

立法會
Legislative Council

LC Paper No. CB(1)1584/01-02
(These minutes have been seen by
the Administration and cleared
with the Chairman)

Ref: CB1/BC/13/00

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

**Minutes of meeting held on
Monday, 21 January 2002, at 8:30 am
in Conference Room B of the Legislative Council Building**

Members present : Hon Andrew CHENG Kar-foo (Chairman)
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

Member absent : Hon Cyd HO Sau-lan

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)854/01-02 - Minutes of meeting held on 7 January 2002)

The minutes of meeting held on 7 January 2002 were confirmed.

II Meeting with the Administration

- the Administration's response to the issues raised at the meeting held on 7 January 2002 [*LC Paper No. CB(1)853/01-02(01)*]

Other papers previously issued

- | | |
|---------------------------------|--|
| (LC Paper No. CB(3)756/00-01 | - the Bill |
| LC Paper No. CB(1)24/01-02 | - a marked-up copy of the Bill |
| 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;
- 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;
- LC Paper No. CB(1)631/01-02(01) - Draft Committee Stage amendments provided by the Administration at the meeting on 15 December 2001; and
- LC Paper No. CB(1)721/01-02(01) - The Administration's response to the issues raised at the meeting held on 15 December 2001)

2. The Committee deliberated (Index of proceedings attached at **Annex A**).
3. Members went through the draft code of practice and raised comments on the following sections:
 - (a) Section 2.1.1
whether the factors to be considered by the Commissioner for Transport in determining the amount of the Banker's Guarantee could be set out in the code of practice.
 - (b) Section 2.3.2 (a)
whether working experience in lieu of academic qualification could be considered for qualifying purpose.
 - (c) Section 2.3.2(c)

Action

whether the requirement of no previous conviction record of careless driving could be relaxed to allow persons with such previous conviction years ago to qualify as course instructors.

- (d) Section 2.4.8
whether a deadline for the application of discontinuation of attendance at the driving improvement school after the first session could be specified.
- (e) Sections 2.4.10 and 2.4.11
whether there was a need to provide driving training courses in different languages and whether the present drafting of the relevant sections were consistent with the human rights provisions of the Basic Law.
- (f) Section 4.4
whether an objective evaluation mechanism to assess the performance of the participants could be introduced and whether an appeal channel could be provided to avoid abuse.
- (g) Section 5.2(b)
whether there was a need for the proprietor of a driving improvement school to submit the requested information, taking into account the administrative work incurred by the proprietor.
- (h) Section 5.3(b)
whether a detailed working mechanism for the Commissioner for Transport to deal with complaint and appeal cases lodged by participants of driving improvement scheme could be set out in the code of practice.

Admin 4. The Administration undertook to consider members' views and consult the trade. The results would be reported to the LegCo Panel on Transport through an Information Note.

5. The Bills Committee had completed scrutiny of the Bill. It would report to the House Committee on 1 February 2002, recommending the resumption of the Second Reading debate on the Bill. The Bills Committee would not move any Committee Stage amendment on its own.

III Any other business

6. There being no other business, the meeting ended at 9:47am.

Legislative Council Secretariat

7 May 2002

**Proceedings of the meeting of the
Bills Committee on Road Traffic Legislation (Amendment) Bill 2001
on Monday, 21 January 2002, at 8:30 am
in Conference Room B of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000000-000112	Chairman	- Opening remarks - Confirmation of minutes of meeting held on 7 January 2002	
000113-000613	Admin	- Draft code of practice for the driving improvement school designated for the driving improvement scheme - Definition of the term "magistrate" - Redrafting new section 102E to the effect that the Commissioner for Transport (C for T) had a duty to issue code of practice	
000614-000627	Chairman	- Invited comments from members on the Administration's response to the issues raised at the meeting held on 7 January 2002	
000628-000642	Ms Miriam LAU	- ditto -	
000643-000711	Chairman	- Examination of the draft code of practice for the driving improvement school designated for the driving improvement scheme	
000712-000842	Admin	- Application and condition of designation (Section 1) - Banker's Guarantee (Section 2.1)	
000843-000910	Chairman	- Point of order	
000911-001301	Admin	- Premises, buildings and other facilities (Section 2.2) - Course instructors (Section 2.3)	
001302-001355	Mr LEUNG Fu-wah	- Feasibility of lowering the academic qualification having regard to the experience of driving instructors (Section 2.3.2(a)) - Proposed training course fee for course instructors organized by the Vocational Training Council (VTC) (Section 2.3.2(d))	
001356-001608	Admin	- The Administration to consider the feasibility of lowering the academic	Admin

		<p>qualification for course instructors</p> <ul style="list-style-type: none"> - The proposed fee for a training course for course instructors was around \$2,000 	
001609-001708	Dr TANG Siu-tong	<ul style="list-style-type: none"> - Banker's Guarantee (Section 2.1.2) - Requirement for maintaining records of the operation of the driving improvement school (Section 2.2.1(e)) - The conditions and requirements which a person needed to be satisfied in order to obtain an authorization from the C for T to give a driving improvement school (Section 2.3.2(c)) 	
001709-001924	Admin	- ditto -	
001925-001956	Dr TANG Siu-tong	<ul style="list-style-type: none"> - Whether the requirement of no previous conviction of careless driving could be relaxed with the inclusion of a validity period for the previous offence 	
001957-002018	Chairman	- ditto -	
002019-002136	Admin	- ditto -	
002137-002436	Ms Miriam LAU	<ul style="list-style-type: none"> - The basis for the calculation of the amount of the Banker's Guarantee (Section 2.1.1) - The conditions and requirements which a person needed to be satisfied in order to obtain an authorization from the C for T to give a driving improvement course, particularly whether working experience in lieu of academic qualification would be accepted and whether the requirement of no previous conviction record of careless driving could be relaxed (Section 2.3.2(a) and (c)) 	
002437-002638	Admin	<ul style="list-style-type: none"> - The Administration to further consider the member's view 	Admin
002639-002721	Ms Miriam LAU	<ul style="list-style-type: none"> - Whether the basis for the calculation of the amount of the Banker's Guarantee could be set out in the code of practice 	
002722-003001	Admin	- ditto -	

003002-003102	Ms Miriam LAU	- ditto -	
003103-003141	Chairman	- The Administration was requested to consider members' views and consult the trade before reverting to the LegCo Panel on Transport	
003142-003148	Admin	- ditto -	
003149-003211	Ms Miriam LAU	- ditto -	
003212-003257	Admin/ Chairman	- ditto -	Admin
003258-003927	Admin	- Provision of driving improvement courses (Section 2.4) - Course content (Section 2.5)	
003928-004012	Dr TANG Siu-tong	- Whether a deadline for the application of discontinuation of attendance at the driving improvement school after the first session could be specified (Section 2.4.8) - Whether there was a need to provide driving training courses in different languages and whether the interests of the minorities were ignored (Section 2.4.10)	
004013-004148	Admin	- The Administration to further consider the member's views	Admin
004149-004258	Chairman	- Whether there was a need to provide driving training courses in different languages and whether the present drafting of the relevant sections were consistent with the human rights provisions of the Basic Law (Section 2.4.10)	
004259-004300	Admin	- The Administration to further consider the views expressed by the Chairman	Admin
004301-004357	Mr LEUNG Fu-wah	- Definition of aggressive driving behaviour (Section 2.5.3(j))	
004358-004508	Admin	- ditto -	
004509-005045	Admin	- Fees (Section 3) - Issue of attendance certificate or course certificate (Section 4)	
005046-005220	Dr TANG Siu-tong	- Whether an objective evaluation mechanism to assess the performance of the participants could be introduced (Section 4.4 (b))	

		and (c))	
005221-005444	Admin	- The Administration to further consider the member's view	Admin
005445-005548	Dr TANG Siu-tong	- Whether an appeal channel could be provided to avoid abuse	
005549-005617	Admin	- The Administration to further consider the member's view	Admin
005618-005814	Ms Miriam LAU	- Power to change the course fee under exceptional circumstance by the proprietor of a driving improvement school (Section 3.3) - Whether an objective evaluation mechanism to assess the performance of the participants could be introduced (Section 4.4(c))	
005815-010026	Admin	- The Administration to further consider the member's view	
010027-010119	Ms Miriam LAU	- Power to change the course fee under exceptional circumstance by the proprietor of a driving improvement school (Section 3.3)	
010120-010211	Admin/ Ms Miriam LAU	- The power was rested with the C for T under the draft code of practice	
010212-010222	Chairman	- Provision of record and information (Section 5) - Liaison Group (Section 6)	
010223-010453	Admin	- ditto -	
010454-010558	Chairman	- Whether a detailed working mechanism for the C for T to deal with complaint and appeal cases lodged by participants of driving improvement scheme could be set out in the code of practice (Section 5.3 (b))	
010559-010605	Admin	- The Administration to further consider the view expressed by the Chairman	Admin
010606-010625	Ms Miriam LAU	- Whether there was a need for the proprietor of a driving improvement school to submit the requested information, taking into account the administrative work incurred by the proprietor (Section 5.2(b))	
010626-010654	Admin	- ditto -	
010655-010757	Ms Miriam LAU	- ditto -	

010758-0101005	Admin	- The Administration to further consider the member's view	Admin
011005-011113	Chairman	- The Bills Committee had completed deliberation on the Bill - It would report to the House Committee on 1 February 2002, recommending the resumption of the Second Reading debate on the Bill on 27 February 2002 - The deadline for giving notice to move Committee Stage Amendments was 18 February 2002	
011114-011127	Ms Miriam LAU	- Estimated number of driving improvement schools in the market	
011128-011210	Admin	- ditto -	
011211-011233	Ms Miriam LAU	- ditto -	
011234-011247	Chairman	- Implementation timetable -	
011248-011341	Admin	- ditto -	
011342-011352	Chairman	- ditto -	
011353-011451	Admin	- ditto -	
011452-011512	Chairman	- Closing remarks	

Legislative Council Secretariat

7 May 2002