

立法會
Legislative Council

LC Paper No. CB(1)2083/04-05
(These minutes have been seen
by the Administration)

Ref: CB1/SS/8/04

**Subcommittee on Proposed Resolutions
under the Road Traffic (Driving-offence Points) Ordinance (Cap. 375)
and Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240)**

**Meeting on
Tuesday, 14 June 2005, at 2:30 pm
in the Chamber of the Legislative Council Building**

Members present : Hon Alan LEONG Kah-kit, SC (Chairman)
Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP
Hon LEE Cheuk-yan
Hon Margaret NG
Hon Bernard CHAN, JP
Hon Howard YOUNG, SBS, JP
Hon LAU Kong-wah, JP
Hon Miriam LAU Kin-yee, GBS, JP
Hon Andrew CHENG Kar-foo
Hon LI Fung-ying, BBS, JP
Hon Albert CHAN Wai-yip
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon CHIM Pui-chung
Hon Patrick LAU Sau-shing, SBS, JP

Members attending : Hon LEUNG Kwok-hung
Dr Hon KWOK Ka-ki
Hon WONG Ting-kwong, BBS

Members absent : Hon Martin LEE Chu-ming, SC, JP
Hon LEUNG Yiu-chung
Hon Abraham SHEK Lai-him, JP
Hon CHEUNG Hok-ming, SBS, JP

**Public Officers
Attending**

: Mr Joshua LAW
Permanent Secretary for the Environment, Transport and
Works

Ms Annie CHOI
Deputy Secretary for the Environment, Transport and Works

Mr K K LAU
Deputy Commissioner for Transport/
Planning & Technical Services

Mr T F LEUNG
Chief Engineer/Road Safety and Standards
Transport Department

Mr Michael CHIU
Senior Superintendent
(Administration) (Traffic Headquarters)
Hong Kong Police Force

Mr Simon IP
Chief Inspector (Traffic Summons Unit 2)
(Traffic Headquarters)
Hong Kong Police Force

**Attendance by
invitation**

: The Kowloon Taxi Owners Association Ltd.

Mr YUM Tai-ping
Chairman

Quadripartite Taxi Service Association Ltd.

劉劍魂先生
主席

的士權益協會有限公司

余叙勤先生
副主席

Hong Kong, Kowloon and N.T. Public & Maxicab Light
Bus Merchants' United Association

Mr LEUNG Hung
Chairman

Motor Transport Workers General Union

Mr LI Wing-sang
Chairman

Mixer Truck Drivers Association

Mr CHAN Sam-choi
Secretary

Hong Kong Automobile Association

Mr Wesley WAN
Vice-president

G.M.B. Maxicab Operators General Association Ltd.

Mr HIEW Moo-siew
Chairman

Citybus Limited Employees Union

Mr TANG Sin-hing
Chairperson

New World First Bus Company Staff Union

Mr LAM Kam-piu
Financial Secretary

United Friendship Taxi Owners & Drivers Association Ltd.

Mr AU-YEUNG Kan
Chairman

Association of N.T. Radio Taxicabs Ltd.

Mr LAM Kwai-keung
會長

Hong Kong Taxi Association

Mr LAI Hoi-ping
Chairman

中重型貨車關注組

黎劍德先生
主席

Hong Kong Driving Instruction Club

Mr LAI Shiu-kwan
Vice Chairman

Taxi & PLB Concern Group

宋國明先生
司庫

Urban Taxi Drivers Association Joint Committee Co. Ltd.

Mr KWOK Chi-piu
Chairman

Kowloon Truck Merchants Association Ltd.

Mr LEUNG Kun-kuen
Chairman

Sai Kung Taxi Operators Association Ltd.

Mr LAU Hak-kai
Chairman

The Environmental Light Bus Alliance

Mr Alex TSE
Spokesman

The Kowloon Motor Bus Holdings Ltd. Staff Association

Mr KWOK Wai-kwong
Chairman

Hong Kong Kowloon Taxi & Lorry Owners Association Ltd.

Mr WONG Po-keung
Vice President

New Territories Taxi Merchants Association
Limited

Ms CHAN Oi-lin
Directorate

Lok Ma Chau China-Hong Kong Freight Association

Mr Stanley CHAING
Chairman

Institute of Advanced Motorists Hong Kong

Mr MONG Hoi-keung
Vice Chairman

Hong Kong Dumper Truck Drivers Association

Mr HO Hung-fai
Secretary

Public Omnibus Operators Association Ltd.

Mr YIP Wing-ching
Committee Member

The Federation of Hong Kong & Kowloon Labour Unions

Mr CHAU Siu-chung
勞聯交通運輸委員會秘書

全港職業司機反對衝紅燈加重扣分大聯盟

梁靜珊女士
秘書

New Territories Taxi Drivers' Rights Alliance

梁于榮先生
理事

Federation of Hong Kong Transport Worker Organizations

Mr TAM Wai-to
Chairman

Right Hand Drive Motors Association (HK) Ltd.

Mr Paul LAW Siu-hung
Founder Chairman

CTOD Association Company Limited

覃友忠先生
主席

HK Public-Light Bus Owner & Driver Association

黎銘洪先生
秘書長

HK Logistics Association

Mr Edward LEE
Vice President
(Association Communication Committee)

Hong Kong (Cross Border) Transportation Drivers' Association

Mr WONG Charn-kwan
Executive Member

Clerk in attendance : Mr Andy LAU
Chief Council Secretary (1)2

Staff in attendance : Mr LEE Yu-sung
Senior Assistant Legal Adviser 1

Ms Anita SIT
Senior Council Secretary (1)9

Miss Winnie CHENG
Legislative Assistant (1)5

I Meeting with deputations/the Administration

- (LC Paper No. CB(1)1776/04-05(02) -- Submission dated 14 June 2005 from Hong Kong, Kowloon and N.T. Public & Maxicab Light Bus Merchants' United Association
- LC Paper No. CB(1)1776/04-05(07) -- Submission dated 13 June 2005 from United Friendship Taxi Owners & Drivers Association Ltd.
- LC Paper No. CB(1)1776/04-05(03) -- Submission dated 12 June 2005 from Taxi & PLB Concern Group
- LC Paper No. CB(1)1776/04-05(05) -- Submission dated 13 June 2005 from Hong Kong Kowloon Taxi & Lorry Owners Association Ltd.
- LC Paper No. CB(1)1776/04-05(06) -- Submission dated 13 June 2005 from Institute of Advanced Motorists Hong Kong
- LC Paper No. CB(1)1776/04-05(01) -- Submission dated 9 June 2005 from The Federation of Hong Kong & Kowloon Labour Unions
- LC Paper No. CB(1)1776/04-05(04) -- Submission dated 12 June 2005 from HK Public-Light Bus Owner & Driver Association)

Members noted the following papers tabled at the meeting –

- (a) Letter dated 13 June 2005 provided by the Administration;
- (b) Submission dated 14 June 2005 from Institute of Advanced Motorists Hong Kong;
- (c) Submission from New Territories Taxi Merchants Association Ltd.;
- (d) Submission dated 13 June 2005 from Federation of Hong Kong Transport Worker Organizations;
- (e) Submission dated 13 June 2005 from New Territories Taxi Drivers' Rights Alliance;
- (f) Submission dated 14 June 2005 from Lok Ma Chau China-Hong Kong Freight Association;
- (g) Submission dated 14 June 2005 from Mixer Truck Drivers Association; and
- (h) Photographs on some road junctions and traffic signals provided by Hong Kong Taxi Association.

(Post-meeting note: The above papers were issued vide LC Paper No. CB(1)1790/04-05 dated 15 June 2005.)

2. The Subcommittee deliberated (index of proceedings attached at **Annex A**).

3. The Administration was requested to provide further information on the following –

- (a) a paper setting out the various improvements to road junctions and traffic signals that had been suggested by the transport trades and the work done by the Administration in response so far;
- (b) information on the research studies and experience of other places regarding measures to facilitate compliance with traffic signals and to prevent red light jumping, and the application of such experience to Hong Kong; and
- (c) justifications for the proposal to raise the penalty level for red light jumping as well as other scenarios of failure to comply with traffic signals before the Administration had completed a review of the relevant legislation to see whether and how deliberate red light jumping should be differentiated from other scenarios of non-compliance for the purpose of imposing appropriate penalties.

(Post-meeting note: The Administration's letter providing the above information was tabled at the meeting on 16 June 2005 and issued vide LC Paper No. CB(1)1816/04-05 dated 17 June 2005.)

II Any other business

Date of next meeting

- 4. Members agreed that the next meeting would be held on 16 June 2005 from 10:45 am to 12:45 pm.
- 5. There being no other business, the meeting ended at 4:40 pm.

Council Business Division 1
Legislative Council Secretariat
25 July 2005

**Proceedings of the meeting of
the Subcommittee on Proposed Resolutions
under the Road Traffic (Driving-offence Points) Ordinance (Cap. 375)
and Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240)
Tuesday, 14 June 2005, at 2:30 pm
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I – Meeting with deputations/the Administration</i>			
000158 – 000448	Chairman	- Opening remarks	
000449 – 001115	The Administration Chairman	- Briefing on the Administration’s response to issues raised at the last meeting (LC Paper No. CB(1)1779/04-05(01))	
001116 – 001304	The Kowloon Taxi Owners Association Ltd.	- Supported improving road safety and raising the penalty for deliberate red light jumping - Against any increase in penalty for drivers who could not stop during the amber phase - Not convinced of the Administration’s explanation for not installing flashing green signal that it would increase head-rear collision at the concerned junction due to different responses to the information displayed	
001305 – 001332	Hong Kong, Kowloon and N.T. Public & Maxicab Light Bus Merchants’ United Association	- Requested the Administration to consider all practical measures to improve road conditions and traffic lights at junctions - Suggested that the increased penalty should apply to deliberate red light jumping only	
001333 – 001527	Motor Transport Workers General Union	- Expressed doubt on the reason behind the drastic increase of red light prosecution from an monthly average of 2 700 cases for the first nine months of 2004 to around 5 000 cases for the last three months of 2004 - Not satisfied about the Administration’s response to the request for more red light cameras (RLCs) and fairer enforcement mechanism	

Time marker	Speaker	Subject(s)	Action required
001528 – 001711	Mixer Truck Drivers Association	<ul style="list-style-type: none"> - Unfair to all drivers, especially professional drivers, to take the blame for what had happened in some isolated accidents and the accusation of the transport trades being the black sheep - The Administration had not responded to the transport trades' proposals on improving the road conditions and the traffic light system 	
001712 – 001924	Hong Kong Automobile Association	<ul style="list-style-type: none"> - Supported raising the penalties from 1 January 2006 - Suggested that the legislation be amended to clarify that drivers who could not stop safely during the amber phase would not be prosecuted - 96 new RLCs were not enough; every junction should have one RLC so that any prosecution against failure to comply with traffic signals would be supported by solid evidence 	
001925 – 002110	G.M.B. Maxicab Operators General Association Ltd.	<ul style="list-style-type: none"> - Objection to increasing the penalties for failure to comply with traffic signals - Suggested that some sort of advance notice of 5-6 seconds should be given to drivers before the traffic signal turned red - Would support the increase in penalties if after improvements to road conditions and traffic lights and education for drivers, red light jumping was still rampant 	
002111 – 002212	Citybus Limited Employees Union	<ul style="list-style-type: none"> - Requested for green light countdown device - As bus was a long vehicle, bus drivers had difficulty to stop during the existing amber phase of 3 seconds 	
002213 – 002424	New World First Bus Company Staff Union	<ul style="list-style-type: none"> - Most drivers would not commit red light jumping deliberately but due to the deficiencies in the road design and traffic signals, such as variations in the duration of amber phase and green phase at different signalized junctions, drivers might commit red light jumping inadvertently 	

Time marker	Speaker	Subject(s)	Action required
		<ul style="list-style-type: none"> - Requested to improve the design of traffic signals and other road facilities 	
002425 – 002646	United Friendship Taxi Owners & Drivers Association Ltd.	<ul style="list-style-type: none"> - Supported raising the penalty for drivers who committed red light jumping deliberately - Requested the Administration to make reference to Shenzhen which had implemented a number of traffic measures to facilitate motorists' compliance with traffic signals 	
002647 – 002756	Association of N.T. Radio Taxicabs Ltd.	<ul style="list-style-type: none"> - Questioned the need to effect the new penalty from 1 January 2006 onwards while the additional RLCs would only be installed by end 2006 	
002757 – 003003	Hong Kong Taxi Association	<ul style="list-style-type: none"> - Grey areas and mistakes could occur in prosecution cases based on personal observation of Police officers and hence the Administration should aim at full implementation of electronic prosecution by RLCs - Requested for provision of flashing green system and the installation of overhead traffic lights to facilitate drivers 	
003004 – 003421	中重型貨車關注組	<ul style="list-style-type: none"> - Grey areas and mistakes could occur in prosecution cases based on personal observation of Police officers - Requested for full implementation of electronic prosecution by RLCs - Requested to extend the amber phase from 3 seconds to 6 seconds - The Administration should not increase the penalty before completion of the improvements to traffic lights and road conditions 	
003422 – 003445	Taxi & PLB Concern Group	<ul style="list-style-type: none"> - Views followed that of HK Public-Light Bus Owner & Driver Association 	
003446 – 003622	Urban Taxi Drivers Association Joint Committee Co. Ltd.	<ul style="list-style-type: none"> - Requested for a fair mechanism for prosecution against red light jumping - Traffic signals in Hong Kong were becoming outdated. The Administration should consider installing flashing green system and 	

Time marker	Speaker	Subject(s)	Action required
		countdown device	
003623 – 003751	Kowloon Truck Merchants Association Ltd.	<ul style="list-style-type: none"> - Grey areas and mistakes could occur in prosecution cases based on personal observation of Police officers; electronic prosecution could provide solid evidence - Penalty for non-compliance with traffic signals should not be raised before additional RLCs had been installed 	
003752 – 003942	Sai Kung Taxi Operators Association Ltd.	<ul style="list-style-type: none"> - Traffic light systems in Hong Kong were becoming outdated. The Administration should consider installing flashing green system and countdown device so that drivers could decide whether to decelerate or go ahead when approaching a signalized junction - Drivers' sight of traffic lights often blocked by large vehicles - The Administration should improve road design and traffic signals first 	
003943 – 004151	The Environmental Light Bus Alliance	<ul style="list-style-type: none"> - Grey area in the prosecution against failure to stop during the amber phase as the existing traffic regulation allowed drivers to drive through during the amber phase for safety considerations - It was costly and difficult for drivers to defend themselves against a charge for red light jumping made by a Police officer on the spot as the Court would tend to believe in the evidence provided by Police officers 	
004152 – 004332	The Kowloon Motor Bus Holdings Ltd. Staff Association	<ul style="list-style-type: none"> - The Administration hastened to increase penalty but did very little to improve road design and traffic signals - Kowloon Motor Bus Co. (1933) Ltd. (KMB) had a more stringent driving-offence point system and KMB drivers would be under even greater pressure if the Administration increased the penalty for failure to comply with traffic signals 	

Time marker	Speaker	Subject(s)	Action required
004333 – 004532	Hong Kong Kowloon Taxi & Lorry Owners Association Ltd.	<ul style="list-style-type: none"> - Grey areas and mistakes could occur in prosecution cases based on personal observation of Police officers; electronic prosecution could provide solid evidence - Supported amending the legislation to specify that drivers who failed to stop during amber phase was not an offence - Reference to Shenzhen where RLCs would record images of red light jumping two seconds after the traffic signal turned red 	
004533 – 004743	New Territories Taxi Merchants Association Limited	<ul style="list-style-type: none"> - Situation in Tin Shui Wai was quite unique with the presence of the Light Rail Transit (LRT) and numerous container trucks and buses, making it easy for drivers to commit red light jumping inadvertently - Suggested cancellation of priority for LRT and installation of overhead traffic lights 	
004744 – 004853	Lok Ma Chau China-Hong Kong Freight Association	<ul style="list-style-type: none"> - Supported increase in the penalty for red light jumping if all prosecution cases would be camera-based 	
004854 – 005122	Institute of Advanced Motorists Hong Kong	<ul style="list-style-type: none"> - The driving offence point system was wrongly translated as a point deduction system in Section 2 of the Chinese version of Road Traffic (Driving-Offence Points) Ordinance (Cap. 375) - In view of the high casualty rate of red light jumping, supported increase in penalty as a transitional measure to curb red light jumping cases 	
005123 – 005412	Hong Kong Dumper Truck Drivers Association	<ul style="list-style-type: none"> - Questioned the effectiveness of increasing the penalty in reducing the number of red light jumping cases - Flashing green signal would allow more time for drivers to prepare to stop before the traffic signal turned red - The Administration should first work on education, improvement to the traffic light system and road design as well as ways of enforcement before increasing the penalty 	

Time marker	Speaker	Subject(s)	Action required
005413 – 005507	Public Omnibus Operators Association Ltd.	<ul style="list-style-type: none"> - Rate of traffic accidents in Hong Kong not high taking into account that Hong Kong was a small place with a great number of vehicles 	
005508 – 005732	The Federation of Hong Kong & Kowloon Labour Unions	<ul style="list-style-type: none"> - Not against increase in penalty for drivers who committed red light jumping deliberately - Deficiencies in existing road design made drivers fall into the trap of committing red light jumping inadvertently. The Administration should ensure that necessary improvements were made to road design and traffic lights so that innocent drivers would not be trapped 	
005733 – 005916	全港職業司機反對衝紅燈加重扣分大聯盟	<ul style="list-style-type: none"> - The Administration should set up a working group with representatives from the transport trades to gauge views from the public and transport trades on improvements to road design and facilities - Against increase in penalty before implementation of improvement measures - The offence of dangerous driving available for prosecuting drivers who committed red light jumping deliberately 	
005917 – 010115	New Territories Taxi Drivers' Rights Alliance	<ul style="list-style-type: none"> - Road design and facilities should be improved first. If red light jumping was still rampant, would support increasing the penalty - Red light jumping by pedestrians also contributed to accidents 	
010116 – 010314	Federation of Hong Kong Transport Worker Organizations	<ul style="list-style-type: none"> - Supported increase in penalty for drivers who committed red light jumping deliberately - Supported that drivers should not be penalized for failing to stop during the amber phase - There might be errors and unfairness in prosecution cases for red light jumping carried out based on observation by Police officers on the spot 	

Time marker	Speaker	Subject(s)	Action required
010315 – 010505	CTOD Association Company Limited	<ul style="list-style-type: none"> - Requested for clear prosecution criteria for red light jumping cases - Increase in penalty should not be implemented before improvements had been made to road design and traffic lights 	
010506 – 010722	HK Public-Light Bus Owner & Driver Association	<ul style="list-style-type: none"> - Opposed to increasing penalty before improvements had been made to the road design and traffic lights 	
010723 – 010823	HK Logistics Association	<ul style="list-style-type: none"> - Supported increase in penalty for drivers who committed red light jumping deliberately - Enforcement problems associated with red light jumping should be further studied in consultation with relevant transport trades 	
010824 – 011023	Hong Kong (Cross Border) Transportation Drivers' Association	<ul style="list-style-type: none"> - The Administration should make reference to experience of other places, such as Shenzhen, in implementing traffic improvement measures - Supported increase in penalty for drivers who committed red light jumping deliberately - The Administration should improve road design and traffic lights before increasing penalty 	
011024 – 011315	Quadripartite Taxi Service Association Ltd.	<ul style="list-style-type: none"> - Lack of genuine consultations on the proposal to increase the penalty for failure to comply with traffic signals - Request for a fair and just prosecution mechanism for the offence of red light jumping - Request for enhancement of education for drivers, installation of more RLCs and improvements to road design and traffic lights 	
011316 – 011428	的士權益協會有限公司	<ul style="list-style-type: none"> - Not against increase in penalty for red light jumping but road design and traffic lights should be improved first - Errors and unfairness in prosecution cases based on observation of Police officers on the spot 	

Time marker	Speaker	Subject(s)	Action required
011429 – 011531	Right Hand Drive Motors Association (HK) Ltd.	<ul style="list-style-type: none"> - Concern about the discretionary power of the Police in respect of failure to stop during the amber phase. The legislation should be amended to ensure clarity in this respect - The Administration should first work on education for drivers, improvement on road design and traffic lights and then the problems with enforcement before increasing the penalty 	
011532 – 012057	Mr LEUNG Kwok-hung	<ul style="list-style-type: none"> - Issues raised by deputations yet to be addressed by the Administration – <ul style="list-style-type: none"> (a) full implementation of electronic prosecution; (b) provision of flashing green signal; and (c) review of legislation to ensure clarity and appropriate penalties in respect of red light jumping and amber light jumping 	
012058 – 012650	Ms Miriam LAU Administration	<ul style="list-style-type: none"> - Transport trades supported the principle of imposing heavier penalty on those drivers committing red light jumping deliberately - Suggestions of transport trades to improve road design and traffic light system - Proposal that the new penalty should apply only to the scenario prescribed under section 17(1)(a) of the Road Traffic (Traffic Control) Regulations (Cap. 374G) - Practice in some other places such as Shenzhen and the United States not to regard amber light jumping as an offence 	
012651 – 013230	Mr LEE Cheuk-yan Administration	<ul style="list-style-type: none"> - Proposal to provide flashing green signal - Amber light jumping and red light jumping should be subject to different penalties to reflect the relative gravity of the offences - Various suggestions made by the transport trades to reduce the chance of committing red light jumping 	

Time marker	Speaker	Subject(s)	Action required
		inadvertently	
013231 – 013744	Mr Albert CHAN Administration	<ul style="list-style-type: none"> - Administration should not dichotomize the transport trades and the general public - No dispute on fundamental principles but concern about the haste in implementing the new penalty while support measures were not yet in place 	
013745 – 014324	Ms Margaret NG Administration	<ul style="list-style-type: none"> - Opinion survey on “Red light jumping and level of penalty” conducted by the Public Opinion Programme of the University of Hong Kong - Basis of public support for the proposal to implement the new penalty before support measures were in place - Justification for the proposal to implement the new penalty before conducting a review on the legislation governing the offence of failure to comply with traffic signals 	
014325 – 014856	Mr WONG Kwok-hing Administration	<ul style="list-style-type: none"> - Concern about unfair enforcement and prosecution against failure to comply with traffic signals before completion of the installation of additional RLCs and review of the legislation governing the offence of failure to comply with traffic signals 	
014857 – 015610	Ms Miriam LAU Administration	<ul style="list-style-type: none"> - Failure to stop during the amber phase and failure to stop behind the stop line when the traffic signal turned red or amber should not be subject to the proposed new penalty - Studies in the United States recommended the provision of support measures to reduce red light jumping cases rather than raising penalty - It was the Administration’s responsibility to identify and rectify deficiencies in the design of existing road junctions and traffic light system - Genuine concern of the transport trades that the existing duration of 3 seconds of the amber phase was inadequate to allow heavy vehicles to stop in response to traffic signals 	

Time marker	Speaker	Subject(s)	Action required
015611 – 020117	Mr Albert CHAN LEE Cheuk-yan Mr LEUNG Kwok-hung Ms Margaret NG	- Requests for supplementary information	Administration to provide supplementary information as set out in paragraph 3 above
020118 – 020619	SALA1 Mr LEE Cheuk-yan Chairman	- Timing for moving the motions on the proposed resolutions and the legislative timetable for the subsidiary legislation to amend Form 1 “Notice of Particulars of Alleged Fixed Penalty Traffic Offence” under the Schedule to the Fixed Penalty (Criminal Proceedings) Regulations to effect the new penalty level	
020620 – 020930	Administration	- Concluding remarks by the Administration	
<i>Agenda Item II – Any other business</i>			
020931 – 021030	Chairman	- Date of next meeting	

Council Business Division 1
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25 July 2005