

Fixed Penalty (Public Cleanliness Offences) (Amendment) Ordinance 2016

Contents

Section	Page
Part 1	
Preliminary	
1. Short title and commencement	A159
2. Enactments amended	A159
Part 2	
Amendments to Fixed Penalty (Public Cleanliness Offences) Ordinance and its Subsidiary Legislation	
Division 1—Amendments to Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap. 570)	
3. Section 1 amended (short title)	A161
4. Schedule 1 amended (scheduled offence)	A161
5. Schedule 2 amended (Authorities and public officers)	A161
Division 2—Amendments to Fixed Penalty (Public Cleanliness Offences) Regulation (Cap. 570 sub. leg. A)	
6. Title amended	A163
7. Schedule amended	A163

Section Page

Part 3

Consequential Amendments

Division 1—Amendment to Criminal Procedure Ordinance (Cap. 221)

8. Section 113C amended (provision for fines for offences)..... A171

Division 2—Amendments to Rehabilitation of Offenders Ordinance (Cap. 297)

9. Section 2 amended (protection of rehabilitated individual)..... A171

Division 3—Amendment to Securities and Futures (Licensing and Registration) (Information) Rules (Cap. 571 sub. leg. S)

10. Section 2 amended (interpretation)..... A173

HONG KONG SPECIAL ADMINISTRATIVE REGION

ORDINANCE NO. 4 OF 2016



Carrie LAM
Acting Chief Executive
23 March 2016

An Ordinance to amend the Fixed Penalty (Public Cleanliness Offences) Ordinance to provide for a fixed penalty to be payable for the offence of obstruction of public places and to make consequential amendments.

[24 September 2016]

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Fixed Penalty (Public Cleanliness Offences) (Amendment) Ordinance 2016.
- (2) This Ordinance comes into operation on the expiry of 6 months beginning on the day on which this Ordinance is published in the Gazette.

2. Enactments amended

The enactments specified in Parts 2 and 3 are amended as set out in those Parts.

Part 2

Amendments to Fixed Penalty (Public Cleanliness Offences) Ordinance and its Subsidiary Legislation

Division 1—Amendments to Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap. 570)

3. Section 1 amended (short title)

Section 1(1)—

Repeal

“Offences”

Substitute

“and Obstruction”.

4. Schedule 1 amended (scheduled offence)

Schedule 1, under heading “**Summary Offences Ordinance (Cap. 228)**”, before item 7—

Add

“6A. Section 4A Obstruction of public places \$1,500”.

5. Schedule 2 amended (Authorities and public officers)

(1) Schedule 2, column 1—

Repeal

“1, 2, 3, 4, 5, 6, 7, 8”

Substitute

“1, 2, 3, 4, 5, 6, 6A, 7, 8”.

(2) Schedule 2, column 1—

Repeal

“1, 2, 3, 4, 7”

Substitute

“1, 2, 3, 4, 6A, 7”.

Division 2—Amendments to Fixed Penalty (Public Cleanliness Offences) Regulation (Cap. 570 sub. leg. A)

6. Title amended

The title—

Repeal

“OFFENCES”

Substitute

“AND OBSTRUCTION”.

7. Schedule amended

(1) The Schedule, Form 1—

Repeal

“罪行)”

Substitute

“及阻礙)”.

(2) The Schedule, Form 1—

Repeal

“CLEANLINESS OFFENCES”

Substitute

“CLEANLINESS AND OBSTRUCTION”.

(3) The Schedule, Form 1, before “罪行的詳”—

Add

“或阻礙”.

- (4) The Schedule, Form 1—
Repeal
“CLEANLINESS OFFENCE”
Substitute
“CLEANLINESS OR OBSTRUCTION OFFENCE”.
- (5) The Schedule, Form 1, before “ 罪行 ”—
Add
“ 或阻礙 ”.
- (6) The Schedule, Form 1, before “**OFFENCE**”—
Add
“**OR OBSTRUCTION**”.
- (7) The Schedule, Form 1, before the following—
“07 海上棄置廢物 (《簡易程序治罪條例》(第 228 章) 第 4D(1) 條)
Marine littering (section 4D(1) of the Summary Offences Ordinance (Cap. 228))”
Add
“06A 在公眾地方造成阻礙 (《簡易程序治罪條例》(第 228 章) 第 4A 條)
Obstruction of public places (section 4A of the Summary Offences Ordinance (Cap. 228))”.
- (8) The Schedule, Form 2—
Repeal
“ 罪行) ” (wherever appearing)
Substitute
“ 及阻礙) ”.
- (9) The Schedule, Form 2—

Repeal

“OFFENCES” (wherever appearing)

Substitute

“AND OBSTRUCTION”.

- (10) The Schedule, Form 2—

Repeal

“ 罪行 , ”

Substitute

“ 罪行 / 公眾地方阻礙罪行 * , ”.

- (11) The Schedule, Form 2, after “cleanliness offence”—

Add

“/a public obstruction offence*”.

- (12) The Schedule, Form 2—

Repeal

“Offences”

Substitute

“and Obstruction”.

- (13) The Schedule, Form 3—

Repeal

“ 罪行) ” (wherever appearing)

Substitute

“ 及阻礙) ”.

- (14) The Schedule, Form 3—

Repeal

“OFFENCES”

Substitute

“AND OBSTRUCTION”.

(15) The Schedule, Form 3—

Repeal

“Offences”

Substitute

“and Obstruction”.

Part 3

Consequential Amendments

Division 1—Amendment to Criminal Procedure Ordinance (Cap. 221)

8. Section 113C amended (provision for fines for offences)

Section 113C(1)(c)—

Repeal

“Cleanliness Offences”

Substitute

“Cleanliness and Obstruction”.

Division 2—Amendments to Rehabilitation of Offenders Ordinance (Cap. 297)

9. Section 2 amended (protection of rehabilitated individual)

Section 2(1B) and (3)—

Repeal

“Cleanliness Offences”

Substitute

“Cleanliness and Obstruction”.

**Division 3—Amendment to Securities and Futures
(Licensing and Registration) (Information) Rules (Cap. 571
sub. leg. S)**

10. Section 2 amended (interpretation)

Section 2(1), definition of *minor offence*—

Repeal

“Offences”

Substitute

“and Obstruction”.