

立法會
Legislative Council

LC Paper No. LS151/99-00

**Paper for the House Committee Meeting of the
Legislative Council
on 9 June 2000**

**Legal Service Division Report on
Resolution under section 12 of the
Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240)**

The Secretary for Transport has given notice to move a motion at the Legislative Council meeting on 21 June 2000 to seek the Legislative Council's approval to amend the Schedule to the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) ("the Fixed Penalty Schedule"). The purpose of the proposed amendments is to make certain offences relating to the seat belt legislation punishable by fixed penalties in consequence of the amendments made to the Road Traffic (Safety Equipment) Regulations (Cap. 374 sub. leg.) ("the Safety Equipment Regulations") by the Road Traffic (Safety Equipment) (Amendment) Regulation 2000 (L.N. 162 of 2000).

2. The Fixed Penalty Schedule sets out a list of traffic offences punishable by fixed penalties. At present, offences committed by drivers relating to the seat belt legislation that have been included in the Schedule relate to drivers themselves or front seat passengers not wearing seat belts. Prosecution for other offences relating to the seat belt legislation could only be instituted by way of summons under the Safety Equipment Regulations.

3. To maintain consistency and facilitate Police enforcement, the Administration proposes to make the following offences relating to the wearing of seat belts, as amended or introduced by L.N. 162, punishable by fixed penalties:

- (a) driving a private car when the middle front seat passenger is not securely fastened with a seat belt;
- (b) driving a private car, light bus or goods vehicle when the middle front seat passenger who is under 15 years of age is not securely fastened with a seat belt;
- (c) driving a private car when a rear seat passenger is not securely fastened with a seat belt;

- (d) driving a private car when a rear seat passenger who is under 15 years of age is not securely fastened with a seat belt; and
- (e) driving a private car when a rear seat passenger occupies a rear seat without a seat belt when there is a vacant rear seat with a seat belt.

4. In line with the present level of fixed penalty imposed on driving motor vehicles when front seat passengers are not wearing seat belts, the level of fixed penalty for the above offences relating to middle front seat and rear seat passengers is proposed to be \$230.

5. Members may refer to the LegCo Brief (Ref.: TRAN 3/9/13) dated 17 May 2000 issued by the Transport Bureau for background information.

6. If passed, the proposed amendments to the Fixed Penalty Schedule will come into operation on 1 January 2001 on which L.N. 162 will also come into operation.

7. The legal and drafting aspects of the proposed resolution are in order.

Prepared by

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