

立法會
Legislative Council

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Tel : 2869 9205

Date : 25 May 2004

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 9 June 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 9 June 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 9 JUNE 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. To allow sufficient time for the vehicle manufacturers to develop and produce the new protection equipment, we intend to bring the two Regulations into effect on 1 August 2004.

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. This is because the driver has practical difficulties in monitoring whether all passengers have fastened their seat belts throughout the journey while paying attention to the road. 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 make a consequential amendment to the Schedule to the Fixed Penalty (Criminal Proceedings) Ordinance to reflect the change in the responsibility of wearing seat belts.

4. As decided at the House Committee on 7 May 2004, a Sub-committee was formed to study the resolution. The Sub-committee supported the above consequential amendment to reflect the change of responsibility, and agreed that the Administration should step up publicity to inform the public of the need to wear safety belts on public light buses and encourage drivers to proactively remind passengers to wear seat belts. Regarding the safety of passengers under the age of 15 in the front seats of public light buses, I would like to draw Members' attention to the fact that no public light bus is currently equipped with front seats. We will ensure that new public light buses will not be installed with front seats.

5. Madam President, I beg to move.

Environment, Transport and Works Bureau
21 May 2004