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Paper for the House Committee meeting on 16 March 2007

**Subcommittee on Road Traffic (Traffic Control)
(Amendment) Regulation 2007**

Purpose

This paper reports on the deliberations of the Subcommittee on Road Traffic (Traffic Control) (Amendment) Regulation 2007.

Background

2. Under regulation 27(1) of the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G) (the Principal Regulations), the Commissioner for Transport (the Commissioner) can close a road to all or any kind of traffic for such period as he may think necessary. Regulation 27(2) requires that the closure be indicated by a sign as shown in Figure No. 149 (which reads "ROAD CLOSED") in Schedule 1 to the Principal Regulations and that a notice of the closure be published by the Commissioner in the Gazette or in one issue of at least one English and one Chinese newspaper. Regulation 27(3) further provides for exemption from the restriction emergency vehicles and vehicles of enforcement agencies in certain situations, and vehicles issued with Closed Road Permits (CRPs).

3. The public transport interchange (PTI) at the Sheung Shui to Lok Ma Chau Spur Line (Spur Line) Terminus will be opened in 2007. The Administration will allow urban and New Territories (NT) taxis to operate at the PTI. As the roads leading to the PTI are closed under regulation 27(1) of the Principal Regulations, it will be necessary for the taxis to apply for CRPs to access the PTI. Since all urban and NT taxis will be allowed to operate at the PTI indiscriminately, this requirement will cause unnecessary inconvenience to the trade.

4. To obviate the need for each of the 18,000 odd urban and NT taxis to apply for and be issued with a CRP, the Administration proposes to amend Regulation 27(3) of the Principal Regulations to empower the Commissioner to exempt any category of taxis from the closed road restriction in respect of such closed roads as he may specify. The proposed exemption will be in line with the respective permitted operating areas of different categories of taxis as provided for in regulation 29 of and Schedule 7 to the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E). The Commissioner shall give notice of such exemption in the Gazette.

The Road Traffic (Traffic Control) (Amendment) Regulation 2007

5. The Road Traffic (Traffic Control) (Amendment) Regulation 2007 (the Amendment Regulation) is made by the Secretary for the Environment, Transport and Works under sections 11 and 13 of the Road Traffic Ordinance (Cap. 374) to amend regulation 27 of and Schedule 1 to the Principal Regulations. The Amendment Regulation:

- (a) empowers the Commissioner to grant an exemption to any category of taxis from any closure of road under regulation 27(1) of the Principal Regulations; and
- (b) adds a new traffic sign (Figure No. 433) in Schedule 1 to the Principal Regulations which may be used with the traffic sign (Figure No. 149) to indicate the exception of the specified category of taxis to the particular restriction indicated by the traffic sign (Figure No. 149).

The Amendment Regulation shall come into operation on 1 April 2007.

The Subcommittee

6. The House Committee agreed at its meeting on 23 February 2007 to form a subcommittee to study the Amendment Regulation. Chaired by Hon WONG Kwok-hing, the Subcommittee held a meeting with the Administration to discuss the related issues. The membership list of the Subcommittee is in **Annex A**.

7. To allow sufficient time for the Subcommittee to scrutinize the Amendment Regulation, a resolution was moved and passed at the Council meeting on 7 March 2007 to extend the scrutiny period to 28 March 2007.

Deliberations of the Subcommittee

Scope of the Amendment Regulation

8. The Subcommittee notes that the Amendment Regulation serves to be a general empowering provision which would empower the Commissioner to exempt any category of taxis from the closed road restriction in respect of such closed roads as he may specify in the Gazette. Apart from the closed road leading to the PTI at the Spur Line Terminus, the Administration is also contemplating to exempt all urban and NT taxis from the closed road restriction in respect of the road leading to the PTI at the Hong Kong side of the new boundary crossing of Hong Kong – Shenzhen Western Corridor.

9. The Subcommittee notes that the Amendment Regulation only covers the vehicle itself but not its driver and passengers. As the two new PTIs are located within the closed area, the Security Bureau will introduce relevant subsidiary legislation under the Public Order Ordinance (Cap. 245) to allow drivers and cross-boundary passengers of urban and NT taxis to access the PTIs without closed area permits. The Subcommittee considers that the Administration should coordinate these two pieces of related legislative amendments so as to avoid the undesirable situation whereby a taxi can gain access to the two new PTIs located within the closed area but not its driver and passengers. The Administration informs the Subcommittee that the Security Bureau is currently working on the related subsidiary legislation to allow drivers and cross-boundary passengers of urban and NT taxis to access the PTIs without closed areas permits. The Commissioner will also take into account the actual commissioning dates of the PTI before exercising his power to grant exemption to urban and NT taxis from the closed road restriction so as to avoid the situation mentioned by the Subcommittee.

10. The Subcommittee has also examined whether the power granted to the Police to stop any vehicles from entering any sections of roads will be undermined as a result of the Amendment Regulation to allow urban and NT taxis to operate at the PTIs in the new control points. The Administration advises that the Police could stop vehicles from entering the roads if necessary, and the Police have been consulted on the legislative proposal.

Traffic arrangements

11. The Subcommittee has expressed concern about the traffic conditions in the vicinity of the PTIs at the new control points as the whole taxi fleet, amounting to some 18 000 vehicles, would be allowed to access the PTIs. It has requested the Administration to closely monitor the traffic situation after the commissioning

of the new control points and put in place adequate measures to mitigate the likely traffic impacts.

12. The Administration advises that it will closely monitor the demand for public transport services and the resultant traffic impacts associated with the proposal to allow urban and NT taxis to enter the PTIs at the two new control points. Police officers will also assist to regulate traffic as and when necessary.

13. In order to better regulate the taxi traffic into the PTIs to avoid congestion in the Lok Ma Chau Spur Line Control Point and its approaching roads, the Administration will introduce a chit system, similar to the one used in the Lok Ma Chau Control Point (LMCCP), and will identify taxi holding area outside the new control point for the queuing of empty taxis which want to enter the PTI. The Administration will also engage security guards at the taxi stand and the designated taxi holding area to maintain orderly operation of taxis.

14. In the course of deliberations, concerns have been raised over the appropriateness of deploying security guards who have no statutory power to take up duties relating to traffic regulation in the PTI and the taxi holding area. The Administration explains that the arrangement is more cost-effective and has worked well in the case of the LMCCP. The taxi trade and the Police also consider the arrangement acceptable. If necessary, police officers will be requested to provide the necessary assistance. The Administration will also closely monitor the situation to see if additional manpower is necessary.

15. The Administration also agrees to explore the suggestion put forward by the Subcommittee for installing an electronic display system at appropriate locations to inform taxi drivers of the latest queuing situation inside the PTI.

Security concerns

16. On the security front, members generally consider that law and order inside the control points should not be compromised as a result of the proposed arrangement for allowing urban and NT taxis to operate there. With the sudden increase in the number of vehicles who have the right to go inside the closed area, the Subcommittee has expressed concern about the resultant security risks such as smuggling of illegal immigrants.

17. The Administration explains the background to the proposals to designate PTIs inside the new control points which were made in response to requests made by members of the Transport Panel and the Finance Committee. Whilst it may be on the safe side to restrict all vehicles to enter the closed area for security reasons, the Administration advises that it will put in place adequate measures to

ensure an orderly operation of taxis in the new control points. With the introduction of the proposed chit system, the number of vehicles entering the Spur Line PTI will be limited. The roads leading to the PTI will also be designated as 24-hour restricted zones and all vehicles will be prohibited from carrying out loading or unloading activities there. Further, closed-circuit televisions will be installed en-route for security monitoring purposes.

18. The Subcommittee is in support of the Amendment Regulation. The Subcommittee and the Administration will not make any amendment to the Amendment Regulation.

Advice sought

19. The House Committee is invited to note the deliberations of the Subcommittee.

Council Business Division 1
Legislative Council Secretariat
15 March 2007

**Subcommittee on Road Traffic (Traffic Control)
(Amendment) Regulation 2007**

Membership list

Chairman	Hon WONG Kwok-hing, MH
Members	Hon James TO Kun-sun Hon Miriam LAU Kin-yee, GBS, JP Hon Andrew CHENG Kar-foo Hon LI Fung-ying, BBS, JP Hon CHEUNG Hok-ming, SBS, JP (Total: 6 Members)
Clerk	Mr Andy LAU
Legal Adviser	Miss Monna LAI
Date	1 March 2007