

檔號：EFB(CR) 10/9/2

立法會參考資料摘要

定額罰款(公眾地方潔淨罪行)規例

引言

本摘要解釋載於附件的《定額罰款(公眾地方潔淨罪行)規例》(“該規例”)。

背景

2. 立法會在二零零一年七月通過《定額罰款(公眾地方潔淨罪行)條例》(“該條例”)。該條例旨在透過訂立定額罰款制度，以期對觸犯輕微的公眾地方潔淨罪行(包括在公眾地方亂拋垃圾、吐痰、未經准許而展示招貼或海報，以及犬隻糞便弄污公眾地方)起阻嚇作用。違例者可處定額罰款 600 元。

3. 新法例規定，定額罰款通知書須送交違例者，而就有關罪行進行法律程序時，須向裁判官出示證明書，以證明違例者欠繳定額罰款。該條例第 17 條賦權環境食物局局長訂立規例，以便進行多項工作，其中包括：

- (a) 根據該條例訂明通知書或證明書；
- (b) 指明定額罰款或附加罰款的收款人及繳款地點；以及
- (c) 指明定額罰款或附加罰款的付款方式。

規例

4. 規例訂明通知書／證明書的格式和付款方式。通知書／證明書以《定額罰款(交通違例事項)規例》(第 237 章，附屬法例)為模式，並作出適當的修改。

與基本法的關係

5. 律政司認為，擬議規例與《基本法》中不涉及人權的條文並無抵觸。

與人權的關係

6. 律政司認為，擬議規例與《基本法》中有關人權的條文相符。

法例的約束力

7. 律政司認為，擬議規例將不會影響《定額罰款(公眾地方潔淨罪行)條例》的現有約束力。

對財政和人手的影響

8. 擬議規例對人手和財政沒有影響。至於資本開支方面，現正為處理定額罰款通知書安裝電腦系統，費用為 5,072,000 元。

立法程序時間表

9. 擬議規例將於二零零二年四月四日刊登憲報，並於二零零二年四月十日提交立法會。

公眾諮詢

10. 當局在二零零一年二月把《定額罰款(公眾地方潔淨罪行)條例草案》提交立法會之前，已諮詢食物及環境衛生諮詢委員會、清潔香港策劃委員會以及立法會食物安全及環境衛生事務委員會。該三個委員會的委員大致上支持有關建議。該條例草案隨後於二零零一年七月十二日獲得立法會通過。

宣傳安排

11. 當局將會展開一系列宣傳計劃，以確保公眾充分知悉有關定額罰款制度的實施。宣傳計劃包括發表新聞公告、在電台及電視播放政府宣傳聲帶和宣傳短片、張貼海報和橫額，以及在有需要時舉辦特別宣傳活動。

查詢

12. 如對本參考資料摘要有任何疑問，請致電 2136 3333 與環境食物局首席助理局長(A)2 劉淦權先生聯絡。

環境食物局

二零零二年四月二日

中文文本第 1 稿： 1.3.2002
(相當於英文文本 3rd draft： 1.3.2002)
中文文本第 2 稿： 13.3.2002
(相當於英文文本 4th draft： 13.3.2002)
中文文本第 3 稿： 20.3.2002
(相當於英文文本 5th draft： 20.3.2002)

《定額罰款(公眾地方潔淨罪行)規例》

FIXED PENALTY (PUBLIC CLEANLINESS OFFENCES) REGULATION

《定額罰款(公眾地方潔淨罪行)規例》

(根據《定額罰款(公眾地方潔淨罪行)條例》
(第 570 章)第 17 條訂立)

1. 生效日期

本規例自環境食物局局長以憲報公告指定的日期起實施。

2. 條例第 3 及 6 條所指的通知書

(1) 本條例第 3(1)條所指的通知書須符合附表中表格 1 的格式。

(2) 本條例第 6(1)條所指的通知書須符合附表中表格 2 的格式。

(3) 採用附表中表格 2 的通知書如簽上或印有代表有關主管當局行事的公職人員的姓名，即屬有效。

3. 定額罰款的繳付

(1) 任何人如接獲採用附表中表格 1 或表格 2 的通知書，可在該通知書內所述的期間內，以下述方式繳付有關定額罰款 —

- (a) 以郵遞方式寄往庫務署收；
- (b) 親自或透過其代理人在任何郵政局(郵政局信箱或流動郵政局除外)繳付；
- (c) 透過銀行自動櫃員機；
- (d) 藉電話使用一般稱為“繳費聆”的服務；
- (e) 透過互聯網；或

(f) 透過銀行提供的電話理財服務。

(2) 任何人如意欲按照第(1)(a)或(b)款繳付定額罰款，須將有關通知書連同款項按照該通知書列明的繳款辦法一併交付。

(3) 凡按照本條繳付任何款項，所繳付的款項須為通知書所指明的款額；如就多於 1 份通知書繳款，則所繳付的款項須為該等通知書所指明的款額的總和。

(4) 按照第(1)款繳付的款項，不得包括並非該份或該等通知書所指明的事宜所關乎的款額，亦不得構成該款額的一部分。

(5) 任何款額如非按照本規例繳付，庫務署署長可將款額退回付款人。

4. 條例第 9 條所指的證明書

本條例第 9(2)條所指的證明書須符合附表中表格 3 的格式。

環境食物局局長

2002 年 月 日

註釋

本規例的目的是 —

- (a) 根據《定額罰款(公眾地方潔淨罪行)條例》(第 570 章)第 17 條，訂明各種要求繳付定額罰款通知書的格式和在追討定額罰款法律程序中提交的欠繳定額罰款的證明書；及
- (b) 指明繳付定額罰款的方式。

職位及地區 Post and District 部門 Department

* 請刪去不適用者。 * Please delete where appropriate.

請細心閱讀背頁所載的繳款辦法及附註。 Please read carefully the payment instructions and notes set out overleaf.

機印所示款項收訖。 Received the sum printed.

郵寄繳款回條 Slip for Payment by Post

CRC 122	表格 FORM	編號 SERIAL NUMBER												金額 AMOUNT	
	1														
													日 day 月 month 年 year		
													發出日期 Date of issue		

<<預印條紋碼 Pre-printed Bar Code>>

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”。
 - (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>)。

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) **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. 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。

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.

表格 2
FORM 2

《定額罰款(公眾地方潔淨罪行)條例》
(第 570 章)

FIXED PENALTY (PUBLIC CLEANLINESS OFFENCES) ORDINANCE
(Chapter 570)

繳付定額罰款通知書
(第 6(1)條)

NOTICE DEMANDING PAYMENT OF FIXED PENALTY
(Section 6(1))

致： (先寫姓氏)
To : (Surname first)
地址為
of

於 年 月 日大約 在
發生一宗違反《 條例》(第 章)/規例》(第 章, 附屬法例)*
第 條的公眾地方潔淨罪行, 即 ,
你現涉嫌須對該罪行負責。

On at about at
a public cleanliness offence contrary to section/regulation* of Ordinance
(Chapter)/Regulation/Regulations (Chapter sub. leg.)*, namely, ,
has been committed for which you are alleged to be liable.

本人現要求你繳付定額罰款\$600, 並通知你若意欲就該罪行的法律責任提出爭議, 你必須通知本人。

I hereby demand payment of the Fixed Penalty of \$600 and inform you that, if you wish to dispute liability for the offence, you must inform me.

你必須在本通知書送達的日期起計的 10 天內 —
You are required —

- (a) 繳付定額罰款; 或
to pay the Fixed Penalty; or
- (b) (使用附上的通知書)通知本人你意欲就該罪行的法律責任提出爭議。
to notify me in writing that you wish to dispute liability for the offence (by using the attached notification form),

within 10 days from the date of service of this notice.

如你不按照本通知書繳付定額罰款或通知本人你意欲就法律責任提出爭議, 本人將向裁判官申請作出命令, 命令你繳付定額罰款、相等於該項定額罰款數額的附加罰款及訟費\$300。

If you do not pay the Fixed Penalty or notify me that you wish to dispute liability in accordance with this notice, an application will be made to a magistrate for an order that you pay the Fixed Penalty, an additional penalty equal to the amount of the Fixed Penalty and the sum of \$300 by way of costs.

日期：
Date :

.....
主管當局(..... 代行)
for the Authority

*請刪去不適用者。*Please delete where appropriate.

請注意 Please note :

1. 如你已繳付上述指明的定額罰款，則無須理會本通知書。
If you have paid the Fixed Penalty specified above, you should ignore this demand notice.
2. 款項應按照背頁所載的指示繳付。
Payment should be made according to the instructions set out overleaf.

機印所示款項收訖。 Received the sum printed.

郵寄繳款回條 Slip for Payment by Post

CRC 122	表格 FORM	編號 SERIAL NUMBER												金額 AMOUNT			
	2																

<<預印條紋碼 Pre-printed Bar Code>>

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”。
 - (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。

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) **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.

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。

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.

通知書編號
Notice Serial No.

《定額罰款(公眾地方潔淨罪行)條例》
(第 570 章)

FIXED PENALTY (PUBLIC CLEANLINESS OFFENCES) ORDINANCE
(Chapter 570)

致主管當局
(第 6(1)條)

NOTIFICATION TO AUTHORITY
(Section 6(1))

致：主管當局

To : The Authority

就貴處/署*根據《定額罰款(公眾地方潔淨罪行)條例》第 6(1)條所發出的通知書(詳情本人經已閱悉)，本人意欲就該通知書所指明的罪行的法律責任提出爭議，特此通知。

Take notice that I wish to dispute liability for the offence specified in your notice (particulars of which I have taken notice) issued under section 6(1) of the Fixed Penalty (Public Cleanliness Offences) Ordinance.

日期：
Date :

簽名
Signature
姓名(全名)
Name (in full)

*請刪去不適用者。

*Please delete where appropriate.

表格 3
FORM 3

《定額罰款(公眾地方潔淨罪行)條例》
(第 570 章)

FIXED PENALTY (PUBLIC CLEANLINESS OFFENCES) ORDINANCE
(Chapter 570)

關於犯事人身分、地址及欠繳定額罰款的證明書
(第 9(2)條)

CERTIFICATE OF IDENTITY OF OFFENDER, ADDRESS
AND NON-PAYMENT OF FIXED PENALTY
(Section 9(2))

現證明 –

This is to certify that –

- (a) 於..... 年 月 日大約 ，發生一宗違反
..... ，即
的罪行，..... 涉嫌須對該罪行負責。
On the day of , at about ,
an offence of
contrary to has been committed
for which is alleged to be liable.
- (b) 於 年 月 日，..... 的地址為
..... 。
On the day of , the address of
was
- (c) 於 年 月 日前，該人士未有就(a)段指明的以及根據《定額罰款(公眾地方潔淨罪行)條例》第 6(1)條送達日期為 的通知書(編號.....)
指明的罪行繳付定額罰款。
Before the day of , no payment was made of the Fixed Penalty
in respect of the offence specified in paragraph (a) and in Notice Serial No.
dated which was served under section 6(1) of the Fixed Penalty
(Public Cleanliness Offences) Ordinance.
- (d) 於 年 月 日或以前，..... 沒有通知
..... 他意欲就該罪行的法律責任提出爭議。
On or before the day of ,
had not notified that he wished to dispute liability for
the offence.

日期：

Date :

.....
主管當局(..... 代行)
for the Authority