

立法會
Legislative Council

LC Paper No. CB(1)2185/11-12
(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 sixth meeting held on
Friday, 24 February 2012, at 8:30 am
in Conference Room 2B of the Legislative Council Complex**

Members present : Hon Miriam LAU Kin-yee, GBS, JP (Chairman)
Dr Hon Philip WONG Yu-hong, GBS
Hon LI Fung-ying, SBS, JP
Hon CHEUNG Hok-ming, GBS, JP
Hon WONG Sing-chi
Hon Tanya CHAN

Members absent : Hon LEE Cheuk-yan
Hon Andrew CHENG Kar-foo
Hon CHAN Hak-kan
Dr Hon PAN Pey-chyou
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

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)1131/11-12(01) - Administration's response to issues raised at the meeting on 21 February 2012)

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

Clause-by-clause examination of the Road Traffic (Amendment) (No.2) Bill 2011 (the Bill)

(LC Paper No. CB(3)987/10-11 - The Bill
LC Paper No. CB(1)647/11-12(01) - Marked-up copy of the Bill prepared by the Legal Service Division
LC Papers Nos. - Letter dated 3 October 2011 from legal
CB(1)647/11-12(02) and adviser to the Bills Committee to the
CB(1)668/11-12(01) Administration and the
Administration's reply letter dated 16 December 2011)

2. The Bills Committee completed scrutiny of clauses 7 to 12 of the Bill.

Follow-up actions required of the Administration

- Admin 3. To facilitate further discussion on the Bill, the Administration was requested to take the following actions –
- (a) to explain the rationale for empowering the Police under the proposed section 67A(5) to use data collected by an electronic data recording device as evidence in any criminal proceedings and consider restricting the use of the data in proceedings relating to offences under the Road Traffic Ordinance (Cap 374) only;
 - (b) to improve the drafting of the proposed section 102I(2)(b) and 102I(10)(b) to enhance clarity;
 - (c) to ensure all vehicle driving instructors/institutes had equal chance to bid for the provision of the pre-service course and to consult public light bus driving instructors on implementation of the pre-service course;

- (d) to review the expression "指定" in the proposed section 102I(7)(a); and
- (e) to review the Chinese expression "無人" in section 102J(6)(b).

Date of next meeting

- 4. Members noted that the next meeting would be held on 27 February 2012 at 2:30 pm.

II Any other business

- 5. There being no other business, the meeting ended at 10:35 am.

Council Business Division 1
Legislative Council Secretariat
15 June 2012

**Proceedings of the sixth meeting of
the Bills Committee on Road Traffic (Amendment) (No. 2) Bill 2011
on Friday, 24 February 2012, at 8:30 am
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Agenda Item I – Meeting with the Administration			
000100-000132	Chairman	- Opening remarks	
<i>Clause-by-clause examination of the Bill</i>			
000133 - 002714	Chairman Administration Miss Tanya CHAN Assistant Legal Adviser 8 (ALA8) Ms LI Fung-ying	<u>Clause 7</u> - Administration's advice that it would move the definition of electronic data recording device (EDRD) to the beginning of the proposed section 67A and it would propose Committee Stage amendments (CSAs) in this regard - Discussion on the power of the Police under the proposed section 67A(3) - Request for the Administration to explain the rationale for empowering the Police under the proposed section 67A(5) to use data collected by an EDRD as evidence in any criminal proceedings and consider confining the use of the data to proceedings relating to offences under the Road Traffic Ordinance (Cap 374) only - Administration's advice that there was a typo in the Chinese text of the proposed section 67(A)(7), which would be dealt with by the CSA relocating the section	Administration to provide information/response (paragraph 3 of minutes)

Time marker	Speaker	Subject(s)	Action required
002715 002818	Chairman Administration	<u>Clause 8 (section 102H)</u>	
002819 - 011009	Chairman Administration Ms LI Fung-ying Miss Tanya CHAN ALA8	<u>Clause 8 (section 102I)</u> <ul style="list-style-type: none"> - Administration's agreement to improve the drafting of the proposed section 102I(2)(b) and (10)(b) - Administration's advice that Transport Department (TD) would compile a Code of Practice (including the course content, the qualification of the course instructor, the facilities of the schools and the issuance of certificates, etc.) for individual school operators to follow and TD would invite applications from interested parties after the enactment of the Bill - Discussion on the requirements of the pre-service training schools on provision of the pre-service course and the course fees - Request for the Administration to ensure all vehicle driving instructors/institutes had equal chance to bid for the provision of the pre-service course and to consult public light bus (PLB) driving instructors on implementation of the pre-service course - Administration's explanation on the proposed section 102I(5)(a) that the fees payable for the designation, or the renewal of the designation, of a pre-service training schools referred to administration fee only 	Administration to provide information/response (paragraph 3 of minutes)

Time marker	Speaker	Subject(s)	Action required
		<ul style="list-style-type: none"> - Request for the Administration to review the expression "指定" in the proposed section 102I(7)(a) 	
011010 - 012324	Chairman Administration Ms LI Fung-ying Miss Tanya CHAN ALA8	<u>Clause 8 (section 102J)</u> <ul style="list-style-type: none"> - Request for the Administration to review the Chinese expression "無人" in section 102J(6)(b) - Administration's explanation that the pre-service training schools would be required to deposit with the Administration Banker's Guarantee as security for the due and faithful performance of the service, which would safeguard those applicants who had paid for taking the pre-service course in case the pre-service training schools were unable to deliver the course - Discussion on the refund arrangements to the payers in the circumstances under which the pre-service training school decided not to offer the course after collection of course fees 	Administration to provide information/response (paragraph 3 of minutes)
012325 - 012624	Chairman Administration Miss Tanya CHAN	<u>Clause 8 (section 102K)</u> <ul style="list-style-type: none"> - Administration's explanation on the rationale of setting not less than 3 months' notice in case of termination of a designation of a pre-service training school 	
012625 - 012751	Chairman Administration	<u>Clause 8 (section 102L)</u>	
012752 - 012903	Chairman Miss Tanya CHAN Administration	<u>Clause 8 (section 102M)</u> <ul style="list-style-type: none"> - Administration's confirmation that school inspections included surprise checks 	

Time marker	Speaker	Subject(s)	Action required
012904 - 012915	Chairman Administration	<u>Clause 8 (section 102N)</u>	
012916 - 013006	Chairman Administration	<u>Clause 9</u>	
013007 - 013833	Chairman Miss Tanya CHAN Administration	<u>Clause 10</u> - Discussion on whether it would be too early for the proprietor of a pre-service training school to give a notice to the Commissioner for Transport when grounds existed for a creditor to present a bankruptcy petition against the proprietor, and the Administration's explanation that the purpose of the requirement was to facilitate TD to monitor the schools concerned and take early actions to safeguard those applicants of the pre-service course - Administration's agreement that it would explain clearly to the pre-service training schools about this requirement	
013834 - 014509	Chairman Ms LI Fung-ying Miss Tanya CHAN Administration	<u>Clause 11</u> - Administration's explanation about the differences between "set speed" and "maximum stabilized speed"	
014510 - 015506	Chairman Ms LI Fung-ying Miss Tanya CHAN Administration	<u>Clause 12 (regulation 24B)</u> - Administration's advice that: (a) "清晰易讀" was one of the standard Chinese equivalents of "legible" in local legislation (regulation 24B(12)(a)(ii) referred); and (b) the "x" under regulation 24B(12)(a)(i) was intended to allow flexibility for some PLBs which had a set speed of	

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		lower than 80 kilometers per hour	
015507 - 015819	Chairman Administration	<u>Clause 12 (regulation 24C)</u>	
015820 - 020129	Chairman Miss Tanya CHAN Administration	<u>Clause 12 (regulations 24B and 24C)</u> - Administration's explanation of regulations 24B(13) and 24C(11) in respect of the defence against a contravention of the sealing requirements of a speed limiter or an EDRD	
020130 - 020348	Chairman Ms LI Fung-ying Miss Tanya CHAN	- The Chairman's request for the Administration to prepare for CSAs for members' consideration at the next meeting - Date of next meeting	Administration to provide information/response (paragraph 3 of minutes)