

Amend the Fixed Penalty (Criminal Proceedings) Ordinance, the Road Traffic Ordinance and the Road Traffic (Driving-offence Points) Ordinance.

Enacted by the Legislative Council.

1. Short title and commencement

(1) This Ordinance may be cited as the Road Traffic Legislation (Amendment) Ordinance 2000.

(2) This Ordinance shall come into operation on a day to be appointed by the Secretary for Transport by notice in the Gazette.

Fixed Penalty (Criminal Proceedings) Ordinance

2. Schedule amended

The Schedule to the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) is amended---

(a) in item 2A, by repealing "\$450" and substituting "\$600";

(b) in item 2B, by repealing "\$450" and substituting "\$1,000".

Road Traffic Ordinance

3. Driving in excess of speed limit

Section 41 of the Road Traffic Ordinance (Cap. 374) is amended by adding---

"(3) If---

(a) a person is convicted of an offence under subsection (1); and

(b) it is proved or admitted that, at the time of the offence, the person was driving the vehicle at a speed exceeding the relevant speed limit as described in that subsection by more than 45 km an hour,

the person shall be disqualified for a period of not less than 6 months, unless the court or magistrate for special reasons orders that he be disqualified for a shorter period or that he not be disqualified."

Road Traffic (Driving-offence Points) Ordinance

4. Schedule amended

The Schedule to the Road Traffic (Driving-offence Points) Ordinance (Cap. 375) is amended---

(a) in items 5A, 16, 21, 30, 35, 39, 44 and 48 in column 4 by repealing "5" and substituting "6";

(b) in items 5B, 17, 22, 31, 36, 40, 45 and 49 in column 4 by repealing "8" and substituting "10".

Consequential Amendments

Magistrates Ordinance

5. Plea of guilty by letter

Section 18E(3) of the Magistrates Ordinance (Cap. 227) is repealed and the following substituted---

"(3) Where---

(a) a complaint or information is in respect of an offence under section 41(1) of the Road Traffic Ordinance (Cap. 374); and

(b) if the defendant is convicted of the offence on the basis that the complaint or information is true, the conviction will be one to which section 41(3) of that Ordinance applies,

a summons in respect of that offence shall be endorsed to the effect that the defendant may not plead guilty by letter, and in such a case the provisions of this section shall thereupon cease to apply."

Fixed Penalty (Criminal Proceedings) Regulations

6. Schedule amended

Form 1 in the Schedule to the Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240 sub. leg.) is amended---

(a) by repealing---

"\$1,000 \$450 \$320 \$230"

and substituting---

"\$1,000 \$600 \$450 \$320 \$230";

(b) under the heading "LIST OF OFFENCES AND FIXED PENALTY"---

(i) in Code Number 2A, by repealing "\$450" and substituting "\$600";

(ii) in Code Number 2B, by repealing "\$450" and substituting "\$1,000";

(iii) by repealing "! Offence marked with ! carries 5 driving-offence points" and substituting "! Offence marked with ! carries 6 driving-offence points";

(iv) by repealing "Ω Offence marked with Ω carries 8 driving-offence points" and substituting "Ω Offence marked with Ω carries 10 driving-offence points".

Explanatory Memorandum

The purpose of this Bill is to make a number of amendments to various traffic offences, all relating to driving in excess of speed limits.

2. Clause 2 amends the Schedule to the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240). Two fixed penalties payable under that Ordinance are increased.

3. Clause 3 adds a new subsection (3) to section 41 of the Road Traffic Ordinance (Cap. 374). If a person is convicted of the offence under subsection (1) of that section, and it is proved or admitted that the person drove a vehicle at a speed exceeding the relevant speed limit by more than 45 km an hour, the person shall be disqualified from driving for not less than 6 months, unless the court or magistrate for special reasons orders otherwise.

4. Clause 4 amends the Schedule to the Road Traffic (Driving-offence Points) Ordinance (Cap. 375). The driving-offence points that will be incurred in respect of various offences are increased.
5. Clause 5 makes consequential amendments to section 18E(3) of the Magistrates Ordinance (Cap. 227). If a person is liable to be disqualified from driving by virtue of the proposed section 41(3) of the Road Traffic Ordinance (Cap. 374), he may not plead guilty by letter.
6. Clause 6 makes consequential amendments to Form 1 in the Schedule to the Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240 sub. leg.), to bring it in line with the amendments made by clause 2.