

Legislative Council Brief

Fixed Penalty (Criminal Proceedings) Ordinance (Chapter 240)

Resolution of the Legislative Council (L.N. 206 of 2000) (Commencement) Notice 2000 and Fixed Penalty (Criminal Proceedings) (Amendment) (No. 3) Regulation 2000

INTRODUCTION

The Secretary for the Environment and Food has made the Resolution of the Legislative Council (L.N. 206 of 2000) (Commencement) Notice 2000 (the “Commencement Notice”) **at Annex 1** and the Secretary for Transport has made the Fixed Penalty (Criminal Proceedings) (Amendment) (No. 3) Regulation 2000 (the “Amendment Regulation”) **at Annex 2** to bring the new level of fixed penalty in relation to smoky vehicles into operation on 1 December 2000.

BACKGROUND

2. At the meeting of the Legislative Council on 31 May 2000, the Secretary for the Environment and Food moved a resolution made under section 12 of the Fixed Penalty (Criminal Proceedings) Ordinance (Chapter 240) to increase the fixed penalty in relation to smoky vehicles from \$450 to \$1,000. In her speech moving the resolution, the Secretary stated the Administration’s proposal to bring the new level of fixed penalty into operation on 1 December 2000. The resolution was passed by the Legislative Council.

THE COMMENCEMENT NOTICE AND THE AMENDMENT REGULATION

The Resolution of the Legislative Council (L.N. 206 of 2000) (Commencement) Notice 2000

3. The Commencement Notice is to appoint 1 December 2000 as the day on which the Resolution shall come into operation according to paragraph (b) of the Resolution.

The Fixed Penalty (Criminal Proceedings)(Amendment)(No. 3) Regulation 2000

4. The Amendment Regulation is to make a corresponding amendment to Form 1 in the Schedule to the Fixed Penalty (Criminal Proceedings) Regulation.

PUBLIC CONSULTATION

5. Before we moved the resolution at the Legislative Council on 31 May 2000, we advised the public and the transport trades that the Administration proposed to bring the new level of fixed penalty into operation on 1 December 2000.

FINANCIAL AND STAFFING IMPLICATIONS

6. The proposed increase in fixed penalty will not entail additional financial and staffing implications.

ECONOMIC IMPLICATIONS

7. Under the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Chapter 374 sub. leg.), vehicles shall be so maintained that no excessive smoke is emitted therefrom. Increasing the

fixed penalty will only affect those who do not properly maintain their vehicles. Improving air quality will reduce the costs of health care and the resultant loss of productivity due to air pollution and bring positive impacts on tourism as well as providing a better environment for all sectors of the community.

ENQUIRIES

8. Enquiries on this brief can be directed to Mr. Howard Chan, Principal Assistant Secretary (C) on telephone 2136 3309.

Environment and Food Bureau
October 2000

FIXED PENALTY (CRIMINAL PROCEEDINGS) ORDINANCE

**RESOLUTION OF THE LEGISLATIVE COUNCIL (L.N. 206 OF
2000) (COMMENCEMENT) NOTICE 2000**

Under paragraph (b) of the resolution made and passed by the Legislative Council under section 12 of the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) on 31 May 2000 and published in the Gazette as Legal Notice No. 206 of 2000, I appoint 1 December 2000 as the day on which the resolution shall come into operation.

Secretary for the Environment and Food

12 October 2000

**FIXED PENALTY (CRIMINAL PROCEEDINGS) (AMENDMENT) (NO. 3)
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 December 2000.

2. Schedule amended

The Schedule to the Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240 sub. leg.) is amended in Form 1 under the heading "**LIST OF OFFENCES AND FIXED PENALTY**" in Code Number 29 by repealing "\$450" and substituting "\$1,000".

Secretary for Transport

11 October 2000

Explanatory Note

This Regulation amends the Schedule to the Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240 sub. leg.) as corresponding amendment to the Resolution made by the Legislative Council on the increase of the fixed penalty in relation to emission of excess smoke or visible vapour by vehicles from \$450 to \$1,000.