

立法會
Legislative Council

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Date : 8 January 2018

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 17 January 2018

**Proposed resolution under
the Fixed Penalty (Criminal Proceedings) Ordinance**

The Secretary for Transport and Housing will move the proposed resolution in **Appendix 1** under section 12 of the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) at the above meeting. The President has directed that the proposed resolution be printed in the terms in which it was handed in on the Agenda of the Council.

2. The speech, in both Chinese and English, which the Secretary will deliver when moving the proposed resolution is in **Appendix 2**.

(Dora WAI)
for Clerk to the Legislative Council

Encl.

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

“\$400”.

(2) The Schedule, item 12—

Repeal

“\$450”

Substitute

“\$560”.

(3) The Schedule, item 18—

Repeal

“\$320”

Substitute

“\$400”.

(4) The Schedule, item 20—

Repeal

“\$320”

Substitute

“\$400”.

(5) The Schedule, item 48—

Repeal

“\$320”

Substitute

“\$400”.

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 17 January 2018**

President,

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

2. Road traffic congestion in Hong Kong has been worsening in recent years. The Transport Advisory Committee (“TAC”) recommended earlier in its “Report on Study of Road Traffic Congestion in Hong Kong” increasing the fixed penalty charges for congestion-related traffic offences to restore the deterrent effect. In February 2017, the Government tabled legislative amendments at the Legislative Council (“LegCo”) for vetting, proposing to increase by 50% the penalty charges for illegal parking under the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) as well as six of the congestion-related offences under the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240).

3. The relevant Subcommittee of the LegCo has completed scrutiny of the legislative amendments. I would like to take this opportunity to thank the Subcommittee, under the chairmanship of the Hon Frankie YICK Chi-ming, for its meticulous scrutiny work. The motion passed by the Subcommittee supported increasing the penalty for five of the

offences under Cap. 240 by 25% only. Although this may not be most effective in combating congestion-related offences, the Government understands the concern of Members and is willing to accept the proposal so that an important small step forward could be taken jointly with LegCo to respond to the call of the community for prompt improvement to traffic congestion.

4. I must reiterate the Government's stance. The existing rampant illegal parking activities have caused a multitude of traffic congestion, air pollution and road safety problems. The Government considers that immediate action should be taken to increase the penalty charges for the illegal parking offences under Cap. 237 and the congestion-related offences under Cap. 240 to restore the deterrent effect at the same time. Some motorists choose to park their vehicles illegally on the roads for their own convenience or to save parking fees, treating penalty charges as parking fees only. However, their acts will likely cause traffic congestion and incur associated social costs. We consider that illegal parking activities must not be condoned and inadequate parking space is not a reasonable excuse for illegal parking. The TAC received more than 1 900 complaints about illegal parking between January and November 2017, an increase of 9% over the same period last year, underlining the call of the community for rectifying the illegal parking problem as soon as possible.

5. Some Members proposed increasing the supply of parking spaces and strengthening law enforcement. We acknowledge the need to alleviate the shortage of parking spaces. As set out in the Chief Executive's 2017 Policy Address, we will implement a series of short- and medium to long-term measures to increase the supply of parking

spaces in various districts having regard to the local situation. While we will accord priority to accommodating the parking needs of commercial vehicles as far as possible, suitable number of parking spaces for private cars will also be provided. As regards law enforcement, the Police have stepped up action against illegal parking. A total of 1 680 000 fixed penalty tickets (“FPTs”) were issued in connection with the offences under Cap. 237 and six congestion-related traffic offences under Cap. 240 from January to November 2017, an increase of 14% from 1 470 000 FPTs over the same period last year. The Police will continue its enforcement work.

6. After amending the penalty charges of these five offences under Cap. 240, we will continue to discuss with the LegCo and stakeholders the next step to increase the penalty charges for other congestion-related traffic offences. After the five new penalty charges stipulated in Cap. 240 have taken effect, we will also closely monitor whether there is any change of behavior on the part of drivers, whether there is any reduction in the number of contraventions, and whether the magnitude of increase is adequate.

7. On the penalty charges of other traffic offences listed in Cap. 240 which may not directly result in traffic congestion (e.g. speeding), as stated in paragraph 5 of the LegCo Brief submitted to the LegCo in February 2017, we will make a timely submission to the LegCo for deliberation on their adjustments for ensuring road safety.

8. The Subcommittee mentioned during its discussion that the penalty level should not be raised too much in each adjustment. Noting Members’ concern, we will propose appropriate adjustments of penalty

charges more frequently in future to restore the deterrent effect, so that the magnitude of increase will be relatively mild each time.

9. President, I hereby move a motion under section 12 of the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) to increase by 25% the fixed penalty charges for five of the congestion-related offences specified in the Schedule to Cap. 240, i.e. from the current levels of \$320 and \$450 to \$400 and \$560 respectively, with effect from 1 June 2018. Upon passage of the motion by LegCo, we will make consequential amendments to the forms (i.e. FPTs) in the Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240A) and table them subsequently at LegCo for scrutiny separately.

- *END* -