

立法會
Legislative Council

LC Paper No. CB(1)2084/99-00
(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
Tuesday, 30 May 2000, at 2:30 pm
in Conference Room B of the Legislative Council Building**

- Members present** : Hon David CHU Yu-lin (Chairman)
Ir Dr Hon Raymond HO Chung-tai, JP
Hon HUI Cheung-ching
Hon LAU Kong-wah
Hon Andrew CHENG Kar-foo
Dr Hon TANG Siu-tong, JP
- Members absent** : Hon Albert HO Chun-yan
Hon CHAN Wing-chan
Hon Mrs Miriam LAU Kin-yee, JP
- Public officers attending** : 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 Sunny CHAN
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

Relevant papers:

- (a) the Bill circulated under LC Paper No. CB(3)263/99-00 on 26 November 1999;
- (b) the Legislative Council Brief issued by the Transport Bureau (Ref: TRAN 3/07/20 Pt. 4) on 24 November 1999;
- (c) the Legal Service Division Report issued under LC Paper No. LS43/99-00 dated 15 December 1999; and
- (d) marked-up copy of the Bill circulated under LC Paper No. CB(1)1649/99-00 on 23 May 2000.

At the invitation of the Chairman, the Principal Assistant Secretary for Transport (PAS for T) briefed members on the probationary driving licence scheme for inexperienced motorcyclists proposed under the Road Traffic Legislation (Amendment) Bill 1999 (the Bill). He explained that under the existing Road Traffic (Driving Licences) Regulations (Cap. 374, sub. leg.), a person who had passed a driving test might apply for a full driving licence. However, in view of the high accident rate of inexperienced drivers of motor cycles and motor tricycles, the Administration proposed that a person who had passed a motor cycle driving test be first issued with a probationary driving licence. The probationary driving period was 12 months. During the period, an inexperienced motor cycle and motor tricycle driver was subject to various restrictions prescribed in the Bill and he would be –

- (a) required to display a "P" plate at the front and rear of the motor cycle or tricycle;
- (b) prohibited to carry any passenger;
- (c) prohibited to drive at a speed of more than 70 km/h; and
- (d) prohibited to drive on the offside lane of an expressway unless certain conditions existed.

The probationary driving period would be extended for 6 months if the inexperienced driver was convicted of a traffic offence listed in the proposed Twelfth Schedule, including the above restrictions and certain traffic offences which carried less than 10 driving-offence points such as careless driving, failing to comply with traffic signals, crossing double white lines, speeding, etc. In supplement, PAS for T advised that the proposed scheme had already incorporated the views and suggestions put forward by

Members of the Transport Panel when it was consulted on the original proposal in December 1998.

2. Having reviewed the road traffic accident statistics in Hong Kong for the past few years and noticed that the accident involvement rate of inexperienced motorcyclists had remained at a high level, members generally welcomed the Administration's proposal to introduce a probationary driving licence scheme for inexperienced drivers of motor cycles and motor tricycles. They considered the proposed arrangement would enable these inexperienced drivers to gain more road experience under a more restrictive and hence, safer driving environment before being granted a full driving licence. In order to further enhance road safety, some members also suggested that the proposed scheme should be extended to cover drivers of private cars and light goods vehicles and a maximum speed limit should be imposed on public light bus. Deliberations of the Bills Committee were summarized below.

3. In reply to Dr TANG Siu-tong's enquiry, PAS for T stated that according to the proposed scheme, a probationary driving licence would be cancelled if the holder had more than once been convicted of an offence in the proposed Twelfth Schedule, or convicted of 2 or more offences in the said Schedule.

4. Responding to a further question from Dr TANG on the human rights implications of the Bill, PAS for T confirmed that according to the Department of Justice, the proposed legislative amendments were consistent with the provisions of the Hong Kong Bill of Rights Ordinance (Cap. 383).

5. Mr HUI Cheung-ching was concerned about the penalty for probationary motorcyclists who violated the proposed restrictions. PAS for T replied that in addition to the extension of probationary driving period and cancellation of the probationary driving licence, the probationary motorcyclist would also be subject to pecuniary penalties, imprisonment sentence for conviction of traffic offences, and the Driving-Offence Points system as provided under the existing road traffic legislation.

6. While stating support for the Bill, Ir Dr Raymond HO pointed out that some probationary motorcyclists might repeatedly violate serious traffic offences during different probationary periods and he opined that consideration might be given to imposing a moratorium, say 6 or 12 months, on those motorcyclists for applying and retaking the Road Test after their probationary driving licences were cancelled. His view was shared by Dr TANG Siu-tong. In response, PAS for T said that if probationary motorcyclists were convicted of a serious traffic offence such as drink-driving during the probationary period, their probationary driving licences would be cancelled immediately. If a moratorium was imposed, it might constitute double penalty and this would not be in line with existing practice. Notwithstanding the explanation given, Ir Dr Raymond HO suggested that measures should be taken by the Government to deal with repeated offenders while holding probationary driving licences. His view was noted by the Administration.

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

7. In view of the upward increase of the accident involvement rates for inexperienced drivers of private cars and light goods vehicles in 1999, Mr CHENG Kar-foo stated on behalf of the Democratic Party that the proposed scheme should be extended to cover drivers of those two types of vehicles. Given that the legislative intent was to provide a safer driving environment for inexperienced drivers for road safety purposes, he considered that it would be within the scope of the amendment Bill.

8. In response, PAS for T pointed out that an analysis of the road traffic accidents in Hong Kong in the past five years (1995-1999) revealed that motorcyclists had a much higher accident involvement rate (an average of 21 per 1 000 drivers) than those of private cars and light goods vehicles (6.4 and 3.7 per 1 000 drivers respectively). Among motorcyclists, inexperienced drivers (i.e. those with less than one year of driving experience) had an accident involvement rate of about 5 times that of experienced drivers. For private cars and light goods vehicles, the accident involvement rates of inexperienced drivers were 1.8 and 1.9 times higher than those of experienced drivers respectively. Given the significantly higher accident involvement rate of inexperienced motorcyclists in Hong Kong, the Administration therefore proposed to introduce a probationary driving licence system for inexperienced drivers of motor cycles and motor tricycles as a matter of priority. PAS for T stressed that the Administration would closely monitor the accident involvement rates of inexperienced drivers of other types of vehicles and the results of the probationary driving licence scheme for motorcyclists when considering the need for extending the scheme to other types of vehicles in future.

9. Sharing Mr CHENG Kar-foo's views, Ir Dr Raymond HO opined that public safety should always take precedence over any inconvenience that might be caused to new drivers. Furthermore, he said that he did not accept the Administration's rationale of using accident involvement rate as the sole criteria for selecting the types of vehicles to be regulated. Citing similar schemes adopted in Australia and Singapore where newly-qualified drivers of other types of vehicles were also issued with probationary licences, he queried whether it meant that the accident involvement rates of those new drivers were all very high. While re-stating the Administration's position in this matter, PAS for T undertook to provide the accident statistics for inexperienced motorcyclists, private car and light goods vehicle drivers in Australia and Singapore to members for information.

Admin.

(Post-meeting note: The relevant information was subsequently circulated to members vide LC Paper No. CB(1)1750/99-00(01).)

10. The Chairman opined that given the tight legislative timetable, it might not be desirable to take up Mr CHENG's proposal in the context of the Bill as it would not be possible to conduct extensive and meaningful consultation within such a short time. He considered that the proposal to extend the probationary driving licence scheme to cover drivers of private cars and light goods vehicles should be pursued separately,

taking into account the trend of the accident involvement rates of private cars and light goods vehicles and the views of the affected parties.

11. Mr CHENG remained unconvinced and he pointed out that the idea to introduce a probationary driving licence scheme for drivers of private cars and light goods vehicles had already been put to the Administration for consideration when the Transport Panel was consulted in 1998 on the probationary driving licence scheme for motorcyclists. As such, he could not accept that his proposal should be withheld, pending another round of consultation.

(The Chairman left at this juncture and Mr HUI Cheung-ching took over the chair.)

Admin. 12. In view of the much higher accident involvement rate of inexperienced motorcyclists, Mr LAU Kong-wah agreed with the Administration that the probationary driving licence scheme should first be implemented for motorcyclists. However, he was more concerned about tackling the problem at root and he suggested that the Administration should examine the reasons for such a high accident involvement rate which might be attributable to factors such as the relatively younger age of learner motorcyclists or the training, testing and licensing scheme run by the Hong Kong School of Motoring. At Mr LAU's request, PAS for T agreed to examine the issues raised and to provide a breakdown of the accident statistics for inexperienced motorcyclists, private cars and light goods vehicles drivers by age.

(Post-meeting note: The requested information was subsequently circulated to members vide LC Paper No. CB(1)1750/99-00(01).)

Imposing a maximum speed limit on public light bus

13. Referring to Clause 2 of the Bill which sought to amend section 40 of the Road Traffic Ordinance (Cap. 374) so that the holder of a probationary driving licence would be prohibited to drive at a speed above 70 km/h, Mr CHENG Kar-foo suggested that the Bill should be amended to impose a maximum speed limit on public light bus (PLB) as well. He was of the view that there was no reasonable grounds to exclude PLB from the said restriction, taking into account the substantial number of passengers carried by PLB and the policy objective of enhancing road safety.

14. In reply, PAS for T explained that the aim of the Bill was to address the high accident involvement rate of inexperienced drivers of motorcyclists through the introduction of a probationary driving licence scheme and the speeding problem of PLB would indeed be a separate issue. Pursuant to discussions held with the Panel on Transport, a series of measures had already been implemented to tackle the problem. On the understanding that Members of the Panel had yet to reach a consensus view on the imposition of a maximum speed limit on PLB, the Administration was actively looking into major questions involved, such as the feasibility and desirability of the proposal, as well as the speed limit to be imposed. As such, the Administration took the view that it would be more appropriate to follow up the subject matter separately. PAS for T also assured members that the public, the trade and the Panel on Transport

would be consulted before any decision was taken.

15. Responding to Mr CHENG's query about the rationale behind the imposition of a maximum speed limit on medium goods vehicle, heavy goods vehicle and bus, PAS for T clarified that the restriction was required for road safety purposes, taking into account the weight and construction of the vehicles concerned. The Administration took the view that in order to ensure the stability and safety of vehicles, heavy vehicles exceeding 5.5 tonnes or double deckers carrying standing passengers on lower compartments should not be allowed to travel at high speed particularly on roads with bends.

16. Mr CHENG Kar-foo did not accept the Administration's stance as he considered that from the point of view of enhancing road safety, his proposal would have the overwhelming support of the general public. He was disappointed that the Administration had failed to take up the opportunity presented by the Bill to tackle a major road safety problem. In this connection, he sought advice from the Senior Assistant Legal Adviser (SALA) as to whether a Committee Stage amendment (CSA) could be moved by members to introduce a speed limit restriction on PLB. SALA replied that under the Rules of Procedure, CSAs had to be within the scope and relevant to the subject matter of the bill. Given that this Bill was related to the probationary driving licence of motorcyclists, he was of the view that a CSA to impose a speed limit restriction on PLB might not be within the scope of or relevant to the Bill. Nevertheless, it was ultimately a matter for the President of the LegCo to rule when Members proposed the CSAs.

Admin. 17. At the request of the presiding member, PAS for T agreed to provide a further response to members' views and suggestions put forward at the meeting. In this connection, Mr CHENG informed the meeting that subject to the Administration's response, he would consider moving CSAs to give effect to his proposals for the purpose of enhancing road safety.

(Post-meeting note: The Administration's response was subsequently circulated to members vide LC Paper No. CB(1)1750/99-00(01).)

18. Members agreed that the Bills Committee would continue discussion on outstanding issues and proceed to clause-by-clause examination of the Bill at the next meeting scheduled for 5 June 2000.

II. Any other business

19. There being no other business, the meeting ended at 3:35 pm.