

ETWB(T) 1/12/41, 1/12/44, 1/12/137

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8 June 2005

By Fax [2121 0420]

Mr. Andy Lau
Clerk to Subcommittee
Legislative Council Secretariat
8 Jackson Road
Central, Hong Kong

Dear _____,

**Subcommittee to Study Four Items of Subsidiary Legislation
under the Road Traffic Ordinance**

Meeting on 8 June 2005

I refer to your letter dated 30 May 2005 on the captioned subject.
Our responses are as follows –

Whether partial road closure or lane closure can satisfy the exemption requirement under the new regulation 53A(4)(b) of the Road Traffic (Traffic Control) Regulations

The words “those roads” in regulations 53A(4)(b) and (6)(a)(ii) in the aforesaid Regulations refer to “the roads along the route” of the parade as mentioned in regulations 53A(4)(a) and (6)(a)(i) respectively. Our major concern is that the road in question is the road along the route of the parade, irrespective of whether it covers the whole stretch or one direction or some of the lanes of the road.

Nonetheless, as we explained during the meeting of the Subcommittee on 30 May 2005, whether an exemption would be granted or not would depend on the circumstances of each case. The Commissioner for Transport would need to consider the safety of the persons on the float and other road users, as well as the likely impact of the exemption on other vehicles in the vicinity. In addition, the exemption given under regulation 53A is only related to the prohibition against standing passengers in regulation 53(2), and does not exempt the applicant or any person from compliance with other legal requirements.

Proposed amendments to the new regulation 53A(6)(b) of the Road Traffic (Traffic Control) Regulations and the new regulation 53(3A)(b) of the Road Traffic (Registration and Licensing of Vehicles) Regulations

We have further examined Members' suggestion, and have no objection in principle to amending the two regulations such that the "other conditions" to be imposed by the Commissioner for Transport would be those "relating to the regulation of road traffic, the use of vehicles and roads". In addition, the references to consultation with the Commissioner of Police and other authorities would be deleted.

Yours sincerely,

(Elizabeth Tai)
for Secretary for the Environment,
Transport and Works