

立法會
Legislative Council

LC Paper No. CB(1)2085/99-00
(These minutes have been seen
by the Administration and
cleared with the Chairman)

Ref: CB1/BC/4/99/2

Bills Committee on
Road Traffic Legislation (Amendment) Bill 1999
Meeting on
Monday, 5 June 2000, at 8:30 am
in Conference Room B of the Legislative Council Building

Members present : Hon David CHU Yu-lin (Chairman)
Hon CHAN Wing-chan
Hon Mrs Miriam LAU Kin-ye, JP
Hon Andrew CHENG Kar-foo
Dr Hon TANG Siu-tong, JP

Members absent : Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, JP
Hon HUI Cheung-ching
Hon LAU Kong-wah

Public officers attending : Miss Margaret FONG
Deputy Secretary for Transport

Mr Brian LO
Principal Assistant Secretary for Transport

Mr Thomas THUMB
Assistant Commissioner for Transport/Technical Services

Mr William TANG
Chief Superintendent of Police, Traffic

Mr Allen LAI
Government Counsel

Clerk in attendance : Mr Andy LAU
Chief Assistant Secretary (1)2

Staff in attendance : Mr LEE Yu-sing
Senior Assistant Legal Adviser

Ms Alice AU
Senior Assistant Secretary (1)5

Action

I. Meeting with the Administration

(LC Paper No. CB(1)1750/99-00(01) - Information paper provided by the Administration)

At the invitation of the Chairman, the Deputy Secretary for Transport (DS for T) took members through the Administration's response to the issues raised by members at the last meeting, as set out in the information paper circulated vide LC Paper No. CB(1)1750/99-00(01).

2. Noting the accident statistics presented in Annex A to the paper, members were generally in support of the Administration's proposal to introduce a probationary driving licence scheme to regulate inexperienced drivers of motor cycles and motor tricycles.

3. Concerning about the particularly high accident involvement rate of inexperienced motorcyclists aged 20 or below (26.7%), Dr TANG Siu-tong asked whether consideration had been given to raising the age limit for applying a driving licence to drive motor cycles. DS for T replied that under the existing legislation, the minimum age requirement for all types of driving licences was 18. However, the Administration would examine the member's suggestion and solicit legal advice on its human rights implications. If any change was considered necessary, the matter could be followed up in the next legislative session.

4. As for the two suggestions made by some members at the last meeting, i.e. extending the probationary driving licence scheme to drivers of private cars and light goods vehicles and imposing a maximum speed limit on public light bus (PLB), DS for T stated that the Administration did not agree that these subjects should be pursued in the context of the Road Traffic Legislation (Amendment) Bill 1999 (the Bill). Members agreed to focus their discussion on the policy issues involved.

Extension of the proposed scheme to drivers of private cars and light goods vehicles

5. Mr CHENG Kar-foo referred to his suggestion to extend the proposed scheme to drivers of private cars and light goods vehicles and pointed out it was necessary on the grounds of ensuring public safety. Having regard to overseas experience and in

considering the upward increase of the accident involvement rates for inexperienced drivers of private cars and light goods vehicles in 1999, he considered that the legislative proposal could not bring about a total solution if the probationary driving licence scheme was not extended to inexperienced drivers of private cars and light goods vehicles.

6. In reply, DS for T emphasized that given the significantly higher accident involvement rate of inexperienced motorcyclists in Hong Kong as indicated by the relevant statistics in Annex A to the paper, the Administration took the view that there was indeed an urgent need to introduce a probationary driving licence system for this category of drivers. Sharing members' concern about enhancing road safety, the Administration would continue to closely monitor the accident involvement rates of inexperienced drivers of other types of vehicles. If considered necessary, the scope of the scheme could be extended in future.

7. Mrs Miriam LAU said that she did not support the suggestion of extending the scope of the scheme in the context of the Bill as she was not convinced that there was any justification for its need given the lower accident involvement rates of inexperienced drivers of other types of vehicles. Moreover, as a significantly higher number of drivers would be affected, its implications would have to be carefully examined first.

8. Echoing Mrs LAU's views, the Chairman said that extensive consultation would have to be conducted before the idea could be taken forward and the proposed scheme should not be delayed as a result. Moreover, even if the scheme was to be extended, different restrictions might have to be applied as other types of vehicles were substantially different from motor cycles and motor tricycles. His views were shared by Mr CHAN Wing-chan who opined that the probationary driving licence scheme should only be extended if there were strong justifications.

9. Mr CHENG Kar-foo however maintained his views. Considering that no particular public consultation had been conducted for the Bill, he did not agree that there was a need for another round of consultation on his proposal to extend the scheme. He informed the meeting that if the suggestion was not supported by the Bills Committee, he would move the relevant Committee Stage amendments (CSAs) on behalf of the Democratic Party.

Imposing a maximum speed limit on public light bus

10. Responding to some members' suggestion to impose a maximum speed limit on PLB, DS for T stated that as the aim of the Bill was to address the high accident involvement rate of inexperienced drivers of motor cycles through the introduction of a probationary driving licence scheme, the Administration considered that the speeding problem of PLB was a separate issue that should be pursued outside the context of the proposed Bill. When the subject matter was previously discussed by the Panel on Transport, the Administration had already indicated that a proactive

approach was adopted to tackle the problem and a series of measures was being implemented.

11. Mrs Miriam LAU stated that she did not support the idea of imposing a maximum speed limit on PLB. She opined that PLB should not be subject to the same restriction as medium goods vehicle, heavy goods vehicle and bus because the maximum speed limit of 70 km/h was imposed out of the consideration of the weight and construction of the vehicles in order to minimize their safety risks of travelling at high speed particularly on roads with bends. Acknowledging grave concern from the public on the matter, she urged the Administration to strengthen enforcement actions against the offending PLB drivers.

12. Mr CHENG Kar-foo remarked that a more open attitude should be adopted by members in considering his proposal on imposing a maximum speed limit on PLB. He was not convinced that there were reasonable grounds to exclude PLB from the maximum speed restriction, taking into account the substantial number of passengers carried by PLB and the policy objective of enhancing road safety. As such, he would consider moving a CSA to this effect.

13. In response, Mrs LAU stressed that she would welcome any proposal that could help enhance road safety. However, each proposal should be carefully considered on its own merits, taking into account the views expressed by the public and all interested parties. As representative of the Transport constituency in the Legislative Council, she said that the trade would certainly support any reasonable and justified proposals for improving road safety.

14. Responding to Mr CHENG's question, DS for T stressed that there was no policy to exclude PLB from regulation. It was only that under the existing legislation, vehicles over 5.5 tones (buses, medium and heavy goods vehicles) were subject to a maximum speed limit of 70 km/h. Sharing public concern on the problem of speeding of PLB, the Administration would examine the feasibility of imposing a maximum speed limit on light buses. It was hoped that given more time to conduct extensive consultation, a comprehensive plan could be proposed to tackle the problem. She assured members that when the plan was ready, the public, the trade and the Panel on Transport would be consulted.

Clause-by-clause examination

15. Members then proceeded to clause-by-clause examination on the Bill and their deliberations on the drafting provisions were summarized below.

Clause 1 - Short title and commencement

16. DS for T informed members that the Administration proposed to move a CSA to clause 1(2) to the effect that the probationary driving licence scheme would be implemented on 1 October 2000. Members noted and agreed to the proposed amendment.

Clause 4 - Applications for full driving licences

17. DS for T explained that clause 4 contained technical amendments to regulation 10(3) of the Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg.) so as to make it clear that a medical certificate required under the provision for the granting of a full driving licence to drive any class of motor vehicles to an applicant who was 70 years of age or more should be issued within 4 months before his application.

18. Considering that such an amendment was proposed for the purpose of enhancing road safety by imposing restriction on a certain category of drivers, Mr CHENG Kar-foo said that he was not convinced that this amendment was purely technical in nature. Given the Administration's stance that the Bill was only related to the introduction of a probationary driving licence scheme for inexperienced drivers of motor cycles and motor tricycles, he queried the validity of including such an amendment in the Bill.

19. DS for T replied that the requirement was applicable to other types of driving licences as well as the new probationary driving licence for inexperienced motorcyclists. In proposing legislative amendments, the Administration would always take the opportunity to make technical amendments to the existing legislation where necessary. However, such amendments would have to be relevant to the subject matter of the bill. In the present case, the objective of the technical amendments concerned was to give legal effect to an administrative practice currently adopted.

Clause 6 - Regulations added

20. Noting that under the new regulation 12I of the Road Traffic (Driving Licences) Regulations, a probationary driving licence would be cancelled if the licence holder had been convicted of two or more offences listed in the Twelfth Schedule, Mrs Miriam LAU was concerned that the proposed penalty might be too severe, taking into account that it would be quite likely for a driver to commit two or more minor traffic offences in one single incident.

21. In response, DS for T pointed out that in order to deter inexperienced drivers from violating the restrictions or committing any other traffic offences listed in the Twelfth Schedule, there was a need to impose a heavier penalty in the circumstances. Under the existing legislation, the offences referred to in the Twelfth Schedule would include such serious offences as speeding in excess of 30 km/h.

Part IV - Amendment of Fixed Penalty (Criminal Proceedings) Ordinance

22. DS for T informed members that the Administration proposed to move a consequential amendment to amend the Schedule to the Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240 sub. leg.) so as to set out the new offences punishable by fixed penalties arising from the Bill.

23. No particular questions were raised by members on other drafting provisions.

24. Concluding deliberation on the Bill, the Chairman said that the Bills Committee raised no objection to the Administration's proposal to implement the probationary driving licence scheme for motorcyclists on 1 October 2000. The Chairman then drew the attention of members to the legislative timetable and reminded members that the deadline for giving notice of amendments, if any, on the Bill would be 16 June 2000. Members agreed that the Bills Committee would make a verbal report to the House Committee at its meeting on 9 June 2000 and recommend that the Second Reading debate of the Bill to resume on 26 June 2000.

II. Any other business

25. There being no other business, the meeting ended at 9:40 am.

Legislative Council Secretariat
29 September 2000