

**立法會**  
**Legislative Council**

LC Paper No. LS127/02-03

**Paper for the House Committee Meeting  
on 13 June 2003**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 6 June 2003**

**Date of Tabling in LegCo** : 11 June 2003

**Amendment to be made by** : 9 July 2003 (or the 1st meeting of LegCo in the next session if extended by resolution)

**PART I NEW TERRITORIES TAXI FARE CONCESSION**

**Road Traffic Ordinance (Cap. 374)**

**Road Traffic (Temporary Reduction of New Territories Taxi Fares) Regulation 2003 (L.N. 146)**

**Road Traffic (Temporary Reduction of New Territories Taxi Fares) (No. 2) Regulation 2003 (L.N. 147)**

The purpose of L.N. 146 is to reduce the scale of fares for the hiring of New Territories taxis within the period from 8 June 2003 to 7 December 2003 (both dates inclusive). To achieve that purpose, the Regulation modifies the application of Schedule 5 (table of taxi fares) to the Road Traffic (Public Service Vehicles) Regulations (Cap. 374 sub. leg. D) in relation to the hiring of such taxis within that period. The effect of the modification is that, after the fare chargeable for a journey has reached \$20.9 (i.e. flag fall plus first seven incremental charges under item 2a or 3(iii) or both of Schedule 5), any further fare chargeable for that journey for either every 200 metres or part thereof (item 2a) or every waiting time of one minute or part thereof (item 3(iii)) shall be reduced from \$1.2 to \$0.9.

2. As an ancillary measure to implement the taxi fare concession scheme, L.N. 147 requires the New Territories taxi drivers to do the following within the fare concession period—

- (a) to display tables that convert taximeter readings to the appropriate fares (defined under section 1); and
- (b) to manually mark on fare receipts the appropriate fares.

3. The Panel on Transport was first briefed on 29 May 2003 on the application made by the 10 New Territories taxi associations which are registered members of the Conference on New Territories Operations of Transport Department to offer fare concession for six months. The Panel noted that the New Territories Taxi Drivers Association and the New Territories Taxi Operation Concern Group, which are not registered members of the Conference on New Territories Operations of Transport Department, objected to the proposed fare concession application.

4. Members considered that the Administration should further discuss with the relevant New Territories taxi associations to address the concerns of those who objected to the proposed fare concession. Members also asked the Administration to consider conducting a survey to gauge the views of all New Territories taxi operators.

5. Taking into account Members' comments, Transport Department met with the 10 New Territories taxi associations which applied for the temporary fare concession and the New Territories Taxi Drivers Associations as well as the concern group which objected to the fare concession. The 10 New Territories taxi associations reaffirmed their support for the proposed fare concession. They opined that since the concession was supported by the majority of the trade, it should be implemented early and that, if the Administration was to conduct a survey, they would withdraw the application for concession. On the other hand, the New Territories Taxi Drivers Association and the concern group maintained that the fare concession might cause negative impact on New Territories taxi drivers and that a survey should be conducted for the New Territories taxi trade.

6. The Administration briefed the Panel on Transport on 2 June 2003 on the latest developments. Members noted the Administration's view that since the proposed temporary fare concession was supported by the majority of the trade and was beneficial to the general public, a survey should not be conducted and the fare concession should be implemented as soon as possible. A motion which opposed a decision by the Administration to reduce fare without first conducting a survey for New Territories taxi drivers was moved by a member. However, the motion was not carried with three members voted for and nine members objected. The Panel agreed that the Administration should proceed with the fare concession. The Panel asked the Administration to consider arrangements to promote the fare concession scheme and monitor the impact of the concession on the taxi trade, particularly taxi drivers closely. The Panel also requested the Administration to provide an interim report on the scheme in September 2003.

7. An Administration's paper updating members on the latest developments on the New Territories taxi temporary fare concession as well as the arrangements to promote the temporary fare concession and to monitor its impacts on the New Territories taxi trade will be issued separately.

8. Members may also refer to LegCo Brief (without file reference on it) issued by the Environment, Transport and Works Bureau of 3 June 2003 for background information.

9. L.N.s 146 and 147 have taken effect on the date of their publication in the Gazette, i.e. 6 June 2003.

10. No difficulties relating to the legal and drafting aspects of the above two items have been identified.

## **PART II DESIGNATED TRADES UNDER THE APPRENTICESHIP ORDINANCE (CAP. 47)**

### **Apprenticeship Ordinance (Cap. 47)**

**Apprenticeship (Designation of Trades) Order 2003 (L.N. 148)**

**Apprenticeship (Periods of Apprenticeship) Notice 2003 (L.N. 149)**

11. Under the Apprenticeship Ordinance (Cap. 47) ("the Ordinance"), any person aged between 14 and 18 who is employed in a designated trade and who has not completed an apprenticeship must enter into an apprenticeship contract with the employer. This contract must be registered with the Director of Apprenticeship. Voluntary registration is also open to apprentices over 18 years of age in designated trades or apprentices in non-designated trades.

12. L.N. 148 specifies the trades of audio-visual and radio-frequency mechanic, and building services mechanic to be designated trades referred to in the Ordinance.

13. L.N. 149 specifies the period of apprenticeship for the trade of audio-visual and radio-frequency mechanic to be three years and building services mechanic to be four years.

14. Members may refer to LegCo Brief Ref : EMB(MPE)CR 1/3231/93 Pt.5 issued by the Education and Manpower Bureau of 28 May 2003 for background information.

15. L.N.s 148 and 149 will come into operation on 17 October 2003.

16. No difficulties relating to the legal and drafting aspects of the above items have been identified.

### **PART III PLACE CEASING TO BE DESIGNATED AS A LIBRARY**

#### **Public Health and Municipal Services Ordinance (Cap. 132)**

##### **Designation of Libraries Order 2003 (L.N. 150)**

17. This Order cancels the designation of the library at Unit Nos. 102-107, Cheung Lok House, Cheung Wah Estate, Fanling.

18. No difficulties relating to the legal and drafting aspects of the above item have been identified.

### **PART IV VILLAGE REPRESENTATIVE ELECTIONS**

#### **Village Representative Election Ordinance (2 of 2003)**

##### **Village Representative (Election Petition) Rules (L.N. 151)**

19. These Rules provide for matters relating to election petitions lodged in relation to an election under the Village Representative Election Ordinance (2 of 2003) including—

- (a) the lodgement and service of election petitions (sections 5 and 6);
- (b) the security for costs to be given in respect of election petitions (sections 7 and 8);
- (c) the trial of election petitions (sections 10, 11 and 12);
- (d) the withdrawal of election petitions (sections 13 and 14);
- (e) the stay, dismissal and termination of election petitions (sections 15 and 16);
- (f) the costs of election petitions (section 21); and
- (g) the form of election petitions (the Schedule).

20. Members may refer to LegCo Brief (without file reference on it) issued by the Home Affairs Department in June 2003 for background information.

21. The House Committee has decided that all subsidiary legislation on Village Representative elections should be scrutinized by the Subcommittee on subsidiary legislation relating to Village Representative elections. This would be the last item referred to the Subcommittee.

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