

**For discussion
on 9 November 2004**

LegCo Panel on Food Safety and Environmental Hygiene

Proposed New Penalties for Repeat Cleanliness Offenders

PURPOSE

This paper seeks Members' views on the way forward for proposed new penalties for repeat cleanliness offenders.

BACKGROUND

2. In its report published in August 2003, the former Team Clean recommended, as part of the wide-ranging measures to enhance the environmental hygiene in Hong Kong, that the penalties for repeat cleanliness offenders be stiffened by the introduction of a new prosecution scheme as follows –

- (a) a first-time offender of any of the four cleanliness offences (namely littering, spitting, dog-fouling and unauthorized posting of bills and posters) under the fixed penalty regime would continue to be issued a fixed penalty notice of \$1,500;
- (b) if the offender commits a second offence within a period of 24 months, the enforcement department will withdraw the fixed penalty notice issued to the offender and replace it with a summons and, at the Court hearing, apply to the Court for a penalty higher than \$1,500 and the award of a community service order. The level and form of penalties will be left to the discretion of the Court; and
- (c) the four cleanliness offences will be counted as one type of offence under the scheme. In other words, a person who has committed a spitting offence and a dog-fouling offence will be treated as a repeat offender for the purpose of the scheme.

3. At the Panel meeting held on 3 March 2004, the Administration reported back on the results of public consultation on the proposed new penalties conducted between October and December 2003. Members were informed of the majority public support for the proposal of imposing a community service order and a penalty higher than \$1,500 for repeat cleanliness offences committed within 24 months.

4. Views of the then Panel Members were divided. While there was support for pursuing the proposal, some Members questioned the need to further increase the penalty shortly after the fixed penalty was increased from \$600 to \$1,500 in June 2003.

PRESENT POSITION

5. In the light of Members' views and concerns expressed at the meeting, we have kept in view the number of repeat cleanliness offences in the past few months. It is observed that since the fixed penalty on cleanliness offences was increased from \$600 to \$1,500 in June 2003, enforcement departments issued around 32 000 fixed penalty notices as at end September 2004. There were 555 repeat offenders, of which 497 committed offences twice and 58 committed thrice or more. Around 65% of the repeat offenders were between the age of 21 to 60 while those below 20 and above 60 accounted for 16% and 19% respectively. More than half of the repeat offences were littering. The percentage of repeat offenders out of the total number of public cleanliness offences prosecuted by fixed penalty notices is around 1.7%.

ADVICE SOUGHT

6. Members are invited to comment on whether the proposal of introducing new penalties for repeat cleanliness offenders should be further pursued.

Health, Welfare and Food Bureau
Food and Environmental Hygiene Department
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