

立法會

Legislative Council

LC Paper No. LS78/19-20

Further Report by Legal Service Division on Revised Road Users' Code (G.N. 2056 of 2020) Gazetted on 24 April 2020

Members may recall from LC Paper No. LS66/19-20 dated 7 May 2020 and issued to Members vide LC Paper No. CB(2)940/19-20 that the Legal Service Division ("LSD") was scrutinizing the legal and drafting aspects of the revised Road Users' Code ("RUC"), and would make a further report if necessary.

2. To recap, the revised RUC reflects amendments to relevant legislation since the last update to RUC in 2000, to provide additional advice to road users, to update information (e.g. traffic signs and road markings) etc. LSD has sought clarification from the Administration on certain matters relating to the revised RUC. Our enquiries and the Administration's responses are summarized in the following paragraphs.

3. In response to LSD's enquiry on whether the words on page 3 of the Chinese version of the revised RUC (i.e. the content page) should be "發出指令的交通信號" instead of "發出指的令交通信號", the Administration stated that they agree to our observation and will incorporate an editorial amendment in the next updating exercise.

4. As stated on page 88 of the English version of the revised RUC, "[a] 'Traffic lights ahead' sign may be used to warn you of temporary traffic lights (see sign 22 on page 119)". We note that sign 22 on page 119 of the revised RUC is in fact called "Traffic signals ahead", which is the term used in Figure No. 207 in Schedule 1 to the Road Traffic (Traffic Control) Regulations (Cap. 374G) ("Figure No. 207"). It is also noted that the terms "前面有交通燈" or "前面有交通燈號" are used on pages 88, 116 and 119 of the Chinese version of the revised RUC, but the term "前面交通燈號" is used in the Chinese version of Figure No. 207. Upon LSD's enquiries on the reason for not using in the revised RUC the corresponding wording adopted in Cap. 374G, the Administration has responded that one of the purposes of RUC is to explain the traffic rules, advice and regulations in layperson's terms to road users for easy understanding. Hence, the terms used may not necessarily strictly adhere to the wording adopted in the law. "Traffic light" is commonly used by the general public to refer to "交通燈". The wording "'Traffic lights ahead' sign" on page 88 of the English version of the revised RUC is to describe a signage indicating the temporary traffic lights ahead in a general manner. The Administration further explained that the descriptions of the traffic signs in RUC, e.g. on pages 116 and 119 of the revised RUC, are to introduce/explain the meaning

of the signs, and they may not exactly be the terms/descriptions used in the relevant regulation.

5. Under regulation 7(1)(b) of the Road Traffic (Driving Licences) Regulations (Cap. 374B), "[a] driving licence entitling the holder thereof to drive a light goods vehicle shall not be issued to a person under the age of 18 years". However, it is noted that on page 96 of the revised RUC, it is stated that "[t]o drive a commercial vehicle, you must have a valid driving licence for the appropriate vehicle class. To apply for a driving licence of relevant commercial vehicle class, you must be aged at least 21 ...". Upon LSD's enquiries as to whether a light goods vehicle ("LGV") is considered as a "commercial vehicle" (which is not defined in Cap. 374B) under the revised RUC and whether the statement on page 96 of the revised RUC as stated above is accurate, the Administration has responded that:

- (a) in the context of applications for driving licences, LGV is not considered as a commercial vehicle. On page 96 of the revised RUC, readers are advised to make reference to the requirements for different types of driving licences for commercial vehicles as shown in the Transport Department ("TD")'s homepage, of which a QR code has been provided under "Further Reference Materials" in the revised RUC. The application form for learner's driving licence of commercial vehicles which can be obtained from TD's homepage clearly shows that such application form does not cover LGV; and
- (b) the statement on page 96 of the revised RUC is accurate as it does not cover LGV.

6. Subject to Members' views on the matters set out in paragraphs 3 to 5 above, no difficulties have been identified in relation to the legal and drafting aspects of the revised RUC.

7. Under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1), the period for amending the revised RUC will expire at the Council meeting of 27 May 2020. Members are invited to note that unless the amendment period is extended, the deadline for giving notice of amendment under Rule 29(2) of the Rules of Procedure ("RoP") is **Wednesday, 20 May 2020**, and the deadline for giving notice of a motion under section 34(4) of Cap. 1 to extend the amendment period to the Council meeting of 17 June 2020 under RoP 29(3) is **Friday, 22 May 2020**.

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