

## LEGISLATIVE COUNCIL BRIEF

Road Traffic Ordinance  
(Chapter 374)

### ROAD TRAFFIC (AMENDMENT) BILL 2018

#### INTRODUCTION

A At the meeting of the Executive Council on 23 January 2018, the Council ADVISED and the Acting Chief Executive ORDERED that the Road Traffic (Amendment) Bill 2018 (“the Bill”), at Annex A, should be introduced into the Legislative Council, to empower the Secretary for Transport and Housing (“STH”) to prescribe a validity period for driver identity plates for public service vehicles and to specify the validity period for taxi and public light bus (“PLB”) driver identity plates to be ten years.

#### JUSTIFICATIONS

##### Existing Requirements for Taxi or PLB Driver Identity Plates

B & C 2. At present, under regulation 51(1)(c), 51(5) and 51(5A) of the Road Traffic (Public Service Vehicles) Regulations (Cap. 374, Sub. Leg. D) (“the Regulations”) made under section 7(1) of the Road Traffic Ordinance (Cap. 374) (“the Ordinance”), a taxi or PLB driver is required to display a valid taxi driver identity plate or PLB driver identity plate in the vehicle when it is used for the carriage of passengers for hire or reward. The driver identity plates must comply with the requirements stipulated in regulation 51(6) and 51(7) of the Regulations. Relevant provisions of the Ordinance and the Regulations are extracted at Annexes B and C.

3. The statutory requirement on the display of taxi driver identity plates was introduced in 1994 as a measure to facilitate easy identification of taxi drivers and prosecution against malpractices. It also helps enhance the professional image of drivers and service quality. This arrangement was extended to PLB drivers in 2012 as one of a

package of measures to achieve better control and regulation of PLBs. Both taxi and PLB driver identity plates are issued by the authorised agents of the Transport Department (“TD”) (including dedicated LPG refilling stations, taxi and PLB associations, photo processing shops and driving schools) which operate processing centres in different districts for the production of the driver identity plates.

### **Existing Photo Requirement**

4. The existing law does not directly stipulate a validity period for the driver identity plates for taxi and PLB drivers, and the plates only show the date of issue. According to section 7(1)(j) of the Ordinance, STH may make regulations to provide for, inter alia, the display of driver identity plates on public service vehicles. Section 7(1) does not empower STH to make regulations to specify a validity period for the driver identity plates.

5. However, regulation 51(6)(d) of the Regulations stipulates that a taxi driver identity plate or a PLB driver identity plate must bear the driver’s photograph taken not earlier than 12 months before the day of display (“the 12-month photo requirement”). This 12-month photo requirement indirectly regulates the frequency of the renewal of the driver identity plates.<sup>1</sup> Under regulation 57(2) of the Regulations, any person who without reasonable excuse contravenes regulation 51(1), 51(5) or 51(5A) (including the 12-month photo requirement under regulation 51(6)(d)) commits an offence and is liable on conviction to a fine of \$2,000.

### **Improving the Operating Environment for the Trades**

6. There has been feedback from both taxi and PLB trades that updating the photo once every 12 months is unnecessary as the drivers are all adults. In fact, it costs \$10 to \$140<sup>2</sup> for each renewal of the driver

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<sup>1</sup> For instance, if a taxi driver identity plate or PLB driver identity plate was issued on 12 June 2015 (the date of which is shown on the driver identity plate), and assuming that the photograph was taken on that day, the driver identity plate would need to be renewed with a new photograph on 11 June 2016, because after 12 June 2016, the photograph would have been taken more than 12 months before the day of display.

<sup>2</sup> According to TD, some authorised agents charge a lower price as most of them are taxi or PLB associations which provide concessionary price for their members. Lower prices may also be offered if the order is in bulk (say a concessionary price for two or more driver identity plates to be made at the same time). Higher prices may be charged if the driver identity plate has to be produced in a short time.

identity plate with a new photograph. Such expenses incurred annually have unnecessarily increased the operating cost.

7. Having regard to the trades' feedback and making reference to the normal validity periods for driving licences and passports, we propose to relax the relevant requirement, i.e. cancelling the 12-month photo requirement. In future, taxi and PLB drivers will only be required to renew their respective driver identity plates once every ten years. The proposal is also one of the facilitation measures put forth in the report of the Government's Public Transport Strategy Study released in June 2017.

## **Proposed Legislative Amendments**

### ***Photo requirement***

8. Since the 12-month photo requirement will no longer apply, in order to ensure that a driver will not make use of a very old photograph for the taxi or PLB driver identity plate and to facilitate passengers' easy identification of the drivers, we propose to amend regulation 51(6)(d) to the effect that a taxi driver identity plate or a PLB driver identity plate should bear a recent photograph of the driver as at the date of issue<sup>3</sup>.

### ***Validity period***

9. As we will cancel the 12-month photo requirement, there is a need for a driver identity plate to have an expiry date for clarity, particularly as it is our intention that in future the driver identity plates be renewed on a ten-year basis. A clear expiry date would facilitate timely renewal and clear identification of the validity of the driver identity plates.

10. In order to achieve the above purpose, we propose (a) amending the Ordinance to empower the STH to make regulations to provide for the specification of a validity period for driver identity plates of public service vehicles; and (b) making consequential amendments to the Regulations to specify a validity period of ten years for taxi driver identity plates and PLB driver identity plates.

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<sup>3</sup> Other existing legislation which use the formulation of "recent photograph" include regulation 8 of the Radiation (Control of Irradiating Apparatus) Regulations (Cap. 303B), Bylaw 6 of the Hong Kong Yaumati Ferry Company By-laws (Cap. 104D), and section 5 of the Hong Kong Special Administrative Region Passports Ordinance (Cap. 539).

## **Transitional Arrangement**

11. The commencement date of the Bill is the expiry of three months beginning on the day on which it is published in the Gazette upon its passage by the Legislative Council. To tie in with the new arrangement, TD will specify by notice in the Gazette<sup>4</sup> a new design for taxi driver identity plates and PLB driver identity plates (on which both dates of issue and expiry will be printed) which will be applied to driver identity plates issued on or after the commencement date.

12. Driver identity plates issued before the commencement date of the Bill should continue to be subject to the old regulation which means that they remain valid for one year from the date of issue<sup>5</sup>.

## **THE BILL**

13. The main provisions of the Bill are set out as follows -

- (a) **Clause 3** of the Bill amends section 7 of the Ordinance to empower STH to make regulations to provide for the period for which driver identity plates for public service vehicles remain valid;
- (b) **Clause 4(5)** of the Bill adds a new sub-regulation (5B) to regulation 51 of the Regulations to specify ten years as the period for which taxi driver identity plates and PLB driver identity plates remain valid;
- (c) **Clause 4(6)** of the Bill adds a new paragraph (aa) to regulation 51(6) of the Regulations to provide that the driver identity plates displayed in taxis and public light buses must be valid;
- (d) **Clause 4(8) and (9)** of the Bill amends regulation 51(6) of the Regulations to revise the requirement relating to the driver's photograph on the driver identity plates and to require that the

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<sup>4</sup> Under Regulation 51(8) of the Regulations, such notice is not subsidiary legislation.

<sup>5</sup> For instance, assuming that the Bill comes into operation on 1 January 2019 and a driver identity plate is issued on 6 July 2018 with the old design specification, it will be valid until 5 July 2019, and when it is renewed on 6 July 2019, it will follow the new specifications and be valid for ten years until 5 July 2029.

date of issue and the date of expiry be shown on the driver identity plates; and

- (e) **Clause 5** of the Bill adds a transitional provision to the Regulations to provide that the revised requirements on driver identity plates do not apply to driver identity plates issued before the Amendment Ordinance comes into operation.

## **LEGISLATIVE TIMETABLE**

14. The legislative timetable will be as follows –

Publication in the Gazette	9 February 2018
First Reading and commencement of Second Reading debate	21 March 2018
Resumption of Second Reading debate, committee stage and Third Reading	To be notified

## **IMPLICATIONS OF THE PROPOSAL**

15. The Bill is in conformity with the Basic Law, including provisions concerning human rights. It has no economic, family, financial, civil service, sustainability, productivity, environmental or gender implications. The Bill will not affect the current binding effect of the Ordinance and its subsidiary legislation.

## **PUBLIC CONSULTATION**

16. On 16 June 2017, we briefed the Panel on Transport of the Legislative Council on the report of the Public Transport Strategy Study in which the proposal was included to extend the period before driver identity plates need to be replaced (“validity period”). Members did not express objection to the proposal.

17. In May and December 2017, TD briefed the taxi trade of the proposal to extend the validity period of the driver identity plates. The PLB trade was also briefed in December 2017. Both taxi and PLB

trades support the proposal.

## **PUBLICITY**

18. A press release will be issued on 9 February 2018. A spokesman will be available to handle public enquiries.

19. In order to ensure that the trades will get familiar with the transitional arrangement and the new requirement, TD will also prepare briefings for the trades in due course.

## **ENQUIRIES**

20. Any enquiries on this brief can be addressed to the following officer –

Ms Stella Lee  
Assistant Commissioner for Transport  
Telephone No.: 2829 5208

**Transport and Housing Bureau**  
**7 February 2018**

# A BILL

## To

Amend the Road Traffic Ordinance to empower the Secretary for Transport and Housing to make regulations to provide for the period for which driver identity plates for public service vehicles remain valid; to amend the Road Traffic (Public Service Vehicles) Regulations to specify the period for which taxi driver identity plates and public light bus driver identity plates remain valid and to revise the requirements relating to the display of the plates; and to provide for related matters.

Enacted by the Legislative Council.

### Part 1

#### Preliminary

**1. Short title and commencement**

- (1) This Ordinance may be cited as the Road Traffic (Amendment) Ordinance 2018.
- (2) This Ordinance comes into operation on the expiry of 3 months beginning on the day on which it is published in the Gazette.

**2. Enactments amended**

- (1) The Road Traffic Ordinance (Cap. 374) is amended as set out in Part 2.

- (2) The Road Traffic (Public Service Vehicles) Regulations (Cap. 374 sub. leg. D) are amended as set out in Part 3.

**Part 2****Amendments to Road Traffic Ordinance****3. Section 7 amended (regulation of public service vehicles)**

(1) Section 7(1)(j)—

**Repeal**

“identity plates of drivers,”.

(2) After section 7(1)(j)—

**Add**

“(ja) the period for which driver identity plates for public service vehicles remain valid and the display of the plates in the vehicles;”.

(3) Section 7(1A), English text—

**Repeal**

“identity plate,”

**Substitute**

“driver identity plate, driver identity”.

**Part 3****Amendments to Road Traffic (Public Service Vehicles) Regulations****4. Regulation 51 amended (notices and numbers to be displayed on certain public service vehicles)**

(1) Regulation 51, heading—

**Repeal**

“Notices and numbers”

**Substitute**

“Information”.

(2) Regulation 51(1), English text—

**Repeal**

“him”

**Substitute**

“the passenger”.

(3) Regulation 51(5), English text—

**Repeal**

“him”

**Substitute**

“the passenger”.

(4) Regulation 51, Chinese text—

**Repeal subregulation (5A)****Substitute**

“(5A) 當公共小巴為了(出於出租或取酬目的)讓乘客上車而停定時，或當公共小巴被用於(出於出租或取酬目的)



運載乘客時，司機須於該小巴內，用符合第(7)款的證件架，展示符合第(6)款的公共小巴司機證，而證件架及司機證均不得以任何形式遮蔽。”。

- (5) After regulation 51(5A)—

**Add**

“(5B) A driver identity plate referred to in this regulation is valid for 10 years from the date of issue.”.

- (6) Before regulation 51(6)(a)—

**Add**

“(aa) be a valid driver identity plate;”.

- (7) Regulation 51(6)(a)—

**Repeal**

“; and”

**Substitute a semicolon.**

- (8) Regulation 51(6)—

**Repeal paragraph (d)**

**Substitute**

“(d) bear the driver’s photograph that is recent as at the date of issue;

(da) show the date of issue and the date of expiry; and”.

- (9) Regulation 51(6)(e)—

**Repeal**

“and (d)”

**Substitute**

“, (d) and (da)”.

**5. Regulation 63 added**

After regulation 62—

**Add**

**“63. Transitional provisions relating to driver identity plates**

- (1) The pre-amended Regulations continue to apply to a driver identity plate issued before the commencement date as if the Amendment Ordinance had not been enacted.

- (2) In this regulation—

*Amendment Ordinance* (《修訂條例》) means the Road Traffic (Amendment) Ordinance 2018 ( of 2018);

*commencement date* (生效日期) means the date on which the Amendment Ordinance comes into operation;

*driver identity plate* (司機證) means a taxi driver identity plate or a public light bus driver identity plate referred to in regulation 51;

*pre-amended Regulations* (《未經修訂規例》) means these regulations as in force immediately before the commencement date.”.

### **Explanatory Memorandum**

The main purposes of this Bill are to amend the Road Traffic Ordinance (Cap. 374) (*Ordinance*) so that the Secretary for Transport and Housing (*Secretary*) is empowered to prescribe the period for which driver identity plates for public service vehicles remain valid, and to specify in the Road Traffic (Public Service Vehicles) Regulations (Cap. 374 sub. leg. D) (*Regulations*) the period for which taxi driver identity plates and public light bus driver identity plates remain valid.

2. Clause 1 sets out the short title and provides for commencement.
3. Clause 3(1) and (2) amends section 7 of the Ordinance to empower the Secretary to make regulations to provide for the period for which driver identity plates for public service vehicles remain valid.
4. Clause 4(5) adds a new subregulation (5B) to regulation 51 of the Regulations to specify 10 years as the period for which taxi driver identity plates and public light bus driver identity plates remain valid. Clause 4(6) adds a new paragraph (aa) to regulation 51(6) of the Regulations to provide that the driver identity plates displayed in taxis and public light buses must be valid. Clause 4(8) and (9) amends regulation 51(6) of the Regulations to revise the requirement relating to the driver's photograph on the plates and to require that the date of issue and the date of expiry must be shown on the plates.
5. Clause 5 adds a transitional provision to the Regulations to provide that the revised requirements on driver identity plates do not apply to driver identity plates issued before the Road Traffic (Amendment) Ordinance 2018 comes into operation.
6. Clauses 3(3) and 4(1), (2), (3), (4) and (7) make minor textual amendments to section 7 of the Ordinance and regulation 51 of the Regulations respectively.

**7. Regulation of public service vehicles**

- (1) The Secretary may make regulations to provide for — (*Amended 89 of 1994 s. 5; L.N. 106 of 2002; L.N. 130 of 2007; 6 of 2012 s. 2*)
  - (a) controlling the use of public service vehicles, their equipment and apparatus;
  - (b) the powers of authorized persons to regulate and control —
    - (i) the driving and use of public service vehicles; and
    - (ii) the conduct of persons using such vehicles including drivers, conductors, passengers and intending passengers;
  - (c) (*Repealed 89 of 1994 s. 5*)
  - (d) controlling or prohibiting the carriage of goods and dangerous items in public service vehicles;
  - (e) controlling or prohibiting the carriage of animals and birds in public service vehicles;
  - (f) the wearing of uniforms and insignia by drivers and other persons employed by owners or operators of public service vehicles;
  - (g) controlling the conduct of persons using or intending to use public service vehicles and persons employed by the owners or operators of public service vehicles;
  - (h) the designation and use of places where public service vehicles may stand or stop to pick up or set down passengers and the traffic signs and road markings pertaining thereto;
    - (i) (*Repealed 89 of 1994 s. 5*)
    - (j) the display of destination boards, identity plates of drivers, notices and advertisements on public service vehicles; (*Amended 90 of 1993 s. 2*)
  - (k) the control and disposal of property lost on public service vehicles;

- (l) the issue, by ballot or otherwise, amendment and cancellation of passenger service licences in respect of public buses, public light buses, private buses and school private light buses, and the review by a Transport Tribunal of any decision of the Commissioner to amend any such licence; (*Amended 36 of 1988 s. 2; 50 of 1999 s. 7*)
  - (m) the issue, refusal to issue and cancellation by the Commissioner of permits authorizing the use of private cars for the carriage of passengers for hire or reward, the limitation by him of the number of such permits that may be issued for any particular type of hire car service, and the review by a Transport Tribunal of any decision of the Commissioner to refuse to issue or to cancel any such permit; and
  - (n) generally carrying into effect the provisions of this Ordinance relating to public service vehicles.
- (1A) Regulations made under this section may empower the Commissioner to specify by notice published in the Gazette requirements as to—
- (a) the design, construction, size, colour and form of;
  - (b) without affecting the generality of paragraph (a), the size and colour of any letters or characters in; and
  - (c) the position in which to display,  
any destination indicator, identity plate, plate holder, notice, sign or insignia required for the purposes of such regulations.  
(*Added 54 of 1989 s. 2. Amended 90 of 1993 s. 2*)
- (1B) The Chief Executive in Council may make regulations to provide for the arrest and detention of persons who commit, or are suspected of having committed, offences under the regulations. (*Added 89 of 1994 s. 5. Amended 3 of 2002 s. 15*)
- (1C) The Chief Executive in Council may make regulations to provide for the fares which may be charged on any public service vehicles other than buses operated under a franchise granted under the Public Bus Services Ordinance (Cap. 230) and the fees which may be charged for the hire of a public service vehicle. (*Added 89 of 1994 s. 5. Amended 3 of 2002 s. 15*)

- (2) Where any regulation is made providing for the issue of hire car permits, the Commissioner may in his discretion—
- (a) in issuing any such permit, give priority to any person or class of persons;
  - (b) determine, in accordance with any such regulation, by lot any applications for the issue of such permits;
  - (c) limit the number of such permits which may be issued to any person or class of persons.

**51. Notices and numbers to be displayed on certain public service vehicles**

- (1) When a taxi is standing or plying for hire the driver shall, subject to subregulation (1A), display so as to be clearly visible to any passenger travelling in the taxi and legible to him— (*L.N. 374 of 1989*)
  - (a) a table showing in English and in Chinese characters the scale of fares chargeable in respect of the use of the taxi;
  - (b) the registration mark of the vehicle; and
  - (c) a taxi driver identity plate in a holder. (*L.N. 62 of 1994*)
- (1A) A table referred to in subregulation (1) shall be of a design and construction and displayed in such position in the taxi as specified by the Commissioner by notice published in the Gazette. (*L.N. 374 of 1989; L.N. 62 of 1994*)
- (2) The licensee in respect of a public light bus shall ensure that there is displayed on a plate inside the vehicle the registration mark of the vehicle.
- (3) The owner of a taxi or a public light bus shall ensure that there is displayed on the taxi or the public light bus, so as to be clearly visible at all times of the day and night to any passenger who is required by regulation 7A or 7B of the Road Traffic (Safety Equipment) Regulations (Cap. 374 sub. leg. F) to wear a seat belt, a notice which shall meet the requirements of Schedule 8. (*L.N. 38 of 1989; L.N. 162 of 2000*)
- (4) No person shall drive a taxi or a public light bus when it is being used for the carriage of passengers for hire or reward unless there is displayed on the taxi or the public light bus a notice required to be displayed in accordance with subregulation (3). (*L.N. 38 of 1989*)

- (5) No person shall drive a taxi when it is being used for the carriage of passengers for hire or reward unless there is displayed in the taxi, so as to be clearly visible to any passenger travelling in the taxi and legible to him, a taxi driver identity plate in a holder, both of which comply with the requirements of subregulations (6) and (7). (*L.N. 62 of 1994*)
- (5A) When a public light bus is standing for the purpose of picking up passengers, or being used for the carriage of passengers, for hire or reward, the driver must display in it a public light bus driver identity plate that complies with subregulation (6) in a holder that complies with subregulation (7) and neither of which is in any way obscured. (*6 of 2012 s. 18*)
- (6) The driver identity plate referred to in subregulations (1)(c), (5) and (5A) must— (*6 of 2012 s. 18*)
- (a) be of the size, design, form and construction, and displayed in the position in the taxi or public light bus, as specified by the Commissioner by notice in the Gazette; and (*6 of 2012 s. 18*)
  - (b) show—
    - (i) in the case of a taxi driver identity plate, the captions “TAXI DRIVER IDENTITY PLATE” and “的士司機證”; or
    - (ii) in the case of a public light bus driver identity plate, the captions “PUBLIC LIGHT BUS DRIVER IDENTITY PLATE” and “公共小巴司機證”; (*6 of 2012 s. 18*)
  - (c) show the driver’s full name as shown in his identity card in English and, where appropriate, in Chinese;
  - (d) bear the driver’s photograph taken not earlier than 12 months before the day of display; and
  - (e) not show or bear any thing or matter that is not specified in paragraphs (b), (c) and (d) or that is not in accordance with the form specified under paragraph (a). (*L.N. 62 of 1994*)
- (7) The holder referred to in subregulations (1)(c), (5) and (5A) must— (*6 of 2012 s. 18*)
- (a) be of the size, design and construction, and displayed in the position in the taxi or public light bus, as specified by the Commissioner by notice in the Gazette; and

- (b) show the registration mark of the taxi or public light bus.  
*(L.N. 62 of 1994; 6 of 2012 s. 18)*
- (8) A notice under subregulation (6) or (7) is not subsidiary legislation. *(6 of 2012 s. 18)*
- (L.N. 62 of 1994; E.R. 2 of 2012)*