

立法會
Legislative Council

LC Paper No. CB(1)2186/11-12
(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 seventh meeting held on
Monday, 27 February 2012, at 2:30 pm
in Conference Room 2A of the Legislative Council Complex**

Members present : Hon Miriam LAU Kin-ye, GBS, JP (Chairman)
Hon LEE Cheuk-yan
Hon LI Fung-ying, SBS, JP
Hon CHEUNG Hok-ming, GBS, JP
Dr Hon PAN Pey-chyou
Hon Tanya CHAN
Hon WONG Yuk-man

Members absent : Dr Hon Philip WONG Yu-hong, GBS
Hon Andrew CHENG Kar-foo
Hon CHAN Hak-kan
Hon WONG Sing-chi

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 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

Ms Macy NG
Senior Council Secretary (1)2

I Meeting with the Administration

(LC Paper No. CB(1)1153/11-12(01) - Administration's response to issues raised at the meeting on 24 February 2012

LC Paper No. CB(1)1153/11-12(02) - Draft Committee Stage amendments proposed by the Administration)

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

2. The Administration briefed members on its paper setting out the Administration's response to the issues raised by members at the meeting on 24 February 2012.

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
CB(1)647/11-12(02) and legal adviser to the Bills Committee
CB(1)668/11-12(01) to the Administration and the
Administration's reply letter dated
16 December 2011)

3. The Bills Committee completed clause-by-clause examination of the Bill.

Examination of the proposed Committee Stage amendments (CSAs)

4. The Bills Committee completed scrutiny of the draft CSAs proposed by the Administration (LC Paper No. CB(1)1153/11-12(02)).

Action

Follow-up actions required of the Administration

- Admin 5. The Administration was requested to take the following actions –
- (a) to consider the feasibility of any possible administrative measures that could help protect public light bus owners from suffering financial loss if the authorized installer of the electronic data recording device they had engaged had been revoked authorization under the proposed regulation 120AA(5) of the Bill and could not complete installation of the device; and
 - (b) to review the Chinese rendition of the term "make" in the proposed regulations 24B(10)(e) and 24C(10)(e) of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A).

Legislative timetable

- Clerk 6. The Bills Committee completed scrutiny of the Bill and agreed that the Chairman would make a verbal report on its deliberations to the House Committee at its meeting on 2 March 2012. Members also noted that the earliest date to resume the Second Reading debate on the Bill would be on 28 March 2012.

(Post-meeting note: The Second Reading debate on the Bill was resumed at the Council meeting on 29 March 2012.)

II Any other business

7. There being no other business, the meeting ended at 4:15 pm.

Council Business Division 1
Legislative Council Secretariat
15 June 2012

**Proceedings of the seventh meeting of
the Bills Committee on Road Traffic (Amendment) (No. 2) Bill 2011
on Monday, 27 February 2012, at 2:30 pm
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Agenda Item I – Meeting with the Administration			
000128 - 000238	Chairman	- Opening remarks	
000239 - 000927	Chairman Administration Miss Tanya CHAN Ms LI Fung-ying	- Discussion on the Administration's response to members' concern on the proposed new section 67A(5) raised at the meeting on 24 February 2012 (LC Paper No. CB(1)1153/11-12(01))	
Clause-by-clause examination of the Bill			
000928 - 004926	Chairman Administration Miss Tanya CHAN Mr WONG Yuk-man Assistant Legal Adviser 8 (ALA8)	<u>Clause 13</u> - Discussion on the lead time required to revoke the authorization for an authorized installer who was known to have ceased to carry on business or was being wound up - Administration's advice on the procedures for appealing against the decision made by the Commissioner for Transport on the revocation of the authorization - Request for the Administration to consider the feasibility of any possible administrative measures that could help protect public light bus (PLB) owners from suffering financial loss if the authorized installer of the electronic data recording device (EDRD) they had engaged had been revoked authorization under the proposed regulation 120AA(5) of the Bill and could not complete installation of EDRD	Administration to provide information/response (paragraph 5 of minutes)

Time marker	Speaker	Subject(s)	Action required
004927 - 005631	Chairman Administration ALA8 Mr WONG Yuk-man	<u>Clause 14</u> <ul style="list-style-type: none"> - Administration's reply in response to ALA 8 that "fitted EDRD" had the meaning defined under regulation 2 of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A) (CMV Regulations) and thus covered those EDRDs fitted to specified PLBs only and the new regulation 121(6) would not be applicable to other motor vehicles with which an EDRD had been installed voluntarily - Discussion on the penalty level of interfering with the proper operation of EDRD or falsifying any data stored 	
005632 - 005906	Chairman Administration	<u>Clause 15 (proposed Schedule 17)</u>	
005907 - 011222	Chairman ALA8 Administration Mr WONG Yuk-man	<u>Clause 15 (proposed Schedule 18)</u> <ul style="list-style-type: none"> - Administration's explanation that the new Schedule 18 specified PLBs to which the new requirement of mandatory installation of EDRD applied, and the Schedule was currently left blank. The Secretary for Transport and Housing might later amend the Schedule to specify those PLBs to which the new requirement of mandatory installation of EDRD would apply 	
011223 - 011748	Chairman Administration Mr WONG Yuk-man	<u>Clause 15 (proposed Schedule 19)</u> <ul style="list-style-type: none"> - Administration's indication that there were typos in sections 2 and 12 of the proposed Schedule 19 and it would move Committee Stage amendments (CSAs) on those sections 	

Time marker	Speaker	Subject(s)	Action required
011749 - 012134	Chairman Administration	<u>Clause 16</u>	
012135 - 012403	Chairman Administration Mr WONG Yuk-man	<u>Clause 17</u>	
012404 - 013054	Chairman Administration Mr WONG Yuk-man	<u>Clause 18</u> - Discussion on the Chinese expression "停定" under regulation 51(5A) - Discussion on how to prevent fake driver identity plate	
013055 - 013312	Chairman Administration	<u>Clauses 19 and 20</u>	
<i>Examination of the proposed CSAs (LC Paper No. CB(1)1153/11-12(02))</i>			
013313 - 013509	Chairman Administration Miss Tanya CHAN	<u>Clause 7</u> - Discussion on the numbering of subsections under the proposed new section 67A	
013510 - 013817	Chairman Administration	<u>Clause 8</u> - Administration's confirmation in response to the Chairman that both the Chinese and English versions of the proposed section 102I(7)(a) would be amended with a view to improving its readability	
013818 - 013836	Chairman Miss Tanya CHAN	<u>Clause 7</u> - Miss CHAN's indication that she would further study the proposed new section 67A with the Administration	
013837 - 014258	Chairman ALA8 Administration Miss Tanya CHAN	<u>Clause 12</u> - Request for the Administration to review the Chinese rendition of the term "make" in the proposed	Administration to provide information/response (paragraph 5 of minutes)

Time marker	Speaker	Subject(s)	Action required
		regulations 24B(10)(e) and 24C(10)(e) of the CMV Regulations	
014259 - 014430	Chairman Administration	- Discussion on the legislative timetable	The Clerk to prepare a report for submission to the House Committee

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Legislative Council Secretariat
15 June 2012