

立法會
Legislative Council

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Tel : 3919 3300

Date : 15 June 2017

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 28 June 2017

**Proposed resolution under
the Fixed Penalty (Criminal Proceedings) Ordinance**

The Secretary for Transport and Housing will move the proposed resolution in **Appendix 1** under section 12 of the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) at the above meeting. The President has directed that the proposed resolution be printed in the terms in which it was handed in on the Agenda of the Council.

2. The speech, in both Chinese and English, which the Secretary will deliver when moving the proposed resolution is in **Appendix 2**.

(Dora WAI)
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 that, with effect from 15 December 2017, the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) be amended as set out in the Schedule.

Schedule

Amendments to Fixed Penalty (Criminal Proceedings) Ordinance

1. Schedule amended (offence)

(1) The Schedule—

Repeal item 56

Substitute

“56. Regulation 11(2)	Failing to comply with restriction on using the right most lane of the carriageway of a left-driving expressway	\$450”.
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(2) The Schedule—

Repeal items 56A and 57.

(3) The Schedule—

Add

“58. Regulation 11A(2)	Failing to comply with restriction on using the left most lane of the carriageway of a right-driving expressway	\$450
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59. Regulation 12(1)	Driving on a left-driving expressway without confining the motor vehicle to the left	
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		most lane of the carriageway of the expressway	\$450
60.	Regulation 12A(1)	Driving on a right- driving expressway without confining the motor vehicle to the right most lane of the carriageway of the expressway	\$450
61.	Regulation 13	Overtaking another vehicle on its left- hand side on a left- driving expressway	\$450
62.	Regulation 13A(1)	Overtaking another vehicle on its right- hand side on a right- driving expressway	\$450".

DRAFT

(Refer to the final speech to be delivered at LegCo)

**Speech by the Secretary for Transport and Housing
for Moving of the Motion proposed pursuant to
the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240)
at the Legislative Council Meeting on 28 June 2017**

President,

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

2. In order to properly manage vehicles using the Hong Kong Boundary Crossing Facilities and on the Hong Kong Link Road (“HKLR”) upon the commissioning of the Hong Kong-Zhuhai-Macao Bridge, the Government will adopt appropriate traffic arrangements. Technical amendments to the relevant transport-related legislation are necessary to provide a legal basis for the said traffic arrangements.

3. The legislative amendments were tabled at the Legislative Council (“LegCo”) on 26 April 2017. The amendments include, inter alia, amendments to the Road Traffic (Expressway) Regulations (Cap. 374Q), which aim to provide for the following arrangements for the HKLR: (i) defining the driving direction, prohibiting certain types of vehicles from using the left most lane, requiring vehicles to use the right

most lane unless overtaking, and prohibiting vehicles from overtaking any other vehicle(s) on the right-hand side of the other vehicle(s); (ii) providing for traffic signs and road markings for expressway; and (iii) extending the scope of the current driving offences and exemptions to the above-mentioned requirements and the application of the traffic sign and road marking.

4. At present, the fixed penalties of contravention of some of the driving requirements in Cap. 374Q are set out in the Schedule to the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240). In tandem with the amendments to Cap. 374Q, we need to make consequential amendments to the Schedule to Cap. 240. They include amendments to the relevant item numbers and descriptions of the existing offences and, based on the existing offences, introduction of appropriate offences applicable to the HKLR. This is to ensure road safety and protection of relevant road users.

5. The relevant LegCo subcommittee has finished scrutiny of the above legislative amendments, including those to Cap. 374Q and Schedule to Cap. 240. I would like to take the opportunity to thank the subcommittee under the chairmanship of the Hon Chan Han-pan for its meticulous scrutiny work. According to the rules and procedures of the LegCo, the amendments to Cap. 374Q, the vetting period of which is subject to negative vetting and expired on 14th June 2017, have been passed. We would now introduce consequential amendments to the

Schedule to Cap. 240, which are subject to positive vetting.

6. President, I hereby move a motion under section 12 of the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) to amend the offences related to the Road Traffic (Expressway) Regulations in the Schedule. Upon passage of the motion by LegCo, we will make and table at LegCo at a later stage consequential amendments to Form 1 in the Schedule to the Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240A).

- *END* -