

## LEGISLATIVE COUNCIL BRIEF

Road Traffic Ordinance  
(Chapter 374)

### ROAD TRAFFIC (TRAFFIC CONTROL) (AMENDMENT) REGULATION 2007

#### INTRODUCTION

A The Secretary for the Environment, Transport and Works has made the Road Traffic (Traffic Control) (Amendment) Regulation 2007 (at **Annex A**) to empower the Commissioner for Transport (the Commissioner) to exempt all or particular categories of taxis from a closed road restriction.

#### JUSTIFICATIONS

2. Under regulation 27(1) of the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G) (the Regulations), 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 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. We 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 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, we propose to amend Regulation 27(3) of the 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.

5. We also propose to add a new traffic sign to Schedule 1 to the Regulations and amend the footnote of Figure No. 149 so that they can be used together to denote the exemption.

## THE AMENDMENT REGULATION

6. The main provisions are –

- (a) **Section 2** of the Amendment Regulation amends regulation 27 of the Regulations to empower the Commissioner to grant an exemption to any category of taxis from any closure under regulation 27(1) of the Regulations.
- (b) **Section 3** of the Amendment Regulation amends Schedule 1 to the Regulations by adding a new traffic sign (Figure No. 433) which may be used with Figure No. 149 to indicate the exemption of the specified categories of taxis from the closed road restriction.

7. The provisions of the Regulations being amended are at **Annex B**.

## **LEGISLATIVE TIMETABLE**

8. The legislative timetable is as follows –

Publication in the Gazette	2 February 2007
Tabling at the Legislative Council	7 February 2007

The Amendment Regulation will come into effect on 1 April 2007. The Commissioner will further exercise his power to grant exemption to taxis from the closed road restriction having regard to the actual commissioning date of the PTI.

## **IMPLICATIONS OF THE PROPOSAL**

9. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It does not affect the current binding effect of the Regulations. The proposal has no financial, civil service, economic, productivity, environmental or sustainability implications.

## **PUBLIC CONSULTATION**

10. We have consulted the Legislative Council Panel on Transport on the Amendment Regulation at its meeting on 26 January 2007. Members have no objection to it.

## **PUBLICITY**

11. A spokesman will be available to answer media and public enquiries.

## **ENQUIRIES**

12. Please direct all enquiries to Mr. Donald Ng, Principal Assistant Secretary for the Environment, Transport and Works (Transport), at 2189 2186.

**Environment, Transport and Works Bureau**  
**1 February 2007**

Road Traffic Ordinance  
(Chapter 374)

**ROAD TRAFFIC (TRAFFIC CONTROL) (AMENDMENT)  
REGULATION 2007**

**ANNEXES**

- Annex A - Road Traffic (Traffic Control) (Amendment)  
Regulation 2007
- Annex B - Regulation 27 of Road Traffic (Traffic Control)  
Regulations

**ROAD TRAFFIC (TRAFFIC CONTROL)  
(AMENDMENT) REGULATION 2007**

(Made by the Secretary for the Environment, Transport and Works under sections 11 and 13 of the Road Traffic Ordinance (Cap. 374))

**1. Commencement**

This Regulation shall come into operation on 1 April 2007.

**2. Closure of roads**

(1) Regulation 27(3) of the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G) is amended –

- (a) in paragraph (a), by repealing “or” at the end;
- (b) in paragraph (b), by repealing the full stop at the end and substituting “; or”;
- (c) by adding –
  - “(c) any category of taxis in respect of which an exemption is granted by the Commissioner under subregulation (3A).”.

(2) Regulation 27 is amended by adding –

- “(3A) The Commissioner may –
  - (a) grant an exemption to any category of taxis from any closure under subregulation (1) –
    - (i) for an indefinite period or a specified period;
    - (ii) on specified days, during specified hours in any day, or during specified hours in any specified days; and

- (iii) on any other conditions as the Commissioner thinks fit;
- (b) revoke or suspend such exemption; and
- (c) revoke, vary or add to any condition referred to in paragraph (a).

(3B) The Commissioner shall give notice of any exemption, revocation, suspension, variation or addition under subregulation (3A) in the Gazette.”.

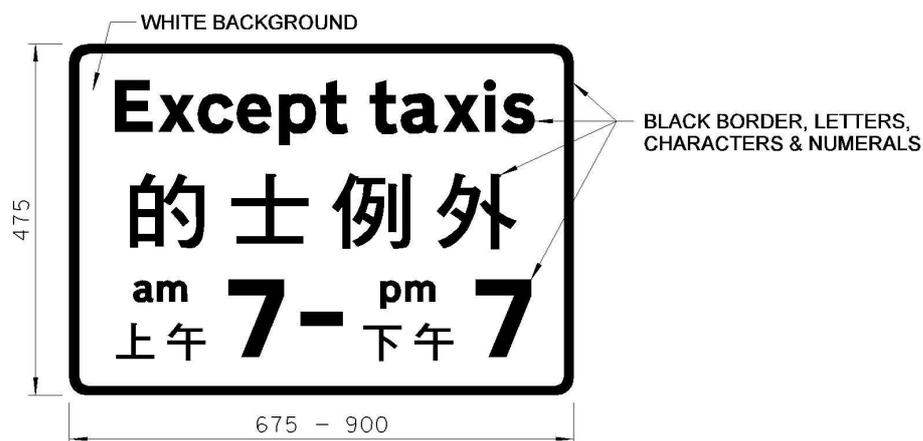
### 3. Traffic signs

(1) Schedule 1 is amended, in Figure No. 149, in the note, by repealing “PLATE IN FIGURE No. 405” and substituting “PLATES IN FIGURE Nos. 405 AND 433”.

(2) Schedule 1 is amended by adding –

“SUPPLEMENTARY  
PLATE

FIGURE No. 433



This plate may be used with the sign in Figure No. 149 to indicate the exception of taxis to the particular restriction indicated by that sign within the specified period of time. This plate may also be used without

any reference to time on it to indicate a 24-hour exception to that restriction.

The word “taxis” and characters “的士” may be varied to “N T taxis” and “新界的士”, “Urban taxis” and “市區の士” and/or “Lantau taxis” and “大嶼山の士” respectively to accord with the specified category of taxi excepted.

The times on this plate may be varied to specify any period of time or times or in 24-hour time display without the words “am” and “上午” and/or “pm” and “下午”.

Secretary for the Environment,  
Transport and Works

2007

### **Explanatory Note**

This Regulation amends the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G) (“principal Regulations”).

2. Regulation 27(1) of the principal Regulations provides that the Commissioner for Transport may close a road or any part of it to all or any particular kind of traffic for such period as he may think necessary.

3. Regulation 27(3) of the principal Regulations provides that the closure of a road under regulation 27(1) of the principal Regulations shall not apply to –

- (a) a vehicle which is being driven for any fire services, ambulance, police or customs and excise service purpose if compliance with the closure is likely to hinder the use of that vehicle for that purpose; or
- (b) a vehicle in respect of which a closed road permit for the road is issued and is valid in accordance with the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E).

4. This Regulation amends regulation 27 of the principal Regulations to empower the Commissioner for Transport to grant an exemption to any category of taxis from any closure under regulation 27(1) of the principal Regulations.

5. This Regulation amends Schedule 1 to the principal Regulations by adding a new traffic sign (Figure No. 433) 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).

## Annex B

Chapter:	374G	ROAD TRAFFIC (TRAFFIC CONTROL) REGULATIONS	Gazette Number	Version Date
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Regulation:	27	Closure of roads		30/06/1997
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### PART V

#### ROAD CLOSURES

(1) Where in the opinion of the Commissioner it is necessary to close a road or any part of it to all or any particular kind of traffic, he may close that road or part of it to such traffic for such period as he may think necessary.

(2) A closure under subregulation (1) shall be indicated by a sign of the type shown in Figure No. 149 in Schedule 1 and a notice of such closure shall be published by the Commissioner as soon as reasonably practicable in the Gazette or in one issue of at least one English newspaper and one Chinese newspaper circulating in Hong Kong. (L.N. 263 of 1984)

(3) The closure of a road under subregulation (1) shall not apply to-

- (a) a vehicle which is being driven for any fire services, ambulance, police or customs and excise service purpose if compliance with the closure is likely to hinder the use of that vehicle for that purpose; or
- (b) a vehicle in respect of which a closed road permit for the road is issued and is valid in accordance with the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap 374 sub. leg.).

(4) Subject to subregulation (3), no person shall drive a vehicle on any road closed under subregulation (1).

(5) For the purposes of this regulation, "road" does not include a private road. (L.N. 22 of 1989)