

香港特別行政區政府

The Government of the Hong Kong Special Administrative Region

政府總部
運輸及房屋局
運輸科

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4 July 2017

Clerk to Subcommittee
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong
(Attn: Ms Doris LO)

Dear Ms LO,

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

**Government's Response to
Amendments Proposed by Hon Jeremy TAM Man-ho**

I set out in **Annex** our response to your letter of 22 June 2017 concerning the amendments proposed by Hon Jeremy TAM Man-ho.

Yours sincerely,

(Ms Winnie WY WONG)
for Secretary for Transport and Housing

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

**Government's Response to
Amendments Proposed by Hon Jeremy TAM Man-ho**

In the paper submitted to the Subcommittee on 26 April 2017 [CB(4)932/16-17(02)], the Government explained that from the perspective of statutory interpretation, section 13 of the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) has not empowered the Legislative Council to adjust individually the fixed penalty charges for the 21 contraventions under Cap. 237 by means of a resolution. In addition, the Government submitted another paper to the Subcommittee on 17 May 2017 [CB(4)1028/16-17(01)] and further elaborated from various aspects the meaning of section 13 of Cap. 237, including the ordinary and natural meaning of the section, the long title of Cap. 237, the Explanatory Memorandum of the Bill in 1970, the Hansard for the meetings of the Legislative Council at the time, and that unlike Cap. 240, Cap. 237 did not prescribe different levels of fixed penalty charges by way of a schedule, etc.

Based on the considerations set out in the above papers, the Government considers that the amendments proposed by Hon Jeremy TAM Man-ho in his letter to the Chairman of the Subcommittee dated 16 June 2017 are beyond the powers of the Legislative Council under section 13 of Cap. 237 to prescribe by resolution the level of fixed penalty charges for the contraventions under Cap. 237.