

# LEGISLATIVE COUNCIL PANEL ON TRANSPORT

## Use of Vehicle Headlamps and Hazard Warning Lights

### PURPOSE

This paper reports on the results of the review on the use of vehicle headlamps and hazard warning lights, and seeks Members' advice on the need to amend existing legislation to regulate the proper use of these lights.

### BACKGROUND

#### Use of Vehicle Headlamps

2. Regulation 47(1)(a) of the Road Traffic (Traffic Control) Regulations (Cap 374 sub. leg.) requires a driver to turn on the lamps at the front and rear of the vehicle during the hours of darkness or in poor visibility conditions. The lamps lighted at the front shall be dipped where there is a system of street lights in operation or in the face of approaching traffic. The purpose of this provision is to require drivers to turn on the **main headlamps** in order to ensure that drivers could clearly see the traffic conditions ahead of their vehicles and their vehicles could be seen. However, legal advice confirmed that the lamps to be turned on at the front of the vehicles during the hours of darkness or in poor visibility conditions as required under the legislation could be the **small front lamps** or the **main headlamps**.

3. It is a common practice that many drivers, in particular those of commercial vehicles, only turn on the small front lamps at night. This is highly undesirable from the road safety point of view. Indeed, there have been complaints from the public and motoring associations that some vehicles did not turn on their headlamps at night-time, making them difficult to be seen.

#### Use of Hazard Warning Lights

4. In accordance with Regulation 47(3) of the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg.), no person shall show a hazard warning light on a vehicle on a road unless such vehicle is **stationary and likely to be a hazard to other persons using the road**.

5. However, it is a common practice nowadays for drivers to switch on the hazard warning lights while their vehicles are in motion, e.g. parking or making sudden deceleration because of congestion ahead. While the use of hazard warning lights under such circumstances should be encouraged as a safety practice, this practice in fact contravenes Regulation 47(3), and could be prosecuted by the Police.

## **OVERSEAS PRACTICE**

6. Regarding the use of vehicle headlamps, most major developed countries have legislation requiring vehicle headlamps to be switched on during the hours of darkness or when the visibility is poor. Some places, such as Sweden and some provinces of Canada, require vehicle headlamps to be switched on under all lighting conditions.

7. Regarding the use of hazard warning lights, it is noted that there is no uniform approach in other places. In Singapore and most provinces of Canada, drivers have the discretion to switch on the hazard warning lights where they deem fit, and the use of such lights is not stipulated in their legislation. In the United Kingdom and Australia, a wide range of conditions for the use of hazard warning lights was stipulated in their legislation.

## **PROPOSAL**

### **Use of Vehicle Headlamps**

8. An analysis of the involvement of vehicles in night-time injury accidents indicates that although the overall number of accidents involving vehicles with only front lamps turned on was relatively small over the past five years (0.6% to 2.3%), there is a significant increase in the number of accidents involving such vehicles over the past two years. A detailed breakdown of night-time injury accidents by lighting condition of vehicles is at [Annex A](#).

9. Although “not using headlamps during the hours of darkness” is not a major accident contributory factor, we are concerned about the increasing number of accidents involving vehicles with only the small front lamps turned on. The Administration considers that to be in line with practices commonly adopted by most other developed countries, drivers should be required to turn on the main headlamps during the hours of darkness or in poor visibility in order to allow drivers to have a better view at night-time, and more importantly, to make their vehicles more easily be seen by other road users, including pedestrians.

### **Use of Hazard Warning Lights**

10. The Administration does not have any statistics indicating the number of traffic accidents arising from the misuse of hazard warning lights. Recently, the Road Safety Council and its Research Committee discussed the issue and considered that proper use of such lights could warn following drivers of the need to slow down or stop to cope with the prevailing traffic conditions. Their use should not be limited to situations where the vehicle is stationary as required by the existing legislation.

11. To improve the existing legislation, there are two possible options –

- (a) to delete the “stationary” requirement in the existing legislation; or
- (b) to follow the practices adopted in the UK and Australia by specifying a number of situations under which the use of hazard warning lights is permitted.

12. The Administration prefers the first option because given the heavy traffic flow in Hong Kong, it is simply not possible to have an exhaustive list of conditions under which the use of hazard warning lights is permitted. Also, having such a list in the legislation would limit the flexibility of Police to handle any traffic incidents that may occur from time to time.

## **CONCLUSION**

13. In the past, there has not been any emphasis on the proper use of vehicle lights. There is also no publicity on the potential hazard brought by the improper use of lights to motorists and pedestrians. With the increasingly heavy vehicular and pedestrian flow in Hong Kong, the relevant provisions governing the use of vehicle lights in the existing legislation may not be able to achieve its original objectives to enhance road safety.

14. Having reviewed the problems and the existing legal provisions, the Administration proposes the following simple amendments to improve the existing legislation –

- (a) the use of vehicle headlamps should be made mandatory during the hours of darkness or in poor visibility conditions; and
- (b) deleting the provision requiring the vehicle to be in a stationary position as a condition of turning on the hazard warning lights.

15. It is also proposed that publicity on the proper use of vehicle lights should be enhanced to rectify some of the misconception and bad driving practice in relation to the use of vehicle lights.

## **CONSULTATION**

16. The Transport Advisory Committee and the Road Safety Council support the above proposals. The Administration has also consulted the various transport trades, including franchised bus companies, taxi trade associations, and the trucking industry on the proposals, and they are in general supportive.

**ADVICE SOUGHT**

17. Members are invited to comment on the proposals to improve the existing legislation concerning the use of vehicle lights as set out in paragraphs 14 and 15 above.

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**Number of Vehicles Involved in Night-time Accidents  
by Vehicle Lighting Condition in years 1996 - 2000**

<b>Vehicle Lighting Condition</b>	<b>Year</b>					<b>Total</b>
	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	
None (all lights unlit)	252	323	263	400	425	1 663
Front lamps only	45 (0.6%)	48 (0.6%)	58 (0.9%)	166 (2.3%)	142 (2.0%)	459 (1.3%)
Headlamps on	6 701	6 691	6 002	6 025	6 139	31 558
Others	407	499	490	480	541	2 417
<b>Total</b>	<b>7 405</b>	<b>7 561</b>	<b>6 813</b>	<b>7 071</b>	<b>7 247</b>	<b>36 097</b>