

CHAPTER 5

SUSTAINABILITY

A. NEW MODALITIES

5.1 Environmental hygiene problems commonly found in our neighbourhoods include the accumulation of refuse, drains or pipes that are damaged or illegally connected, dripping air-conditioners and water cooling towers, torn and rusty canopies, and an assortment of illegal structures and extensions such as ventilation ducts, sheds, etc. In older buildings, water seepage and leaking drains are also prevalent. Figures A-1 to A-3 give a schematic overview of these problems.

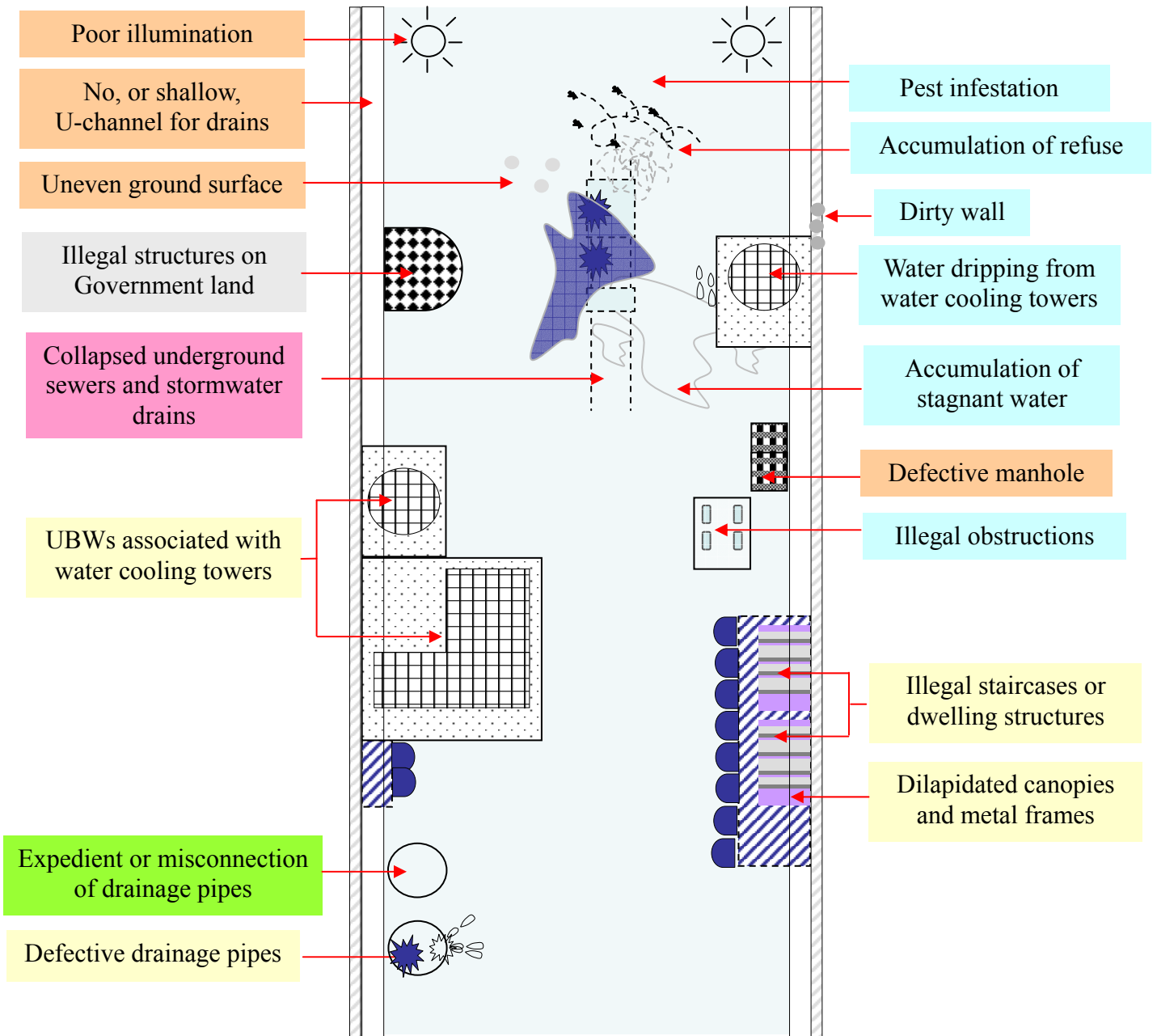
5.2 To tackle these problems effectively and efficiently, we need to put in place enhanced systems. Based on pilot projects undertaken in Phase I and an initial review of the mechanisms involved, we have worked out new modalities that would pinpoint responsible departments, streamline procedures, identify clear work targets, and set specific time frames where possible. Our aim is to fortify inter-departmental co-ordination and establish effective modes of operation for handling environmental hygiene problems in the future.

Figure A-1

Common Problems Found in Rear Lanes and Private Buildings	
Problems	Cause
Accumulation of refuse	Many irresponsible people and business operators treat rear lanes as common dumping grounds for refuse and unwanted articles as well as areas for dish-washing and other activities.
Canopies	Torn and rusty canopies are common. They hold refuse and stagnant water and pose risks of dengue fever and other health hazards. Throwing objects from height is also a major cause of accumulated refuse on these canopies.
Damaged and illegal drain pipes	Illegally connected or defective drain pipes discharge untreated sewage directly into open channels at the surface of rear lane and streets or onto stormwater drains, causing water pollution, pest infestation, the breeding of mosquitoes, foul smell, slippery surfaces and other public health hazards.
Water cooling towers and air-conditioners and associated ventilation systems	Illegally installed by shops and restaurants for their business operations, many of these structures are not properly maintained and leak profusely. Because of their size, most water cooling towers protrude over the rear lane and affect illumination, turning the lanes into dark and wet alleys.
Defective underground drainage system	Defective and collapsed underground drains of rear lanes cause choked drains and backflow of effluent onto the lanes, causing serious environmental hazard.
Water seepage	Damp patches as a result of water seepage and leaking drains are commonly found in housing units. Water seepage constitutes around one-eighth of the environmental hygiene complaints received by ICC.

Figure A-2

Schematic Plan of Filthy Rear Lane and Departmental Responsibilities

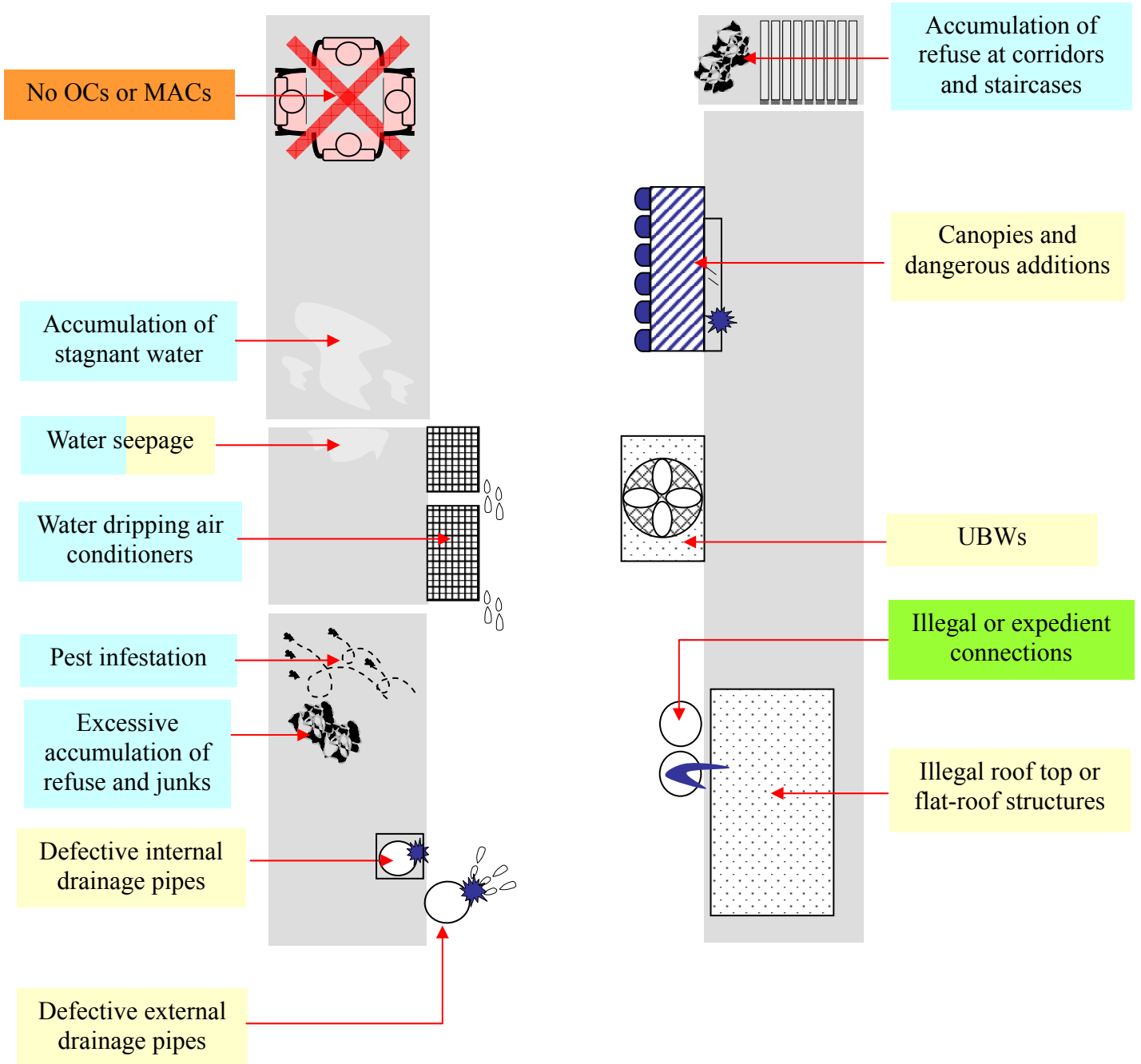


Responsible departments:

- BD
- DSD
- EPD
- FEHD
- HyD
- Lands D

Figure A-3

Schematic Plan of Unhygienic Private Buildings and Departmental Responsibilities



Responsible departments:

- BD
- EPD
- FEHD
- HAD

5.3 The new modalities cover six aspects, namely : reinforce the message of ‘zero tolerance’; streamline enforcement procedures; cut red tape; break traditional boundaries; establish an enhanced cost recovery mechanism; and strengthen co-ordination among departments.

Reinforce the Message of ‘Zero Tolerance’

5.4 Under existing laws dealing with environmental nuisance and structures that generate such nuisance (e.g. the Public Health and Municipal Services Ordinance (Cap. 132) and the Buildings Ordinance (Cap. 123)), the creation of an environmental nuisance or allowing a structure to generate such a nuisance does not in itself constitute an offence, and thus does not entail any penalties. People responsible for such nuisances are given reasonable opportunities to abate or remove them. Only when they fail to do so can the authorities take prosecution action or remove the nuisance on their behalf, and recover the costs afterwards. The lack of effective control measures with clear legal consequences as a deterrent has resulted in the continuous aggravation of these problems. It also gives the public the wrong impression that Government tolerates these acts. This in turn emboldens the reckless, resulting in more irresponsible acts.

5.5 The exception to the above are the four cleanliness offences relating to spitting, littering, dog-fouling and unauthorised display of bills and posters, as well as accumulation of water with larvae or pupae of mosquitoes. A person is deemed to have committed an offence immediately when he performs such acts or, in the latter case, when such condition is found on his premises.

5.6 We need to reinforce the message of ‘zero tolerance’. Under the new modalities, the authorities will, through their websites or publicity materials, set out clear enforcement intentions and convey clear messages to the public on what will and will not be tolerated, measures

for tackling existing nuisances, and ways to deal with the roots of these problems. We also recommend the following –

- (a) *Make the creation of an environmental nuisance* an offence* – person who knowingly or through negligence causes an environmental hygiene nuisance or allows such a nuisance to persist should be deemed to have committed an offence that entails penalties in addition to the requirement of complying with the abatement notice. This will increase the deterrent effect and help convey to the public our ‘zero tolerance’ enforcement intention.
- (b) *Consider fixed penalty where appropriate* – In connection with (a), we will consider, where appropriate, introducing fixed penalties for environmental nuisance offences. The advantage of the fixed penalty system lies in its simplicity, instant reinforcement and strong deterrent effect.

In the Interim Report, we pointed out that dripping water from air-conditioners and water cooling towers was a common environmental nuisance in Hong Kong. For air conditioners alone, 8 763 complaints were received in 2002; from January to May 2003, there were over 1 700 complaints. We will step up the enforcement against this nuisance. In order to deal with the problem effectively, we will consider making this environmental nuisance a fixed penalty offence. FEHD will study the feasibility and examine the legal aspects and other related issues with a view to putting this fixed penalty in place as soon as possible.

* Examples are : water dripping from air conditioners; emission of dust, fume or effluvia from a premises; emission of hot air; accumulation or deposit of litter or waste; keeping of animals and birds in such a place or manner as to be a nuisance or injurious to health.

The relevant bureaux and departments will review the relevant ordinances for the purposes expressed in (a) and (b) above and will complete the review by October 2003.

Streamline Enforcement Procedures

5.7 At present, people creating a nuisance are given more than reasonable opportunities to deal with the problem before Government takes action. There are prescribed legal provisions requiring the service of notices to alert the individuals responsible. If there is no response, the authorities will apply to the Court for an order requiring the individuals to abate the nuisance within a specified period. If there is an appeal, the process is further extended. Only after going through this entire process can Government take action on non-compliance cases and stand a chance of recovering costs for rectification work done.

5.8 The major steps in the existing enforcement procedures of FEHD on sanitary nuisances and of BD on UBWs are summarised in Figures B-1 and B-2 overleaf.

Figure B-1

FEHD	Major Steps in Current Enforcement Procedures – for Sanitary Nuisance	
	Legal Process	Administrative Process
<ul style="list-style-type: none"> FEHD identifies the individual(s) responsible for the nuisance and, if necessary, gain entry to the premises to confirm the existence and extent of the nuisance. 		7 days (depending on the complexity of the case)
<ul style="list-style-type: none"> FEHD issues a nuisance notice requiring the person who causes the nuisance (or the owner or occupier of the premises) to abate it within 2 to 30 days depending on the complexity of the case. 		2 to 30 days (depending on the complexity of the case)
<ul style="list-style-type: none"> FEHD inspects again to see if the nuisance has been abated after the expiry of the notice. 		-
<ul style="list-style-type: none"> If the nuisance has not been abated, FEHD can apply to the Court for a nuisance order, requiring the responsible person to abate the nuisance. 		For arranging Court session: 30 days
<ul style="list-style-type: none"> If the Court rules in favour of FEHD, the Court will issue a nuisance order to require the responsible person to abate the nuisance within a specified period of time. 		The Court to decide
<ul style="list-style-type: none"> If the person fails to comply with the nuisance order, FEHD may initiate prosecution action against the person. FEHD takes action to abate the nuisance and may recover the cost from the person*. 		1 to 30 days (depending on the complexity of the case)
<ul style="list-style-type: none"> Recipient of a nuisance order can appeal within 14 days from the date of receipt of the order. 	14 days	

* Failure to comply with the nuisance notice and nuisance order is an offence, the maximum penalty of which is \$10,000 and \$25,000 respectively. There is also a daily penalty for continued non-compliance.

Figure B-2

Buildings Department		Major Steps in Current Enforcement Procedures - for UBWs	
		Legal Process	Administrative Process
<ul style="list-style-type: none"> Upon receipt of a complaint or report, an inspection will be conducted within 10 to 50 days for defective drains and 30 to 50 days for UBWs 			10-50 days
<ul style="list-style-type: none"> Prepare inspection report and issue advisory letter. Usually takes 30 days and allow time for compliance 			30 days
<ul style="list-style-type: none"> Check ownership and address, usually takes 21 days 			21 days
<ul style="list-style-type: none"> Issue an order to rectify the defective drains and to remove or demolish the unauthorised structure in 60 days. If the works involved are complicated, the period will be reasonably extended to allow OC or owners to organise the works 		60 days	
<ul style="list-style-type: none"> When BD serves an order under section 24 of the Buildings Ordinance, the affected party is allowed 21 days to file a notice of appeal to the Appeal Tribunal 		21 days	
<ul style="list-style-type: none"> The appeal procedure is prescribed by the Building (Appeal) Regulation. The appellant can file the statement of particulars within 28 days or an extended period from the date of the appeal notice. BD is allowed 28 days or an extended period to respond. Both sides can seek further particulars from each other within 14 days upon receiving the representation from the other side and is given 14 days or an extended period to respond 		84 days	
<ul style="list-style-type: none"> After concluding the exchange of documents, the Appeal Tribunal shall give at least 21 days for the parties to prepare for the appeal hearing 		21 days	

5.9 To streamline the process and set out a standard approach for all departments concerned, we have established the following new modality -

- (a) *The nuisance – whether at a public place or private premise – causes an immediate public health hazard and remedial actions are needed in the first instance, but the person responsible for the nuisance is not easily identifiable or unwilling to act.* The authorities may, under the powers of the relevant ordinance, immediately intervene and remove the nuisance. Costs will be recovered from the responsible parties identified, and prosecution actions will be instituted as appropriate.
- (b) *The case – whether at a public place or private premise – is not an emergency and the person responsible can be easily identified.* The person will be charged for committing the offence. In addition to being issued a summons or a fixed penalty notice, the offender will also be issued with a notice requiring the abatement of the nuisance within a specified period of time. Failure to comply will be regarded as another offence. The authorities may prosecute the individual responsible for the nuisance for not complying with the notice, and may take whatever action is necessary to abate the nuisance and recover the costs from the individual afterwards.
- (c) *The case is not an emergency and the person responsible is not easily identifiable (for example, when it involves the common area of a private multi-unit residential building with multiple owners).* The authorities will issue a public notice to the attention of the owners of the subject property. The notice can be made by way of posting of notices at the common areas of the subject

building or where the nuisance is found. Where the nuisance continues and poses imminent public health hazards, the authorities will take remedial actions, recover the costs and take appropriate prosecution.

5.10 Enforcement departments - including BD, EPD, HyD, DSD, Lands D and FEHD, supported by the Department of Justice (D of J), will review the enforcement procedures prescribed under the relevant ordinances, with a view to incorporating the above modality into their enforcement regime and establishing a balanced scheme that allows for a process that is fair and just while at the same time streamlined and with a suitable deterrent effect. The review of the enforcement procedures shall be completed by October 2003.

5.11 A flowchart illustrating the above new modality is in Figure C. A chart to highlight the difference between the existing and streamlined procedures for dealing with UBWs such as water cooling towers by the Buildings Authority is in Figure D. We have illustrated as an example in Figure E how this modality will apply to Cap. 132 and how the legislation will be amended.

Modality to Tackle Environmental Hygiene Nuisance

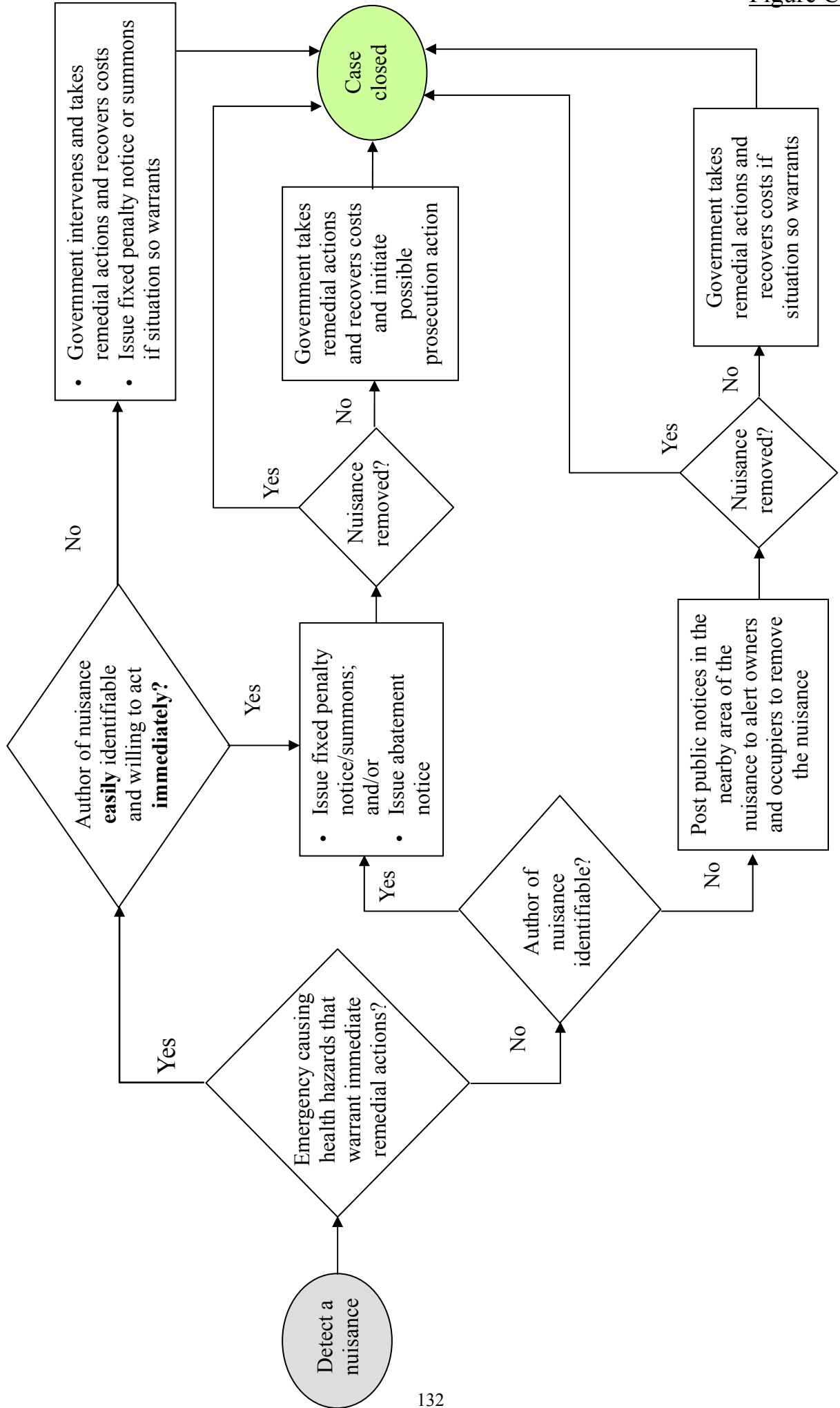
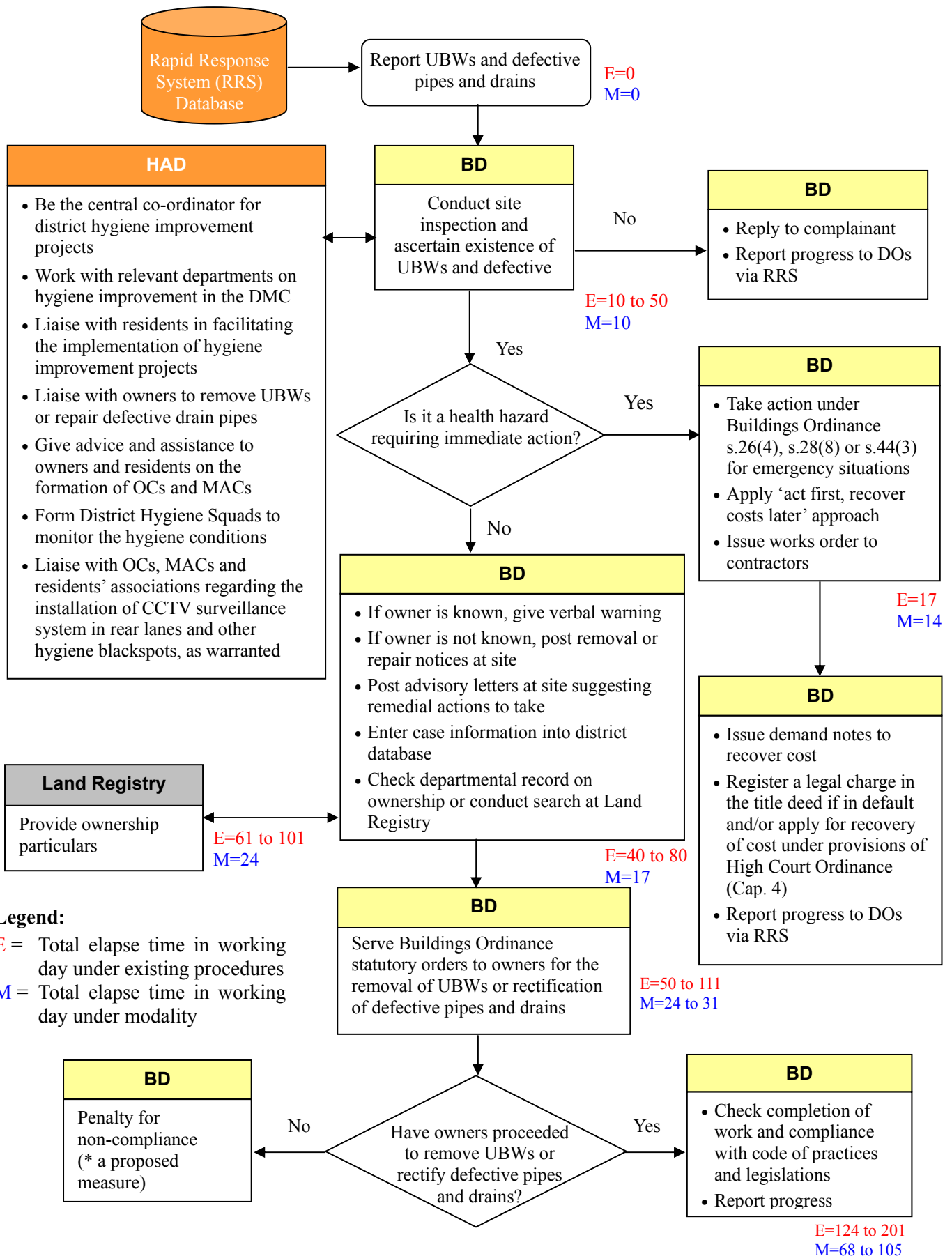


Figure C

Modality to (a) Remove UBWs Creating an Environmental Hazard and to (b) Tackle Defective Pipes or Underground Drains in Rear Lanes



***Applying the New Modality to
the Public Health and Municipal Services Ordinance (Cap. 132)***

The new modality on enforcement will apply to Cap. 132.

At present, the mere creation of a nuisance* under section 12 of Cap. 132, which may be dealt with summarily under section 127, is not an offence. The following amendments are proposed -

FEHD will, in accordance with the new modality, amend the law to make the act of knowingly or through negligence creating a nuisance under section 12 an offence entailing penalties.

FEHD will also issue an abatement notice to the person responsible for the nuisance. Failure to comply with the notice will constitute another offence.

In emergency cases or where the continued existence of the nuisance may pose an imminent public health hazard or may have reached such a state, FEHD will be empowered to intervene and abate the nuisance and will recover the cost from the party responsible.

We aim to start the legislative process to effect the above amendments in 2004.

* The types of nuisance include –

- (a) any premises (including any cemetery) or vessel in such a state as to be a nuisance or injurious or dangerous to health;
- (b) any pool, well, ditch, gutter, watercourse, drain, sewer, water tank or container, cesspool, pond, pit, sanitary convenience, soil, waste or rainwater pipe, dust bin or refuse container or other like place or thing so foul, or in such a state, as to be a nuisance or injurious or dangerous to health;
- (c) any accumulation or deposit (including any dead body) which is a nuisance or injurious or dangerous to health;
- (d) any animal or bird kept in such a place, or in such a manner, as to be a nuisance or injurious or dangerous to health;
- (e) the emission of dust, fumes or effluvia from any premises in such a manner as to be a nuisance;
- (f) the emission of dust from any building under construction or demolition in such a manner as to be a nuisance; and
- (g) the emission of air either above or below the temperature of the external air, or the discharge of water, whether waste or otherwise, from the ventilating system in any premises in such manner as to be a nuisance.

Cut Red Tape

5.12 The current enforcement procedures as detailed in Figures B-1 and B-2 involve multiple administrative steps that take time. They include arranging for inspection, identification and location of the individuals responsible for the nuisances, applying to the Court for the granting of orders or arranging for hearings by appeal tribunals, etc.

5.13 Enforcement departments will review the time and costs of individual enforcement steps and procedures. They will consider alternative operational procedures, such as contracting out work relating to identifying and locating owners, etc., with a view to expediting the process and increasing efficiency and productivity. We aim to come up with improved procedures by October 2003.

Break Traditional Boundaries

5.14 To effectively tackle hygiene problems, departments need to break boundaries. Where a department possesses legal power to deal with an environmental hygiene problem, it should readily exercise such power even if another department may possess similar powers.

5.15 Despite the limited scope of the preamble of the Buildings Ordinance, BD has exercised its authority under sections 24B(1)(d) and 28(3) of the Ordinance to act on drainage and building works that create health hazards or environmental nuisances. In practice, BD has invoked such powers sparingly to deal with defective or illegal drainage works constituting an insanitary condition. Under the new modality, BD will widen the use of these provisions to deal with environmental hygiene issues associated with building structures.

Establish an Enhanced Cost Recovery Mechanism

Application of ‘act first, recover costs later’ in emergencies

5.16 Government will recover the costs of works done or services rendered, for situations involving emergencies or non-compliance of statutory orders, under the civil debts framework.

5.17 Government has the legal right to abate or remove nuisances in situations involving emergencies where the individuals involved fail to respond immediately to the abatement notices issued by the authorities. The costs incurred will be subject to recovery under the civil debts framework. An example of how the Building Authority can apply this approach under the Buildings Ordinance is illustrated in Figure F.

Figure F

Applying the ‘Act First, Recover Costs Later’ Approach under the Buildings Ordinance (Cap. 123)

Sections 26(4), 28(8) and 44(3) of the Buildings Ordinance provide Government with an effective tool for intervention in emergency situations. It stipulates that the Building Authority can proceed with remedial works if of the opinion that an emergency exists and immediate action is necessary. The Authority is authorised, under section 33 of the Ordinance, to recover the cost of works carried out for such emergencies as a debt to Government. The Authority can then recover the cost in the form of civil debt in accordance with the procedures laid down in the Rules of the High Court (Cap. 4, sub. leg. A).

Order abatement by the responsible party for non-emergency situations

5.18 For non-emergency cases, Government will order abatement by those responsible. Under the new modality, offenders will be responsible for undertaking remedial actions within a specified period or will face penalties. If an offender fails to comply, or the nuisance may pose an imminent health hazard, the authorities may take remedial action to remove the nuisance and recover the costs involved afterwards. If the party creating the nuisance is not easily identifiable, and the nuisance occurs in the common area of a residential building with multiple ownership, the authorities will proceed to recover the costs from the assets of the OCs or from all the owners directly if the building does not have an OC.

Recovery of debt

5.19 In the Interim Report, we mentioned that we would look into possible avenues for cost recovery that included a surcharge on rates demands. We have studied the matter. The object of the Rating Ordinance (Cap. 116) is to collect rates – an indirect tax levied on properties and charged at a percentage of the rateable value (the estimated annual rental value) of the property. It is outside the scope of the Rating Ordinance to recover costs for other matters. While Government may request a re-valuation to reflect the improvements brought about by the hygiene measures or services it has provided, the resulting increase in the market value of an old tenement building in an old district often will not readily and fully reflect the cost of improvements. Using rates as a vehicle does not appear a viable option.

5.20 One of the main considerations for Government in taking cost recovery action is to ensure that at each step of the collection process, a debtor is given reasonable opportunity and time to settle payment. For one who fails to pay within the specified period of time, we will continue

to follow the current mechanism: a case involving an amount up to \$50,000 will be brought to the Small Claims Tribunal; one up to \$600,000 will be brought to the District Court; and any claim exceeding \$600,000 will be heard in the Court of First Instance.

5.21 To secure the judgement debt, we will institute a more aggressive approach in dealing with defaulters –

- (a) for cases involving properties owned by individuals, we will apply to the Court to register Charging Orders against the defaulters' properties;
- (b) if defaulters are recalcitrant offenders, we will apply to the Court for an Order for Sale of the property;
- (c) for cases involving properties occupied by tenants, we will apply for recovery from the rental income of the subject properties; and
- (d) for cases involving recovery of costs for works done in the common parts of buildings with OCs, we will apply for recovery of costs from the existing assets of the OCs in the first instance. If the outstanding amounts exceed the OCs' balance, we will pursue individual owners who are in default as per (a) to (c) above.

5.22 We will continue to review the recovery mechanism of Government with a view to establishing a just and cost-effective system with streamlined administrative procedures.

Strengthen Co-ordination among Departments

Empowered district administration

5.23 In trying to mitigate environmental hygiene problems, it is not uncommon for departments to run into situations where there is confusion as to the delineation of responsibilities between departments. There may be grey areas where seemingly no department takes charge or claims ownership. In the case of removal of illegal works, for instance, HyD has the power under the Road Traffic Ordinance (Cap. 374) to remove obstructions on roads and rear lanes. The Buildings Ordinance also empowers BD to remove unauthorised building works. Similarly, Lands D is the authority under the Land (Miscellaneous Provisions) Ordinance (Cap. 28) for all cases involving illegal occupation of government land including pavement and public rear lanes. Another example is the handling of defective pipes. BD is empowered under the Buildings Ordinance to take action on defective pipes attached to buildings, while EPD is the authority under the Water Pollution Control Ordinance (Cap. 358) to deal with cases involving water pollution, and FEHD can also exercise its authority under Cap. 132 for such environmental nuisances. For such situations, there is often disagreement among departments as to the best approach, applicable ordinance or enforcement department to tackle the problem. This has resulted in delay or inaction.

5.24 Under the new modality, the empowered district administration framework – which involves DOs, DCs and DMCs – establishes the necessary institutional nucleus for tackling such situations. The DMCs – chaired by the DOs and comprising DC members and officers of all major departments serving the districts – will co-ordinate the provision of services and facilities to ensure that district needs are promptly met. HAD and DOs, playing the central co-ordinator role, will liaise with residents and the relevant enforcement departments to facilitate the implementation of environmental hygiene improvement projects, and work out with the departments the demarcation and sharing

of responsibilities in such projects as necessary. Where problems cannot be resolved at the district level, or where resolution of problems requires possible change of policies that carry cross-bureau or cross-sectoral implications, the DOs concerned will, in consultation with HAD headquarters, promptly notify the relevant Heads of Departments, Permanent Secretaries and Principal Officials. DOs will also be invited to attend Policy Committee meetings chaired by the Chief Secretary for Administration to reflect problems in the districts. The roles of HAD and relevant departments under the new modality, using rear lanes and private buildings as examples, are set out in [Figure G](#). Another example of inter-departmental efforts – the handling of illegal cooked food hawkers – is set out in a modality flowchart in [Figure H](#).

5.25 The above enhanced system acts as a vehicle to spearhead the implementation of district improvement measures, foster co-ordination and communication among departments, and ensure that issues related to district hygiene are discussed and resolved in a prompt, co-ordinated and effective manner. Since the publication of the Interim Report, all the relevant departments have already come together to establish and consolidate this structure. The DMCs in all 18 districts have been meeting regularly, and special working groups have been set up to tackle district hygiene matters. A number of DOs have attended Policy Committee meetings to explain the hygiene situation in their districts.

Rapid Response System

5.26 The empowered district administration framework also comprises an enhanced system for rapid response and follow-up actions to address district hygiene problems.

5.27 We have re-engineered the complaint-handling machinery in different departments and put in place a Rapid Response System (RRS). The purpose of the RRS is to ensure quick response, enhance departmental co-ordination and strengthen the monitoring of problems.

Under the System, DOs maintain a district database of hygiene blackspots and environmental hygiene related complaints for monitoring purposes. They hold regular meetings with the departments concerned to discuss outstanding cases and delineate, where necessary, responsibilities among departments to ensure inter-departmental co-operation and quick remedial action. Details of the operation of the RRS and the enhanced performance pledges of departments are set out in Figures I-1 and I-2.

Way Forward

5.28 With a large number of improvement measures in the pipeline, and the emergence of new problems in future, we will need to keep refining the modalities developed here and formulate new modalities as necessary. As the central co-ordinator in district administration, HAD will oversee this continuous process of updating and promulgating the modalities. If any of the proposed enhanced procedures involve amendments of laws, the relevant bureaux and departments will undertake public consultation and initiate the legislative process.

5.29 Notwithstanding all the efforts and measures we have been and will be taking, Government alone cannot eradicate all the hygiene problems. Identifying and rectifying the inadequacies in the system is only part of the solution. Many of the problems are the results of a lack of civic-mindedness and the irresponsible acts of inconsiderate people. We need the participation of the community to work out sustainable solutions. We also need more effective civic education programmes to change mindsets and habits. These issues will be addressed in the following section.

Modality to Tackle Hygiene Problems in Rear Lanes and Private Buildings under Empowered District Administration

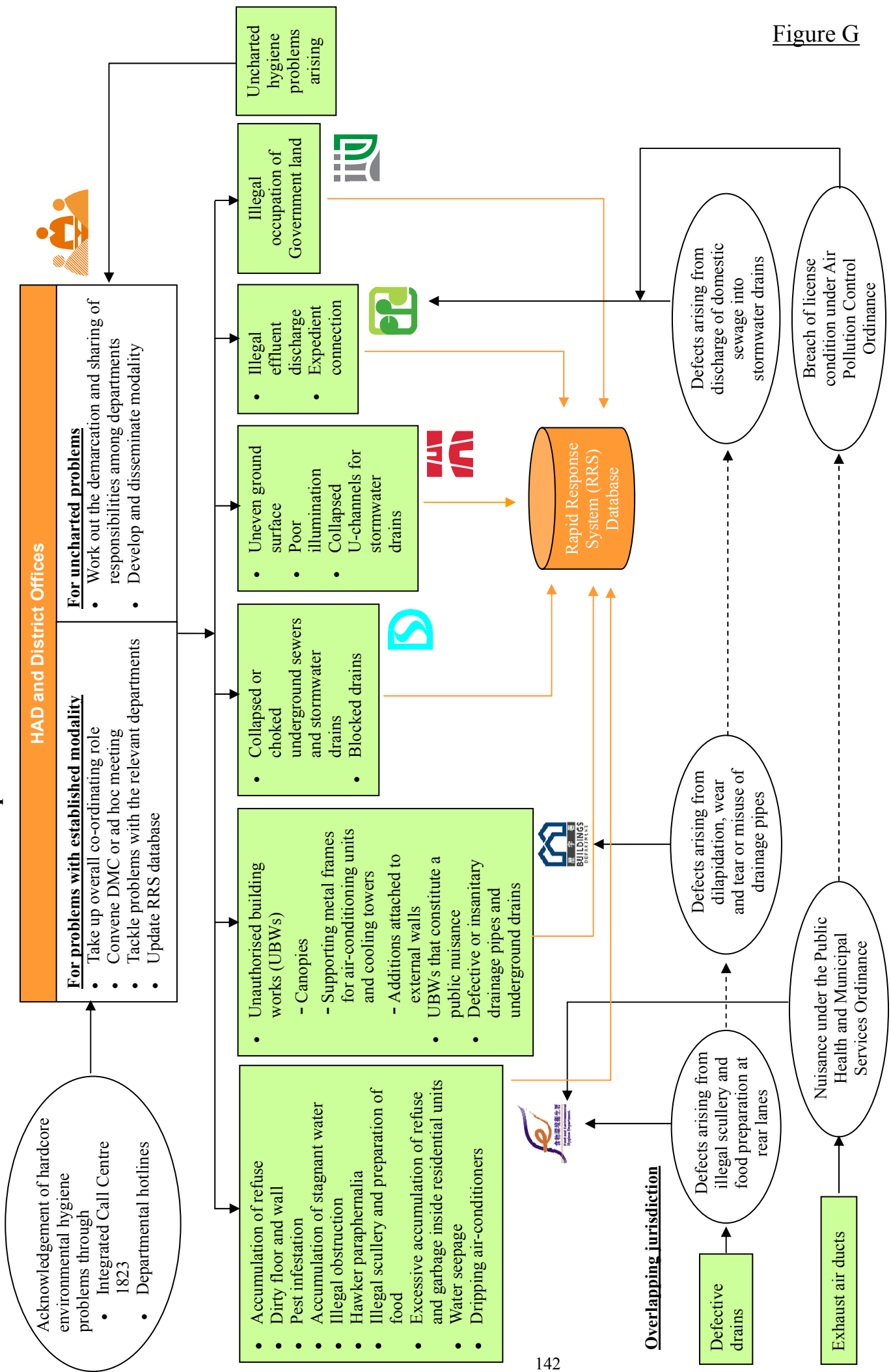


Figure G

Modality to Tackle Illegal Cooked Food Hawking in Public Housing Estates

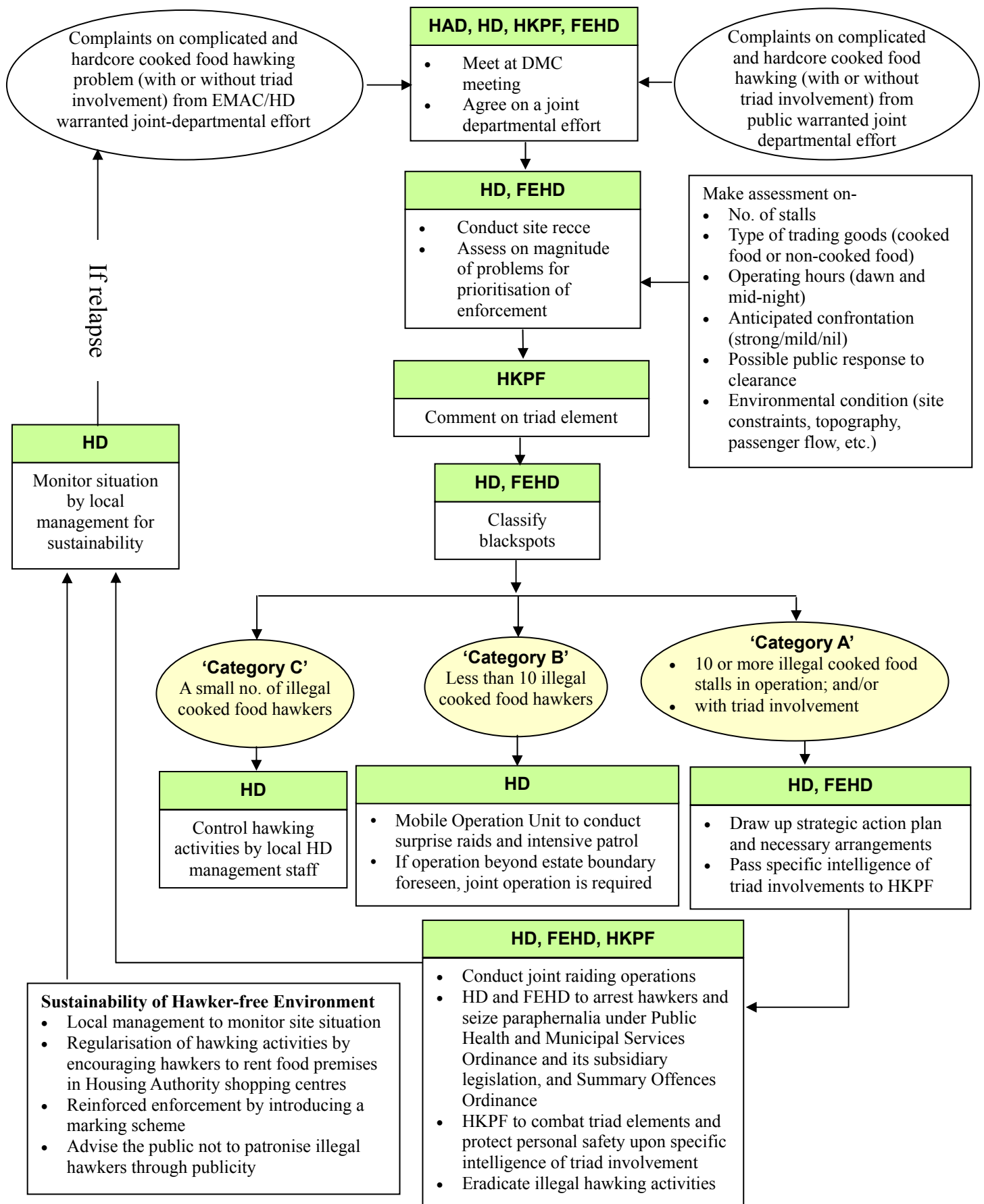


Figure I-1

Rapid Response System Flowchart

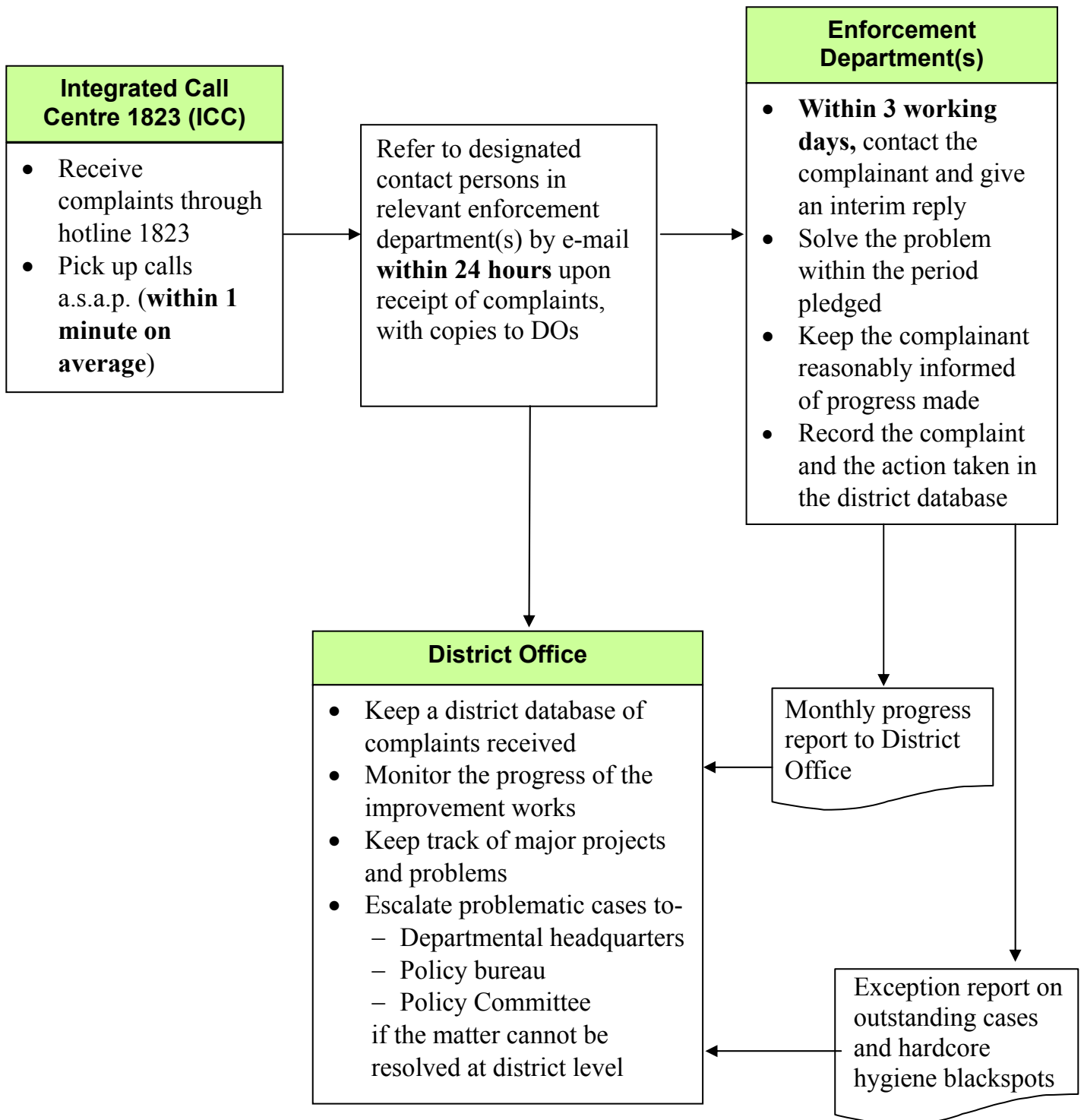


Figure I-2

Rapid Response System
Enhanced Performance Pledges

Department	Existing pledge(s)	Enhanced pledge(s)
AFCD	AFCD provides daily litter collection and toilet cleansing services in all popular recreational sites in country parks.	AFCD will – (a) maintain daily litter collection and toilet cleansing services from 8 a.m. to 5 p.m. in all popular recreational sites; and (b) respond immediately to reports of litter accumulation in popular recreational sites during office hours and clear litter within 24 hours.
BD	BD has not published any pledges on investigation of reports related to environmental hygiene issues such as defective drainage works.	BD will – (a) investigate reports of defective drainage works constituting an emergency within 3 hours; (b) investigate non-emergency reports of defective drainage works within 10 days.
Efficiency Unit – ICC 1823	ICC pledges to- (a) pick up 80% of calls within 1 minute; (b) make direct referrals to departments subscribing to its service (AFCD, ArchSD , BD, FEHD, HyD, LCSD, MD and TD) within 24 hours upon receipt of complaints; and (c) provide contact point to callers in respect of non-subscribing departments.	ICC will – (a) pick up incoming calls within 1 minute on average; (b) make direct referrals of complaints and enquiries on environmental hygiene to the departments concerned irrespective of whether they are subscribers to its service; and (c) make immediate referrals to enforcement departments by e-mail as far as practicable, and all referrals will be made within 24 hours upon receipt of complaints.

Figure I-2 (cont'd)

Department	Existing pledge(s)	Enhanced pledge(s)
FEHD	FEHD pledges to give interim replies to complainants within 10 days and substantive replies within 21 days.	FEHD will give interim replies for complaints relating to environmental hygiene within 3 working days.
HD	HD pledges to give interim replies to complainants within 10 days and substantive replies within 18 days. For cases requiring more handling time, HD will keep complainants informed of the progress from time to time.	HD will give interim replies within 3 days and substantive replies within 16 days.
HyD	HyD pledges to respond to public enquiries and complaints within 8 working days. For more complicated cases which may involve others parties, the department will provide an interim reply within 8 working days to be followed by a detailed reply as soon as information is available.	HyD will – (a) arrange necessary immediate action and provide interim reply to complaints relating to environmental hygiene within 3 working days; (b) clear carcass and dumping on Expressways within 24 hours upon receipt of report; and (c) inspect all reported untidy and unclean roadwork site and arrange necessary rectification measures within 3 working days.
LCSD	LCSD pledges to handle expeditiously all enquiries and complaints, whether written or verbal, and to give reply within 10 working days.	LCSD will inspect and maintain litter collection services frequently in popular leisure venues. It will respond immediately to reports of litter accumulation in popular venues during opening hours and clear litter within eight hours.

Figure I-2 (cont'd)

Department	Existing pledge(s)	Enhanced pledge(s)
<p>Marine Department (MD)</p>	<p>MD has published the following performance pledges regarding marine oil pollution and floating refuse –</p> <ul style="list-style-type: none"> (a) deploy Pollution Control Unit teams to the scene of any oil spill incident inside port limits within two hours of notification; and (b) provide daily refuse collection services from vessels inside typhoon shelters and ocean going vessels within the Victoria Harbour. 	<p>MD will –</p> <ul style="list-style-type: none"> (a) maintain daily floating refuse scavenging services continuously from 8 a.m. to 6 p.m. in Victoria Harbour and major typhoon shelters; and (b) respond immediately to reports of floating refuse accumulation in Victoria Harbour and major typhoon shelters during office hours and clear up the floating refuse accumulation within two hours.

B. COMMUNITY INVOLVEMENT

5.30 To make Hong Kong a truly clean city is a mission not only for Team Clean and the Government, but also for every member of our community. Students, parents, teachers, domestic helpers, restaurateurs and workers, storekeepers, tenants and landlords, building management companies, professional groups, the mass media, district and community groups (e.g. DCs, ACs, OCs, MACs, and NGOs) etc., all have an important role to play. Only when everyone takes full ownership of this mission and plays a full part can we sustain the improvements we have made and bring about a truly clean Hong Kong.

5.31 The biggest challenge for Team Clean is not the development of new policies or measures to mitigate environmental hygiene problems. Rather, it is formulating effective ways to promote civic responsibility and to inculcate a genuine commitment by society at large. We have to establish a system whereby community involvement will become a potent force in sustaining hygiene improvements in Hong Kong.

Civic Education

Enhancing the role and programme of the Committee on the Promotion of Civic Education

5.32 The Committee on the Promotion of Civic Education (CPCE), set up since 1986 with wide membership from various sectors of the community, has been the main advisory body for promoting civic awareness and responsibility. HAB provides the Committee with the necessary support and resources. CPCE and HAB are well-placed to lead the generation of creative ideas to promote civic responsibility and community involvement in Hong Kong. In an effort to further strengthen the work in this area, HAB will consider how best to enhance the role and programmes of CPCE.

Tapping junior citizens' views on civic education

5.33 In addition to drawing on advice from a committee of adult experts, we recommend setting up a mechanism to regularly tap the views of junior citizens.

5.34 Young people are the backbone of our future society. They are full of interesting and innovative ideas. To draw on their ideas and insights as to how best to reach out and educate their parents, peers and neighbours, we should devise a mechanism to involve them in the thinking process. This could be done, for example, through regular focus groups of young people from different sectors under the auspices of CPCE and HAB, by working closely with youth organisations such as the Commission on Youth, and by tapping into the district school network. The mechanism should enable our young leaders to better use their energies and abilities for the public good. The involvement of young people in developing strategies for their own community is in itself a valuable civic lesson in community involvement and civic duty, which will also induce other young people and their parents to participate in similar community activities.

5.35 To implement the initiatives developed by the CPCE, we need to have the active participation of all segments of society and from the widest range of institutions and Government departments. HAD and DOs, as the bridge between Government and the community, can best play this central co-ordinator role. They can encourage commercial sponsorship for civic education activities and other incentive schemes. They can help support CPCE's initiatives and promote district civic education and publicity programmes. They can marshal the support of DCs, NGOs and other community members to participate in district hygiene improvement activities.

5.36 After the SARS outbreak, a number of APIs and other programmes have been developed to promote public hygiene. It is

important that CPCE and the relevant departments continue to work together to propagate the theme of civic responsibility among our citizens for maintaining high standards of personal, home and community hygiene in order to prevent another outbreak of SARS or other epidemic. In this connection, we have organised some additional civic and educational programmes under the theme of public hygiene for specific target groups including new arrivals, domestic helpers, street users and users of public facilities.

Special Education Programmes

For new arrivals

5.37 DH has developed an information kit for new arrivals on good hygiene practices and the penalties for public health offences. The kits are being distributed at immigration control points. HAB has beefed up the section on personal and environmental hygiene in the publication 'Your Guide to Services in Hong Kong' which is published for free collection. HAD is liaising with NGOs to run classes and organise talks and seminars on good hygiene practices for new arrivals and their children.

For domestic helpers

5.38 To promote awareness among domestic helpers of the importance of maintaining a high standard of personal, home and community hygiene, DH has distributed leaflets to this group to remind them of the importance of cleanliness. To this end, HAD has engaged, and will continue to engage, volunteers to launch promotional campaigns in areas with large congregations of domestic helpers on Sundays and public holidays.

For street users

5.39 As part of our efforts to educate the public, DOs will deploy workers and volunteers to advise street users to keep the city clean and tidy.

For users of public facilities

5.40 HAD will deploy volunteers and youth workers employed under the Job Creation Programme to help educate the public about keeping the environment clean. The first pilot will take place at Victoria Park during the forthcoming Mid-Autumn Festival. Participants will hand out garbage bags and urge park users to clean up their rubbish, or take it home, after their night out. HAD will launch similar projects at future festivals and large-scale events.

Community Involvement Initiatives in the Districts

5.41 To sustain the momentum of the initiatives implemented during Phase I, we have developed further measures that are designed to boost collaboration between Government and the community in improving district hygiene. Our aim is to bring about community ownership and a sense of collective pride. These measures include the commemoration of the SARS outbreak, the setting up of District Hygiene Squads, the launch of a territory-wide cleansing programme, a blackspot monitoring scheme, a Community Cleanliness Index and an incentive scheme for district revitalisation.

Commemoration of the SARS outbreak

5.42 To remind ourselves of the importance of public hygiene and the civic qualities demonstrated during the epidemic, we recommended in the Interim Report that the SARS event should be commemorated.

5.43 The SARS epidemic dealt a severe blow to Hong Kong. The disease took away precious lives, brought daily social and school activities to a halt, and hit certain sectors of the economy hard. It was a traumatic and painful experience for the whole community. Yet, despite it all, Hong Kong people have demonstrated solidarity and admirable civic qualities. Members of the healthcare system have demonstrated their professionalism and selfless devotion; members of many sectors initiated donation and care campaigns for medical staff, victims' families and the needy; and individuals joined hands to improve public hygiene and helped out where required. We should remember the spirit and solidarity demonstrated during the SARS crisis, honour those who sacrificed their lives serving others, and memorialise those who died in the outbreak. Most importantly, we should remind ourselves of the importance of public health and hygiene.

5.44 At the behest of the Chief Executive, HAB has set up an Advisory Committee on the Promotion of the Fighting Spirit against SARS. The Committee has conducted a three-week public consultation to gather opinion and seek consensus on the values demonstrated in the SARS crisis as well as the best way to commemorate the event.

5.45 The Committee suggests adopting one or a combination of the following measures: holding an annual remembrance day; building a monument or other memorial structures; featuring the SARS experience in civic education programmes; naming public places after people who made significant contributions to the fight against SARS; setting up scholarships or trust funds; and awarding commendations and honours.

5.46 The Committee is collating public feedback and will submit a report to the Chief Executive in August.

District Hygiene Squads

5.47 The local community plays an important role in upkeeping neighbourhood hygiene. DOs are forming District Hygiene Squads by recruiting volunteers from local groups, such as DCs, District Clean Hong Kong Committees (DCHKCs), ACs, OCs, MACs and NGOs. These hygiene squads will be given duties to inspect the hygiene conditions of the districts, identify problematic sites for follow up actions, monitor progress of remedial work, as well as help disseminate Team Clean messages. They will be invited to participate in various activities and projects described in this chapter.

5.48 The way these hygiene squads work will vary in different districts. Some may work on a roster, while others may be assigned to monitor specific zones. In all cases, the DOs and relevant Government departments will work closely with them and provide the necessary steer and support.

5.49 HAD has already made a head start on this: over 105 District Hygiene Squads with over 1 300 members have already been formed in the past two months. On top of inspecting and monitoring hygiene conditions, they have participated in various community hygiene activities such as visiting singleton elderly people to distribute souvenirs and to remind them of the importance of good personal and home hygiene.

Territory-wide cleansing and inspection programmes

5.50 In response to the SARS outbreak, HAD conducted a large-scale territory-wide clean-up operation in April 2003. The operation helped arouse public awareness of the importance of home and environmental hygiene.

5.51 The operation will continue in every district in the form of a month-end cleansing exercise during the last week of every month. At territory-wide level, co-ordination will be done by the Clean Hong Kong District Promotion Committee (DPC). At the district level, representatives of the DCHKCs, DOs and other relevant departments such as FEHD, HD, HyD, BD, etc., as well as members of the District Hygiene Squads, will conduct regular inspections before and after cleansing exercises. They will take pictures of hygiene problems in their own districts. The District Offices will set up a database of these problems, refer them to relevant departments for follow-up actions, and report progress to the DCHKCs. The latter will remove such sites from the list of blackspots when the conditions have become satisfactory. DCHKCs will also conduct random inspections to prevent a relapse of problems.

5.52 HAD has already leapt into action and started to organise this monthly programme. Since May, close to 600 inspections of blackspots and other problematic sites have been carried out. Over 200 cleansing operations have been organised by the DOs and the DCHKCs.

Blackspot monitoring scheme: closed-circuit televisions

5.53 Hundreds of cleansing operations have been conducted by many different departments since the launch of the Interim Report at the end of May. Notwithstanding Government's intensive clean-up, there persist selected blackspots that remain in horrendous condition because of

the irresponsible acts of recalcitrant offenders. In an effort to eradicate these blackspots, we propose to install closed-circuit televisions (CCTVs) at these sites for monitoring and deterrent purposes.

5.54 CCTV systems have been widely used in Hong Kong, such as in MTR stations, lifts, private premises, shopping arcades and public estates for public safety, security or crime prevention and detection purposes. They are used because CCTV surveillance is a practical alternative to 24-hour patrol – the latter is, understandably, impracticable because of resource constraints. For our purpose, CCTVs will help collect information on how the hygiene problems happen – such as when, how and by whom litter and waste is illegally deposited. This will facilitate enforcement. The presence of surveillance cameras should also deter irresponsible behaviours.

5.55 We must emphasise that this is a community project to be operated by community groups. The DCs and relevant district committees will select the sites and the DOs will provide the necessary support. Having due regard to the legitimate concerns over an individual's right to privacy and the protection of personal data, great care will be exercised in the selection of suitable hygiene blackspots. The site selection criteria are –

- there exist persistent and recurring environmental problems that cannot be resolved despite regular intensive clean-up efforts by Government; and
- there is community support after full consultation with the DCs and other relevant district committees.

5.56 We have also consulted the Privacy Commissioner to seek advice on the proposed scheme to ensure it would not contravene the Personal Data (Privacy) Ordinance (Cap. 486). The Commissioner

indicates no objection to the proposal in principle as long as the scheme is implemented for a legitimate cause – such as to help safeguard and maintain public health – and that there are adequate guidelines and measures for check and balance.

5.57 HAD will consult the relevant DCs in September on the pilot projects and other implementation details, including operational arrangements, guidelines and other measures to ensure proper protection of personal data and to prevent misuse or abuse of the systems. We need to ensure that the CCTVs will be used for no more and no longer than necessary for the protection of public health, and that their use will not be secretive. In implementing the scheme, clear operational guidelines will be issued to safeguard the proper management of the CCTV surveillance and the custody and viewing of the tapes. The guidelines will require, inter alia, that –

- at the locations where CCTVs are installed, notices will be posted to make known the installation;
- the video tapes will be viewed only by authorised persons; and
- clear guidelines will be laid down to specify the lawful handlers of the video tapes to ensure they are properly handled, stored and disposed of.

5.58 Before introducing this measure on a large scale, HAD will conduct a pilot project to allow in-depth examination of any practical, technical and logistical issues involved. The results of the pilot project will be reviewed in early 2004. The DCs and the Privacy Commissioner will be consulted as necessary.

Objective assessment: public surveys and Community Cleanliness Index

5.59 To sustain efforts to bring about a truly clean Hong Kong, we need objective means to measure, on a regular and on-going basis, the general cleanliness of our community.

5.60 It is important to seek input and feedback from the community. For this purpose, we have already conducted a survey after the publication of the Interim Report and again before the issue of this final report. We will continue to conduct regular surveys on the state of cleanliness as perceived by members of the public and to seek their input and opinions on related matters. The information collected will serve as good indicators of the effectiveness of our improvement measures as well as a useful reference for the development of further initiatives.

5.61 In addition to conducting surveys, we will develop a Community Cleanliness Index to track the effectiveness of the hygiene improvement measures and to identify specific areas where further efforts may be needed through more active participation of the community.

5.62 Under the scheme, HAD and the DOs will co-ordinate the compilation of this Community Cleanliness Index for each of the 18 districts. The assessment will cover public facilities such as street pavements, rear lanes, markets, gazetted beaches and public toilets. The index will be built upon a set of indicators, such as the amount of refuse collected, number of unauthorised posters spotted, etc. The indicators may take the form of measurements expressed in quantifiable units, such as number or weight. We have suggested some examples of indicators in Figure J.

Figure J

Suggested Examples of Indicators for the Community Cleanliness Index

(a) Pavements and Streets

Indicators	Weight/Area/ Number (where applicable)	Ratings (where applicable)
1. Refuse on the ground:		
2. Chewing gum marks:		
3. Cigarette butts / tissues / plastic bags:		
4. Soft drink containers / cans:		
5. Dog-fouling:		
6. Spots dirtied by discharge of foul water:		
7. Unauthorised display of posters/bills:		
8. Food premises with dirty pavements:		
9. Uncleaned street furniture:		
10. Others (if any):		
Total Ratings:		

(b) Rear Lanes

Indicators	Weight/Area/ Number (where applicable)	Ratings (where applicable)
1. Refuse on the ground:		
2. Accumulation of water on uneven ground surface:		
3. Water leakage from rusty and damaged water and sewage drains:		
4. Choked underground drains:		
5. Illegal occupation by carts, buckets, etc.:		
6. UBWs which pose health hazard or require emergency treatment		
7. Uncleaned street furniture:		

Indicators	Weight/Area/ Number (where applicable)	Ratings (where applicable)
8. Others (if any):		
Total Ratings:		

(c) Open Markets and Markets in Multi-Storey Buildings

Indicators	Weight/Area/ Number (where applicable)	Ratings (where applicable)
1. Refuse on the ground:		
2. Tissues / plastic bags:		
3. Scattering around of fruit skins / vegetable stalks, etc. in front of stalls:		
4. Stalls with wet floor:		
5. Others (if any):		
Total Ratings:		

(d) Public Housing Estates

Indicators	Weight/Area/ Number (where applicable)	Ratings (where applicable)
1. Refuse on the ground:		
2. Refuse on the canopies, staircases and passageways etc.:		
3. Rusty and damaged/leaked drains/pipes:		
4. Crackings or bulging of cement surface on the external walls of buildings:		
5. Dirty/damaged common facilities:		
6. Illegal hawkers:		
7. Others (if any):		
Total Ratings:		

(e) Private Buildings

Indicators	Weight/Area/ Number (where applicable)	Ratings (where applicable)
1. Refuse on the ground:		
2. Refuse on the canopies, staircases, passageways and light wells etc.:		
3. Rusty and damaged/leaked drains/pipes:		
4. Crackings or bulging of cement surface on the external walls of buildings:		
5. Misuse of roofs / flat roofs:		
6. Dirty/damaged common facilities:		
7. Others (if any):		
Total Ratings:		

(f) Sitting-out areas and Other Amenity Areas (e.g. Beaches)

Indicators	Weight/Area/ Number (where applicable)	Ratings (where applicable)
1. Refuse on the ground / flower beds / grass floor:		
2. Chewing gum marks:		
3. Cigarette butts / newspapers / tissues / plastic bags:		
4. Soft drink containers / cans:		
5. Plastic eating utensils / food leftovers:		
6. Others (if any):		
Total Ratings:		

(g) Public Toilets

Indicators	Weight/Area/ Number (where applicable)	Ratings (where applicable)
1. Unflushed toilets / cubicles :		
2. Out of order toilets / cubicles :		
3. Toilets / cubicles without toilet paper :		
4. Out of order water taps :		
5. Degree of wet floor :		
6. Degree of odour :		
7. Others (if any) :		
Total Ratings :		

5.63 HAD will designate a base month and data collected in that month will serve as a reference point to track future improvement or deterioration in the cleanliness situations of individual districts. An overall Community Cleanliness Index can be derived from the average of the indexes of the 18 districts.

5.64 HAD and DOs will work with the relevant departments and experts on the development of this index. They will seek input from district organisations on the other aspects, such as the specific locations within each districts where monitoring and ratings should be done. They will invite District Hygiene Squads and volunteers to form Clean City Raters to carry out the surveys and give ratings. We expect the index system to be ready for launch by the end of 2003 and be updated every quarter thereafter.

District revitalisation projects

5.65 There are many open street markets within pockets of the older districts, and their hygiene conditions are not entirely satisfactory. They are lined with stalls and shops selling fresh produce, dried food and other kinds of groceries and goods. Despite stepped-up enforcement by the authorities, the majority of these stores continue to violate the six-metre rule. They stack and display their goods and groceries on the pavement, causing major obstruction and forcing pedestrians off the roads. The shop fronts and pavements are often littered with empty boxes or discarded items, and are usually wet and slippery. Worse still, some shops are in locations with very high pedestrian flows, which adversely affects the appearance of the streets. This is not desirable when we are promoting Hong Kong as a modern international city.

5.66 We will not tolerate illegal shop extensions and the filthy conditions they tend to generate. While we will ensure that the authorities (FEHD and Lands D) will step up their enforcement and prosecution, we understand that many shop operators have difficulties in coming up with ways to comply with the law even if they wish to do so. We propose to encourage co-operation by creating an incentive scheme for self-improvement. We will set up a matching fund as an incentive to encourage shop operators in selected locations to improve the hygiene conditions of their shops and the surrounding business environment. Shop operators can apply for a loan for the purpose of enabling them to comply with legislative requirements as well as maximising the use of internal shop space, modernising and renovating the appearance of their premises, and removing illegal structures. We hope the scheme will help eradicate these long-existing blackspots, and turn them into tidy and pleasant places attracting more patrons, business and tourists. To ensure good use of resources and visible improvements in the shortest possible time, we recommend focusing efforts in areas that are strategically located, for example, those with high pedestrian and/or tourist flow.

5.67 The amount of loan to be granted to an individual shop will be determined by reference to the amount to be put up by the shop operator to improve the shops, on a dollar-for-dollar matching basis. For example, it is proposed that for every \$10,000 of the improvement cost, the shop operator should self-finance a minimum of 50% of the cost and be allowed to apply for the other 50% from the scheme. In support of their applications, shop operators will have to provide other details to Government as required. HAD will, in consultation with district bodies, work out a scheme which is viable and can minimise any risk of default or fraud.

5.68 After consulting the relevant DCs and community groups, and subject to the approval of the Legislative Council, we aim to introduce the scheme by the end of 2003.

C. INSTITUTIONAL ARRANGEMENT

5.69 The success of Team Clean in keeping Hong Kong a clean city rests on sustainability.

5.70 To sustain the intensive efforts of Team Clean, and to enable the spirit of Team Clean to take root in the community, we have made the following institutional arrangement to facilitate effective implementation of the Phase II measures, to effect and monitor inter-departmental co-ordination, and to keep up the momentum both in the community and within Government to achieve sustainable improvements in environmental hygiene –

- the Headquarters of HAD will play the central co-ordinator role in spearheading inter-departmental efforts in district hygiene improvement as well as in community involvement and civic education;
- relevant bureaux and departments will take charge of the implementation of Team Clean measures under their purview;
- SHA will present to the Policy Committee quarterly progress reports on Phase II measures with input from the relevant bureaux and departments; and
- during the transition, the Chief Secretary for Administration's Office will continue to monitor for six months the overall implementation of the Team Clean measures.

Role of HAD Headquarters

5.71 HAD Headquarters will mobilise the community and sustain their involvement by taking a lead in, inter alia, the following areas –

- promoting awareness of civic responsibility and public hygiene through civic education and promotional programmes, in collaboration with EMB, DH, Information Services Department and relevant advisory bodies and interest groups;
- promoting community ownership and sustained participation through various incentive schemes, sponsorship programmes and educational and cleanliness activities;
- maintaining close contact with and solicit the views of the different sectors of the community through regular meetings, focus group discussions and the Team Clean corner in its website; and
- producing regular assessments of community hygiene using various opinion surveys and the Community Cleanliness Index, with assistance from relevant departments such as FEHD.

Role of DOs

5.72 At the district level, individual DOs will be responsible for, inter alia –

- mobilising residents in the district to take better care and maintenance of their buildings and form District

Hygiene Squads to identify hygiene blackspots and monitor post-rectification hygiene conditions;

- promoting environmental hygiene at the district level through civic education and other publicity programmes and marshalling the support of NGOs and other organisations to participate in hygiene improvement activities;
- maintaining a district database under the Rapid Response System on hygiene blackspots and environmental hygiene-related complaints, and strengthening inter-departmental co-ordination and monitoring efforts to ensure speedy and concerted follow-up actions;
- mapping out modalities of work – DOs will discuss outstanding cases with departments concerned in DMCs and work out inter-departmental action plans. Where problems cannot be resolved at the district level, DOs will bring them to the attention of HAD Headquarters and the relevant Heads of Department. Inter-bureau policy issues will be escalated to Principal Officials and, if necessary, resolved in the Policy Committee. For issues with common application across districts, the solutions found and approaches agreed should be incorporated into the modalities developed and set out in the earlier section of this Report. HAD Headquarters will promulgate the updated modalities to DOs and departments concerned for future reference and compliance; and
- submitting monthly progress reports to HAD headquarters and the Chief Secretary for Administration's Office on the implementation of Team

Clean's community involvement measures at the district levels.

Role of Policy Bureaux and Departments

5.73 Given that Principal Officials have ultimate responsibility for their own policy areas and the work carried out by their own departments, the delivery of the Phase II measures – such as building management, preventive measures for avian influenza and dengue fever, etc. – must be taken up by the responsible Principal Officials. The demarcation of responsibilities is shown at the Summary of Phase II Measures.

A Structure to Sustain the Team Clean Spirit

5.74 The above structure sets out the responsibility of the relevant bureaux and departments. It pinpoints HAD and DOs as the central co-ordinator, highlighting the importance of civic education and community involvement. Setting up a reporting and monitoring system under the Policy Committee ensures that the Administration, at the highest level, will continue to accord priority to the effective and timely implementation of the Phase II measures. Overall, it is a system that will sustain the Team Clean spirit.