

立法會
Legislative Council

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Date : 16 February 2017

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 1 March 2017

**Two proposed resolutions to be moved by
the Secretary for Transport and Housing**

The Secretary for Transport and Housing will move the attached two proposed resolutions under the following two Ordinances at the above meeting:

- (a) Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) (**Appendix 1**); and
- (b) Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) (**Appendix 2**).

The President has directed that the proposed resolutions be printed in the terms in which they were handed in on the Agenda of the Council.

2. The speeches, in both Chinese and English, which the Secretary will deliver when moving the two proposed resolutions are in **Appendices 3 and 4** respectively.

(Dora WAI)
for Clerk to the Legislative Council

Encl.

Fixed Penalty (Traffic Contraventions) Ordinance

Resolution

(Under section 13 of the Fixed Penalty (Traffic Contraventions) Ordinance
(Cap. 237))

Resolved that, with effect from 1 June 2018—

- (a) \$480 be prescribed as a fixed penalty for a contravention of any of the provisions of section 4, 5, 6, 7, 8, 9, 10 or 11(1) of the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237); and
- (b) 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.

Fixed Penalty (Criminal Proceedings) Ordinance

Resolution

(Under section 12 of the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240))

Resolved that, with effect from 1 June 2018, 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, item 9—

Repeal

“\$320”

Substitute

“\$480”.

- (2) The Schedule, item 12—

Repeal

“\$450”

Substitute

“\$680”.

- (3) The Schedule, item 13—

Repeal

“\$450”

Substitute

“\$680”.

- (4) The Schedule, item 18—

Repeal

“\$320”

Substitute

“\$480”.

- (5) The Schedule, item 20—

Repeal

“\$320”

Substitute

“\$480”.

- (6) The Schedule, item 48—

Repeal

“\$320”

Substitute

“\$480”.

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 (Traffic Contraventions) Ordinance (Cap. 237)
at the Legislative Council Meeting on 1 March 2017**

President,

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

2. Over the past five years, the average annual growth rate of licensed vehicles is 3.4%, among which the average annual growth rate of private cars reaches 4.3%. At the same time, the traffic congestion situation has been worsening. Any major city cannot afford to allow its vehicle number to grow continuously. The growth of the total length of roads can also never catch up with the growth of vehicles. Drawing reference to the arrangement in other cities, the Government has been adopting a multi-pronged approach with fiscal, preventive, education and enforcement measures to address the growth of vehicles and road traffic congestion problem, and is taking forward progressively the series of recommendations put forward by the Transport Advisory Committee (“TAC”) in the Report on “Study of Road Traffic Congestion in Hong Kong”. These measures include carrying out an in-depth feasibility study for the Electronic Road Pricing Pilot Scheme in Central and its adjacent areas, exploring measures to control the growth of private cars, and commencing a car parking review this year with priority accorded to addressing the parking demand and supply of commercial vehicles to come up with appropriate measures to address the parking needs of commercial vehicles. Furthermore, we have commenced a study on the overall strategy for the rationalisation of traffic distribution among the three road harbour crossings and three land tunnels between Kowloon and Sha Tin, and will submit detailed toll adjustment options to the Legislative Council Panel on Transport within the 2017-18 legislative year for discussion.

3. TAC has also recommended increasing the fixed penalty charges for congestion-related traffic offences. Given the limited road space in Hong Kong, the traffic flow will be affected by drivers who, whether for their own convenience or to avoid paying parking fees, choose to illegally park or stop their cars on the roads, or pick up or set down passengers and

load or unload goods in restricted zones. These drivers not only make other drivers and passengers suffer from traffic congestion, but also worsen roadside air quality and even affect pedestrian safety. The Police have stepped up enforcement action to combat the problem of illegal parking. Apart from routine traffic enforcements, the Police carried out four territory-wide enforcement operations against illegal parking last year under the Selected Traffic Enforcement Priorities 2016. During these operations, the Police targeted undesirable behaviours that would cause traffic accidents or obstruct traffic flow. Stringent enforcement actions were taken, including issuing fixed penalty tickets ("FPTs") without prior warning, issuing summons to drivers who intentionally violated the law, and towing away illegally parked vehicles which caused serious obstruction or danger to other road users. The Police issued a total of 147 048 FPTs and towed away 54 vehicles during the operations. Stringent enforcement actions will continue in 2017. Another enforcement operation was conducted in mid-January 2017, during which more than 39 000 FPTs were issued and 28 vehicles were towed away.

4. The number of fixed penalty cases involving congestion-related offences has soared by 97% from around 0.82 million in 2011 to around 1.62 million in 2016. Just over the past three years, the number of cases also increased by some 50%. Although the Police have stepped up enforcement, the problem remains unchecked. Apart from strengthening enforcement actions to combat offences that cause traffic obstructions, we also have to raise the level of penalties at the same time to restore their deterrent effect. The last adjustment to the fixed penalty charges was made in 1994. The TAC considers that the deterrent effect of the fixed penalty charges has been gradually eroded by inflation over these 20-odd years. As such, the TAC has recommended that the Government should raise the level of penalties having regard to the increase in the Composite Consumer Price Index ("CCPI").

5. The Government agrees with the TAC's recommendation. Since the CCPI has increased by approximately 53% from 1994 to 2016, we propose that the fixed penalty charges stipulated in section 13 of the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) should accordingly be increased by 50%, i.e. from \$320 to \$480 so as to restore the original deterrent effect of the penalty charges. The fixed penalties of items 9, 18, 20 and 48 of the Schedule to Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) shall be amended from \$320 to \$480 and the fixed penalties of items 12 and 13 of the Schedule to Cap. 240 shall be amended from \$450 to \$680.

6. Furthermore, section 6 of the Housing (Traffic Contraventions) (Fixed Penalty) Bylaw (Cap. 283C) provides that the fixed penalty for a contravention of any of the provisions of section 4, which are related to parking on the restricted roads of the Housing Authority, shall be a sum equal to the fixed penalty under section 13 of Cap. 237 as mentioned above. Thus, the fixed penalty under the relevant provisions of Cap. 283C will also be increased from \$320 to \$480 immediately upon the approval of the resolution by the Legislative Council for the increase in fixed penalty pursuant to section 13 of Cap. 237. Corresponding amendments will subsequently be made to the amount of the fixed penalty specified in Form 1 in Schedule 3 to Cap. 283C.

7. We understand the demand from professional drivers for commercial vehicle parking spaces. The Government's existing policy on the provision of parking spaces is to accord priority to considering and accommodating the parking needs of commercial vehicles as far as possible. The Transport Department is studying the provision of "on-street night-time only" parking spaces at various locations for goods vehicles and coaches in a bid to increase the number of commercial vehicle parking spaces. Some of these parking spaces are already available for use. We will also commence a parking review to study the demand and supply of commercial vehicles this year with a view to formulating appropriate measures to address their parking needs, including updating the Hong Kong Planning Standards and Guidelines in respect of parking standards for commercial vehicles if necessary. I also appeal to local businesses to adjust their delivery requests so that goods vehicles could carry out on-street loading and unloading outside peak hours as far as possible so as to avoid further aggravating traffic congestion on busy road sections.

8. Regarding parking for private cars, given the scarce land resources in Hong Kong, the Government cannot accommodate the growing private car fleet by providing parking spaces continuously. Committing to do that will also indirectly encourage the public to buy private cars, hence further aggravating road traffic congestion. We are studying various means to curb the growth of private cars. The Government's transport policy is to encourage the community to use public transport and avoid commuting by private cars as far as possible. Our objective is to expand public transport capacity and to enhance service as necessary according to the demand of the public and the pace of development of each district. We aim to improve public accessibility to the public transport system. Before buying private cars, the public

should first ensure that there are suitable parking spaces for parking their cars, whether close to their place of work or residence. When motorists take trips, they should also consider whether there are enough parking spaces at the destinations. Otherwise, they should choose public transport or park their cars in the areas nearby and then switch to other modes of transport. From the society's point of view, violation of traffic regulations should not be condoned on any grounds. Indeed, there is no reason why the costs of such violations should be borne by law abiding road users.

9. I must stress that the proposal to increase fixed penalties will not affect law-abiding drivers at all. Instead, it will bring about smoother road traffic flow to motorists, road-based public transport passengers and the transport sector. Moreover, it will improve roadside air quality and benefit our society as a whole.

10. President, as the first step, I hereby move a motion under section 13 of the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) to increase the fixed penalty charges for the 21 items stipulated in section 13 of Cap. 237 by 50%, i.e. from the current level of \$320 to \$480. Upon passage of the motion, we need to complete other legislative procedures, including consequential amendments to the corresponding forms under Cap. 237A, Cap. 240A and Cap. 283C relating to the increased fixed penalty charges. Taking into account the time required to complete the legislative procedures and to print and distribute the revised fixed penalty tickets to frontline law enforcement staff, we propose that the new penalty charges should take effect on 1 June 2018. Later on, I will move another motion to increase the level of fixed penalty charges for other congestion-related traffic offences.

- *END* -

[Note: Please also refer to the speech for another motion under the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) to be moved at the same Legislative Council meeting.]

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 1 March 2017**

(The Second Motion)

President,

I move that the motion under my name and proposed pursuant to section 12 of the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240), as printed on the Agenda, be passed to increase the fixed penalty charges for the six offences specified in the Schedule to Cap. 240 which are related to traffic management and the maintenance of smooth traffic flow by 50% in tandem with inflation, i.e. from the current levels of \$320 and \$450 to \$480 and \$680 respectively, with effect from 1 June 2018, so as to restore the deterrent effect of the said charges. The detailed justifications for the increase in the charges have been set out in my last motion and I will not repeat them here.

- END -

[Note: Please also refer to the speech for another motion under the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) to be moved at the same Legislative Council meeting.]