

立法會
Legislative Council

LC Paper No. CB(3) 404/07-08

Ref. : CB(3)/M/OR

Tel : 2869 9205

Date : 22 February 2008

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 12 March 2008

**Proposed resolution under
the Magistrates Ordinance**

I forward for Members' consideration a proposed resolution which the Secretary for Transport and Housing will move at the Council meeting of 12 March 2008 under the Magistrates 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 Transport and Housing will deliver when moving the proposed resolution, is also attached.

(Mrs Justina LAM)
for Clerk to the Legislative Council

Encl.

MAGISTRATES ORDINANCE

RESOLUTION

(Under section 18E(4) of the Magistrates Ordinance (Cap. 227))

RESOLVED that, with effect from 21 March 2008, the Third Schedule to the Magistrates Ordinance (Cap. 227) be amended by adding –

“18. Tsing Sha Control Area

(1) Any offence against the Tsing Sha Control Area (General) Regulation (L.N. 222 of 2007).

(2) Any offence against the Tsing Sha Control Area (Tolls, Fees and Charges) Regulation (L.N. 237 of 2007).”.

(Translation)

Speech for the Motion to be Moved by Secretary for Transport and Housing to Amend Third Schedule to Magistrates Ordinance at the Council meeting of 12 March 2008

Madam President,

I move that the motion, as printed on the Agenda, be passed.

The Tsing Sha Control Area Ordinance and the relevant subsidiary legislation have been made and passed, and will come into operation on 21 March 2008. The section of Route 8 between Shatin and Cheung Sha Wan within the Tsing Sha Control Area (TSCA) will also be open to traffic on the same day.

Section 18E of the Magistrates Ordinance (Cap. 227) stipulates that the defendant may, in the case of an offence specified in the Third Schedule to that Ordinance, plead guilty by letter addressed to the magistrate, and thereupon the magistrate may proceed to hear the case in the absence of the defendant or adjourn the hearing. The Third Schedule to the Ordinance sets out offences of the relevant legislation to which the defendant may plead guilty by letter, and such legislation includes the governing legislation for various tunnels and the Tsing Ma Control Area. In order to achieve consistency with the legislation for tunnels and the control area, and to save time and resources for the defendant and the magistrates, we propose that, upon the commissioning of the Tsing Sha Control Area, offences of the relevant legislation for TSCA, including the Tsing Sha Control Area (General) Regulation and the Tsing Sha Control Area (Tolls, Fees and Charges) Regulation, be added to the Third Schedule to the Magistrates Ordinance.

Madam President, this is a simple, technical amendment aiming to achieve consistency between the relevant legislation for TSCA and that for other tunnels and control area. The Judiciary has also agreed to making this amendment. I hope Members would support the motion.

Thank you.