

立法會

Legislative Council

LC Paper No. CB(1)1910/11-12
(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 fifth meeting held on
Tuesday, 21 February 2012, at 11:45 am
in Conference Room 2A 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 LI Fung-ying, SBS, JP
Hon Tanya CHAN

Members absent : Dr Hon Philip WONG Yu-hong, GBS
Hon CHEUNG Hok-ming, GBS, JP
Hon CHAN Hak-kan
Hon WONG Sing-chi
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 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

Ms Macy NG
Senior Council Secretary (1)2

Action

I Meeting with the Administration

- | | |
|--|---|
| (LC Paper No. CB(1)1078/11-12(01) | No. - Administration's response to issues raised at the meeting on 3 February 2012 |
| 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**).

2. The Chairman said that the demonstration of the functioning of an electronic data recording device (EDRD) arranged by the Administration before the meeting was useful for members to understand an EDRD's operation.

3. The Administration briefed members on its paper setting out the Administration's response to the issues raised by members at the meeting on 3 February 2012.

Clause-by-clause examination of the Bill

4. The Bills Committee completed scrutiny of the Chinese version of the long title and clauses 1 to 7 (proposed new section 67A(1)) of the Bill.

Follow-up actions required of the Administration

Admin 5. To facilitate further discussion on the Bill, the Administration was requested to provide the following information –

- (a) presentation materials for the demonstration of the functioning of an EDRD held on 21 February 2012;

- (b) estimation on the time and costs required to retrofit EDRD on existing PLBs of models Euro IV or Euro V and those of Euro III;
- (c) progress of discussion with the Employees Retraining Board on providing subsidies/allowance to persons attending the pre-service course; and
- (d) response to members' suggestion of renumbering the proposed new section 67A(7) as 67A(2) instead.

Date of next meeting

6. Members noted that the next meeting would be held on 24 February 2012 at 8:30 am.

II Any other business

7. There being no other business, the meeting ended at 12:55 pm.

Council Business Division 1
Legislative Council Secretariat
17 May 2012

Annex

**Proceedings of the fifth meeting of
the Bills Committee on Road Traffic (Amendment) (No. 2) Bill 2011
on Tuesday, 21 February 2012, at 11:45 am
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
000639 - 001049	Chairman Miss Tanya CHAN Mr Andrew CHENG	- Discussion on legislative timetable	
Agenda Item I – Meeting with the Administration			
001050 - 001820	Chairman Administration	- The Chairman's view that the demonstration of the functioning of an electronic data recording device (EDRD) arranged by the Administration before the meeting was useful for members to understand an EDRD's operation - Briefing by the Administration on its response to issues raised at the meeting on 3 February 2012 (LC Paper No. CB(1)1078/11-12(01))	
001821 - 002310	Chairman Miss Tanya CHAN Administration	- Administration's explanation that the EDRD proposed for installation on public light bus (PLB) should be capable of recording and storing the latest 30 records of actual speed, headlamp and direction indicator status, and service braking system status during the last 20 seconds just before stopping - Request for the Administration to provide presentation materials for the demonstration of the functioning of an EDRD held on 21 February 2012	Administration to provide information/response (paragraph 5 of minutes)
002311 - 003211	Chairman Mr Andrew CHENG Administration	- Mr CHENG's view that the Administration should strive to apply the requirement of mandatory installation of EDRD to all PLBs as	Administration to provide information/response (paragraph 5 of minutes)

Time marker	Speaker	Subject(s)	Action required
		<p>early as possible to further enhance the safe operations of PLBs, otherwise, the effect of the Bill in introducing the mandatory installation of EDRD would only be limited as the large majority of PLBs in the future would fall outside the scope of the mandatory installation of EDRD</p> <ul style="list-style-type: none"> - Administration's response that if the entire PLB fleet was to be installed with EDRD, significant time and effort would be required to verify and test the different installation solutions and anti-tampering measures before the feasibility and cost of retrofitting could be ascertained, and a long lead time would be required for the development of such a wide range of EDRDs - Request for the Administration to provide estimation on the time and costs required to retrofit EDRD on existing PLBs of models Euro IV or Euro V and those of Euro III 	
003212 - 003733	Chairman Ms LI Fung-ying Administration	<ul style="list-style-type: none"> - Ms LI's concern that if the data recorded in EDRD would be used by PLB operators as a tool of monitoring drivers' performance, undue pressure would be exerted on drivers in their day-to-day operation, and her opinion that PLB operators should be advised to download the data for investigation of driving behaviour only upon receipt of complaints in order to avoid causing substantial pressure to the drivers 	

Time marker	Speaker	Subject(s)	Action required
		<ul style="list-style-type: none"> - Administration's advice that the installation of an EDRD on PLBs would facilitate fleet management and deter PLB drivers from improper driving, and according to the franchised bus operators, no complaint about undue pressure had been received from bus captains so far 	
003734 - 004254	Chairman Mr Andrew CHENG	<ul style="list-style-type: none"> - Mr CHENG's expression of support for the Bill and his reiteration that the Administration should strive to apply the requirement of mandatory installation of EDRD to all PLBs as early as possible and provide the requested information early - Mr CHENG's agreement that data recorded in EDRD would facilitate fleet management and protect those law-abiding PLB drivers 	
004255 - 004446	Chairman Ms LI Fung-ying	<ul style="list-style-type: none"> - Discussion on arrangements for future meetings 	
<i>Clause-by-clause examination of the Bill (Chinese version)</i>			
004447 - 005134	Chairman Administration Ms LI Fung-ying	<p><u>Long title of the Bill</u></p> <ul style="list-style-type: none"> - Administration's advice that after the enactment of the Bill, Transport Department would invite applications from interested parties to provide the pre-service course and it was estimated that a lead time of six to nine months was required before the new requirement might be brought into effect - Request for the Administration to report the progress of discussion with the Employees Retraining Board on providing subsidies/allowance to persons attending the pre-service course 	Administration to provide information/response (paragraph 5 of minutes)

Time marker	Speaker	Subject(s)	Action required
005135 - 005243	Chairman Administration	<u>Clauses 1 and 2</u> - The Chairman requested Assistant Legal Adviser 8 to examine the drafting of the English version of the Bill	ALA8 to take follow-up actions
005244 - 005631	Chairman Ms LI Fung-ying Administration	<u>Clause 3</u> - Discussion on the term "pre-service training school" and the Administration's advice that the Bill would empower the Commissioner for Transport to designate suitable and qualified training institutes to provide the pre-service course, similar to the current arrangement on designation of driving improvement schools	
005632 - 005943	Chairman Administration	<u>Clause 4</u>	
005944 - 010105	Chairman Administration	<u>Clauses 5 and 6</u>	
010106 - 010855	Chairman Administration Assistant Legal Adviser 8 (ALA 8) Ms LI Fung-ying	<u>Clause 7 (proposed new section 67A(1))</u> - Request for the Administration to consider members' suggestion of renumbering the proposed new section 67A(7) as 67A(2) instead	Administration to provide information/response (paragraph 5 of minutes)
010856 - 010916	Chairman	- Date of next meeting	