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# Road Traffic (Amendment) Bill 2017

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# A BILL

## To

Amend the Road Traffic Ordinance to increase the maximum passenger seating capacity of light buses from 16 to 19; to make consequential amendments; and to remove obsolete transitional provisions added by the Road Traffic (Amendment) (No. 3) Ordinance 1988.

Enacted by the Legislative Council.

### **Part 1**

#### **Preliminary**

**1. Short title**

This Ordinance may be cited as the Road Traffic (Amendment) Ordinance 2017.

**2. Enactments amended**

The enactments specified in Parts 2 and 3 are amended as set out in those Parts.

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## Part 2

### Amendments to Road Traffic Ordinance (Cap. 374)

3. Section 2 amended (interpretation)

(1) Section 2—

**Repeal the definition of *bus***

**Substitute**

“*bus* (巴士) means a motor vehicle constructed or adapted for the carriage of a driver and more than 19 passengers and their personal effects;

**Note—**

See also section 113C.”.

(2) Section 2, definition of *light bus*—

**Repeal**

“16”

**Substitute**

“19”.

4. Section 113A repealed (transitional provision regarding public and private buses)

Section 113A—

**Repeal the section.**

5. Section 113C added

After section 113B—

**Add**

**“113C. Transitional provisions relating to Road Traffic (Amendment) Ordinance 2017**

- (1) A motor vehicle that is—
    - (a) constructed or adapted for the carriage of a driver and a maximum of 17, 18 or 19 passengers; and
    - (b) registered as a private bus or public bus under this Ordinance immediately before the commencement of the Road Traffic (Amendment) Ordinance 2017 ( of 2017),  
retains its registration as such, unless its owner applies for its re-registration as a vehicle within another class.
  - (2) To avoid doubt, a motor vehicle that retains its registration as a private bus or public bus by virtue of subsection (1) continues to fall within the definition of *private bus* or *public bus* (as the case may be) in section 2.”.
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## Part 3

### Other Amendments

#### Division 1—Amendments to Motor Vehicles (First Registration Tax) Ordinance (Cap. 330)

6. Section 2 amended (interpretation)

(1) Section 2(1)—

**Repeal the definition of *bus***

**Substitute**

“*bus* (巴士) has the same meaning as in the Road Traffic Ordinance (Cap. 374);”.

(2) Section 2(1)—

**Repeal the definition of *light bus***

**Substitute**

“*light bus* (小型巴士) has the same meaning as in the Road Traffic Ordinance (Cap. 374);”.

7. Section 8A repealed (transitional provision regarding public and private buses)

Section 8A—

**Repeal the section.**

#### Division 2—Amendments to Road Tunnels (Government) Regulations (Cap. 368 sub. leg. A)

8. Regulation 2 amended (interpretation)

(1) Regulation 2(1)—

**Repeal the definition of *bus***

**Substitute**

“*bus* (巴士) has the same meaning as in the Road Traffic Ordinance (Cap. 374);”.

- (2) Regulation 2(1)—

**Repeal the definition of *light bus***

**Substitute**

“*light bus* (小型巴士) has the same meaning as in the Road Traffic Ordinance (Cap. 374);”.

9. **Regulation 15A repealed (transitional provision regarding public and private buses)**

Regulation 15A—

**Repeal the regulation.**

**Division 3—Amendments to Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A)**

10. **Third Schedule amended (maximum passenger seating capacity)**

Third Schedule—

**Repeal**

“16”

**Substitute**

“19”.

11. **Ninth Schedule amended (direction indicators)**

Ninth Schedule, Part III, paragraph 7(a)—

**Repeal**

“16”

**Substitute**

“19”.

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## **Explanatory Memorandum**

The main purpose of this Bill is to increase the maximum passenger seating capacity of light buses from 16 to 19.

2. The Bill contains 3 Parts.

### **Part 1—Preliminary**

3. Clause 1 sets out the short title.
4. If enacted, the Ordinance will come into operation on the day it is published in the Gazette.

### **Part 2—Amendments to Road Traffic Ordinance (Cap. 374)**

5. Clause 3 amends section 2 of the Road Traffic Ordinance (Cap. 374) to revise the definitions of *bus* and *light bus* so as to increase the maximum passenger seating capacity of light buses from 16 to 19.
6. Clause 4 repeals the existing section 113A. In the last increase of maximum passenger seating capacity for light buses from 14 to 16, section 113A was added by the Road Traffic (Amendment) (No. 3) Ordinance 1988 (89 of 1988) as a transitional provision to deal with the then registered private or public buses with maximum passenger seating capacities of 15 or 16. Since those buses are no longer registered in Hong Kong, section 113A has become obsolete.
7. Clause 5 adds a new section 113C as a transitional provision to the effect that a motor vehicle with a maximum passenger seating capacity of 17, 18 or 19 and registered as a private bus

or public bus immediately before the commencement of the Bill will retain its existing registration, unless its owner applies for its re-registration as a vehicle within another class.

### **Part 3—Other Amendments**

8. Clauses 6, 8, 10 and 11 make consequential amendments to the Motor Vehicles (First Registration Tax) Ordinance (Cap. 330), the Road Tunnels (Government) Regulations (Cap. 368 sub. leg. A) and the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A).
9. Clauses 7 and 9 repeal the obsolete transitional provisions originally added by the Road Traffic (Amendment) (No. 3) Ordinance 1988 (89 of 1988) to the Motor Vehicles (First Registration Tax) Ordinance (Cap. 330) and the Road Tunnels (Government) Regulations (Cap. 368 sub. leg. A) for the reason explained in paragraph 6.