

立法會
Legislative Council

LC Paper No. LS123/02-03

**Paper for the House Committee Meeting
on 6 June 2003**

**Legal Service Division Report on
proposed resolution under section 18 of the
Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap. 570)**

The Secretary for Health, Welfare and Food (the Secretary) has given notice to move a motion under section 18 of the Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap. 570) (the Ordinance) at the Legislative Council meeting of 18 June 2003. The purpose of the motion is to seek the Legislative Council's approval to increase the fixed penalty in relation to certain public cleanliness offences.

2. Under the Ordinance, a person who has committed certain offences relating to public cleanliness will be offered an opportunity to discharge his liability to conviction for the offences by the payment of a fixed penalty. These offences, which are set out in Schedule 1 to the Ordinance, include unauthorized display of bills or posters, depositing of litter or waste in public places, spitting in public places and country parks, and fouling of street by dog faeces. The current fixed penalty for these offences is \$600 which may be varied by the Legislative Council by resolution. The effect of the fixed penalty system is that where a person who has received a fixed penalty notice for an offence set out in Schedule 1 to the Ordinance and has paid the full amount of the fixed penalty shown in the notice, he will not be liable to be prosecuted or convicted for the offence specified in the notice.

3. The proposed resolution seeks to increase, with effect from 26 June 2003, the fixed penalty from \$600 to \$1,500 for the following public cleanliness offences specified in the Ordinance in order to increase their deterrent effect in view of the health hazards they pose to the community:

- (a) depositing of litter or waste in public places;
- (b) spitting in public places;
- (c) depositing of litter in country parks and special areas;
- (d) spitting in country parks and special areas;
- (e) marine littering; and
- (f) unlawful depositing of waste.

4. The Panel on Food Safety and Environment Hygiene was consulted on 2 June 2003 on the proposal to increase the fixed penalty for littering and spitting offences to \$1,500. While the Panel generally supported that more stringent actions should be taken against public cleanliness offences, some members expressed concern about raising the fixed penalty substantially to \$1,500. These members suggested that strict enforcement of the fixed penalty system and additional measures such as community service orders could provide sufficient deterrence. Some members considered that as dog faeces could also spread infectious diseases, the fixed penalty for fouling of street by dog faeces should also be increased. The Panel considered that a subcommittee should be formed to examine the proposed resolution.

5. In the light of the views expressed by members of the Panel on Food Safety and Environmental Hygiene, Members may wish to set up a subcommittee to examine the proposed resolution in detail.

Prepared by

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