

立法會
Legislative Council

LC Paper No. CB(1)578/01-02
(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, 3 December 2001, at 10:45 am
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
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Hon LEUNG Fu-wah, MH, JP

Member absent : Dr Hon TANG Siu-tong, 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 : Miss Connie FUNG
Assistant Legal Adviser 3

Ms Mabel CHAN
Senior Assistant Secretary (1)4

Action

I Confirmation of minutes of meeting

(LC Paper No. CB(1)366/00-01 - Minutes of meeting held on 9 November 2001)

The minutes of meeting held on 9 November 2001 were confirmed.

II Meeting with the Administration

- the Administration's response to the issues raised at the meeting held on 9 November 2001 [*LC Paper No. CB(1)437/01-02(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; and
- 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)

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) The Administration to consider redrafting the new section 72A on the penalty options open to the court, taking into account the possibility of double penalty on minor driving offences, and the flexibility granted to the court to direct a person to attend a driving improvement course for certain offences in lieu of other penalties as adopted by Saskatchewan, Canada and the State of California, USA;
- (b) The Administration to provide the definitions of "serious traffic violation" as defined in Section 15210(i) of the Vehicle Code of the State of California, USA; and
- (c) The Administration to consider whether the offence of failure to attend and complete a driving improvement course as provided for under the new section 72A(8) warrants an imprisonment penalty.

(Post-meeting note: A copy of the relevant extract of the California Vehicle Code provided by Ms Miriam LAU was tabled at the meeting and circulated to members vide LC Paper No. CB(1) 498/01-02 (01) on 5 December 2001.)

4. The Committee agreed to hold a meeting on 15 December 2001 at 9:00 am to continue discussion with the Administration.

III Any other business

5. There being no other business, the meeting ended at 12:36pm.

Legislative Council Secretariat

13 December 2001

**Proceedings of the meeting of the
Bills Committee on Road Traffic Legislation (Amendment) Bill 2001
on Monday, 3 December 2001, at 10:45 am
in Conference Room B of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000000 - 000044	Chairman	- Confirmation of minutes of meeting held on 9 November 2001 - Opening remarks	
000045 - 000530	Admin	- Eligibility criteria for the Driver Improvement Scheme (DIS) - Penalty options open to the Court - A breakdown of the number of professional drivers with 11-14 driving-offence points (DOP)	
000531 - 001203	Ms Miriam LAU	- Penalty options open to the Court in countries like Canada, USA and New Zealand - Attendance of a DIS course in lieu of other penalties for minor traffic offences - Imprisonment penalty for the offence of failure to attend and complete a DIS course was disproportionate to the offence committed	
001204 - 001759	Admin	- DIS as an alternative to other penalties (overseas experience) - To consider redrafting the new section 72A on the penalty options open to the court - Basis for the drafting of the new section 72A(8)	Admin
001800 - 001907	Ms Miriam LAU	- Flexibility granted to drivers in California, USA to opt between DIS and fines - To consider redrafting the new section 72A on the penalty options open to the court	
001908 - 002338	Admin	- ditto -	
002339 - 002541	Ms Miriam LAU	- Possibility of double penalty for	

		offenders who have committed minor traffic offences but chosen to appear before the court to dispute liability for the offences	
002542 - 002605	Chairman	- Double penalty on minor traffic offences	
002606 - 002839	Admin	- Penalty options open to the Court in overseas countries - To consider redrafting the new section 72A on the penalty options open to the court	
002840 - 003044	Mr LEUNG Fu-wah	- Applicability of overseas experience in Hong Kong - Tailoring DIS course content for different classes of vehicle drivers	
003045 - 003138	Admin	- ditto -	
003139 - 003205	Mr LEUNG Fu-wah	- ditto -	
003206 - 003234	Admin	- ditto -	
003235 - 003549	Ms Cyd HO	- Possibility of double penalty for offenders who have committed minor traffic offences but chosen to appear before the court to dispute liability for the offences - Imprisonment penalty for the offence of failure to attend and complete a DIS course was disproportionate to the offence committed - Applicability of overseas experience in Hong Kong	
003550 - 003614	Chairman	- ditto -	
003615 - 004043	Admin	- ditto -	
004044 - 004255	Ms Cyd HO	- Possibility of double penalty for offenders who have committed minor traffic offences but chosen to appear before the court to dispute liability for the offences and the likely changes in enforcement attitude by the police	
004256 - 004435	Chairman	- ditto -	
004436 - 004449	Admin	- ditto -	
004450 - 004738	Mr Tommy CHEUNG	- Inclusion of all drivers for DIS course irrespective of their DOPs	

		balance - Pre-storage of DOPs to offset DOPs incurred for future offences should be encouraged	
004739 - 005057	Admin	- ditto -	
005058 - 005116	Chairman	- Clarification on the penalties for contempt of court	
005117 - 005353	Mr Tommy CHEUNG	- Pre-storage of DOPs to offset DOPs incurred for future offences should be encouraged	
005354 - 005600	Admin	- Mechanism of DOP deduction (overseas experience) through DIS - Proposal of 3 DOPs deduction as a result of attending a DIS course once every two years - Safeguard the DIS from any possible abuse	
005601 - 005838	Mr Michael MAK	- Request for the statistics of private car drivers whose licences were about to be suspended - Possibility of double penalty for offenders who have committed minor traffic offences	
005839 - 010132	Admin	- ditto -	
010133 - 010246	Mr Michael MAK	- ditto -	
010247 - 010352	Admin	- ditto -	
010353 - 010939	Ms Miriam LAU	- Pre-storage of DOPs to offset DOPs incurred for future offences should be encouraged - Imprisonment penalty for the offence of failure to attend and complete a DIS course was disproportionate to the offence committed and overseas experience in this regard	
010940 - 011403	Admin	- ditto -	
011403 - 011455	Ms Miriam LAU	- ditto -	
011456 - 011527	Admin	- To consider whether the offence of failure to attend and complete a DIS course as provided for under the new section 72A(8) warrants an imprisonment penalty	Admin

011528 - 011650	Ms Cyd HO	- Imprisonment penalty for the offence of failure to attend and complete a DIS course was disproportionate to the offence committed - Clarification of the 3 month-period for attending a DIS course	
011651 - 011704	Admin	- ditto -	
011705 - 011724	Ms Cyd HO	- ditto -	
011725 - 011758	Admin	- Clarification of the new section 72A(3) and (4) - Extension period for attending a DIS course under the new section 72A(3)	
011759 - 011824	Ms Cyd HO	- ditto -	
011825 - 011847	Admin	- ditto -	
011848 - 012158	Chairman	- Imprisonment penalty for failure to attend and complete a DIS course was considered appropriate - Objection to pre-storage of DOPs to offset DOPs incurred for future offences	
012159 - 012211	Mr LEUNG Fu-wah	- In support of the Chairman's views	
012212 - 012230	Chairman	- ditto -	
012231 - 012336	Ms Cyd HO	- Concerns about the number of public bus (non-franchised) drivers whose DOP balance was 11-14	
012337 - 012400	Admin	- ditto -	
012401 - 012422	Chairman	- ditto -	
012423 - 012544	Ms Miriam LAU	- Tailoring DIS course content for different classes of vehicle drivers	
012546 - 012559	Ms Cyd HO	- A breakdown of the statistics of the 85% of traffic offenders who have committed minor offences	
012600 - 012700	Admin	- ditto -	
012701 - 012753	Ms Cyd HO	- A breakdown of the statistics of the remaining 15% of traffic offenders who have committed serious offences which require court attendance	
012754 - 012851	Admin	- ditto -	

012852 - 012920	Ms Cyd HO	- ditto -	
012921 - 012959	Admin	- Statistics on the attendance in court	
013000 - 013137	Ms Miriam LAU	- DIS in lieu of other penalties - California's experience on DIS	
013138 - 013334	Admin	- ditto -	
013335 - 013526	Ms Miriam LAU	- Compulsory DIS in addition to other penalties for serious traffic offences	
013527 - 013601	Admin	- The relevant provision of section 15210 of the California Vehicle Code	Admin
013602 - 013756	Chairman	- ditto -	
013757 - 013902	Ms Miriam LAU	- Any consensus among members on penalty options open to the court	
013903 - 013949	Chairman	- ditto -	
013950 - 014001	Ms Miriam LAU	- ditto -	
014002 - 014040	Chairman	- California's experience on DIS	
014041 - 014134	Admin	- Applicability of the new section 72A to minor traffic offences	
014135 - 014244	Ms Miriam LAU	- ditto -	
014245 - 014359	Admin	- Penalty options open to the court with reference to the relative seriousness of a traffic offence, in terms of DOPs deduction	Admin
014400 - 014423	Ms Miriam LAU	- ditto -	
014424 - 014538	Admin	- ditto -	
014539 - 014649	Ms Miriam LAU	- ditto -	
014650 - 015044	Chairman	- Concluding remarks - Date of next meeting	

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

Legislative Council Secretariat
13 December 2001