

**Legislative Council Subcommittee on  
Two Proposed Resolutions under  
Fixed Penalty (Traffic Contraventions) Ordinance  
Fixed Penalty (Criminal Proceedings) Ordinance**

**Government's Revised Proposals**

This paper sets out the proposals revised by the Government having regard to the deliberations of the Legislative Council Subcommittee on Two Proposed Resolutions under the Fixed Penalty (Traffic Contraventions) Ordinance and the Fixed Penalty (Criminal Proceedings) Ordinance (“the Subcommittee”).

**Background**

2. To restore the deterrent effect of fixed penalty charges for congestion-related traffic offences, the Government proposed to the Legislative Council (“LegCo”) in February 2017 to increase these charges by 50% in tandem with inflation since the last increase in 1994. The fixed penalty charges for congestion-related traffic offences, currently set at \$320 and \$450, were proposed to be increased to \$480 to \$680 respectively with effect from 1 June 2018.

3. The Subcommittee held two meetings on 21 March and 5 May 2017. Deputations and individuals were invited to attend the meeting on 5 May 2017 to put forward their views.

**Revised Proposals**

4. After considering the comments expressed by the Subcommittee and deputations/individuals, the Government has revised the magnitude of the proposed increase from the originally proposed 50% down to 25%. The revised proposals are as follows –

- (a) the fixed penalty charge stipulated under section 13 of Cap. 237 for the 21 offences is proposed to be increased from \$320 to \$400. The amended resolution is at **Annex 1**;

(b) as for the six offences stipulated in the Schedule to Cap. 240, their revised proposed adjustments are (the amended resolution is at **Annex 2**):

- |       |   |                     |
|-------|---|---------------------|
| (i)   | Item 9: unlawfully entering a box junction  | From \$320 to \$400 |
| (ii)  | Item 12: picking up or setting down passengers in a restricted zone   | From \$450 to \$560 |
| (iii) | Item 13: loading or unloading goods in a restricted zone  | From \$450 to \$560 |
| (iv)  | Item 18: “U” turn causing obstruction   | From \$320 to \$400 |
| (v)   | Item 20: unauthorized stopping at a bus stop, public light bus stand, taxi stand or public light bus stopping place       | From \$320 to \$400 |
| (vi)  | Item 48: stopping a public bus, public light bus or taxi longer than necessary when picking up or setting down passengers | From \$320 to \$400 |

The proposed penalty charges under the two resolutions will take effect from 1 June 2018.

5. The Government originally proposed an increase of 50% for the fixed penalty charges to restore the deterrent effect of these charges which have been eroded by inflation since the last increase in 1994. Taking into account the views of the Subcommittee and deputations/individuals that an increase of fixed penalty charges by 50% in one go will be quite hefty and that a phased approach should be considered, the Government puts forward the above revised proposals which we believe should be more acceptable to the public while still partially restore the deterrent effect eroded by inflation. After the implementation of the revised fixed penalty charges, the Government will review at appropriate time the proposed increases for the next stage of adjustment.

6. Some members of the Subcommittee and deputations/individuals have expressed concerns about the inadequate provision of parking spaces (particularly for commercial vehicles) which they consider to have led to illegal parking, and suggested that the Government should first resolve the problem of provision of parking spaces before considering the increase in the fixed penalty charges for illegal parking. At the meeting of the Legislative Council Panel on Transport on 19 May 2017, the Government responded to such concerns by explaining the Government's policy on provision of parking spaces as well as the measures to mitigate the shortage.

7. We must stress that according to the observations of the Transport Department in a few areas, some of the illegal parking incidents at present are not caused entirely by inadequate parking spaces in the vicinity. There are times when vacant parking spaces in nearby car parks are available, and yet some motorists still choose to park their vehicles illegally on the roads for their own convenience or to save parking fees. In any event, we do not wish the community to form a misconception that inadequate parking space is a legitimate defence for illegal parking. Illegal parking is an unlawful act and must not be condoned. Apart from causing traffic congestion, it will worsen roadside air quality and even affect pedestrian safety. At present, illegal parking etc. are rampant and have aggravated traffic congestion to such an extent that **immediate action should be taken** to increase the penalty charges for congestion-related traffic offences in order to restore their deterrent effects. Therefore, it is imperative to increase the fixed penalty charges for the offence stipulated in Cap. 237 and the six congestion-related traffic offences stipulated in Cap. 240 at the same time so as to alleviate traffic congestion. We must take a **two-pronged approach: mitigate shortage of parking spaces on the one hand and restore the deterrent effect of fixed penalty charges on the other.**

8. The Subcommittee and deputations/individuals have expressed concern about enforcement efforts by the Police. In the past few years, the number of fixed penalty tickets issued in relation to congestion-related traffic offences have increased significantly from 821 989 in 2011 to 1 627 511 in 2016, representing an increase of 98%. The Police have already redoubled the enforcement efforts. Notwithstanding this, contraventions against congestion-related offences are still rampant. **The penalty charges must be able to produce deterrent effects in order to achieve effective enforcement.** Under the Selected Traffic Enforcement Priorities, the Police will continue to step up education and publicity, and proactively carry out enforcement so as to change

the irresponsible behaviours of some road users and to prevent those behaviours from causing accidents and casualties or serious traffic congestion.

9. We urge the Subcommittee to endorse the revised proposals. **Failing to take this small step, the general public will continue to be plagued by the traffic congestion problem with no sign of alleviation.** The proposed increase of penalty charges will certainly benefit law abiding motorists. We also believe that after raising the penalty charges, there will be a reduction in prolonged illegal parking at roadside picking up/setting down and loading/unloading areas, leading to fewer incidents of motorists being forced to pick up/set down passengers or load/unload goods unlawfully. At the same time, a smoother flow of traffic will undoubtedly be welcome by passengers who use road-based public transport (such as franchised bus, light bus, taxi, non-franchised bus), improve roadside air quality and bring overall benefits to the community.

### **Legislative Timetable**

10. The proposed increase in fixed penalty charges requires the approval of LegCo by way of resolution under section 13 of Cap. 237 and section 12 of Cap. 240. Subject to the support of the Subcommittee to the two amended resolutions, the Secretary for Transport and Housing intends to move two separate motions for the amended resolutions at the LegCo meeting latest by 28 June 2017 for approval by LegCo.

**Transport and Housing Bureau  
May 2017**

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## **Fixed Penalty (Traffic Contraventions) Ordinance**

### **Resolution of the Legislative Council**

Resolution made and passed by the Legislative Council under section 13 of the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) on 2017.

**Resolved** that, with effect from 1 June 2018—

- (a) ~~\$480~~\$400 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.

Clerk to the Legislative Council

2017

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### **Explanatory Note**

This Resolution increases the fixed penalty for obstruction, unlawful parking and other similar traffic contraventions from \$320 to ~~\$480~~\$400.

## Fixed Penalty (Criminal Proceedings) Ordinance

### Resolution of the Legislative Council

Resolution made and passed by the Legislative Council under section 12 of the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) on 2017.

**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~~\$400”.

(2) The Schedule, item 12—

**Repeal**

“\$450”

**Substitute**

“~~\$680~~\$560”.

(3) The Schedule, item 13—

**Repeal**

“\$450”

**Substitute**

“~~\$680~~\$560”.

(4) The Schedule, item 18—

**Repeal**

“\$320”

**Substitute**

“~~\$480~~\$400”.

(5) The Schedule, item 20—

**Repeal**

“\$320”

**Substitute**

“~~\$480~~\$400”.

(6) The Schedule, item 48—

**Repeal**

“\$320”

**Substitute**

“~~\$480~~\$400”.

Clerk to the Legislative Council

2017

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**Explanatory Note**

This Resolution amends the Schedule to the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240)—

- (a) to increase the fixed penalty for a contravention of regulation 10(1) of the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G) (**Regulations**) (unlawfully entering a box junction) from \$320 to ~~\$480~~\$400;
- (b) to increase the fixed penalty for a contravention of regulation 14(6) of the Regulations (picking up or setting down passengers in a restricted zone) from \$450 to ~~\$680~~\$560;
- (c) to increase the fixed penalty for a contravention of regulation 14(7) of the Regulations (loading or unloading goods in a restricted zone) from \$450 to ~~\$680~~\$560;
- (d) to increase the fixed penalty for a contravention of regulation 42(1)(d) of the Regulations (“U” turn causing obstruction) from \$320 to ~~\$480~~\$400;
- (e) to increase the fixed penalty for a contravention of regulation 45 of the Regulations (unauthorized stopping at a bus stop, public light bus stand, taxi stand or public light bus stopping place) from \$320 to ~~\$480~~\$400; and
- (f) to increase the fixed penalty for a contravention of regulation 45(1)(h) of the Road Traffic (Public Service Vehicles) Regulations (Cap. 374 sub. leg. D) (stopping a public bus, public light bus or taxi longer than necessary when picking up or setting down passengers) from \$320 to ~~\$480~~\$400.