

立法會
Legislative Council

LC Paper No. CB(1)1998/03-04
(These minutes have been seen
by the Administration)

Ref: CB1/SS/6/03

**Subcommittee on
Proposed resolution under section 12 of
the Fixed Penalty (Criminal Proceedings) Ordinance**

**First meeting on
Monday, 17 May 2004, at 8:30 am
in Conference Room B of the Legislative Council Building**

- Members present** : Hon Miriam LAU Kin-yee, JP (Chairman)
Dr Hon David CHU Yu-lin, JP
Hon LAU Kong-wah, JP
Hon LI Fung-ying, JP
Hon Audrey EU Yuet-mee, SC, JP
- Member absent** : Hon Andrew CHENG Kar-foo
- Public Officers
Attending** : Ms Annie CHOI
Deputy Secretary for the Environment, Transport and
Works (Environment and Transport) T3
- Ms Elizabeth TAI
Principal Assistant Secretary for the Environment,
Transport and Works (Environment and Transport) T2
- Mrs Lily LAM
Chief Transport Officer/PLB & Administration
Transport Department
- Mr Y M LEE
Senior Engineer/Vehicle Regulations & Standards
Transport Department
- Mr Edmond FOK
Senior Engineer/Analysis & Strategy
Transport Department

Ms Tonia LO
Engineer/Analysis & Strategy
Transport Department

Miss Selina LAU
Government Counsel
Department of Justice

Clerk in attendance : Ms Alice AU
Senior Council Secretary (1)5

Staff in attendance : Ms Connie FUNG
Assistant Legal Adviser 3

Ms Rosalind MA
Senior Council Secretary (1)8

Action

I Election of Chairman

Dr David CHU, the member who had the highest precedence among members of the Subcommittee, presided over the election of Chairman. Ms Miriam LAU was nominated by Mr LAU Kong-wah and the nomination was seconded by Ms Audrey EU. Ms LAU accepted the nomination. There being no other nominations, Ms Miriam LAU was elected Chairman of the Subcommittee. Ms LAU then took over the chair.

II Meeting with the Administration

- (File Ref: ETWB(T)1/12/65(03) Pt.12 - The Legislative Council Brief issued by the Environment, Transport and Works Bureau on 3 May 2004;
- LC Paper No. LS75/03-04 - The Legal Service Division Report;
- LC Paper No. CB(1)1809/03-04(01) - Marked-up copy of relevant provisions of the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) and the Road Traffic (Safety Equipment) Regulations (Cap. 374, sub. legF);
- LC Paper No. CB(1)477/03-04(01) - Information paper for the Transport Panel meeting held on 5 December 2003;

Action

- LC Paper No. CB(1)936/03-04 - Minutes of the Transport Panel meeting on 5 December 2003; and
- LC Paper No. CB(1)1794/03-04 - Background brief prepared by the Legislative Council Secretariat.)

2. The Subcommittee deliberated (index of proceedings attached at **Annex A**).
3. The Subcommittee noted the Administration's explanation that in order to enhance the safety on public light buses (PLBs), 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) were enacted to extend the seat belt legislation to the rear seats of newly registered PLBs and to provide for the installation of high back seats on these PLBs. The proposed resolution was made as a consequential amendment to reflect the change in responsibility of wearing seat belts on PLBs from the driver to the passengers as provided in the Road Traffic (Safety Equipment) (Amendment) Regulation 2002. In this connection, the Subcommittee noted that the Administration's intention was to bring the Amendment Regulations into operation on 1 August 2004.
4. The Subcommittee supported in principle the extension of the seat belt legislation to enhance PLB safety, and had no objection to the proposed resolution. Having completed its deliberation, the Subcommittee would report to the House Committee on 21 May 2004 recommending that the Administration could move the proposed resolution in the Council.

III Any other business

5. There being no other business, the meeting ended at 9:25 am.

Council Business Division 1
Legislative Council Secretariat
1 June 2004

**Proceedings of the first meeting of the Subcommittee on
Proposed resolution under section 12 of the Fixed Penalty
(Criminal Proceedings) Ordinance
Monday, 17 May 2004, at 8:30 am
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action required
<i>Agenda Item I – Election of Chairman</i>			
000000 - 000049	Dr David CHU	Election of Chairman	
<i>Agenda Item II – Meeting with the Administration</i>			
000050 - 000517	Administration	Introduction on the proposed resolution under section 12 of the Fixed Penalty (Criminal Proceedings) Ordinance as a consequential amendment following the enactment of the Road Traffic (Safety Equipment) (Amendment) Regulation 2002 in 2002 to reflect the change in responsibility of wearing seat belts on public light buses (PLBs). The Administration's intention was to bring the Amendment Regulation into operation on 1 August 2004.	
000518 - 000734	Ms Audrey EU Administration	<ul style="list-style-type: none"> – Current enforcement of the seat belt legislation and the need to exercise discretion during enforcement particularly for young passengers under the age of 15 who had failed to fasten the seat belts – Measures to step up publicity on the new safety requirement prior to its implementation on 1 August 2004 	
000735 - 000932	Chairman Administration	<ul style="list-style-type: none"> – Related legislative amendments for the implementation of the new safety requirements provided in the Road Traffic (Construction and Maintenance of Vehicle) (Amendment) (No. 2) Regulation 2002 and the Road Traffic (Safety Equipment) (Amendment) Regulation 2002, viz. the Road Traffic (Amendment) Bill 2003 pending scrutiny by the Council, to relax the maximum gross vehicle weight of light buses from 4 tonnes to 5.5 tonnes – Current situation on the provision of front seats in the PLB fleet 	

Time Marker	Speaker	Subject(s)	Action required
000933 - 001227	Mr LAU Kong-wah Administration	<ul style="list-style-type: none"> - Concern about the safety and responsibility of PLB front seat passengers under the age of 15, taking into account the possibility that front seat configuration might be re-introduced for new designs of PLBs after the proposed relaxation of maximum gross weight of light buses - The Administration's explanation on the following: <ul style="list-style-type: none"> (a) the arrangement for PLBs was similar to the existing arrangement for taxis; (b) at present, no PLBs were provided with front seats; and (c) new PLB design would be subject to type approval by the Transport Department. - The Administration's undertaking that it would keep in view the development of new PLB models in future to ensure that front-seat configuration would be avoided as far as possible - Member's enquiry and the Administration's confirmation that light buses providing Residents' Services were classified as private light buses. Drivers of private light buses would still have the legal responsibility to ensure that front seat passengers who were under the age of 15 were securely fastened with seat belts if provided. 	
001228 - 001413	Chairman Administration	Publicity measures to be undertaken in co-operation with the PLB trade to remind passengers of all ages of their responsibilities of wearing seat belts while on board PLBs	
001414 - 002502	Mr LAU Kong-wah Administration Dr David CHU Chairman Ms LI Fung-ying	<ul style="list-style-type: none"> - Suggestion that the Administration should maintain the status quo so as to provide additional protection to young PLB front seat passengers - Concern about excessive burden being placed on the young and the elderly who might be unaware of their responsibility of wearing seat belts or even have difficulty in using the seat belts provided. To address such concern, the Administration should ensure adequate publicity and public 	

Time Marker	Speaker	Subject(s)	Action required
		<p>education to tie in with the implementation of the new requirement.</p> <ul style="list-style-type: none"> - The Administration's view that it was fair and more practicable to hold passengers rather than the driver criminally liable when the passengers failed to wear seat belts because it would not be possible for a PLB driver to monitor and ensure that all passengers on his vehicle had securely fastened their seat belts. If discussion on the responsibility issue was to be re-opened, it would invariably impact on the extension of the seat belt legislation to the rear seats of PLBs which was an important PLB safety initiative generally supported by the community and the PLB trade. - The Administration's assurance that it would actively encourage PLB drivers to remind passengers of their responsibility to wear seat belts if provided, and step up publicity on the new safety requirement prior to its implementation on 1 August 2004 	
002503 - 003310	Ms Audrey EU Administration Chairman	Enforcement and penalty in relation to the existing seat belt legislation	
003311 - 004101	Mr LAU Kong-wah Administration Chairman	Mr LAU Kong-wah's view that notwithstanding his support for measures to enhance PLB safety, the status quo should be maintained as it was still unclear at this stage as to whether new designs of PLBs with front-seat configuration might be re-introduced with the proposed relaxation of the maximum gross vehicle weight of PLBs	
004102 - 004443	Chairman	Practicable difficulties faced by PLB drivers in ensuring compliance if the legal responsibility of wearing seat belts by front seat passengers should rest with drivers	
004444 - 004628	Chairman Ms Audrey EU Administration	Suggestion that publicity on the new safety requirement should be launched in two stages, i.e. prior to its implementation on 1 August 2004 and when more PLBs with the enhanced	The Administration to follow up

Time Marker	Speaker	Subject(s)	Action required
		safety equipment were brought into service	
004627 - 004915	Chairman	The Subcommittee completed deliberation on the proposed resolution and would report to the House Committee on 21 May 2004 recommending that the Administration could move the proposed resolution in the Council.	

Council Business Division 1
Legislative Council Secretariat
1 June 2004