

立法會
Legislative Council

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**Subcommittee on
Road Traffic (Amendment) Ordinance 2012
(Commencement) Notice**

Background brief

Purpose

This paper gives a brief account of the discussion by the Bills Committee on Road Traffic (Amendment) (No. 2) Bill 2011 ("the Bills Committee") regarding the requirement of applicants of public light bus ("PLB") driving licence (excluding renewals) to have attended and completed a pre-service course before they are issued with PLB driving licence and summarize the major views and concerns of Legislative Council ("LegCo") Members concerning the operating environment of PLB trade.

Background

2. PLBs provide essential daily service to commuters. Over the years, a number of improvement measures¹ have been introduced to enhance the safety of PLB operation. However, the accident and casualty rates of PLBs in 2009 and 2010 were still relatively higher than those of other classes of motor vehicles. In terms of the number of vehicles involved in traffic accidents per 1 000 vehicles in 2009 and 2010, the involvement rate for PLBs was 255.2 and 263.7 respectively, as compared to 34.1 and 34.3 for all classes of motor vehicle. As a result of the two fatal accidents

¹ The package of measures implemented includes promotion of safe driving among PLB drivers, mandatory installation of speed display device on PLBs, strengthening enforcement against speeding and other inappropriate driving behaviours of PLB drivers, and installation of passenger protection equipment such as passenger seat belts and high back seats on PLBs registered on or after 1 August 2004.

involving green minibuses ("GMBs") in June and July 2009, the public concern on PLB safety has intensified. The concern was shared by the LegCo, District Councils and the office of the Ombudsman.

3. Against the above background, the Administration introduced the Road Traffic (Amendment) (No. 2) Bill 2011 ("the Bill") to implement a package of measures to deter driving malpractices and speeding behaviour of some PLB drivers, and to achieve better control and regulation of the travelling speed of PLBs. These measures include imposing a maximum speed limit for PLBs on roads; mandating installation of suitable safety equipment on PLBs; mandating attendance at a pre-service course; and mandating display of a PLB driver identity plate while a PLB is in service. The Bills Committee was formed to scrutinize the Bill. Members may refer to the report of the Bills Committee (LC Paper No. CB(1)1254/11-12) for details of the major legislative proposals contained in the Bill and relevant deliberations.

4. The Bill was passed by the LegCo on 29 March 2012. Members noted that the requirement of the mandatory attendance at pre-service course before issue of PLB driving licence will come into operation on a day to be appointed by the Secretary for Transport and Housing by notice published in the Gazette. This is to allow TD and the relevant trade to complete the necessary preparations for the implementation of the measure. The Road Traffic (Amendment) Ordinance 2012 ("the Amendment Ordinance") was enacted on 13 April 2012.

5. On 27 June 2014, by virtue of section 1(3) of the Amendment Ordinance, the Secretary for Transport and Housing appointed 1 June 2015 to be the date on which Part 4 of the Amendment Ordinance comes into operation. An applicant who applies for a PLB driving licence on or after 1 June 2015 will be required to have attended and completed a pre-service course before he/she is issued with a PLB driving licence. The Road Traffic (Amendment) Ordinance 2012 (Commencement) Notice ("the Commencement Notice") is in **Appendix I**.

The pre-service course

6. According to the LegCo Brief issued by the Administration (File Ref: THB(T)CR 5/14/3231/00), the pre-service course is introduced to enhance the awareness of safe driving of new PLB drivers and enhance their knowledge of PLB operation and service attitude. The eligibility for driving PLBs of incumbent drivers and existing holders of PLB driving

licenses will not be affected by the introduction of the requirement of a pre-service course.

7. The contents of a pre-service course² cover basic knowledge and legislation on PLB operation, occupational health, construction of PLB, driving and road safety, handling of traffic accidents and emergencies, quality customer service and handling of complaints. According to the Administration, all these topics are relevant to the daily work of PLB drivers and matters which they ought to know. Through the pre-service course, applicants for PLB driving licences will have better understanding of these topics. The Administration advises that this will not only help them in their future work as PLB drivers but also relieve the operational workload (e.g. handling of passengers' complaints) and financial burden (e.g. damages incurred by traffic accidents and vehicle insurance fees) of PLB operators.

8. The Administration further advises that the Transport Department ("TD") has been preparing for the selection and designation of training schools, formulating the relevant Code of Practice for the provision of a pre-service course and briefing the PLB trade and training organizations on the implementation of the new requirement. According to TD's assessment, the training school providers are ready to provide for pre-service course in mid-2015. As such, the commencement date of the requirement for new applicants of PLB driving licence to have attended and completed a pre-service course before they are issued with PLB driving licence is set on 1 June 2015.

Discussions by Members

Deliberations of the Bills Committee

9. In the course of scrutiny of the Bill, the Bills Committee and deputations attending the Bills Committee meeting on 12 January 2012 were in general supportive to the legislative intent of the Bill to enhance the safety of PLB operation. However, they have expressed concern that the new safety measures might have a labeling effect on PLBs. They considered that it would be fairer if the new safety measures would also be applied to all classes of vehicles.

² The course duration is 16 hours, to be completed in no less than 2 full-day or no more than 4 half-day.

10. Some PLB operators were concerned that, as the PLB trade was already facing a manpower shortage and lack of new entrants, the proposed mandatory attendance at pre-service course under the Bill might further deter people from applying for the PLB driving licence. The Bills Committee suggested that the Administration should explore if there is any appropriate arrangement such as employee re-training service/scheme to provide some form of subsidy for applicants enrolling on the pre-service course.

11. According to the LegCo Brief issued by the Administration (File Ref: THB(T)CR 5/14/3231/00), TD has maintained contacts with the PLB trade regarding the introduction of a pre-service course, briefed them of the work progress and listened to their views. TD has responded to the trade that the introduction of a pre-service course will not label PLB as an unsafe transport mode. Moreover, the pre-service course for PLB drivers has been included under Skills Upgrading Scheme Plus of the Employee Retraining Board ("ERB"). Those who attend the pre-service course conducted by ERB's training bodies may be eligible for full or partial course fee waiver, depending on their income.

12. The Administration further advises that to help the trade ease their problem of manpower shortage, TD has assisted the trade to participate in recruitment activities organized by the Labour Department and provided the trade with information on employing ethnic minorities so as to widen their channels for recruiting new drivers. TD has already identified suitable organizations to provide the pre-service course. TD will issue formal designation of pre-service training schools upon completion of the legislative process.

Relevant Council questions raised by Members

13. In response to questions raised at the Council Meetings of 24 April 2013 and 15 May 2013 regarding the shortage problem of PLB drivers, the Secretary for Transport and Housing ("STH") advises that there were about 1 300 full-time GMB driver vacancies as at end of 2012. Yet, the number has reduced to about 660 as at May 2013 by employing part-time and full-time drivers, flexibly redeploying existing manpower and adjusting drivers' salary, etc, by PLB operators. TD will continue to monitor closely the manpower situation of GMB drivers. If the operators apply for fare increase on the ground of increased operating cost (including salary cost), TD will consider such applications on a case-by-case basis.

14. Regarding the suggestion of relaxing the eligibility requirements for applying for the private/public light bus driving licence tests, STH advises at the Council Meeting of 22 February 2012 that as stipulated in Regulations 8(1) and (1A) of the Road Traffic (Driving Licences) Regulations (Laws of Hong Kong Chapter 374B), applicants for driving licences to drive taxis, light buses, medium/heavy goods vehicles or buses (commercial vehicles) must hold a valid full driving licence to drive a private car or light goods vehicle for at least three years, or a valid full driving licence issued after the completion of probationary driving period to drive a private car or light goods vehicle for at least two years immediately preceding their applications. To ensure that novice drivers of commercial vehicles have sufficient on-road driving experience for driving vehicles of a higher passenger capacity and larger size, and for the sake of road safety, the Administration has no plan to relax the relevant requirements for the time being.

Recent developments

15. The Commencement Notice was tabled in LegCo on 2 July 2014. At the meeting of the House Committee on 4 July 2014, Members decided to form a subcommittee to examine the Commencement Notice.

Relevant papers

16. A list of relevant papers is in **Appendix II**.

Council Business Division 1
Legislative Council Secretariat
29 July 2014

Road Traffic (Amendment) Ordinance 2012 (Commencement) Notice

Under section 1(3) of the Road Traffic (Amendment) Ordinance 2012 (6 of 2012), I appoint 1 June 2015 as the day on which Part 4 of the Ordinance comes into operation.

Secretary for Transport and Housing

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(Commencement) Notice**

List of relevant papers

Date of meeting	Panel	Minutes/Paper	LC Paper No.
28.6.2011	Bills Committee on Road Traffic (Amendment) (No.2) Bill 2011	Legislative Council Brief	THB(T)CR 5/14/3231/00 http://www.legco.gov.hk/yr10-11/english/bills/brief/b39brf.pdf
		Report of the Bills Committee	CB(1)1254/11-12 http://www.legco.gov.hk/yr11-12/english/hc/papers/hc0302cb1-1254-e.pdf
22.2.2012	Council Meeting	Hon Starry LEE raised a question on vehicle licence fees and operating environment of green minibuses	http://www.info.gov.hk/gia/general/201202/22/P201202220194.htm
24.4.2013	Council Meeting	Hon TAM Yiu-chung raised a question on shortage of green minibus drivers	http://www.info.gov.hk/gia/general/201304/24/P201304230556.htm
15.5.2013	Council Meeting	Hon Frankie YICK raised a question on manpower situation of public light bus drivers	http://www.info.gov.hk/gia/general/201305/15/P201305150321.htm

Date of meeting	Panel	Minutes/Paper	LC Paper No.
6.2014	--	Legislative Council Brief on Road Traffic Ordinance (Chapter 374) - Road Traffic (Construction and Maintenance of Vehicles) (Amendment) (No. 2) Regulation 2014, and Road Traffic (Amendment) Ordinance 2012 (Commencement) Notice	THB(T)CR 5/14/3231/00 http://www.legco.gov.hk/yr13-14/english/subleg/brief/96_102_brf.pdf
4.7.2014	House Committee	Legal Service Division Report on Subsidiary Legislation Gazetted on 27 June 2014	LS71/13-14 http://www.legco.gov.hk/yr13-14/english/hc/papers/hc0704ls-71-e.pdf

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