

立法會
Legislative Council

LC Paper No. CB(3) 636/04-05

Ref. : CB(3)/M/OR

Tel : 2869 9205

Date : 26 May 2005

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 15 June 2005

**Proposed resolution under
the Fixed Penalty (Criminal Proceedings) Ordinance**

I forward for Members' consideration a proposed resolution which the Secretary for the Environment, Transport and Works will move at the Council meeting of 15 June 2005 under the Fixed Penalty (Criminal Proceedings) Ordinance. The President has directed that "it be printed in the terms in which it was handed in" on the Agenda of the Council.

2. The speech, in both English and Chinese versions, which the Secretary for the Environment, Transport and Works will deliver when moving the proposed resolution, is also attached.

(Ray CHAN)
for Clerk to the Legislative Council

Encl.

FIXED PENALTY (CRIMINAL PROCEEDINGS) ORDINANCE

RESOLUTION

(Under section 12 of the Fixed Penalty (Criminal Proceedings)
Ordinance (Cap. 240))

RESOLVED –

- (a) that the Schedule to the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) be amended –
- (i) in item 10, by repealing “的連續雙白綫” and substituting “的連續白綫”;
 - (ii) in item 14, by repealing “\$450” and substituting “\$600”;
 - (iii) in item 18, by repealing “42(d)” and substituting “42(1)(d)”;
 - (iv) by adding –
 - “18A. Regulation Using a mobile \$450”;
 - 42(1)(g) telephone or other telecommunications equipment or an accessory to such telephone or equipment while the vehicle is in motion
 - (v) by adding –

“22A. Regulation 47(1A) Driving motor cycle or motor tricycle without keeping obligatory lamps lighted \$320”;

(vi) by adding –

“56A. Regulation 12(1) Failing to drive in the nearside lane of the carriageway of an expressway \$450”;

(b) that this Resolution shall come into operation on 1 January 2006.

**Speech to be made by the
Secretary for the Environment, Transport and Works
when moving the motion under section 12 of the
Fixed Penalty (Criminal Proceedings) Ordinance**

Madam President,

I move that the resolution under Section 12 of the Fixed Penalty (Criminal Proceedings) Ordinance be passed.

2. The motion seeks to increase the fixed penalty for failing to comply with traffic signals from \$450 to \$600, and make three common traffic offences as scheduled offences under the Fixed Penalty (Criminal Proceedings) Ordinance. It also rectifies clerical errors in the Schedule to the Ordinance.

3. At present, a driver who fails to comply with traffic signals may be subject to a fixed penalty of \$450 under the Ordinance. In view of high concentration of signal-controlled junctions in Hong Kong, this improper driving behaviour has often led to serious traffic accidents. There is also a rising trend in the number of prosecutions for and casualties resulted from this offence. We propose raising the fixed penalty for failing to comply with traffic signals from \$450 to \$600 for greater deterrent effect.

4. Apart from failing to comply with traffic signals, we are concerned about three common traffic offences that could lead to severe consequences, namely, using handheld telecommunications equipment while the vehicle is in motion, driving motor cycle or motor tricycle without the necessary lights illuminated, and failing to drive in the nearside lane of an expressway. All the above offences are currently enforced by way of summons. We notice that the number of prosecutions for these offences have increased substantially in the past three years, indicating that they are rather common offences. We therefore propose to simplify the means of prosecution by including these offences in the Schedule to the Fixed Penalty (Criminal Proceedings) Ordinance, so that prosecution can be done by way of fixed penalty ticket. This could facilitate enforcement and enhance the deterrent effect.

5. In considering the levels of fixed penalty for the three offences, we have taken into account the level of fines set down by the court as well as the fixed penalty levels for similar offences that are already enforceable by fixed penalty tickets. Currently, for using handheld telecommunications equipment while the vehicle is in motion, the majority of offenders are fined \$400 - \$500. We propose that the fixed penalty should be \$450. Regarding failing to drive in the nearside lane of an expressway, we also propose that the penalty should be \$450, in line with the offence of failing to comply with the restrictions in using the offside lane of an expressway. As for driving a motor cycle or motor tricycle without the necessary lights illuminated, we propose to set the fixed penalty level at \$320, which is the current level for a similar offence for motor vehicles.

6. The Panel of Transport of this Council and the Transport Advisory Committee support the above proposals. Subject to Members' approval, the resolution will take effect from 1 January 2006.

7. Madam President, I beg to move.

Environment, Transport and Works Bureau
15 June 2005