

立法會

Legislative Council

LC Paper No. CB(1)904/08-09
(These minutes have been seen
by the Administration)

Ref: CB1/SS/1/08/1

Subcommittee on Road Traffic (Public Service Vehicles) (Amendment) Regulation 2008

Minutes of fourth meeting on Monday, 10 November 2008, at 2:30 pm in Conference Room B of the Legislative Council Building

- Members present** : Hon Miriam LAU Kin-ye, GBS, JP (Chairman)
Hon Andrew CHENG Kar-foo
Hon LI Fung-ying, BBS, JP
Hon CHEUNG Hok-ming, SBS, JP
Hon Ronny TONG Ka-wah, SC
Hon Cyd HO Sau-lan
Hon IP Wai-ming, MH
- Member attending** : Hon James TO Kun-sun
- Member absent** : Hon WONG Kwok-hing, MH
- Public officers attending** : **Agenda item I**
Mr YAU Shing-mu
Under Secretary for Transport and Housing

Miss Shirley YUEN
Deputy Secretary for Transport and Housing

Mrs Avia LAI
Principal Assistant Secretary for Transport and Housing

Mr Don HO
Assistant Commissioner/Management and Paratransit
Transport Department

Mr Ken HUI
Chief Transport Officer/Planning /Taxi
Transport Department

Clerk in attendance : Ms Rosalind MA
Chief Council Secretary (1)2

Staff in attendance : Miss Winnie LO
Assistant Legal Adviser 7

Ms Sarah YUEN
Senior Council Secretary (1)6

Action

I Meeting with the Administration

Matters arising from previous meetings

- (LC Paper No. CB(1)157/08-09(01) - Administration's paper on taxi fares
- LC Paper No. CB(1)157/08-09(02) - Administration's paper on the Police's enforcement actions relating to taxis
- LC Paper No. CB(1)157/08-09(03) - Administration's paper on average monthly operating cost for urban and Lantau taxis
- LC Paper No. CB(1)107/08-09(05) - List of follow-up actions arising from the meeting held on 21 October 2008 prepared by the Legislative Council Secretariat)
- LC Paper No. CB(1)191/08-09(01) - Further submission from Taxi & PLB Concern Group

The Subcommittee deliberated (index of proceedings attached at **Annex**).

Action

2. Members noted the Administration's response to the views and suggestions made at the last meeting of the Subcommittee held on 6 November 2008 regarding the introduction of legislative proposals to prohibit fare bargaining. The Administration appealed to members for support of the fare adjustments for the urban and Lantau taxis under the Road Traffic (Public Service Vehicles) (Amendment) Regulation 2008 (the Amendment Regulation). It would closely monitor changes in the operating environment of the taxi trade after the implementation of the fare adjustments. Meanwhile, it would study the overseas experience regarding the regulation of charging taxi fares according to meters and engage the taxi trade through the Transport Department's taxi conferences to understand more their views and concerns. It would report to the Panel on Transport findings of the study on overseas experience and the engagement with the taxi trade in six months' time.

3. The Subcommittee was disappointed that the Administration had not agreed to work out the above legislative proposals within six months, or to provide a concrete timetable for the legislative proposals. The Subcommittee considered Mr Ronny TONG's proposal of repealing the Amendment Regulation. However, there was no consensus view among members regarding the proposal. Ms Cyd HO suggested moving amendments to the Amendment Regulation to provide for an expiry date for the fare adjustments, i.e. to impose a "sunset section" to the Amendment Regulation. According to her, the "sunset section" would allow the fare adjustments to be implemented from 30 November 2008, while setting a time limit for the Administration to come back with concrete legislative proposals. Some members had reservations about moving the amendments proposed by Ms HO.

Section-by-section examination of the Amendment Regulation

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|----------------------------|--|
| (File ref: THB(T)L 3/3/5 | - The Legislative Council Brief |
| L.N. 219 of 2008 | - Road Traffic (Public Service Vehicles) (Amendment) Regulation 2008 |
| LC Paper No. LS 2/08-09 | - Legal Service Division Report on Subsidiary Legislation tabled in the Legislative Council on 8 October 2008 |
| LC Paper No. CB(1)69/08-09 | - Paper on Road Traffic (Public Service Vehicles) (Amendment) Regulation 2008 prepared by the Legislative Council Secretariat (Background brief) |

Action

LC Paper No. CB(1)72/08-09(01) - Marked-up copy of the Regulation prepared by the Legal Service Division)

4. The Subcommittee went through the Amendment Regulation section by section.

The way forward

5. The Subcommittee completed its deliberations on the Amendment Regulation and agreed to report its deliberations to the House Committee at the latter's meeting on 14 November 2008.

6. The Chairman asked members to inform the Secretariat before 17 November 2008 whether they wished to propose amendments to the Amendment Regulation, so that she could consider whether she would seek the agreement of the House Committee for her to move a motion to adjourn the Council on 26 November 2008 under Rule 16(4) of the Rules of Procedure to enable Members to debate on the Amendment Regulation. The Chairman also reminded members that a Member who wished to seek the President's permission to address the Council at the meeting on 26 November 2008 under Rule 21(5) of the Rules of Procedure on subsidiary legislation tabled in the Council should provide an advance copy of the intended address to the President.

II Any other business

7. There being no other business, the meeting ended at 3:40 pm.

Council Business Division 1
Legislative Council Secretariat
25 February 2009

**Proceedings of the fourth meeting of
the Subcommittee on Road Traffic (Public Service Vehicles)
(Amendment) Regulation 2008
on Monday, 10 November 2008, at 2:30 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 – 000514	Chairman	- Opening remarks	
000515 – 000818	Chairman Administration	- The Administration's response to members' views and suggestions made at the Subcommittee's meeting on 6 November 2008 - Discussion on the period required for monitoring changes in the operating environment of the taxi trade after implementation of the new fare structure, before deciding on the need for legislation to prohibit fare bargaining (the legislative prohibition)	
000819 – 001348	Chairman Ms LI Fung-ying Administration	- Discussion on whether and how enforcement by the Police against fare bargaining under the existing legislation could be enhanced	
001349 – 001854	Mr Ronny TONG Administration	- Discussion on whether the existing legislation could provide sufficient deterrence against fare bargaining, and possible means for enhancement - Discussion on possible difficulties in enforcing the legislative prohibition	
001855 – 002720	Chairman Mr IP Wai-ming Administration Mr Ronny TONG	- Members' expression of disappointment that the Administration had not agreed to work out concrete legislative proposals to prohibit fare bargaining within six months - Administration's advice that it had to engage the taxi trade to understand more their views and concerns in examining the regulation of charging taxi fares according to meters - Discussion on the options available for	

Action

Time marker	Speaker	Subject(s)	Action required
		<p>members who did not support the Amendment Regulation</p> <ul style="list-style-type: none"> - Discussion on whether the existing legislation could provide sufficient deterrence against fare bargaining 	
002721 – 002940	Chairman Mr Andrew CHENG Administration	<ul style="list-style-type: none"> - Mr Andrew CHENG's expression of disappointment that the Administration had not agreed to actively work out legislative proposals to prohibit fare bargaining within six months, and his request for an undertaking from the Administration to work out the legislative proposals as soon as possible 	
002941 – 003240	Chairman Ms Cyd HO	<ul style="list-style-type: none"> - Discussion on Ms Cyd HO's suggestion of moving amendments to the Amendment Regulation to provide for an expiry date for the fare adjustments, i.e. to impose a "sunset section" to the Amendment Regulation 	
003241 – 003410	Mr CHEUNG Hok-ming	<ul style="list-style-type: none"> - Expression of the view that introduction of the legislative prohibition could be considered after implementation of the new fare structure, taking into account changes in the operating environment of the taxi trade 	
003411 – 004544	Chairman Mr Ronny TONG Mr Andrew CHENG Administration Ms Cyd HO Mr CHEUNG Hok-ming	<ul style="list-style-type: none"> - Expression of views on Mr Ronny TONG's proposal of repealing the Amendment Regulation if the Administration did not undertake to work out legislative proposals to prohibit fare bargaining within six months - Mr Andrew CHENG's view on the need to introduce the legislative prohibition regardless of the effect of the new fare structure in curtailing discount gang activities - The Chairman's recapitulation of the various views of members on the need to introduce the legislative prohibition within six months 	

Action

Time marker	Speaker	Subject(s)	Action required
		- Administration's reiteration of its position	
004545 – 004957	Chairman Ms Cyd HO Mr IP Wai-ming Administration	- Expression of views on Ms Cyd HO's suggestion on proposing amendments to the Amendment Regulation to impose a "sunset section"	
004958 – 005653	Mr James TO Administration	- Discussion on the likelihood of introducing further adjustments in taxi fares very soon as a result of the prevailing economic climate - Discussion on whether triad societies were involved in discount gang activities and actions taken to stop the trend, and the impact of the trend on the effect of the new fare structure	
005654 – 005804	Chairman Ms LI Fung-ying	- Ms LI Fung-ying's expression of the view that if the Administration would not start preparation for the next steps to deal with the situation of fare bargaining, she would not preclude the possibility of supporting amendments to the Amendment Regulation, if any, proposed by other members	
005805 – 010910	Chairman Mr Andrew CHENG Administration	- Section-by-section examination of the Amendment Regulation	
010911 – 011024	Chairman Ms LI Fung-ying Mr Ronny TONG	- Legislative timetable and the way forward	

Council Business Division 1

Legislative Council Secretariat

25 February 2009