

For information

LegCo Panel on Food Safety and Environmental Hygiene

Raising the Fixed Penalty for Spitting and Littering Offences

PURPOSE

This information note briefs Members on the Administration's plan to raise the fixed penalty for two common cleanliness offences, namely, spitting and littering, under the Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap 570) ("the Ordinance") from \$600 to \$1,500.

BACKGROUND

2. Implemented in June 2002, the Ordinance provides for a fixed penalty of \$600 to be payable for four cleanliness offences, namely, littering, spitting, unauthorised display of bills or posters and fouling of street by dog faeces. Seven departments¹ were empowered to enforce the Ordinance in areas and venues under their responsibility since 10 June 2002.

3. There has been concrete medical evidence that spitting and littering could contribute to the spread of deadly communicable diseases such as tuberculosis and dengue fever. In view of the health threats they pose to the community, it is no longer appropriate to treat them as minor cleanliness offences.

4. The recent outbreak of Severe Acute Respiratory Syndrome (SARS) in Hong Kong has called into question the adequacy of the existing fixed penalty system in curbing spitting offences. Despite the intensified enforcement actions taken to deter spitting, such offences reportedly remain rampant in various hygiene blackspots. Since end March 2003, the enforcement departments have mainly relied on summonses instead of fixed penalty notices to prosecute spitting

¹ These departments include Food and Environmental Hygiene Department (FEHD), Agriculture, Fisheries and Conservation Department, Housing Department, Leisure and Cultural Services Department, Marine Department, Environmental Protection Department and Hong Kong Police Force.

offenders in view of the weak deterrent effect of the latter.

5. Team Clean, a task force chaired by the Chief Secretary for Administration to identify short-term and long-term measures to improve environmental hygiene in Hong Kong, promulgated its interim report on 28 May 2003. Among other things, Team Clean proposed increasing the fixed penalty for spitting and littering offences from \$600 to \$1,500.

IMPLEMENTATION

6. Implementation of the proposed increase in fixed penalty would require the making of (i) a resolution of the Legislative Council to amend Schedule 1 to the Ordinance and (ii) an amendment regulation to amend Forms 1 and 2 of the Fixed Penalty (Public Cleanliness Offences) Regulation (Cap 570 sub leg). Drafting of these legal instruments is well under way. To put the new fixed penalty into effect as soon as practicable, the Secretary for Health, Welfare and Food aims to move a resolution at the Legislative Council sitting of 18 June 2003. Subject to the Legislative Council's approval, the proposed new fixed penalty will take effect on 26 June 2003.

Health, Welfare and Food Bureau
29 May 2003