

CONTROLLING OFFICER'S REPLY

FHB(FE)126

(Question Serial No. 2184)

Head: (49) Food and Environmental Hygiene Department

Subhead (No. & title): (-) Not specified

Programme: (2) Environmental Hygiene and Related Services

Controlling Officer: Director of Food and Environmental Hygiene (Miss Vivian LAU)

Director of Bureau: Secretary for Food and Health

Question:

Under section 104A(1) of the Public Health and Municipal Services Ordinance (Cap. 132), any person displaying or affixing a bill or poster on Government land without permission commits an offence, and is liable to a maximum penalty of a fine of \$10,000 and a daily fine of \$300 upon conviction. Moreover, an offender will be issued a fixed penalty notice (FPN) of \$1,500 pursuant to the Fixed Penalty (Public Cleanliness and Obstruction) Ordinance (Cap. 570). In this connection, please advise this Committee on:

- (1) the maximum penalty and fine meted out by the court for unauthorised display or affixation of bills or posters in each of the past 3 years;
- (2) the number of FPNs issued to offenders for illegally displaying or affixing bills or posters (with a breakdown by District Council district) since June last year, and whether there was any case of non-payment of fine; if yes, the amount involved;
- (3) whether the Department will increase manpower this year for taking prosecution against unauthorised display or affixation of bills or posters; if yes, the expenditure to be involved; if no, the reason(s); and
- (4) the number of locations where clean-up operations against unauthorised display or affixation of bills or posters were carried out by relevant government departments (with a breakdown by District Council district and month), and the number of clean-up operations concerned (with a breakdown by District Council district and month).

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 86)

Reply:

- (1) The Food and Environmental Hygiene Department issued 3 169, 3 714 and 3 647 Fixed Penalty Notices (FPNs) respectively in the past 3 calendar years against unauthorised display of bills or posters. In 2018, 3 prosecutions were instituted against offenders for illegally displaying or affixing bills or posters. The maximum fine meted out by the court for the offence was \$2,000.

- (2) The number of FPNs issued between June and December 2019 against unauthorised display of bills or posters and the number of overdue FPNs, with a breakdown by District Council district, are tabulated below. As the overdue cases are still being processed, the final amount of fines cannot be provided at this stage.

District	No. of FPNs issued	No. of overdue FPNs (As at 10 March 2020)
Central & Western	12	0
Eastern	180	3
Wan Chai	65	0
Southern	28	0
Islands	41	1
Yau Tsim Mong	137	5
Kowloon City	20	0
Kwun Tong	447	3
Wong Tai Sin	69	0
Sham Shui Po	208	1
Sai Kung	54	0
Tuen Mun	92	1
Yuen Long	228	3
North	11	0
Kwai Tsing	81	0
Tai Po	43	0
Sha Tin	156	2
Tsuen Wan	128	1
Total	2 000	20

- (3) As part of the overall enforcement duties of enforcement officers of the Department, prosecution against unauthorised display of bills or posters was undertaken by existing manpower in 2019-20.
- (4) The Department has been closely monitoring the display and affixation of bills in various districts. Joint operations have been mounted in collaboration with relevant departments to clean up bills affixed without permission in public places on government land, while individual departments are responsible for cleaning up the same at venues under their purview. Between June 2019 and February 2020, 950 joint operations were conducted at 295 locations across the territory to clean up bills displayed or affixed without permission. A breakdown of the joint operations by District Council district is at Annex.

District	No. of joint clean-up operations against bills affixed without permission (June 2019 to February 2020)	
	No. of locations cleaned up	Frequency of clean-ups
Central & Western	17	53
Wan Chai	9	31
Eastern	13	65
Southern	5	21
Kowloon City	15	46
Kwun Tong	16	61
Wong Tai Sin	22	60
Sham Shui Po	12	58
Yau Tsim Mong	15	126
Islands	3	22
Yuen Long	16	52
Tuen Mun	34	88
Sai Kung	31	51
North	16	53
Tai Po	4	12
Sha Tin	38	76
Kwai Tsing	15	48
Tsuen Wan	14	27
Total	295	950

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