

立法會
Legislative Council

LC Paper No. CB(1)366/01-02
(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
Friday, 9 November 2001, at 8:30 am
in Conference Room A of the Legislative Council Building**

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

Members absent : Hon Cyd HO Sau-lan
Hon CHAN Kwok-keung

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

Attendance by invitation : Urban Taxi Drivers Association Joint Committee Co. Ltd.

Mr KWOK Chi-piu
Chairman

Institute of Advanced Motorists Hong Kong

Mr MONG Hoi-keung
Vice Chairman

HK Public & Maxicab Light Bus United Association

Mr WONG Shui-fun
Chairman

Hong Kong Automobile Association

Mr WAN Kam-on
Advisor (Administration)

Mr KAN Kin-chuen
General Manager

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

Staff in attendance : Miss Connie FUNG
Assistant Legal Adviser 3

Ms Mabel CHAN
Senior Assistant Secretary (1)4

I Confirmation of minutes of meetings

(LC Paper No. CB(1)1885/00-01 - Minutes of meeting held on 11 July 2001

LC Paper No. CB(1) 218/01-02 - Minutes of meeting held on 22 October 2001)

The minutes of meetings held on 10 July 2001 and 22 October 2001 were confirmed.

II Meeting with deputations and 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;
- 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(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(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)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; and
- LC Paper No. CB(1)252/01-02(01) - Submission provided by Hong Kong Automobile Association)

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

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

(a) Eligibility criteria for the Driver Improvement Scheme (DIS)

To consider reviewing the eligibility criteria for the DIS to include all drivers irrespective of their driving-offence points (DOPs) balance, bearing in mind the objective of the DIS was to educate drivers on the proper driving attitude, and hence, the right approach should be to encourage participation from drivers by tailoring the course content to suit their needs.

(b) Penalty options open to the court

To consider reviewing the discretionary power granted to the court to direct a driver who had committed a minor traffic offence, say an offence which would lead to 5 DOPs or less, to attend a DIS course in addition to any penalty that might be imposed for the offence. On the other hand, for drivers who had committed serious traffic offences, attendance of a DIS course could be made compulsory in addition to the other penalties set out under the relevant Ordinances.

To provide the relevant provisions relating to the penalty options granted to the court in other overseas jurisdictions.

(c) Number of professional drivers with 11-14 DOPs

To provide a breakdown of the total number of professional drivers with 11-14 DOPs in terms of different classes of vehicles.

(Post-meeting note: 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 was tabled at the meeting and circulated to members vide LC Paper No. CB(1)275/01-02 on 12 November 2001.)

4. The Committee agreed to hold a meeting on 3 December 2001 at 10:45am to continue discussion with the Administration.

III Any other business

5. There being no other business, the meeting ended at 10:36am.

**Proceedings of the meeting of the
Bills Committee on Road Traffic Legislation (Amendment) Bill 2001
on Monday, 9 November 2001, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
<i>Agenda Item I - Confirmation of minutes of meeting</i>			
000001-000230	Chairman	- Confirmation of minutes of meetings held on 10 July 2001 and 22 October 2001 - Opening remarks	
<i>Agenda Item II - Meeting with deputations and the Administration</i>			
000231-000529	Urban Taxi Drivers Association Joint Committee Co. Ltd.	- Presentation by Mr KWOK Chi-Piu	
000530-000735	Institute of Advanced Motorists Hong Kong	- Presentation by Mr MONG Hoi-keung	
000736-000952	HK Public & Maxicab Light Bus United Association	- Presentation by Mr WONG Shui-fun	
000953-001329	Hong Kong Automobile Association	- Presentation by Mr WAN Kam-on	
001330-001455	Chairman	- Accumulation limit of Driving-offence Points (DOPs)	
001456-001744	Urban Taxi Drivers Association Joint Committee Co. Ltd.	- ditto -	
001745-001902	Chairman	- ditto -	
001903-002027	Urban Taxi Drivers Association Joint Committee Co. Ltd.	- ditto -	
002028-002036	Chairman	- Inviting members' views and questions	

002037-002110	Hon LEUNG Fu-wah	- Double penalty on driving offence - Requirements for operating driving improvement courses	
002111-002429	Institute of Advanced Motorists Hong Kong	- ditto -	
002430-002546	HK Public & Maxicab Light Bus United Association	- Double penalty on driving offence - Coverage of Driver Improvement Scheme (DIS)	
002547-002955	Hong Kong Automobile Association	- Course content - Double penalty on driving offence	
002956-003615	Mrs Miriam LAU	- Flexibility granted to the court under the new section 72A(1) - Accumulation limit of DOPs	
003616-003947	Urban Taxi Drivers Association Joint Committee Co. Ltd.	- Double penalty on driving offence - Course content provided by the Hong Kong School of Motoring Ltd.	
003948-003958	Chairman	- ditto -	
003959-004152	Hong Kong Automobile Association	- Flexibility granted to the court under the new section 72A(1) - Flexibility granted to drivers to opt between DOPs reduction through the DIS and fines	
004153-004317	Mrs Miriam LAU	- Double penalty on driving offence	
004318-004616	Mr MAK Kwok-fung	- Response to the comments raised by deputations - The severity of driving offence committed by professional drivers - Effectiveness of the DIS (overseas experience)	
004617-004730	Chairman	- Coverage of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382)	
004731-004939	Urban Taxi Drivers Association Joint Committee Co. Ltd.	- Professional drivers with 11-14 demerit points - Driving offences caused by speed limit traps	
004940-004956	Chairman	- ditto -	

004957-005039	Urban Taxi Drivers Association Joint Committee Co. Ltd.	- ditto -	
005040-005129	Mr MAK Kwok-fung	- Response to the comments raised by deputations - Speed limits traps	
005130-005207	Urban Taxi Drivers Association Joint Committee Co. Ltd.	- Speed limit traps	
005208-005223	Mr MAK Kwok-fung	- Effectiveness of the DIS with reference to overseas experience	
005224-005535	Institute of Advanced Motorists Hong Kong	- Effectiveness of the DIS (overseas experience) - Misconception on double penalty	
005536-005627	Dr TANG Siu-tong	- Flexibility granted to the court under the new section 72A(1) - Duration of driving improvement courses - Course fees	
005628-005739	Urban Taxi Drivers Association Joint Committee Co. Ltd.	- Duration of driving improvement courses - Course fees	
005740-005756	Chairman	- Course fees	
005757-010056	HK Public & Maxicab Light Bus United Association	- Flexibility granted to the court under the new section 72A(1) - the limit of DOPs for DIS within a period of 2 years - Course fees - Course contents - Duration of the course	
010057-010159	Chairman	- Balancing the rights and interest of drivers and pedestrians	
010200-010639	Mr Tommy CHEUNG	- USA's experience on DIS - Effectiveness of the DIS (overseas experience) - Acceptability of 3 DOP deduction within a period of 2 years	
010640-010709	Chairman	- ditto -	

010710-010818	Urban Taxi Drivers Association Joint Committee Co. Ltd.	- ditto -	
010819-011117	Institute of Advanced Motorist Hong Kong	- Effectiveness of the DIS - Flexibility granted to drivers to opt between DOP reduction through DIS and fines - Intent of introducing DIS	
011118-011253	Mr Tommy CHEUNG	- Response to the comments raised by deputations - Overseas experience on DIS and fines - Double penalty on driving offence	
011254-011318	Chairman	- Inviting members' views and questions	
011319-011439	Mrs Miriam LAU	- course content for learner drivers - Eligibility for applying a full driving licence	
011440-011559	Mr LEUNG Fu-wah	- Categorization of professional drivers (a total of 18387) whose DOP balance were 11 to 14	Admin
011600-011623	Chairman	- Inviting deputations' response to the questions raised by members	
011624-011837	Hong Kong Automobile Association	- Beef-up course for learner drivers	
011838-011944	Chairman	- Inviting Administration's response to comments raised by deputations	
011945-014513	Admin	- Double penalty on driving offence - Overseas experience on DIS - Course fees for DIS course - Course content - Eligible DOP balance threshold for the DIS - Coverage of the DIS - The limit of DOPs for DIS within a period of 2 years - Requirements of a DIS course provider - Location of course centres - Mechanism of DOP deduction - Transfer of power to determine appeals made under Section 55(4)	

		of the Road Traffic Ordinance to the Administrative Appeals Board	
014514-014522	Chairman	- Inviting members' response	
014523-014831	Mrs Miriam LAU	- Double penalty on driving offence - Legal Consequence of non-compliance with the new section 72A(2)	
014832-015040	Mr Tommy CHEUNG	- Intent of introducing DIS - Mechanism of DOP deduction	Admin
015041-015114	Chairman	- Overseas experience on the restriction of no more than once DOP deduction within a period of 2 years	
015115-015726	Admin	- Overseas experience on DOP deduction - Mechanism of DOP deduction for DIS - Flexibility granted to the court under the new section 72A(1) - Clarification on the severity of a driving offence referred to in the new section 72A(1) - Legal Consequence of non-compliance with the new section 72A(2)	
015727-015912	Mrs Miriam LAU	- Flexibility granted to the court under the new section 72A(1) - Double penalty on driving offence	
015913-020003	Chairman	- Relevant ordinances in overseas countries on penalty options open to court	Admin
020004-020039	Mrs Miriam LAU	- Clarification on scheduled offence under the new section 72A(1)	
020040-020122	Chairman	- Compulsory DIS course for drivers who had committed a driving offence attracting 5 DOPs or above	Admin

020123-020155	Mr LEUNG Fu-wah	- Categorization of professional drivers (a total of 18387) whose DOP balance were 11 to 14	Admin
020156-020604	Chairman	- Concluding remarks - Date of next meeting	

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

Legislative Council Secretariat

20 November 2001