

立法會
Legislative Council

Ref : CB4/BC/6/16

LC Paper No. CB(4)1472/16-17
(These minutes have been seen
by the Administration)

Bills Committee on Road Traffic (Amendment) Bill 2017

**Minutes of the first meeting
held on Friday, 19 May 2017, at 9 am
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon Frankie YICK Chi-ming, JP (Chairman)
Hon Michael TIEN Puk-sun, BBS, JP
Hon CHAN Han-pan, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Junius HO Kwan-yiu, JP
Hon YUNG Hoi-yan
Hon LUK Chung-hung
Hon LAU Kwok-fan, MH
Hon Jeremy TAM Man-ho

Members absent : Hon HO Kai-ming

Public officers attending : Item II

Transport and Housing Bureau

Mr Andy CHAN, JP
Deputy Secretary for Transport and
Housing (Transport) 2

Miss Ann CHAN
Principal Assistant Secretary for Transport and Housing
(Transport) (Public Transport Strategy Study)

Ms Stella LEE
Assistant Commissioner for Transport/
Management and Paratransit

Miss Janet HO
Chief Transport Officer/Special Duties

Department of Justice

Mr Vincent FUNG
Government Counsel

Clerk in attendance : Ms Sophie LAU
Chief Council Secretary (4)2

Staff in attendance : Mr Alvin CHUI
Assistant Legal Adviser 3

Ms Joyce CHING
Senior Council Secretary (4)2

Miss Vivian YUEN
Legislative Assistant (4)2

I. Election of Chairman

Mr Frankie YICK, the member who had the highest precedence among members present at the meeting, presided over the election of the Chairman. He invited nominations for the chairmanship of the Bills Committee.

2. Mr LAU Kwok-fan nominated Mr Frankie YICK and the nomination was seconded by Ms YUNG Hoi-yan. Mr Frankie YICK accepted the nomination. There being no other nomination, Frankie YICK was declared Chairman of the Bills Committee.

3. Members agreed that there was no need to elect a deputy chairman of the Bills Committee.

II. Meeting with the Administration

File Ref.: THB(T)CR1/1136/2015	--	Legislative Council ("LegCo") Brief
LC Paper No. CB(3)471/16-17	--	The Amendment Bill
LC Paper No. LS55/16-17	--	Legal Service Division Report
LC Paper No. CB(4)1051/16-17(01)	--	Marked-up copy of the Amendment Bill prepared by the Legal Service Division (Restricted to members)
LC Paper No. CB(4)1051/16-17(02)	--	Background brief on the Road Traffic (Amendment) Bill 2017 prepared by the LegCo Secretariat

4. The Bills Committee accepted Dr Fernando CHEUNG 's application for late membership.

Discussion

5. The Bills Committee deliberated (Index of proceedings attached at **Annex**).

Follow-up actions required of the Administration

Admin

6. A member of the Bills Committee noted that new low-floor wheelchair-accessible models of public light buses ("PLBs") would be used for trial run on three PLB hospital routes. It was noted that such models were of a length exceeding the current statutory limit of 7 metres. The member then asked if such arrangement could also be implemented in other areas of Hong Kong. In this connection, the Administration was requested to provide information on the current PLB routes with regard to the following:

- (a) the road locations where vehicles with a length exceeding 7 meters are not allowed to enter; and

- (b) the road locations, in particular those with a bend or on a slope, where low-floor wheelchair-accessible models of PLBs would be difficult or disallowed to enter/pass.

(Post-meeting note: the Administration's response was circulated to members vide LC Paper No. CB(4)1090/16-17(03) issued on 1 June 2017.)

II. Any other business

Date of next meeting

- 7. The Chairman advised that the next meeting would be held on 2 June 2017 at 8:30 am.
- 8. There being no other business, the meeting ended at 10:37 am.

Council Business Division 4
Legislative Council Secretariat
26 July 2017

**Proceedings of the first meeting of the
Bills Committee on Road Traffic (Amendment) Bill 2017
held on Friday, 19 May 2017, at 9 am
in Conference Room 3 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
Election of Chairman			
000429-000528	Mr Frankie YICK Mr LAU Kwok-fan Ms YUNG Hoi-yan	Election of Chairman Mr Frankie YICK was elected Chairman of the Bills Committee ("BC"). Members agreed that there was no need to elect a deputy chairman of the BC.	
Meeting with the Administration			
000528-000728	Chairman	Application for late membership The Bills Committee accepted Dr Fernando CHEUNG 's application for late membership.	
000728-001546	Chairman Administration	Briefing by the Administration on the Road Traffic (Amendment) Bill 2017 ("the Bill")	
001546-002755	Chairman Mr LAU Kwok-fan Administration	Mr LAU Kwok-fan enquired whether the Administration would consider increasing the maximum seating capacity of light buses from 16 to 20 seats ("the 20-seat proposal") instead of from 16 to 19 seats ("the 19-seat proposal"). The Administration explained that the policy considerations would not be based on a particular type or model of vehicle. When deciding on the suitable maximum seating capacity of light buses, the Administration had considered the supply and demand of PLB services, including the difference in the incremental improvement between 19 and 20 seats as detailed in footnote 7 of the LegCo	

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		<p>brief on the Bill, and the need to maintain the delicate balance amongst various public transport services.</p>	
002755-003058	<p>Ms YUNG Hoi-yan Administration</p>	<p>Ms YUNG Hoi-yan supported the proposal to increase the maximum seating capacity to 19 seats. She noted that the ex-gratia payment application deadline for Euro II Diesel Commercial Vehicles (“DCVs”) would be 31 December 2017 under an incentive-cum-regulatory scheme launched by the Environmental Protection Department (“EPD”) to phase out pre-Euro IV DCVs.</p> <p>The Administration indicated that an early passage and enactment of the Ordinance in June 2017 could facilitate early decision of the PLB trade to place orders for new vehicles and hence benefit from the said scheme before the deadline.</p>	
003058-003729	<p>Chairman Mr CHAN Han-pan Administration</p>	<p>Mr CHAN Han-pan asked whether the application deadline for ex-gratia payment for Euro II DCVs under EPD could be extended. He further enquired whether the maximum seating capacity of light buses could be increased to 20 seats.</p> <p>The Administration responded that the application deadline concerned was approved by the Finance Committee. The Administration elaborated the need to maintain the delicate balance amongst various public transport services.</p>	
003729-004328	<p>Chairman Mr LUK Chung-hung Administration</p>	<p>Mr Luk Chung-hung supported the 19-seat proposal and expressed his views on the remuneration, rest and meal break arrangement of PLB drivers.</p> <p>The Administration explained that the employment arrangements between an operator</p>	

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		<p>and its drivers must comply with the Employment Ordinance and other relevant legal requirements. The Administration had been consulting the trade on the rest and meal break arrangement of drivers.</p>	
004328-005134	<p>Chairman Dr Fernando CHEUNG Administration</p>	<p>Dr Fernando CHEUNG enquired on the trial run of new low-floor wheelchair-accessible vehicle models on three green minibus (“GMB”) hospital routes.</p> <p>The Administration indicated that the trial run was necessary to examine the operation of the new low-floor wheelchair-accessible PLB models.</p>	
005134-010012	<p>Chairman Mr Jeremy TAM Administration</p>	<p>Mr Jeremy TAM supported the 19-seat proposal but welcomed the 20-seat proposal as well. He enquired about the relaxation of statutory limit of the dimension of a PLB and the road locations where vehicles with a length exceeding 7 meters were not allowed to enter.</p> <p>The Administration explained that the Commissioner for Transport would consider exercising the statutory discretionary power to grant exemption to those low-floor wheelchair-accessible models that were of a length exceeding the current 7 metres statutory length limit of PLBs to facilitate the trial run of these models. The Administration agreed to provide information as stated in paragraph 6 of the minutes.</p>	
010012-010844	<p>Chairman Mr Michael TIEN Administration</p>	<p>Mr Michael TIEN supported the 19-seat proposal. Taking the opportunity of the vehicle replacement, he proposed that all newly registered GMBs must be equipped with seat belt sensors which would make a sound signal when a passenger was not wearing the seat belt.</p> <p>The Administration explained that all newly</p>	

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		registered PLBs must be fitted with passenger seat belts since 1 August 2004 under the law.	
010844-011200	Chairman Mr LAU Kwok-fan Administration	Mr LAU Kwok-fan urged the Administration to move Committee Stage Amendments (“CSAs”) on the 20-seat proposal or he would propose CSAs in this regard. The Administration reaffirmed its stance as set out in the LegCo brief on the Bill.	
011200-012210	Chairman Dr Fernando CHEUNG Administration ALA	<p>Dr Fernando CHEUNG suggested that more low-floor wheelchair-accessible PLBs should be introduced and the operators should be given incentives to purchase such vehicle models in order to promote "Transport for All". The Administration noted the suggestion.</p> <p>Dr Fernando Cheung further enquired whether he could propose CSAs to stipulate a certain proportion of passenger seats of PLBs to be wheelchair-accessible. The Legal Advisor explained that any CSAs proposed must be relevant to the subject matter of the bill and to the subject matter of the clause to which it related. Whether the CSAs were admissible would be subject to the ruling of the President of the LegCo having regard to the long title, LegCo Brief and the Administration's responses to the proposal.</p>	
012210-012633	Chairman Mr Jeremy TAM Administration	<p>Mr Jeremy TAM followed up on the road locations within service area of GMBs where vehicles with a length exceeding 7 meters were not allowed to enter. He further enquired whether there would be any change in the licence fees for PLB after the implementation of the increased seating capacity.</p> <p>The Administration said that the operation of vehicles exceeding 7 metres and equipped with low-floor wheelchair-accessible facilities would need to be looked into in the trial run. Any</p>	

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		subsidy proposal could be examined after the trial. Calculation of the licence fees for PLB would remain unchanged.	
012633-013204	Chairman Mr CHAN Han-pan Administration	Mr CHAN Han-pan suggested the Administration should have a mechanism to monitor the wage level of the PLB drivers and the fare increase applications after implementation of the increased seating capacity. The Administration responded that there was an established mechanism to consider the fare increase applications submitted by the GMB operators.	
013204-013557	Chairman Mr Michael TIEN Administration ALA	Mr Michael TIEN reiterated his support of the 19-seat proposal and urged the Administration to monitor the fare increase applications for PLBs. He asked whether he could propose CSAs to specify that a passenger seat might refer to a seat for wheelchair users. The Legal Advisor explained that it would depend on the exact wording of the CSAs. The Chairman added that the existing PLB models in the market would not be able to fit in 19 seats if one of the passenger seats must be wheelchair-accessible.	
013557-013618	Chairman	Due to limited time, the Bills Committee would hold the next meeting on 2 June 2017 at which clause-by-clause scrutiny of the Bill would be done.	
013618-013824	Dr Junius HO	Dr Junius HO suggested increasing the maximum seating capacity of PLBs to 20 seats and supported Mr LAU Kwok fan's 20-seat proposal.	

Time Marker	Speaker(s)	Subject(s)	Action required
Any other business			
013824- 013836	Chairman	Closing remarks	

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