

# 立法會 *Legislative Council*

LC Paper No. CB(1)2004/03-04

Ref. : CB1/BC/1/03

## **Background brief on Road Traffic (Amendment) Bill 2003**

### **Purpose**

1 This paper sets out the background of the Road Traffic (Amendment) Bill 2003 (the Bill), and summarizes Members' views on the legislative proposals contained in the Bill.

### **Background**

2. The Administration tabled the Road Traffic (Construction and Maintenance of Vehicles) (Amendment) (No. 2) Regulation 2002 and the Road Traffic (Safety Equipment) (Amendment) Regulation 2002 (Amendment Regulations) at the Legislative Council on 23 October 2002 to extend the seat belt legislation to the rear seats of newly registered public light buses (PLBs) and to provide for the installation of high back seats on these PLBs. The Amendment Regulations had gone through the negative vetting procedure of the Council without amendments. To allow sufficient time for the vehicle manufacturers to develop and produce the new protection equipment, the Administration plans to bring the Amendment Regulations into effect on 1 August 2004.

3. To accommodate the installation of these new passenger protection equipment in PLBs, it is necessary to amend the Road Traffic Ordinance (Cap. 374) (the Ordinance) to relax the maximum gross weight of light buses.

4. The Administration also takes the opportunity to transfer the powers under sections 16 and 17 of the Ordinance to appoint Transport Tribunals and to appoint members of the panel from which members of Transport Tribunals may be appointed from the Chief Secretary for Administration (CS) to the Secretary for the Environment, Transport and Works (SETW). Transport Tribunals are constituted to provide members of the public, who may be aggrieved by certain decisions of the Commissioner for Transport made under the Ordinance, with an expedient means by which such decisions can be reviewed by an independent tribunal. The purpose of the proposed transfer is to enable SETW to assume full responsibility and authority in managing her statutory functions and policy portfolios after the implementation of the accountability system for principal officials in July 2002.

## **The Bill**

5. The Bill seeks to amend the Ordinance to increase the maximum gross weight of a light bus from 4.0 tonnes to 5.5 tonnes. It also seeks to transfer CS's statutory powers to appoint a Transport Tribunal's panel and Transport Tribunals to SETW.

## **Members' views on the legislative proposals**

6. At the joint meeting of the Panel on Transport and the Panel on Environmental Affairs held on 13 June 2002, members were briefed on, among others, the Administration's proposal to increase the maximum gross weight of light buses from 4.0 tonnes to 5.5 tonnes. Members in general supported the proposal.

7. Members may also wish to refer to the Report of the Subcommittee on Proposed resolution under section 12 of the Fixed Penalty (Criminal Proceedings) Ordinance circulated vide LC Paper No. CB(1)1868/03-04. The objective of the proposed resolution is to reflect the change in the responsibility of wearing seat belts on PLBs from the driver to the passenger as provided in the Road Traffic (Safety Equipment) (Amendment) Regulation 2002. The Subcommittee formed to study the proposed resolution has completed deliberation on the proposed resolution and recommends that the Administration could move the proposed resolution in the Council. The House Committee noted the report of the Subcommittee at its meeting on 21 May 2004.

8. When the Bill was considered at the House Committee meeting on 24 October 2003, some members expressed reservation about the proposed transfer of power from CS to SETW and saw the need for a Bills Committee be formed to further examine the merit of this legislative proposal in the Bill.

9. The transfer of statutory powers and functions of CS and the Financial Secretary pursuant to the implementation of the accountability system for principal officials was discussed by the Panel on Constitutional Affairs at its meetings held on 21 July and 17 November 2003. Members noted that the Administration has completed an internal review of the transfer of statutory powers and functions currently vested in the offices of CS and the Financial Secretary to the responsible Directors of Bureaux. The proposed transfer of powers and functions is to better reflect the latter's policy portfolios and responsibilities pursuant to the implementation of the accountability system. The general principles and guidelines in the consideration of transfer of a statutory power or function are set out in LC Paper No. CB(2)331/03-04(10).