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16 June 2005

Mr Andy Lau
Clerk to Transport Panel
Legislative Council Secretariat
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3 Garden Road
Hong Kong
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Dear Mr Lau,

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

I refer to your letter dated 14 June 2005. The information requested by Members is set out below.

Proposed Improvements to Road Junctions & Traffic Signals

2. The list of proposals and the actions that we have taken in response to those proposals is at **Annex A**.

**Information on the Researches and Experiences of Other Places
Regarding Measures to Facilitate Compliance with Traffic Signals**

3. This is set out in **Annex B**. As the information comprises those released on the internet, literature review as well as correspondence between the Transport Department and their counterparts in other places, it may not be feasible for us to attach all of them to this letter. We would be happy to provide more details if Members are interested in any of them.

Justifications for Red Light Jumping and Amber Light Jumping Carrying the Same Penalty

4. There are suggestions that red light jumping and amber light jumping should be separated as two offences carrying different penalties. We wish to reiterate that from the road safety angle, it is important for drivers to stop when the red or amber light is on. This is the spirit of the current legislation. We have reservations on the proposed separation of the two offences, as this would bring about immense enforcement problems for frontline police officers because the difference in the penalty level will provide a good incentive for red light jumpers to argue that they have merely jumped the amber light. Such enforcement problems should not be overlooked.

5. We fully appreciate that some amber light jumping offences may be inadvertently committed because of special circumstances and thus may not warrant a higher penalty. In this connection, we would like to reiterate that:

- (a) Camera-based prosecution already constitutes some 80% of red light jumping prosecutions, and this will gradually increase to 97%. These cameras will only “catch” red light jumping offences, not amber light jumping
- (b) For the remaining non-camera prosecutions, the Police’s prosecution policy is that owing to the presence of a statutory defence in Reg 17(e) of Cap 374G, where there are any elements of uncertainty, the driver in question is always given the benefit of the doubt. For this reason, there has been *zero prosecution* on amber light jumping in the past three years. We can confirm that this prosecution policy will continue.

6. The combined effect of para. 5(a) and (b) above means that amber light jumping is currently not the focus of our prosecution. Accordingly, the discussion on the penalty for amber light jumping is a rather theoretical and academic exercise. On the other hand, we have explained in para. 4 that there will be immense enforcement difficulties if red and amber light jumping carry different penalties. Hence, we remain of the view that the two offences should not be separated. Members may wish to note that red and amber light jumping do carry the same penalty in the UK, Australia and Canada.

7. Nevertheless, in view of Members' suggestion, we agree to review this particular legislation after the new penalties have been in place. In particular, we will examine if there are any new but valid grounds to differentiate red light jumping from amber light jumping, taking into account the statistics for such offences and the enforcement problems. We aim to complete the review by the end of 2006.

Other Comments

8. There are allegations about unfair prosecution i.e. that offenders committing amber light jumping are prosecuted for red light jumping. We wish to emphasize that the standard of proof for manual prosecution is the same as that of camera-based prosecution. We believe such allegations will always exist. In fact, as explained in para. 4 above, with separate penalties for red and amber light jumping, there will be even greater incentive for offenders to make such allegations and argue that they have committed amber light jumping that carries a lower penalty.

9. There are also allegations that the court is more inclined to believe police officers. We cannot comment on this allegation, which is related to the judicial system and the administration of justice in Hong Kong. We would however wish to point out that this allegation is not directly relevant to whether the two offences are separated or not.

10. I hope the above have addressed Members' concern.

Yours sincerely,

(Ms Annie Choi)
for Secretary for the Environment,
Transport and Works

Improvements to Road Junctions & Traffic Signals
Proposed by the Transport Trade

<u>Suggestions Raised</u>	<u>Actions by the Administration</u>
Extend duration of amber light	Review conducted. The current 3-second amber time should be adequate if drivers follow the speed limit. Lengthening the amber period would affect the overall traffic throughput, and may increase the risk of head-rear collision.
Add Vehicular Countdown Device (VCDD) before the signals turns amber	Review conducted. Overseas studies and trials reveal that VCDDs may significantly increase the risk of head-rear collision due to motorists' different responses to the information displayed. Furthermore, such devices are incompatible with our computerized traffic control systems with adaptive control function. It is relevant to note that Guangzhou and Shenzhen have dismantled their VCDD due to the aforesaid reasons.
Add Vehicular Flashing Green (VFG) before the signals turns amber	Review conducted. Overseas studies and trials reveal that VFGs may also significantly increase the risk of head-rear collision due to motorists' different responses. Furthermore, VFGs are incompatible with our traffic control systems. We note Shenzhen has installed VFGs at signalized junctions. We are collecting more information from Shenzhen on their application.

<p>Installing overhead traffic lights to enhance visibility of traffic signals</p>	<p>We have been placing about 40 overhead traffic lights at wide junctions to improve signal visibility. Suggestions on potential sites from trades and members are welcome.</p>
<p>Install more red light cameras and housings</p>	<p>We plan to procure 68 additional red light cameras and erect 20 additional housings at red light jumping blackspots, thus making a total of 96 cameras and 131 housings. We will submit the funding application to the Finance Committee on 8 July 2005. The installation has been advanced and the first batch of 24 additional cameras will commence operation by April 2006. The whole project will be completed by Nov 2006. Thereafter, we will continue to install cameras and housings regularly.</p>
<p>Enhance the size of traffic lights</p>	<p>Review conducted. We do provide larger size signal heads when such is necessary. In addition, backplates have already been added to the signal heads to make the signals more visible.</p>
<p>Provide guidelines on road safety and improve the design of lights at roadwork</p>	<p>The Highways Department has in 2004 issued supplementary instructions regarding the lighting, signages and guarding of road works.</p>
<p>Improvement works at specific locations:</p> <ul style="list-style-type: none"> - From Chatham Road South to Gascoigne Road – change the give way marking into double white lines to provide a 	<p>Motorists merging onto Gascoigne Road have an adequate sightline of oncoming traffic and therefore the existing arrangement should be safe. Since the traffic on Gascoigne Road eastbound is</p>

<p>parallel eastbound lane to Gascoigne Road</p>	<p>very busy during peak hours and the road is too narrow for additional lane, the proposal is not feasible.</p>
<p>- Right-turn from Devon Road to Cornwall Street – vision blocked by trees</p>	<p>Agreed. We have moved the give way transverse marking forward to further improve sightline at the junction.</p>
<p>- The roundabout outside Tsing Yi Police Station – vision blocked by trees</p>	<p>Agreed. We have trimmed the plants at the central divider of Tsing Yi Heung Sze Wui Road near the roundabout outside Tsing Yi Police Station. We will arrange more frequent trimming in the future.</p>
<p>- Tung Lung Road/Tung Tau Tsuen Rd – vision blocked by the flowerbed</p>	<p>Agreed. We notice that the plants might block the vision when they grow to a certain height. We have taken action to replace the plants with lower shrubs.</p>

Information on Researches on Road Design and Road Traffic

Legislation in other countries

	<u>Countries</u>
VCDD and flashing green	Israel, United Kingdom, USA and Austria, Germany and Switzerland
Duration of amber light	United Kingdom, Singapore, South Korea and Taiwan
Red and amber light jumping offences	Australia, Canada, USA, United Kingdom, Singapore and China
Driving offence points	Australia, Canada, USA, United Kingdom, Singapore and China
Measures to deter red light jumping	USA
Traffic signal design	United Kingdom, USA, Canada, Netherlands
Guidance on Red Light Cameras	United Kingdom, USA