

**立法會**  
**Legislative Council**

LC Paper No. CB(1)720/01-02  
(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  
Saturday, 15 December 2001, at 9:00 am  
in Conference Room B of the Legislative Council Building**

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

**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

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Action

**I Confirmation of minutes of meeting**

(LC Paper No. CB(1)578/00-01 - Minutes of meeting held on 3 December 2001)

The minutes of meeting held on 3 December 2001 would be considered by members at the next meeting.

**II Meeting with the Administration**

- the Administration's response to the issues raised at the meeting held on 3 December 2001 [LC Paper No. CB(1)577/01-02(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; and
- 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)

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

Admin

3. Members requested the Administration to consider imposing penalty on a driving improvement school for failure to issue an attendance certificate or course certificate in case a designation in respect of the driving improvement school was revoked by the Commissioner for Transport under the new section 102C.

4. The Administration agreed to consider moving Committee Stage amendments to the following clauses:

(a) Clause 4 - New Section 72A

to provide clearly that the court may impose a lighter penalty/fine if a person was ordered to attend and complete a driving improvement course.

(b) Clause 5 - New Section 102B(3)

to allow holder of a probationary driving licence or a driving licence to drive Government vehicles to attend a driving improvement course.

5. The Administration undertook to state clearly during the Second Reading debate on the Bill that the Transport Panel would be briefed on any future changes that the Commissioner for Transport might make to the following:

- (a) the maximum course fees that might be charged by the proprietor of a driving improvement school for a driving improvement course as provided for in the new section 102B(5)(a); and
- (b) the fees payable for designation, or renewal of designation, of a driving improvement school as provided for in the new Schedule 11.

6. The Administration advised that the proprietor of a driving improvement school was required to obtain a bank guarantee for the purpose of refunding a person the fee he had paid for taking a driving improvement course in case a designation in respect of the driving improvement school was revoked by the Commissioner for Transport under the new section 102C. The Administration undertook to state clearly the policy intent of such an arrangement to enhance consumer protection during the Second Reading debate on the Bill.

*(Post-meeting note: The draft Committee Stage amendments to be moved by the Secretary for Transport was tabled at the meeting and circulated to members vide LC Paper No. CB(1)631/01-02(01) on 17 December 2001.)*

7. The Committee agreed to hold a meeting on 7 January 2002 at 2:30 pm to continue discussion with the Administration.

### **III Any other business**

8. There being no other business, the meeting ended at 11:09am.

Legislative Council Secretariat  
3 January 2002

**Proceedings of the meeting of the  
Bills Committee on Road Traffic Legislation (Amendment) Bill 2001  
on Saturday, 15 December 2001, at 9:00 am  
in Conference Room B of the Legislative Council Building**

<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
000000-000039	Chairman	-Opening remarks	
000040-000653	Admin	-Committee Stage amendments (CSAs) to be moved by the Administration -Definition of "serious traffic violation" under section 15210(i) of the Vehicle Code of the California State, U.S.A. -Penalty for the offence of failing to attend and complete a driving improvement course	
000654-000829	Chairman	-CSAs	
000830-000955	Ms Miriam LAU	-Traffic offences leading to 5 Driving-offence Points (DOPs) should not be considered as serious traffic offences	
000956-001310	Admin	-ditto-	
001311-001418	Ms Miriam LAU	-Clarification of the scope of the "scheduled offences" under Cap. 375 that were to be covered by the new section 72A(1)	
001419-001507	Admin	- ditto -	
001508-001515	Ms Miriam LAU	- ditto -	
001516-001525	Admin	- ditto -	
001526-001534	Ms Miriam LAU	- ditto -	
001535-001649	Mr LEUNG Fu-wah	-Whether the proposed amendment	

		to section 72A(1) would have any implication on the effectiveness of the Driver Improvement Scheme (DIS) in enhancing road safety	
001650-001938	Admin	- ditto -	
001939-002025	Mr LEUNG Fu-wah	-Safeguarding mechanism to ensure that there would be no abuse of the DIS	
002026-002201	Admin	- ditto -	
002202-002314	Chairman	- ditto -	
002315-002335	Mr TANG Siu-tong	-Clarification of the circumstances under which a driving licence would be suspended	
002336-002437	Admin	- ditto -	
002438-002803	Ms Miriam LAU	-Overseas experience on the DIS -Effectiveness of the DIS -Feasibility granted to the court to impose a lighter penalty/fine if a person was ordered to attend and complete a driving improvement course	
002804-003147	Admin	-ditto-	
003148-003454	Mr LEUNG Fu-wah	-Intent of the DIS -Whether the proposed amendment to section 72A(1) would have any implication on the effectiveness of the Driver Improvement Scheme (DIS) in enhancing road safety	
003455-003756	Admin	-Conditions under which an attendance certificate and/or course certificate for completion of a DIS course would be issued -Each driver would only be permitted to deduct 3 DOPs for satisfactory completion of a DIS	

		course once every two years	
003757-003917	Chairman	-Clause by clause examination of the Bill	
003917-004023	Admin	-Short title and commencement (Clause 1) -Interpretation (Clause 2)	
004024-004109	Mr Miriam LAU	-Clause 2	
004110-004134	Admin	-Clause 2	
004135-004152	Chairman	-Clause 2	
004153-004420	Admin	-Transfer the power of determining appeals concerning motor racing and speed trials to the Administrative Appeals Board (Clause 3)	
004421-004441	Chairman	-Clause 3	
004442-004537	Admin	-Power of court to order persons to attend driving improving courses (Clause 4) -To provide clearly the court's power to impose a lighter penalty/fine if a person was ordered to attend and complete a driving improvement course	Admin
004538-004546	Chairman	-Clause 4	
004547-004629	Admin	-Clause 4	
004630-004714	Chairman	-To continue examination of Clause 4 at the next meeting	
004715-004734	Ms Miriam LAU	-Time table for implementation of the DIS	

004735-004828	Admin	- ditto -	
004829-004906	Ms Miriam LAU	-To continue discussion of Clause 4 at the next meeting	
004907-004923	Admin	- ditto -	
004924-004943	Ms Miriam LAU	- ditto -	
004944-004954	Chairman	-Driving Improvement Schools (Clause 5)	
004955-005007	Admin	-Clause 5	
005008-005054	Chairman	-Clause 5	
005055-005105	Admin	-Clause 5	
005106-005112	Chairman	-Clause 5	
005113-005132	Admin	-Clause 5	
005133-005135	Chairman	-Clause 5	
005136-005238	Admin	-Clause 5	
005239-005248	Chairman	-Clause 5	
005249-005322	Admin	-Clause 5	
005323-005327	Chairman	-Clause 5 -Clarification of the meaning of "a driving licence to drive Government vehicles" under the new section 102B(3)(a)(iv)	
005328-005404	Admin	-ditto-	
005405-005419	Chairman	-ditto-	
005420-005451	Admin	- ditto -	

005452-005544	Chairman	-Drivers holding a driving licence to drive Government vehicles should be allowed to attend a DIS course	
005545-005646	Admin	- ditto -	
005647-005710	Chairman	- ditto -	
005711-005752	Ms Miriam LAU	-Drivers holding a probationary driving licence should be allowed to attend a DIS course	
005753-005933	Admin	-Definition of "a full driving licence"	
005934-010006	Ms Miriam LAU	-Reasons for excluding holders of a probationary driving licence and a driving licence to drive Government vehicles from attending a driving improvement course	
010007-010046	Chairman	-ditto-	Admin
010047-010106	Ms Miriam LAU	- ditto -	
010107-010115	Admin	- ditto -	
010116-010134	Chairman	- ditto -	
010135-010144	Admin	- ditto -	
010145-010221	Chairman	-Schedule 11 -Requirements applicable to driving improvement schools	
010222-010308	Admin	- ditto -	
010309-010332	Chairman	- ditto -	
010333-010416	Admin	- ditto -	

010417-010508	Chairman	-Fees payable for designation or renewal of designation of a driving improvement school	
010509-010544	Ms Miriam LAU	- ditto -	
010545-010600	Admin	- ditto -	
010601-010613	Chairman	- ditto -	
010614-010625	Admin	- ditto -	
010626-010659	Chairman	- ditto -	
010700-010727	Admin	- ditto -	
010728-010738	Chairman	-Transport Panel should be informed of future changes made to the maximum course fee, and the fees payable for designation, or renewal of designation of a driving improvement school -The Administration should state clearly this undertaking during the Second Reading debate on the Bill	Admin
010739-010850	Admin	- ditto -	
010851-010933	Ms Miriam LAU	- ditto -	
010934-011034	Admin	- ditto -	
011035-011057	Chairman	-Revocation of designation (new section 102C)	
011058-011124	Admin	- ditto -	
011125-011134	Chairman	- ditto -	
011135-011210	Admin	- ditto -	
011211-011224	Chairman	- ditto -	
011225-011232	Ms Miriam LAU	- ditto -	

011233-011242	Admin	-Fees payable for designation or renewal of designation of a driving improvement school would be about \$4000 a year	
011243-011258	Ms Miriam LAU	- ditto -	
011259-011327	Admin	- ditto -	
011328-011344	Ms Miriam LAU	- ditto -	
011345-011353	Admin	- ditto -	
011354-011410	Chairman	-Requirements and conditions for renewal of designation -Duration of a designation	
011411-011513	Admin	- ditto -	
011514-011611	Chairman	-Requirements and conditions for renewal of designation should be clearly spelt out in the code of practice	Admin
011612-011705	Admin	-A Transport Tribunal may affirm, amend or reverse the decision of a revocation of designation	
011706-011727	Ms Miriam LAU	-Fees payable for designation (i.e. \$4000/year) were too high	
011728-011744	Admin	-Fees were charged to achieve full cost recovery	
011745-011817	Ms Miriam LAU	- ditto -	
011818-011855	Admin	- ditto -	
011856-011906	Mr LEUNG Fu-wah	- ditto -	
011907-011945	Admin	- ditto -	

011946-012032	Chairman	-Requirements and conditions for renewal of designation should be clearly spelt out in the code of practice	
012033-012052	Admin	- ditto -	Admin
012053-012409	Chairman	-Date of next meeting	
012410-012504	Admin	-Revocation of designation (new section 102C)	
012505-012535	Chairman	-New sections 102B(9) & (10)	
012536-012718	Admin	-New sections 102B(9) & (10) -New sections 102C	
012719-012821	Chairman	-New section 102C(1) (a)	
012822-012832	Admin	- ditto -	
012833-012901	Chairman	-Clarification of the new section 102C(1)(b)	
012902-013025	Admin	-Conditions under which attendance certificate and/or course certificate should be issued by a DIS course provider -Conditions to be spelt out in the code of practice	Admin
013026-013103	Chairman	- ditto -	
013104-013146	Admin	- ditto -	
013147-013230	Chairman	- ditto -	
013231-013319	Admin	- ditto -	
013329-013324	Mr LEUNG Fu-wah	- ditto -	
013325-013402	Admin	- ditto -	
013403-013524	Chairman	-Discretion granted to the	

		Commissioner for Transport to revoke a designation under the new section 102C	
013525-013735	Admin	- ditto -	
013736-014059	Chairman	-Clarification of the meaning of "fraudulent purposes" in the new section 102C(1)(c) -Definition of "fraudulent purposes" should be clearly spelt out in the code of practice	Admin
014100-014304	Admin	-Aggrieved proprietor of a driving improvement school may appeal to a Transport Tribunal against the decision of the Commissioner for Transport	
014305-014413	Chairman	- ditto -	
014414-014543	Admin	-New section 102C(2)	
014544-014554	Chairman	- ditto -	
014555-014830	Admin	-New sections 102C(3), 102C(4), 102C(5), 102C(6), 102C(7), 102C(8), 102C(9) and 102C(10)	
014831-014848	Chairman	-Penalty for non-compliance of the new section 102C(9)	
014849-015007	Admin	-The proprietor of a driving improvement school was required to obtain a bank guarantee for the purpose of refunding a person the fee he had paid for taking a driving improvement course in case a designation in respect of the driving improvement school was revoked	

015008-015037	Chairman	-To state the above during the Second Reading debate on the Bill	Admin
015038-015106	Admin	- ditto -	
015107-015115	Chairman	- ditto -	
015116-015148	Admin	-Revocation of designation under the new section 102C would not affect the validity of attendance certificates or course certificates issued lawfully by the former driving improvement school to which the designation related	
015149-015239	Chairman	-Drivers who had attended and completed a DIS course should be granted with certificates regardless of the status of the former driving improvement school. Failure to issue a certificate should be penalized	Admin
015240-015304	Admin	- ditto -	
015305-015339	Chairman	- ditto -	
015340-015442	Admin	- ditto -	
015443-015510	Chairman	- ditto -	
015511-015550	Admin	- ditto -	
015551-015656	Chairman	- ditto -	
015657-015826	Admin	-Flexibility granted to drivers to obtain a certificate if a designation in respect of a driving improvement school was revoked	
015827-020011	Chairman	- ditto -	

020012-020038	Admin	- ditto -	
020039-020108	Chairman	- ditto -	
020109-020126	Mr LEUNG Fu-wah	-Arrangement should be made for Commissioner for Transport to issue a certificate if a designation in respect of a driving improvement school was revoked	
020127-020130	Admin	- ditto -	
020131-020156	Chairman	-Objection to Mr LEUNG Fu-wah's suggestion as it would create unnecessary workload for Government	
020157-020228	Admin	-The contract to be signed by a proprietor of a driving improvement school would stipulate that if a designation was revoked, the proprietor would still have to issue a certificate to those drivers who had attended and completed a DIS course	
020229-020326	Chairman	-Concluding remarks	

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

Legislative Council Secretariat

3 January 2002