

**For discussion
On 15 July 2002**

LegCo Panel on Food Safety and Environmental Hygiene

**Report on the Enforcement of the Fixed Penalty System
for Minor Public Cleanliness Offences**

PURPOSE

This paper informs Members of the progress of the operation of the fixed penalty system for minor public cleanliness offences.

BACKGROUND

2. The aim of the *Fixed Penalty (Public Cleanliness Offences) Ordinance, Cap. 570* (“the Ordinance”) is to increase the deterrent effect against common public cleanliness offences, namely littering, spitting, unauthorized display of bills or posters, and fouling of street by dog faeces. The Ordinance provides for a fixed penalty of \$600 for committing these offences. It was enacted by the Legislative Council (“LegCo”) in July 2001 and the related subsidiary legislation was passed by LegCo in May 2002. The Administration appointed 27 May 2002 as the commencement date of operation of the Ordinance.

3. At the Panel meeting in March 2002, the Administration informed Members of the preparatory work for implementing the fixed penalty system vide LegCo Paper CB(2)1326/01-02(05). Members requested the Administration to report on the enforcement of the new law, after it has come into operation.

ENFORCEMENT

4. Upon commencement of the Ordinance on 27 May, the Administration allowed a two-week grace period to acclimatize the community to the new fixed penalty system. During the period, enforcement staff gave verbal warnings (instead of fixed penalty notices) to offenders. In total, the seven enforcement departments administered 1 618 verbal warnings.

5. The implementation of the new law entered the enforcement stage on 10 June. All the seven enforcement departments started taking enforcement actions. Implementation of the Ordinance was generally smooth. In the first three weeks from 10 to 30 June, the Food and Environmental Hygiene Department

("FEHD") as the major department for anti-littering enforcement issued a total of 916 fixed penalty notices, and the total for other six departments is 35. Out of these 951 notices, 928 were issued without any difficulty and the remaining 23 were issued with Police assistance. In addition, one enforcement case required the Police to accompany the offender to a Police Station to obtain proof of identity and lay charges; three cases involved minor assaults on FEHD officers.

6. To facilitate enforcement staff of all departments to handle possible difficult situations, FEHD provided adequate training for them prior to the implementation of the fixed penalty system. FEHD staff are also provided with telecommunication equipment (portable transceivers or mobile phones) to facilitate them to enlist the support of colleagues patrolling in the vicinity and, if necessary, the assistance of Police. Other enforcement departments have similar or other support arrangements.

7. Despite the minor assault cases, enforcement staff are in general satisfied with the current support arrangements. Nevertheless, FEHD will, in consultation with its staff, continue to explore ways to further enhance support for them, e.g. extending the provision of preliminary self-defense training courses to all grades of enforcement staff.

ANALYSIS

8. An analysis of the enforcement figures shows that littering constitutes the majority of the cases (87%), followed by spitting (10%) and unauthorized display of bills and posters (3%). Cigarette butts, soft drink containers and tissue paper are the most common types of litter.

9. As regards the sex and age profile of the offenders, about 75% of the notices were issued to male offenders, and about 15% to persons aged over 60. Geographically, the majority of cases occurred in busy districts such as Eastern, Mong Kok and Kwun Tong, with 10-12% of the total number of notices issued in each of these districts. The lowest figures were in remote districts like Sai Kung, North and Yuen Long (about 1.5% each district).

COMPLAINTS

10. Out of the 916 fixed penalty notices it issued, FEHD received five complaints from the offenders. All of these were found unjustified after investigation and were subsequently withdrawn by the complainants.

APPEALS

11. One littering offender, issued with a fixed penalty notice on 10 June, notified FEHD in writing on 13 June his intention to dispute liability for the offence. FEHD is arranging with the Judiciary for court hearing and the date is pending.

EFFECTIVENESS

12. The enforcement of the Ordinance, coupled with intensive publicity, has brought about general and visible improvement to the cleanliness of Hong Kong.

13. Since the commencement of operation on 27 May and actual enforcement on 10 June, frontline staff have noticed a remarkable decrease in littering, spitting and dog fouling in public places, particularly littering at blackspots such as busy streets, bus stops, street crossings, ferry concourses, public transport interchanges, on-street markets and pavement near cinemas, convenience shops, snack shops and off-course betting centres. The enforcement departments also observed better utilization of litter containers by the public to deposit litter and cigarette butts. Media reports support the above assessment as well.

14. The situation after fireworks display on 1 July was also much improved. In the past, a large amount of litter was always found after such event. With the enhanced publicity on Clean Hong Kong and the fixed penalty system through public announcement systems at the venues and the provision of additional litter bins to facilitate the crowds to pitch in, much less littering was seen in the Central and Wan Chai promenade, though there were still pieces of newspaper probably for sitting purpose left on the pavement and grass verge.

15. As regards unauthorized display of bills and posters, enforcement departments noticed a significant decrease in the number of such activities in blackspots such as Mong Kok, Yau Ma Tei, Wan Chai and Causeway Bay.

16. Nevertheless, littering - particularly improper disposal of cigarette butts and small pieces of litter such as soft drink container/straw wrapping - can still be found in areas near bus stops, convenience shops and snack shops. FEHD would pay special attention to these areas in carrying out enforcement duties.

WAY FORWARD

17. To track the changes in public perception of the cleanliness of Hong Kong and the effect of implementing the fixed penalty system, FEHD has conducted a Clean Hong Kong longitudinal survey. The first stage of the survey was already completed in April/May before the implementation of the fixed

penalty system, with 3 000 persons interviewed. Respondents were asked over the phone on the overall cleanliness of the districts they live and work, the attitude towards their own responsibility in keeping the environment clean and their views on the fixed penalty system. The second stage of the survey will be conducted in October/November to gauge the opinion of these same interviewees on, *inter alia*, whether there is any improvement to the cleanliness condition since the fixed penalty system has come into effect.

18. To sustain a clean and tidy Hong Kong, the Administration is aware that enforcement action must be complemented by public education. In fact, Government has accorded great emphasis to public education since the launch of the new Clean Hong Kong Programme in December 2000 as a means to raise public awareness on the need to keep a clean and tidy environment.

19. In the area of school education, FEHD and the Education Department have already incorporated Clean Hong Kong information in primary and secondary school curriculum and have been organizing a wide range of Clean Hong Kong extra-curricular activities. Such activities include project learning competitions, interactive school outreach programmes and Community Youth Club activities for secondary students, as well as school talks for primary schools and kindergartens. The school curriculum messages and extra-curricular activities help foster the culture of keeping Hong Kong clean among youngsters. These specific public education efforts are supplemented by publicity and public education items such as television and radio Announcements of Public Interests, posters and banners, video, pamphlets, stickers, website, newspaper supplements, and media interviews.

20. Another important element is community involvement. The 18 District Clean Hong Kong Committees, each chaired by the respective District Council Vice-chairmen, have been set up to organize district educational/publicity events and actual cleansing activities to disseminate the Clean Hong Kong message. Over 160 district activities were held in 2001. In addition, FEHD operates a scheme to provide assistance to residents' and other civic organizations in organizing Clean Hong Kong projects. 87 such projects were arranged in 2001 with over 20 000 participants. FEHD will continue to support and sponsor these activities and projects in 2002.

ADVICE SOUGHT

21. Members are requested to note the contents of the paper.

Food and Environmental Hygiene Department
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