

# 立法會

## *Legislative Council*

LC Paper No. LS45/17-18

### **Paper for the House Committee Meeting on 23 March 2018**

#### **Legal Service Division Report on Road Traffic (Amendment) Bill 2018**

#### **I. SUMMARY**

##### **1. The Bill**

The Bill seeks to amend:

- (a) the Road Traffic Ordinance (Cap. 374) 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; and
- (b) the Road Traffic (Public Service Vehicles) Regulations (Cap. 374D) to specify the period for which taxi driver identity plates and public light bus ("PLB") driver identity plates remain valid and to revise the requirements relating to the display of the driver identity plates.

##### **2. Public Consultation**

According to the Legislative Council Brief, the Administration briefed the taxi trade on the legislative proposal in May and December 2017. The Administration also briefed the PLB trade in December 2017. Both the taxi and PLB trades supported the proposal.

##### **3. Consultation with LegCo Panel**

As advised by the Clerk to the Panel on Transport, the Panel was briefed on 16 June 2017 on the report of the Public Transport Strategy Study in which the Administration's plan to formulate a legislative proposal to extend the validity period of taxi and PLB driver identity plates was mentioned. Members of the Panel did not raise any concern on the proposal.

##### **4. Conclusion**

No difficulties have been identified in the legal and drafting aspects of the Bill. Members may wish to consider whether a Bills Committee should be set up to study the policy aspects of the Bill.

## **II. REPORT**

The date of First Reading of the Bill is 21 March 2018. Members may refer to the Legislative Council ("LegCo") Brief (File Ref.: THB(T)L 3/3/5) issued by the Transport and Housing Bureau on 7 February 2018 for further details.

### **Object of the Bill**

2. The Bill seeks to amend:

- (a) the Road Traffic Ordinance (Cap. 374) to empower the Secretary for Transport and Housing ("STH") to make regulations to provide for the period for which driver identity plates for public service vehicles (i.e. any motor vehicle registered as a public bus, public light bus ("PLB") or taxi, or as a private car in respect of which a hire car permit is in force) remain valid; and
- (b) the Road Traffic (Public Service Vehicles) Regulations (Cap. 374D) to specify the period for which taxi driver identity plates and PLB driver identity plates remain valid and to revise the requirements relating to the display of the driver identity plates.

### **Background**

3. At present, under section 7(1)(j) of Cap. 374, STH may make regulations to provide for, among others, the display of identity plates of drivers on public service vehicles. Section 7(1)(j) does not empower STH to make regulations to specify a validity period for the driver identity plates. Regulations 51(1)(c), 51(5) and 51(5A) of Cap. 374D, made under section 7(1) of Cap. 374, require a taxi or a PLB driver to display a valid taxi driver identity plate or a PLB driver identity plate in the vehicle when it is used for the carriage of passengers for hire or reward, but the identity plate does not stipulate its validity period. In practice, however, given the requirement in regulation 51(6)(d) of Cap. 374D, which provides 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"), the relevant driver identity plate has to be renewed every 12 months. Under regulation 57(2) of Cap. 374D, any person who without reasonable excuse contravenes any of the above requirements commits an offence and is liable on conviction to a fine of \$2,000.

4. According to paragraphs 6 and 7 of the LegCo Brief, there has been feedback from both taxi and PLB trades that updating the photograph once every 12 months has increased the operating cost and is unnecessary as the drivers are all adults. Having regard to the trades' feedback and making reference to the normal validity periods for driving licences and passports, the Administration considers it appropriate to cancel the 12-month photo requirement and to propose necessary amendments to Cap. 374 and Cap. 374D.

### **Provisions of the Bill**

#### Amendments to the Road Traffic Ordinance (Cap. 374)

5. The Bill seeks to, among other things, add a new section 7(1)(ja) to Cap. 374 to empower STH to make regulations to provide for the period for which driver identity plates for public service vehicles remain valid.

#### Amendments to the Road Traffic (Public Service Vehicles) Regulations (Cap. 374D)

6. The Bill seeks to amend Cap. 374D to, among other things:
- (a) specify 10 years from the date of issue as the period for which a taxi driver identity plate and a PLB driver identity plate remain valid;
  - (b) provide that the driver identity plates displayed in taxis and PLBs must be valid;
  - (c) provide that a taxi driver identity plate or a PLB driver identity plate must bear the driver's photograph that is recent as at the date of issue to the effect that the 12-month photo requirement would no longer apply; and
  - (d) provide that the date of issue and the date of expiry must be shown on a taxi driver identity plate and a PLB driver identity plate.

#### Transitional provisions

7. The Bill also provides for transitional arrangements as set out in the new regulation 63 of Cap. 374D to the effect that if the Bill is passed, the revised requirements on driver identity plates would not apply to driver identity plates issued before the enacted Ordinance comes into operation.

## **Commencement**

8. The Bill, if passed, would come into operation on the expiry of three months beginning on the day on which the enacted Ordinance is published in the Gazette.

## **Public Consultation**

9. According to paragraph 17 of the LegCo Brief, the Administration briefed the taxi trade on the legislative proposal in May and December 2017. The Administration also briefed the PLB trade in December 2017. Both the taxi and PLB trades supported the proposal.

## **Consultation with LegCo Panel**

10. As advised by the Clerk to the Panel on Transport, the Panel was briefed on 16 June 2017 on the report of the Public Transport Strategy Study in which the Administration's plan to formulate a legislative proposal to extend the validity period of taxi and PLB driver identity plates was mentioned. Members of the Panel did not raise any concern on the proposal.

## **Conclusion**

11. No difficulties have been identified in the legal and drafting aspects of the Bill. Members may wish to consider whether a Bills Committee should be set up to study the policy aspects of the Bill.

Prepared by

CHUI Ho-yin, Alvin  
Assistant Legal Adviser  
Legislative Council Secretariat  
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