

**立法會**  
**Legislative Council**

LC Paper No. CB(1)2225/05-06  
(These minutes have been seen  
by the Administration)

Ref : CB1/PL/TP/1

**Panel on Transport**

**Minutes of meeting held on  
Friday, 23 June 2006, at 10:45 am  
in Conference Room A of the Legislative Council Building**

**Members present** : Hon LAU Kong-wah, JP (Chairman)  
Hon Andrew CHENG Kar-foo (Deputy Chairman)  
Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP  
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP  
Hon LAU Chin-shek, JP  
Hon Miriam LAU Kin-ye, GBS, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon Abraham SHEK Lai-him, JP  
Hon LI Fung-ying, BBS, JP  
Hon Tommy CHEUNG Yu-yan, JP  
Hon Albert CHAN Wai-yip  
Hon WONG Kwok-hing, MH  
Hon LEE Wing-tat  
Hon Jeffrey LAM Kin-fung, SBS, JP  
Hon LEUNG Kwok-hung  
Hon CHEUNG Hok-ming, SBS, JP  
Hon Albert Jinghan CHENG

**Member attending** : Dr Hon Fernando CHEUNG Chiu-hung

**Public Officers attending** : **Agenda items V**

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

Ms Elizabeth TAI  
Principal Assistant Secretary for the Environment, Transport  
and Works

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

Mr Albert SU  
Principal Transport Officer/Urban (Acting)  
Transport Department

Mr Blake HANCOCK  
Chief Superintendent of Police (Traffic)

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

Mr Stephen Harney VERRALLS  
Senior Superintendent  
(Traffic Management & Prosecutions)  
Hong Kong Police Force

**Agenda item VI**

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

Ms Elizabeth TAI  
Principal Assistant Secretary for the Environment, Transport  
and Works

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

Mr Blake HANCOCK  
Chief Superintendent of Police (Traffic)

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

Mr Stephen Harney VERRALLS  
Senior Superintendent  
(Traffic Management & Prosecutions)  
Hong Kong Police Force

**Agenda item VII**

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

Ms Elizabeth TAI  
Principal Assistant Secretary for the Environment, Transport  
and Works

Mr Anthony LOO  
Assistant Commissioner for Transport/Urban

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

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

**Staff in attendance** : Ms Sarah YUEN  
Senior Council Secretary (1)6

Miss Winnie CHENG  
Legislative Assistant (1)5

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**I Confirmation of minutes and matters arising**  
(LC Paper No. CB(1)1786/05-06 - Minutes of the meeting held on 28 April  
2006)

The minutes of the meeting held on 28 April 2006 were confirmed.

**II Endorsement of the report of the Panel for submission to the Council**  
(LC Paper No. CB(1)1788/05-06 - Draft report of the Panel for submission  
to the Council)

2. The report of the Panel for the 2005-06 legislative session was endorsed.

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**III Information papers issued since last meeting**

- (LC Paper No. CB(1)1628/05-06(01) - Administration's response to the submission from Taxi & P.L.B. Concern Group on railway policy
- LC Paper No. CB(1)1742/05-06(01) - Submission from a taxi driver on illegal offer of discounts to passengers by some taxi drivers
- LC Paper No. CB(1)1806/05-06(01) - Information paper on "Regulatory Framework and Licensing System for Non-franchised Bus Operation" provided by the Administration
- LC Paper No. CB(1)1823/05-06(01) - Submission from西貢的士工商聯誼會 on the permitted operating areas for New Territories taxis)

3. Members noted the information papers issued since last meeting.

**IV Items for discussion at the next meeting scheduled for 28 July 2006**

- (LC Paper No. CB(1)1789/05-06(01) - List of outstanding items for discussion
- LC Paper No. CB(1)1789/05-06(02) - List of follow-up actions
- LC Paper No. CB(1)1741/05-06(01) - A letter from Hon Albert CHENG dated 8 June 2006, requesting the Panel to discuss the issue on review of legislation governing the use of electrically powered two-wheeled transporter or bicycle)

4. Members noted the submission dated 21 June 2006 from Hong Kong Guangdong Boundary Crossing Bus Association Co., Ltd.

*(Post-meeting note: The submission was issued to members vide LC Paper No. CB(1)1850/05-06(01) dated 26 June 2006.)*

5. Members noted the letter from Mr Albert CHENG dated 8 June 2006, requesting the Panel to discuss the issue on review of legislation governing the use of electrically powered two-wheeled transporter or bicycle. In considering that there was no urgency in discussing this proposed issue and that the Administration had not proposed any discussion item for the forthcoming meeting in July, members agreed that the July meeting should be cancelled, and that Mr CHENG's proposed item should be discussed at the beginning of the 2006-07 session. As proposed by Mr WONG Kwok-hing, members also agreed to discuss the dissemination of real-time information on major traffic incidents through various means such as the mobile network, in particular the progress of the discussion among the Transport Department (TD), the mobile network operators, the Wireless Development Centre and the Office of the Government Chief

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Information Officer on arrangements to disseminate real-time traffic information captured by TD's closed-circuit television systems to mobile phone users.

*(Post-meeting note: A circular notifying members of the cancellation of the July meeting was issued to members vide LC Paper No. CB(1)1853/05-06(01) dated 26 June 2006.)*

**V Measures to enhance safety of public light bus and taxi operations**  
(LC Paper No. CB(1)1789/05-06(03) - Information paper provided by the Administration)

General road safety measures

*Speed enforcement cameras*

6. Highlighting the need to deter speeding and red light jumping to minimize traffic accidents, Mr WONG Kwok-hing expressed dissatisfaction that while speed enforcement camera housings had been installed at 85 locations, there were only 10 cameras for operation in these housings on a rotational basis. Mr Andrew CHENG shared his view. In reply to them on plans to improve the camera-to-housing ratio, the Deputy Secretary for the Environment, Transport and Works (DS/ETW) explained that apart from installing speed enforcement cameras at fixed locations, the Administration also carried out mobile operations at various speeding blackspots with the use of in-car video systems or speed laser guns. She also reported that the Administration was conducting a study on the expansion programme of speed enforcement cameras. The study was expected to be completed in a few months' time and an application for funding would be made in 2006-07 to install more of such cameras and housings at other strategic roads. Meanwhile, mobile operations as described above would continue to keep up the deterrent effect.

7. Mr WONG Kwok-hing and Mr Andrew CHENG saw a need to equip all speed enforcement camera housings with cameras as soon as possible, and pointed out that Legislative Council (LegCo) members should be willing to support funding proposals in this regard. DS/ETW explained that as the road network in Hong Kong was close to 2 000 km in length, it would not be practicable to rely solely on speed enforcement cameras to deter speeding offences. In addition, installation of speed enforcement cameras at some of the locations was not possible due to technical problem and site constraints. Moreover, due to the frequent changes in the locations of speeding offences, mobile operations were equally important in combating speeding. Nevertheless, the Administration had already taken the initiative to conduct the above study to work out additional potential sites and the detailed implementation plan. In reply to Mr WONG on the actual implementation timetable, DS/ETW said that the timetable would not be ready until the completion of the above study. The Administration however aimed to apply for the necessary funding in the latter half of the current financial year.

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*Enforcement*

8. Mr TAM Yiu-chung noted that for the offence of using hand-held telephone or telecommunication device while driving, the number of prosecutions had increased by over 250% from 2 091 in the first four months in 2005 to 7 512 in the same period in 2006. Concerned about the significant increase, he enquired about plans to enhance education and publicity efforts in this regard to improve the situation. In response, DS/ETW assured members that the Administration had already been enhancing the above efforts and such enhanced efforts would be kept up. She also explained that the increase in the number of prosecutions was due to the fact that prosecution could now be instituted by way of fixed penalty tickets from 1 January 2006 onwards.

Specific measures for public light buses

*Installation of speed display devices*

9. Mr LEUNG Kwok-hung considered the installation of speed detectors useful in preventing speeding. He therefore asked the Administration to examine the feasibility of requiring public light buses (PLBs) to install speed detectors which operated on the global positioning system (GPS) and could set off audio reminders once it was detected through GPS that the driver had exceeded the speed limit. In reply, DS/ETW pointed out that the current speed display devices (SDDs) installed on PLBs would give out a buzzing sound if the speed exceeded 80 km. With mandatory installation of such devices on PLBs being a new vehicle licence condition upon issue or renewal of a PLB licence, over 98% of all PLBs had already been installed with SDDs. Meanwhile, the Administration was preparing legislative amendments to make SDDs a standard requirement on PLBs under the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A), and that any misuse or malfunctioning of the devices would constitute an offence.

*Installation of vehicle monitoring system*

10. Ms LI Fung-ying noted that since 2004 TD had been engaging suppliers to carry out trials of the vehicle monitoring system on PLBs. A trial was carried out on four green minibuses in 2004, but owing to technical problems, it was suspended in early 2005. Earlier this year, the Administration had found new suppliers who were willing to conduct new trials on PLBs. In reply to her question on the number of PLBs taking part in the new trials and the difference between the 2004 trial and the new trials, DS/ETW elaborated that the two trials were very different because the device used in the 2004 trial was technically infeasible. New suppliers that offered new devices had been identified. It was planned that trials of the new model would be carried out on a dozen or so PLBs plying different routes involving different distances and operating characteristics to fully test the device.

11. Mr Andrew CHENG considered it undesirable that despite the recurrence of fatal accidents involving PLBs and the introduction of a package of measures to enhance

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road safety and safety of PLB operations, many of the measures could not be carried out because of the Government's failure to actively and efficiently pursue them. In particular, the progress of installing the vehicle monitoring system on PLBs was far from satisfactory, with the trial of the device on PLBs suspended for more than a year before new suppliers were found to conduct new trials. It would take seven months for the new trials to commence and another six months for conducting the trials. In his view, such procrastination and hence lack of determination on the Administration's part to pursue the measures would affect the trade's willingness to co-operate. In response, DS/ETW reaffirmed the Administration's determination to pursue the measures. She however reiterated that owing to technological problems, the previous trials had to be suspended and the Administration was making arrangements to conduct another trial to establish the feasibility of installing such devices on PLBs as a long-term measure.

12. Concerned about the results of the trials of the vehicle monitoring system on PLBs, Mr LEE Wing-tat opined that more suppliers should have been engaged to carry out the 2004 trial and, as an incentive to encourage the suppliers of the new trials to do their best to ensure the trials would succeed, the Administration should promise them that all PLBs would be asked to engage the service of the supplier who succeeded in the trials to install the device. In response, DS/ETW emphasized that there was only one such supplier in 2004 and the trial failed because the records kept by the system was erroneous. Given the small number of suppliers in the field, it was difficult for the Administration to find new suppliers who were willing to conduct trials. The Administration had not given any undertakings to the new suppliers as the reliability and cost of their devices had yet to be ascertained.

13. In response to Mr LEE Wing-tat's query about the long time required to conduct the trials of the vehicle monitoring system on PLBs, DS/ETW reiterated that there was a need to conduct the trials on different routes with different operating environment to ensure the reliability of the system, and it took time for the suppliers concerned to provide the necessary devices for the trials. The Chairman and Mr LEE were still unconvinced of the long time required, pointing out that the system did not involve complex technologies. In response to the Chairman's suggestion to seek assistance from academics, DS/ETW explained that apart from ascertaining that the system was theoretically feasible, there was also a need to put it to field tests to ensure its reliability. The Chairman nevertheless urged the Administration to seek advice from academics.

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*Installation of speed limiters on PLBs*

14. Mr LEUNG Kwok-hung said that the installation of speed limiters on PLBs might help prevent speeding by PLBs. In response, DS/ETW confirmed that the device could only be used on diesel vehicles. Since many PLBs were presently running on liquefied petroleum gas (LPG), there were technical problems with the installation of such devices on PLBs. She further reported that the Administration had in fact directly liaised with the vehicle suppliers on the feasibility of installing the devices on LPG PLBs but the feedback was that the technology was not yet available. Notwithstanding,

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the Administration would continue to keep in view technological development and overseas practices in this regard.

*Installation of passenger seat belts and high back seats*

15. Mr TAM Yiu-chung noted that to assist owners of PLBs registered before 1 August 2004 (without high back seats and seat belts) to retrofit such facilities, the Administration had commissioned a technical contractor to prepare design plans that met the safety requirements of PLBs. In reply to him on the estimated retrofitting cost and the availability of Government subsidies in this regard, DS/ETW said that the estimated unit cost was in the range of \$40,000 to \$50,000 but a more exact figure would not be available until the testing of such facilities on the PLBs had completed. Further, whilst some operators had already indicated interest in retrofitting their PLBs, the final cost would also hinge on the number of PLB owners who would retrofit their vehicles. As to the availability of Government subsidies, there was at present no such plan. Moreover, some operators would prefer replacing their PLBs with new vehicles. It was also believed that when PLB operators saw the merits of installing such facilities to enhance passenger safety, many of them would be willing to retrofit their PLBs.

16. Mr Albert CHAN expressed dissatisfaction with the progress of retrofitting passenger seat belts and high back seats on PLBs registered before 1 August 2004, pointing out that the need to equip PLBs with the facilities had been under discussion for more than ten years. Commenting on his proposal to specify a deadline before which all PLBs should be equipped with the facilities, DS/ETW explained that since PLBs registered before 1 August 2004 were already in operation before the commencement of the law requiring all PLBs to be equipped with the facilities, it would not be fair to force them to retrofit such facilities. However, most PLB owners would replace a PLB when it had served eight to ten years. Given that currently about 1 040 PLBs (24% of all PLBs) had served eight or more years, the Administration expected that these vehicles would be replaced by new vehicles in the coming one or two years. As to the PLBs which were relatively new and would not be due for replacement in the near future, there was a need to ensure that the retrofit design plans could meet the safety requirements of PLBs.

17. Both Mr Albert CHAN and the Chairman found the above reply unacceptable because the Panel had urged the Administration to ensure that all PLBs would be equipped with seat belts and high back seats time and again. In reply to the Chairman on when the retrofit design plans would be ready, DS/ETW advised that they should be available in the latter half of 2006. However, there was then a need to test them on PLBs to ascertain whether they could withstand the impact posed by the additional anchor points arising from the facilities in an accident. Should the results be satisfactory, the Administration could then discuss with PLB owners the details to expedite the retrofitting process. If the results were unsatisfactory, the Administration would need to amend the design and retry it. As such, it was difficult, if not impossible, to give a firm implementation timetable.

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18. Mr Albert CHAN expressed great dissatisfaction with the above retrofitting plan, pointing out that passenger seat belt and high back seat did not require advanced technology to develop. Also greatly dissatisfied with the plan and highlighting the importance of the facilities to the protection of PLB passengers, the Chairman stressed the need for the Administration to ensure the installation works be completed within a particular time frame. He therefore requested the Administration to provide within two weeks a flow-chart showing the procedures that would be followed to ensure retrofitting of the facilities on PLBs registered before 1 August 2004. The flow-chart should show the respective steps that would be taken to cater for the different outcomes of the trials of the facilities on the above type of PLBs, together with the estimated time required for each step.

*(Post-meeting note: The flow-chart was issued to members vide LC Paper No. CB(1)1996/05-06(01) on 17 July 2006.)*

19. Ms Miriam LAU pointed out that despite years of studies, according to experts in the related field, there was genuine difficulty in retrofitting passenger seat belts and high back seats on PLBs not originally designed for and fitted with such facilities. Apart from the difficulty in ensuring the facilities so retrofitted would be effective, care also had to be exercised to ensure they could meet the safety requirements lest they would pose danger to passengers instead of protecting them. The above views were also supported by relevant studies and literature. As such, while urging the Administration to expedite the retrofitting process, she also stressed the need to ensure the retrofit design plans could really meet the safety requirements. As a contingency measure, she also urged the Administration to examine actions they could take should the above efforts fail, bearing in mind that PLBs' business was not good and hence PLB operators might not be able to afford the replacement cost for new PLBs equipped with the facilities. The Administration noted her views.

20. Mr LEUNG Kwok-hung opined that the Administration should encourage the installation of seat belts on PLBs by subsidizing replacement of PLBs registered before 1 August 2004 with new vehicles through tax rebates because seat belts could enhance road safety and minimize fatalities in case of accidents. In reply, DS/ETW said that subsidy was once available to encourage owners of diesel light buses to switch to LPG light buses. The subsidy scheme had however come to an end.

21. Mr Andrew CHENG also found the progress of retrofitting passenger seat belts and high back seats on PLBs registered before 1 August 2004 undesirable, pointing out that nothing had been done between 1 August 2004 and the third quarter of 2006. In his view, such inertia on the part of the Administration was not conducive to instilling a sense of urgency in the trade to rectify the present situation. In response to his call for early action, DS/ETW reaffirmed the Administration's determination in this regard and reiterated that there were real technological problems with the retrofitting of the facilities but the Administration would explore ways to address the problems.

22. Mr Albert CHAN remarked that notwithstanding the increasing number of fatal

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traffic accidents involving PLBs, the Administration had failed to expedite the retrofitting of passenger seat belts and high back seats on PLBs registered before 1 August 2004 to ensure public safety. As such, he had lost confidence in the Administration's ability to undertake the related task and he considered that the Government officials involved should be penalized. As an alternative, he suggested that the Panel should seek the expert advice of academics and vehicle manufacturers on the feasibility of retrofitting passenger seat belts and high back seats on PLBs and the latest technological trend in the market. In response, DS/ETW reiterated that the retrofitting exercise was no simple task, and reported that the Administration had already sought assistance from the University of Hong Kong and the Polytechnic University of Hong Kong. Open tendering had also been conducted to identify the present technical contractor to prepare retrofit design plans. In recognition that the views of different experts might vary, Mr CHAN suggested and members agreed that the Panel should separately write to local universities and vehicle manufacturers to seek their views on the related issues. Members also agreed to seek expert views on the feasibility of installing vehicle monitoring system on PLBs as well. In this regard, Mr Jeffrey LAM proposed and members concurred that the Panel should further write to the Hong Kong R&D Centre for Automotive Parts and Accessory Systems of the Hong Kong Productivity Council (HKPC).

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*(Post-meeting note: The said letters were issued on 27 June 2006. A circular advising members of the above was issued vide LC Paper No. CB(1)1896/05-06 dated 29 June 2006.)*

*Enforcement operations against public light buses*

23. Mr Albert CHAN opined that given the need to combat more serious crimes, the Police could not be expected to keep up large-scale operations against inappropriate driving behaviour of PLB drivers. As such, in the long run TD should play a more active role in curbing the problem, such as by identifying speeding blackspots. In reply, DS/ETW advised that whenever TD was aware of PLB speeding cases, they would pass the relevant information such as the PLB routes involved to the Police to facilitate their targeted enforcement operations. Such operations were effective because, apart from facilitating prosecutions against the PLB drivers concerned, they could also deter other drivers from speeding. In fact, as a result of such operations in the first four months of 2006, the problems of speeding and red light jumping by PLB drivers had decreased. Such operations would be kept up in parallel with enhanced education and publicity efforts.

24. Prior to the successful trial of the vehicle monitoring system on PLBs, Mr LEE Wing-tat opined that little could be done to deter speeding apart from enforcement operations. He therefore urged the Police to keep up high-level high-profile operations against speeding by PLBs. This could send a clear message to the trade that the Police would not tolerate reckless driving behaviour that endangered other road users' lives. In response, the Chief Superintendent of Police (Traffic) (CSP/T) explained that the Police had been able to conduct high-level high-profile enforcement actions in a number of

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cases because intelligence on the routes and drivers concerned had indicated a need to take action in response to serious disregard for traffic lights, speed limits and passengers' lives. He assured members that apart from taking actions against inappropriate driving behaviour seven days a week, 24 hours a day, the Police also stepped up actions that targeted at the group of vehicles which posed greatest danger to people's lives. Since PLBs formed the core of this group, enforcement actions against them would continue.

### *Mandatory display of PLB driver name plate and the complaint hotline*

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25. Referring to the mandatory display of driver name plate and the Transport Complaint Unit hotline inside PLBs, Mr CHEUNG Hok-ming pointed out that the Administration should request PLB operators to display such information on the body of PLBs and incorporate it as a condition in the Passenger Service Licence. DS/ETW advised that the hotline was also displayed at PLB and taxi stands. Mr CHEUNG however said the display of the hotline on the body of PLBs would facilitate complaints when illegal driving behaviour was spotted. DS/ETW agreed to examine the feasibility of Mr CHEUNG's proposal.

### *Training for in-service PLB drivers*

26. Mr CHEUNG Hok-ming sought details on the percentage of PLB drivers who had attended the "PLB Driver Training Course", "PLB Driver Safety Workshop", and the "Advanced PLB Driver Training Course", and enquired about plans to gear up publicity on the above if the attendance rates were unsatisfactory. In reply, DS/ETW said that the attendance rates were not high. As such, the Administration had already been making efforts to persuade PLB operators to release and encourage their drivers to attend the above courses and workshops.

### *Promulgation of PLB Driver Safety Charter*

27. Mr TAM Yiu-chung was glad to note that about 2 600 PLB drivers had signed the PLB Driver Safety Charter, and called upon the Administration to consider asking these drivers to display the Charter in their PLBs to remind them of their commitment to safe driving as well as to disseminate the message of safe driving. DS/ETW thanked him for his suggestion and agreed to consider it. She also said that efforts would be made to simplify the message.

28. Ms Miriam LAU pointed out that the trade had been co-operative in implementing specific measures to enhance safety of PLB operations. Indeed, many of the measures, such as the installation of SDDs and the PLB Driver Safety Charter, had been proposed by the trade itself. She however opined that the Safety Charter had not been very successful because less than 30% of PLB drivers had signed it, and she called for more promotional efforts in this regard. In recognition that the commitment to safe driving should come from the heart, she also saw a need to require the drivers concerned to display the Charter in the form of a simple reminder inside PLBs. She therefore

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expressed dissatisfaction that the Administration had not honoured its undertaking of devising ways to display the Charter before it was launched. DS/ETW agreed to follow up.

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*Other views and concerns on the specific measures for public light buses*

29. While acknowledging the importance of enhanced enforcement actions and publicity efforts, which were all measures directed at PLB drivers, Ms LI Fung-ying highlighted the need to also address problems relating to the management of green minibus operators over their drivers because, as she understood, sometimes drivers, in particular drivers of green minibuses, were forced to speed to make up for the number of trips their employers required them to operate every day, which was sometimes unreasonable. As such, she opined that to address the problem of speeding by professional drivers, TD should play an active role in ensuring that the number of trips drivers were required to operate in a day was reasonable. In response, DS/ETW reported that the Administration had already been closely liaising with PLB operators in this regard, especially those of green minibuses, since their service schedules had to be agreed with the Administration. She assured members that the Administration would keep the schedules of all green minibus routes under close monitoring to ensure their reasonableness.

30. Mr LEUNG Kwok-hung, however, pointed out that there was little the Administration could do to ensure that the number of trips operated by a PLB driver in a day was reasonable because it affected the business and hence livelihood of the drivers in the case of red minibuses and, in the case of green minibuses, there was no legislation governing the maximum working hours of the drivers concerned.

31. Mr WONG Kwok-hing expressed concern about the safety implications of installing DVD equipment next to the driver seat of PLBs. DS/ETW confirmed that such installations were illegal and the Police could take enforcement actions against them. As to whether the Police had conducted any random checks in this regard, CSP/T confirmed that the Police had not spotted any such installation during their enforcement operations. He pointed out that any such device should be installed behind the driver's back. DS/ETW urged Mr WONG to refer the above cases to the Administration for follow-up. Mr WONG opined that more random checks should also be conducted to deter such cases.

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Measures to protect taxi drivers and passengers

32. Ms Miriam LAU referred to the suggestion to install air bags on taxis to better protect taxi drivers and passengers, and enquired about the Administration's plans in this regard, pointing out that if air bags were not made a statutory requirement, suppliers of taxis would not make them a standard feature. In reply, DS/ETW explained that currently there was no requirement for vehicles, including taxis, in Hong Kong to be equipped with air bags. Similarly, in Japan, which was the major supplier of local taxis, airbags were neither a statutory requirement nor a standard feature. It should be noted that most overseas countries, including Japan and the European Union which were the main sources of vehicles running in Hong Kong, did not have legislation that required vehicles to be installed with air bags. Nor did they stipulate any standards for air bags on vehicles. Although many private cars had been installed with air bags, there were still differences in views regarding the optimal number and position of airbags. In view of the above diverse views and practices and the absence of legislation and international standards, the Administration would continue to keep in view overseas standards and practices with a view to identifying new requirements and standards that were suitable for Hong Kong. She assured members that before taking the next step in this regard, the Administration would discuss with the vehicle manufacturers and the transport trades on the related issues such as the installation and maintenance costs and the number of airbags to be installed.

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33. Mr WONG Kwok-hing expressed regrets about the Administration's passive attitude in pursuing the installation of air bags on taxis. DS/ETW undertook to conduct a study on overseas standards and practices in this regard with a view to identifying requirements and standards that were suitable for Hong Kong, and to provide a report on the study three months later.

**VI Measures to combat drink driving**

- (LC Paper No. CB(1)932/05-06(11) - Information paper provided by the Administration for the meeting on 24 February 2006
- LC Paper No. CB(1)1789/05-06(04) - Secretary for the Environment, Transport and Works' speech made at the motion debate concerning drink driving on 14 June 2006)

General views

34. Mr WONG Kwok-hing expressed regret that the Administration had not provided any new paper on the agenda item but asked members to refer to the paper issued for discussion at the meeting on 24 February 2006. In his view, this would mean that the Administration had not taken any additional measures to combat drink driving in response to members' views expressed at the 24 February meeting. In response, DS/ETW explained that no additional paper had been prepared because the relevant

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figures and information had not changed since February 2006. Moreover, new measures proposed in this regard had already been summarized in the speech made by the Secretary for the Environment, Transport and Works (SETW) during the motion debate on measures to combat drink driving at the Council meeting on 14 June 2006 (the motion), and this had been circulated to Members vide LC paper No. CB(1)1789/05-06(04).

35. DS/ETW indicated the Administration's support for the motion, pointing out that conducting roadside screening breath tests on motorists where there was reasonable suspicion was already the existing practice provided for in the current legislation. The Administration was considering the proposal to suspend the driving licences of drivers on first conviction of drink driving offence, and was examining the implementation details, such as the suspension period and how this penalty compared with similar offences. The Administration would also conduct public consultation in this regard.

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36. Ms LI Fung-ying found it unacceptable that despite various efforts made, there were still over 80 drink driving accidents each year, pointing out that as families were involved, the number of people affected was a lot more than 80. DS/ETW advised that the Administration would review the existing legislation as well as all measures against drink driving. She also agreed to report in December 2006 on the results of the review, and to put forth specific proposals for combating drink driving.

Random Breath Testing

37. Mr WONG Kwok-hing recalled that in consideration of the difficulty in deciding whether there was reasonable doubt, many Members had during the above motion debate called for the introduction of Random Breath Testing (RBT), under which roadside testing sites would be set up, with the Police randomly stopping vehicles and requiring drivers to take the breath test, even if there was no prior traffic accident, or even suspicion of their committing drink driving. DS/ETW pointed out that whilst the Administration noted the views expressed by Mr WONG and some other Members on RBT at the Council meeting on 14 June 2006, she referred members to the wordings of the motion passed by the Council at its meeting on 14 June 2006, which stipulated that "... to empower the Police to conduct random stop checks on vehicles and, where there is reasonable doubt, roadside screening breath tests on motorists ...." Indeed, the suggestion on RBT had been discussed on a number of occasions before but due to some Members' concerns about the issue of Police power, the suggestion had not been taken forward. The Administration was ready to revisit the suggestion should members think fit.

38. Ms Miriam Lau considered it undesirable that although the motion represented a consensus on the need to increase the penalties for drink driving, the call therein to conduct roadside screening breath tests on motorists where there was reasonable doubt was in fact no different from the existing practice. She therefore proposed that the Police should be empowered to conduct RBT if an internal mechanism could be worked out to prevent abuse. In fact, many countries attaching great importance to

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human rights had also empowered their police forces to conduct RBT. For example, the United States, where the authorities concerned had effectively discouraged drink driving by clearly putting across to drivers the message that they would face imprisonment if caught drink driving. This was because these countries recognized the pressing need to combat drink driving, which had serious consequences. She urged the Administration to take note of her concern in conducting the review. DS/ETW emphasized that the Administration kept an open mind on the suggestion to empower the Police to conduct RBT and would decide after the public and LegCo had thoroughly discussed the subject. Noting the response, the Chairman commented that it was already clear that both LegCo Members and the public supported RBT and did not want things to remain unchanged.

The need to impose heavier penalties

*Suspension of the driving licence*

39. Mr Jeffrey LAM saw a need to further enhance the measures against drink driving in view of its serious consequences. Notwithstanding, he expressed reservation about the proposal to suspend the driving licences of drivers on first conviction of the offence. This was because the prescribed legal limit of Blood Alcohol Concentration (BAC) in Hong Kong of 50 mg per 100 ml of blood was rather stringent and only a few countries adopted such stringent level. He therefore urged the Administration to consider the proposal with care, and to first study the effect of the adoption of such a drastic measure in overseas countries. In reply, DS/ETW advised that different countries adopted different penalties for drink driving with variations in the duration of the suspension of driving licence. She assured members that the Administration would study the measures adopted by overseas countries to combat drink driving. In response to Mr LAM and the Chairman, she confirmed that the Administration would brief members on the findings of the review in late 2006. She also added that details to be covered in the review would include the pros and cons of the measures to combat drink driving, the length of driving licence suspension period where appropriate, and the prosecution statistics.

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40. Mr Andrew CHENG, on the other hand, pointed out that Hong Kong was the only place where penalty for first time offence of drink driving did not cover licence suspension. In his view, this was the greatest drawback of local measures against drink driving. To effectively ensure that a driver would seriously consider whether he/she should drive after drinking, heavier penalties should be introduced. In this regard, he opined that to create sufficient deterrent effect, the duration of licence suspension should be at least one year long, and that it should be made a mandatory requirement that the offenders must attend a driving improvement course to improve their driving behaviour, as well as to pass a driving test before driving licences were re-issued to them. In consideration of LegCo Members' support for the above additional measures highlighted in the motion, he called for immediate introduction of legislative amendments.

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41. In response, DS/ETW assured members that SETW had already mentioned this proposed measure in her speech at the motion debate. The proposals would be ready in late 2006 for members' consideration. It was expected that they could be enacted before Members' term ended in 2008 because, with support from Members, the relevant legislative procedures should not take too long. In response to Mr Andrew CHENG, DS/ETW further confirmed that the Administration agreed to the proposed introduction of licence suspension on first conviction. What remained to be worked out were the implementation details.

42. Ms Miriam LAU indicated support for temporary suspension of the driving licences of drivers upon first conviction of drink driving. However, because the prescribed legal limit of BAC in Hong Kong was among the lowest in the world, and that fatal accidents caused by drink driving all involved excessive levels of BAC, she opined that to ensure fairness, consideration should be given to suspending the driving licence only when the BAC level of the driver concerned had exceeded the prescribed legal limit by an excessive extent. In response, DS/ETW said that Members' suggestions would be taken into account when deciding whether the driving licence of a driver should be suspended upon first conviction.

*Other proposals and views*

43. Mr Albert CHAN pointed out that the display of drink driving accident statistics on the roadside had very good deterrent effect. He then referred to the average annual figure of 86 drink driving accidents, and sought further details such as the Killed and Serious Injuries (KSI) rate of these accidents as well as the penalties imposed by the courts for the drivers concerned.

44. In reply, DS/ETW provided the following statistics –

- (a) During the period from 2001 to 2005, the average number of drink driving fatalities was three. Serious casualties including fatalities were around 38. Total casualties were over 145;
- (b) Different sections of the Road Traffic Ordinance (Cap. 374) carrying different penalties could be invoked to prosecute drunk drivers. For example, in case the accident had led to the death of other parties, the driver could be prosecuted for causing death by dangerous driving. Regarding penalties for drink driving, they included fines and disqualification from holding a driving licence for such period as determined by the court. Further, offenders of drink driving would be subject to a maximum sentence of three years' imprisonment but it was a matter for the court to decide; and
- (c) In 2005, there were 182 successful prosecutions of drink driving involving KSI. Of the above, nine cases resulted in imprisonment sentences ranging from two to nine months. There were also four successful prosecutions of dangerous driving causing deaths. However, only two people were

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convicted and jailed for eight months each and had their driving licences suspended for 24 months.

45. Mr Albert CHAN opined that the actual sentences imposed by the court could not adequately reflect the seriousness of the drink driving offences. In response, DS/ETW reported that after the meeting on 24 February 2006, at which measures to combat drink driving was last discussed, the Administration had immediately conveyed to the Judiciary members' view on the need for the court to impose heavier penalties for drink driving offences. The Judiciary's response was that the courts operated independently, and they would decide the penalties, taking into account different considerations of each case. Noting the response, Mr CHAN suggested that as in Canada, consideration should be given to introducing legislative amendments to implement such additional measures as charging drivers involved in fatal traffic accidents with manslaughter. This was because firstly, given the serious consequences of drink driving, a driver should not knowingly drink drive and if he did so, he should be properly penalized. Secondly, the maximum penalty of three years' imprisonment for drink driving was too light if deaths were involved and could not achieve the desired deterrent effect. Thirdly, given the case law quoted in paragraph 44 (c) above, heavier penalties than eight-month imprisonment might not be imposed. If however his proposal was implemented, the maximum penalty could be life imprisonment. The Administration was requested to consider Mr CHAN's proposal.

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Enforcement and prosecution

46. Mr Andrew CHENG sought prosecution statistics as a result of enhanced enforcement during the present Soccer World Cup month, when drinking was more common. In reply, CSP/T elaborated that enhanced operations of the Police during festive seasons were taken from three sides, namely, preventive, educational and enforcement. On the preventive and educational side, during the past two weeks the Police had visited over 1 000 establishments where alcohol was normally consumed, such as pubs, restaurants, etc., and disseminated over 50 000 educational leaflets highlighting the advice against drink driving and the possible penalties and consequences thereof. In addition, the Police had also offered 1 600 voluntary breath screening tests at these establishments with the same equipment used for roadside enforcement. On the enforcement side, over the same period the Police had conducted 1 400 enforcement checks resulting in 38 persons found to be over the legal limit. When compared to the hit rates of 3.6 % in 2004, 3.1% in 2005 and 3.2% in 2006, the above hit rate of 2.7% could show that the combined efforts had been effective, so that despite the World Cup month more people were aware that they should not drive after drinking. However, while assuring members that the Police would not be complacent and would keep up the efforts on all fronts, he also pointed out that the percentage of drink driving accidents among all traffic accidents was only 2%. Notwithstanding, if the public and the LegCo decided to empower the Police to conduct RBT, the Police were prepared to follow through on that.

Educational and preventive efforts

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47. Ms Miriam Lau opined that to help prevent drink driving, its consequences should be vividly presented to attendants of driving improvement courses to impress upon them the serious consequences of their actions. In response, DS/ETW confirmed that drink driving was already a module in driver training/improvement programmes. Notwithstanding, Ms LAU's proposal would be considered.

48. Mr CHEUNG Hok-ming opined that apart from tightening the relevant legislation to prevent drink driving, the Administration should also make use of the latest technology in the market to curb drink driving. For example, the Alcokey which, with a breath analyzer built into it, could detect the driver's BAC and automatically shut down the engine if he had consumed too much alcohol. DS/ETW pointed out that the device had a serious drawback. The driver could easily get round by asking someone else who did not drink to start his vehicle for him. The most effective measure therefore was to cultivate a responsible driving culture. Nonetheless, the Administration would monitor developments in this regard and examine whether the above technology could be effectively applied in Hong Kong. In response to Mr CHEUNG's request to require drivers with multiple convictions to use the device, DS/ETW said that the drivers might find ways to circumvent the device. The Chairman, however, opined that if the device could be used in other places effectively, the approach might be worth pursuing. Moreover, even if the driver asked someone else to do the breath test for him, that other person might also help persuade him not to drive.

Use of hand-held mobile phone

49. Mr WONG Kwok-hing noted that for the offence of using hand-held mobile phone while driving, the number of fixed penalty tickets issued in January 2006 already amounted to 1 547, which was more than 50% of the total number of prosecutions in 2002 and almost 20% of that in 2005. Concerned about the significant increase, he queried the adequacy of the penalties in this regard to ensure deterrent effect, and asked whether the Administration would increase the penalties upon second conviction.

50. DS/ETW explained that the above increase in the number of prosecutions against the use of hand-held mobile phones while driving was due to the fact that prosecution could presently be instituted by way of fixed penalty tickets as from 1 January 2006 onwards. As strengthened enforcement would normally bring about a stronger deterrent effect, it was expected that the relevant figure in future might drop when drivers were more alert of the enhanced enforcement actions. Should there be no improvement after a period of time, the Administration would consider the need to increase the relevant penalties. As regards the proposal to increase the penalties for second or repeated convictions, given that the penalty was in the form of fixed penalty tickets, the penalty would be the same for subsequent convictions. Since fixed penalty tickets in this regard were only introduced on 1 January 2006, more time would be required to see if the problem persisted and if further measures would be needed. Meanwhile, the Administration would alert drivers of the enhanced enforcement actions.

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**VII Location of bus, taxi and public light bus pick up/drop-off points**

(LC Paper No. CB(1)1789/05-06(05) - Information paper provided by the Administration)

51. Members noted the following submissions on accessibility problems relating to bus, taxi and PLB pick-up/drop-off points tabled at the meeting –

- (a) Submission from Dr Fernando CHEUNG;
- (b) Submission from the 1<sup>st</sup> Step Association; and
- (c) Submission from Rehabilitation Alliance Hong Kong.

*(Post-meeting note: The above submissions were issued to members vide LC Paper No. CB(1)1850/05-06(02) to (04) dated 26 June 2006.)*

Safety consideration

52. Mr Albert CHAN found the Administration's paper on this agenda item too brief. He then explained that he had proposed to discuss this item because some bus, taxi and PLB pick-up/drop-off points were too close to road junctions, pedestrian crossings or ingress/egress points of car parks, causing safety hazards to road users because of blocked sightline. However, despite repeated calls to relocate such points, no action had been taken. In this regard, he considered the guidelines in TD's Transport Planning and Design Manual (the Guidelines) for the designation of such points grossly insufficient, and opined that to ensure sightline and road safety, the Administration should specify the required distance of such points from road bends or junctions.

53. DS/ETW elaborated that according to the Guidelines, the distance of bus, PLB and taxi pick-up/drop-off points from road bends or junctions should preferably be 30 metres. In practice, however, given Hong Kong's small size, its long road network, the large number of road facilities, and the varying needs of different groups of people, there was a need to look at the merits of individual cases when designating such points. As such, flexibility might need to be exercised when applying the above guidelines. In case a proposed location which could not fully meet the standard laid down in the Guidelines was considered desirable and attractive from a passenger point of view, the Administration would put in place other mitigating measures, such as providing lay-bys, erecting appropriate traffic signs and road markings, with a view to improving the situation so as to benefit passengers within the safety constraints. If not, the number of bus, PLB and taxi pick-up/drop-off points might be greatly reduced to the detriment of passenger convenience. Along the same line, while ideally a suitable distance should be kept between such points and pedestrian crossings, there was also a need to consider the fact that if the distance was too great, passengers might tend to jaywalk after alighting, and this might lead to more accidents. There was therefore a need to strike a balance

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among different demands and needs to ensure road safety as far as possible in designating such points.

54. While acknowledging the above need to strike a balance, Mr Albert CHAN emphasized that safety should always rank the highest among all relevant considerations. As such, TD should safeguard the minimum safety standards by setting the minimum distance of bus, PLB and taxi pick-up/drop-off points from road junctions, pedestrian crossings or car-park accesses, so that no consideration of convenience should take precedence over safety consideration. In his view, it was unacceptable that despite the recurrence of accidents caused by undesirable locations of such points, due to strong local objections no improvements had been made. In response, DS/ETW urged Mr CHAN to refer such cases to the Administration for follow-up. She then reiterated the need for flexibility in designating such points, and expressed reservation about setting rigid safety standards in this regard. This was because sometimes site constraints did not permit the designation of such points elsewhere. In other cases, proximity to car-park accesses might not be a matter of great concern if the car-parks were not busy. As such, all relevant factors should be taken into consideration at the same time. If not, the needs of local residents who felt safety and convenience were equally important could not be met.

55. Mr Albert CHAN was not convinced. He emphasized the paramount importance of road safety which in his view should never be jeopardized, and urged the Administration to amend the Guidelines to clarify and reaffirm all relevant safety requirements. He also expressed dissatisfaction with the present approach of the Administration to deal with undesirable locations of bus, PLB and taxi pick-up/drop-off points case by case, and said he would follow up if the Administration did not initiate appropriate overall adjustments and improvements. DS/ETW noted his views.

56. Ms Miriam LAU shared the Administration's views on the need for flexibility and a holistic approach when designating bus, PLB and taxi pick-up/drop-off points. She however pointed out that fundamentally safety should be the most important consideration, and this should be the baseline above which requirements could be relaxed where necessary. The Administration noted her views.

## Business considerations

57. Ms Miriam LAU took the opportunity to urge the Administration to relax restrictions on taxi pick-up/drop-off points in consideration of the nature of taxi operation, namely, that taxis provided a personal door-to-door passenger transport service and hence required more pick-up/drop-off points to ensure service quality. In this regard, she also referred to the submission from 西貢的士工商聯誼會 on the permitted operating areas for New Territories (NT) taxis, and pointed out that the 聯誼會 had been seeking permission to operate at Choi Hung MTR Station at Ping Shek, which was outside the permitted operating areas for NT taxis, for a long time. In fact, TD officials had once undertaken to grant their request but said that the requested

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pick-up/drop-off point could only be designated upon completion of the Ping Shek Public Transport Interchange (PTI). While acknowledging the sensitivity of the request because it involved the permitted operating areas for the urban taxi trade and the NT taxi trade, Ms LAU opined that there were grounds for granting the request because a new NT taxi stand in close proximity to the Hang Hau MTR Station, which was also outside the permitted operating areas for the NT taxi trade, had been designated earlier. As such, the Administration should arrange for discussion between the two groups of taxi drivers to work out a way to address the 聯誼會's request.

58. DS/ETW explained that the permitted operating areas for NT taxis had already been specified in the relevant legislation. She then elaborated that Government's position on the adjustment of the permitted operating areas for NT taxis was that, to facilitate NT taxi passengers to interchange with other transport, especially the railways, and to cater for special passenger demand at major public facilities, NT taxis could be allowed to access major PTIs and certain major public facilities in the fringe of the original permitted operating areas for NT taxis. It was on the above principle that the permitted operating areas for NT taxis had been revised to enable NT taxis under specified routes to access a new NT taxi stand in close proximity to the Hang Hau MTR Station to facilitate NT taxi passengers from Sai Kung District to interchange with the MTR Tseung Kwan O Line. Similar arrangement however could not be made for the Choi Hung MTR Station at Ping Shek because it was in Kowloon and was not the MTR station nearest to the original NT taxi operation area of Sai Kung nor a major public facility.

59. Ms Miriam LAU maintained that there was a need to address local residents' demand for NT taxi service, which was strong as reflected in the 聯誼會's submission. In her view, the Administration should make efforts to facilitate NT taxis' access to the Choi Hung MTR Station at Ping Shek by explaining the situation to the urban taxi trade. In response to her, DS/ETW undertook to relay her request to the relevant officials for response in due course.

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60. Mr Jeffrey LAM shared Ms Miriam LAU's views on relaxing restrictions on taxi pick-up/drop-off points but at the same time also saw a need to address the problem of taxis queuing up at these points, causing unnecessary congestion and even safety hazards to other vehicles. In response, DS/ETW assured members that the Administration would implement traffic enforcement measures while taking care not to affect taxis' business. In this regard, the Police would take enforcement actions whenever reports of traffic problems were received. While such efforts would continue, it was also hoped that the taxi trade could exercise self-discipline. Mr LAM pointed out that despite the referral of certain blackspots in this regard to the Administration for action, not much improvement had been made. In view of the recovering economy and hence likely deterioration of the traffic congestion problem, he urged the Administration to make greater efforts to ensure early improvement. The Administration noted his views.

Accessibility to persons with disabilities

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61. With the aid of a video, Dr Fernando CHEUNG pointed out that persons with disabilities (PwDs) still had difficulty in accessing public transport service because of various inadequacies and defects found in the design and provision of facilities to facilitate their boarding and alighting activities, such as the extended ramps of low-platform buses, drop kerbs in PTIs and bus, taxi and PLB pick up/drop-off points, etc. DS/ETW acknowledged there were design problems in the cases highlighted. She asked Dr CHEUNG to provide more information of such cases to the Administration for follow-up, and the Transport Department would discuss with him the cases in detail after the meeting.

62. Dr Fernando CHEUNG opined that apart from following up the above inadequacies case by case, there was also a need to address the overall problem in a systematic way. As such, TD should take the initiative to conduct an overall review of all major PTIs in Hong Kong to ascertain if there were any similar inadequacies, and to work out a timetable for their rectification. As proposed by him and the Chairman, the Administration was requested to take the following actions –

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- (a) To conduct an overall review of all major PTIs in Hong Kong to ascertain if they were all properly equipped with the above facilities;
- (b) To work out guidelines in this regard for new PTIs and bus, taxi and PLB pick up/drop-off points; and
- (c) To rectify the inadequacies in individual cases referred to the Administration for action.

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The Administration was also requested to make a progress report on the above to the Panel six months later.

**VIII Any other business**

63. There being no other business, the meeting ended at 1:00 pm.