

立法會
Legislative Council

Ref : CB4/BC/6/16

LC Paper No. CB(4)1473/16-17
(These minutes have been seen
by the Administration)

Bills Committee on Road Traffic (Amendment) Bill 2017

**Minutes of the second meeting
held on Friday, 2 June 2017, at 8:30 am
in Conference Room 2B 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
Hon Andrew WAN Siu-kin
Dr Hon Junius HO Kwan-yiu, JP
Hon HO Kai-ming
Hon YUNG Hoi-yan
Hon LAU Kwok-fan, MH
Hon Jeremy TAM Man-ho

Members absent : Hon LUK Chung-hung

Non-committee Members present : Hon WONG Ting-kwong, SBS, JP
Hon LEUNG Kwok-hung

[According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of the Legislative Council, and have vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.]

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. Application for late membership

LC Paper No. CB(4)1090/16-17(01) -- Letter dated 19 May 2017 from
(*Chinese version only*) Hon Andrew WAN Siu-kin on
his application for late
membership of the Bills
Committee

2. The Bills Committee accepted Mr Andrew WAN Siu-kin's application for late membership.

II. Meeting with the Administration

LC Paper No. CB(4)1090/16-17(02) -- List of follow-up actions
arising from the discussion at
the meeting on 19 May 2017

LC Paper No. CB(4)1090/16-17(03) -- Administration's response to
issues raised at the meeting on
19 May 2017

LC Paper No. CB(4)1077/16-17(01) -- Joint letter dated 18 May 2017
(*Chinese version only*) from Hon LUK Chung-hung
and Hon HO Kai-ming
requesting to discuss and
follow up the remuneration of
light bus drivers

Other relevant papers

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

Discussion

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

Completion of scrutiny of the Bill

4. The Bills Committee completed the scrutiny of the Bill and would not propose any amendments to the Bill.

III. Any other business

5. There being no other business, the meeting ended at 10:14 am.

Council Business Division 4
Legislative Council Secretariat
26 July 2017

Bills Committee on Road Traffic (Amendment) Bill 2017

**Proceedings of the second meeting
held on Friday, 2 June 2017, at 8:30 am
in Conference Room 2B of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
Application for late membership			
000740-000852	Chairman	Application for late membership Hon Andrew WAN's application for late membership was accepted.	
Meeting with the Administration			
000852-001028	Chairman	The Chairman recapped progress of the discussion at the last meeting. The Administration was invited to explain its response to a member's question on road locations within the service area of green minibuses ("GMBs") where vehicles with a length exceeding 7 metres were not allowed to enter.	
001028-001205	Chairman Administration	The Administration explained the response set out in LC paper No. CB(4)1090/16-17(03).	
001205-001425	Chairman ALA	The Chairman invited the Legal Advisor to give his views on the potential Committee Stage Amendments ("CSAs") suggested by Mr LAU Kwok-fan to increase the maximum seating capacity from 16 to 20. The Legal Advisor explained that since the long title of the Bill had specifically set out the maximum passenger seating capacity of light buses to be proposed to increase to 19, the proposed change of seating capacity to 20 might be out of the scope of the Bill, subject to the ruling of the President of LegCo ("PLC").	

Time Marker	Speaker(s)	Subject(s)	Action required
001425-002000	Chairman ALA	<p>The Legal Advisor further advised the admissibility of the other two potential CSAs proposed by Dr Fernando CHEUNG and Mr Micheal TIEN in respect of low-floor wheelchair-accessible Public Light Buses (“PLBs”) and seat belt sensors respectively.</p> <p>The Legal Advisor explained that the two potential CSAs might be considered out of scope of the Bill, subject to the ruling of the PLC.</p>	
002000-002505	Chairman Administration	<p>The Administration was invited to comment on the 3 potential CSAs proposed by members. The Administration reiterated the policy considerations in relation to the maximum seating capacity of light buses, trial run of low-floor wheelchair-accessible PLBs and the seat belt sensors on PLBs. And, the Administration’s views were no different from the Legal Advisor’s.</p>	
002505-003525	Chairman Mr LAU Kwok-fan Administration	<p>Mr LAU Kwok-fan requested the Administration to review the maximum seating capacity of PLBs in one year after the implementation of 19 seats.</p> <p>The Administration suggested examining the situation after the implementation of 19 seats in a regular survey on PLB services scheduled for 2018. The maximum seating capacity of PLBs would be looked into again when the statutory number of PLB was due to be reviewed in 2022.</p>	
003525-004042	Chairman Mr CHAN Han-pan Administration	<p>Mr CHAN Han-pan was dissatisfied with the limited scope of the Bill. He also requested for a timetable to review the maximum seating capacity of light buses. In response, the Administration repeated its views as outlined above.</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
004042-004830	Chairman Mr Ho Kai-ming Administration	<p>Mr HO Kai-ming expressed concerns about the alleged practice that some PLB drivers were required to pay “insurance excess”.</p> <p>The Administration undertook to provide assistance if drivers could provide information regarding specific cases that might contravene the Employment Ordinance.</p>	
004830-005338	Chairman Mr LEUNG Kwok-hung	<p>Mr LEUNG Kwok-hung expressed his views on the long title of the Bill. He also enquired whether the ex-gratia payment application deadline for Euro II Diesel Commercial Vehicles (“DCVs”) could be extended.</p>	
005338-010205	Chairman Mr Andrew WAN Administration	<p>Mr Andrew WAN was dissatisfied with the limited scope of the Bill. He asked whether the Administration would consider proposing CSAs for increasing the seat ceiling to 20 seats and extending the application deadline for ex-gratia payment for Euro II DCVs.</p> <p>The Administration reaffirmed the importance of maintaining the delicate balance amongst various public transport services and noted the views of members on the scope. The Chairman added that he had written to the Environment Bureau in relation to the extension of the application deadline for the ex-gratia payment.</p>	
010205-010702	Chairman Mr LAU Kwok-fan Administration	<p>Mr LAU Kwok-fan asked the Administration to put in place a review mechanism of the maximum seating capacity of light buses. The Administration repeated its views as referred to the time marker of “002505 – 003525”.</p>	
010702-011112	Chairman Mr CHAN Han-pan Administration	<p>Mr CHAN Han-pan opined that increasing the seating capacity of PLBs to 20 seats could benefit the passengers in remote areas. He enquired whether the timing of review could be stated in the Secretary for Transport and</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>Housing's speech for resumption of Second Reading debate of the Bill. The Administration undertook to look into whether the request could be considered favourably.</p>	
011112-011800	<p>Chairman Dr Fernando CHEUNG Administration</p>	<p>Dr Fernando CHEUNG opined that the relevant Rules of Procedure of the LegCo limited members' capacity to propose CSAs. He suggested that the low-floor wheelchair-accessible PLBs should also cover other hospital routes, in particular Queen Elizabeth Hospital and the Duchess of Kent Children's Hospital at Sandy Bay.</p> <p>The Administration responded that the trial run of new low-floor wheelchair-accessible PLBs was necessary before further extending the use of such model in other routes.</p>	
011800-012445	<p>Chairman Mr Michael TIEN Administration</p>	<p>Mr Michael TIEN supported the Bill. He was concerned about the safety issue of PLBs and suggested that all newly registered GMBs should be equipped with seat belt sensors.</p> <p>The Administration would explore such suggestion with the trade.</p>	
012445-012703	<p>Chairman Mr Jeremy TAM Administration</p>	<p>Mr Jeremy TAM commented on the Administration's response vide LC Paper No. CB(4)1096/16-17(03). He suggested the Administration to study whether there was room to relax the restriction on some of the road sections where vehicles with length exceeding 7 meters were prohibited. The Administration noted his views and undertook to follow them up.</p>	
012703-013110	<p>Chairman Mr LEUNG Kwok-hung Administration</p>	<p>Mr LEUNG Kwok-hung supported the installation of seat belt sensors on PLBs to enhance safety of passengers. The Administration noted his views and would explore the suggestion with the trade.</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
013110-013520	Chairman Mr Michael TIEN Administration	<p>Mr Michael TIEN suggested that the obligation of PLB drives should remain the same after the PLBs were equipped with seat belt sensors. He enquired about the Administration's timetable to study the issue of installing seat belt sensors on PLBs.</p> <p>The Administration indicated that the views of general public and the trade on the installation of seat belt sensors on PLBs would be collected and reported to LegCo in due course, together with the findings of the regular survey scheduled for 2018 on PLB services.</p> <p>The Chairman urged the Administration to step up law enforcement against passengers not wearing seat belt on a PLB, if provided.</p>	
013520-013722	Chairman Dr Fernando CHEUNG Administration	<p>Dr Fernando CHEUNG saw the need for more barrier-free PLBs to facilitate the use of PLB services by the disabled and elderly. He requested the Administration and Legal Advisor to provide written legal advice in relation to the potential CSAs proposed by him and Mr LAU Kwok-fan to the Bills Committee for record purpose.</p> <p>(Post-meeting note: the Administration's written advice was given on 7 June 2017 vide LC Paper No CB(4)1235/16-17(01).)</p>	
013722-014444	Chairman Administration ALA	<p>Clause-by clause scrutiny of the Bill.</p> <p>Scrutiny completed and members had no comment.</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
Any other business			
014444- 014455	Chairman	Closing remarks	

Council Business Division 4
Legislative Council Secretariat
26 July 2017