

OFFICE OF HON JEREMY TAM
立法會議員譚文豪辦事處

CB(4)1253/16-17(01)

Hon Frankie Yick Chi-ming, JP
Chairman of the Subcommittee on Two Proposed
Resolutions under the Fixed Penalty (Traffic
Contraventions) Ordinance and the Fixed Penalty
(Criminal Proceedings) Ordinance
Legislative Council

16th June, 2017

Dear Hon Frankie Yick,

Regarding a draft amending motion on Cap.237

I am writing to you to formally request for the subcommittee to consider my draft amending motion on the Fixed Penalty (Traffic Contraventions) Ordinance (Cap.237). As members have stated in previous meetings, it would be more effective and efficient to prescribe different levels of penalties for different contraventions under Cap.237. Due to a severe shortage in parking spaces in Hong Kong, merely increasing penalties uniformly without considering the degree of severity of the 21 offences stated under Cap.237 will not alleviate traffic congestion effectively.

I have noted the Government's concern over whether section 13 of Cap.237 has empowered the Legislative Council ("LegCo") to adjust the fixed penalty charges for the 21 offences under Cap.237, as the then LegCo of 1970 supported a uniform penalty for "*reasons of simplicity and practicality*". On the other hand, LegCo legal advisers concluded that "*it is not conclusive as to whether different levels of fixed penalties can be prescribed by resolution by LegCo*" on the letter written to the Transport & Housing Bureau dated 4 May 2017. However, it is also important to note that traffic and transportation in Hong Kong has evolved and is much different to 1970, when the said ordinance was first introduced. Therefore, it is vital that our legislation to tackle the problem of congestion evolves along with the current context.

It is imperative that the Government takes initiative to provide more parking spaces and



立法會議員譚文豪辦事處
Office of Hon Jeremy Tam
金鐘 立法會綜合大樓 811室
Room 811, Legislative Council Complex, Admiralty

T 2509 3100
F 2509 3101

OFFICE OF HON JEREMY TAM
立法會議員譚文豪辦事處

reduce private car use in the long run as well as continuing enforcement efforts in the meantime to mitigate rampant illegal parking in the city. I would be grateful if the subcommittee could discuss the proposed amending motion attached in this letter on the meeting on 19th June 2017.

Sincerely,

譚文豪

Hon Jeremy Tam Man-Ho
Member of Legislative Council, HKSAR



立法會議員譚文豪辦事處
Office of Hon Jeremy Tam
金鐘 立法會綜合大樓 811室
Room 811, Legislative Council Complex, Admiralty

T 2509 3100
F 2509 3101

Honourable Jeremy TAM Man-Ho's amending motion (draft)

**The Fixed Penalty (Traffic Contraventions) Ordinance
and
Rule 29(6) of the Rules of Procedure of the Legislative Council of the Hong Kong
Special Administrative Region**

Draft Amending Motion

Resolved that the motion to be moved by the Secretary for Transport and Housing under section 13 of the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) at the Legislative Council meeting of [*date tbc*] be amended.

- “(a) \$400 be prescribed as a fixed penalty for a contravention of any of the provisions of section 5, 6, 7(2), 8(2), 8(4), 8(5) or 10(4) of the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237);
- (b) \$320 be prescribed as a fixed penalty for a contravention of any of the provisions of section 4, 7(1), 8(1), 8(6), 9, 10(1), 10(2), 10(3), 10(5) or 11(1) of the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237); and” ;
and
- (c) This Resolution is to replace the Resolution made and passed by the then Legislative Council on 23 February 1994 and published in the Gazette as Legal Notice No. 109 of 1994.



譚文豪議員的修訂議案草擬本

《定額罰款(交通違例事項)條例》
及
《香港特別行政區立法會議事規則》第 29(6)條

修訂議案草擬本

議決修訂由運輸及房屋局局長於[日期待定]立法會會議上根據《釋義及通則條例》(第 237 章)第 13 條提出的議案。

- 「 (a) 訂明\$400 為違反《定額罰款(交通違例事項)條例》(第 237 章)第 5、6、7(2)、8(2)、8(4)、8(5)或 10(4) 條的任何條文的定額罰款；
- (b) 訂明\$320 為違反《定額罰款(交通違例事項)條例》(第 237 章)第 4、7(1)、8(1)、8(6)、9、10(1)、10(2)、10(3)、10(5) 或 11(1)條的任何條文的定額罰款;及」；及
- (c) 本決議取代由當時的立法局在 1994 年 2 月 23 日作出與通過，並在憲報以 1994 年第 109 號法律公告刊登的決議。

