

For discussion
on 13 February 2003

Legislative Council Panel on Security

Problem of Touting

Purpose

This paper seeks to provide information on enforcement action taken by the Police against touting activities in the Tsim Sha Tsui area.

Background

2. According to section 6A of the Summary Offences Ordinance (Cap. 228), any person who in a public place, to the annoyance of or in a manner likely to annoy any other person, importunes the latter to buy any article or thing or to give his custom to any business, whether or not the article or thing is offered for sale, or the business is carried on, by such first-mentioned person, shall be guilty of an offence of "Touting". The Police are aware of the touting activities in Tsim Sha Tsui area and appropriate enforcement actions are taken by the Police.

Enforcement Actions

3. Police officers will be deployed to conduct investigation into such activities during regular operations or when responding to complaints. Prosecutions will be instigated when there is sufficient evidence to substantiate the offence. Enforcement action by police is considered adequate in tackling the problem.

Enforcement Statistics

4. The number of successful prosecutions of such offenders in the Tsim Sha Tsui area in the past 2 years are as follows: -

	Prosecutions	Conviction	Penalty
2001	26	21	Fined \$600 to 2,000
2002	9	4*	Fined \$700

* In addition, two summonses have been applied for but the defendants have yet to appear before the Court.

Penalty

5. Any person found guilty of an offence under Section 6A of the Summary Offences Ordinance (Cap. 228), shall be liable on conviction to a fine of \$1,000 in the case of a first offence, and to a fine of \$2,000 and to imprisonment for 6 months in the case of a second or subsequent offence. There is no indication of inadequacy in these penalties.

Plans to Prevent the Touting Activities

6. Police will continue to take enforcement actions against individuals for touting when there is sufficient evidence of 'Importuning'. Beat patrol and frontline duties will remain vigilant against persons / activities relating to touting and responsive actions will be taken to effectively tackle the problem. To raise the awareness of those concerned, the police will also issue advisory / warning letters to shop owners and shopkeepers etc to advise / warn them as to the legal requirements to prevent touting and to behest their compliance with the law. These actions will be taken in Tsim Sha Tsui and other areas of Hong Kong where touting activities are considered to be more prevalent.

Security Bureau
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