THE HONG KONG HOUSING AUTHORITY

Memorandum for the Management and Operations Committee

Intensified Enforcement Programme
Against Shop Front Obstruction

PURPOSE

To inform Members of an intensified enforcement action programme against shop front obstruction.

BACKGROUND

2. Shop front obstruction is a common problem in the management of our commercial premises. Estate staff have taken different enforcement actions viz. prosecution and removal of articles, but the result is not entirely satisfactory. Details of enforcement actions taken in 1996 are shown at Annex A. To sustain a decent shopping environment for our customers, we have to step up enforcement actions to wipe out the problem.

INTENSIFIED ENFORCEMENT PROGRAMME

3. Under the conditions of our tenancy agreement, commercial tenants are not allowed to use the area outside their leased premises for storage purpose or display of goods; any breach will result in forfeiture/non-renewal of leases by the landlord.

4. We have now drawn up a priority list of shopping centres/ground floor shops for tightened control of obstructions at one selected estate per month in each of our 25 management districts for the coming six months. Apart from taking the usual enforcement actions, we are determined to contemplate a tougher line of action by termination or non-renewal of tenancy against persistent offenders.
PUBLICITY

5. Press releases will be issued with due emphasis on the serious consequences of losing the tenancy, the inconvenience caused to shoppers, and the possible hazards of blocking circulation space/fire escape routes. Media interviews and live broadcasts of some of our operations will also be made. We will give all commercial tenants sufficient notice and brief EMAC/MAC members on the subject.

FINANCIAL AND STAFFING IMPLICATIONS

6. An amount of $40,000 will be spent on publicity. Existing staff resources will be mobilized for the exercise and no additional staffing provision will be required.

PUBLIC RESPONSE

7. The Department’s determination to enhance its service provision will undoubtedly gain support from the general public, estate residents, shoppers and our staff. Commercial tenants will also favour an obstruction free business environment to eliminate any unfair competition. A line-to-take on this subject is at Annex B for Members’ reference.

INFORMATION

8. This paper is issued for Members’ information.

---0---0---0---

File Ref. : HD(H)I&KC 2/17/42
Date : 9 April 1997
Summary of Enforcement Action Taken Against Shop Front Obstructions in 1996

### Prosecution

<table>
<thead>
<tr>
<th>Prosecution</th>
<th>No. of Cases</th>
<th>Amount of Fines ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tenant</td>
<td>444</td>
<td>366,990</td>
</tr>
<tr>
<td>Operator</td>
<td>1,469</td>
<td>1,194,460</td>
</tr>
<tr>
<td>Hawker</td>
<td>39</td>
<td>30,840</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,952</strong></td>
<td><strong>1,592,290</strong></td>
</tr>
</tbody>
</table>

### Seizure

<table>
<thead>
<tr>
<th>Seizure</th>
<th>No. of Cases</th>
<th>Amount of Removal/Storage Charges ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
<td><strong>3,815</strong></td>
<td><strong>360,820</strong></td>
</tr>
</tbody>
</table>
Annex B

Line-to-Take on Enforcement Action Against Shop Front Obstructions

- Over the years HD has adopted a more lenient approach in dealing with irregularities of commercial tenancies, and persuasion was widely used. Some unscrupulous tenants took advantage by indiscriminately encroaching on public areas, retarding the Department’s determination to enhance the management standard of its shopping centres and quality of service to residents.

- HD is determined to improve its services in ensuring a pleasant shopping environment for estate residents/shoppers and at the same time remove all possible hazards in blocking circulation space/fire escape routes.

- Enforcement actions including verbal and written warnings will be taken against all commercial tenants/operators displaying goods outside their leased premises. Termination or non-renewal of tenancy will be contemplated against persistent cases.

- Implementation will be carried out in stages according to a pre-set priority list, from shopping centres/ground floor shops to markets and cooked food stalls.