

《2015 年定額罰款 (公眾地方潔淨  
罪行) (修訂) 條例草案》

**Fixed Penalty (Public Cleanliness Offences)  
(Amendment) Bill 2015**

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# Fixed Penalty (Public Cleanliness Offences) (Amendment) Bill 2015

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# A BILL

## 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.

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 2015.
- (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.

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## 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”.

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## **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”.

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## Explanatory Memorandum

This Bill amends the Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap. 570) (*Ordinance*) to provide for a fixed penalty system for the offence of obstruction of public places under section 4A of the Summary Offences Ordinance (Cap. 228) (*public obstruction offence*).

2. Part 1 sets out the short title and provides for commencement.
3. Part 2 amends the Ordinance and its subsidiary legislation to provide for a fixed penalty to be payable for the public obstruction offence.
4. Clause 3 amends the short title of the Ordinance to cover the public obstruction offence in the fixed penalty system.
5. Clause 4 amends Schedule 1 to the Ordinance to add the public obstruction offence to the list of scheduled offences in that Schedule.
6. Clause 5 amends Schedule 2 to the Ordinance to add the relevant Authorities and public officers empowered to enforce the fixed penalty system against the public obstruction offence to the list of Authorities and public officers in that Schedule.
7. Clauses 6 and 7 contain consequential amendments to the subsidiary legislation of the Ordinance.
8. Part 3 contains consequential amendments to other pieces of legislation.