

**Bills Committee on
Revenue Bill 1999**

**Administration's Response to Concerns
raised by Members at the meeting on
26 April 1999**

- (a) The prosecution figures for parking and moving offences by fixed penalty tickets broken down by year and by number of tickets per vehicle per year since 1994 are presented at Annexes A and B in graph form. Further analysis by vehicle types are not readily available and are being compiled. We will submit the information to Members as soon as they are available.

As explained at the last Bills Committee meeting, the number of fixed penalty tickets issued is only one of the indicators of the seriousness of traffic offences. In order that the deterrent effect of the fixed penalties is not eroded by inflation, we need to adjust the levels of fixed penalties periodically in line with inflation. While it is true that the total number of fixed penalty tickets issued has declined since the levels of the penalties were last adjusted in 1994, we believe that this has been due in no small measure to the package of improvements implemented by the Transport Department to increase the supply of parking space and the flexible prosecution policy of the Police.

It is also noted that while the number of prosecutions has been declining, the figures in recent years (apart from 1998) have still far exceeded the number of tickets issued before 1993, which consistently remained at below 2 million per year.

- (b) The Police has adopted the Selective Traffic Enforcement Policy (STEP) since 1993. The aim of the policy is to reduce traffic accidents, reduce inherent danger to road users, and help to maintain free traffic flow. The broad principles of the STEP focus on:-
- (i) Traffic offences known to be the cause, or likely to be the cause of traffic accidents, either by driving manner or the location of the offences.
 - (ii) Parking offences causing obstruction to the traffic flow. Roads in the territory are classified as follows:-

- ‘Red’ roads - roads, with or without metered parking spaces which, if they were to become congested, would inhibit the free flow of traffic on the primary, district and local distributors; and
- ‘White’ roads - all other roads.

(iii) ‘Red’ roads are enforced between 0800 - 2200 hours and ‘White’ roads are **not** normally enforced except for safety reasons or due to serious obstruction to the traffic flow.

(iv) Liberal exercise of discretion on traffic violation other than targetted offences.

(c) The proposal to relax the speed limits for certain roads was not a decision made by the Executive Council. In fact, it is part of a package of measures to combat the serious problem of speeding. The measures consist of the following:-

(i) comprehensive review of the speed limits of major roads and expressways;

(ii) improving the method of enforcement on speeding offences;

(iii) review of penalties for speeding offences; and

(iv) strengthening community education and publicity on speeding.

As explained at the last Bills Committee meeting, the review is an ongoing exercise. It will continue whenever the need arises or requests are received from the public.

(d) We have adopted a new approach this year in combining all revenue proposals which need to be effected through legislative amendments in one omnibus Revenue Bill for consideration by the Legislative Council. We are aware that Members have formed some views on this approach. We maintain that this approach has its merits in facilitating Members in the scrutiny of the Budget legislation. As regards whether we would consider other changes in our approach in introducing revenue proposals in future, we will need to consider the issue carefully. We would need to take into account the various points raised by Members during the

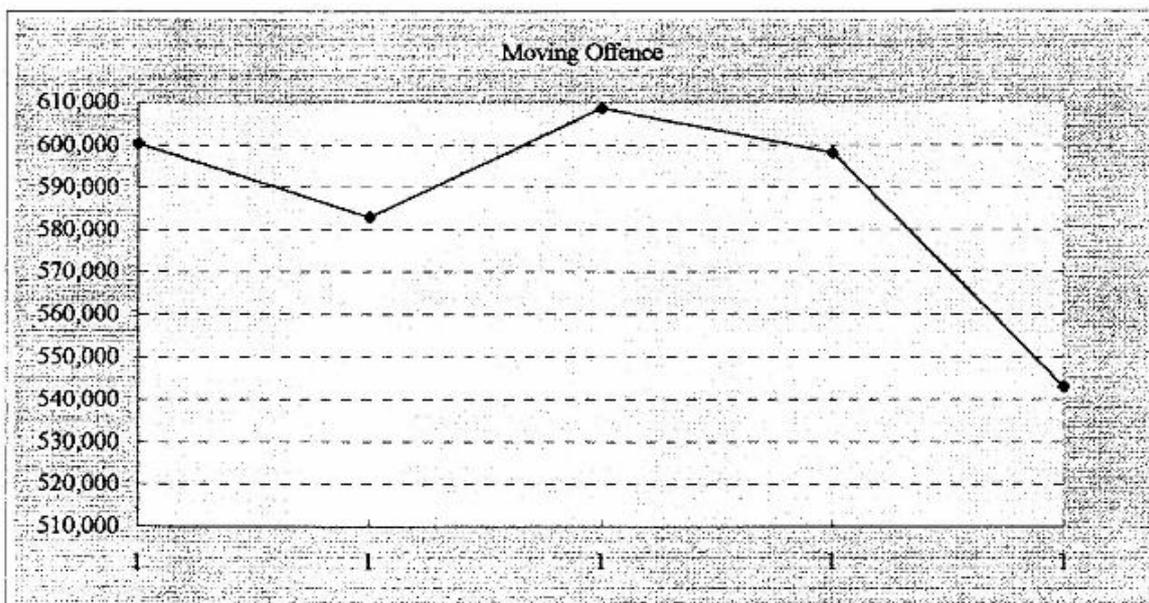
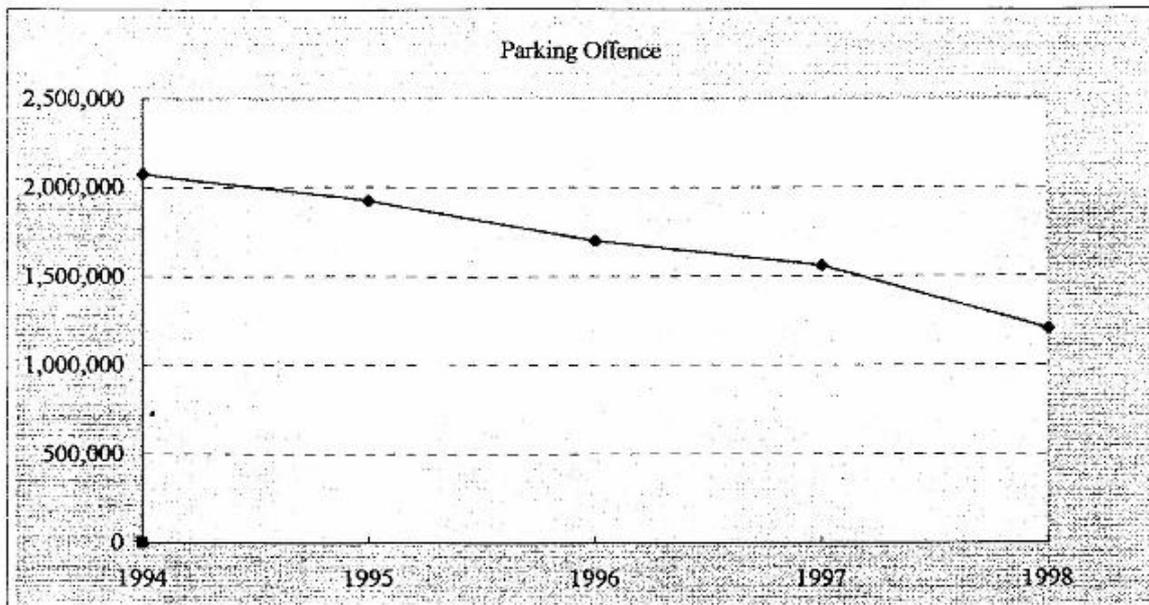
deliberation of the Revenue Bill 1999 and other relevant issues. We are therefore unable to offer a specific timetable at this stage. However, it is our intention to consider this complex issue, which has both policy and legal implications, expeditiously. We would be happy to keep Members informed about our progress in examining the issue.

- (e) The Public Revenue Protection (Revenue) Order 1999 is a piece of subsidiary legislation made under the empowering provision in section 2 of the Public Revenue Protection Ordinance (Cap. 120) in full compliance with the constitutional duty of the Chief Executive to consult the Executive Council under Basic Law Article 56 before making subsidiary legislation. The effect of the provision is that it empowers the Chief Executive to make an order “giving full force and effect of law” to all the provisions of the Revenue Bill 1999 set out in the Schedule to the 1999 Order, including any increase in penalties for traffic-related offences provided for in the Bill.

In view of the above, there is no legal basis for suggesting that the 1999 Order, including the above-mentioned penalty provisions, is inconsistent with the Basic Law, including the human rights guarantee under Basic Law Article 39.

Finance Bureau
FIN CR 7/2201/98
30 April 1999

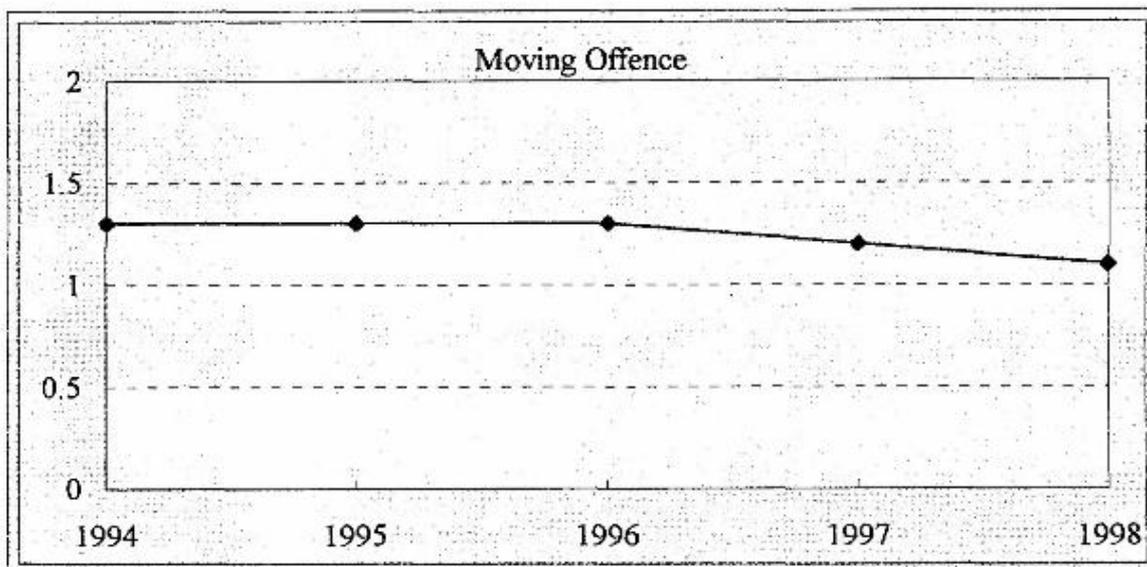
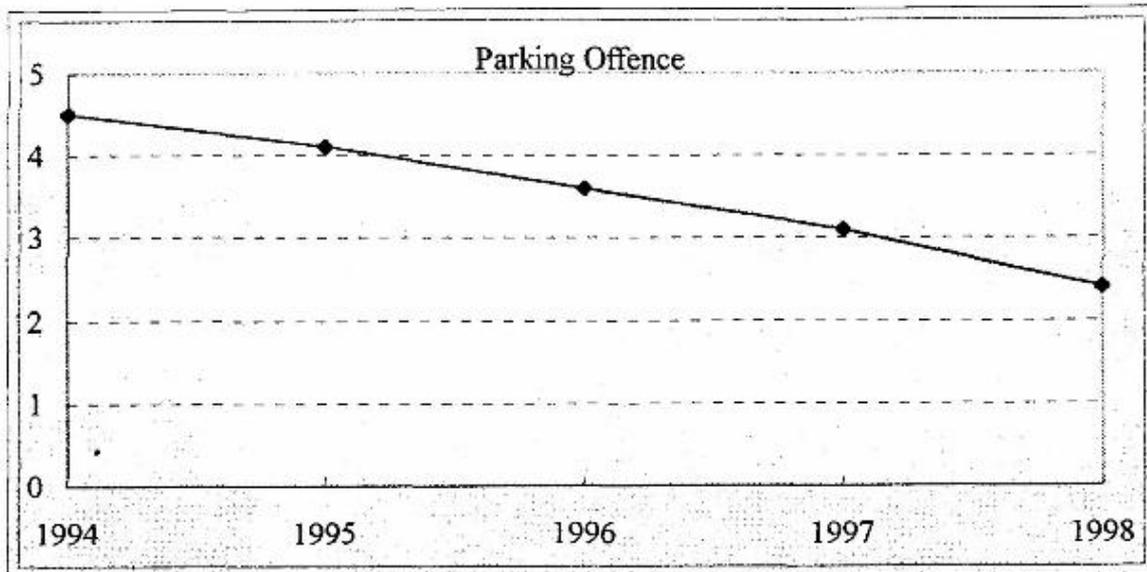
Total Prosecution figures for Parking and Moving Offences by
Fixed Penalty Ticket (1994-1998), Breakdown by year



Year	Pol. 525	Pol. 570	Total
1994	2,077,106	600,412	2,677,518
1995	1,922,383	582,998	2,505,381
1996	1,701,744	608,630	2,310,374
1997	1,561,816	598,386	2,160,202
1998	1,206,310	543,145	1,749,455

Annex B

Total Prosecution figures for Parking and Moving Offences by Fixed Penalty Ticket(1994-1998), breakdown by No. of tickets per vehicle per year



Year	Po.525	Pol.570	Total
1994	4.5	1.3	5.8
1995	4.1	1.3	5.4
1996	3.6	1.3	4.9
1997	3.1	1.2	4.3
1998	2.4	1.1	3.5