

立法會
Legislative Council

LC Paper No. CB(1)2084/04-05
(These minutes have been seen
by the Administration)

Ref: CB1/SS/8/04

**Subcommittee on Proposed Resolutions
under the Road Traffic (Driving-offence Points) Ordinance (Cap. 375)
and Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240)**

**Meeting on
Thursday, 16 June 2005, at 10:45 am
in the Chamber of the Legislative Council Building**

Members present : Hon Alan LEONG Kah-kit, SC (Chairman)
Hon LEE Cheuk-yan
Hon Margaret NG
Hon Bernard CHAN, JP
Hon LEUNG Yiu-chung
Hon Howard YOUNG, SBS, JP
Hon LAU Kong-wah, JP
Hon Miriam LAU Kin-yee, GBS, JP
Hon Andrew CHENG Kar-foo
Hon Albert CHAN Wai-yip
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon CHEUNG Hok-ming, SBS, JP
Hon CHIM Pui-chung

Members attending : Hon LEE Wing-tat
Hon LEUNG Kwok-hung

Members absent : Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP
Hon Martin LEE Chu-ming, SC, JP
Hon Abraham SHEK Lai-him, JP
Hon LI Fung-ying, BBS, JP
Hon Patrick LAU Sau-shing, SBS, JP

- Public Officers Attending** :
- Dr Sarah LIAO
Secretary for the Environment, Transport and Works
 - Mr Joshua LAW
Permanent Secretary for the Environment, Transport and Works
 - Ms Annie CHOI
Deputy Secretary for the Environment, Transport and Works
 - Mr K K LAU
Deputy Commissioner for Transport/
Planning & Technical Services
 - Mr T F LEUNG
Chief Engineer/Road Safety and Standards
Transport Department
 - Mr TANG King-shing
Deputy Commissioner of Police (Operations)
 - Mr Michael CHIU
Acting Chief Superintendent (Traffic Headquarters)
Hong Kong Police Force
- Clerk in attendance** : Mr Andy LAU
Chief Council Secretary (1)2
- Staff in attendance** : Mr LEE Yu-sung
Senior Assistant Legal Adviser 1
- Ms Anita SIT
Senior Council Secretary (1)9
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I Meeting with the Administration
(LC Paper No. CB(1)1800/04-05(01) -- Letter from the Administration)

The Subcommittee deliberated (index of proceedings attached at **Annex A**).

2. The Chairman said that since the Administration had indicated that it would give notice to move two motions on the proposed resolutions under the Road Traffic (Driving-offence Points) Ordinance (Cap. 375) and Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) at the Council meeting on 6 July 2005, the Subcommittee would submit its report to the House Committee for consideration at the

latter's meeting on 24 June 2005. The Subcommittee's report would seek to summarize the deliberations of the Subcommittee including the views expressed by members. The Clerk would circulate the draft report to members for comments before the report was formally issued.

II Any other business

3. There being no other business, the meeting ended at 12:50 pm.

Council Business Division 1
Legislative Council Secretariat
25 July 2005

**Proceedings of the meeting of
the Subcommittee on Proposed Resolutions
under the Road Traffic (Driving-offence Points) Ordinance (Cap. 375)
and Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240)
Thursday, 16 June 2005, at 10:45 am
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I – Meeting with the Administration</i>			
000430 – 001612	Chairman Secretary for the Environment, Transport and Works (SETW) Deputy Commissioner of Police (DC of P)	<ul style="list-style-type: none"> - Justifications for the proposal to increase the driving-offence points and fixed penalty for the offence of failure to comply with traffic signals - Prosecution policy in respect of the offence of failure to comply with traffic signals 	
001613 – 002546	Mr LEE Cheuk-yan SETW	<ul style="list-style-type: none"> - Proposal to differentiate red light jumping from amber light jumping for the purpose of imposing different penalties to reflect the relative gravity of the offences - Measures to facilitate compliance with traffic signals - Prosecution policy and prosecution practice in respect of red light jumping and amber light jumping 	
002547 – 003211	Ms Miriam LAU DC of P	<ul style="list-style-type: none"> - Enforcement practice in the United States in respect of failure to comply with traffic signals vis-à-vis the enforcement practice in Hong Kong - Prosecution policy under the existing legislation and the need to conduct an overall review of the prosecution policy if the legislation was amended to impose different penalties on red light jumping and amber light jumping 	
003212 – 003940	Mr WONG Kwok-hing SETW	<ul style="list-style-type: none"> - Submission dated 14 June 2005 from Federation of Hong Kong Transport Worker Organizations [CB(1)1816/04-05(01)] - Implementation programme for expanding red light camera coverage vis-à-vis the commencement of the proposed new penalty for failure to comply with traffic signals 	

Time marker	Speaker	Subject(s)	Action required
003941 – 004644	Mr LEUNG Yiu-chung DC of P	<ul style="list-style-type: none"> - Improvements to road junctions and traffic signals vis-à-vis the commencement of operation of the proposed new penalty for failure to comply with traffic signals - Availability of any guideline governing the distance between the Police officer taking enforcement action and the traffic signals - Channel for appeal against the charge for failure to comply with traffic signals and the way such appeals were handled 	
004645 – 005201	Mr LAU Kong-wah DC of P	<ul style="list-style-type: none"> - Timetable for the review of the relevant legislation governing failure to comply with traffic signals and the factors to be taken into account in the review - DC of P's assurance that the existing prosecution policy would remain unchanged unless and until the existing legislation was amended 	
005202 – 005820	Mr Albert CHAN DC for P	<ul style="list-style-type: none"> - Uncertainty as to how Police officers would exercise the discretionary power provided under the existing legislation - Concern that the Administration's move to increase the penalties for failure to comply with traffic signals prior to the completion of the corresponding improvements to the support measures might give rise to lots of disputes and conflicts in the course of enforcement and prosecution 	
005821 – 010544	Ms Margaret NG SETW	<ul style="list-style-type: none"> - The need to give due consideration to the genuine concerns raised by transport trades and to expedite the installation of additional red light cameras, the review of the legislation governing failure to comply with traffic signals, and improvements to the design of road junctions and position of traffic signals - Availability of hotline service to report any observed deficiencies or problems with the design of road junctions and position of traffic signals 	

Time marker	Speaker	Subject(s)	Action required
010545 – 011216	Mr CHIM Pui-chung SETW DC of P	<ul style="list-style-type: none"> - Responsibility of the Government to rectify any deficiencies in the design of road junctions and traffic signals and the need for a definite timetable for the relevant works - Attitude of the Administration in garnering support from Members for its proposals - Attitude of the Police in carrying out its enforcement actions 	
011217 – 012002	Mr LEUNG Kwok-hung SETW DC of P	<ul style="list-style-type: none"> - Installation of vehicular countdown device or flashing green system to facilitate drivers to comply with traffic signals - Different penalties for red light jumping and amber light jumping - Existence or otherwise of quotas for Police officers' enforcement against failure to comply with traffic signals 	
012003 – 012613	Mr Andrew CHENG DC of P Chairman	<ul style="list-style-type: none"> - The Democratic Party supported the spirit of the existing legislation governing the offence of failure to comply with traffic signals - Bases for the review of the legislation governing the offence of failure to comply with traffic signals - The practice in some overseas places that amber light jumping was not subject to prosecution to be taken into account in the review 	
012614 – 012857	Mr Bernard CHAN Chairman	<ul style="list-style-type: none"> - The insurance industry and The Alliance supported the proposal to raise the penalty for failure to comply with traffic signals 	
012858 – 013600	Mr LEE Cheuk-yan SETW Chairman	<ul style="list-style-type: none"> - Timing for moving the motions on the proposed resolutions 	
013601 – 015359	Ms Miriam LAU SETW DC of P Mr WONG Kwok-hing Deputy Commissioner for Transport/Planning & Technical Services	<ul style="list-style-type: none"> - Enforcement problems in relation to the proposal to differentiate the offence of red light jumping from amber light jumping for the purpose of imposing different penalties 	

Time marker	Speaker	Subject(s)	Action required
		<ul style="list-style-type: none"> - Experience of Shenzhen in vehicular countdown device and flashing green system 	
015400 – 015740	Ms Margaret NG	<ul style="list-style-type: none"> - Statutory defence provision under regulation 17(1)(e) of the Road Traffic (Traffic Control) Regulations (Cap. 374G) 	
<i>Agenda Item II – Any other business</i>			
015741 – 020104	Chairman Ms Miriam LAU Mr LEUNG Kwok-hung	<ul style="list-style-type: none"> - Submission of the Subcommittee’s report to the House Committee - Ms LAU urged the Administration to take heed of the concerns raised by the transport trades, and try its best to make improvement to support measures to facilitate compliance with traffic signals and to ensure fair enforcement and prosecution against the offence - Mr LEUNG urged the Administration to withhold the move to increase the penalties for failure to comply with traffic signals pending completion of the corresponding improvement to support measures - Any other business 	