

**立法會**  
*Legislative Council*

LC Paper No. CB(1)1508/08-09  
(These minutes have been seen  
by the Administration)

Ref : CB1/BC/1/09

**Bills Committee on Road Traffic (Driving-offence Points)  
(Amendment) Bill 2009**

**Minutes of the fourth meeting held on  
Friday, 24 April 2009, at 5:00 pm  
in Conference Room A of the Legislative Council Building**

**Members present** : Hon Miriam LAU Kin-ye, GBS, JP (Chairman)  
Hon James TO Kun-sun  
Hon Audrey EU Yuet-mee, SC, JP  
Hon WONG Kwok-hing, MH

**Members absent** : Hon CHEUNG Hok-ming, SBS, JP  
Hon Ronny TONG Ka-wah, SC  
Hon Andrew CHENG Kar-foo

**Public officers  
attending** : **Agenda item I**

Mr Alan K M CHU  
Deputy Secretary for Transport and Housing  
(Transport) 3

Miss Rosanna LAW  
Principal Assistant Secretary for Transport and  
Housing (Transport) 2

Ms Irene HO  
Assistant Secretary for Transport and Housing  
(Transport)

Miss LUI Ying  
Assistant Commissioner/Administration &  
Licensing  
Transport Department

Mrs Margaret CHAN  
Principal Executive Officer / Valid & Licensing  
Transport Department

Ms Francoise LAM  
Senior Government Counsel  
Department of Justice

Mr CHAN Ka-kit  
SSP (TMPB) (Traffic Branch HQ)  
Hong Kong Police Force

**Attendance by invitation** : **Agenda item I**

**Sai Kung District Council**

Mr HIEW Moo-siew  
Sai Kung District Council Member  
Chairman of Traffic and Transport Committee

**Clerk in attendance** : Ms Joanne MAK  
Chief Council Secretary (1)2

**Staff in attendance** : Mr Kelvin LEE  
Assistant Legal Adviser 1

Ms Sarah YUEN  
Senior Council Secretary (1)6

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**Action**

- I Meeting with deputations/the Administration**  
(File Ref: THB(T)CR 2/14/3231/00 - The Legislative Council  
Brief issued by the  
Transport and Housing  
Bureau

LC Paper No. CB(3)307/08-09 - The Bill)

The Bills Committee received views from Mr HIEW Moo-siew, Chairman of the Traffic and Transport Committee of Sai Kung District Council (SKDC). Mr HIEW informed members that SKDC was supportive of the Bill. He raised enquiries on some technical issues regarding the Bill to seek the Administration's clarification.

Follow-up on issues raised at the last meeting

(LC Paper No. CB(1)1284/08-09(01) - Administration's paper on number of cases of successful execution of non-appearance arrest warrants issued to persons who committed scheduled Driving-offence Points (DOP) offences and failed to appear in court

LC Papers Nos. CB(1)1326/08-09(01) and (02) - Letter dated 3 April 2009 from the Clerk to Bills Committee to The Ombudsman and The Ombudsman's reply letter dated 17 April 2009)

2. Members noted the information paper provided by the Administration on the number of cases of successful execution of non-appearance arrest warrants issued to persons who committed scheduled DOP offences and failed to appear in court.

3. Referring to The Ombudsman's reply letter and its enclosure, the Chairman sought the Administration's response to The Ombudsman's views. The Administration reiterated the rationale for not proposing to introduce automatic disqualification under the Bill. The Administration also advised that as The Ombudsman was still in the course of exploring with parties concerned his initial views, it was not appropriate for the Administration to give a detailed response at the present stage. The Administration undertook that it would continue dialogue with The Ombudsman and consider any necessary improvement in the context of the review to be conducted on the effectiveness of the Bill as undertaken.

4. The Chairman said that as no new issues were raised at this meeting that merited further deliberation by the Bills Committee, the Bills Committee would adhere to its plan as previously agreed, i.e. to report its deliberations to the House Committee on 8 May 2009 recommending the resumption of the

Clerk

Second Reading debate on the Bill at the Council meeting on 20 May 2009. The Clerk was requested to prepare a report on the deliberations of the Bills Committee.

**II Any other business**

5. There being no other business, the meeting ended at 5:20 pm.

Council Business Division 1  
Legislative Council Secretariat  
6 May 2009

**Proceedings of the fourth meeting of  
the Bills Committee on Road Traffic (Driving-offence Points)  
(Amendment) Bill 2009  
on Friday, 24 April 2009, at 5:00 pm  
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
<b>Agenda Item I –Meeting with deputations and the Administration</b>			
000001 - 001933	Chairman Administration Mr HIEW Moo-siew	<p data-bbox="643 622 1155 719"><u>Administration's response to the initial views of The Ombudsman</u> [LC Paper No. CB(1)1326/08-09 (02)]</p> <p data-bbox="643 757 1155 904">The Administration's undertaking that it would continue dialogue with The Ombudsman and consider any necessary improvement in the context of the review to be conducted on the effectiveness of the Bill</p> <p data-bbox="643 943 935 972"><u>Meeting with deputation</u></p> <ul style="list-style-type: none"> <li data-bbox="643 1010 1155 1173">- Mr HIEW Moo-siew, Chairman of the Traffic and Transport Committee of Sai Kung District Council (SKDC), expressed the following views -               <ul style="list-style-type: none"> <li data-bbox="722 1211 1155 1272">(a) SKDC was supportive of the Bill; and</li> <li data-bbox="722 1310 1155 1675">(b) the Administration should explain what measures were available under the Bill in the situation that a driver who incurred 15 DOPs and a summons was then served to the driver by post while the driver was outside Hong Kong. The driver was therefore unaware of the summons issued to him.</li> </ul> </li> <li data-bbox="643 1713 1155 2011">- The Administration explained that under the Bill, the existing arrangement that a summons issued by the magistrate was to be served by ordinary post to the driver in the first instance would continue. If the driver failed to appear in court at the date and time specified in the summons, the summons would then</li> </ul>	

Action

Time marker	Speaker	Subject(s)	Action required
		<p>be served to the person again by registered post, and the summons would be regarded as "deemed served" even if it was returned undelivered to the driver. The magistrate might then proceed to issue a warrant to arrest the driver concerned. It should be noted that there was a lapse of time between the issue of the summons in the first instance and the issue of it again by registered post.</p> <ul style="list-style-type: none"> <li>- Moreover, upon the issue of the warrant, the existing practice was that the Police would issue a letter to the person concerned to request him to contact the Police first instead of taking immediate action to arrest him.</li> <li>- In addition, under the current proposal, the court could not order a person to be disqualified from driving in his absence. A person who had genuine reasons for not having received a summons delivered by registered post to his address would have a chance of rebutting the "deemed served" provision and defending himself in front of a court.</li> </ul> <p><u>Legislative timetable</u></p> <ul style="list-style-type: none"> <li>- The Chairman's conclusion that the Bills Committee would adhere to the legislative timetable as agreed by members at the previous meeting.</li> </ul>	<p>The Clerk to prepare a report of the Bills Committee for submission to the House Committee</p>