

LEGISLATIVE COUNCIL BRIEF

ROAD TRAFFIC LEGISLATION (AMENDMENT) BILL 2000

MEASURES TO COMBAT SPEEDING

INTRODUCTION

At the meeting of the Executive Council on 22 February 2000, the Council **ADVISED** and the Chief Executive **ORDERED** that the Road Traffic Legislation (Amendment) Bill 2000, at Annex A, should be introduced into the Legislative Council to increase the penalties for the more serious speeding offences.

BACKGROUND AND ARGUMENT

2. Speeding remains a significant problem in Hong Kong. For the years of 1997 - 1999, the Police on average issued 185,000 fixed penalty tickets annually for speeding offences, representing 40% of the total number of fixed penalty tickets issued for moving offences¹. With the opening of new expressways, the problem of speeding on expressways has become more acute. The number of speeding offences on expressways rose sharply by 60% in 1997 and 103% in 1998. The situation only started to stabilize in 1999. Statistics on occurrence and accidents involving speeding are at Annex B.

3. In early 1999, the Administration consulted the LegCo Panel on Transport and the public on a possible revision of the penalty levels for speeding offences. Some members considered the speed limits of certain road sections in Hong Kong to be unrealistically low which might have contributed to the seriousness of speeding offences in Hong Kong. They suggested that a review on the speed limits of the roads in Hong Kong should be made before considering any revision of the penalty levels for speeding offences.

¹ Moving offences refer to traffic offences committed by drivers while driving.

Review of Speed Limit

4. Speed limits on our roads vary with the type of roads. In general, the limits are 50 km/h for the vast majority of urban roads, 70 or 80 km/h for main roads outside built-up areas and 100 km/h for high standard expressways². A consultancy study in 1999 concludes that the speed limit structure adopted in Hong Kong generally accords with international practices, and recommends that our present speed limit structure is suitable and that no changes should be made.

5. The speed limit on all major roads are regularly reviewed and any speed limit that is changed will be further evaluated two years after commissioning and then every three to six years thereafter.

6. In 1999, the Administration completed the review of speed limits on some 40 major road sections, and the speed limits on 18 road sections have been revised in stages since March 1999 in accordance with the implementation programme at Annex C.

7. The Police have been monitoring the traffic movements on the relevant major road sections. After the relaxation of the speed limits, there has not been any significant change in the number of traffic accidents on these road sections. However, more traffic accident data would need to be collected before a detailed statistical analysis could be made.

Review of Fixed Penalties and Driving-Offence Points

8. To address the speeding problem, the Administration has conducted a review of the existing fixed penalties and driving-offence points.

9. Under Section 41 of the Road Traffic Ordinance (Cap.374), speeding is punishable by a maximum fine of \$4,000. Over 98% of speeding offences are punished by way of fixed penalties and driving-offence points as follows -

² There is an exception of adopting a speed limit of 110 km/h on North Lantau Highway which is a longer distance road with minimal interference from slip roads.

Offence	Fixed Penalty	Driving-Offence Points
Driving in excess of speed limit ≤ 15 km/h	\$320	0
Driving in excess of speed limit >15 but ≤ 30 km/h	\$450	3
Driving in excess of speed limit >30 but ≤ 45 km/h	\$450	5
Driving in excess of speed limit >45 km/h	\$450	8

10. The fixed penalties were last adjusted in 1994. Under the current two-tier system, the levels of penalty are not directly proportional to the seriousness of the offences. To deter these more serious speeding offences, there is a need to adjust some of the fixed penalties. There is also a need to adjust the Driving-Offence Points for excessive speeding (i.e. speeding in excess of the speed limit by more than 30 km/h) in order to reflect the significantly higher potential danger such kinds of driving behaviour could cause to other road users.

11. While there are no comprehensive statistics showing the relationship between the seriousness of speeding and the number of traffic accidents, a survey on the accident figures on Hong Kong's highways shows that in general, the higher the average speed, the higher the accident rate.

The Proposal

12. In the round of consultation conducted in early 1999, there was general support for heavier penalties for excessive speeding as such driving behaviour imposes serious threats on other road users.

13. It is proposed that the existing fixed penalties for the less serious speeding offences should remain unchanged, but the fixed penalties for the more serious speeding offences should be adjusted. The proposal is as follows -

Offence	Existing Fixed Penalty	Proposed Fixed Penalty
Driving in excess of speed limit $\leq 15 \text{ km/h}$	\$320	\$320
Driving in excess of speed limit $>15 \text{ but } \leq 30 \text{ km/h}$	\$450	\$450
Driving in excess of speed limit $>30 \text{ but } \leq 45 \text{ km/h}$	\$450	\$600
Driving in excess of speed limit $>45 \text{ km/h}$	\$450	\$1000

14. Regarding the Driving-Offence Points, the proposal is as follows -

Offence	Existing Driving- Offence Points	Revised Driving- Offence Points Proposal
Driving in excess of speed limit $\leq 15 \text{ km/h}$	0	0
Driving in excess of speed limit $>15 \text{ but } \leq 30 \text{ km/h}$	3	3
Driving in excess of speed limit $>30 \text{ but } \leq 45 \text{ km/h}$	5	6
Driving in excess of speed limit $>45 \text{ km/h}$	8	10

15. For speeding in excess by more than 45 km/h, if the offender is prosecuted by summons (as opposed to being issued with a fixed penalty notice), it is also proposed that on conviction a mandatory disqualification from driving for six months should be introduced. Disqualification is considered to be one of the most effective means to deter such dangerous driving behaviour.

Publicity and Education

16. The Administration would continue to increase the awareness amongst the general public through Announcements of Public Interest (APIs) and publicity campaigns that the risk of collision climbs sharply with every kilometer in excess of the speed limit. In 1998/99 and 1999/00, speeding was included as one of the priority messages in our Road Safety Campaign. The Administration intends to feature speeding as one of the priority messages again in the coming financial year and will develop plans to strengthen community involvement in road safety initiatives.

THE BILL

17. The Bill contains four main provisions. Clause 2 amends the Schedule to the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) by revising the fixed penalties for speeding in excess of the speed limit by 30 - 45 km/h and by more than 45 km/h. Clause 3 amends the Road Traffic Ordinance (Cap. 374) by introducing mandatory disqualification, to apply where a person is convicted of speeding and he exceeded the speed limit by more than 45 km/h. Clause 4 amends the Schedule to the Road Traffic (Driving-offence Points) Ordinance (Cap.375) by revising the Driving-Offence Points for the various speeding offences. Clause 5 amends Section 18E(3) of the Magistrates Ordinance (Cap.227) by specifying that a defendant who is convicted of speeding under the Road Traffic Ordinance and is liable to be disqualified by reason of exceeding the speed limit by more than 45 km/h, may not plead guilty by letter as the defendant will be required to surrender his driving licence upon conviction.

LEGISLATIVE TIMETABLE

18. The legislative timetable will be -

Publication in the Gazette	25 February 2000
First Reading and commencement of Second Reading debate	1 March 2000
Resumption of Second Reading Debate, committee stage and Third Reading	to be notified

COMMENCEMENT

19. The Bill will take effect on a day to be appointed by the Secretary for Transport by notice in the Gazette.

BINDING EFFECT OF THE LEGISLATION

20. The amendments in the Bill will not affect the current binding effect of the Road Traffic Ordinance, the Road Traffic (Driving-Offence Points) Ordinance, the Fixed Penalty (Criminal Proceedings) Ordinance and the Magistrates Ordinance.

BASIC LAW IMPLICATIONS

21. The Department of Justice advises that the proposed legislative amendments do not conflict with those provisions of the Basic Law carrying no human rights implication.

HUMAN RIGHTS IMPLICATIONS

22. The Department of Justice advises that the proposed legislative amendments are consistent with the human rights provisions of the Basic Law.

FINANCIAL AND STAFFING IMPLICATIONS

23. There are no financial or staffing implications.

ECONOMIC IMPLICATIONS

24. The proposed legislative amendments will deter excessive speeding activities and will have economic benefits in terms of savings of human lives and reduction in the costs of dealing with traffic accidents.

PUBLIC CONSULTATION

25. The proposal to increase the penalty levels for excessive speeding offences was put to the Transport Advisory Committee in November 1999 and received the Committee's support. The Road Safety Council also supported the proposal.

26. The proposal was discussed by the LegCo Panel on Transport in December 1999 and January 2000. In presenting the proposal to the Panel, the Administration also explained the criteria in determining the speed limit of roads in Hong Kong; Hong Kong's speed limit structure; and the review mechanism. While some Members suggested that the speed limits of certain road sections would require further review, the Panel did not object to the proposed increase in penalties for excessive speeding offences.

PUBLICITY

27. The Bill will be gazetted on 25 February 2000. A press release will be issued on 23 February 2000.

ENQUIRIES

28. Any enquiries can be directed to the following officer on the Transport Bureau -

Mr Brian Lo
Principal Assistant Secretary for Transport
(Telephone No. : 2189 2182)

Government Secretariat
Transport Bureau
23 February 2000

LEGISLATIVE COUNCIL BRIEF

The Secretary for Transport submits the following note for Members' information -

Title of the Note	Date of ExCo	Date of Gazette
Measures to Combat Speeding	22 February 2000	25 February 2000
Road Traffic Legislation (Amendment) Bill 2000		
23 February 2000		Transport Bureau

**ROAD TRAFFIC LEGISLATION
(AMENDMENT) BILL 2000**

List of Annexes

- Annex A - The Road Traffic Legislation (Amendment) Bill 2000
- Annex B - Enforcement Statistics on Speeding Offences in 1997 to 1999
- Annex C - Implementation Programme of the Results of Review of Speed Limit

A BILL

To

Amend the Fixed Penalty (Criminal Proceedings) Ordinance, the Road Traffic Ordinance and the Road Traffic (Driving-offence Points) Ordinance.

Enacted by the Legislative Council.

1. Short title and commencement

- (1) This Ordinance may be cited as the Road Traffic Legislation (Amendment) Ordinance 2000.
- (2) This Ordinance shall come into operation on a day to be appointed by the Secretary for Transport by notice in the Gazette.

Fixed Penalty (Criminal Proceedings) Ordinance

2. Schedule amended

The Schedule to the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) is amended -

- (a) in item 2A, by repealing “\$450” and substituting “\$600”;
- (b) in item 2B, by repealing “\$450” and substituting “\$1,000”.

Road Traffic Ordinance

3. Driving in excess of speed limit

Section 41 of the Road Traffic Ordinance (Cap. 374) is

amended by adding -

“(3) If -

- (a) a person is convicted of an offence under subsection (1); and
- (b) it is proved or admitted that, at the time of the offence, the person was driving the vehicle at a speed exceeding the relevant speed limit as described in that subsection by more than 45 km an hour,

the person shall be disqualified for a period of not less than 6 months, unless the court or magistrate for special reasons orders that he be disqualified for a shorter period or that he not be disqualified.”.

Road Traffic (Driving-offence Points) Ordinance

4. Schedule amended

The Schedule to the Road Traffic (Driving-offence Points) Ordinance (Cap. 375) is amended -

- (a) in items 5A, 16, 21, 30, 35, 39, 44 and 48 in column 4 by repealing “5” and substituting “6”;
- (b) in items 5B, 17, 22, 31, 36, 40, 45 and 49 in column 4 by repealing “8” and substituting “10”.

Consequential Amendments

Magistrates Ordinance

5. Plea of guilty by letter

Section 18E(3) of the Magistrates Ordinance (Cap. 227) is repealed and the following substituted -

“(3) Where -

- (a) a complaint or information is in respect of an offence under section 41(1) of the Road Traffic Ordinance (Cap. 374); and
- (b) if the defendant is convicted of the offence on the basis that the complaint or information is true, the conviction will be one to which section 41(3) of that Ordinance applies,

a summons in respect of that offence shall be endorsed to the effect that the defendant may not plead guilty by letter, and in such a case the provisions of this section shall thereupon cease to apply.”.

Fixed Penalty (Criminal Proceedings) Regulations

6. Schedule amended

Form 1 in the Schedule to the Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240 sub. leg.) is amended -

- (a) by repealing -

“\$1,000 \$450 \$320 \$230”

and substituting -

“\$1,000 \$600 \$450 \$320 \$230”;

-

(b) under the heading “**LIST OF OFFENCES AND FIXED PENALTY**”

- (i) in Code Number 2A, by repealing “\$450” and substituting “\$600”;
- (ii) in Code Number 2B, by repealing “\$450” and substituting “\$1,000”;
- (iii) by repealing “! Offence marked with ! carries 5 driving-offence points.” and substituting “! Offence marked with ! carries 6 driving-offence points.”;
- (iv) by repealing “Ω Offence marked with Ω carries 8 driving-offence points.” and substituting “Ω Offence marked with Ω carries 10 driving-offence points.”.

Explanatory Memorandum

The purpose of this Bill is to make a number of amendments relating to various traffic offences, all relating to driving in excess of speed limits.

2. Clause 2 amends the Schedule to the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240). Two fixed penalties payable under that Ordinance are increased.
3. Clause 3 adds a new subsection (3) to section 41 of the Road Traffic Ordinance (Cap. 374). If a person is convicted of the offence under subsection (1) of that section, and it is proved or admitted that the person drove a vehicle at a speed exceeding the relevant speed limit by more than 45 km an hour, the person shall

be disqualified from driving for 6 months unless the court or magistrate for special reasons orders otherwise.

4. Clause 4 amends the Schedule to the Road Traffic (Driving-offence Points) Ordinance (Cap. 375). The driving-offence points that will be incurred in respect of various offences are increased.

5. Clause 5 makes consequential amendments to section 18E (3) of the Magistrates Ordinance (Cap. 227). If a person is liable to be disqualified from driving by virtue of the proposed section 41(3) of the Road Traffic Ordinance (Cap. 374), he may not plead guilty by letter.

6. Clause 6 makes consequential amendments to Form 1 in the Schedule to the Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240 sub. leg.), to bring it in line with the amendments made by clause 2.

Annex B

Enforcement statistics on speeding offences in 1997 to 1999

Offence	1997			1998			1999				
	Summon /Arrest	FPT*	Percent age of offence	Summon /Arrest	FPT*	Percent age of offence	Summon /Arrest	FPT*	Percent age of offence		
Speeding in excess of speed limit by ≤ 15 km/h	147	32,755	15.9%	226	26,578	13.8%	442	66,404	40%		
Speeding in excess of speed limit by > 15 km/h but ≤30 km/h	2,141	149,421	73.4%	2,592	147,346	77.0%	2,684	88,206	54.5%		
Speeding in excess of speed limit by > 30 km/h but ≤45 km/h	462	18,451	9.2%	386	15,290	8%	397	7,677	4.8%		
Speeding in excess of speed limit by >45 km/h	440	2,550	1.5%	264	2,079	1.2%	235	923	0.7%		
Sub-total	3,190	203,177	100%	3,468	191,293	100%	3,758	163,210	100%		
Total	206,367		100%		194,761		100%		166,968		100%

*FPT - Fixed Penalty Ticket

Accident statistics

Driver Contributory Factors	1997	1998	1999 (provisional)	Total
Speeding	38	28	15	81
Driving too fast for the environment	276	184	175	635
Driving too fast for other road users	197	86	77	360
Total	511	298	267	1,076

Note : It should be noted that the accident could not reflect the actual speeding problem as the entry of contributory factors depends very much on each Police officer's judgment and it is often very difficult to obtain sufficient evidence in the after event to establish speeding offence.

Annex C**Implementation programme of the results of review of speed limit**

Section of Roads	Speed Limit	Implementation Date
Fanling Highway (Eastbound between San Tin Interchange and Sheung Shui Interchange)	80→100 km/h	10:00 am on 28 March 1999
West Kowloon Highway	80→100 km/h	
West Kowloon Corridor (Southbound Tong Mei Road section)	50→70 km/h	
Tuen Mun Road (between Sham Tseng Interchange and Wong Chu Road)	70→80 km/h	
Yuen Long Highway (between Lam Tei and Pok Oi Interchange)	70→80 km/h	10:00 am on 18 April 99
Castle Peak Road (between Lam Tei Main Street and Tan Kwai Tsuen Road, and between Ping Ha Road and Long Tin Road)	50→70 km/h	
Princess Margaret Road (between PMR Flyover and Ho Man Tin Interchange)	50→70 km/h	
North Lantau Highway (between Toll Plaza and Tung Chung)	100→110 km/h	10:00 am on 2 May99
New Clear Water Bay Road (between Clear Water Bay Road at Choi Wan Estate and Shun Lee Tsuen Road)	50→70 km/h	
Lung Cheung Road (Eastbound between Fung Mo Street and Hammer Hill Road)	50→70 km/h	
Kwai Chung Road (between Lai Chi Kok Bridge and West Kowloon Corridor)	50→70 km/h	
Aberdeen Praya Road (between Wong Chuk Hang Road and the slip road to Aberdeen Main Road)	50→70 km/h	
Lion Rock Tunnel Road (between toll plaza and Sha Tin Road)	70→80 km/h	
Sha Tin Road (between Lion Rock Tunnel Road and Pok Hong Estate)	70→80 km/h	1 October 99
Sai Sha Road (between Hang Hong Street and Ma On Shan Road)	50→70 km/h	
Tai Po Road - Shatin (between Shing Mun Tunnel Road and Fo Tan Road)	70→80 km/h	3 October 99
Shing Mun Tunnel Road (between tunnel portal and Tai Po Road – Shatin)	70→80 km/h	17 October 99
North Lantau Highway toll plaza area (airport bound)	50→80 km/h	10 November 99