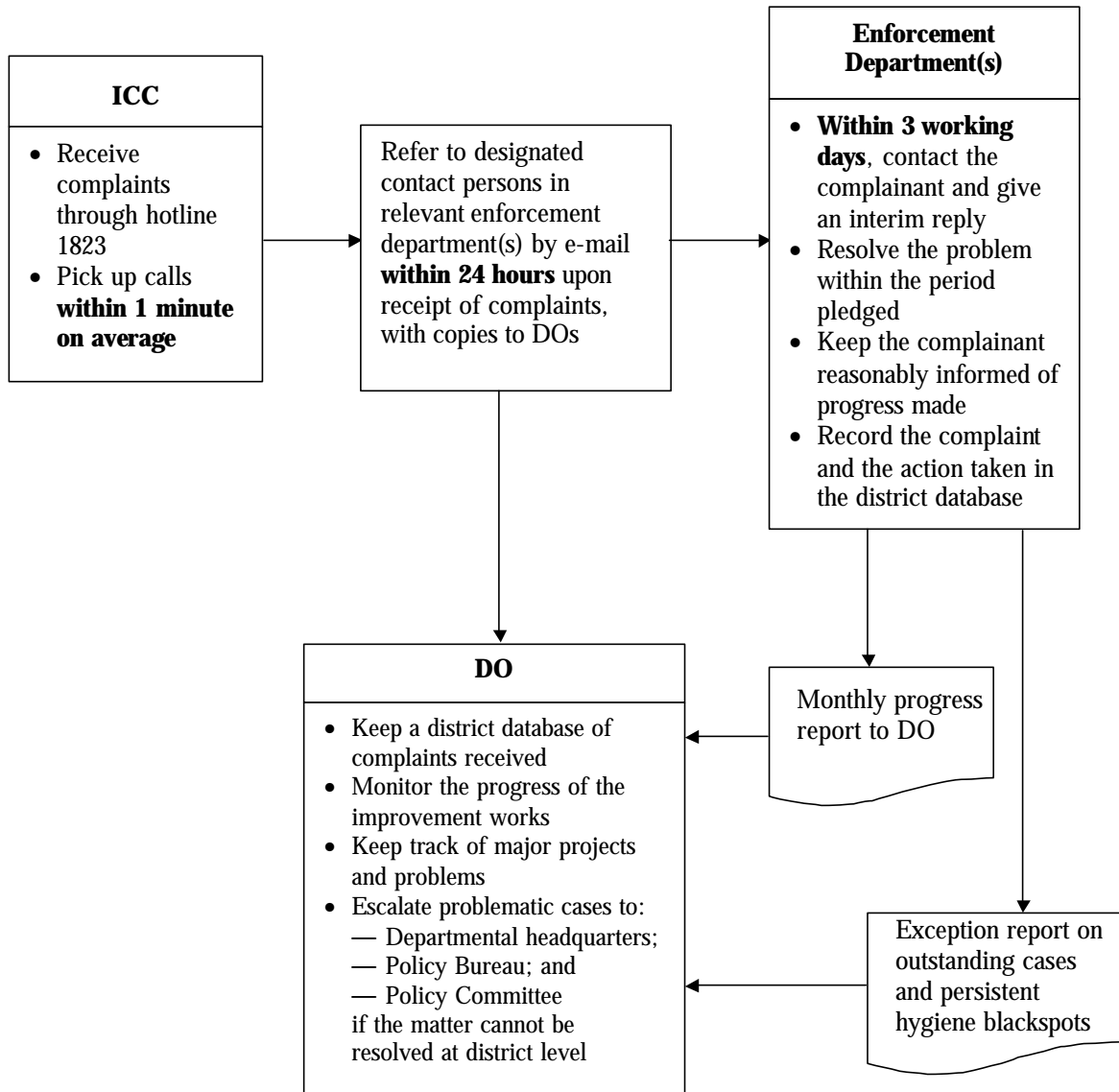
**Major offences under the Public Markets Regulation**

**Offences proposed to carry five demerits points or below**

1. Causing obstruction in public markets
2. Failure to provide proper refuse bins
3. Littering in public markets
4. Obeying the call of nature in public markets, except in a public latrine
5. Spitting in public markets
6. Unauthorised alteration to the market stall or its fixtures
7. Unauthorised occupation of stalls in public markets for business

*Source: FEHD records*

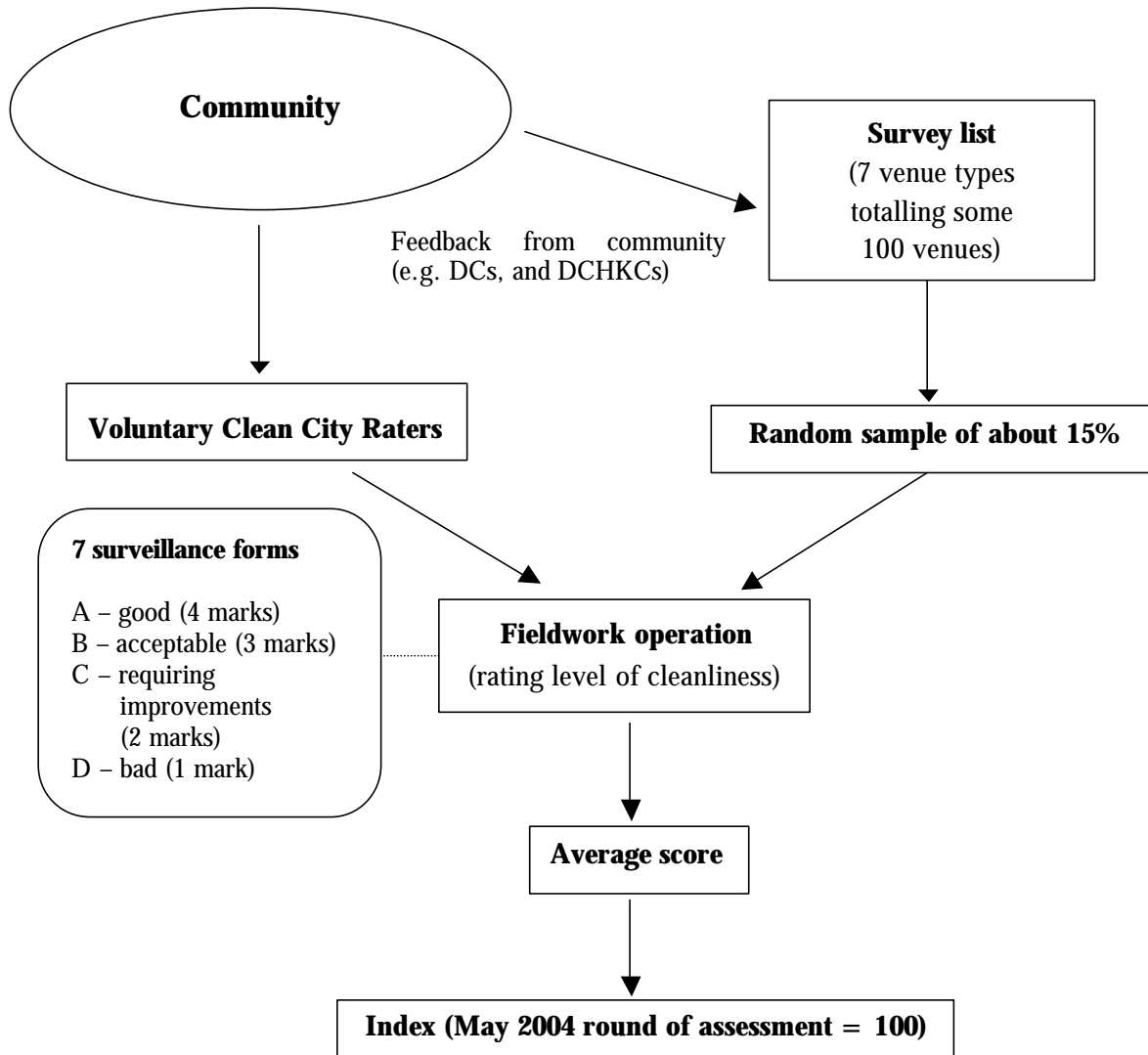
**Flow chart of the Rapid Response System**



Source: Team Clean final report



**Framework for compiling the Community Cleanliness Index for each district**



$$\text{Index for each of the 7 venue types} = \frac{\text{Average score for the current round of assessment}}{\text{Average score for base period (May 2004 round of assessment)}} \times 100$$

$$\text{Index for each of the 18 districts} = \frac{\text{Average score for the current round of assessment}}{\text{Average score for base period (May 2004 round of assessment)}} \times 100$$

$$\text{Index for overall Hong Kong} = \frac{\text{Total average scores of 18 districts for the current round of assessment}}{\text{Total average scores of 18 districts for base period (May 2004 round of assessment)}} \times 100$$

Source: HAB records

### Acronyms and abbreviations

Audit	Audit Commission
CCI	Community Cleanliness Index
CMIS	Complaint Management Information System
DC	District Council
DCHKC	District Clean Hong Kong Committee
DO	District Office
DPS	Demerit points system
FEHD	Food and Environmental Hygiene Department
FPN	Fixed penalty notice
HA	Housing Authority
HAB	Home Affairs Bureau
HAD	Home Affairs Department
HD	Housing Department
ICC	Integrated Call Centre
IH	Interim housing
IU	Intelligence Unit
NTQ	Notice-to-quit
OCS	Open Categorisation Scheme
PHE	Public housing estate
PRE	Public rental estate
RRS	Rapid Response System
SARS	Severe Acute Respiratory Syndrome