

立法會
Legislative Council

LC Paper No. CB(4)1205/17-18

Ref: CB4/BC/3/17

Paper for the House Committee meeting on 8 June 2018

**Report of the Bills Committee on
Road Traffic (Amendment) Bill 2018**

Purpose

This paper reports on the deliberations of the Bills Committee on Road Traffic (Amendment) Bill 2018 ("the Bills Committee").

Background

2. At present, a taxi or public light bus ("PLB") driver is required under the Road Traffic (Public Service Vehicles) Regulations (Cap. 374D) ("the Regulations") to display a valid driver identity plate in the vehicle when it is used for the carriage of passengers for hire or reward. The driver identity plates must comply with the requirements stipulated in the Regulations. According to the Administration, the above statutory requirement was introduced in 1994 as a measure to facilitate easy identification of taxi drivers and prosecution against malpractices. It also helps enhance the professional image of drivers and service quality. This arrangement was extended to PLB drivers in 2012 as one of a package of measures to achieve better control and regulation of PLBs.

3. The existing law does not directly stipulate a validity period for a taxi or PLB driver identity plate, which only shows the date of issue. While the Secretary for Transport and Housing ("STH") may make regulations to provide for, inter alia, the display of driver identity plates on public service vehicles, STH is not empowered to make regulations to specify a validity period for the driver identity plates.

4. However, regulation 51(6)(d) of the Regulations stipulates that a taxi or PLB driver identity plate must bear the driver's photograph taken

not earlier than 12 months before the day of display ("the 12-month photo requirement"), contravention of which will constitute an offence and the offender is liable on conviction to a fine of \$2,000. This 12-month photo requirement indirectly regulates the frequency of the renewal of the driver identity plates to at least once every 12 months.

5. At present, both the taxi and PLB driver identity plates are issued by the authorized agents of the Transport Department ("TD") (including dedicated LPG refilling stations, taxi and PLB associations, photo processing shops and driving schools) which operate processing centres in different districts for the production of the driver identity plates and charge fees for producing the plates. According to the Administration, there has been feedback from both taxi and PLB trades that updating the photo once every 12 months is unnecessary as the drivers are all adults. The trades also consider that expenses for each renewal of the driver identity plate with a new photograph incurred annually have unnecessarily increased their operating costs.

Proposed legislative amendments

6. Having regard to the trades' feedback and by making reference to the normal validity periods for driving licences and passports, the Administration proposes to relax the relevant requirement, i.e. cancelling the 12-month photo requirement. In future, taxi and PLB drivers will only be required to renew their respective driver identity plates once every 10 years. The proposal is also one of the facilitation measures put forth in the report of the Administration's Public Transport Strategy Study released in June 2017.

7. According to the Administration, as the 12-month photo requirement will be cancelled, there is a need for a driver identity plate to show an expiry date for clarity, particularly as the driver identity plates will be renewed on a 10-year basis. A clear expiry date would facilitate timely renewal and clear identification of the validity of the driver identity plates. Furthermore, to ensure that a driver will not make use of a very old photograph for the taxi or PLB driver identity plate and to facilitate passengers' easy identification of the drivers, amendment to regulation 51(6)(d) of the Regulations is proposed to the effect that a taxi or PLB driver identity plate should bear a recent photograph of the driver as at the date of issue.

The Bill

8. The Road Traffic (Amendment) Bill 2018 ("the Bill") was published in the Gazette on 9 February 2018 and received its First Reading at the Legislative Council meeting of 21 March 2018. The Bill seeks to empower STH to prescribe a validity period for driver identity plates for public service vehicles and to specify the validity period for taxi and PLB driver identity plates to be 10 years. The main provisions of the Bill are as follows:

- (a) Clause 3 of the Bill amends section 7 of the Road Traffic Ordinance (Cap. 374) to empower STH to make regulations to provide for the period for which driver identity plates for public service vehicles remain valid;
- (b) Clause 4(5) of the Bill adds a new sub-regulation (5B) to regulation 51 of the Regulations to specify 10 years as the period for which taxi driver identity plates and PLB driver identity plates remain valid;
- (c) Clause 4(6) of the Bill adds a new paragraph (aa) to regulation 51(6) of the Regulations to provide that the driver identity plates displayed in taxis and PLBs must be valid;
- (d) Clause 4(8) and (9) of the Bill amends regulation 51(6) of the Regulations to revise the requirement relating to the driver's photograph on the driver identity plates and to require that the date of issue and the date of expiry be shown on the driver identity plates; and
- (e) Clause 5 of the Bill adds a transitional provision to the Regulations to provide that the revised requirements on driver identity plates do not apply to driver identity plates issued before the Amendment Ordinance comes into operation.

The Bills Committee

9. At the House Committee meeting on 23 March 2018, Members agreed to form a Bills Committee to scrutinize the Bill. The membership list of the Bills Committee is in **Appendix**. Under the chairmanship of Hon Frankie YICK Chi-ming, the Bills Committee has held one meeting with the Administration.

Deliberations of the Bills Committee

10. The Bills Committee has no objection to the Bill in general. The major issues and concerns of the Bills Committee raised during the deliberations of the Bill are summarized in the ensuing paragraphs.

Duration of validity period

11. A member urges the Administration to expedite the legislative process as the proposal to cancel the 12-month photo requirement has been raised by the Hong Kong Federation of Trade Unions for more than three years. Taxi drivers have voiced out their operating difficulties for being prosecuted and fined for failure to display the driver identity plates in accordance with statutory requirements, and have requested for relaxing the 12-month photo requirement. Extension of the validity period of the driver identity plates to 10 years is considered appropriate as it would streamline the administrative procedures.

12. While agreeing that a longer validity period should be provided for the driver identity plates, another member considers it important to strike a proper balance between the trades' interest and public interest in order to protect passengers against individual drivers' malpractices. The proposed validity period of 10 years may be too long since a driver's appearance may become different from his/her photo on the driver identity plate. Some members are also concerned about the durability of the driver identity plate if the validity period is to be 10 years, especially the colour fading of the driver's photo which will make it difficult for passengers to identify the driver. In this connection, the Bills Committee agrees in general that the Administration should consider using better materials for the driver identity plates (such as plastic cards), making them more durable and less susceptible to the colour fading problem. The Chairman also suggests that, if the driver identity plates are later found not durable for such a long period, the Administration should review the validity period or the materials to be used.

13. The Administration responds that when formulating the proposal concerning the appropriate duration of the validity period, it has fully considered the views from the trades. In the course of communicating with the trades in the past, the trades have indicated that the validity period for driver identity plates should be a longer period (i.e. five years or above), and reference should be made to the normal validity period of other identification documents.

14. In fact, when TD consulted the taxi and PLB trades on the specific proposal in May and December 2017, the trades have supported the proposal of specifying 10 years as the validity period for driver identity plates. The trades have pointed out that drivers are all adults and their appearances would not change significantly in 10 years' time. Also, the trades consider that the validity period for driver identity plates should be aligned with that for important identification documents such as driving licences and passports, i.e. specifying 10 years as the validity period. The Administration therefore considers that the proposed validity period of 10 years should be appropriate.

15. The Administration also informs the Bills Committee that when formulating the proposal of specifying 10 years as the validity period for taxi and PLB driver identity plates, the Administration has been aware of the importance of the durability of the driver identity plates, with a view to ensuring that the driver identity plates can effectively perform their functions. In this regard, TD has reviewed the materials for producing driver identity plates, made reference to the existing specifications of driving licences printed by the Government, and consulted the Government Logistics Department ("GLD") on the materials to be selected for producing new driver identity plates subsequent to the legislative amendments.

16. Same as the existing arrangement, the paper for producing taxi and PLB driver identity plates in future will continue to be produced by GLD, and supplied by TD to its authorized driver identity plate production agents. To enhance the durability of the plates, TD will select 200 gsm matt art paper, which is thicker and more durable than the 157 gsm matt art paper currently used. As for lamination materials, the authorized agents will be requested to use thermal laminating pouches with thickness of 250 micron or above, so as to improve the protection to the plates as well as make the photo and texts more clearly visible. As regards the ink, the authorized agents will be requested to use appropriate ink for inkjet printers or toner for laser printers, and print the photos with a quality setting of 1200 ppi or above, so as to reduce the chance of colour fading.

17. The Administration also undertakes that it will review the situation of the driver identity plates in three years' time after the implementation of new specifications. If it is found in the review that the production quality of most of the driver identity plates is unsatisfactory or the problem of fading of the information printed on most of the plates is serious, the Commissioner for Transport ("the Commissioner") may then specify by notice in the Gazette a new design for the driver identity plates, so as to

require the drivers to renew the plates earlier, even before the 10-year period is reached. This will ensure that the information on the driver identity plates is clearly and easily visible, so as to facilitate easy identification of driver's identity and enhance the professional image for meeting the Government's policy objective.

18. The Bills Committee notes that, even at present, a taxi or PLB driver should display the driver identity plate properly to comply with the statutory requirements and, if the identity plate is worn out for whatever reasons, the driver should replace it with a new one. Extending the validity period to 10 years does not change this requirement for taxi and PLB drivers. The Administration has been urged to strengthen public education among taxi and PLB drivers on the statutory requirements.

19. Besides, the Administration informs members that about 1 600 taxi drivers and about 460 PLB drivers were prosecuted and fined for failing to display driver identity plates in accordance with the statutory requirements during the period from 2012 to 2017. The offender is liable on conviction to a maximum fine of \$2,000.

Production and issuance of the driver identity plates

20. Some members note that the charges collected by different TD's authorized agents for producing the driver identity plates at present vary from \$10 to \$140. They are concerned how to ensure that the existing costs for renewal of the driver identity plate would remain more or less the same.

21. In view of the much longer validity period proposed and for better control of the costs and materials used, some members suggest that the Administration should consider issuing the driver identity plates through government departments, such as TD, instead of authorized agents.

22. In response, the Administration explains that some of the authorized agents are in fact taxi and PLB associations, which usually charge their members at concessionary fees which are lower than the general market price. The Administration explains to members that TD will ask the production agents to provide the details of their service, including the price to be charged for each driver identity plate, since TD will grant the authorization to the production agents afresh for producing the new design of the driver identity plate. If TD finds that the price to be charged is unreasonably high, TD will not grant the authorization to the production agents. The Chairman suggests that TD should issue a table showing the charges levied by various authorized agents for all drivers' reference, so as to enhance the transparency.

Functions of the driver identity plates

23. Some members consider that the Administration should explore ways to enhance the function of the driver identity plates, such as utilizing the driver identity plates to record the roster of taxi drivers, and facilitate management. In addition, to enhance the professional image of drivers and service quality, the Administration has been requested to expedite the introduction of an offence point system for taxi drivers to regulate various malpractices relating to taxi service (e.g. overcharging, refusal to hire and not using the most direct practicable route), and to record the offence points on the driver identity plates to enhance its functions.

24. The Administration explains that the statutory requirement on the display of taxi driver identity plates was introduced in 1994 as a measure to facilitate easy identification of taxi drivers and prosecution against malpractices. This arrangement was extended to PLB drivers in 2012 as one of a package of measures to achieve better control and regulation of PLBs. The Administration responds that the proposal of introducing an offence point system for taxi drivers' malpractice will be dealt with in a separate exercise as the Administration is now reviewing the penalty on taxi-related offences. The Committee on Taxi Service Quality, which has been established in early 2018 to serve as a multi-party platform to discuss strategies and measures to drive changes to enhance the service quality of existing taxis, will deliberate the proposal. The establishment of the Committee also underlines the great importance that the Administration attaches to enhancing the taxi service quality in collaboration with the trade and relevant stakeholders.

Future changes to the validity period and design of the driver identity plates

25. Regarding the future changes to the design and construction of the driver identity plate, the Legal Adviser to the Bills Committee advises that under regulation 51(6) of the Regulations, the driver identity plate to be displayed in the taxi or PLB should be of the design, size and construction, and in the position in the taxi or PLB, as specified by the Commissioner by notice in the Gazette. In accordance with regulation 51(8) of the Regulations, the notice made under regulation 51(6) of the Regulations is not subsidiary legislation. On the other hand, the Legal Adviser to the Bills Committee further advises that regulation 51(8) of the Regulations does not cover the proposed sub-regulation (5B) to regulation 51 of the Regulations, specifying 10 years as the period for which taxi driver identity plates and PLB driver identity plates remain valid. In other words, in future, if amendments have to be specifically made for the validity period

of driver identity plates, such amendments have to be made by subsidiary legislation.

26. In response to the Chairman's suggestion of streamlining the administrative procedures, the Administration indicates that the Commissioner may specify by notice in the Gazette a new design for the driver identity plates under regulations 51(6) and 51(8) of the Regulations, which in effect will require the drivers to renew the plates before the 10-year period is reached, if unsatisfactory production quality and serious problem of colour fading are found in most of the plates.

Amendments to the Bill

27. The Bills Committee and the Administration will not propose any amendments to the Bill.

Resumption of Second Reading debate on the Bill

28. The Bills Committee supports the resumption of the Second Reading debate on the Bill at a Council meeting of 27 June 2018.

Advice sought

29. Members are invited to note the Bills Committee's deliberations set out above.

Council Business Division 4
Legislative Council Secretariat
7 June 2018

Appendix

Bills Committee on Road Traffic (Amendment) Bill 2018

Membership list

Chairman Hon Frankie YICK Chi-ming, SBS, JP

Members Hon Charles Peter MOK, JP
 Hon CHAN Han-pan, JP
 Hon KWOK Wai-keung, JP
 Hon LAM Cheuk-ting
 Hon LUK Chung-hung
 Hon Jeremy TAM Man-ho

(Total : 7 members)

Clerk Mr Lemuel WOO

Legal Adviser Mr Alvin CHUI