

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

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**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.

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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”.