

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1794/03-04

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**Subcommittee on  
Proposed resolution under section 12 of  
the Fixed Penalty (Criminal Proceedings) Ordinance**

**Background brief prepared by Legislative Council Secretariat**

**Purpose**

This paper sets out the background of the proposed resolution under section 12 of the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) (the Ordinance) which seeks to amend item 53 of the Schedule to the Ordinance to the effect that drivers of public light buses (PLBs) will not be subject to a fixed penalty when passengers in the front seats are under the age of 15 and are not securely fastened with seat belts.

**Background**

2. In view of the relatively high accident rate and the rear seat casualty rate of PLBs, the Administration has introduced two Amendment Regulations to provide for the fitting and wearing of seat belts in the rear seats of newly registered PLBs. The Amendment Regulations were passed by the Legislative Council in November 2002. To allow sufficient time for the trade to make preparations, the Administration intends to bring the two Amendment Regulations into effect on 1 August 2004.

3. With this new requirement, the Administration considers it fair and more practicable to hold passengers rather than the driver responsible for not wearing seat belts. However, under the Ordinance, drivers of PLBs 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 seat belt. The proposed resolution is intended to reflect the change in the responsibility of wearing seat belts.

**Panel consultation**

4. The Panel on Transport was briefed on 5 December 2003 on the latest

development and progress of the measures to enhance passenger safety on PLBs. The Panel noted that similar to the arrangement for taxis, the legal responsibility for not wearing seat belts on public light buses should rest with the passengers because it would not be possible for a PLB driver to monitor and ensure that all passengers on his vehicle have securely fastened their seat belts.

### **Reference materials**

5. The following papers are relevant to the proposed resolution:
  - (a) the Legislative Council Brief issued by the Environment, Transport and Works Bureau on 3 May 2004 (File Ref: ETWB(T) 1/12/65 (03) Pt.12);
  - (b) the Legal Service Division Report (LC Paper No. LS75/03-04) issued vide LC Paper No. CB(2)2279/03-04 dated 6 May 2004;
  - (c) information paper for the Transport Panel meeting held on 5 December 2003 (LC Paper No. CB(1)477/03-04(01)); and
  - (d) minutes of the Panel meeting on 5 December 2003 (LC Paper No. CB(1)936/03-04).

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