

立法會
Legislative Council

LC Paper No. LS96/99-00

**Paper for the House Committee Meeting
of the Legislative Council
on 3 March 2000**

**Legal Service Division Report on
Road Traffic Legislation (Amendment) Bill 2000**

Object(s) of the Bill

The Bill amends the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240), the Road Traffic Ordinance (Cap. 374) and the Road Traffic (Driving-offence Points) Ordinance (Cap. 375) to increase the penalty levels for serious speeding offences.

LegCo Brief Reference

2. TRAN 3/9/21 Pt. 6 dated 23 February 2000 issued by the Transport Bureau.

Date of First Reading

3. 1 March 2000.

Comments

4. Under the existing legislation, prosecution for speeding offences could be instituted by way of summons under the Road Traffic Ordinance (Cap. 374) or by way of a fixed penalty notice issued by a police officer under the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) ("Fixed Penalty Ordinance"). Where a person has received a fixed penalty notice for a speeding offence under the Fixed Penalty Ordinance and has paid the full amount of the fixed penalty shown in the notice, he will not be liable to be prosecuted or convicted for the speeding offence specified in the notice. According to the Administration, over 98% of speeding offences are punished by way of fixed penalties.

5. The Bill seeks to increase the penalties for serious speeding offences by :-

(a) increasing the fixed penalties for speeding in excess of the speed limit by 30-45 km/h and by more than 45 km/h from the existing level of \$450 to \$600 and \$1,000 respectively;

- (b) introducing the penalty of mandatory disqualification from holding or obtaining a driving licence for a period of not less than 6 months where a person is convicted of speeding under section 41 of the Road Traffic Ordinance and he exceeded the speed limit by more than 45 km/h; and
- (c) revising the driving-offence points incurred for driving in excess of the speed limit by 30-45 km/h from 5 to 6 points and from 8 to 10 points for driving in excess of the speed limit by more than 45 km/h.

6. The Bill also makes consequential amendments to the Magistrates Ordinance (Cap. 227) to specify that a defendant may not plead guilty by letter if he is liable to be disqualified from driving upon conviction of speeding under the Road Traffic Ordinance by reason of exceeding the speed limit by more than 45 km/h.

7. If enacted, this Bill will come into operation on a day to be appointed by the Secretary for Transport by notice in the Gazette.

Public Consultation

8. The Transport Advisory Committee and the Road Safety Council have been consulted on the proposal to increase the penalty levels for serious speeding offences. Both supported the proposal.

Consultation with the LegCo Panel

9. The proposal to increase the penalty levels for speeding offences was discussed by the LegCo Panel on Transport in December 1999 and January 2000. Although some members suggested that the speed limits of certain road sections would require further review, members of the Panel did not object to the proposed increase in penalties for serious speeding offences (i.e. driving in excess of the speed limit by more than 30 km/h).

Conclusion

10. We are asking the Administration to clarify certain drafting points. Members may wish to defer consideration of the Bill pending a further report from the Legal Service Division.

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