

立法會
Legislative Council

LC Paper No. CB(1)854/01-02
(These minutes have been
seen by the Administration)

Ref: CB1/BC/13/00

**Bills Committee on
Road Traffic Legislation (Amendment) Bill 2001**

**Minutes of meeting held on
Monday, 7 January 2002, at 2:30 pm
in Conference Room B of the Legislative Council Building**

Members present : Hon Andrew CHENG Kar-foo (Chairman)
Hon Cyd HO Sau-lan
Hon CHAN Kwok-keung
Hon Miriam LAU Kin-yee, JP
Dr Hon TANG Siu-tong, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Hon LEUNG Fu-wah, MH, JP

Public Officers attending : Transport Bureau

Mrs Sharon YIP
Principal Assistant Secretary for Transport

Mr Benjamin MOK
Assistant Secretary for Transport

Transport Department

Mr Vincent FAN
Chief Transport Officer / Driving Services

Department of Justice

Mr Michael LAM
Senior Government Counsel

Clerk in attendance : Mr Andy LAU
Chief Assistant Secretary (1)2

Staff in attendance : Miss Connie FUNG
Assistant Legal Adviser 3

Miss Yvonne YU
Senior Assistant Secretary (1)4

Action

I Confirmation of minutes of meeting

(LC Paper No. CB(1)578/01-02 - Minutes of meeting held on 3
December 2001; and
LC Paper No. CB(1)720/01-02 - Minutes of meeting held on 15
December 2001)

The minutes of meetings held on 3 December and 15 December 2001 were confirmed.

II Meeting with the Administration

- the Administration's response to the issues raised at the meeting held on 15 December 2001 [LC Paper No. CB(1)721/01-02(01)];
- the Bill circulated under LC Paper No. CB(3)756/00-01 on 8 June 2001; and
- a marked-up copy of the Bill [Annex B to LC Paper No. CB(1)24/01-02]

Other papers previously issued

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|---------------------------------|--|
| (Ref: TRAN 3/7/28(01) Pt 5 | - LegCo Brief; |
| LC Paper No. LS109/00-01 | - Legal Service Division Report; |
| LC Paper No. LS7/01-02 | - A summary of the Administration's response to queries/comments raised by Legal Service Division; |
| LC Paper No. CB(1)219/01-02(02) | - The provisions under the existing Road Traffic Ordinance (Cap. 374) relating to fees payable in respect of vehicle emission testing centres, car testing centres and driving school; |

- LC Paper No. CB(1)24/01-02(01) - Submission from the Goods Vehicle Fleet Owners Association Limited;
- LC Paper No. CB(1)96/01-02(01) - The Administration's response to the comments raised by the Goods Vehicle Fleet Owners Association Limited;
- LC Paper No. CB(1)219/01-02(01) - An information paper provided by the Administration on the issues raised by members at the meeting held on 22 October 2001;
- LC Paper No. CB(1)219/01-02(03) - Submission provided by Urban Taxi Drivers Association Joint Committee Co. Ltd;
- LC Paper No. CB(1)219/01-02(04) - Submission from Public and Private Light Buses Driving Instructors' Society;
- LC Paper No. CB(1)252/01-02(01) - Submission provided by Hong Kong Automobile Association;
- LC Paper No. CB(1)275/01-02(01) - The Administration's consolidated response to the comments raised by the Urban Taxi Drivers Association Joint Committee Co., Ltd, the Public and Private Light Buses Driving Instructors' Society and the Hong Kong Automobile Association;
- LC Paper No. CB(1)437/01-02(01) - The Administration's response to the issues raised at the meeting held on 9 November 2001; and
- LC Paper No. CB(1)577/01-02(01) - The Administration's response to the issues raised at the meeting held on 3 December 2001)

2. The Committee deliberated (Index of proceedings attached at **Annex A**).

3. Members requested the Administration to consider the following issues and provide further information to facilitate the work of the Bills Committee:

- (a) The Administration to provide a copy of the draft code of practice setting out, inter alia, the following:
- (i) partial completion of a driving improvement course should be fully recognized and transferable, and the general conditions including the validity period of the partially-completed course; and
 - (ii) the conditions and minimum requirements which a person needed to be satisfied in order to obtain an authorization from the Commissioner for Transport to give a driving improvement course.

Admin

- (b) The Administration to consider whether there is a need to define the term "magistrate" to include temporary magistrate.
 - (c) The Administration to consider redrafting the new section 102E to the effect that the Commissioner for Transport had a duty to issue a code of practice for the purpose of implementing a driver improvement scheme.
4. The Bills Committee agreed to hold a meeting on 21 January 2002 at 8:30 am to continue discussion with the Administration.

III Any other business

5. There being no other business, the meeting ended at 4:20 pm.

Legislative Council Secretariat
18 January 2002

**Proceedings of the meeting of the
Bills Committee on Road Traffic Legislation (Amendment) Bill 2001
on Monday, 7 January 2002, at 2:30 pm
in Conference Room B of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000000-000115	Chairman	<ul style="list-style-type: none"> - Confirmation of minutes of meetings held on 3 December and 15 December 2001 - Opening remarks 	
000116-000800	Admin	<ul style="list-style-type: none"> - Necessity for imposing penalty for failure to issue an attendance certificate or course certificate by a driving improvement school - Eligibility for holder of a probationary driving licence or a driving licence to drive Government vehicles to attend a driving improvement course - Committee Stage Amendments (CSAs) to be moved by the Administration 	
000801-000834	Dr TANG Siu-tong	<ul style="list-style-type: none"> - Types of vehicles which could be driven by Government vehicle driving licence holders - Prosecution in respect of Government vehicle driving licence holders 	
000835-001010	Admin	- ditto -	
001011-001029	Dr TANG Siu-tong	- ditto -	
001030-001106	Admin	- ditto -	
001107-001155	Chairman	- Clause-by-clause examination of the Bill (Chinese version)	
001156-001416	Admin	- Proposed section 102D of the Road Traffic Ordinance (RTO)	
001417-001432	Ms Miriam LAU	- Whether partial completion of a driving improvement course was transferable	
001433-001501	Admin	- ditto -	
001502-001642	Ms Miriam LAU/ Admin	- It should be set out clearly in the code of practice that partial	

		completion of a driving improvement course was fully transferable	
001643-001753	Chairman	- The Administration to provide a copy of the draft code of practice before the resumption of the Second Reading debate on the Bill	
001754-001830	Admin	- The Administration undertook to provide members with the draft code of practice at the next meeting	Admin
001831-001927	Ms Miriam LAU	- Validity period of a partially-completed course	
001928-002042	Admin	- ditto -	
002043-002143	Mr LEUNG Fu-wah	- Point of order	
002144-002255	Ms Miriam LAU	- ditto -	
002256-002414	Chairman	- ditto -	
002415-002559	Admin	- The Administration to set out the general conditions in respect of a transfer in the code of practice	Admin
002600-002604	Chairman	- ditto -	
002605-002615	Dr TANG Siu-tong	- Whether course participants would be able to find another driving improvement school within 3 months in case a designation in respect of a driving improvement school was revoked by the Commissioner for Transport	
002616-002708	Admin	- ditto -	
002709-002728	Chairman	- CSA to the proposed section 102E of RTO	
002729-003006	Admin	- ditto -	
003007-003126	Chairman	- ditto -	
003127-003225	Admin	- ditto -	
003226-003235	Chairman	- ditto -	
003236-003446	Admin	- Proposed section 102F of RTO	
003447-003505	Chairman	- ditto -	
003506-003524	Admin	- Proposed section 102G of RTO	
003525-003532	Chairman	- ditto -	
003533-003724	Admin	- Proposed schedule 11 of RTO	
003725-003820	Ms Miriam LAU	- Conditions and minimum requirements needed to be satisfied in order to obtain an authorization from the Commissioner for Transport to give a driving improvement course	

003821-003857	Admin	- Instructors must be required to complete the training courses organized by the Vocational Training Council	
003858-003922	Ms Miriam LAU	- ditto -	
003923-004035	Admin	- ditto -	
004036-004101	Ms Miriam LAU	- ditto -	
004102-004144	Admin	- ditto -	
004145-004211	Ms Miriam LAU	- Suggested that the code of practice should set out clearly the conditions and minimum requirements which a person needed to be satisfied in order to obtain an authorization from the Commissioner for Transport to give a driving improvement course	
004212-004312	Admin	- ditto -	Admin
004313-004333	Dr TANG Siu-tong	- Fees payable for designation, or renewal of designation, of a driving improvement school	
004334-004413	Admin	- ditto -	
004414-004504	Chairman	- CSA to the proposed section 72A(1) of RTO	
004505-004642	Admin	- ditto -	
004643-004653	Chairman	- ditto -	
004654-004731	Ms Miriam LAU	- CSA to add a new schedule 10A	
004732-004758	Admin	- ditto -	
004759-004808	Ms Miriam LAU	- ditto -	
004809-004837	Chairman	- ditto -	
004838-004856	Admin	- CSA to the proposed section 72A(2) of RTO	
004857-004906	Chairman	- Proposed section 72A(3) of RTO	
004907-004954	Admin	- ditto -	
004955-005002	Chairman	- ditto -	
005003-005130	Admin	- CSA to the proposed section 72A(4) of RTO	
005131-005134	Chairman	- ditto -	
005135-005239	Ms Miriam LAU	- ditto -	
005240-005259	Admin	- The Administration confirmed that where a person who was ordered by a magistrate to attend and complete a driving improvement course within 3 months after the date of making the order, he could file an application with reasonable excuse	

		in writing for extension of the deadline so imposed at any magistracy	
005300-005457	Ms Miriam LAU/ Admin	- The Administration confirmed that the arrangement was accepted by the Judiciary	
005458-005507	Chairman	- Proposed section 72A(5) of RTO	
005508-005723	Admin	- ditto - - CSA to the proposed section 72A(6) of RTO - Proposed section 72A(7) of RTO - Proposed section 72A(8) of RTO	
005724-005729	Chairman	- CSA to include a new section 72(8A) of RTO	
005730-005831	Admin	- ditto - - CSA to the proposed section 72A(9) of RTO	
005832-005857	Ms Miriam LAU	- Safeguarding mechanism to ensure that a person who was ordered by a court to attend and complete a driving improvement course had done so	
005858-005904	Admin	- ditto -	
005905-005919	Ms Miriam LAU	- ditto -	
005920-010008	Admin	- ditto -	
010009-010034	Ms Miriam LAU	- ditto -	
010035-010134	Admin	- ditto -	
010135-010203	Ms Miriam LAU	- ditto -	
010204-010308	Admin	- ditto -	
010309-010348	Chairman	- Whether references to "magistrate" included "special magistrate"	
010349-010405	Admin	- The Administration explained that "magistrate" was defined in Cap. 1 to mean a permanent or special magistrate	
010406-010411	Ms Miriam LAU	- ditto -	
010412-010418	Admin	- ditto -	
010419-010446	Ms Miriam LAU/ Chairman	- ditto -	
010447-010506	Admin	- The Administration to examine whether there is a need to define the term "magistrate" to include temporary magistrate	Admin
010507-010523	Chairman	- CSA to the proposed sections 102A, 102B(3) and 102C(1)(a) of	

		RTO	
010524-010614	Admin/ Chairman	- CSA to the proposed section 102A of RTO	
010615-010831	Admin/ Chairman	- CSA to the proposed section 102B(3) of RTO	
010832-010925	Admin/ Chairman	- CSA to the proposed section 102C(1)(a) of RTO	
010926-010954	Chairman	- CSA to add Schedule 10A	
010955-011040	Admin	- CSA to the proposed Schedule 11	
011041-011107	Chairman	- Examination of the proposed amendments to the Road Traffic (Driving-offence Points) Ordinance (RTDOPO)	
011108-011441	Admin/ Chairman	- Clause 7 - Clause 8 - Clause 9	
011442-011446	Ms Miriam LAU	- Request for clarification on the proposed section 6A(3) of RTDOPO (Clause 9)	
011447-011514	Admin	- ditto -	
011515-011547	Ms Miriam LAU	- ditto -	
011548-012145	Admin/ Chairman	- Clause 9 - Clause 10 - Clause 11 - Clause 12 - Clause 13 - Clause 16	
012146-012217	Chairman	- Clause 14 - Clause 15	
012218-012300	Chairman	- Clause-by-clause examination of the Bill (English version)	
012301-012614	Admin/ Chairman	- Proposed section 2 of RTO - Proposed section 55 of RTO - CSA to the proposed section 72A of RTO - CSA to the proposed section 102A of RTO - CSA to the proposed section 102B of RTO-	
012615-012639	Chairman	- Need for holding another meeting to discuss the issues raised at this meeting	
012640-012904	Admin	- CSA to the proposed section 102C of RTO - Proposed section 102D of RTO	

		- CSA to the proposed section 102E of RTO - Proposed section 102F of RTO	
012905-012958	Ms Miriam LAU	- To improve the drafting of the proposed section 102E to the effect that the Commissioner for Transport had a duty to issue a code of practice for the purpose of implementing a driver improvement scheme	
012959-013017	Admin	- ditto -	
013018-013103	Ms Miriam LAU	- ditto -	
013104-013159	Admin	- ditto -	
013200-013255	Ms Miriam LAU	- ditto -	
013256-013415	Admin	- ditto -	
013416-013457	Ms Miriam LAU	- ditto -	
013458-013547	Admin	- ditto -	
013548-013659	Chairman	- ditto -	
013700-013734	Ms Miriam LAU	- ditto -	
013735-013818	Chairman	- ditto -	
013819-013941	Admin	- The Administration to consider further the drafting of the provision with reference to other legislation	Admin
013942-014101	Admin	- Worried that the proposed amendment would be inconsistent with other similar provisions in the same ordinance	
014102-014123	Ms Miriam LAU	- ditto -	
014124-014134	Admin	- ditto -	
014135-014147	Ms Miriam LAU	- ditto -	
014148-014308	Admin	- ditto -	
014309-014544	Chairman	- Concluding remarks - Date of next meeting	

Note: The audio records of the above proceedings are kept at the LegCo Library

Legislative Council Secretariat
18 January 2002