

LN044-E

L.N. 44 of 2002

Fixed Penalty (Public Cleanliness
Offences) Regulation

(Made under section 17 of the Fixed Penalty (Public Cleanliness
Offences) Ordinance (Cap. 570))

1. Commencement

This Regulation shall come into operation on a day to be appointed by the Secretary for the Environment and Food by notice published in the Gazette.

2. Notices under sections 3 and 6 of
the Ordinance

(1) A notice under section 3(1) of the Ordinance shall be in accordance with Form 1 in the Schedule.

(2) A notice under section 6(1) of the Ordinance shall be in accordance with Form 2 in the Schedule.

(3) A notice in Form 2 in the Schedule shall be valid if the name of a public officer acting on behalf of the Authority is signed or printed thereon.

3. Payment of fixed penalty

(1) A person who receives a notice in Form 1 or 2 in the Schedule may pay the fixed penalty within the period of time stated in the notice---

(a) by post addressed to the Treasury;

(b) personally or through his agent, at any Post Office other than a post office letter box or a mobile post office;

(c) through an automated teller machine of a bank;

(d) by phone by using the service commonly known as the Payment By Phone Service;

(e) through the Internet; or

(f) through the phone-banking service provided by a bank.

(2) A person who wishes to pay the fixed penalty in accordance with subsection (1)(a) or (b) shall deliver the notice to which the payment relates together with the payment in accordance with the payment instructions as set out in the notice.

(3) When any payment is made in accordance with this section, it shall be of the amount specified in the notice or, where payment is made in respect of more than one notice, of the total amounts specified in the notices.

(4) A payment made in accordance with subsection (1) shall not include, or form part of, an amount in respect of a matter other than a matter specified in the notice or notices.

(5) Where any amount is paid otherwise than in accordance with this Regulation,

the Director of Accounting Services may return it to the payer.

4. Certificate under section 9 of the Ordinance

A certificate under section 9(2) of the Ordinance shall be in accordance with Form 3 in the Schedule.

附註 (請細心閱讀)

1. 如於本通知書發出日期起計 21 天內繳付定額罰款，可解除就本通知書所指明的罪行所須負的法律責任。必須按照繳款辦法繳付罰款。
2. 你若意欲就該罪行的法律責任提出爭議，可以書面方式通知主管當局。請註明本通知書左上角所示的 10 位數字檔號以作參考。
3. 如你不按照本通知書繳付罰款或通知主管當局你意欲就該罪行的法律責任提出爭議，則可能須繳付附加罰款。

繳款辦法：

1. 可按下列方式繳款 ——

(a) 透過銀行自動櫃員機繳款

在任何貼有 "繳款服務" 標誌的自動櫃員機繳款。繳款時，請選擇 "食物環境衛生署"。

(b) 使用「繳費聆」繳款

繳款前，請先致電 18013 登記本

通知書。請選擇 "商戶編號" "9147"。如欲繳款，請致電 18033，並按照指示輸入所需資料。如需查詢，請致電「繳費聆」熱線：2311 9876。

(c) 透過互聯網繳款

可透過銀行及「繳費聆」在互聯網上提供的繳費服務繳

款。詳情請瀏覽「公共服務電子化」計劃的網站 (URL 位址：<http://www.esd.gov.hk>)

或庫務署網站(URL 位址：<http://www.info.gov.hk/tsy>)。

亦可透過「公共服務電子化」計劃的服務站繳款。繳款時，請選擇 "食物環境衛生署"。

NOTES (Please read carefully)

1. Liability for the offence specified in the notice may be discharged by paying the Fixed Penalty within 21 days of the date of issue of this notice. Payment must be made in accordance with the Payment Instructions.
2. If you wish to dispute liability for the offence, you may inform the Authority in writing. Please quote the 10-digit Reference No. shown at the top left hand corner of this notice for reference.
3. Failure to pay in accordance with this notice or to notify the Authority that you wish to dispute liability for the offence may result in an additional penalty being imposed.

PAYMENT INSTRUCTIONS :

1. Payment may be made---

(a) Through Bank Automated Teller Machine (ATM)

Payment can be made at any ATM affixed with "Bill Payment Service" signage. Please select "Food & Environ Hygiene Dept" for payment.

(b) By using Payment By Phone Service (PPS)

Before making payment, please dial 18011 to register this notice. Please select the "Merchant Code" of "9147". For making payment, please dial 18031 and follow the instructions to enter the information required. For enquiries, please call PPS Hotline: 2311 9876.

(c) Through Internet

Payment can be made through the bill payment services provided by banks and PPS on the Internet. For details, please visit the web site of the Electronic Service Delivery (ESD) Scheme (URL address: <http://www.esd.gov.hk>) or the web site of Treasury (URL address: <http://www.info.gov.hk/tsy>). Payment could also be made at any of the ESD kiosks. Please select "Food & Environ Hygiene Dept" or "Food and Environmental Hygiene Department" as appropriate for payment.

(d) 透過電話理財服務繳款

可使用銀行提供的電話理財服務，透過有關的繳費服務繳款。繳款時，請選擇 "食物環境衛生署"。

(e) 郵遞繳款

凡郵寄支票、匯票或本票繳款，請連同郵寄繳款回條郵寄香港告士打道郵政局信箱 28000 號庫務署收。請勿郵寄現金。請將本通知書下半部所示的 16 位數字編號寫在支票、匯票或本票背面。請注意：以郵遞方式繳款將不會獲發收據。有關的郵戳日期會被視為繳款的日期。

(f) 親自繳款

可親自或透過代理人前往任何郵政局（郵政局信箱或流動郵政局除外）繳款，並出示完整的通知書，以便繳款後發還收據。如欲查詢有關地址及辦公時間，請致電香港郵政熱線：2921 2222 或瀏覽其網站(URL 位址：<http://www.hongkongpost.com>)。

2. 使用自動櫃員機、「繳費聆」、透過互聯網或電話理財服務繳款，請先行輸入本通知書下半部所示的 16 位數字編號。於到期日午夜前繳款會被視作準時繳交。

3. 支票、匯票或本票均須以 "香港特別行政區政府" 或 "香港特區政府" 為收款人，並加以劃線。以支票付款，須在支票首次提交付款銀行獲得兌現後，繳款方為有效。期票恕不接受。

(d) Through Phone-banking Service

Payment can be made through the bill payment services by using the phone-banking service provided

by banks. Please select "Food and Environmental Hygiene Department" for payment.

(e) By Post

A cheque, draft or cashier order should be sent together with the Slip for Payment by Post to the Treasury, P.O. Box No. 28000, Gloucester Road Post Office, Hong Kong. Cash should not be sent through the post. Please write the 16-digit serial number shown at the lower portion of this notice on the back of the cheque, draft or cashier order. Please note that no receipt will be issued for payment by post. The date of the relevant post mark is to be regarded as the date of payment.

(f) In Person

Payment can be made in person or through an agent at any Post Office (other than a post office letter box or a mobile post office). This notice must be kept intact and produced at the time of payment. It will be receipted and returned to you upon payment. For addresses and opening hours, please call the Hongkong Post Hotline: 2921 2222 or visit

the web site (URL address: <http://www.hongkongpost.com>).

2. For payment through ATM, by PPS, through Internet or phone-banking service, please key in the 16-digit serial number shown at the lower portion of this notice for making payment. Payment made before mid-night on the due date will be regarded as on-time payment.

3. Cheques, drafts or cashier orders should be made payable to "The Government of the Hong Kong Special Administrative Region" or "The Government of the HKSAR" and crossed. For payment made by cheque, payment is valid only when the cheque is honoured on the first presentation to the drawee bank. Post-dated cheques will not be accepted.

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聯網上提供的繳費服務繳款。詳情請瀏覽「公共服務電子化」計劃的網站 (URL 位址：<http://www.esd.gov.hk>)

或庫務署網站(URL 位址：<http://www.info.gov.hk/tsy>)。亦可透過「公共服務電子化」計劃的服務站繳款。繳款時，請選擇 "食物環境衛生署"。

(d) 透過電話理財服務繳款

可使用銀行提供的電話理財服務，透過有關的繳費服務繳款。繳款時，請選擇 "食物環境衛生署"。

(e) 郵遞繳款

凡郵寄支票、匯票或本票繳款，請連同郵寄繳款回條郵寄香港告士打道郵政局信箱 28000 號庫務署收。請勿郵寄現金。請將本通知書下半部所示的 16 位數字編號寫在支票、匯票或本票背面。請注意：以郵遞方式繳款將不會獲發收據。有關的郵戳日期會被視為繳款的日期。

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(e) By Post

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Cash should not be sent through the post. Please write the 16-digit serial number shown at the lower portion of this notice on the back of the cheque, draft or cashier order. Please note that no receipt will be issued for payment by post. The date of the relevant post mark is to be regarded as the date of payment.

(f) 親自繳款

可親自或透過代理人前往任何郵政局（郵政局信箱或流動郵政局除外）繳款，並出示完整的通知書，以便繳款後發還收據。

如欲查詢有關地址及辦公時間，請致電香港郵政熱線：

2921 2222 或瀏覽其網站(URL 位址: <http://www.hongkongpost.com>)。

2. 使用自動櫃員機、「繳費聆」、透過互聯網或電話理財服務繳款，請先行輸入本通知書下半部所示的 16 位數字編號。於到期日午夜前繳款會被視作準時繳交。

3. 支票、匯票或本票均須以 "香港特別行政區政府" 或 "香港特區政府" 為收款人，並加以劃線。以支票付款，須在支票首次提交付款銀行獲得兌現後，繳款方為有效。期票恕不接受。

欲就法律責任提出爭議者請注意

1. 若你意欲就上述罪行的法律責任提出爭議，可簽署附上的表格，並於通知爭議的最後日期或該日之前將之交付主管當局，以告知主管當局你有此意欲。

2. 如你告知主管當局欲就上述罪行的法律責任提出爭議，事件會以申訴方式交由裁判官按照本條例裁定，傳票將會在適當時候向你送達。

3. 如你在告知主管當局欲就上述罪行的法律責任提出爭議後，在裁判官席前應訊時你並沒有提出免責辯護或你提出瑣屑無聊或無理取鬧的免責辯護，則在任何其他罰則及訟費以外，可被判繳付相等於定額罰款數額的附加罰款。

4. 如不按照本通知書繳付罰款或通知主管當局你意欲就法律責任提出爭議，則可能須繳付附加罰款。

(f) In Person

Payment can be made in person or through an agent at any Post Office (other than a post office letter box or a mobile post office). This notice must be kept intact and produced at the time of payment. It will be receipted and returned to you upon payment. For addresses and opening hours, please call the Hongkong Post Hotline: 2921 2222 or visit

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NOTES FOR THOSE WHO WISH TO DISPUTE LIABILITY

1. You may notify the Authority, if you wish to dispute liability for the offence, by signing the attached form and delivering it to the Authority on or before the last day for notification of dispute.
2. If you notify the Authority that you wish to dispute liability for the offence, the matter will be determined by a magistrate on complaint in accordance with the Ordinance and you will be served with a summons in due course.
3. If, having notified the Authority that you wish to dispute liability for the offence, you appear before a magistrate and offer no defence or a defence which is frivolous or vexatious, you are liable to, in addition to any other penalty and costs, an additional penalty equal to the amount of the Fixed Penalty.
4. Failure to pay or notify the Authority that you wish to dispute liability in accordance with this notice may result in additional penalty being imposed.

Mrs. Lily YAM

Secretary for the Environment
and Food

27 March 2002

Explanatory Note

The purposes of this Regulation are to---

- (a) prescribe the forms of various notices demanding payment of a fixed penalty and the form of certificate as proof of non-payment in proceedings for recovery of a fixed penalty under section 17 of the Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap. 570); and
- (b) specify the manner of payment of a fixed penalty.