

立法會 *Legislative Council*

LC Paper No. CB(4)196/20-21

Ref. : CB4/SS/3/20

Paper for the House Committee meeting on 20 November 2020

Report of the Subcommittee on Five Pieces of Subsidiary Legislation on Fee Waiving or Concession Measures to Support the Transport Sector

Purpose

This paper reports on the deliberations of the Subcommittee on Five Pieces of Subsidiary Legislation on Fee Waiving or Concession Measures to Support the Transport Sector ("the Subcommittee").

Background

2. The Financial Secretary ("FS") announced a package of relief measures on 15 August 2019 to support a wide range of sectors with a view to countering the challenging external economic environment and softening local economy. The relief measures included, among others, waiver and reduction of government fees for one year from 30 December 2019 to 29 December 2020 in the transport sector.¹

3. The Administration announced on 15 September 2020 the extension of the waivers or concessions of government fees and charges implemented in 2019 and the introduction of new waivers to sustain the support for businesses and relieve individuals' financial burden in view of the impact of COVID-19. Set out below are five pieces of subsidiary legislation to give effect to the extension of the existing waivers or concessions to support the transport sector.

¹ Members may refer to the Legislative Council Brief issued by the Financial Services and the Treasury Bureau on 25 September 2019 (File Ref.: L/M 10 in TsyB MA 00/625-1/2/0 (C) Pt. 25) and LC paper No. LS92/18-19 issued on 10 October 2019 for details of the waivers and concessions announced by FS on 15 August 2019.

The five pieces of subsidiary legislation

L.N. 170, L.N. 171 and L.N. 172 of 2020

4. The Road Traffic (Registration and Licensing of Vehicles) (Amendment) Regulation 2020 (L.N. 170 of 2020), the Road Traffic (Registration and Licensing of Vehicles) (Amendment) (Fee Concessions) Regulation 2019 (Amendment) Regulation 2020 (L.N. 171 of 2020) and the Road Traffic Ordinance (Amendment of Schedule 3) Order 2020 (L.N. 172 of 2020) are made by the Chief Executive in Council under the Road Traffic Ordinance (Cap. 374).

5. L.N. 170 and L.N. 171 of 2020 extend for one more year during the period from 30 December 2020 to 29 December 2021 the waiving of fees payable in respect of closed road permits for cross-boundary goods vehicles, buses and hire cars; and the vehicle licences for goods vehicles, special purpose vehicles, trailers, taxies, non-franchised public buses, private buses, light buses (both public and private) and hire cars. L.N. 172 of 2020 extends for one more year from 30 December 2020 the waiving of fees payable in respect of the first vehicle examinations for the renewal of vehicle licences of goods vehicles, special purpose vehicles, trailers, taxies, non-franchised public buses, franchised public buses, private buses, light buses (both public and private) and hire cars within the specified period.

L.N. 192 and L.N. 193 of 2020

6. The Road Traffic (Public Service Vehicles) (Amendment) (No. 3) Regulation 2020 (L.N. 192 of 2020) and the Road Traffic (Public Service Vehicles) (Amendment) (Fee Concessions) Regulation 2019 (Amendment) Regulation 2020 (L.N. 193 of 2020) are made by the Secretary for Transport and Housing under Cap. 374 to extend for one more year during the period from 30 December 2020 to 29 December 2021 the waiving or reduction of fees payable in respect of the issue, extension or renewal of passenger service licences and passenger service licence certificates for eligible types of vehicles, and of hire car permits.

Commencement

7. The above five pieces of subsidiary legislation were gazetted on 25 September 2020 and tabled before LegCo at its meeting of 14 October 2020 for

negative vetting. Three of them come into operation on 30 December 2020.²

The Subcommittee

8. At the House Committee meeting held on 16 October 2020, Members agreed that a subcommittee should be formed to examine the five pieces of subsidiary legislation on fee waiving or concession measures to support the transport sector in detail. The membership list of the Subcommittee is in **Appendix**.

9. Under the chairmanship of Ms Claudia MO, the Subcommittee held two meetings, one of which was attended by the Administration to discuss with the Subcommittee the above five pieces of subsidiary legislation. The Subcommittee also posted a notice on LegCo's website to invite the public to make written submissions on the five pieces of subsidiary legislation concerned. No submission has been received.

10. To allow time for scrutiny, the Subcommittee Chairman gave notice to move a proposed resolution at the Council meeting of 11 November 2020 to extend the scrutiny period of the subsidiary legislation to 2 December 2020. However, the proposed resolution was not dealt with before adjournment of the said Council meeting. As such, the period for amending the subsidiary legislation expired at the Council meeting of 11 November 2020.

Deliberations of the Subcommittee

11. Members in general have no objections to the legislative amendments. The deliberations of the Subcommittee are summarized in the ensuing paragraphs.

² L.N. 171 of 2020 makes a technical amendment to the Road Traffic (Registration and Licensing of Vehicles) (Amendment) (Fee Concessions) Regulation 2019 (L.N. 101 of 2019) so that the provisions that would have restored the pre-amended fee levels on 30 December 2020 come into operation on 30 December 2021 instead. L.N. 193 of 2020 makes a technical amendment to the Road Traffic (Public Service Vehicles) (Amendment) (Fee Concessions) Regulation 2019 (L.N. 113 of 2019) so that the provisions that would have restored the pre-amended fee levels on 30 December 2020 come into operation on 30 December 2021 instead. Both L.N. 171 and L.N. 193 of 2020 came into operation upon gazettal on 25 September 2020.

Relief measures for the transport sector

12. Expressing concern over the difficulties faced by the transport trade during the coronavirus disease-2019 ("COVID-19") pandemic, some members have doubts on whether the existing fee waiving or concession measures would be sufficient to support the trade to tide over the difficult times. They take the view that the existing fee waiving and concession measures provided under these five pieces of subsidiary legislation are far from adequate to meet the pressing needs of the trade. The fees waived would only account for a small proportion of the daily operating expenses of the transport operators concerned.

13. The Administration expresses that they understand that the transport trade has been hard-hit by the COVID-19 pandemic. Apart from the amount of government fees waived or reduced under these five pieces of subsidiary legislation, different types of subsidies have been provided to the transport operators and drivers of public transport vehicles with a view to relieving the trade's burden.

Other issues

14. Some members express serious concern over the shortage of parking spaces for commercial vehicles ("CVs"). They consider that the Administration has failed to squarely address the imbalance between the demand and supply of parking spaces, and such imbalance has led to rising parking fees in recent years. Many drivers were therefore forced to park illegally due to lack of proper parking spaces. The fee waiving or concession measures offered to help out the transport sector may be easily offset by the fines for illegal parking. They urge the Administration to formulate specific measures to increase the supply of parking spaces for CVs, such as designating suitable on-street locations at industrial sites as night-time parking spaces. Noting that the Transport Department ("TD") has embarked on a scheme for increasing on-street night-time parking spaces for CVs, they also suggest closer communication between TD and the Police and that the enforcement actions against illegal parking by CVs at these designated locations during daytime should be strengthened. A member also calls on the Administration to consider shortening the operating hours of parking meters from midnight to 10 pm on weekdays.

15. The Administration advises that the views of members above on policies are noted and will be considered by TD as appropriate.

Recommendation

16. The Subcommittee does not have any objections to the five pieces of subsidiary legislation under its study and will not propose any amendment to them.

Advice sought

17. Members are invited to note the deliberations of the Subcommittee.

Council Business Division 4
Legislative Council Secretariat
19 November 2020

Appendix

Subcommittee on Five Pieces of Subsidiary Legislation on Fee Waiving or Concession Measures to Support the Transport Sector

Membership list*

Chairman	(Vacant)
Members	Hon Abraham SHEK Lai-him, GBS, JP Hon Frankie YICK Chi-ming, SBS, JP
	(Total : 2 members)
Clerk	Ms Sophie LAU
Legal adviser	Mr Mark LAM

* Changes in membership are set out in Annex to Appendix

Annex to Appendix

**Subcommittee on Five Pieces of Subsidiary Legislation on Fee Waiving
or Concession Measures to Support the Transport Sector**

Changes in membership

Member	Relevant date
Hon SHIU Ka-chun	Up to 2 November 2020
Dr Hon Fernando CHEUNG Chiu-hung	Up to 8 November 2020
Hon LAM Cheuk-ting	Up to 8 November 2020
Prof Hon Joseph LEE Kok-long, SBS, JP	Up to 10 November 2020
Hon IP Kin-yuen	Up to 10 November 2020
Hon HUI Chi-fung	Up to 11 November 2020
Hon Jeremy TAM Man-ho	Up to 11 November 2020
Hon James TO Kun-sun	Up to 12 November 2020
Hon Claudia MO (Chairman)	Up to 12 November 2020
Hon WU Chi-wai, MH	Up to 12 November 2020
Dr Hon Helena WONG Pik-wan	Up to 12 November 2020
Hon Andrew WAN Siu-kin	Up to 12 November 2020
Hon KWONG Chun-yu	Up to 12 November 2020
Hon LEUNG Yiu-chung	Up to 15 November 2020

[According to the announcement made by the Hong Kong Special Administrative Region Government on 11 November 2020 pursuant to the Decision of the Standing Committee of the National People's Congress on Issues Relating to the Qualification of the Members of the Legislative Council of the Hong Kong Special Administrative Region, Kenneth LEUNG, KWOK Ka-ki, Dennis KWOK Wing-hang and Alvin YEUNG were disqualified from being a member of the Legislative Council on 30 July 2020.]