

LEGISLATIVE COUNCIL BRIEF

Road Traffic (Village Vehicles) (Amendment) Regulation 2000

INTRODUCTION

By virtue of section 12A(1)(da) of the Road Traffic Ordinance (Cap. 374) and section 28(1)(c) of the Interpretation and General Clauses Ordinance (Cap. 1), the Secretary for Transport is empowered to make and amend the Road Traffic (Village Vehicles) Regulations (Cap. 374, sub. leg.).

2. In exercise of his power, the Secretary for Transport has made the Road Traffic (Village Vehicles) (Amendment) Regulation 2000 (“the Amendment Regulation”) at **Annex A**.

BACKGROUND AND ARGUMENT

3. The use of golf carts as a transport mode is a unique feature of Discovery Bay. At present, about 500 golf carts and some 60 other vehicles (buses, light buses, hire cars and goods vehicles) operate on the private roads in Discovery Bay. With the opening of the Discovery Bay Tunnel Link in May 2000, the golf carts are expected to have more interface with vehicles from outside Discovery Bay which are unfamiliar with the driving environment of the area.

4. To enhance safety of all road users in Discovery Bay, we need to ensure that all golf cart drivers should have an acceptable level of driving skills and awareness of road conditions. Under the Road Traffic Ordinance (Cap. 374), the Secretary for Transport may make regulations specifying that only holders of specified driving licences will be allowed to drive and use golf carts on roads specified as “restricted roads”. Under the existing law, any person who wishes to drive a golf cart on such roads is required to hold a valid driving licence. Any person

who contravenes this law is liable to a fine of \$2,000 and to imprisonment for 3 months. To enhance road safety, we therefore propose to specify all roads in Discovery Bay, except the one in the golf course area, as “restricted roads”. The Police will be responsible for enforcing this new requirement.

AMENDMENT REGULATION

5. Under the proposed Amendment Regulation, we will make it a mandatory requirement for persons who drive a golf cart on a “restricted road” in Discovery Bay to be holders of a valid driving licence except a learner’s driving licence. For the avoidance of doubt, we will make it clear that the requirement to hold a valid driving licence only applies to drivers rather than owner-users of golf carts who are passengers on board. A new Schedule will be created listing all the “restricted roads”. The Schedule will cover all existing roads in Discovery Bay (except the one inside the golf course). New roads in Discovery Bay outside the golf course will also be similarly specified in future.

PUBLIC CONSULTATION

6. The proposal has the unanimous support of the Island District Council’s Traffic and Transport Committee, Area Committee of Peng Chau and Discovery Bay, the Owners Committees as well as the Management Company of Discovery Bay. The Legislative Council Panel on Transport was informed of the proposal on 24 October 2000.

HUMAN RIGHTS IMPLICATIONS

7. The Department of Justice advises that the Amendment Regulation is consistent with the human rights provisions of the Basic Law.

FINANCIAL AND STAFFING IMPLICATIONS

8. There are no financial and staffing implications.

ECONOMIC IMPLICATIONS

9. There are no economic implications.

LEGISLATIVE TIMETABLE

10. The Amendment Regulation will come into effect on 1 January 2001.

PUBLICITY

11. The Amendment Regulation will be gazetted on 3 November 2000.

ENQUIRIES

12. Any enquiries regarding this brief should be directed to the following officer –

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Transport Bureau
Government Secretariat
November 2000

**ROAD TRAFFIC (VILLAGE VEHICLES) (AMENDMENT)
REGULATION 2000**

(Made under section 12A(1) (da) of the Road Traffic
Ordinance (Cap. 374))

1. Commencement

This Regulation shall come into operation on 1 January 2001.

2. Restrictions on vehicle use

Regulation 18 of the Road Traffic (Village Vehicles) Regulations (Cap. 374 sub. leg.)
is amended -

- (a) in subregulation (7A) -
 - (i) by repealing "or use";
 - (ii) in paragraph (a), by adding ", other than a learner's driving licence as defined in regulation 2 of the Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg.)" after "licence";
- (b) in subregulation (7B), by repealing everything after "specified" and substituting "in Schedule 3.";
- (c) by repealing subregulation (7C).

3. Schedule 3 added

The following is added -

"SCHEDULE 3
RESTRICTED ROADS

[reg. 18]

Capeland Drive, Discovery Bay

Caperidge Drive, Discovery Bay

Capevale Drive, Discovery Bay
Costa Avenue, Discovery Bay
Discovery Bay Road, Discovery Bay
Discovery Valley Road, Discovery Bay
Headland Drive, Discovery Bay
Marina Drive, Discovery Bay
Middle Lane, Discovery Bay
Parkland Drive, Discovery Bay
Parkridge Crescent, Discovery Bay
Parkvale Drive, Discovery Bay
Plaza Lane, Discovery Bay
Seabee Lane, Discovery Bay
Seabird Lane, Discovery Bay
Seahorse Lane, Discovery Bay
Serene Avenue, Discovery Bay
Vista Avenue, Discovery Bay".

Secretary for Transport

27 October, 2000

Explanatory Note

This Regulation amends the Road Traffic (Village Vehicles) Regulations (Cap. 374 sub. leg.) to -

- (a) ensure that only those persons who drive a golf cart on a restricted road shall be subject to the driving licence requirement set out in regulation 18(7A);
- (b) tighten up the driving licence requirement in regulation 18(7A)(a) by excluding a learner's driving licence;
- (c) add a new Schedule 3 for specification of restricted roads for the purposes of regulation 18(7A), instead of specification by the Commissioner for Transport; and
- (d) specify certain roads at Discovery Bay as restricted roads.