

立法會
Legislative Council

LC Paper No. CB(1)2463/11-12
(These minutes have been seen
by the Administration)

Ref : CB1/BC/12/10

Bills Committee on Road Traffic (Amendment) (No. 2) Bill 2011

**Minutes of the third meeting held on
Thursday, 12 January 2012, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex**

Members present : Hon Miriam LAU Kin-ye, GBS, JP (Chairman)
Hon LEE Cheuk-yan
Hon Andrew CHENG Kar-foo
Hon CHEUNG Hok-ming, GBS, JP
Dr Hon PAN Pey-chyou
Hon Tanya CHAN

Members absent : Dr Hon Philip WONG Yu-hong, GBS
Hon LI Fung-ying, SBS, JP
Hon CHAN Hak-kan
Hon WONG Sing-chi
Hon WONG Yuk-man

Public Officers attending : **Agenda item I**

Mr Patrick CHAN, JP
Deputy Secretary for Transport and Housing
(Transport)³

Miss Erica NG
Principal Assistant Secretary for Transport and
Housing (Transport)²

Mr KWONG Ka-yin
Assistant Secretary for Transport and Housing
(Transport) 2C

Mr Peter SZE
Government Counsel
Department of Justice

Mr Albert SU
Assistant Commissioner/Management &
Paratransit
Transport Department

Mr Michael NG
Chief Transport Officer/Driving Services
Transport Department

Mr Walter FOO
Senior Engineer/Vehicle Regulations & Standards
Transport Department

Mr Stephen VERRALLS
Chief Superintendent (Traffic)
Hong Kong Police Force

Mr Eric CHENG
Senior Superintendent
(Traffic Management & Prosecutions Bureau)
Hong Kong Police Force

Mr YEUNG Yiu-chung
Chief Inspector of Police (Traffic Management)
Hong Kong Police Force

**Attendance by
Invitation**

: Agenda item I

The Kowloon PLB Chiu Chow Traders & Workers
Friendly Association

廖松明先生
Chairman

Hon Wah Public Light Bus Association Limited

Mr CHAU Yee-sun
Chairman

Lam Tin Wai Hoi Public Light Bus Association

魏初先生
Chairman

Lei Yue Mun Ko Chiu Road Public Light Bus Merchants Association Ltd.

Mr POON Shing-cho
Chairman

Tai Po (Fixed Route) Public Light Bus Co. Ltd.

Mr CHAN Man-chun
Chief Executive Officer

G.M.B. Maxicab Operators General Association Ltd.

Mr SO Sai-hung
Chairman

Tsuen Wan District Tourists and Passengers Omnibus Operators Association

Mr C K TANG
Chairman

Hong Kong District Tourists and Passengers Omnibus Operators Association Limited

Mr CHAN Chi-tak
Chairman

Public Omnibus Operators Association

Mr Peter MOK
Committee Member

Taxi & P.L.B. Concern Group

Mr LAI Ming-hung
Chairman

Public Light Bus General Association

Mr LING Chi-keung
Chairman

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

Staff in attendance : Mr YICK Wing-kin
Assistant Legal Adviser 8

Ms Macy NG
Senior Council Secretary (1)2

Ms Emily LIU
Legislative Assistant (1)2

Action

I Meeting with deputations and the Administration

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| (LC Paper
CB(1)842/11-12(01) | No. - Administration's response to issues raised at the meeting on 20 December 2011 |
| LC Paper
CB(1)776/11-12(01) | No. - List of follow-up actions arising from the meeting on 20 December 2011 |
| LC Paper No. CB(3)987/10-11
File Ref: THB(T)CR5/14/3231/00 | - The Bill
- The Legislative Council Brief issued by the Transport and Housing Bureau |
| LC Paper
CB(1)647/11-12(01) | No. - Marked-up copy of the Bill prepared by the Legal Service Division |
| LC Paper
CB(1)777/11-12(01) | No. - Submission from Mr LIM Hung-tat |
| LC Paper
CB(1)777/11-12(02) | No. - Submission from Tai Po (Fixed Route) Public Light Bus Co. Limited |
| LC Paper
CB(1)777/11-12(03) | No. - Submission from Aberdeen Maxicab Service Co. Limited |

LC CB(1)777/11-12(04)	Paper	No. - Submission from Tsuen Wan District Tourists and Passengers Omnibus Operators Association
LC CB(1)863/11-12(01)	Paper	No. - Submission from Transport Industry Committee of the Federation of Hong Kong and Kowloon Labour Unions
LC CB(1)778/11-12(01)	Paper	No. - Submission from Kamalie Limited
LC CB(1)778/11-12(02)	Paper	No. - Submission from Designing Hong Kong Limited)

The Bills Committee deliberated (Index of proceedings attached at **Annex**).

Meeting with deputations and the Administration

2. The Bills Committee received views from the representatives of 11 deputations attending the meeting. Members noted the following major views and concerns expressed by the representatives –

- (a) while the deputations in general supported the legislative intent of the Bill to enhance the safety of public light bus (PLB) operation, some of them considered that the new safety measures might have a labeling effect on PLBs. They considered that it would be fairer if the new safety measures would also be applied to all classes of vehicles;
- (b) PLB operators were concerned that, as the PLB trade was already facing a manpower shortage and lack of new entrants, the proposed mandatory attendance at pre-service course under the Bill might further deter people from applying for the PLB driving licence;
- (c) whether the proposal of mandatory installation of electronic data recording device (EDRD) would further lift the operational cost of the PLB operators, who were also striving to cope with other high operational costs (e.g. insurance premium);
- (d) some deputations requested the Administration to provide subsidy to PLB owners to meet the costs to be incurred by the new safety measures proposed under the Bill and to applicants for attending the pre-service course;

- (e) some deputations expressed concern as to whether there was a genuine need for mandating the installation of speed limiter and EDRD on PLBs under the Bill in addition to the existing legal requirement for installing speed display device (SDD). Some suggested that with the mandatory installation of EDRD, mandatory installation of speed limiter or SDD should not be required;
- (f) some deputations anticipated that there might be difficulties in law enforcement against speeding as there were different maximum speed limits applicable to different classes of vehicles on the same road; and
- (g) the proposed fine level of \$2,000 for the offence of failure to display PLBs driver identity plate was considered by some deputations as too heavy.

Follow-up actions required of the Administration

Admin 3. To facilitate further discussion on the Bill, the Administration was requested to provide the following information –

- (a) response to some members' view that the Administration should explore if there was any appropriate arrangement such as employee re-training scheme to provide some form of government subsidy for applicants enrolling on the pre-service course;
- (b) the numbers of traffic accidents involving PLBs before and after the introduction of administrative measures in June 2010 to require the installation of a speed limiter on all PLBs, including a breakdown of the numbers by categories of PLBs installed with speed limiters and those without;
- (c) overseas experience of any decrease in traffic accident rate after introducing mandatory installation of EDRD; and
- (d) response to the transport sectors' concern as to whether there was a genuine need to mandate the installation of the speed limiter, EDRD and SDD altogether, and further elaboration on the benefits in enhancing safety that could be brought about by the mandatory installation of EDRD on PLBs.

Date of next meeting

4. Members noted that the next meeting would be held on 3 February 2012 at 10:45 am.

II Any other business

5. There being no other business, the meeting ended at 4:30 pm.

Council Business Division 1
Legislative Council Secretariat
15 August 2012

**Proceedings of the third meeting of
the Bills Committee on Road Traffic (Amendment) (No. 2) Bill 2011
on Thursday, 12 January 2012, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Agenda Item I – Meeting with deputations and the Administration			
000610 - 001055	Chairman	<ul style="list-style-type: none"> - Opening remarks - The Chairman's response to a deputation's written request for delivering his speech by the Chairman 	
<i>Presentation of views by deputations</i>			
001056 - 001141	Chairman The Kowloon PLB Chiu Chow Traders & Workers Friendly Association	<ul style="list-style-type: none"> - Presentation of views 	
001142 - 001302	Chairman Hon Wah Public Light Bus Association Limited	<ul style="list-style-type: none"> - Presentation of views 	
001303 - 001525	Chairman Lam Tin Wai Hoi Public Light Bus Association	<ul style="list-style-type: none"> - Presentation of views - The Chairman's advice that the Joint Subcommittee on Issues Relating to Insurance Coverage for the Transport Sector was studying the issues relating to the difficulties encountered by the transport sector in obtaining insurance coverage 	
001526 - 001627	Chairman Lei Yue Mun Ko Chiu Road Public Light Bus Merchants Association Ltd.	<ul style="list-style-type: none"> - Presentation of views 	

Action

Time marker	Speaker	Subject(s)	Action required
001628 - 001824	Chairman Tai Po (Fixed Route) Public Light Bus Co. Ltd.	- Presentation of views (LC Paper No. CB(1)777/11-12(02))	
001825 - 002208	Chairman G.M.B. Maxicab Operators General Association Ltd.	- Presentation of views	
002209 - 002728	Chairman Tsuen Wan District Tourists and Passengers Omnibus Operators Association	- Presentation of views (LC Paper No. CB(1)777/11-12(04))	
002729 - 002823	Chairman Hong Kong District Tourists and Passengers Omnibus Operators Association Limited	- Presentation of views	
002824 - 003055	Chairman Public Omnibus Operators Association	- Presentation of views	
003056 - 003502	Chairman Taxi & P.L.B. Concern Group	- Presentation of views	
003503 - 003806	Chairman Public Light Bus General Association	- Presentation of views	
<i>Administration's response and discussion</i>			
003807 - 005946	Chairman Administration	- Administration's response to deputations' views that – (a) by setting out clearly in the legislation the requirements on speed limiters, as well as the penalties for offences, a clear regulatory framework would be provided for public light bus (PLB) operators and drivers to follow;	

Action

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		<p>(b) electronic data recording device (EDRD) recorded the speed and maneuvering data of a vehicle. The data captured would help TD investigate PLB service-related complaints, ensure the proper functioning of EDRD, enhance monitoring of PLB operation, and help the Police investigate traffic accidents;</p> <p>(c) the Administration in introducing this Bill had no intention at all to label PLBs as unsafe. In fact, all franchised bus companies had committed to equipping new buses with EDRD, and retrofitting in-service buses with this device;</p> <p>(d) the proposal of requiring all applicants for a PLB driving licence to attend pre-service course would enhance PLB safety and service quality by improving the driving attitude of PLB drivers, and hence increase the competitiveness of PLB trade;</p> <p>(e) if the proposed measures of the Bill were implemented, the Administration hoped that the accident rate involving PLBs would be decreased, which would have a positive impact on insurance premium;</p> <p>(f) it was the established practice for the Government not to provide subsidy for installations which were required under the law;</p>	

Action

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		<p>(g) when PLB operators applied for fare increases on grounds of increases in operating cost incurred by the installation of the devices, the Administration would carefully assess the justifications provided; and</p> <p>(h) the requirement and penalty terms of mandating display of PLB driver identity plate were in line with those applicable to taxi drivers</p>	
005947 - 010209	Chairman Taxi & P.L.B. Concern Group Administration	- Views of the Concern Group on the permitted operating areas of PLBs	
010210 - 010713	Chairman Public Light Bus General Association	- Views of the Association on mandating the display of PLB driver identity plate, permitted operating areas for PLBs, and fees of the pre-service course	
010714 - 012300	Chairman Miss Tanya CHAN Administration	<p>- Administration's reply in response to Miss CHAN that:</p> <p>(a) it had discussed with the Hong Kong Federation of Insurers on the possibility to reduce or maintain the level of insurance premium for PLBs;</p> <p>(b) the applicant would be responsible for paying the fees to attend the pre-service course, which was roughly estimated to be about \$1,000, following the user-pay principle;</p> <p>(c) the Administration would openly invite all existing training institutes which offered driving improvement courses to submit proposals for the pre-service course;</p>	

Action

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		<p>(d) the requirement of attending pre-service course was not limited to PLB drivers. Bus captains or some coach drivers were also required to attend pre-service course offered by their employers;</p> <p>(e) the validity period of the certificate issued upon satisfactory completion of the pre-service course would be one year; and</p> <p>(f) the pre-service course would be composed of different units which included the concept of defensive driving, safe driving behaviour and skills, and guidelines for good customer services; and course providers could exercise flexibility on course duration</p> <p>- The Chairman's concern that the pre-service course would create financial burden on potential PLB drivers and would aggravate the recruitment problem of PLB trade</p>	
012301 - 013735	Chairman Dr PAN Pey-chyou Administration	<p>- Administration's agreement at the request of Dr PAN and the Chairman to:</p> <p>(a) explore the feasibility of providing subsidies to applicants who had enrolled for the proposed mandatory pre-service course, taking into account the existing arrangements of provision of similar allowance in other fields;</p> <p>(b) provide information on overseas experience of any decrease in accident rate after introducing mandatory installation of EDRD; and</p> <p>(c) provide the numbers of traffic accidents involving PLBs before and after the introduction of administrative measures in June 2010 to require the installation of a</p>	Administration to provide information/response (paragraph 3 of minutes)

Action

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		<p>speed limiter on all PLBs</p> <ul style="list-style-type: none"> - Administration's agreement that it would discuss with insurance trade to explore if there was room for adjusting the insurance premium downward for PLBs after introduction of various safety measures 	
013736 - 013957	Chairman The Kowloon PLB Chiu Chow Traders & Workers Friendly Association	<ul style="list-style-type: none"> - The Association's views that the pre-service course should be merged with the existing driving course for PLBs, and the PLB trade had difficulties in operating the business due to high insurance costs and limitations on the permitted operating areas 	
013958 - 014513	Chairman Public Light Bus General Association	<ul style="list-style-type: none"> - The Association's concern on whether there was a genuine need of mandating the installation of the speed limiter and EDRD on PLBs under the Bill in addition to the existing legal requirement for installing speed display devices, and its view that after installing EDRD, speed display device should no longer be required 	
014514 - 014622	Chairman Hon Wah Public Light Bus Association Limited	<ul style="list-style-type: none"> - The Association's view that traffic congestion problem had affected the income of PLB owners and drivers 	
014623 - 014731	Chairman G.M.B. Maxicab Operators General Association Ltd.	<ul style="list-style-type: none"> - The Association's view and elaboration on the operational difficulties of the PLB trade and recruitment difficulty of PLB drivers 	
014732 - 015513	Chairman Miss Tanya CHAN Administration	<ul style="list-style-type: none"> - Request for the Administration to provide a breakdown of the numbers of traffic accidents involving PLBs before and after the introduction of administrative measures in June 2010 by categories of PLBs installed with speed limiters and those without - Miss CHAN's concern on whether it was premature to legislate for the proposed mandatory installation of 	Administration to provide information/response (paragraph 3 of minutes)

Action

Time marker	Speaker	Subject(s)	Action required
		<p>EDRD on PLBs, when the Administration did not have actual experience of applying EDRD for use on PLBs, or information on the effectiveness of the device on enhancing safety and practical problems that might arise</p> <ul style="list-style-type: none"> - Request for the Administration to provide response on whether there was a genuine need to mandate the installation of the speed limiter, EDRD and speed display devices altogether, and further elaboration on the benefits in enhancing safety that could be brought about by the mandatory installation of EDRD on PLBs 	
015514 - 015630	Chairman Administration	<ul style="list-style-type: none"> - Administration's reply in response to the Chairman that speed enforcement would be performed by police officers manually or by automated fixed cameras which could be able to distinguish between different types of vehicle sizes, and the violation photos captured by the automated fixed cameras would also be reviewed by police officers 	
015631 - 020214	Chairman Mr Andrew CHENG Administration	<ul style="list-style-type: none"> - Mr CHENG's strong support for the Bill to enhance the safety of PLBs and his views that the proposed safety measures, including mandating the installation of EDRD, should be implemented as soon as possible - Discussion on the progress of developing the EDRD 	
020215 - 020233	Chairman	<ul style="list-style-type: none"> - Closing remarks 	
020234 - 020248	Chairman	<ul style="list-style-type: none"> - Date of next meeting 	