

LEGISLATIVE COUNCIL BRIEF

Road Traffic Ordinance (Chapter 374)

Road Traffic (Construction and Maintenance of Vehicles) (Amendment) (No. 2) Regulation 2014

Road Traffic (Amendment) Ordinance 2012 (Commencement) Notice

INTRODUCTION

On 27 June 2014, by virtue of section 9 of the Road Traffic Ordinance, Cap 374, (“the Ordinance”), the Secretary for Transport and Housing (“the Secretary”) made the Road Traffic (Construction and Maintenance of Vehicles) (Amendment) (No. 2) Regulation 2014 (“the Regulation”) (at **Annex A**) to require a public light bus (“PLB”) that is first registered on or after 1 December 2014 to be fitted with an approved electronic data recording device (“EDRD”).

2. On the same day, by virtue of section 1(3) of the Road Traffic (Amendment) Ordinance 2012 (“the Amendment Ordinance”), the Secretary 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 at **Annex B**.

BACKGROUND AND JUSTIFICATIONS

3. The Amendment Ordinance was enacted on 13 April 2012 to improve PLB safety by introducing the following legal requirements –

- (i) imposing a maximum speed limit of 80 km/hr for PLBs;
- (ii) requiring all PLBs to be fitted with an approved speed limiter;

- (iii) requiring the display of PLB driver identity plate;
- (iv) requiring PLBs of any description to be specified to be fitted with an approved EDRD; and
- (v) requiring applicants of PLB driving licence (excluding renewals) to have attended and completed a pre-service course before they are issued with PLB driving licence.

4. Measures (i) to (iii) above have been implemented since the Amendment Ordinance commenced on 13 April 2012. Measures (iv) and (v) (i.e. EDRD and pre-service course respectively) have not yet come into effect as the Transport Department (“TD”) and the relevant trade need time to complete the necessary preparations for the implementation of the two measures.

Mandatory Installation of EDRD

5. The Amendment Ordinance specifies that under Regulation 24C of the Road Traffic (Construction and Maintenance of Vehicles) Regulations, Cap. 374 sub. leg. A (“Cap. 374A”), a PLB which is of a description specified in Schedule 18 to Cap. 374A must be fitted with an approved EDRD. Upon the enactment of the Amendment Ordinance, TD has invited potential suppliers to manufacture and supply EDRD which could meet the installation and performance requirements as specified in Cap. 374A, and to apply for approval of their products. The Secretary plans to specify in Schedule 18 the description of PLB by reference to the date on or after which a PLB is first registered when suitable approved EDRD models become available on the market.

6. As at May 2014, TD has already approved 7 EDRD models and authorized their respective installers accordingly. The list of approved EDRDs and their authorized installers is put on TD's website for information of the trade and the public (see **Annex C**).

7. With a reasonable number of approved EDRDs available on the market, the Secretary considers it an opportune time to specify the description of PLB in Schedule 18 now. Since PLB owners are allowed to register their PLBs at any time within 4 months after passing the vehicle examination, the effective date of the requirement that a newly registered PLB must be fitted with an EDRD is set on a date (i.e. on or after 1 December 2014) which is at least 4 months after the gazettal of the Regulation. This will ensure that a PLB which is examined

before the gazettal date will not be caught by the new requirement when the PLB is registered within the subsequent 4-month period. On and after the gazettal date, TD will notify owners of PLB vehicles having passed the examination of the EDRD requirement so that they can plan the registration of their vehicles accordingly.

Mandatory Attendance of Pre-service Course

8. In order to enhance the safety and service quality of PLB services, the Amendment Ordinance stipulates that applicants of PLB driving licence (excluding renewals) are required to have attended and completed a pre-service course before they are issued with PLB driving licences. 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.

9. The contents of a pre-service course¹ 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. 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. 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.

10. 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 organisations 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.

¹ The course duration is 16 hours, to be completed in no less than 2 full-day or no more than 4 half-day.

THE AMENDMENT

The Regulation

11. Schedule 18 to Cap. 374A is amended by adding an item: “*a public light bus that is first registered on or after 1 December 2014*”. As such, all PLBs first registered on or after 1 December 2014 are required to be installed with an approved EDRD.

The Commencement Notice

12. Under Section 1(3) of the Amendment Ordinance, the Secretary *appointed 1 June 2015 as the day on which Part 4 of the Ordinance comes into operation.*

LEGISLATIVE TIMETABLE

13. The legislative timetable is as follows –

Publication in the Gazette	27 June 2014
Tabling at the Legislative Council (“LegCo”)	2 July 2014

14. Subject to LegCo’s negative vetting, the requirement for newly registered PLBs to be fitted with an approved EDRD will come into effect on 1 December 2014. The requirement for mandatory attendance and completion of a pre-service course by applicants of PLB driving licence (excluding renewals) will come into effect on 1 June 2015.

IMPLICATIONS

15. The Regulation and the Commencement Notice are in conformity with the Basic Law, including provisions concerning human rights. They will not affect the current binding effect of the Ordinance. The proposal has no financial, civil service, productivity, environmental, sustainability, competition or family implications.

16. As to economic implications, the requirements would incur compliance costs, yet they are not likely to be material. The cost of an EDRD² is very small in comparison to the cost of a new PLB. Also, the pre-service course fee is capped at \$1,500 by TD, and subsidy will be provided to applicants with low income who attend the pre-service course conducted by the training bodies of the Employees Retraining Board (“ERB”)³. An applicant, subject to an income test by the ERB, may be eligible for partial (70%) or full course fee waiver.

CONSULTATION

17. The proposal to mandate installation of approved EDRD on newly registered PLBs, and the requirement for mandatory attendance and completion of a pre-service course were discussed at the LegCo, together with other proposals to improve PLB safety, when the relevant bill of the Amendment Ordinance was scrutinised and subsequently passed in 2012. The PLB trade representatives were also consulted at one of the Bills Committee meetings in January 2012. TD further briefed the PLB trade on the forthcoming implementation of the new requirements in December 2013.

18. For EDRD, suppliers of approved EDRD and their respective authorized installers are ready to provide the product and installation service for PLB first registered on or after 1 December 2014. The PLB trade considers that there should be no problem for EDRDs to be fitted into PLBs to record the required data.

19. For the pre-service course, the PLB trade acknowledges that the course can improve the driving attitude and quality of service of PLB drivers. However, the PLB trade worries that the introduction of a pre-service course may reduce the number of applicants for PLB driving licence, which will further aggravate the existing recruitment difficulties and ageing problem of incumbent drivers. The PLB trade also comments that since the requirement for mandatory attendance and completion of a pre-service course is only applicable to PLB

² The cost of an EDRD ranges from \$3,800 to \$5,000, which is a relatively small portion of the vehicle cost of a PLB (ranges from \$510,000 to \$560,000).

³ The training bodies are listed in the Schedule 2 to the Employees Retraining Ordinance, Chapter 423.

driving licence applicants instead of applicants for other commercial vehicle driving licences, the PLB trade is unfairly treated and their image may be tarnished.

20. 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 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. To help the trade ease their problem of manpower shortage, TD has assisted the trade to participate in recruitment activities organised 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 organisations to provide the pre-service course. TD will issue formal designation of pre-service training schools upon completion of the legislative process.

PUBLICITY

21. We will issue a press release to inform the public upon gazettal of the Regulation and the Commencement Notice. A spokesperson will be available for answering media enquiries.

ENQUIRIES

22. Any enquiries concerning this brief can be directed to Ms. Cordelia LAM, Principal Assistant Secretary for Transport and Housing, at 3509 8192.

Transport and Housing Bureau
June 2014

**Road Traffic (Construction and Maintenance of Vehicles) (Amendment)
(No. 2) Regulation 2014**

(Made by the Secretary for Transport and Housing under
section 9 of the Road Traffic Ordinance (Cap. 374))

1. Commencement

This Regulation comes into operation on 1 December 2014.

2. Road Traffic (Construction and Maintenance of Vehicles) Regulations amended

The Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A) are amended as set out in section 3.

3. Schedule 18 amended (public light buses to which regulation 24C applies)

Schedule 18—

Add

“A public light bus that is first registered on or after 1
December 2014.”.

Secretary for Transport and Housing

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

List of Approved EDRD Products and Authorized Installers
(Source : http://www.td.gov.hk/filemanager/en/content_4550/table_c_edrd_eng.pdf)

**APPROVED ELECTRONIC DATA RECORDING DEVICE (EDRD) AND AUTHORIZED INSTALLER
RECOGNISED BY THE COMMISSIONER FOR TRANSPORT**
(Pursuant to Regulation 24C and 120AA of Cap. 374A of Law of Hong Kong)

Below table lists the make and model of approved type of electronic data recording device (EDRD), as recognized by the Commissioner and complying with the requirements set out in Regulation 24C and Schedule 19 of the Road Traffic (Construction and Maintenance of Vehicles) Regulations, as well as the "Authorized Installer" as authorized by the Commissioner in writing in accordance with Regulation 120AA of the above-mentioned Regulations.

APPROVED EDRD				EDRD AUTHORIZED INSTALLER	REMARK
TD Approval No.	Make	Model	Supplier		
TD-EDRD-001	TRANSFULL	EDRD 06	TRANSFULL LIMITED FLAT 25, 7/F, BLOCK B, HI-TECH INDUSTRIAL CENTRE, 491-501 CASTLE PEAK ROAD, TSUEN WAN, N.T. Contact : Mr. C.T. HO Tel. No. : 2688 5818	TRANSFULL LIMITED FLAT 25, 7/F, BLOCK B, HI-TECH INDUSTRIAL CENTRE, 491-501 CASTLE PEAK ROAD, TSUEN WAN, N.T. Contact : Mr. C.T. HO Tel. No. : 2688 5818	(1), (2)
TD-EDRD-002A	BRX	2008A	GALA GOLD HONG KONG LTD. RM 1710, 17/F, YUEN LONG TRADING CENTRE, NO. 33 WANG YIP STREET WEST, YUEN LONG, N.T. Contact : Mr. Alan Chan / Ms. Vicky Yeung Tel. No. : 3997 3912	GALA GOLD HONG KONG LTD. RM 1710, 17/F, YUEN LONG TRADING CENTRE, NO. 33 WANG YIP STREET WEST, YUEN LONG, N.T. Contact : Mr. Alan Chan / Ms. Vicky Yeung Tel. No. : 3997 3912	(1), (2)
TD-EDRD-002B	BRX	2004A			
TD-EDRD-003	AutoZ	Road Surveillance System (ARS1)	VEHICLE ENGINEERING SERVICES LIMITED (VESL) 7 CATERING ROAD WEST HONG KONG INTERNATIONAL AIRPORT CHEK LAP KOK, LANTAU, N.T. Contact : Mr. Samson Mak Tel. No. : 2949 6161	GROUND SUPPORT ENGINEERING LIMITED 7 CATERING ROAD WEST HONG KONG INTERNATIONAL AIRPORT CHEK LAP KOK, LANTAU, N.T. Contact : Mr. Samson Mak Tel. No. : 2949 6161	(1), (2)
TD-EDRD-004	BAORUH	BR6828	GALA GOLD HONG KONG LTD. RM 1710, 17/F, YUEN LONG TRADING CENTRE, NO. 33 WANG YIP STREET WEST, YUEN LONG, N.T. Contact : Mr. Alan Chan / Ms. Vicky Yeung Tel. No. : 3997 3912	GALA GOLD HONG KONG LTD. RM 1710, 17/F, YUEN LONG TRADING CENTRE, NO. 33 WANG YIP STREET WEST, YUEN LONG, N.T. Contact : Mr. Alan Chan / Ms. Vicky Yeung Tel. No. : 3997 3912	(1), (2)
TD-EDRD-005	KET	9L	PLANTERS & COMPLANY LTD. ROOM 5-6, 21/F, SINGGA COMMERCIAL CENTRE, 144-151 CONNAUGHT ROAD WEST, SAI YING PUN, HONG KONG Contact : Mr. Emil CHEUNG Tel. No. : 2515 9882	BUS MECHANICAL CO. LTD. 24B, BLOCK 6, SUN TUEN MUN CENTRE, TUEN MUN, NEW TERRITORIES, HONG KONG Contact : Mr. CHAU Kam-hoi Tel. No. : 2454 6097	(1), (2)
TD-EDRD-006	LKW	VDL 100	LKW Parts & Services Limited WORKSHOP NO.6, 3/F., FOOK YIP BUILDING, 53-57 KWAI FUNG CRESCENT, KWAI CHUNG, NEW TERRITORIES, HONG KONG Contact : Mr. SUNNY CHIK Tel. No. : 2519 9891	LKW Parts & Services Limited WORKSHOP NO.6, 3/F., FOOK YIP BUILDING, 53-57 KWAI FUNG CRESCENT, KWAI CHUNG, NEW TERRITORIES, HONG KONG Contact : Mr. SUNNY CHIK Tel. No. : 2519 9891	(1), (2)

Remarks

- The Authorized Installer can provide on-site visiting installation and maintenance services. Please contact the supplier or authorized install direct.
- Upon completion of an installation of EDRD on a PLB, the EDRD Authorized Installer will issue an "Installation Certificate" to the PLB owner. PLB owner shall keep the certificate. Transport Department may check the certificate during the annual examination.