

立法會
Legislative Council

LC Paper No. LS49/02-03

**Paper for the House Committee Meeting
on 24 January 2003**

**Legal Service Division Report on
Resolution under section 30 of the Housing Ordinance (Cap. 283)**

The Secretary for Housing, Planning and Lands has given notice to move a motion at the Legislative Council meeting of 12 February 2003 to amend the Housing (Traffic Contravention) (Fixed Penalty) Bylaw (Cap. 283 sub. leg.) ("the Bylaw").

2. Section 30 of the Housing Ordinance (Cap. 283) empowers the Housing Authority to make bylaws for the management of its estates. Section 4 of the Bylaw regulates the parking of motor vehicles on restricted roads in the estates. Section 6 of the Bylaw provides that there shall be a fixed penalty for a contravention of any of the provisions of section 4 of the Bylaw and the sum shall be equal to the fixed penalty under section 13 of the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237), which is presently \$320.

3. Regulation 3 of the Fixed Penalty (Traffic Contraventions) Regulations (Cap. 237 sub. leg.) was amended in 2001 in that payment of fixed penalty may be made at any Post Office, any magistracy specified in the notice, or through bank automated teller machines, Payment by Phone Service or the Internet (L.N. 166 of 2001 refers). Regulation 3 of the Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240 sub. leg.) was also similarly amended (L.N. 165 of 2001).

4. The effect of the proposed resolution is to amend the Bylaw in such a way that the methods of payment of fixed penalty for traffic contraventions in the estates managed by the Housing Authority will be similar to those prescribed under the Fixed Penalty (Traffic Contraventions) Regulations and the Fixed Penalty (Criminal Proceedings) Regulations, that is-

- (a) payment may be made by post or personally at the Post Office or any magistracy; or

- (b) payment may be effected through bank automated teller machines, Payment by Phone Service or the Internet.

- 5. The proposed resolution also contains consequential amendments to Form 1 (Notice of Particulars of Alleged Fixed Penalty Traffic Contravention) and Form 2 (Notice Demanding Payment of Fixed Penalty) of the Bylaw.

- 6. The proposed resolution has not been discussed by the LegCo Panel on Housing.

- 7. No legal and drafting difficulties have been identified in the proposed resolution.

Prepared by

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