

For discussion

**Bills Committee on
Road Traffic Legislation (Amendment) Bill 2008**

Proposed Committee Stage Amendments

Introduction

The paper sets out the Committee Stage Amendments (“CSAs”) intended to be moved by the Administration with regard to the Road Traffic Legislation (Amendment) Bill 2008 (“the Bill”).

The proposed Committee Stage Amendments

2. The proposed CSAs (at **Annex**) are technical in nature. The reasons for moving the CSAs is explained in the ensuing paragraphs.

L.N. 3 and 55 of 2008 and Clause 28 of the Bill

3. The Road Traffic (Driving Licences) (Amendment) Regulation in 2008 (L.N. 3 and 55 of 2008) (“Amendment Regulation”), which amends the Road Traffic (Driving Licences) Regulations (Cap. 374B), has come into effect on 10 March 2008. Since the Amendment Regulation came into effect after the introduction of the Bill, certain references in clause 28 of the Bill (which seeks to amend regulation 11 of Cap. 374B) are now inconsistent with regulation 11 in Cap. 374B as amended by the Amendment Regulation. We therefore propose to move CSAs to rectify these inconsistencies, mostly by renumbering the paragraphs in regulation 11 (clause 28 at Annex). The amendments do not affect the content of the Bill.

4. In the light of the proposed CSAs to clause 28, consequential CSAs are also proposed to other provisions which refer to the renumbered paragraphs in regulation 11 (clauses 25, 29 and 37 at Annex).

Formal Alterations to Chinese Text

5. The Road Traffic (Driving-offence Points) Ordinance (Cap. 375) (《道路交通(違例駕駛記分)條例》(第 375 章) provides the statutory framework for the operation of a driving-offence point system to deter improper driving behaviour. In the English version of Cap. 375, “incurring of points” refers to the accumulation of appropriate number of driving-offence points if a person is convicted, or becomes liable to a fixed penalty, of a scheduled offence. In the Chinese text of Cap. 375, the term “扣分” is used. To enhance the clarity of the Chinese text and to make it consistent with the title of the Cap. 375, we propose to substitute the term “記分” for “扣分” in the Chinese text of Cap. 375 (clauses 50, 59, 60 and the newly added clause 62A at the Annex).

6. In the light of the above proposed CSAs, consequential CSAs are proposed to substitute “記分” for “扣分” under Regulations 12I and 12L of Cap. 374B (clauses 34 and 37(2)(a) at Annex).

7. We also propose to substitute “扣減” for “補回” to better reflect the meaning of the terms “deducted” or “deduction” used in the English version of Cap. 375 (the new clause 62B at the Annex).

Transport and Housing Bureau
April 2008

ROAD TRAFFIC LEGISLATION (AMENDMENT) BILL 2008

COMMITTEE STAGE

Amendments to be moved by the Secretary for
Transport and Housing

<u>Clause</u>	<u>Amendment Proposed</u>
25(2)	<p>(a) In the proposed regulation 8(1A)(b)(ii), by deleting "regulation 11(1B)(a) or (1C)(a)" and substituting "regulation 11(1AA)(a) or (1AB)(a)".</p> <p>(b) In the proposed regulation 8(1A)(b)(iii), by deleting "regulation 11(1B)(b) or (c), (1C)(b)" and substituting "regulation 11(1AA)(b) or (c), (1AB)(b)".</p>
28(1)	<p>By deleting everything after "repealed" and substituting a full stop.</p>
28(2)	<p>(a) By renumbering the proposed regulation 11(1B) as regulation 11(1AA).</p> <p>(b) By renumbering the proposed regulation 11(1C) as regulation 11(1AB).</p> <p>(c) In the proposed regulation 11(1AB)(d)(ii)(B) and (C), by deleting "(1B)" and substituting "(1AA)".</p>

- 28(3) In the Chinese text, by deleting “申請人如” and substituting “申請關於”.
- 28 By adding -
“(3A) Regulation 11(2A) is amended by repealing “The” and substituting “Subject to regulations 6, 7, 8 and 9, the”.”.
- 28 By deleting subclause (6).
- 29(2) (a) In the proposed regulation 12(5)(b)(ii), by deleting “regulation 11(1B)(a) or (1C)(a)” and substituting “regulation 11(1AA)(a) or (1AB)(a)”.
- (b) In the proposed regulation 12(5)(b)(iii), by deleting “regulation 11(1B)(b) or (c), (1C)(b)” and substituting “regulation 11(1AA)(b) or (c), (1AB)(b)”.
- 34 In the proposed regulation 12I(1)(a)(iii), in the Chinese text, by deleting “扣” and substituting “記”.
- 37(2) (a) In the proposed regulation 12L(1)(a)(ii), in the Chinese text, by deleting “扣” and substituting “記”.
- (b) In the proposed regulation 12L(1A)(b), by deleting “regulation 11(1C)(d)” and substituting “regulation 11(1AB)(d)”.

- (c) In the proposed regulation 12L(1B)(b), by deleting "regulation 11(1)" and substituting "regulation 11(1B)".
 - (d) In the proposed regulation 12L(1C)(b), by deleting "regulation 11(1)" and substituting "regulation 11(1B)".
 - (e) In the proposed regulation 12L(1D)(b)(ii), by adding "or (2A)" after "regulation 11(2)".
- 50
- (a) By renumbering the clause as clause 50(1).
 - (b) By adding -
 - "(2) The Twelfth Schedule is amended, in the Chinese text, in item 1, by repealing "扣" and substituting "記"."
- 59
- (a) In the proposed section 8AA(1), in the Chinese text, by deleting "扣" and substituting "記".
 - (b) In the proposed section 8AA(2)(a)(i) and (ii), in the Chinese text, by deleting "扣" and substituting "記".
- 60
- By adding -
- "(2A) Section 8A(1) is amended, in the Chinese text, by repealing "扣" where it twice appears and substituting "記"."
- 60(3)
- (a) In the proposed section 8A(2), in the Chinese text, by deleting "扣" and substituting "記".
 - (b) In the proposed section 8A(3)(a)(i) and

(b)(i), in the Chinese text, by deleting “扣” and substituting “記”.

(c) In the proposed section 8A(4), in the Chinese text, by deleting “扣” wherever it appears and substituting “記”.

New

By adding immediately after clause 62 -

“62A. “記” substituted for “扣”

The following provisions are amended, in the Chinese text, by repealing “扣” wherever it appears and substituting “記” -

- (a) the definition of “分”、“分數” in section 2(1);
- (b) section 3(1)(a), (b), (c), (d), (e), (ea) and (eb) and (3);
- (c) section 4(1);
- (d) section 4A(2);
- (e) section 5(1), (2), (3) and (4);
- (f) section 6(1) and (2)(a) and (b);
- (g) section 6A(1), (2)(a)(i) and (ii) and (b) and (4)(b);
- (h) section 7(1) and (3);
- (i) section 8(1) and (2);
- (j) section 9(1)(d) and (f).

62B. “扣減” substituted for “補回”

(1) The following provisions are amended, in the Chinese text, by repealing “補

回” wherever it appears and substituting “扣減” -

- (a) section 3(1)(eb);
- (b) section 6A(1), (2), (3) and (4);
- (c) section 7(3);
- (d) section 8(4A);
- (e) section 9(1)(f).

(2) The heading of section 6A is amended, in the Chinese text, by repealing “補回” and substituting “扣減”.