

**For discussion
16 December 2015**

Legislative Council Panel on Transport

Increase in Fixed Penalty for Congestion-related Traffic Offences

Purpose

This paper seeks Members' view on the Government's proposal to raise the fixed penalty charges for congestion-related traffic offences to restore their deterrent effect.

Background

2. The fixed penalty system was introduced in the 1970s to reduce the burden on the Police and the courts to take summons actions on less serious but frequently committed road traffic offences. At present, fixed penalty tickets ("FPTs") for road traffic offences are issued under two ordinances, namely the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) and the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240). FPTs issued under Cap. 237 are against all 21 parking related offences stipulated in its subsidiary legislation (details at the **Annex**) with a unified penalty in the amount of \$320 for each offence. FPTs issued under Cap. 240 are against traffic offences such as speeding, overloading, picking up / setting down passengers at restricted zones, etc. as regulated under the Road Traffic Ordinance (Cap. 374) and its subsidiary legislation. The level of the fixed penalties for the traffic offences stipulated in Cap. 240 ranges from \$230 to \$1,000.

3. Road traffic condition in Hong Kong has been deteriorating in recent years. Despite the enforcement actions taken by the Police, illegal parking and loading / unloading activities in restricted zones, etc. are rampant, further aggravating traffic conditions. The Transport Advisory Committee ("TAC") has noted in its "Report on Study of Road Traffic Congestion in Hong Kong"¹ that the deterrent effect of fixed penalty charges for certain traffic offences has been gradually eroded over time due to inflation and increase in

¹ The TAC report can be viewed at the following link:
http://www.thb.gov.hk/eng/boards/transport/land/Full_Eng_C_cover.pdf

income level, and recommended that the Government raises the fixed penalty charges to restore the deterrent effect. To help alleviate road traffic congestion and to follow up on TAC's Report, we propose to amend Cap. 237 and Cap. 240 and their subsidiary legislation to raise the level of fixed penalty in respect of offences the commission of which is more likely to cause traffic congestion.

Proposal

4. Among the offences listed in the subsidiary legislation of Cap. 237 and Cap. 240, we have identified, in conjunction with the Transport Department and the Police, the following congestion-related traffic offences -

- (a) *all 21 offences stipulated in the subsidiary legislation of Cap. 237* :
these are parking related offences, the commission of which will reduce road capacity, thus affecting the smooth flow of the general traffic. The current penalty is \$320 for each offence; and
- (b) *the following six offences stipulated in the Schedule to Cap. 240* :
these are road traffic offences, the commissions of which will cause obstruction to local traffic, resulting in traffic queues upstream or affecting the operation of critical road junctions -
 - (i) picking up / setting down passengers in restricted zone;
 - (ii) loading / unloading goods in restricted zone;
 - (iii) unlawfully entering box junction;
 - (iv) making 'U' turn causing obstruction;
 - (v) unauthorised stopping at bus stop, public light bus stand, taxi stand or public light bus stopping place; and
 - (vi) public bus, public light bus or taxi making stops longer than necessary when picking up / setting down passengers.

The current penalty for items (i) and (ii) is \$450 while that for items (iii) to (vi) is \$320.

5. For other offences listed in the Schedule to Cap. 240 which may not directly result in, or are less likely to cause, traffic congestion (e.g. speeding or overloading), we will review at a later time the need to increase the respective fixed penalty levels.

Proposed increase magnitude

6. The level of the fixed penalties set in respect of the said congestion-related traffic offences has remained the same since the last increase in 1994. The Composite Consumer Price Index (“CCPI”) has, in the meantime, substantially increased by about 50% from 1994 to the end of September 2015. Between 2010 and 2014, the number of cases involving commission of these offences have increased by 44%, from 751 584 to 1 080 846.

7. To restore the deterrent effect of FPTs, the TAC has recommended raising the level of fixed penalties having regard to CCPI increase since 1994. We consider an increase of charges in tandem with CCPI could restore the deterrent effect eroded by inflation over the years; and any increase of a lower percentage would reduce such effect. We therefore propose to increase the fixed penalty charges by 50%, i.e. traffic offences currently set at \$320 and \$450 will increase to \$480 to \$680 respectively.

8. On the enforcement side, whilst Police duties will continue to prioritise offences that impact road safety, the Police will seek to increase monitoring the particularly congested areas under the latest Selective Traffic Enforcement Policy (“STEP”)².

Effective date

9. We intend to table the relevant legislative amendments at the Legislative Council in February 2016. Taking into account the time required to complete the legislative procedures and to print and distribute the revised FPTs to frontline police officers and traffic wardens, we propose that the new penalty charges take effect on 1 January 2017.

² STEP sets priorities for traffic enforcement, which is updated and audited on a regular basis. The primary aim is to enhance road safety through prevention of traffic accidents and maintenance of smooth traffic flow.

Advice Sought

10. Members are invited to comment on the Government's proposal to raise the level of fixed penalties for congestion-related traffic offences.

**Transport and Housing Bureau
December 2015**

**Offences under the Fixed Penalty
(Traffic Contraventions) Ordinance, Cap. 237**

Item	Offences stipulated in the subsidiary legislation of Cap. 237
1	Parked in a manner likely to cause an unnecessary obstruction of a road or danger to other persons using the road.
2	Stopped within the limits of a zebra crossing.
3	Stopped in a zebra controlled area.
4	Parked other than in an authorized parking place.
5	Parked on a pavement, pedestrian way, central reservation, verge, hard shoulder or traffic island.
6	Parked so as to obstruct vehicular access to or from premises adjacent to the carriage-way.
7	Parked so as to obstruct access to a fire hydrant from the carriage-way.
8	Parked in a parking place in contravention of a traffic sign or road marking.
9	Unnecessarily parked in more than one space, or unnecessarily projecting over any line delineating a parking space.
10	Parked in a parking place where parking is suspended or cancelled by the Commissioner for Transport.
11	Parked in a parking place where parking is suspended by the Commissioner of Police.
12	Parked in a temporary parking place contrary to a traffic sign.

Item	Offences stipulated in the subsidiary legislation of Cap. 237
13	Parked in contravention of no parking traffic sign or road marking.
14	Parked in a parking space in respect of which there is a coin operated parking meter without as soon as possible after parking inserting an appropriate coin in the meter.
15	Parked in a parking space in respect of which there is a card operated parking meter without as soon as possible after parking using a parking card or where applicable an approved card for the payment of the parking fee.
16	Parked in a pay and display parking space without as soon as possible after parking displaying a display ticket on the inside of the windscreen so that the ticket shows the payment of the parking fee, the relevant parking space, the date on and the time until which payment is made.
17	Parked in a pay and display parking space beyond the time indicated on the display ticket as the time until which payment is made or when the display ticket does not indicate payment for the use of that parking space or for that date.
18	Parked in more than one parking space in respect of which there is a coin operated parking meter without inserting an appropriate coin in each meter.
19	Parked in more than one parking space in respect of which there is a card operated parking meter without inserting a parking card or where applicable an approved card in each meter.
20	Parked in more than one pay and display parking space without displaying the appropriate number of display tickets.
21	Parked in a parking space in respect of which there is a parking meter when the meter does not indicate that payment has been made.