

**For discussion
On 18 March 2002**

LegCo Panel on Food Safety and Environmental Hygiene

**Preparation for the Fixed Penalty System
for Minor Public Cleanliness Offences**

PURPOSE

This paper informs Members of the progress of the preparation and the plan for implementation of the fixed penalty system for minor public cleanliness offences.

BACKGROUND

2. The Fixed Penalty (Public Cleanliness Offences) Ordinance (“the Ordinance”) was passed by the Legislative Council (“LegCo”) on 12 July 2001. The offences covered include littering, spitting, unauthorized display of bills or posters, and dog fouling in public places. Any person in breach of the provisions will be liable to a fixed penalty of \$600. The enforcement departments include the Food and Environmental Hygiene Department (“FEHD”), Leisure and Cultural Services Department, Housing Department, Agriculture, Fisheries and Conservation Department, Environmental Protection Department, Marine Department and Hong Kong Police Force.

3. Subject to the passage through negative vetting by LegCo of the subsidiary legislation, which prescribes the form of the notices/certificate and the manner of payment, the Ordinance will come into effect on a day to be appointed by the Secretary for the Environment and Food by Gazette notice. The tentative timetable is to commence the operation of the Ordinance in May 2002.

PROGRESS OF PREPARATION WORK

4. Since early 2001, the enforcement departments have started preparing for the implementation of the fixed penalty system. The major department for anti-littering enforcement, FEHD, has taken the lead in an Inter-departmental Working Group, with participation by other enforcement departments and the

Environment and Food Bureau, to ensure close liaison on various operational issues and preparatory work. These include the drawing up of enforcement procedures and standards, training of enforcement officers, development of a new computer system for processing of fixed penalty notices with interface among departments, enhancement of clean-up actions and calling for public participation in keeping our city clean. The latest position of the preparation work is set out in the following paragraphs -

(A) Drawing up of Enforcement Guidelines

5. FEHD has in collaboration with other enforcement departments drawn up the broad enforcement guidelines and fixed penalty notice processing flowchart in response to the request of Members of the Bills Committee for the Fixed Penalty (Public Cleanliness Offences) Bill. FEHD and other departments will incorporate the guidelines into their own departmental operational manuals.

(B) Training of Enforcement Officers

6. A “train-the-trainer” approach has been adopted for providing training to front-line officers and FEHD has been co-ordinating the overall training for trainers of all the enforcement departments. A package of training materials had been produced, including a comprehensive Video CD on general information and case studies (with real-life examples and counter-examples). A total of 13 training sessions had been organized for over 270 trainers.

7. These trainers were then responsible for training the front-line officers within their respective departments. By end 2001, all the core officers from various departments have completed the necessary training.

8. To further ensure consistency in the enforcement standards, FEHD is now evaluating the knowledge of enforcement officers about the fixed penalty system through an assessment questionnaire with various real-life scenarios, and will provide remedial courses for officers from all departments who are found not familiar with the system.

(C) Development of Computer System

9. FEHD has also taken the lead in developing a computer system to store the details of the offences and to automate the tracking of payment and the processing of the fixed penalty notices, including referrals to the Judiciary for court proceedings. The first round of testing of the system was successfully concluded in January 2002 and the computer system will be ready by March 2002.

(D) Stepping up of Cleansing Actions

10. Starting from April 2001, actions have been carried out in full swing by FEHD and other departments concerned to clean up the environment and deal with local environmental hygiene problems. In addition, FEHD has allocated additional resources for undertaking various new cleansing initiatives starting from the last quarter of 2001. All these aim to provide a clean environment and thereby set the scene for the actual implementation of the new legislation.

(E) Publicity Campaign

11. The initial stage of publicity commenced in late 2001 and called for public participation in keeping the environment clean and to alert the public of the impending fixed penalty system. The publicity campaign is now gaining momentum and will reach a crescendo just before the actual implementation of the system. Action items to be launched include:

- (a) press conference;
- (b) new publicity items such as TV APIs and posters;
- (c) joint departmental weekend mock demonstrations of the issue of fixed penalty notices at busy areas and littering blackspots;
- (d) large-scale launching function one or two days before the commencement of the Ordinance;
- (e) community involvement programmes to be held by the 18 District Clean Hong Kong Committees; and
- (f) warnings to offenders during the first two weeks of implementation.

(F) Actual Implementation

12. Subject to the enactment of the necessary subsidiary legislation, we plan to bring the fixed penalty system into force in May 2002. There will be a short grace period of two weeks when warnings instead of fixed penalty tickets will be given to offenders.

13. There are some 4 000 active enforcement officers from FEHD who are authorized and are ready to enforce the law over the territory as part of their daily duties. Blitz teams will also be formed by members drawn from these enforcement officers in March/April 2002 to warn the public about the impending system at various littering blackspots to generate better publicity effect. Such blitz teams will continue to enforce the law after it has come into effect to focus on enforcement at littering blackspots. Other departments will

enforce the law through daily enforcement actions/blitz operations. Joint-departmental warning and enforcement operations will also be launched to demonstrate Government's concerted efforts.

ADVICE SOUGHT

14. Members are requested to note and comment on the proposed preparation for the implementation of the Fixed Penalty System.

Food and Environmental Hygiene Department
March 2002