

LEGISLATIVE COUNCIL BRIEF

Fixed Penalty (Criminal Proceedings)(Amendment) Regulation 2000

Consequential Amendments Required for Extending the Seat Belt Legislation to Cover the Rear Seats of Taxis

INTRODUCTION

Under section 11 of the Fixed Penalty (Criminal Proceedings) Ordinance (Cap.240) and section 28(1)(c) of the Interpretation and General Clauses Ordinance (Cap.1), the Secretary for Transport is empowered to amend the list of offences and fixed penalty in the Fixed Penalty (Criminal Proceedings) Regulations (Cap.240 sub.leg.).

2. In exercise of this power, the Secretary for Transport has made the Fixed Penalty (Criminal Proceedings) (Amendment) (No. 2) Regulation 2000 at Annex A as consequential amendments arising from the passage of the amendments made to the Schedule to the Fixed Penalty (Criminal Proceedings) Ordinance (Cap.240) in respect of offences concerning the fitting and wearing requirements of seat belt.

BACKGROUND AND ARGUMENT

3. The Road Traffic (Safety Equipment)(Amendment) Regulation 2000, which was passed by the previous Legislative Council in June 2000, will take effect from 1 January 2001. Its objective is to extend the seat belt legislation to cover rear seats of taxis, and to improve and rectify the inconsistencies of the existing seat belt legislation.

4. To implement the revised seat belt legislation, corresponding amendments to the Schedule to the Fixed Penalty (Criminal Proceedings) Ordinance (Cap.240) and the Schedule to the Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240 sub.leg.) are necessary so that the new/revised offences are included in the list of offences and fixed penalty stipulated in Cap.240 and its subsidiary legislation.

5. The previous Legislative Council passed a resolution on 21 June 2000 to amend the Schedule to the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240). The proposed Amendment Regulation, which is the consequential amendment, is required to complete the legislative process.

AMENDMENT REGULATION

6. The purpose of the Amendment Regulation is to amend Form 1 of the Schedule to the Fixed Penalty (Criminal Proceedings) Regulations to include the list of offences concerning the fitting and wearing requirements of seat belt in the Schedule.

LEGISLATIVE TIMETABLE

7. The Amendment Regulation will come into effect on 1 January 2001 to tie in with the commencement of the Road Traffic (Safety Equipment)(Amendment) Regulation 2000.

PUBLICITY

8. The Amendment Regulation will be gazetted on 20 October 2000.

Government Secretariat
Transport Bureau
18 October 2000

FIXED PENALTY (CRIMINAL PROCEEDINGS) (AMENDMENT)
(No. 2) REGULATION 2000

(Made under section 11 of the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240))

1. Commencement

This Regulation shall come into operation on 1 January 2001.

2. Schedule amended

The Schedule to the Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240 sub. leg.) is amended, in Form 1, in the List of Offences and Fixed Penalty -

- (a) in the Chinese text, by repealing code numbers 37, 38 and 39 and substituting -

"37.	在沒有戴上防護頭盔的情況下駕駛電單車	第 3(1)條	\$320
38.	在沒有穩妥繫上安全帶的情況下駕駛私家車	第 7(1)(a)條	\$320
39.	在前排座位乘客沒有穩妥繫上安全帶的情況下駕駛私家車	第 7(3)條	\$230" ;

- (b) by repealing code numbers 50 to 55 inclusive and substituting -

"50.	Driving taxi without being securely fastened with seat belt	Regulation 7A(1) (a)	\$320
51.	Driving light bus without being securely fastened with seat belt	Regulation 7A(1) (a)	\$320
52.	Driving goods vehicle without being securely fastened with seat belt	Regulation 7A(1) (a)	\$320
53.	Driving light bus when front seat passenger under 15 years of age not securely fastened with seat belt	Regulation 7A(3)	\$230
54.	Driving goods vehicle when front seat passenger under 15 years of age not securely fastened with seat belt	Regulation 7A(3)	\$230

55.	Driving private car when rear seat passenger not securely fastened with seat belt	Regulation 7B(2)	\$230
55A.	Driving private car when rear seat passenger under 15 years of age not securely fastened with seat belt	Regulation 7B(3)	\$230
55B.	Driving private car when rear seat passenger occupies rear seat without seat belt when there is vacant rear seat with seat belt	Regulation 7B(6)	\$230".

3. Repeal

The Fixed Penalty (Criminal Proceedings) (Amendment) Regulation 2000 (L.N. 159 of 2000) is repealed.

Secretary for Transport

11 October, 2000

Explanatory Note

Section 2 amends the Schedule to the Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240 sub. leg.) by repealing code numbers 50 to 55 inclusive and substituting new code numbers 50 to 55B inclusive. The new code numbers reflect the new offences to carry fixed penalties by virtue of the amendments made to the Schedule to the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) in consequence of the amendments made to the Road Traffic (Safety Equipment) Regulations (Cap. 374 sub. leg.) by the Road Traffic (Safety Equipment) (Amendment) Regulation 2000 (L.N. 162 of 2000). Section 3 repeals a Regulation superseded by this Regulation.