

# LEGISLATIVE COUNCIL BRIEF

Road Traffic Ordinance (Chapter 374)

## **ROAD TRAFFIC (EXPRESSWAY) (AMENDMENT) REGULATION 2012 ROAD TRAFFIC (REGISTRATION AND LICENSING OF VEHICLES) (AMENDMENT) REGULATION 2012 ROAD TRAFFIC (PARKING) (AMENDMENT) REGULATION 2012**

### **INTRODUCTION**

On 26 April 2012, by virtue of sections 13(b) and 131(1) of the Road Traffic Ordinance (the Ordinance), the Secretary for Transport and Housing (the Secretary) made the Road Traffic (Expressway) (Amendment) Regulation 2012 (at **Annex A**), and by virtue of section 6(1) of the Ordinance, the Secretary made the Road Traffic (Registration and Licensing of Vehicles) (Amendment) Regulation 2012 (at **Annex B**) to allow the use of certain types of electric vehicles (EVs) on expressways without having to obtain expressway permits.

2. Also, on 26 April 2012, by virtue of section 12(1) of the Ordinance, the Secretary made the Road Traffic (Parking) (Amendment) Regulation 2012 (at **Annex C**) to allow disabled persons holding probationary driving licences (PDL) to apply for disabled person's parking permit (DPPP).

3. The Road Traffic (Expressway) (Amendment) Regulation 2012, the Road Traffic (Registration and Licensing of Vehicles) (Amendment) Regulation 2012 and the Road Traffic (Parking) (Amendment) Regulation 2012 will be referred to as the "Amendment Regulations" in this document.

### **BACKGROUND AND JUSTIFICATIONS**

#### **Facilitation of Use of EVs on Expressways**

4. Only motor vehicles that comply with the prevailing vehicle design standards and are properly registered and licenced may be used on roads in Hong Kong. As for the use of vehicles on expressways, it is provided under

regulation 4(1) of the Road Traffic (Expressway) Regulations (Cap. 374Q) that no person shall use a vehicle on an expressway unless the vehicle belongs to one of the types specified in regulation 4(1) of Cap. 374Q and with engine cylinder capacity of not less than 125 cubic centimetres. Expressways are designed to cater for high volume of traffic at high speed, and the design speed for new expressways is generally 80 kilometres per hour or above. For safety as well as traffic management purposes, vehicles allowed to run on expressways must be able to quickly attain a speed compatible with that of the main traffic stream. Regulation 4(1) of Cap. 374Q seeks to ensure that only motor vehicles with adequate power to quickly attain a speed compatible to the main traffic stream are allowed to run on expressways. To cater for individual circumstances whereby motor vehicles that are suitable for use on expressways but do not fall under the general categories set out in regulation 4(1) of Cap. 374Q, it is provided under regulation 50A of the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374E) that the registered owner of a motor vehicle which is not permitted to be used or driven on expressways under the former regulation may apply to the Commissioner for Transport (the Commissioner) for a permit which authorises him or her to drive the vehicle on expressways.

5. EVs are powered by electric motors and do not have internal combustion engines with cylinders. Therefore, they do not meet the current requirement for use on expressways as stipulated under regulation 4(1) of Cap. 374Q. Owners of suitable EVs may however apply for expressway permits under regulations 50A of Cap. 374E. The permits are issued at a fee of \$145 and are valid for one year. The Transport Department (TD) received 269 applications for expressway permits from EV owners for the period between March 2011 and February 2012, and 269 expressway permits were issued.

6. It is the Government's policy to promote the use of EVs for environmental protection in Hong Kong. In order to facilitate the use of EVs on expressways in Hong Kong, it is proposed that regulation 4(1) of Cap. 374Q be amended to permit EVs that fulfil certain technical requirements to run on expressways without having to obtain expressway permits.

7. Having consulted the leading academics on electric vehicles in Hong Kong, the Road Safety Research Committee (RSRC) of the Road Safety Council, and the Electrical and Mechanical Services Department, the

Government proposes that regulation 4 of Cap. 374Q be amended to allow the following types of EVs to run on expressways: -

- (i) electric private car;
- (ii) electric motor cycle; and
- (iii) electric motor tricycle,

which are solely propelled by electric motor the rated power of which is equal to or greater than :-

- (a) 7 kilowatts (kW) for electric private cars; and
- (b) 3 kW for electric motor cycles or electric motor tricycles.

8. It is recommended that “rated power” of the electric motors should be adopted as the criterion for determining which EVs should be allowed to run on expressways. The “rated power” of an electric motor is its maximum power output that can be sustained for an extended period, and it relates closely to the speed and acceleration performance of EVs. Expert advice obtained by TD is that the use of “rated power” as the control criterion for EVs is consistent with the use of “engine cylinder capacity” for petrol/diesel driven vehicles. It is further recommended on expert advice that a rated power of 7kW should be adopted as the minimum threshold for electric private cars, and 3kW for electric motor cycles and motor tricycles. A lower threshold is proposed for electric motor cycles and motor tricycles because these vehicles have lighter weights than electric private cars. At the above proposed minimum thresholds on “rated power”, the electric motors of EVs should be capable of generating continuous motor power to drive EVs at a cruising speed of 80 kilometres per hour or above, to match the main traffic speed on expressways.

9. The EVs currently available in the local market are mostly private cars and motor cycles. For other EV classes such as goods vehicles, not many are registered for use in Hong Kong (as at 29 February 2012, only 1 electric medium goods vehicle, 7 electric light goods vehicles, 4 electric private light buses, and 1 electric private bus have been registered). Data on how their rated power relates to their speed and acceleration performance are not adequate for TD to establish a criterion for general application. For road safety considerations, we consider that the current practice of requiring such EV classes to apply for expressway permits for running on expressways should continue. When more data are available to determine a suitable threshold, consideration may be given to amending the Road Traffic (Expressway)

Regulations to include such EV classes in the general categories of motor vehicles allowed to run on expressways.

10. The Government would like to allow the use of EVs that meet the above specified technical requirements on expressways without having to obtain expressway permits, by the Secretary for Transport and Housing making the Road Traffic (Expressway) (Amendment) Regulation 2012 and the Road Traffic (Registration and Licensing of Vehicles) (Amendment) Regulation 2012.

### **Allowing Disabled Persons Holding PDL to Apply for DPPP**

11. To enhance the ability of disabled person to move around at will in the community and facilitate their full participation and integration into the community, the Government has been providing a range of driving concessions for disabled persons who drive their own vehicles through the system of DPPP. Under regulation 27A(3) of the Road Traffic (Parking) Regulations (Cap. 374C), the Commissioner may issue a DPPP to an applicant if he or she is a disabled person holding a full driving licence or a learner's driving licence which permits the applicant to drive a private car, motorcycle or motor tricycle. The driving concessions enjoyed by holders of DPPP include using parking spaces which are designated for disabled persons issued with DPPP for free, waiving of fees at metered parking spaces, a 50% discount on parking fees at Government car parks managed by TD and the Link Management Limited car parks (the relevant parking concessions).

12. Regulation 27(A)(3) of Cap. 374C does not empower the Commissioner to issue a DPPP to a disabled person holding a PDL. Therefore, a disabled person holding a PDL<sup>1</sup>, whilst can legally drive on roads, is unable to obtain a DPPP to enjoy the relevant parking concessions. This appears to be the result of an omission when the PDL scheme was extended to cover private cars and light goods vehicles in February 2009.

13. The Government considers that disabled persons holding PDL should also be eligible to apply for DPPP and enjoy the relevant parking concessions. We therefore propose to amend the relevant legislation to allow disabled persons holding PDL to apply for DPPP. In the meantime, TD has been providing driving concessions through administrative means, i.e. a 50% discount on parking fees at Government car parks managed by TD and the Link Management Limited car parks, to disabled persons holding PDL.

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<sup>1</sup> As at 29 February 2012, there were 19 disabled persons holding probationary driving licence.

14. The Government would like to make disabled persons holding PDL also eligible to apply for DPPP to enjoy the relevant parking concessions, by the Secretary for Transport and Housing making the Road Traffic (Parking) (Amendment) Regulation 2012.

## **THE AMENDMENT REGULATIONS**

### **Facilitation of Use of EVs on Expressways**

15. The key provisions of the Road Traffic (Expressway) (Amendment) Regulation 2012 (**Annex A**) are:

- (a) Section 3 amends regulation 4 of Cap. 374Q to authorise specified classes of EVs (i.e. electric private cars, electric motor cycles and electric motor tricycles) whose “rated power” as shown in the registration document fulfils the relevant requirement to run on expressways, i.e. a minimum threshold of “rated power” of 7 kW for electric private cars and a minimum threshold of “rated power” of 3 kW for electric motor cycles and electric motor tricycles.
- (b) Section 4 amends regulation 9 of Cap. 374Q to allow EVs to stop or remain at rest on the carriageway of an expressway by reason of lack of electricity.

16. The key provisions of the Road Traffic (Registration and Licensing of Vehicles) (Amendment) Regulation 2012 (**Annex B**) are:

- (a) Section 3 amends regulation 2 of Cap. 374E to include the definition of “rated power” as the maximum power output of the electric motor that can be sustained for a period of not less than 30 minutes.
- (b) Section 4 amends Schedule 1 to Cap. 374E to include the “rated power” of EVs as one of the particulars to be entered in the register of vehicles maintained by the Commissioner.
- (c) Section 5 amends Schedule 3 to Cap. 374E to include the “rated power” of EVs as one of the particulars to be entered in the registration documents of the vehicles concerned.

## **Allowing Disabled Persons Holding PDL to Apply for DPPP**

17. The key provisions of the Road Traffic (Parking) (Amendment) Regulation 2012 (**Annex C**) are:

- (a) Section 3 amends regulation 27A of Cap. 374C to empower the Commissioner to issue and renew a DPPP to a disabled person holding a PDL.
- (b) Section 4 amends regulation 27BA of Cap. 374C to require an applicant of DPPP to produce for inspection the original or copy of his or her PDL when processing the application.

## **LEGISLATIVE TIMETABLE**

18. The legislative timetable of the Amendment Regulations is as follows –

Publication in the Gazette	4 May 2012
Tabling at the Legislative Council	9 May 2012
Commencement	29 June 2012

## **IMPLICATIONS OF THE AMENDMENT REGULATIONS**

19. The Amendment Regulations are in conformity with the Basic Law, including the provisions concerning human rights. It has no economic, environmental, sustainability, productivity or civil service implications. The financial implication is negligible given the small number of vehicles involved. The Amendment Regulations do not affect the binding effect of the Ordinance.

## **PUBLIC CONSULTATION**

### **Facilitation of Use of EVs on Expressways**

20. The RSRC of the Road Safety Council and the Transport Advisory Committee were consulted on the proposal. They were supportive of the proposal in general. The Legislative Council Panel on Transport was also briefed our proposal at its meeting in February 2012 and members generally supported the proposal.

## **Allowing Disabled Persons Holding PDL to Apply for DPPP**

21. We consulted the members of the Working Group on Access to Public Transport by People with Disabilities (the membership of the Working Group comprises representatives of disabled persons groups, public transport operators and relevant Government bureaux and departments) and the Working Group supported the proposal in general. An information paper on the proposal was issued to the Legislative Council Panel on Transport in March 2012 and no comments were received from members.

### **PUBLICITY**

22. The Amendment Regulations will be published in the Gazette on 4 May 2012. A spokesman will be available to handle enquiries.

### **ENQUIRIES**

23. Any enquiries concerning this Brief can be directed to Miss Erica Ng, Principal Assistant Secretary for Transport and Housing, at 3509 8192.

**Transport and Housing Bureau  
May 2012**

**Road Traffic (Expressway) (Amendment) Regulation 2012**

(Made by the Secretary for Transport and Housing under sections 13(b) and 131(1) of the Road Traffic Ordinance (Cap. 374))

**1. Commencement**

This Regulation comes into operation on 29 June 2012.

**2. Road Traffic (Expressway) Regulations amended**

The Road Traffic (Expressway) Regulations (Cap. 374 sub. leg. Q) are amended as set out in sections 3 and 4.

**3. Regulation 4 amended (vehicles permitted)**

(1) Regulation 4(1)—

**Repeal**

“subregulation (2)”

**Substitute**

“subregulations (1A) and (2)”.

(2) After regulation 4(1)—

**Add**

“(1A) Subregulation (1) does not apply to—

- (a) a private car;
- (b) a motor cycle; or
- (c) a motor tricycle,

which conforms with the specifications set out in subregulation (1B).

(1B) The specifications are that—

- (a) the vehicle is solely propelled by an electric motor; and

(b) its rated power as shown in the registration document issued in respect of the vehicle is not less than—

- (i) for a private car, 7 kilowatts; or
- (ii) for a motor cycle or motor tricycle, 3 kilowatts.

(1C) To avoid doubt, in so far as any rated power shown in a registration document is concerned, only a numerical value equal to or higher than the applicable threshold under subregulation (1B)(b) is to be regarded as not less than that threshold.”.

**4. Regulation 9 amended (stopping)**

Regulation 9(2)(a), after “fuel,”—

**Add**

“electricity,”.



Secretary for Transport and Housing

26.4.2012



### **Explanatory Note**

This Regulation amends the Road Traffic (Expressway) Regulations (Cap. 374 sub. leg. Q) so that electric vehicles of 3 classes (i.e. private cars, motor cycles and motor tricycles) that fulfil the relevant requirement on rated power are permitted to be used on an expressway.

**Road Traffic (Registration and Licensing of Vehicles)  
(Amendment) Regulation 2012**

(Made by the Secretary for Transport and Housing under section 6(1) of the Road Traffic Ordinance (Cap. 374))

**1. Commencement**

This Regulation comes into operation on 29 June 2012.

**2. Road Traffic (Registration and Licensing of Vehicles) Regulations amended**

The Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E) are amended as set out in sections 3, 4 and 5.

**3. Regulation 2 amended (interpretation)**

- (1) Regulation 2(1), Chinese text, definition of ~~擬使用的自訂登記號碼~~

**Repeal the full stop**

**Substitute a semicolon.**

- (2) Regulation 2(1)—

**Add in alphabetical order**

“*rated power* (額定功率), in relation to a motor vehicle, means the maximum power output that can be sustained for a period of not less than 30 minutes of the electric motor of the vehicle;”.

**4. Schedule 1 amended**

Schedule 1, item (xi), after “Cylinder capacity”—

**Add**

“or rated power”.

**5. Schedule 3 amended (particulars to be entered in a registration document)**

Schedule 3, item 2(viii), after “Cylinder capacity”—

**Add**

“or rated power”.



Secretary for Transport and Housing

26.4.2012

### Explanatory Note

Under regulations 4 and 6 of the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E) (*the principal Regulations*), the Commissioner for Transport is to maintain a register of vehicles and, on registering a motor vehicle, issue a registration document in respect of the vehicle.

2. This Regulation amends the principal Regulations to add “rated power”, which is applicable to electric vehicles, as one of the particulars that are to be entered in the register and registration document.

**Road Traffic (Parking) (Amendment) Regulation 2012**

(Made by the Secretary for Transport and Housing under section 12(1) of the Road Traffic Ordinance (Cap. 374))

**1. Commencement**

This Regulation comes into operation on 29 June 2012.

**2. Road Traffic (Parking) Regulations amended**

The Road Traffic (Parking) Regulations (Cap. 374 sub. leg. C) are amended as set out in sections 3 and 4.

**3. Regulation 27A amended (application for and issue of disabled person's parking permits)**

Regulation 27A(3)(a)(i)—

**Repeal**

“or a learner’s”

**Substitute**

“, a learner’s driving licence or a probationary”.

**4. Regulation 27BA amended (power of Commissioner to require production of licence, etc.)**

Regulation 27BA(1)(b)—

**Repeal**

“or learner’s”

**Substitute**

“, learner’s driving licence or probationary”.



Secretary for Transport and Housing

26 .4.2012

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**Explanatory Note**

Under the Road Traffic (Parking) Regulations (Cap. 374 sub. leg. C) (*principal Regulations*), a disabled person must hold a full driving licence or a learner's driving licence in order to be eligible to obtain a disabled person's parking permit. This Regulation amends the principal Regulations so that a disabled person who holds a probationary driving licence is also eligible to obtain the permit.