

LEGISLATIVE COUNCIL BRIEF

Fixed Penalty (Traffic Contraventions) Ordinance (Chapter 237)

Fixed Penalty (Criminal Proceedings) Ordinance (Chapter 240)

Fixed Penalty (Traffic Contraventions) (Amendment) Regulation 2005

Fixed Penalty (Criminal Proceedings) (Amendment) Regulation 2005

INTRODUCTION

The Secretary for the Environment, Transport and Works has made the Fixed Penalty (Traffic Contraventions) (Amendment) Regulation 2005 (at [Annex A](#)) and the Fixed Penalty (Criminal Proceedings) (Amendment) Regulation 2005 (at [Annex B](#)) to update the fixed penalty ticket and the fixed penalty payment demand notice.

JUSTIFICATIONS

2. The Legislative Council has passed a resolution under the Road Traffic (Driving-offence Points) Ordinance (L.N. 116 of 2005) and a resolution under the Fixed Penalty (Criminal Proceedings) Ordinance (L.N. 117 of 2005) at its meeting on 6 July 2005 to –

- (a) increase the driving-offence points for failing to comply with traffic signals from 3 to 5;
- (b) raise the fixed penalty for failing to comply with traffic signals from \$450 to \$600; and
- (c) include the following offences as scheduled offences under the Fixed Penalty (Criminal Proceedings) Ordinance, so that a person who has committed the following offences may discharge his liability by payment of the fixed penalty –

- (i) using a handheld mobile telephone or telecommunication device while the vehicle is in motion¹
- (ii) failing to drive in the nearside lane of an expressway²; and
- (iii) driving motorcycle or motor tricycle without the necessary lights illuminated³.

3. Both resolutions will take effect on 1 January 2006. It is necessary to make consequential amendments to the fixed penalty ticket and the fixed penalty payment demand notice, which are prescribed under Form 1 and Form 2 of the Schedule to the Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240 sub. leg. A) respectively, to reflect the above changes.

4. We have also taken the opportunity to update the information included in the fixed penalty ticket and the fixed penalty payment demand notice, e.g. court addresses and opening hours, contact addresses and telephone numbers of the Hong Kong Police Force, etc. to meet present day requirements.

THE AMENDMENT REGULATIONS

5. The Fixed Penalty (Traffic Contraventions) (Amendment) Regulation 2005 amends Form 1 and Form 2 of the Schedule to the Fixed Penalty (Traffic Contraventions) Regulations (Cap. 237 sub. leg. A) to update the information included in the Forms.

6. The Fixed Penalty (Criminal Proceedings) (Amendment) Regulation 2005 amends Form 1 and Form 2 of the Schedule to the Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240 sub. leg. A) to reflect the amendments made by the resolutions under the Road Traffic (Driving-offence Points) Ordinance (L.N. 116 of 2005) and the Fixed Penalty (Criminal Proceedings) Ordinance (L.N. 117 of 2005), and to update the information included in the Forms.

¹ This is an offence under Section 42(1)(g) of the Road Traffic (Traffic Control) Regulations.

² This is prohibited under Section 12(1) of the Road Traffic (Expressway) Regulations.

³ This is prohibited under Section 47(1A) of the Road Traffic (Traffic Control) Regulations.

LEGISLATIVE TIMETABLE

7. The two amendment regulations will be published in the Gazette on 7 October 2005 and will be tabled at the Legislative Council for negative vetting on 12 October 2005. The amendment regulations will take effect on 1 January 2006.

IMPLICATIONS OF THE PROPOSAL

8. The proposal is in conformity with the Basic Law, including provisions concerning human rights. It does not affect the binding effect of the Fixed Penalty (Traffic Contventions) Ordinance, the Fixed Penalty (Criminal Proceedings) Ordinance and their subsidiary legislation. The proposal has no financial, civil service, economic, productivity, environmental or sustainability implications.

PUBLIC CONSULTATION

9. Public consultation has been conducted on the revisions of Road Traffic (Driving-offence Points) Ordinance and Fixed Penalty (Criminal Proceedings) Ordinance. Further consultation on the consequential amendments to the Regulations is not necessary.

PUBLICITY

10. A spokesman will be available to answer media and public enquiries.

OTHERS

11. For enquiries, please contact Mr Michael Ng, Assistant Secretary (Transport) 2C, at 2189 2104.

Environment, Transport and Works Bureau
October 2005

**FIXED PENALTY (TRAFFIC CONTRAVENTIONS)
(AMENDMENT) REGULATION 2005**

(Made under section 25 of the Fixed Penalty (Traffic Contraventions)
Ordinance (Cap. 237))

1. Commencement

This Regulation shall come into operation on 1 January 2006.

2. Payment of fixed penalty

The Fixed Penalty (Traffic Contraventions) Regulations (Cap. 237 sub. leg. A) is amended, in regulation 3(1)(d), by repealing “聆” and substituting “靈”.

3. Schedule amended

The Schedule is amended –

(a) in Form 1 –

(i) by repealing –

“

<u>電子繳款號碼</u> E-Payment Number																	
請輸入下列 18 位數字																	
Please key in the following 18 digit nos.																	
													帳類	Bill Type	01		

”

and substituting –

<u>電子繳款號碼</u> E-Payment Number																	
請輸入下列 18 位數字																	
Please key in the following 18 digit nos.																	
													帳類	Bill Type	01		

日 Day 月 Month 年 Year

發出日期 Date of Issue”;

(ii) in the Chinese version, in 附註, by repealing paragraph D and substituting –

“D. 如對本通知書有任何查詢，請致電中央交通違例檢控組。(電話：2866 6552) (傳真：2200 4320)”;

(iii) in the English version, in the **Notes**, by repealing paragraph D and substituting –

“D. For enquiry on this notice, please contact the Central Traffic Prosecutions Division. (Tel: 2866 6552) (Fax: 2200 4320)”;

(iv) in the **Payment Instructions** –

(A) in paragraph 1(b) –

(I) by repealing “聆” and substituting “靈”;

(II) by repealing “聆” and substituting “靈”;

(B) in paragraph 1(c), by repealing “聆” and substituting “靈”;

(C) in paragraph 1(e) –

(I) in both the Chinese and the English versions, by repealing sub-subparagraph (ii);

(II) in both the Chinese and the English versions, by repealing sub-subparagraph (vi);

(III) in the Chinese version, by repealing sub-subparagraph (vii) and substituting –

“(vii) 粉嶺璧峰路 1 號粉嶺法院大樓粉嶺裁判法院;”;

(IV) in the English version, by repealing sub-subparagraph (vii) and substituting –

- “(vii) Fanling Magistrates’ Courts,
Fanling Law Courts Building,
1 Pik Fung Road, Fanling;”;
- (V) in the Chinese version, by repealing
“4 時” and substituting “5 時”;
- (VI) in the English version, by repealing
“4 p.m.” and substituting “5 p.m.”;
- (D) in paragraph 2, by repealing ““特區政
府”” and substituting ““香港特區政府””;

(b) in Form 2 –

(i) by repealing –

請注意：

Please note :

- 就此事根據本條例第 15(2)條發出的通知書(號碼：)可能已經向你送達。
A notice under section 15(2) of the Ordinance (No. :) may already have been served
on you in this case.
如你已繳付該通知書所指明的定額罰款，則無須理會本通知書。
If you have paid the Fixed Penalty specified by that notice, you should ignore this demand.
- 款項應按照背面所載的指示繳付。
Payment should be made according to the instructions set out overleaf.
- 若按照繳款辦法第 1(e)段所示方法繳款，本通知書必須保持完整並於繳款時出示。
For payment made in accordance with paragraph 1(e) of the Payment Instructions, this notice must be kept intact and produced at the
time of payment.

C.R.C.

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and substituting –

請注意：

Please note :

- 就此事根據本條例第 15(2)條發出的通知書(號碼：)可能已經向你送達。
A notice under section 15(2) of the Ordinance (No. :) may already have been served
on you in this case.
如你已繳付該通知書所指明的定額罰款，則無須理會本通知書。
If you have paid the Fixed Penalty specified by that notice, you should ignore this demand.
- 款項應按照背面所載的指示繳付。
Payment should be made according to the instructions set out overleaf.
- 若按照繳款辦法第 1(e)段所示方法繳款，本通知書必須保持完整並於繳款時出示。
For payment made in accordance with paragraph 1(e) of the Payment Instructions, this notice must be kept intact and
produced at the time of payment.

C.R.C.

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- (ii) in the **PAYMENT INSTRUCTIONS** –
- (A) in paragraph 1(b) –
- (I) by repealing “聆” and substituting “靈”;
- (II) by repealing “聆” and substituting “靈”;
- (B) in paragraph 1(c), by repealing “聆” and substituting “靈”;
- (C) in paragraph 1(e) –
- (I) in both the Chinese and the English versions, by repealing sub-subparagraph (ii);
- (II) in both the Chinese and the English versions, by repealing sub-subparagraph (vi);
- (III) in the Chinese version, by repealing sub-subparagraph (vii) and substituting –
- “(vii) 粉嶺璧峰路 1 號粉嶺法院大樓粉嶺裁判法院;”;
- (IV) in the English version, by repealing sub-subparagraph (vii) and substituting –
- “(vii) Fanling Magistrates’ Courts,
Fanling Law Courts Building,
1 Pik Fung Road, Fanling;”;
- (V) in the Chinese version, by repealing “4 時” and substituting “5 時”;

- (VI) in the English version, by repealing
“4 p.m.” and substituting “5 p.m.”;
- (D) in paragraph 2, by repealing ““特區政府”” and substituting ““香港特區政府””;
- (iii) in the Chinese version, in **查詢**, by repealing –
“如對本通知書有任何查詢，請致電中央交通違例檢控科。(電話：2866 6552)”
and substituting –
“如對本通知書有任何查詢，請致電中央交通違例檢控組。(電話：2866 6552)
(傳真：2200 4320)”;
- (iv) in the English version, in the **Enquiries**, by repealing –
“For enquiries on this notice, please contact the Central Traffic Prosecutions Bureau.
(Tel: 2866 6552)”
and substituting –
“For enquiries on this notice, please contact the Central Traffic Prosecutions Division.
(Tel: 2866 6552) (Fax: 2200 4320)”;
- (v) in the NOTIFICATION TO COMMISSIONER OF POLICE OF WISH TO DISPUTE LIABILITY FOR CONTRAVENTIONS, by repealing –

“致：警務處處長	To: The Commissioner of Police
香港灣仔軒尼	Traffic Branch
詩道 1 號	Headquarters, Unit 4
熙信大廈 15 樓	15th Floor, Asian House,
香港警務處交	1 Hennessy Road, Wan Chai,
通總部第 4 組	Hong Kong.”

and substituting –

“致：警務處處長	To: The Commissioner of Police
香港灣仔軍器	Unit 4, Central Traffic
廠街 1 號警察	Prosecutions Division,
總部警政大樓	Traffic Branch Headquarters,
31 樓交通總部	31st Floor, Arsenal House,
中央交通違例	Police Headquarters,
檢控組第 4 組	No. 1 Arsenal Street,
	Wan Chai, Hong Kong.”.

Secretary for the Environment,
Transport and Works

2005

Explanatory Note

This Regulation updates Forms 1 and 2 of the Schedule to the Fixed Penalty (Traffic Contraventions) Regulations (Cap. 237 sub. leg. A) (Notice of particulars of alleged fixed penalty traffic contravention and Notice demanding payment of fixed penalty).

and substituting –

電子繳款號碼 E-Payment Number															
請輸入下列 18 位數字															
Please key in the following 18 digit nos.												帳類	Bill Type	02	

日 Day 月 Month 年 Year

發出日期 Date of Issue”;

- (iii) in the **Notes**, by repealing paragraph E and substituting –

“E. 如對本通知書有任何查詢，請致電中央交通違例檢控組。(電話：2866 6552)(傳真：2200 4319)
For enquiry on this notice, please contact the Central Traffic Prosecutions Division. (Tel.: 2866 6552)
(Fax: 2200 4319)”;

- (iv) in the **PAYMENT INSTRUCTIONS** –

(A) in paragraph 1(b) –

(I) by repealing “**聆**” and substituting “**靈**”;

(II) by repealing “**聆**” and substituting “**靈**”;

(B) in paragraph 1(c), by repealing “**聆**” and substituting “**靈**”;

(C) in paragraph 1(e) –

(I) in both the Chinese and the English versions, by repealing sub-subparagraph (ii);

- (II) in both the Chinese and the English versions, by repealing sub-subparagraph (vi);
- (III) in the Chinese version, by repealing sub-subparagraph (vii) and substituting –
 - “(vii) 粉嶺璧峰路 1 號粉嶺法院大樓粉嶺裁判法院;”;
- (IV) in the English version, by repealing sub-subparagraph (vii) and substituting –
 - “(vii) Fanling Magistrates’ Courts, Fanling Law Courts Building, 1 Pik Fung Road, Fanling;”;
- (V) in the Chinese version, by repealing “4 時” and substituting “5 時”;
- (VI) in the English version, by repealing “4 p.m.” and substituting “5 p.m.”;
- (D) in paragraph 2, by repealing ““特區政府”” and substituting ““香港特區政府””;
- (v) in the LIST OF OFFENCES AND FIXED PENALTY –
 - (A) in code number 10, by repealing “的連續雙白綫” and substituting “的連續白綫”;
 - (B) in code number 14 –
 - (I) by repealing “#” and substituting “!”;
 - (II) by repealing “\$450” where it twice appears and substituting “\$600”;

(C) in code number 18, by repealing “42(d)” where it twice appears and substituting “42(1)(d)”;

(D) by adding –

“18A. 在汽車移動 第 42(1)(g) \$450
時，使用流動 條
電話或其他電
訊設備或該等
電話或設備的
附件

Using a mobile Regulation \$450”;
telephone or 42(1)(g)
other
tele-communi-
cations
equipment or
an accessory to
such telephone
or equipment
while the
vehicle is in
motion

(E) by adding –

“22A. 在沒有亮着 第 47(1A)條 \$320
 強制性車燈
 的情況下駕
 駛電單車或
 機動三輪車

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

(F) by adding –

“56A. 沒有在快速 第 12(1)條 \$450
 公路車路的
 左邊行車綫
 上駕駛

Failing to Regulation \$450”;
 drive in the 12(1)
 nearside lane
 of the
 carriage-way
 of an
 expressway

- (d) in Form 2 –
(ii) by repealing –

請注意：

Please note :

1. 就此事根據本條例第 3(1)條發出的通知書(號碼：) 可能經已向你送達。
A notice under section 3(1) of the Ordinance (No. :) may already have been served on you in this case.
如你已繳付該通知書所指明的定額罰款，則無須理會本通知書。
If you have paid the Fixed Penalty specified by that notice, you should ignore this demand.
2. 款項應按照背面所載的指示繳付。
Payment should be made according to the instructions set out overleaf.
3. 若按照繳款辦法第 1(e)段所示方法繳款，本通知書必須保持完整並於繳款時出示。
For payment made in accordance with paragraph 1(e) of the Payment Instructions, this notice must be kept intact and produced at the time of payment.

C.R.C.

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and substituting –

請注意：

Please note :

1. 就此事根據本條例第 3(1)條發出的通知書(號碼：) 可能經已向你送達。
A notice under section 3(1) of the Ordinance (No. :) may already have been served on you in this case.
如你已繳付該通知書所指明的定額罰款，則無須理會本通知書。
If you have paid the Fixed Penalty specified by that notice, you should ignore this demand.
2. 款項應按照背面所載的指示繳付。
Payment should be made according to the instructions set out overleaf.
3. 若按照繳款辦法第 1(e)段所示方法繳款，本通知書必須保持完整並於繳款時出示。
For payment made in accordance with paragraph 1(e) of the Payment Instructions, this notice must be kept intact and produced at the time of payment.

C.R.C.

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(ii) in the **PAYMENT INSTRUCTIONS** –

(A) in paragraph 1(b) –

(I) by repealing “聆” and substituting
“靈”;

(II) by repealing “聆” and substituting
“靈”;

(B) in paragraph 1(c), by repealing “聆” and
substituting “靈”;

(C) in paragraph 1(e) –

- (I) in both the Chinese and the English versions, by repealing sub-subparagraph (ii);
- (II) in both the Chinese and the English versions, by repealing sub-subparagraph (vi);
- (III) in the Chinese version, by repealing sub-subparagraph (vii) and substituting –
 - “(vii) 粉嶺璧峰路 1 號粉嶺法院大樓粉嶺裁判法院;”;
- (IV) in the English version, by repealing sub-subparagraph (vii) and substituting –
 - “(vii) Fanling Magistrates’ Courts, Fanling Law Courts Building, 1 Pik Fung Road, Fanling;”;
- (V) in the Chinese version, by repealing “4 時” and substituting “5 時”;
- (VI) in the English version, by repealing “4 p.m.” and substituting “5 p.m.”;
- (D) in paragraph 2, by repealing ““特區政府”” and substituting ““香港特區政府””;
- (iii) in the Chinese version, in **查詢**, by repealing –
 - “如對本通知書有任何查詢，請致電中央交通違例檢控科。(電話：2866 6552)”
 and substituting –

“如對本通知書有任何查詢，請致電中央交通違例檢控組。(電話：2866 6552)(傳真：2200 4319)”;

(iv) in the English version, in the **Enquiries**, by repealing –

“For enquiries on this notice, please contact the Central Traffic Prosecutions Bureau.
(Tel.: 2866 6552)”

and substituting –

“For enquiries on this notice, please contact the Central Traffic Prosecutions Division.
(Tel.: 2866 6552) (Fax: 2200 4319)”;

(v) in the NOTIFICATION TO COMMISSIONER OF POLICE OF WISH TO DISPUTE LIABILITY FOR OFFENCE, by repealing –

“致：警務處處長	To: The Commissioner of Police
香港灣仔軒尼	Traffic Branch
詩道 1 號	Headquarters, Unit 3
熙信大廈 15 樓	15th Floor, Asian House,
香港警務處交	1 Hennessy Road, Wan Chai,
通總部第 3 組	Hong Kong.”

and substituting –

“致：警務處處長	To: The Commissioner of Police
香港灣仔軍器	Unit 3, Central Traffic
廠街 1 號警察	Prosecutions Division,
總部警政大樓	Traffic Branch Headquarters,
31 樓交通總部	31st Floor, Arsenal House,
中央交通違例	Police Headquarters,
檢控組第 3 組	No. 1 Arsenal Street,
	Wan Chai, Hong Kong.”.

Secretary for the Environment, Transport
and Works

2005

Explanatory Note

By a Resolution of the Legislative Council (L.N. 117 of 2005) passed under section 12 of the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) on 6 July 2005, the Schedule to the Ordinance is amended to include the following offences as scheduled offences –

- (a) using telecommunications equipment while the vehicle is in motion (regulation 42(1)(g) of the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G));
- (b) driving motor cycle or motor tricycle without keeping lamps lighted (regulation 47(1A) of the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G)); and
- (c) failing to drive in the nearside lane of the carriageway of an expressway (regulation 12(1) of the Road Traffic (Expressway) Regulations (Cap. 374 sub. leg. Q)).

2. The Resolution also raises the fixed penalty for a contravention of regulation 18 of the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G) (“the said offence”) (failing to comply with traffic signals) from \$450 to \$600.

3. By another Resolution of the Legislative Council (L.N. 116 of 2005) passed under section 4(3) of the Road Traffic (Driving-offence Points) Ordinance (Cap. 375) on 6 July 2005, the Schedule to the Ordinance is amended so that a driver who commits the said offence will incur 5 driving-offence points instead of 3 driving-offence points.

4. The general nature of scheduled offences, the fixed penalties for the offences and the existing driving-offence points that the said offence carries are also set out in Form 1 of the Schedule to the Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240 sub. leg. A) (“the said Schedule”). This Regulation –

- (a) consequentially amends that Form (Notice of particulars of alleged fixed penalty traffic offence) to reflect the amendments made by the two Resolutions;
- (b) updates Form 1 and Form 2 (Notice demanding payment of fixed penalty) of the said Schedule; and
- (c) rectifies certain clerical errors in Form 1 of the said Schedule.