

**For discussion  
on 27 May 2003**

**LegCo Panel on Food Safety and Environmental Hygiene**

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

**PURPOSE**

This paper reviews the enforcement of the fixed penalty system for minor public cleanliness offences after its implementation for a year.

**BACKGROUND**

2. *The Fixed Penalty (Public Cleanliness Offences) Ordinance, Cap 570* (“the Ordinance”) provides a fixed penalty of \$600 for common public cleanliness offences, namely, littering, spitting, unauthorized display of bills or posters and fouling of street by dog faeces. The seven enforcement departments<sup>1</sup> started enforcing the Ordinance in areas/venues under their responsibility from 10 June 2002.

**ENFORCEMENT STATISTICS AND EXPERIENCE**

3. From 10 June 2002 to 15 May 2003, the seven enforcement departments issued a total of over 15 000 fixed penalty notices. A table showing a breakdown of the number of notices issued by each of the seven enforcement departments is at **Annex A**.

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<sup>1</sup> These departments include the Food and Environmental Hygiene Department (FEHD), Agriculture, Fisheries and Conservation Department (AFCD), Housing Department (HD), Leisure and Cultural Services Department (LCSD), Marine Department (MD), Environmental Protection Department (EPD) and Hong Kong Police Force (HKPF).

4. According to our record, some 90% of the offenders paid the penalty within the statutory time limit, and less than 0.6% disputed liability for the offence. For the unpaid cases, the enforcement departments have applied to the Court for ordering payment of fine.

5. Littering is the most common type of public cleanliness offences (83.8%), followed by spitting (11.9%) and unauthorized display of bills and posters (4.2%). As regards the sex and age profile, 80% of the notices were issued to male offenders, and about 13% to persons over 60.

6. Geographically, most of the fixed penalty notices were issued in densely populated areas and venues with high pedestrian flows. Eastern, Mong Kok and Kwun Tong recorded the most offences, each claiming a 10% share in the total number of notices issued. Places near MTR entrances, bus stops, convenience shops and snack shops are more prone to being littered, particularly with cigarette butts, soft drink containers and straw wrappings.

7. **Annex B** sets out the operational arrangement and experience of individual enforcement departments since the implementation of the Ordinance.

## **PUBLIC EDUCATION AND COMMUNITY INVOLVEMENT**

8. Apart from enforcing the Ordinance, the Administration has devoted much effort to raise public awareness of the need to sustain a clean environment. A broad range of publicity and public education items (such as television and radio announcements of public interests, posters and banners, advertisements on public transport, media interviews, roving exhibitions and large-scale publicity function) have been put in place to promote Clean Hong Kong in general and the implementation of the Ordinance in specific. Such information has been incorporated in primary and secondary school curricula. Similar educational efforts have also been directed at other target groups such as road users, tourists and the elders.

9. Another equally important element is community involvement. Eighteen District Clean Hong Kong Committees, each chaired by the respective District Council Vice-chairmen, have been set up to organize actual cleansing activities and educational and publicity events to disseminate Clean Hong Kong

messages. HD has undertaken a series of educational and publicity efforts through Estate Management Advisory Committee meetings, newsletters for residents and mass participation activities to hammer home the importance of keeping housing estates clean. FEHD also operates a scheme to provide financial assistance to residents' and other district organizations in promoting public participation in keeping Hong Kong clean.

## **EFFECTIVENESS**

10. Overall, the implementation of the Ordinance has been smooth. Coupled with intensive publicity and public education, the enforcement of the Ordinance has proved useful in bringing overall improvement to the cleanliness of Hong Kong. The outcome of the Clean Hong Kong Household Survey commissioned by FEHD and carried out by ACNielsen in January 2003 (covering over 3 000 respondents territory-wide) shows that the implementation of the Ordinance has been effective in improving the general cleanliness of Hong Kong. The majority (83%) of the respondents considered that the Ordinance had been effective in deterring people from committing cleanliness offences and over half (56%) noticed a higher usage of litter containers by the public as compared with the situation before the Ordinance was in force.

11. The survey also indicated that there was room for improvement in certain aspects. On the enforcement front, some 49% of the respondents witnessed littering, and 44% spitting, in the seven days prior to responding to the survey. Moreover, while the general streetscape was ranked clean and satisfactory, certain less accessible areas such as rear lanes and side lanes as well as areas in the vicinity of take-away snack shops scored below average and require special attention.

## **RECENT DEVELOPMENT IN LIGHT OF THE OUTBREAK OF ATYPICAL PNEUMONIA**

### ***Strengthened Enforcement against Spitting***

12. In view of the recent outbreak of atypical pneumonia (AP), FEHD has strengthened enforcement actions against spitting in public places as the act of

spitting could spread contaminated droplets. Since 28 March 2003, enforcement officers have issued summonses against spitting offenders in lieu of fixed penalty notices in order to increase deterrence against the offence. Under the Public Cleansing and Prevention of Nuisance Regulation (Cap 132 sub leg), the offender is liable to a maximum fine of \$5,000 upon first conviction and \$10,000 upon subsequent convictions.

13. As at 15 May 2003, some 226 summonses have been issued (220 issued by FEHD and 6 by other departments). Around 10% of cases have been heard and the fines for the convicted range from \$200 to \$1,500, with the majority being \$1,000 or more.

#### *Blitz Operations and Joint-Departmental Enforcement Action*

14. It is noted that many offences are committed at odd hours and at areas which are often overlooked such as ungazetted beaches and rear lanes. To tackle this, FEHD is planning more blitz operations at these hygiene hotspots in irregular hours. Individual departments are also considering how best to improve its enforcement arrangements. MD is working out more efficient operation to target at busy waterfront areas and other marine littering hotspots. EPD has been carrying out additional patrols to combat flytipping. AFCD has targetted its patrolling and enforcement efforts at littering hotspots in country parks like recreation sites and carpark areas. Where necessary, departments concerned will hold joint-departmental operations to combat the problems.

**Health, Welfare and Food Bureau**  
**Food and Environmental Hygiene Department**  
**May 2003**

**Annex A**

**Number of Fixed Penalty Notices  
Issued by the Seven Enforcement Departments  
(As at 15 May 2003)**

<b>Department</b>	<b>No. of fixed penalty notices issued</b>
Food and Environmental Hygiene Department	14 521
Agriculture, Fisheries and Conservation Department	539
Environmental Protection Department	9
Housing Department	375
Leisure and Cultural Services Department	88
Marine Department	78
Hong Kong Police Force	55
<b>Total</b>	<b>15 665</b>

**Operational Arrangements of Individual Departments**

*Food and Environmental Hygiene Department (FEHD)*

FEHD is responsible for enforcing the Ordinance in public places including main roads and streets. Over 92% of the fixed penalty notices have been issued by its various ranks of Foremen, Hawker Control Officers and Health Inspectors. On the whole, FEHD has not encountered much enforcement difficulty. The vast majority (97%) of notices have been issued without Police assistance.

In addition to enforcing the Ordinance during the daily patrol duties, FEHD has mounted over 130 blitz enforcement operations targeting at local hygiene hotspots such as unauthorized display of bills and posters at irregular hours and littering in ungazetted beaches over weekends. More than 500 fixed penalty notices have been issued during these blitz operations.

*Agriculture, Fisheries and Conservation Department (AFCD)*

AFCD's enforcement officers are deployed in pair to strategically enforce the Ordinance in country park areas. Regular trainings have been arranged for enforcement staff to tactfully handle difficult situations (eg offenders asking for leniency or arguing with enforcement officers on site). About 89% cases have been issued without the Police's assistance.

To tackle littering at hotspots in country parks such as popular barbecue sites, AFCD has increased its patrol frequency during Sundays and public holidays at such hotspots, with special enforcement action arranged at irregular hours.

*Environmental Protection Department (EPD)*

EPD's enforcement efforts focus on larger-scale waste dumping at hotspots in remote countryside and industrial areas, and its officers mainly carry out ambush at late evening and mid-night at remote hotspots in order to catch the offender red-handed. They prosecute the offenders through summonses but will also issue fixed penalty notices where appropriate.

### Housing Department (HD)

HD established seven two-member inspection teams in October 2002 to enforce the Ordinance in respect of littering, spitting and fouling of street by dog faeces in public rental housing. Each team comprises a Housing Officer (who is vested with enforcement power) and an Estate Assistant. The teams patrol all public rental housing estates regularly and issue fixed penalty notices to offenders.

HD's questionnaire survey conducted in March 2003 among members of Estate Management Advisory Committees shows that 71% out of 893 respondents noted improvements in the situation after the implementation of the Ordinance, and 80% were satisfied with estate cleanliness.

### Leisure and Cultural Services Department (LCSD)

In bathing beaches, parks and other venues under its charge, LCSD District Leisure Managers have stepped up enforcement actions against littering and spitting offenders in hygiene hotspots. Additional enforcement staff have also been deployed to form special squad teams during weekends and public holidays to patrol highly patronized venues such as barbecue sites to undertake enforcement actions.

LCSD's biennial telephone survey conducted in 2002 reveals progressive improvement in the general cleanliness of its venues and facilities when compared with 2000, with the satisfaction percentages ranging from over 60% for parks to over 80% for cultural facilities.

Before and during major festive events such as Christmas and New Year countdowns as well as fireworks displays, large crowds usually gather at prime locations such as piazza of Hong Kong Cultural Centre and the Tsim Sha Tsui Promenade. LCSD did experience difficulties in enforcing the Ordinance under these circumstances and assistance and back-up support from FEHD and Police are required.

### Marine Department (MD)

While the core duty of MD's officers on patrol vessels is to ensure marine

safety, all of them have stepped up cleanliness enforcement actions during their patrols. The presence of MD patrol boats in the vicinity has a significant deterrent impact on marine littering offences, and its officers did not experience any enforcement difficulties. MD also organized a taskforce to carry out enforcement action during Sundays and public holidays.

*Hong Kong Police Force (HKPF)*

HKPF's major role is to support the other six enforcement departments in implementing the Ordinance. It will also issue fixed penalty notices when conducting joint operations with other departments.