

# 立法會

## *Legislative Council*

LC Paper No. CB(1)1969/11-12  
(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 fourth meeting held on  
Friday, 3 February 2012, at 10:45 am  
in Conference Room 2B of the Legislative Council Complex**

**Members present** : Hon Miriam LAU Kin-ye, GBS, JP (Chairman)  
Hon LEE Cheuk-yan  
Dr Hon Philip WONG Yu-hong, GBS  
Hon Andrew CHENG Kar-foo  
Hon LI Fung-ying, SBS, JP  
Hon CHAN Hak-kan  
Hon WONG Sing-chi  
Hon Tanya CHAN

**Members absent** : Hon CHEUNG Hok-ming, GBS, JP  
Dr Hon PAN Pey-chyou  
Hon WONG Yuk-man

**Public Officers attending** : **Agenda item II**  
  
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

Ms Alice AU YEUNG  
Principal Transport Officer/Urban  
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 (Management)  
(Traffic Management)  
Hong Kong Police Force

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

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

Action

Ms Macy NG  
Senior Council Secretary (1)2

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**I Meeting with the Administration**

- (LC Paper No. CB(1)935/11-12(01) - Administration's response to issues raised at the meetings on 20 December 2011 and 12 January 2012
- LC Paper No. CB(1)935/11-12(02) - List of follow-up actions arising from the meeting on 12 January 2012
- LC Paper No. CB(1)842/11-12(01) - Administration's response to issues raised at the meeting on 20 December 2011
- LC Paper No. CB(3)987/10-11 - The Bill  
File Ref: THB(T)CR5/14/3231/00 - The Legislative Council Brief issued by the Transport and Housing Bureau
- LC Paper No. CB(1)647/11-12(01) - Marked-up copy of the Bill prepared by the Legal Service Division
- LC Papers Nos. CB(1)647/11-12(02) and CB(1)668/11-12(01) - Letter dated 3 October 2011 from legal adviser to the Bills Committee to the Administration and the Administration's reply letter dated 16 December 2011)

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

Admin 2. To facilitate further discussion on the Bill, the Administration was requested to provide the following information before the next meeting –

- (a) the numbers and models of the existing public light buses (PLBs) which were technically feasible of being installed with the proposed electronic data recording device (EDRD) according to the installation and performance requirements specified in the proposed Schedule 19 in the Bill;

- (b) regarding 2(a) above, for those models which were not technically feasible, the estimated costs involved to modify an existing PLB with a view to installing the proposed EDRD;
- (c) the use of the data collected by EDRDs by franchised bus operators, including frequency of retrieval and purposes of using the data, and examples of actual cases in which data collected by EDRDs in franchised buses had been used to facilitate Police's investigation or used as evidence; and
- (d) response to Mr Andrew CHENG's view that an offender using an approved speed limiter (or an EDRD) which was not properly maintained should be liable to a level of penalty lower than that applicable to the offence of tampering with a speed limiter (or an EDRD) as the latter offence was, in his view, more serious.

3. Members noted that the Administration would arrange a demonstration on the functioning of an EDRD in response to the Bills Committee's request earlier raised. The Administration would further advise the date of the demonstration once it was confirmed.

*(Post-meeting note: The demonstration on the functioning of an EDRD was scheduled for and conducted on 21 February 2012 from 10:30 am to 11:30 am at the office of the Transport Department.)*

Date of next meeting

4. Members noted that the next meeting would be held on 21 February 2012 at 10:45 am.

**II Any other business**

5. There being no other business, the meeting ended at 12:20 pm.

**Proceedings of the fourth meeting of  
the Bills Committee on Road Traffic (Amendment) (No. 2) Bill 2011  
on Friday, 3 February 2012, at 10:45 am  
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<b>Agenda Item I – Meeting with the Administration</b>			
000240-000421	Chairman	- Opening remarks	
000422-001339	Chairman Administration	- Briefing by the Administration on its response to issues raised at the meetings on 20 December 2011 and 12 January 2012 (LC Papers Nos. CB(1)842/11-12(01) and CB(1)935/11-12(01))	
001340 - 001828	Chairman Administration	- Administration's advice in response to the Chairman that:  (a) the assistance of the Labour and Welfare Bureau had been enlisted in resolving the manpower shortage problem of the transport and logistics industries; and  (b) the Administration was exploring with the Employees Retraining Board on the feasibility of providing subsidies/allowance to participants of the pre-service course	
001829 - 002409	Chairman Miss Tanya CHAN Administration	- Discussion on whether there would be any formal trial of the electronic data recording device (EDRD) before the actual implementation of the proposed installation requirement for new public light buses (PLBs), and whether it was necessary to stipulate the specific requirements for EDRD in the	

Time marker	Speaker	Subject(s)	Action required
		legislation before the commencement of the provision	
002410 - 003334	Chairman Ms LI Fung-ying Administration	<ul style="list-style-type: none"> <li>- Discussion on the need for enacting legislation to introduce a mandatory requirement of installation of EDRD on PLBs</li> <li>- Administration's response that the Bill did not deal with the issue of PLB drivers' working hours</li> <li>- Discussion on the reasons for not merging the pre-service course with the existing driving course for applicants of PLB licence</li> </ul>	
003335 - 005901	Chairman Mr Andrew CHENG Administration	<ul style="list-style-type: none"> <li>- Request for information on the numbers and models of the existing PLBs which were technically feasible of being installed with the proposed EDRD according to the installation and performance requirements specified in the proposed Schedule 19 in the Bill</li> <li>- Mr CHENG's views that an offender using an approved speed limiter (or an EDRD) which was not properly maintained should be liable to a level of penalty lower than that applicable to the offence of tampering with a speed limiter (or an EDRD) as the latter offence was, in his view, more serious</li> <li>- Discussion on the circumstances under which the data stored in EDRD could be retrieved</li> <li>- Discussion on measures to prevent tampering of EDRDs and speed display devices</li> </ul>	Administration to provide information/response (paragraph 2 of minutes)

Time marker	Speaker	Subject(s)	Action required
005902 - 011118	Chairman Administration	<ul style="list-style-type: none"> <li>- Discussion on whether the proposed EDRD would be required to be installed by the manufacturers of PLBs</li> <li>- Administration's advice that the installation and performance requirements for EDRDs were laid down in the proposed Schedule 19 in the Bill</li> </ul>	
011119 - 012116	Chairman Mr LEE Cheuk-yan Administration	<ul style="list-style-type: none"> <li>- Discussion on why the Administration proposed to mandate the installation of EDRD only on new PLBs and not the entire PLB fleet</li> <li>- Brief discussion on issues relating to the remuneration system of PLB drivers as the system might affect the driving attitude of PLB drivers</li> </ul>	
012117 - 012518	Chairman Mr Andrew CHENG	<ul style="list-style-type: none"> <li>- Mr CHENG's enquiry on whether the proposed EDRD would be technically feasible to be retrofitted to existing PLBs, and for those which were not technically feasible, the estimated costs involved to modify an existing PLB with a view to installing the proposed EDRD</li> </ul>	Administration to provide information/response (paragraph 2 of minutes)
012519 - 012821	Chairman Administration	<ul style="list-style-type: none"> <li>- The Chairman's view that the Administration should review the effectiveness of speed limiters on reducing the traffic accidents involving PLBs and the causes of traffic accidents involving PLBs</li> </ul>	
012822 - 013351	Chairman Administration Mr Andrew CHENG	<ul style="list-style-type: none"> <li>- The Chairman's request for information on examples of actual cases in which data collected by EDRDs in franchised buses had been used to facilitate Police's investigation or used as evidence</li> </ul>	Administration to provide information/response (paragraph 2 of minutes)

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
013352 - 013533	Chairman Ms LI Fung-ying Administration	- Ms LI's request for information on the use of the data collected by EDRDs by franchised bus operators, including frequency of retrieval and purposes of using the data	Administration to provide information/response (paragraph 2 of minutes)
013534 - 013600	Chairman	- Date of next meeting	

Council Business Division 1  
Legislative Council Secretariat  
23 May 2012