

立法會
Legislative Council

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**Paper for the House Committee meeting
on 16 June 2000**

**Report of the Bills Committee
on Road Traffic Legislation (Amendment) Bill 1999**

Purpose

This paper reports on the deliberations of the Bills Committee on Road Traffic Legislation (Amendment) Bill 1999 (the Bill).

The Bill

2. Under the Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg.), a person who has passed a driving test may apply for a full driving licence. In view of the high accident rate of inexperienced drivers of motor cycles and motor tricycles, the Administration is proposing that a person who has passed a motor cycle driving test be first issued with a probationary driving licence. The probationary driving period is 12 months. During the period, an inexperienced motor cycle and motor tricycle driver is subject to various restrictions prescribed in the Bill. He is –

- 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 exist.

The probationary driving period will be extended for 6 months if the inexperienced driver is convicted of a traffic offence listed in the proposed Twelfth Schedule, including the above restrictions and certain traffic offences which carry less than 10 driving-offence points such as careless driving, failing to comply with traffic signals, crossing double white lines, speeding, etc. There are also provisions in the Bill for the cancellation of a probationary driving licence if the holder has more than once been convicted of an offence in the said Schedule, or convicted of 2 or more offences in the said Schedule.

The Bills Committee

3. The House Committee agreed at its meeting on 17 December 1999 to form a Bills Committee to study the Bill. The Bills Committee first met on 30 May 2000 and Hon David CHU was elected Chairman. The membership list of the Bills Committee is in **Appendix I**. The Bills Committee has held a total of three meetings including two with the Administration.

Deliberations of the Bills Committee

4. The Bills Committee has reviewed the 1995-1999 road traffic accident statistics in Hong Kong, and noticed that the accident involvement rate of inexperienced motorcyclists has remained at a high level. Members of the Bills Committee welcome the Administration's proposal to introduce a probationary driving licence scheme for inexperienced drivers of motor cycles and motor tricycles. They consider the proposed arrangement will enable these inexperienced drivers to gain more road experience under a more restrictive, hence, safer driving environment before being granted a full driving licence.

5. The Bills Committee has examined the various restrictions imposed on probationary drivers of motor cycles and motor tricycles, particularly the maximum speed limit of 70 km/h and the requirement to travel on the offside (fast) lane on expressways with three lanes or more. Members of the Bills Committee consider the various restrictions reasonable and appropriate, taking into account similar restrictions imposed on other classes of vehicles under the road traffic legislation.

6. The Bills Committee notes that the probationary driving licence of an inexperienced driver will be cancelled if he committed, during the probationary period, 2 or more offences listed in the Twelfth Schedule. Concern has been raised as to whether the proposed penalty is too severe, taking into account the possibility of committing two or more minor offences listed in the Twelfth Schedule in one single incident. The Administration has pointed out to members that in order to deter inexperienced drivers from violating the restrictions or committing any other traffic offences listed in the Twelfth Schedule, there is a need to impose a heavier penalty in the circumstances. Under the existing legislation, the offences referred to in the Twelfth Schedule include such serious offences as speeding in excess of 45 km/h or crossing double white lines, etc.

Extension of the Scheme to drivers of private cars and light goods vehicles

7. The Bills Committee notes that Australia and Singapore also adopt a probationary driving licence system. Singapore imposes a probationary period of 12 months on all newly qualified drivers while in Australia, the 12-month probationary period only applies to new drivers of private cars and motorcyclists.

8. 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, some members suggest that the probationary driving licence scheme for drivers of motor cycles and motor tricycles should be extended to cover drivers of private cars and light goods vehicles. This is also in line with the intent of the Bill which seeks to provide a safer driving environment for inexperienced drivers for road safety purposes.

9. In reply, the Administration has pointed out to members 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 1000 drivers) than those of private cars and light goods vehicles (6.4 and 3.7 per 1000 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 proposes to introduce a probationary driving licence system for inexperienced drivers of motor cycles and motor tricycles as a matter of priority. 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.

10. The majority of the members of the Bills Committee share the Administration's views. They consider 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. Hon CHENG Kar-foo indicates 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 cannot accept that the proposal shall be withheld, pending another round of consultation. For the purpose of enhancing road safety, he would consider moving a Committee stage amendment (CSA) to include drivers of private cars and light goods vehicles in the scheme.

Imposing a maximum speed limit on public light bus

12. Clause 2 of the Bill amends section 40 of the Road Traffic Ordinance (Cap. 374) so that the holder of a probationary driving licence will be prohibited to drive at a speed above 70 km/h. Hon CHENG Kar-foo suggests that the Bill shall be amended to impose a maximum speed limit on public light bus (PLB) as well. He is of the

view that there is 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.

13. According to the Administration, the aim of the Bill is to address the high accident involvement rate of inexperienced drivers of motorcyclists through the introduction of a probationary driving licence scheme. The speeding problem of PLB is a separate issue which the Administration is looking into actively. A series of measures has been implemented to tackle the speeding problem of PLB, including stepping up of enforcement actions against irresponsible drivers of PLBs and imposing new licensing conditions on new Green Minibus (GMB) routes requiring drivers of GMBs to be employed by licence holders in order to ensure that GMB operators would have the capability to effectively manage and control their drivers. The Administration is also examining other measures which would further enhance road safety, including the feasibility of imposing a maximum speed limit on PLB. It will consult the public, the trade and the Panel on Transport on these measures when they are ready.

14. On the rationale behind the imposition of a maximum speed limit on medium goods vehicle, heavy goods vehicle and bus, the Administration clarifies that the restriction is required for road safety purposes, taking into account the weight and construction of the vehicles concerned. The Administration takes 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 upper compartments should not be allowed to travel at high speed particularly on roads with bends.

15. The majority of the members of the Bills Committee share the Administration's view. They do not consider it appropriate to introduce a maximum speed limit on PLB in the context of the Bill. They suggest that the subject matter be followed up separately, taking into account the views of the general public and the trade. In the meantime, the Administration shall step up enforcement to address the speeding problem of PLB.

16. Hon CHENG Kar-foo does not accept the Administration's explanation. He considers it necessary to introduce a speed limit restriction on PLB as soon as possible to enhance road safety. He will therefore also consider moving a CSA to this effect.

Committee Stage amendments

17. The Bills Committee raises no objection to the Administration's proposal to implement the probationary driving licence scheme for motorcyclists as from 1 October 2000 onwards. In this regard, the Administration will move a CSA to clause 1 of the Bill. A consequential amendment will also be made 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. The

draft CSA to be moved by the Administration is in **Appendix II**.

Recommendation

18. Subject to the CSAs to be moved by the Administration, the Bills Committee supports the Bill and recommends the resumption of the Second Reading debate of the Bill on 26 June 2000.

Advice sought

19. Members are requested to support the recommendation of the Bills Committee in paragraph 18 above.

Prepared by

Council Business Division 1
Legislative Council Secretariat
14 June 2000

《1999 年道路交通法例(修訂)條例草案》委員會
Bills Committee on
Road Traffic Legislation (Amendment) Bill 1999

委員名單
Membership list

朱幼麟議員(主席)	Hon David CHU Yu-lin (Chairman)
何俊仁議員	Hon Albert HO Chun-yan
何鍾泰議員	Ir Dr Hon Raymond HO Chung-tai, JP
許長青議員	Hon HUI Cheung-ching
陳榮燦議員	Hon CHAN Wing-chan
劉江華議員	Hon LAU Kong-wah
劉健儀議員	Hon Mrs Miriam LAU Kin-yee, JP
鄭家富議員	Hon Andrew CHENG Kar-foo
鄧兆棠議員	Dr Hon TANG Siu-tong, JP

合共: 9 位議員
Total: 9 members

日期: 2000 年 5 月 24 日

ROAD TRAFFIC LEGISLATION (AMENDMENT) BILL 1999

COMMITTEE STAGE

Amendments to be moved by the Secretary for Transport

<u>Clause</u>	<u>Amendment Proposed</u>
1	By deleting subclause (2) and substituting - “(2) This Ordinance shall come into operation on 1 October 2000.”.
Part IV	(a) In the heading, by adding “AND ITS SUBSIDIARY LEGISLATION” after “ORDINANCE”. (b) By adding after the heading - “ Fixed Penalty (Criminal Proceedings) Ordinance ”.
New	By adding in Part IV - “ Fixed Penalty (Criminal Proceedings) Regulations ”

13A. Schedule amended

The Schedule to the Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240 sub. leg.) is amended in Form 1, in the List of Offences and Fixed Penalty, after the heading “*Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg.)*” by adding

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"33A. Driving a vehicle Regulation \$450
without a "P" 12K(1)
plate

33B. Failing to comply Regulation \$450".".
with restriction 12K(2)
on carrying
passengers