

立法會
Legislative Council

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**Report on Road Traffic (Amendment) Bill 2003
by the Bills Committee
on Road Traffic (Amendment) Bill 2003**

Purpose

11.1.1. This paper 11.1.reports on the deliberations of the Bills Committee on Road Traffic (Amendment) Bill 2003 (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 (the 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 have gone through the negative vetting procedure of the Council without amendments. 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 vehicle weight of light buses from 4 tonnes to 5.5 tonnes.

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 the 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 amends the Ordinance to :
 - (a) increase the maximum gross vehicle weight of a light bus from 4.0 tonnes to 5.5 tonnes; and
 - (b) transfer the power to appoint Transport Tribunals and the power to appoint members of the panel from which members of Transport Tribunals may be appointed from the CS to the SETW.

The Bills Committee

6. The House Committee agreed at its meeting on 24 October 2003 to form a Bills Committee to study the Bill. Chaired by Hon Miriam LAU Kin-ye, the Bills Committee held a meeting with the Administration to discuss the Bill. The membership list of the Bills Committee is in **Appendix I**.

Deliberations of the Bills Committee

Extension of seat belt legislation to the rear seats of PLBs

7. The Bills Committee notes that the accident rate and the rear seat casualty rate of PLBs have been relatively high among all classes of vehicles. The 2003 accident and casualty rates per 1000 vehicles for PLBs were about 221 and 145 respectively whereas those for all motor vehicles were about 25 and 9 respectively. The Bills Committee therefore supports the proposal to install passenger protection equipment, including seat belts and high back seats, on PLBs to enhance the safety of passengers. As the requirements of high back seats and seat belts will increase the weight of PLBs to beyond the current limit of the gross vehicle weight of 4.0 tonnes, there is a need to increase the maximum gross vehicle weight of a light bus from 4.0 tonnes to 5.5 tonnes to allow for the installation in PLBs of the new passenger protection equipment required by the Amendment Regulations.

8. The Bills Committee has expressed concern about the possible environmental impact associated with the increase in the maximum gross vehicle weight of light buses as higher fuel consumption may be resulted. The Administration advises that according to the information from vehicle manufacturers, there is no need to replace the vehicle engine system in order to accommodate the increase in the maximum gross vehicle weight of a light bus from 4.0 tonnes to 5.5 tonnes. As such, the vehicle

emission levels will remain the same.

Definition of "light bus"

9. The Bills Committee notes that a light bus, as defined in section 2 of the Ordinance means "a motor vehicle having a permitted gross vehicle weight not exceeding 4 tonnes which is constructed or adapted for use solely for the carriage of a driver and not more than 16 passengers and their personal effects, but does not include an invalid carriage, motor cycle, motor tricycle, private car or taxi". The Second Schedule to the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A) ("the Regulations") also sets out the maximum gross vehicle weight of different classes of vehicles, including light bus.

10. The Bills Committee has examined the appropriateness of the Administration's proposal to repeal the reference to permitted gross vehicle weight from the definition of "light bus". The Bills Committee observes that the definitions of "light goods vehicle", "medium goods vehicle" and "heavy goods vehicle" under section 2 of the Ordinance contain specific references to their respective permitted gross vehicle weight. The Bills Committee is concerned about the consistency in the drafting of the definitions of different classes of vehicles. Further, upon enactment of the Bill, any subsequent changes to the permitted gross vehicle weight of light buses will be effected by subsidiary legislation instead of by amendments to the principal ordinance.

11. The Administration explains that due to changes in technology, emission standards, and vehicle engine systems, there may be a need to amend the maximum gross vehicle weight of different classes of vehicles in future. As amendments of this type are technical in nature, the Administration's view is that they can be effected by subsidiary legislation to save administrative and legislative work. The Administration has no intention to undermine the power of the Legislative Council and all these amendments will be subject to negative vetting by the Legislative Council.

12. Regarding the drafting of the definitions of different classes of vehicles under section 2 of the Ordinance, the Administration explains that there are essentially two types of vehicles, namely, vehicles which are constructed or adapted for use solely for the carriage of passengers, (e.g. private car, taxi, bus and light bus), and vehicles which are constructed or adapted for use primarily for the carriage of goods, (e.g. light goods vehicle, medium goods vehicle, and heavy goods vehicle). For the former type, the Administration's policy is that they should be classified with reference to the number of passengers they carry and that references to permitted gross vehicle weight of the vehicles are not strictly necessary. This explains why the Administration has proposed to remove the reference to the permitted gross vehicle weight from the definition of "light bus" under section 2 of the Ordinance.

13. Regarding goods vehicles, the Administration explains that one of the main criteria for defining different classes of goods vehicles is the permitted gross vehicle

weight. In order to differentiate different classes of goods vehicles, there is a need to retain the references to the permitted gross vehicle weight of different classes of goods vehicles; otherwise, it would require substantial amendments to the original definitions. Given the time constraint and the purpose of the Bill, the Administration has proposed to put forward the Bill in its present form.

14. The Bills Committee notes that the present proposal to relax the maximum gross vehicle weight of light buses from 4.0 tonnes to 5.5 tonnes has been discussed for a long time and is well received by the PLB trade and vehicle manufacturers. In order to facilitate the implementation of the proposed extension of the seat belt legislation to the rear seats of PLBs and the provision of high back seats for interior impact protection for new PLBs, the Bills Committee indicates that it will support the Bill as proposed by the Administration. However, the Bills Committee has requested the Administration to conduct a review with a view to ensuring consistency in the drafting of the definitions of different classes of vehicles. Some members are of the view that any proposal to change the permitted gross vehicle weight of vehicles should be subject to the approval of the Legislative Council instead of negative vetting so as to avoid any possible disruption to the industry players in case the proposal were not accepted by the Legislative Council.

Transfer of power

15. The Bills Committee notes that the Bill also seeks to transfer the power to appoint Transport Tribunals and the power to appoint members to the Transport Tribunals' panel from the CS to the SETW. The proposed transfer will enable the 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 Bills Committee notes that the proposed transfer of the statutory powers and functions currently vested in the CS to the Directors of Bureaux responsible for the respective policy portfolios is intended to apply to all bureaux and departments.

Committee Stage amendments

16. The Bills Committee supports the Administration's proposal to amend the commencement date of the Bill to 1 August 2004.

Recommendation

17. The Bills Committee supports the Bill and recommends the resumption of the Second Reading debate on the Bill on 30 June 2004.

Consultation with the House Committee

18. The House Committee at its meeting on 11 June 2004 supported the recommendation of the Bills Committee to resume the Second Reading debate on the Bill on 30 June 2004.

Council Business Division 1
Legislative Council Secretariat
14 June 2004

**Bills Committee on
Road Traffic (Amendment) Bill 2003**

Membership list

Chairman	Hon Miriam LAU Kin-ye, JP
Members	Dr Hon David CHU Yu-lin, JP Hon Andrew WONG Wang-fat, JP Hon LAU Kong-wah, JP Hon Andrew CHENG Kar-foo Hon LEUNG Fu-wah, MH, JP
	(Total : 6 Members)
Clerk	Mr Andy LAU
Legal Adviser	Ms Connie FUNG
Date	2 June 2004