

Public consultation on raising fixed penalty level for public cleanliness and obstruction offences

The Government today (December 19) launched a one-month public consultation on the preliminary proposal to raise the level of fixed penalty for public cleanliness and obstruction offences under the Fixed Penalty (Public Cleanliness and Obstruction) Ordinance (Cap. 570) (Fixed Penalty Ordinance).

The Government spokesman said that the Government was committed to enhancing the environmental hygiene and cityscape of Hong Kong. In the past few months, the District Matters Co-ordination Task Force led by the Deputy Chief Secretary for Administration has taken measures on various fronts to endeavour to enhance environmental hygiene in Hong Kong in a short period of time. The Chief Executive announced in the 2022 Policy Address that the next steps of the Task Force include conducting a comprehensive review on the existing statutory powers and penalties relating to environmental hygiene to enhance the efficiency, effectiveness and deterrent effect of enforcement actions against thorny environmental hygiene problems. The first stage is to consult the Legislative Council this year on the proposal to increase the fixed penalty level. Other proposed legislative amendments will be put forth in mid-2023.

At present, there are nine scheduled offences under Schedule 1 of the Fixed Penalty Ordinance. The level of fixed penalty has remained at \$1,500 since June 2003. On the other hand, the Government Programme on Tackling Hygiene Black Spots commenced this August has achieved some initial success. In order to sustain, consolidate and enhance Hong Kong's environmental hygiene in the long run, the Task Force considers it necessary to raise the statutory penalties of environmental hygiene offences to increase the deterrent effect and strengthen the law-abiding value of the public. To complement the raising of fixed penalty, the Government will continue to carry out publicity and education and promote community participation.

The proposal is to raise the fixed penalty for seven scheduled offences, which involve the conduct of individual members of the public including disposal of waste and spitting at public places, country parks or into the sea, to \$3,000; and raise the fixed penalty for two scheduled offences mainly related to shopfront extension and illegal disposal of construction waste or a large amount of other wastes to \$6,000.

The Government spokesman said, "We understand that there may be various views in the community on the increase in fixed penalty. We are therefore conducting a one-month public consultation to earnestly listen to the community's views on the proposed increase before finalising it."

The consultation paper can be downloaded from the website of the Environment and Ecology Bureau (www.eeb.gov.hk/food/en/press_and_publications/consultation/index.html). From today until January 19, 2023, members of the public may send their views by post (addressed to the Environment and Ecology Bureau, 17/F, East Wing, Central Government Offices, 2 Tim Mei Avenue, Tamar, Hong Kong), by fax (2136 3282), by email (fixed_penalty_review@eeb.gov.hk) or using the e-form in the public consultation document.