

Public Health and Municipal Services (Amendment) Bill 2024 gazetted

The Public Health and Municipal Services (Amendment) Bill 2024 was published in the Gazette today (November 22).

A spokesman for the Environment and Ecology Bureau said, "The Government is committed to enhancing the environmental hygiene of Hong Kong and resolving environmental hygiene problems that cause irritation to members of the public. Further to increasing fixed penalty levels for offences such as littering in October 2023, the Amendment Bill is now introduced to enhance enforcement efficiency and deterrent effect to effectively achieve sustainable improvements in environmental hygiene."

Situations such as water seepage in buildings and water dripping from air-conditioners cause nuisance to the neighbourhood. For effective handling, the source of the nuisance must first be ascertained, and the relevant owner or occupier should be urged to abate the nuisance within a reasonable time. To enable investigation officers to enter premises suspected of being the source of the nuisance as soon as possible, the Amendment Bill recommends making it an offence for failing to comply with a notice of intended entry without reasonable excuse, and extending the period allowed for entering premises for investigations from the current period between 7am and 7pm to between 7am and 10pm, accommodating contemporary lifestyle and work schedules of citizens. The Amendment Bill will also increase penalty levels for non-compliance with the Government's notices and/or court orders for abatement of nuisances within a specified period to better ensure that public health nuisances are abated expeditiously.

In addition, owners or occupiers of premises should maintain good hygiene on their premises. If no action is taken against vermin infestations in premises, the risk of disease transmission increases. For vermin problems occurring in common parts of buildings, the Amendment Bill recommends, with reference to relevant measures to prevent mosquito breeding, that a notice be served to the persons responsible for management of the building (e.g. owners' corporations and property management companies) to tackle vermin problems in common parts of buildings as soon as possible. This will prevent the problem from affecting other flats in the building.

The Amendment Bill also includes adjustments to the maximum penalties which the court may impose for offences related to vermin infestations, occupation of public places by miscellaneous articles causing obstruction to scavenging operation and illegal display or affixation of bills or posters to ensure sufficient deterrent effect. Relevant penalty levels have not been adjusted since 1996. Furthermore, the Amendment Bill recommends introducing a new provision on shopfront extension in the Public Health and Municipal Services Ordinance (Cap. 132). This will allow the Food and Environmental Hygiene Department (FEHD) to handle shopfront extension situations independently, including requiring shops to remove obstructing articles

themselves, or allowing the department to remove obstructing articles when no owners have come forward, as well as stipulating the mechanism for disposing of removed articles. The amendments regarding shopfront extension aim to enhance enforcement efficiency and define the nature of the offence; they will neither change current enforcement standards for shopfront extension under the Summary Offences Ordinance (Cap. 228) nor adjust the penalty levels.

The spokesman said, "We propose that the relevant amendments take effect three months after gazettal following the passage of the Amendment Bill by the Legislative Council. During the three-month period, the FEHD will conduct extensive publicity for relevant sectors and the general public, so that all parties will understand the relevant amendments. We believe that the Amendment Bill will enable the Government to handle various environmental hygiene problems more effectively in the future, thereby resolving problems for citizens and building a more liveable environment."

The Amendment Bill will be introduced into the Legislative Council for its first reading and second reading on December 4.