

立法會
Legislative Council

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Tel : 2869 9205

Date : 30 April 2004

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 19 May 2004

**Proposed resolution under
the Fixed Penalty (Criminal Proceedings) Ordinance**

I forward for Members' consideration a proposed resolution which the Secretary for the Environment, Transport and Works will move at the Council meeting of 19 May 2004 under the Fixed Penalty (Criminal Proceedings) Ordinance. The President has directed that "it be printed in the terms in which it was handed in" on the Agenda of the Council.

2. The speech, in both English and Chinese versions, which the Secretary for the Environment, Transport and Works will deliver when moving the proposed resolution, is also attached.

(Ray CHAN)
for Clerk to the Legislative Council

Encl.

FIXED PENALTY (CRIMINAL PROCEEDINGS) ORDINANCE

RESOLUTION

(Under section 12 of the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240))

RESOLVED –

- (a) that the Schedule to the Fixed Penalty (Criminal Proceedings) Ordinance be amended, in item 53, by adding "private" before "light"; and
- (b) that this Resolution shall come into operation on a day to be appointed by the Secretary for the Environment, Transport and Works by notice published in the Gazette.

**SPEECH BY THE
SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS
AT THE LEGISLATIVE COUNCIL
ON 19 MAY 2004**

FIXED PENALTY (CRIMINAL PROCEEDINGS) ORDINANCE

Resolution made under section 12
of the Fixed Penalty (Criminal Proceedings) Ordinance

Madam President,

I move that the resolution under section 12 of the Fixed Penalty (Criminal Proceedings) Ordinance be passed.

2. In view of the relatively high accident rate and the rear seat casualty rate of public light buses, we consider it necessary to install passenger protection equipment, including seat belts, on public light buses to enhance passenger safety. In this connection, two Amendment Regulations which provide for the fitting and wearing of seat belts in the rear seats of newly registered public light buses were passed by this Council in November 2002.

3. With the installation of seat belts on newly registered public light buses, we consider it fair and more practicable to hold passengers rather than the driver responsible for not wearing seat belts. One of the Amendment Regulations, the Road Traffic (Safety Equipment) (Amendment) Regulation 2002, already specifies that the responsibility of wearing seat belts rests with passengers on public light buses. However, under the Fixed Penalty (Criminal Proceedings) Ordinance, drivers of public light bus are still subject to a fixed penalty if a passenger in the front seat is under the age of 15 and is not securely fastened with a seat belt. This Resolution seeks to amend the Schedule to the Fixed Penalty (Criminal Proceedings) Ordinance to reflect the change in the

responsibility of wearing seat belts.

4. This Council's Panel on Transport and the Transport Advisory Committee have been consulted on the proposed amendment and were supportive of our proposal.

5. Madam President, I beg to move.

Environment, Transport and Works Bureau
28 April 2004