

本函檔號 Our ref: EFB(CR)10/9/2
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LC Paper No. CB(2) 1385/00-01 (01)

25 April 2001

Mrs Constance LI
Clerk to Bills Committee
Legislative Council Building
8 Jackson Road, Central
Hong Kong
(Fax: 2509 0775)

Dear Mrs Li,

**Bills Committee on
Fixed Penalty (Public Cleanliness Offences) Bill**

Thank you for your letter of 4 April. Please find below our responses to the questions that you raised.

(a) Prosecution statistics for marine littering and nature of such cases

Marine Department has taken 131 and 113 prosecutions against marine littering offenders in 1999 and 2000 respectively. All these cases involved depositing of small-size litter.

(b) Enforcement of proposed fixed penalty system in respect of marine littering and whether Marine Police will assist in enforcement

Marine Department, in addition to its daily patrol for law enforcement against marine littering, will set up a task force to take enforcement actions in major littering blackspots after office hour, on Sundays and public holidays. These blackspots include various seafront promenades and public piers. Special enforcement

operations will also be arranged in various typhoon shelters during the fish moratorium period in June and July.

Subject to other operational commitments, Members may wish to note that the Marine Police has agreed to take joint operations with Marine Department to prosecute marine littering offenders within the waters of Hong Kong.

(c) Deleting “chemical waste” from the definition of “waste” in the Waste Disposal Ordinance (Cap. 354) for the purpose of the proposed fixed penalty system

As we have explained at the Bills Committee meeting, the fixed penalty system is mainly used to prosecute minor littering offences and we do not intend to issue fixed penalty notices to those who deposit chemical waste illegally in view of the more serious nature of such offences. These offences will continue to be prosecuted under the normal summary procedures. To assist enforcement staff in taking prosecution actions, we will suitably incorporate this point into the operation manual and guidelines. There is no need to amend the definition of waste in the Waste Disposal Ordinance as it will continue to be used to prosecute illegal dumping of chemical waste.

(d) Including dog fouling in the proposed fixed penalty system

We shared Members’ concern about the problem of dog fouling and will consider moving a CSA to include the offence of dog fouling in Schedule 1.

(e) Draft guidelines on enforcement standards / procedures

The draft flow chart on the processing of fixed penalty notice is at the **Annex** for Members’ information. As regards the enforcement guidelines, as we have reported at the meeting, we are still working on the details, and we will give you a draft once it is available.

- (f) Future division of responsibilities among the six enforcement departments and whether Food and Environmental Hygiene will assume the coordinating role and evaluate the effectiveness of the fixed penalty system

The six enforcement departments will be responsible for enforcing the scheduled offences in areas under their jurisdictions. The Food and Environmental Hygiene Department, being the main department responsible for environmental hygiene, will take up the coordinating role for the implementation of the fixed penalty system and evaluate the effectiveness of the system from time to time.

- (g) Enforcement of proposed fixed penalty system in public housing estates where the management has been contracted out to private management companies

In principle, Housing Department (HD) will only take enforcement actions against littering and public cleanliness offences in those public housing estates where it has the ultimate management responsibility, i.e. where no Owners' Corporations have been formed. However, the actual management work in some of these estates has been contracted out to property service companies (PSC). At present, HD will focus on prosecution work in those public housing estates where the management has not been contracted out. For those estates of which the management has been contracted out, the responsibility for ensuring cleanliness will be vested with the relevant PSCs. Whenever such need arises, HD will take enforcement actions with the support of the PSC staff.

The following officers will attend the 2nd Bills Committee meeting on 26 April:

Environment and Food Bureau

Ms Eva TO, Principal Assistant Secretary (A)3

Food and Environmental Hygiene Department

Miss Sarah WU, Deputy Director (Environmental Hygiene)

Mr W H CHEUK, Assistant Director (Headquarters)

Department of Justice

Ms Fanny IP, Senior Assistant Law Draftsman

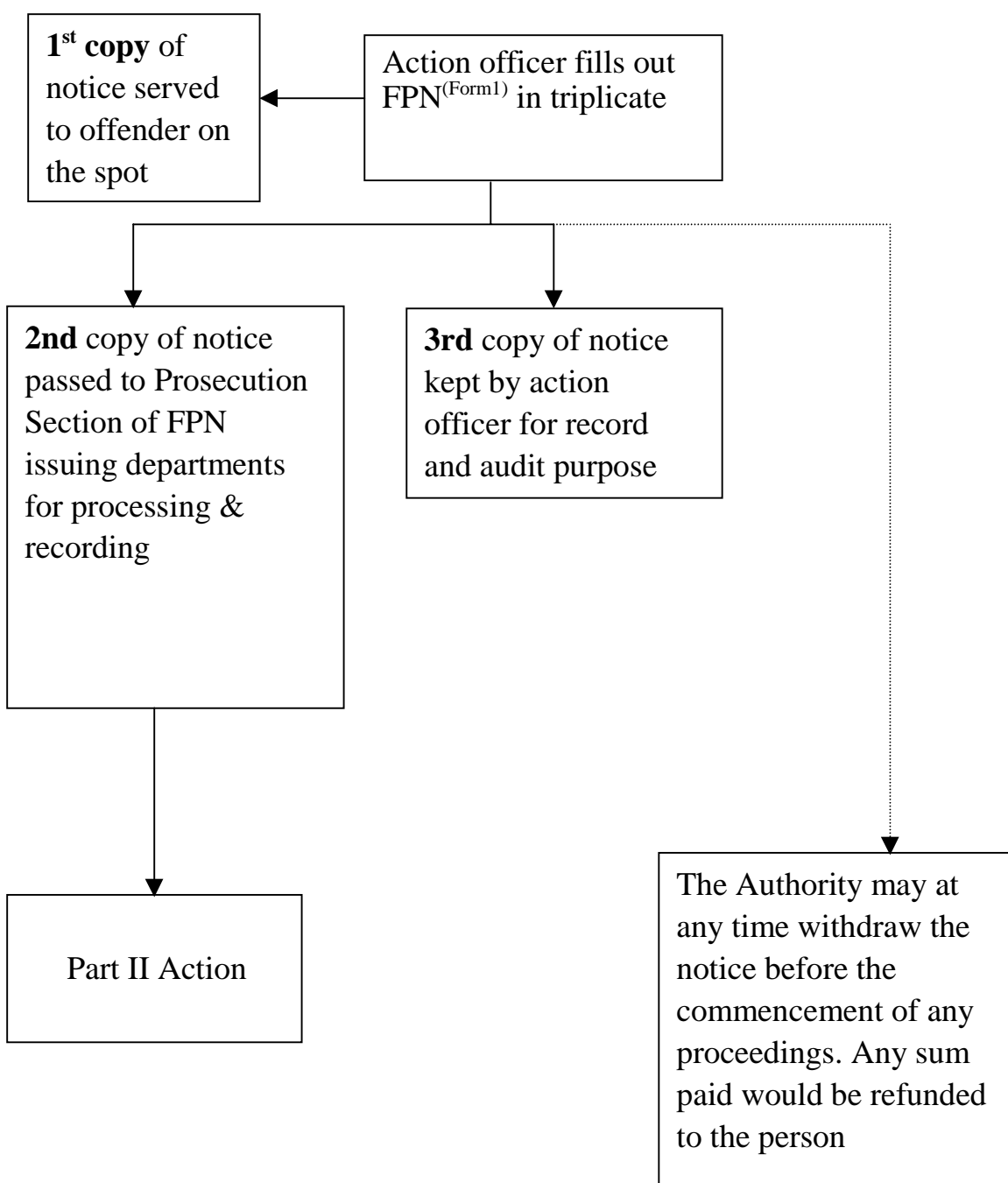
Yours sincerely,

(Ms Eva TO)

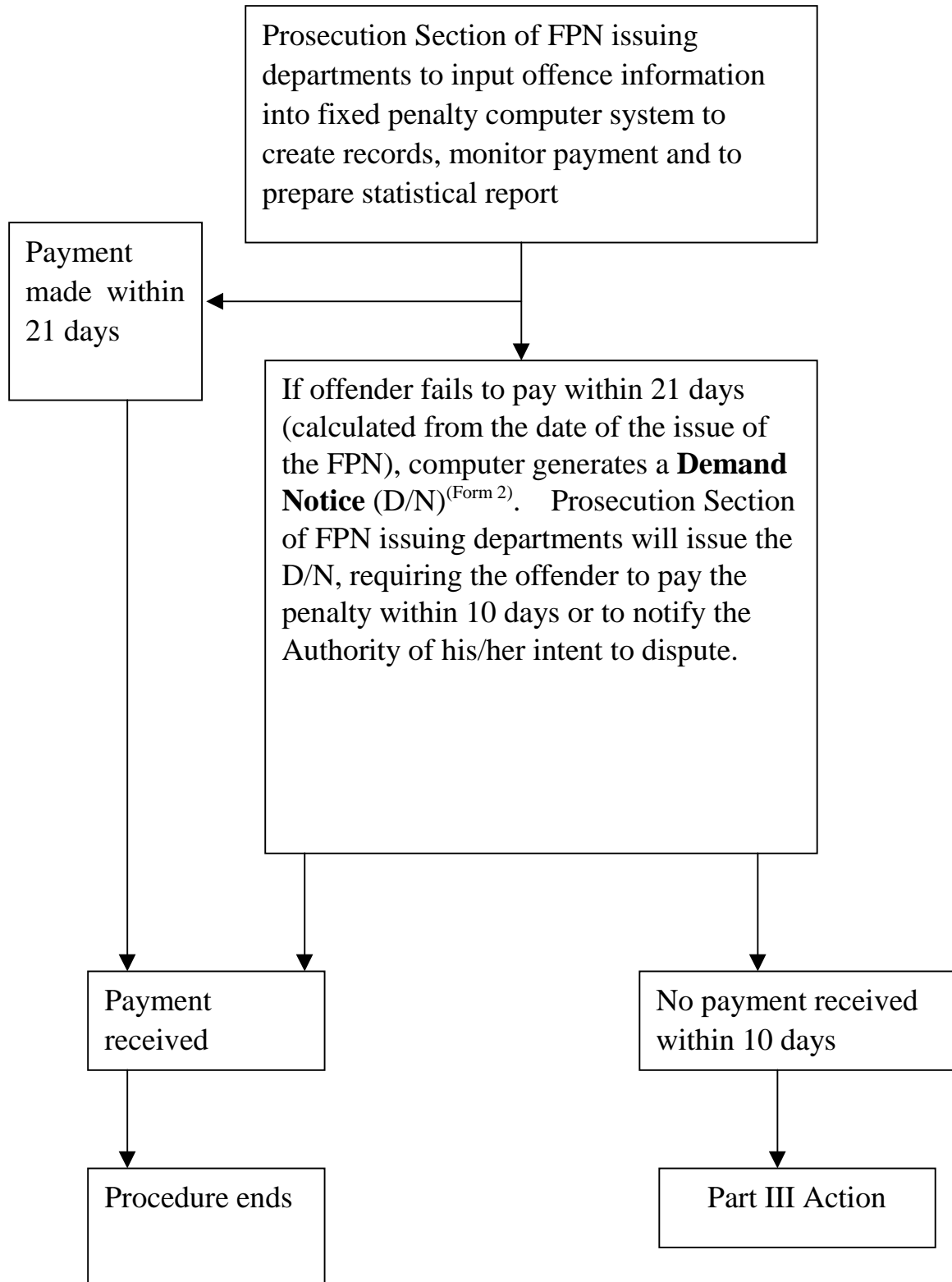
for Secretary for the Environment and Food

Proposed Flowchart for Processing Fixed Penalty (Public Cleanliness Offences)
Notice

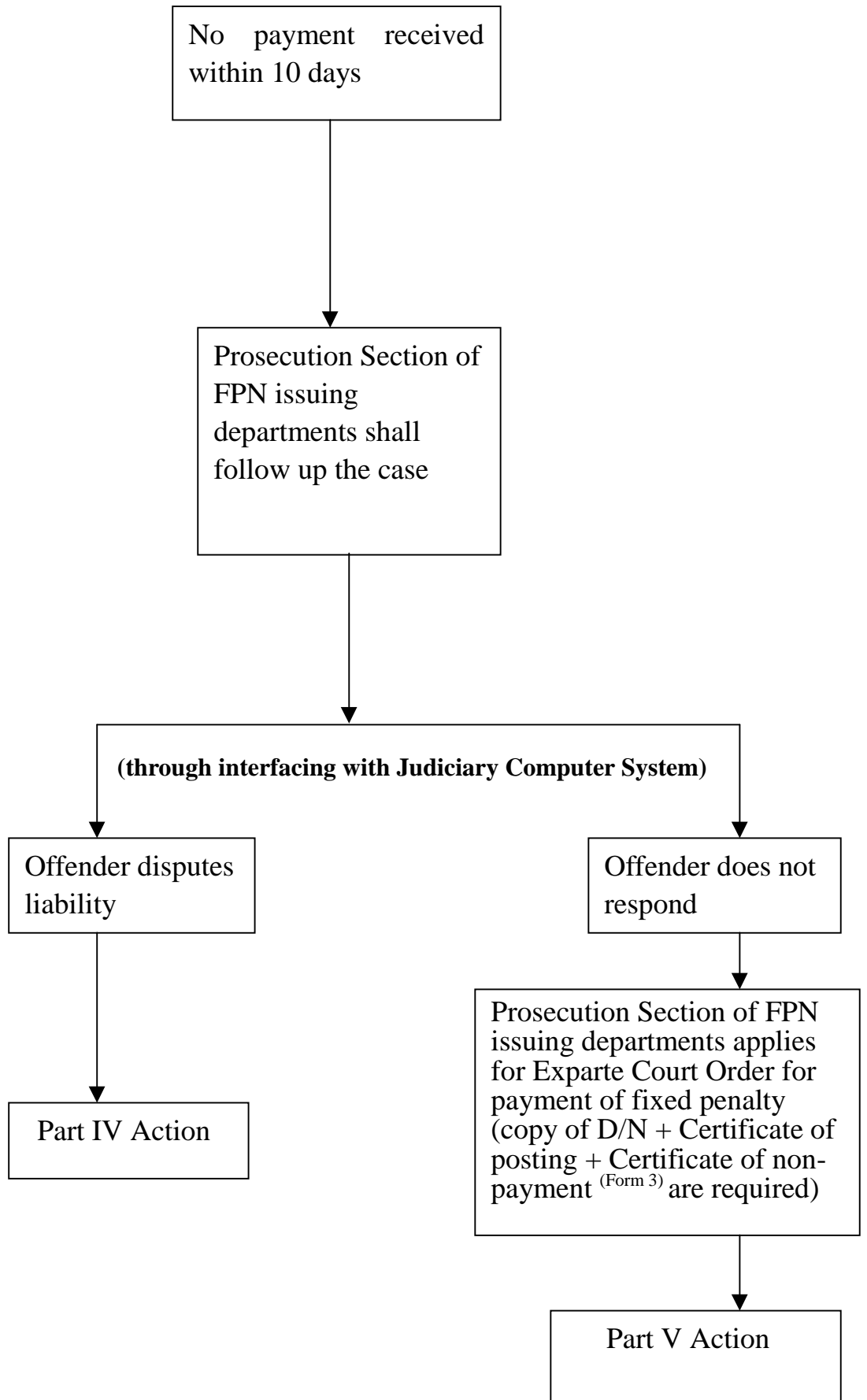
(Part I – Issue of Fixed Penalty Notice)



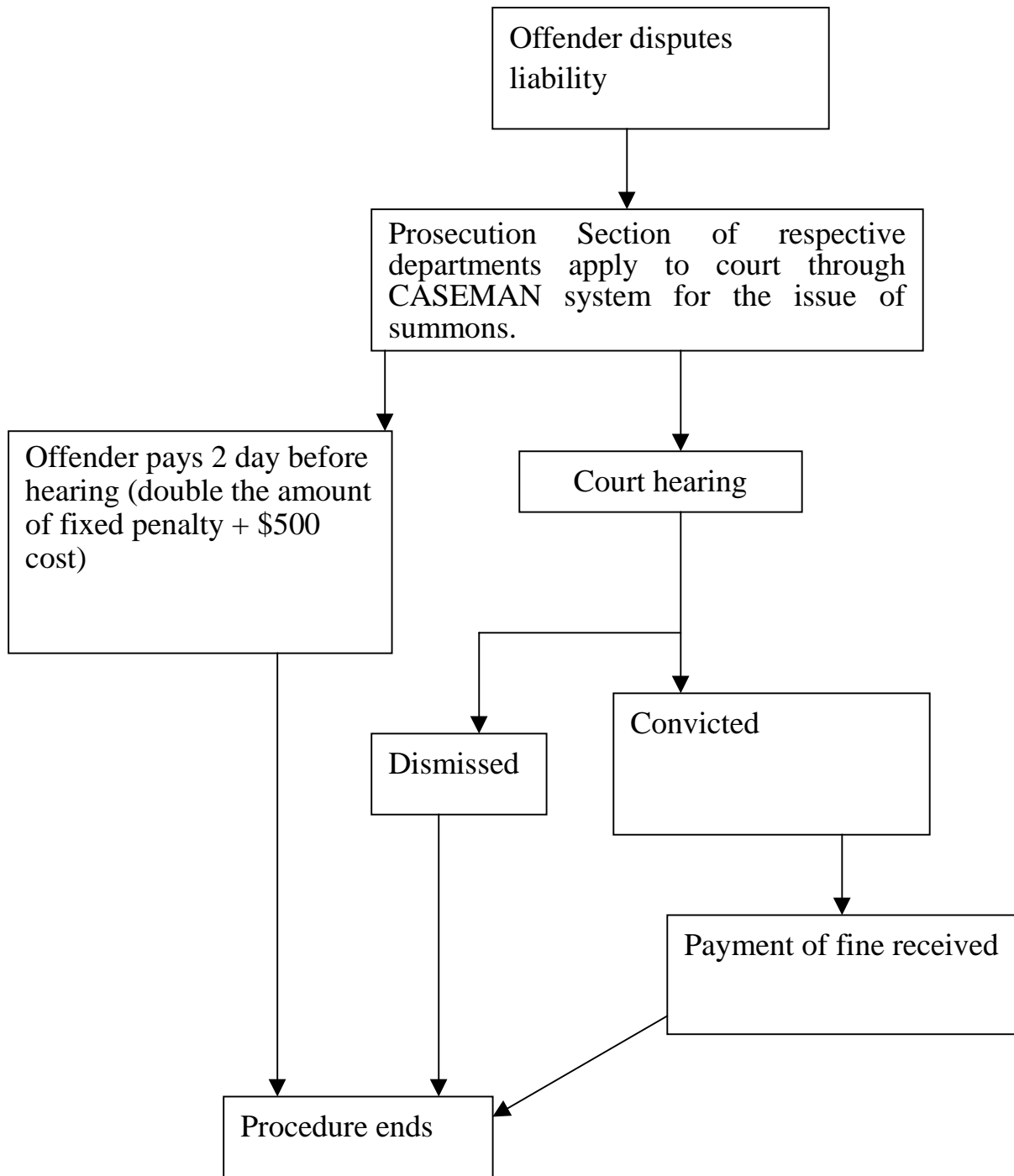
(Part II- Issue of Demand Notice)



(Part III- No payment received)



(Part IV-Dispute of Liability)



(Part V- Application for Court Orders)

