

LEGISLATIVE COUNCIL BRIEF

Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240)

**FIXED PENALTY (CRIMINAL PROCEEDINGS) (AMENDMENT)
REGULATION 2017**

INTRODUCTION

In exercise of the power under section 11 of the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) (“the Ordinance”), the Secretary for Transport and Housing has made the Fixed Penalty (Criminal Proceedings) (Amendment) Regulation 2017 (at **Annex**) to make amendments to the list of offences and fixed penalty in Form 1 in the Schedule to the Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240 sub. leg. A) (“the Regulations”).

JUSTIFICATIONS

2. Appropriate traffic arrangements will be put in place to properly manage vehicles using the Hong Kong Boundary Crossing Facilities (“HKBCF”) and the Hong Kong-Zhuhai-Macao Bridge Hong Kong Link Road (“HKLR”) upon the commissioning of the Hong Kong-Zhuhai-Macao Bridge (“HZMB”). To this end, technical amendments to the relevant transport-related legislation were passed by the Legislative Council (“LegCo”) in June 2017 to provide the legal basis. Details are set out in the LegCo Brief “Technical Legislative Amendments on Traffic Arrangements for the Hong Kong-Zhuhai-Macao Bridge” issued on 19 April 2017.

3. Among the above-mentioned legislative amendments, the LegCo passed a resolution (L.N. 139 of 2017) under section 12 of the Ordinance to amend the Schedule to the Ordinance with a view to updating the relevant item numbers and descriptions of driving offences on a “driving-on-the left” expressway and introducing, based on existing offences, appropriate driving offences on a “driving-on-the right” expressway (i.e. the HKLR). As the relevant item numbers, descriptions and list of driving offences are also set out in the list of offences and fixed penalty in

Form 1 in the Schedule to the Regulations, consequential amendments need to be made. The draft Fixed Penalty (Criminal Proceedings) (Amendment) Regulation 2017 containing the proposed consequential amendments was also attached to the LegCo Brief mentioned in paragraph 2 above for LegCo Members' advance information.

THE AMENDMENT REGULATION

4. The Fixed Penalty (Criminal Proceedings) (Amendment) Regulation 2017 aims to update the list of offences and fixed penalty in Form 1 in the Schedule to the Regulations to tally with the amended Schedule to the Ordinance.

LEGISLATIVE TIMETABLE

5. The legislative timetable for the Fixed Penalty (Criminal Proceedings) (Amendment) Regulation 2017 is as follows –

Publication in the Gazette	6 October 2017
Tabling at the LegCo for negative vetting	11 October 2017
Commencement	15 December 2017

6. The commencement date of the Fixed Penalty (Criminal Proceedings) (Amendment) Regulation 2017 is the same as that of the amendments made by the resolution (L.N. 139 of 2017) passed by the LegCo under section 12 of the Ordinance. The commencement date is not meant to represent the commissioning date of the HZMB.

IMPLICATIONS OF THE PROPOSAL

7. The legislative amendments are technical in nature and have no economic, civil service, environmental, financial, sustainability, productivity, competition, family or gender implications. The legislative amendments are in conformity with the Basic Law, including the provisions concerning human rights. They will not affect the current binding effect of the Ordinance and the Regulations.

PUBLIC CONSULTATION

8. The Fixed Penalty (Criminal Proceedings) (Amendment) Regulation 2017 contains consequential amendments to the resolution previously passed by the LegCo under section 12 of the Ordinance (please see paragraph 3 above). No separate public consultation is considered necessary.

PUBLICITY

9. A spokesperson will be available for answering media enquiries.

ENQUIRIES

10. Any enquiry concerning this Brief can be directed to Miss Shirley Lau, PAS(T)6, (Tel: 3509 8196) of the Transport and Housing Bureau.

Transport and Housing Bureau
4 October 2017

Fixed Penalty (Criminal Proceedings) (Amendment) Regulation 2017

Section 1

1

Fixed Penalty (Criminal Proceedings) (Amendment) Regulation 2017

(Made by the Secretary for Transport and Housing under section 11 of the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240))

1. Commencement

This Regulation comes into operation on 15 December 2017.

2. Fixed Penalty (Criminal Proceedings) Regulations amended

The Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240 sub. leg. A) are amended as set out in section 3.

3. Schedule amended

(1) The Schedule, Form 1, list of offences and fixed penalty—

Repeal code number 56

Substitute

“56. 沒有遵從使用靠左駛快速公路車路的最右線的限制	第 11(2)條	\$450
Failing to comply with restriction on using the right most lane of the carriageway of a left-driving expressway	Regulation 11(2)	\$450”.

(2) The Schedule, Form 1, list of offences and fixed penalty—

Repeal code numbers 56A and 57.

(3) The Schedule, Form 1, list of offences and fixed penalty—

Add


Fixed Penalty (Criminal Proceedings) (Amendment) Regulation 2017

Section 3

2

“58. 沒有遵從使用靠右駛快速公路車路的最左線的限制	第 11A(2)條	\$450
Failing to comply with restriction on using the left most lane of the carriageway of a right-driving expressway	Regulation 11A(2)	\$450
59. 在靠左駛快速公路上駕駛而沒有局限汽車在快速公路車路的最左線行駛	第 12(1)條	\$450
Driving on a left-driving expressway without confining the motor vehicle to the left most lane of the carriageway of the expressway	Regulation 12(1)	\$450
60. 在靠右駛快速公路上駕駛而沒有局限汽車在快速公路車路的最右線行駛	第 12A(1)條	\$450
Driving on a right-driving expressway without confining the motor vehicle to the right most lane of the carriageway of the expressway	Regulation 12A(1)	\$450
61. 在靠左駛快速公路上，在另一車輛的左邊越過該車輛	第 13 條	\$450

	Overtaking another vehicle on its left-hand side on a left-driving expressway	Regulation 13	\$450
62.	在靠右駛快速公路上，在另一車輛的右邊越過該車輛	第 13A(1)條	\$450
	Overtaking another vehicle on its right-hand side on a right-driving expressway	Regulation 13A(1)	\$450".



Secretary for Transport and Housing

27 September 2017

Explanatory Note

By a Resolution of the Legislative Council (L.N. 139 of 2017) passed under section 12 of the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240), the Schedule to the Ordinance is amended to—

- (a) update the descriptions of 3 existing scheduled offences to reflect the relevant amendments set out in the Road Traffic (Expressway) (Amendment) Regulation 2017 (L.N. 64 of 2017) (*Amendment Regulation*); and
 - (b) add 3 offences newly created under the Amendment Regulation as scheduled offences.
2. This Regulation consequentially amends the list of offences and fixed penalty in Form 1 in the Schedule to the Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240 sub. leg. A).