

L.N. 66 of 2005**ROAD TRAFFIC (TRAFFIC CONTROL) (AMENDMENT)
REGULATION 2005**

(Made under sections 11 and 13 of the Road Traffic
Ordinance (Cap. 374))

1. Commencement

(1) Subject to subsection (2), this Regulation shall come into operation on 30 June 2005.

(2) Sections 4 and 5 shall come into operation on a day to be appointed by the Secretary for the Environment, Transport and Works by notice published in the Gazette.

2. Carriage of passengers

Regulation 53 of the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G) is amended—

(a) in subregulation (2)—

(i) by repealing “Subject to subregulation (7), no” and substituting “No”;

(ii) by repealing everything after “travel in” and substituting—
“the vehicle unless seated in a properly constructed seat secured to the bodywork of the vehicle except—

(a) where the vehicle is a public service vehicle licensed to carry standing passengers; or

(b) where the vehicle is exempted under regulation 53A from this subregulation.”;

(b) by repealing subregulation (7).

3. Regulation added

The following is added—

“53A. Exemption from regulation 53(2)

(1) If the owner of a vehicle intends to have the vehicle used as a float in a parade, he may apply to the Commissioner for the vehicle, while it is being so used, to be exempted from regulation 53(2).

(2) An application under subregulation (1) is—

- (a) to be made in the manner specified by the Commissioner;
- (b) to state the time and the route of the parade; and
- (c) to be accompanied by such other information or documents as the Commissioner may require for the purpose of deciding whether the application should be granted.

(3) On receipt of an application under subregulation (1), the Commissioner may grant, or refuse to grant, the application.

(4) The Commissioner shall not grant an application for a vehicle to be exempted from regulation 53(2) unless he is satisfied that—

- (a) the vehicle will be used as a float in a parade during the time, and on the roads along the route, stated in the application;
- (b) during that time, those roads will be designated to be used exclusively for the purpose of the parade; and
- (c) adequate measures will be adopted to ensure the safety of passengers standing on the vehicle during that time.

(5) If the Commissioner refuses an application under subregulation (3), he shall inform the applicant of the refusal and the reason for it.

(6) If the Commissioner grants an application for a vehicle to be exempted from regulation 53(2)—

- (a) it is a condition of the exemption that—
 - (i) the vehicle is to be used as a float in a parade during the time, and on the roads along the route, stated in the application;
 - (ii) during that time, those roads are to be designated to be used exclusively for the purpose of the parade; and
 - (iii) the vehicle is to move at a speed not exceeding the speed limit specified by the Commissioner in the exemption;
- (b) the Commissioner may impose such other conditions of the exemption as he considers necessary after consultation with the Commissioner of Police.

(7) For the purposes of this regulation, “float” (花車), in relation to a parade, means—

- (a) a vehicle decorated for the purpose of the parade; or
- (b) a vehicle fitted with a platform for holding performances, or displaying decoration, for the purpose of the parade.”.

4. Failure to comply with traffic signs and road markings

Regulation 59 is amended—

(a) in subregulation (1)—

(i) in paragraph (a), by repealing “101 to 117, 120 to 123, 128 to 153 inclusive, 159, 161 and 162” and substituting “101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 120, 121, 122, 123, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 145, 146, 147, 148, 149, 150, 151, 152, 153, 159, 161, 162, 165, 166, 167, 168 and 169”;

(ii) in paragraph (b), by repealing “507 to 513, 515 to 519 and 523 to 525 inclusive” and substituting “507, 508, 509, 510, 511, 512, 513, 515, 516, 517, 518, 519, 523, 524 and 525”;

(b) in subregulation (2)(a), by repealing “23 to 34 inclusive, 36, 38, 41, 47 to 50 inclusive” and substituting “23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 38, 41, 47, 48, 49, 50”.

5. Traffic signs

Schedule 1 is amended—

(a) in Figure No. 140, in the note, by repealing “WHERE USED AS A REPEATER SIGN FOR FIGURE No. 141, THE 300 mm SIZE MAY BE USED”;

(b) by repealing Figure Nos. 141, 142, 143 and 144;

(c) in Figure No. 429, in the note, by repealing “141, 143,”;

(d) in Figure No. 430, in the note, by repealing “, 141”.

Dr. Sarah LIAO

Secretary for the Environment,
Transport and Works

30 April 2005

Explanatory Note

This Regulation amends the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G) (“principal Regulations”).

Background

2. Regulation 53(2) of the principal Regulations provides that the driver of a vehicle (except a public service vehicle licensed to carry standing passengers) on a road shall not permit a passenger to travel in the vehicle unless the passenger is seated in a seat of the vehicle.

3. Regulation 53(2) of the principal Regulations provides that the operation of the provision is subject to regulation 53(7) of the principal Regulations. That regulation 53(7) provides that, in relation to a passenger permitted to travel in a goods vehicle (other than in the driving cab of the vehicle), that regulation 53(2) would apply with effect from 1 September 1989. Since 1 September 1989, that regulation 53(2) has applied to passengers permitted to travel in goods vehicles and that regulation 53(7) is not needed anymore.

4. A new “KEEP LEFT” sign (Figure No. 169) has been added in Schedule 1 to the principal Regulations. New “NO STOPPING” signs (Figure Nos. 165, 166, 167 and 168) have also been added in that Schedule to replace Figure Nos. 141, 142, 143 and 144 in that Schedule.

The amendments

5. This Regulation—

- (a) amends the principal Regulations to empower the Commissioner for Transport to exempt a float in a parade from regulation 53(2) of the principal Regulations and to impose conditions on the exemption (section 2(a)(ii) and new regulation 53A in section 3);
- (b) repeals regulation 53(7) of the principal Regulations and reference to that regulation 53(7) in regulation 53(2) of the principal Regulations to improve the readability of that regulation 53(2) (section 2(a)(i) and (b));
- (c) amends regulation 59(1)(a) of and Schedule 1 to the principal Regulations to reflect the changes regarding traffic signs as aforesaid (sections 4(a)(i) and 5).