

立法會
Legislative Council

LC Paper No. CB(1)218/01-02
(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, 22 October 2001, at 2:30 am
in Conference Room A of the Legislative Council Building**

Members present : Hon Andrew CHENG Kar-foo (Chairman)
Hon CHAN Kwok-keung
Hon Mrs Miriam LAU Kin-yee, JP
Dr Hon TANG Siu-tong, JP
Hon Michael MAK Kwok-fung
Hon LEUNG Fu-wah, MH, JP

Members absent : Hon Cyd HO Sau-lan
Hon Tommy CHEUNG Yu-yan, JP

Public Officers attending : Transport Bureau

Miss Margaret FONG
Deputy Secretary for Transport

Mrs Sharon YIP
Principal 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 : Ms Bernice WONG
Assistant Legal Adviser 1

Ms Mabel CHAN
Senior Assistant Secretary (1)8

Action

I Confirmation of minutes of meeting

(LC Paper No. CB(1)1885/00-01 - Minutes of meeting held on 10 July 2001)

The minutes of meeting would be considered by members at the next meeting.

II Meeting with the Administration

- (LC Paper No. CB(3)756/00-01 - 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. 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; and
- LC Paper No. LS7/01-02 - A summary of the Administration's response to queries/comments raised by Legal Service Division)

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

Admin

3. Members requested the Administration to consider the following issues and provide further information to facilitate their consideration:

(a) Double penalty on driving offence

Members were concerned about the possible double penalty imposed by the court on the same breach of a driving offence under the new section 72A. They requested the Administration to review the

Action

flexibility granted to the court in this regard with reference to the intent of introducing a Driver Improvement Scheme (DIS), the seriousness of the committed driving offence and the practices in other overseas countries.

(b) Determination of maximum fees for a driving improvement course

Members were concerned that the maximum fee of \$1,000 for a driving improvement course was too high. They requested the Administration to consider introducing a mechanism to enable the Legislative Council to regulate the adjustment of maximum fees for a driving improvement course. They also requested the Administration to provide information on fees charged by overseas counterparts on similar courses.

(c) Eligibility criteria for the DIS

The Chairman requested the Administration to consider restricting the eligibility criteria for the DIS to drivers with a driving-offence points (DOP) balance of 10 points or less. He also requested the Administration to provide information on the eligible DOP balance threshold for attending DIS course in other overseas countries.

4. At the request of Mrs Miriam LAU, the Administration undertook to hold briefing sessions for the relevant industry on the requirements for operating driving improvement courses.

5. The Committee agreed to hold a meeting on 9 November 2001 at 8:30 am to receive public views on the Bill and to continue discussion with the Administration.

III Any other business

6. There being no other business, the meeting ended at 4:13pm.

**Proceedings of the meeting of the
Bills Committee on Road Traffic Legislation (Amendment) Bill 2001
on Monday, 22 October 2001, at 2:30 pm
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
00:00:00 - 00:01:36	Chairman	- Opening remarks	
00:01:37 - 00:10:55	Admin	- General briefing	
00:10:56 - 00:13:20	Hon Mrs Miriam LAU	- Double penalty on traffic offence - Fee determination mechanism - Requirements for operating driving improvement courses	
00:13:21 - 00:16:45	Admin	- ditto -	
00:16:46 - 00:19:24	Hon Mrs Miriam LAU	- Double penalty on traffic offence - Requirements for operating driving improvement courses	Admin
00:19:25 - 00:20:53	Chairman	- Double penalty on traffic offence under new section 72A(1)	
00:20:54 - 00:24:22	Admin	- ditto -	
00:24:23 - 00:25:35	Hon Mrs Miriam LAU	- Double penalty on traffic offence (overseas experience)	Admin
00:25:36 - 00:26:31	Chairman	- Double penalty on traffic offence under new section 72A(1)	
00:26:32 - 00:31:31	Admin	- Overseas experience on Driver Improvement Scheme	
00:31:32 - 00:32:10	Hon Mrs Miriam LAU	- Double penalty on traffic offence under new section 72A(1)	
00:32:11 - 00:33:32	Hon LEUNG Fu-wah	- Effectiveness of the Driver Improvement Scheme with reference to overseas experience	
00:33:33 - 00:40:58	Admin	- ditto-	
00:40:59 - 00:41:15	Hon LEUNG Fu-wah	- Course content	
00:41:16 - 00:42:56	Admin	- ditto-	
00:42:57 - 00:44:11	Dr Hon TANG Siu-tong	- Fee determination mechanism - Flexibility granted to drivers to opt between Driving-offence Points (DOP) reduction through the Driver Improvement Scheme and fines	

00:44:12 - 00:44:51	Chairman	- ditto -	
00:44:52 - 00:49:40	Admin	- ditto -	
00:49:41 - 00:50:45	Dr Hon TANG Siu-tong	- Eligibility criteria for the Driver Improvement Scheme - Mechanism to enable the LegCo to regulate the adjustment of maximum fees for driving improvement courses	Admin
00:50:46 - 00:52:09	Chairman	- ditto -	Admin
00:52:10 - 00:55:18	Admin	- Eligibility criteria for the Driver Improvement Scheme - Fees determination mechanism with reference to overseas experience	
00:55:19 - 01:00:24	Chairman	- Eligible DOP balance threshold for attending driving improvement courses - Clarification on DOP reduction under new section 72A(1)	Admin
01:00:25 - 01:05:05	Admin	- Eligible DOP balance threshold for attending driving improvement courses - Clarification on DOP reduction under new section 72A(1) - Effectiveness of the Driver Improvement Scheme	
01:05:06 - 01:07:02	Chairman	- Clarification on the DOP under new section 72A(1) in relation to Cap. 375 - Eligibility criteria for the Driver Improvement Scheme	
01:07:03 - 01:07:43	Admin	- Penalties under the Road Traffic (Driving-offence Points) Ordinance (Cap 375)	
01:07:44 - 01:08:23	Chairman	- ditto -	
01:08:24 - 01:08:30	Admin	- ditto -	
01:08:31 - 01:13:32	Hon Mrs Miriam LAU	- Determination of maximum fees for driving improvement courses - Double penalty imposed by the court on the same breach of a driving offence under new section 72A(1)	Admin
01:13:33 - 01:14:05	Chairman	- Double penalty on traffic offence under new section 72A(1)	Admin
01:14:06 - 01:17:43	Admin	- Flexibility granted to the court under new section 72A(1) - Effectiveness of the Driver Improvement Scheme with reference to overseas experience	

01:17:44 - 01:18:57	Hon Mrs Miriam LAU	- Intent of introducing the Driver Improvement Scheme - Fees charged by overseas counterparts on driving improvement courses - Overseas experience on double penalty of traffic offence	Admin
01:18:58 - 01:21:16	Chairman	- Intent of introducing the Driver Improvement Scheme - Eligible DOP balance threshold for attending driving improvement course in overseas countries	Admin
01:21:17 - 01:21:48	Hon Mrs Miriam LAU	- Eligible criteria for attending driving improvement courses	
01:21:49 - 01:22:59	Chairman	- Mechanism to enable the LegCo to regulate the adjustment of maximum fees for driving improvement courses	Admin
01:23:00 - 01:23:46	Hon Michael MAK	- Eligible criteria for attending driving improvement courses	
01:23:47 - 01:23:54	Hon Mrs Miriam LAU	- ditto -	
01:23:54 - 01:24:07	Hon Michael MAK	- ditto -	
01:24:17 - 01:25:12	Admin	- ditto -	
01:25:13 - 01:26:09	Hon Mrs Miriam LAU	- Flexibility granted to drivers to opt for DOP reduction through the Driver Improvement Scheme with reference to the seriousness of the committed driving offence	Admin
01:26:10 - 01:26:39	Hon Michael MAK	- Penalties for serious driving offences	
01:26:40 - 01:28:38	Chairman	- Eligible DOP balance threshold for attending driving improvement courses	Admin
01:28:39 - 01:30:10	Hon Mrs Miriam LAU	- Effectiveness of Driver Improvement Scheme	
01:30:11 - 01:30:29	Chairman	- ditto -	
01:30:33 - 01:31:06	Hon Mrs Miriam LAU	- ditto -	
01:31:07 - 01:32:36	Chairman	- Eligible DOP balance threshold for attending driving improvement courses	
01:32:37 - 01:32:49	Hon LEUNG Fu-wah	- ditto -	
01:32:50 - 01:33-09	Chairman	- ditto -	
01:33:10 - 01:34:45	Hon Michael MAK	- ditto -	

01:34:46 - 01:36:22	Chairman	- ditto -	
01:36:23 - 01:36:40	Hon Mrs Miriam LAU	- Briefing session on requirements for operating driving improvement courses	Admin
01:36:41 - 01:37:44	Admin	- ditto -	
01:37:45 - 01:38:47	Hon Miriam LAU	- ditto -	
01:38:48 - 01:39:24	Admin	- Public consultation carried out prior to meeting	
01:39:25 - 01:39:44	Hon Mrs Miriam LAU	- Briefing sessions on requirements for operating driving improvement courses	
01:39:45 - 01:40:33	Chairman	- Public views received by the Bills Committee	
01:40:34 - 01:41:07	Hon Mrs Miriam LAU	- Views from the relevant industry on Driver Improvement Scheme	
01:41:08 - 01:43:11	Chairman	- Date of next meeting - Meeting deputations at the next meeting	

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

Legislative Council Secretariat
6 November 2001