

Specified forms of relevant notices and certificate under Fixed Penalty (Public Cleanliness and Obstruction) Ordinance gazetted

The specified forms of the relevant notices and certificate under the Fixed Penalty (Public Cleanliness and Obstruction) Ordinance (Cap. 570) (the Ordinance) was published in the Gazette today (October 22).

The Fines and Fixed Penalties (Public Cleanliness and Obstruction) (Miscellaneous Amendments) Ordinance 2023 (the Amendments Ordinance) comes into effect today, raising the level of the fixed penalty for the seven scheduled offences (Note) which involve the conduct of individual members of the public including disposal of waste and spitting in public places, country parks or into the sea from \$1,500 to \$3,000; and the fixed penalty level for the two scheduled offences mainly related to shopfront extension and illegal disposal of construction waste or large amounts of other waste, from \$1,500 to \$6,000.

Aside from raising the levels of fixed penalties of relevant offences, the Amendments Ordinance also empowers the Secretary for Environment and Ecology to specify the forms of relevant notices and certificate to be published in the Gazette according to section 17A of the Ordinance. This will enable necessary formatting revisions to be made in a more flexible and timely manner in the future. The relevant notices and certificate include:

(i) the notice that may be given under section 3 of the Ordinance to a person who is believed to have committed a scheduled offence under the Ordinance for payment of the fixed penalty specified for that offence;

(ii) the notice that the Authority is required to serve under section 6 of the Ordinance to a person who has not paid the fixed penalty within 21 days, with a view to demanding payment of the relevant fine and informing the person, if he/she wishes to dispute liability for the offence, to notify the Authority in writing; and

(iii) the certificate for making an application in the name of the Secretary for Justice to the magistrate for the recovery of fixed penalty under section 9(2) of the Ordinance.

A spokesman for the Environment and Ecology Bureau said, "The Government is determined to enhance environmental hygiene in Hong Kong. The new fixed penalty levels for offences such as littering and shopfront extension comes into effect today. In addition, the Government will conduct a public consultation on the second stage of legislative amendments this year to enhance the efficiency and deterrent effect of enforcement.

"In the past three months, the Government has enhanced publicity and education to raise the awareness of the members of the public and relevant sectors on the new fixed penalty levels and to enhance their law-abiding awareness."

Note: The seven scheduled offences are (i) display of bills or posters without permission; (ii) depositing of litter or waste in public spaces; (iii) spitting in public places; (iv) fouling of street by dog faeces; (v) depositing of litter in country parks and special areas; (vi) spitting in country parks and special areas; and (vii) marine littering.