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Legislative Council

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 24 April 2013

**Proposed resolution under
the Road Traffic Ordinance and
the Road Traffic (Driving-offence Points) Ordinance**

The Secretary for Transport and Housing will move, at the Council meeting of 24 April 2013, a proposed resolution under section 72A(10) of the Road Traffic Ordinance (Cap. 374) and section 4(3) of the Road Traffic (Driving-offence Points) Ordinance (Cap. 375). The proposed resolution is attached for Members' consideration. The President has directed that it be printed in the terms in which it was handed in on the Agenda of the Council.

2. The speech, in both Chinese and English, which the Secretary will deliver when moving the proposed resolution is also attached.

(Odelia LEUNG)
for Clerk to the Legislative Council

Encl.

Road Traffic Ordinance

Road Traffic (Driving-offence Points) Ordinance

Resolution

(Under section 72A(10) of the Road Traffic Ordinance (Cap. 374) and section 4(3) of the Road Traffic (Driving-offence Points) Ordinance (Cap. 375))

Resolved that—

- (a) the Road Traffic Ordinance (Cap. 374) be amended as set out in Schedule 1;
- (b) the Road Traffic (Driving-offence Points) Ordinance (Cap. 375) be amended as set out in Schedule 2;
- (c) subject to paragraph (d), this Resolution is to come into operation on 26 April 2013; and
- (d) section 1(2), (4), (7), (9), (11) and (13) of Schedule 1 and section 1(3), (4), (8), (9), (14), (15), (20) and (21) of Schedule 2 are to come into operation on a day to be appointed by the Secretary for Transport and Housing by notice published in the Gazette.

Schedule 1

[para. (a)]

Amendments to Road Traffic Ordinance

1. **Schedule 11 amended (offences specified for the purposes of section 72A)**
 - (1) Schedule 11, after “28,”—
Add
“28A, 28D,”.
 - (2) Schedule 11—
Repeal
“29, 32,”.
 - (3) Schedule 11, after “33,”—
Add
“33A, 33D,”.
 - (4) Schedule 11—
Repeal
“34,”.
 - (5) Schedule 11—
Repeal
“37,”.
 - (6) Schedule 11, before “38,”—
Add
“37A, 37D, 37G, 37J, 37K,”.
 - (7) Schedule 11—
Repeal

- “38,”.
- (8) Schedule 11—
Repeal
“41,”.
- (9) Schedule 11—
Repeal
“42,”.
- (10) Schedule 11, after “47,”—
Add
“49A, 49D, 49G, 49J, 49K,”.
- (11) Schedule 11—
Repeal
“50,”.
- (12) Schedule 11—
Repeal
“53,”.
- (13) Schedule 11—
Repeal
“54,”.
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Schedule 2 [para. (b)]**Amendments to Road Traffic (Driving-offence Points)
Ordinance****1. Schedule amended**

- (1) The Schedule, after item 28—

Add

“28A	By-law 10(1)	Driving in excess of the speed limit indicated by a prescribed traffic sign by more than 15 kilometres an hour, other than where item 28B or 28C applies	3
28B	By-law 10(1)	Driving in excess of the speed limit indicated by a prescribed traffic sign by more than 30 kilometres an hour, other than where item 28C applies	5
28C	By-law 10(1)	Driving in excess of the speed limit indicated by a prescribed traffic sign by more than 45 kilometres an hour	10
28D	By-law 10(2)	Crossing continuous double white lines or a continuous white line with a broken white line of the type shown in Figure No. 501 or 502 in	3”.

Schedule 2 to the Road
Traffic (Traffic Control)
Regulations (Cap. 374 sub.
leg. G)

- (2) The Schedule, before item 29, column 2—

Add

“Eastern Harbour Crossing Road Tunnel By-laws (Cap. 215 sub. leg. E) as it was in force immediately before 20 July 2012”.

- (3) The Schedule, before item 29, column 2—

Repeal

“Eastern Harbour Crossing Road Tunnel By-laws (Cap. 215 sub. leg. E) as it was in force immediately before 20 July 2012”.

- (4) The Schedule—

Repeal items 29, 30, 31 and 32.

- (5) The Schedule, after item 33—

Add

“33A	By-law 10(1)	Driving in excess of the speed limit indicated by a prescribed traffic sign by more than 15 kilometres an hour, other than where item 33B or 33C applies	3
33B	By-law 10(1)	Driving in excess of the speed limit indicated by a prescribed traffic sign by more than 30 kilometres an hour, other than where item 33C applies	5

33C	By-law 10(1)	Driving in excess of the speed limit indicated by a prescribed traffic sign by more than 45 kilometres an hour	10”.
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- (6) The Schedule—

Renumber item 37 as item 33D.

- (7) The Schedule, before item 34, column 2—

Add

“Tate’s Cairn Tunnel By-laws (Cap. 393 sub. leg. B) as it was in force immediately before 20 July 2012”.

- (8) The Schedule, before item 34, column 2—

Repeal

“Tate’s Cairn Tunnel By-laws (Cap. 393 sub. leg. B) as it was in force immediately before 20 July 2012”.

- (9) The Schedule—

Repeal items 34, 35 and 36.

- (10) The Schedule, before item 38—

Add

“37A	Section 7(1)	Driving in excess of the speed limit indicated by a speed limit sign by more than 15 kilometres an hour, other than where item 37B or 37C applies	3
37B	Section 7(1)	Driving in excess of the speed limit indicated by a speed limit sign by more than 30 kilometres an hour, other than	5

		where item 37C applies	
37C	Section 7(1)	Driving in excess of the speed limit indicated by a speed limit sign by more than 45 kilometres an hour	10
37D	Section 7(2)(b)(i)	Driving a bus, medium goods vehicle or heavy goods vehicle in excess of the 70 kilometres per hour speed limit by more than 15 kilometres an hour, other than where item 37E or 37F applies	3
37E	Section 7(2)(b)(i)	Driving a bus, medium goods vehicle or heavy goods vehicle in excess of the 70 kilometres per hour speed limit by more than 30 kilometres an hour, other than where item 37F applies	5
37F	Section 7(2)(b)(i)	Driving a bus, medium goods vehicle or heavy goods vehicle in excess of the 70 kilometres per hour speed limit by more than 45 kilometres an hour	10
37G	Section 7(2)(b)(ii)	Driving a motor cycle, motor tricycle, private car or light goods vehicle and under a probationary driving licence in excess of the 70 kilometres per hour speed limit by more	3

		than 15 kilometres an hour, other than where item 37H or 37I applies	
37H	Section 7(2)(b)(ii)	Driving a motor cycle, motor tricycle, private car or light goods vehicle and under a probationary driving licence in excess of the 70 kilometres per hour speed limit by more than 30 kilometres an hour, other than where item 37I applies	5
37I	Section 7(2)(b)(ii)	Driving a motor cycle, motor tricycle, private car or light goods vehicle and under a probationary driving licence in excess of the 70 kilometres per hour speed limit by more than 45 kilometres an hour	10".
(11)	The Schedule— Renumber item 41 as item 37J.		
(12)	The Schedule, after item 37J— Add		
"37K	Section 10(2)	Crossing a continuous white line with a broken white line of the type shown in Figure No. 502 in Schedule 2 to the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G)	3".

- (13) The Schedule, after item 37K, column 2—
Add
“Western Harbour Crossing Bylaw (Cap. 436 sub. leg. D) as it was in force immediately before 20 July 2012”.
- (14) The Schedule, after item 37K, column 2—
Repeal
“Western Harbour Crossing Bylaw (Cap. 436 sub. leg. D) as it was in force immediately before 20 July 2012”.
- (15) The Schedule—
Repeal items 38, 39, 40 and 42.
- (16) The Schedule, before item 50—
Add
- | | | | |
|------|--------------------|---|----|
| “49A | Section 7(1) | Driving in excess of the speed limit indicated by a speed limit sign by more than 15 kilometres an hour, other than where item 49B or 49C applies | 3 |
| 49B | Section 7(1) | Driving in excess of the speed limit indicated by a speed limit sign by more than 30 kilometres an hour, other than where item 49C applies | 5 |
| 49C | Section 7(1) | Driving in excess of the speed limit indicated by a speed limit sign by more than 45 kilometres an hour | 10 |
| 49D | Section 7(2)(b)(i) | Driving a bus, medium goods vehicle or heavy goods vehicle in excess of the 70 | 3 |

- | | | | |
|-----|---------------------|---|----|
| | | kilometres per hour speed limit by more than 15 kilometres an hour, other than where item 49E or 49F applies | |
| 49E | Section 7(2)(b)(i) | Driving a bus, medium goods vehicle or heavy goods vehicle in excess of the 70 kilometres per hour speed limit by more than 30 kilometres an hour, other than where item 49F applies | 5 |
| 49F | Section 7(2)(b)(i) | Driving a bus, medium goods vehicle or heavy goods vehicle in excess of the 70 kilometres per hour speed limit by more than 45 kilometres an hour | 10 |
| 49G | Section 7(2)(b)(ii) | Driving a motor cycle, motor tricycle, private car or light goods vehicle and under a probationary driving licence in excess of the 70 kilometres per hour speed limit by more than 15 kilometres an hour, other than where item 49H or 49I applies | 3 |
| 49H | Section 7(2)(b)(ii) | Driving a motor cycle, motor tricycle, private car or light goods vehicle and under a probationary driving licence in excess of the 70 kilometres per hour speed limit by more | 5 |

than 30 kilometres an hour,
other than where item 49I
applies

49I Section 7(2)(b)(ii) Driving a motor cycle, motor tricycle, private car or light goods vehicle and under a probationary driving licence in excess of the 70 kilometres per hour speed limit by more than 45 kilometres an hour 10”.

(17) The Schedule—

Re-number item 53 as item 49J.

(18) The Schedule, after item 49J—

Add

“49K Section 10(2) Crossing a continuous white line with a broken white line of the type shown in Figure No. 502 in Schedule 2 to the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G) 3”.

(19) The Schedule, after item 49K, column 2—

Add

“Tai Lam Tunnel and Yuen Long Approach Road Bylaw (Cap. 474 sub. leg. C) as it was in force immediately before 20 July 2012”.

(20) The Schedule, after item 49K, column 2—

Repeal

“Tai Lam Tunnel and Yuen Long Approach Road Bylaw (Cap. 474 sub. leg. C) as it was in force immediately before 20 July 2012”.

(21) The Schedule—

Repeal items 50, 51, 52 and 54.

**Speech by the Secretary for Transport and Housing
at the meeting of the Legislative Council in moving the motion on
Road Traffic Ordinance (Chapter 374)
Road Traffic (Driving-offence Points) Ordinance (Chapter 375)**

President,

I move that a Resolution of the Legislative Council on the agenda be passed, to introduce technical amendments to the Schedule to the Road Traffic (Driving-offence Points) Ordinance (Cap. 375) and Schedule 11 to the Road Traffic Ordinance (Cap. 374), so as to accord with the amendments made to the Eastern Harbour Crossing Road Tunnel By-laws (Cap. 215E), the Tate's Cairn Tunnel By-laws (Cap. 393B), the Western Harbour Crossing Bylaw (Cap. 436D) and the Tai Lam Tunnel and Yuen Long Approach Road Bylaw (Cap. 474C) that took effect on 20 July 2012.

Section 4 of Cap. 375 specifies that if a person is convicted of an offence listed in the Schedule to Cap. 375 ("scheduled offence") or becomes liable to a fixed penalty in respect of a scheduled offence, he shall incur the corresponding number of driving-offence points ("DOPs"). As speeding or contravention of certain road markings in the tunnel areas has direct impact on road safety, such traffic offences are included under the DOP system as scheduled offences to deter motorists from committing them. The scheduled offences include traffic offences under the four "Build-Operate-Transfer" ("BOT") tunnel bylaws ("tunnel bylaws").

The four BOT tunnels are the Eastern Harbour Crossing Road Tunnel, Tate's Cairn Tunnel, Western Harbour Crossing ("WHC") and Tai Lam Tunnel and Yuen Long Approach Road (known as "Route 3"). The franchisees of these tunnels have earlier proposed amendments to their respective bylaws, which were approved by the Legislative Council in July 2012. The amendments to the tunnel bylaws aimed at standardising signage for autotoll lanes at these tunnels and tallying with the signage adopted at all government tunnels, as well as aligning these bylaws with the government tunnel regulations or the other BOT tunnel bylaws.

In the amendment exercise, apart from standardising the texts of the provisions on compliance with traffic signs, light signals and road markings in the tunnel areas of the four tunnels, the references of the provisions have also been changed correspondingly. However, references (including texts and section numbers) to the tunnel bylaws in the Schedule to Cap. 375 have not been amended in the same amendment exercise, which has resulted in inconsistencies in the references to these traffic offences between the Schedule to Cap. 375 and the amended tunnel bylaws.

The abovementioned inconsistency does not affect the enforcement of the four tunnel bylaws. Tunnel companies can still penalise traffic offenders according to the relevant provisions in the tunnel bylaws. However, to enable the incurrance of DOPs against persons who are convicted of traffic offences under the amended tunnel bylaws, the Schedule to Cap. 375 has to be amended to align the references (including texts and section numbers) of the BOT tunnel related traffic offences mentioned therein to tally with the amended tunnel bylaws.

Apart from amending the bylaws section references in the Schedule to Cap. 375 to tally with the amended tunnel bylaws, we also propose to add to the Schedule new scheduled offences. In order to align with the restriction imposed by section 40 of the Road Traffic Ordinance (Cap. 374), the amended WHC Bylaw and Route 3 Bylaw stipulate that the maximum speed limit for buses, medium goods vehicles, heavy goods vehicles as well as motor cycles, motor tricycles, private cars or light goods vehicles driven by a person holding a probationary driving licence is 70 kilometres an hour (km/h), even if the prescribed speed limit for the tunnel exceeds 70 km/h. We are of the view that the relevant offences should be included in the Schedule to Cap. 375 such that DOPs would be incurred against drivers of buses, medium goods vehicles, heavy goods vehicles as well as persons holding a probationary driving licence who drive motor cycles, motor tricycles, private cars or light goods vehicles upon their conviction of driving at a speed exceeding 70 km/h at WHC and Route 3.

Schedule 11 of the Road Traffic Ordinance includes the references of a number of scheduled offences in the Schedule to Cap. 375. In view of the proposed amendments to the Schedule to Cap. 375 mentioned above, it is

necessary to update the references to the relevant scheduled offences in Schedule 11 to Cap. 374 correspondingly.

The proposed amendments in the Resolution are technical in nature and serve mainly to rectify the references of certain scheduled offences in the Schedule to Cap. 375 to tally with the relevant offences under the four amended tunnel bylaws. I appeal to Members to support this motion.

Subject to the approval of the motion by the Legislative Council, the Resolution will be published in the Gazette on 26 April 2013 and come into operation on the same day.

President, I move the motion.