

**For information**

**LEGISLATIVE COUNCIL PANEL ON TRANSPORT**

**Review on the Offence of  
Failure to Comply with Traffic Signals**

**Purpose**

This note sets out the findings of a review on the offence of failure to comply with traffic signals.

**Background**

**Legislation**

2. Regulation 18 of the Road Traffic (Traffic Control) Regulations (Cap. 374G) (“the Regulations”) provides that no driver of a vehicle on a road shall fail to comply with the indication given by a red or amber light or intermittent red lights in accordance with regulation 16 or 17. Regulation 17 stipulates the acts that constitute failure to comply with traffic signals<sup>1</sup>.

**Increased Penalties for the Offence**

3. To enhance road safety and strengthen the deterrent effect for failing to comply with traffic signals, legislative amendments were passed in July 2005

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<sup>1</sup> Regulation 17 provides, inter alia, that :

- (i) the red light signal shall indicate the prohibition that vehicular traffic shall not proceed beyond the stop line on the carriageway provided in conjunction with the light signals or, if the stop line is not for the time being visible or there is no stop line, beyond the light signals (under Regulation 17(1)(a)); and
- (ii) amber light signal, when shown alone, shall indicate the prohibition that vehicular traffic shall not proceed beyond the stop line or, if the stop line is not for the time being visible or there is no stop line, beyond the light signals, except in the case of any vehicle which when the light signal first appears is so close to the stop line or light signals that it cannot safely be stopped before passing the stop line or light signals (under Regulation 17(1)(e)).

to increase the driving-offence points for the offence from 3 to 5 and the fixed penalty from \$450 to \$600. The new penalties took effect on 1 January 2006.

### **Prosecution statistics**

4. Since the new penalties came into effect on 1 January 2006, there has been a substantial drop in the number of prosecutions against red light jumping. The total number of prosecutions in the first six months of 2006 was 14 014, representing a decrease of nearly 30% when compared with that of 19 845 in the same period in 2005. Nevertheless, as with many other traffic offences, we consider that more time would be needed to observe the actual effectiveness of the raised penalties, strengthened publicity and enhanced enforcement in deterring motorists from disobeying traffic signals in the longer term.

5. In 2006, we have also expanded the number and coverage of red light camera in phases<sup>2</sup>. The number of red light cameras has increased gradually from 28 to 96 (+243%). With the increase in the number of cameras, the number of prosecutions starting from the last quarter of 2006 till 2007 would likely be higher than that in earlier years, because red light cameras would be able to capture red light jumping offences of a particular junction round the clock<sup>3</sup>.

### **Prosecution policy and practices**

6. Currently, the Police has adopted the following prosecution policy and practices :

- (a) Because of the provision of the statutory defence in Regulation 17(1)(e) of the Regulations<sup>4</sup>, it has been the Police's prosecution policy not to prosecute amber light jumping unless there is sufficient

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<sup>2</sup> Originally, there were red light camera housings at 111 signalized road junctions, with 28 cameras operating on a rotational basis. To enhance enforcement against red light jumping, we have expanded the camera system by procuring 68 additional cameras and installing camera housings at 20 new junctions. There are now 96 cameras at 131 housings, representing an 18% increase in housings and some three-fold increase in the camera-to-housing ratio from 1:4 to 1:1.4.

<sup>3</sup> However, given the different number of red light cameras in place, it would not be appropriate to make a direct comparison of the year-on-year statistics of total prosecutions.

<sup>4</sup> Please refer to para. 2 and footnote 1.

evidence to prove beyond reasonable doubt. In cases where there are elements of uncertainty, the driver in question will be given benefit of the doubt.

- (b) As a general prosecution practice and under normal circumstances, no prosecution action for traffic light offences will be instituted under the following situations –
  - (i) where a vehicle has proceeded slightly beyond the stop line or impinge upon the pedestrian crossing, but no accident and no injury has been caused; and
  - (ii) where a vehicle has legitimately passed the traffic signals but then has to stop at a junction because the traffic ahead does not allow it to exit the junction.
- (c) A set of guidelines has been issued to all frontline police officers to ensure that the above prosecution policy and practices are followed.
- (d) Any person aggrieved by any prosecution can appeal to the Traffic Branch Headquarters for a review of the charge.

Following from the above prosecution policy and practice, there has been no prosecution against amber light jumping in both 2005 and 2006. The Police have reviewed the existing prosecution policy and concluded that the existing legislation and prosecution policy are fair and clear.

7. With the marked increase in the number of red light cameras, the percentage of electronic prosecutions by using red light cameras has increased from 70% in 2004 to 88% in late 2006. It is expected that camera-based prosecution would rise further<sup>5</sup>. As the camera system is set to be triggered only by red but not amber light jumping, the chance of prosecuting drivers who have “inadvertently” jumped amber light is extremely remote.

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<sup>5</sup> Despite the increasing adoption of camera-based prosecutions, manual operation against traffic light offences at strategic locations and traffic black spots would continue to be a vital element of the Police’s enforcement strategy to deter inappropriate behaviour.

8. Against the above background on prosecution policy and practices, we consider it necessary to maintain amber light jumping as an offence carrying the same penalties with red light jumping from the enforcement angle. Otherwise, it would bring immense enforcement problems for frontline police officers. The difference in the penalty level would provide a good incentive for motorists to argue that they have only jumped the amber light. Apart from increasing potential conflicts between the Police and the public, this would bring greater ambiguity and difficulties in prosecutions against red light jumping and unnecessary delays to the traffic flow.

### **Traffic Accidents Arising from Disobeying Traffic Signals**

9. Since the penalties for failing to comply with traffic signals were increased on 1 January 2006, there has been noticeable reduction in the number of traffic accidents involving disobeying traffic signals. In 2006, the number of traffic accidents involving drivers disobeying traffic signals was 256, representing a reduction of over 23% when compared with 331 in 2005. The number of casualties involved in these accidents also dropped by nearly 29% from 608 in 2005 to 434 in 2006.

10. Road safety is our prime consideration. It is important to make it clear to drivers that they have to stop when the red or amber light is on. This is the spirit of the current legislation and the basis of the design of our signalized junctions. Lowering the penalties of amber light jumping, or making amber light jumping not a traffic offence will send a wrong message to motorists that the consequence of amber light jumping is not serious. This can greatly increase the number of serious injuries resulting from collision of vehicles from the different approaches of signal junctions as well as pedestrians being hit by vehicles on signalized crossings. Also, there would likely be more drivers jumping red light, and more accidents caused by abrupt stopping of vehicles when the red light signal appears. Hence, making amber light jumping not an offence is not conducive to our continuous efforts in enhancing road safety, especially in our densely populated and heavily trafficked environment.

## **Overseas Practice on Amber Light Jumping**

11. We have conducted researches on overseas practices regarding penalties for failing to comply with traffic signals and found that there are no consistent practices worldwide<sup>6</sup>. Most countries/cities under our research either adopt the same practice with Hong Kong by imposing the same penalties on both amber and red light jumping, or making amber light jumping not an offence. Since there is no international standard or practice, and having regard to the road safety consideration mentioned at para. 10 above, we consider it prudent to continue adopting the existing practice that has been working well, rather than consider relaxing the legislative requirement by making amber light jumping not an offence.

## **Advice Sought**

12. Members are invited to note the contents of this paper.

**Environment, Transport and Works Bureau**  
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<sup>6</sup> According to our research, there are no consistent practices worldwide -

- (a) Similar to the practice in Hong Kong, the United Kingdom, Australia (New South Wales), Canada (Ontario), the United States (Wisconsin) and the Mainland (Beijing) do not differentiate between red and amber light jumping and the same penalties apply to both offences.
- (b) Amber light jumping is not an offence in Netherlands, Singapore, Sweden and the United States (Maine, California and New York).
- (c) Finland differentiates amber light jumping from red light jumping and there are different penalties for the two offences. However, the Finnish Police usually just give warning to drivers jumping the amber light.