

立法會

Legislative Council

LC Paper No. CB(1)763/06-07
(These minutes have been seen
by the Administration)

Ref : CB1/PL/TP/1

Panel on Transport

**Minutes of meeting held on
Friday, 15 December 2006, at 10:45 am
in the Chamber of the Legislative Council Building**

- Members present** : Hon Andrew CHENG Kar-foo (Chairman)
Hon CHEUNG Hok-ming, SBS, JP
(Deputy Chairman and Chair of items IV and V)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon LAU Chin-shek, JP
Hon LAU Kong-wah, JP
Hon Miriam LAU Kin-ye, GBS, 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
- Members absent** : Hon LEUNG Kwok-hung
Hon Ronny TONG Ka-wah, SC
- Public Officers attending** : Agenda items IV and V
Ms Annie CHOI
Deputy Secretary for the Environment, Transport and Works
(Transport) 3
Ms Macella LEE
Acting Principal Assistant Secretary for the Environment,
Transport and Works

Miss LUI Ying
Assistant Commissioner/Administration & Licensing
Transport Department

Mr LEUNG Tak-fai
Chief Engineer/Road Safety and Standards
Transport Department

Mr B D M HANCOCK
Chief Superintendent of Police (Traffic)

Mr Michael CHIU Kai-ting
Senior Superintendent (Administration) (Traffic)
Hong Kong Police Force

Mr S H VERRALLS
Senior Superintendent
(Traffic Management & Prosecutions Bureau)
Hong Kong Police Force

Agenda item VI

Mr Philip YUNG
Deputy Secretary for the Environment, Transport and Works
(Transport) 1

Ms Sharon HO
Principal Assistant Secretary for the Environment, Transport
and Works

Mr WAI Chi-sing
Director of Highways

Mr CHOW Ying-shun
Project Manager/Major Works
Highways Department

**Attendance by
invitation**

: Agenda item IV

Secretariat of the Legislative Councillor, Democratic Party

Mr TANG Wai-keung
Research Officer

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

Staff in attendance : Mr Kelvin LEE
Assistant Legal Adviser 1

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)460/06-07 - Minutes of the special meeting held on 20 October 2006)

The minutes of the special meeting held on 20 October 2006 were confirmed.

- II Information papers issued since last meeting**
(LC Paper No. CB(1)395/06-07(01) - Submission from a member of the public on measures to enhance safety of reversing goods vehicles
LC Paper No. CB(1)479/06-07(01) - Submission from Public Omnibus Operators Association Ltd. on traffic and transport arrangements for the commissioning of Hong Kong – Shenzhen Western Corridor and Sheung Shui to Lok Ma Chau Spur Line)

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

- III Items for discussion at the next meeting scheduled for 26 January 2007**
(LC Paper No. CB(1)453/06-07(01) - List of outstanding items for discussion
LC Paper No. CB(1)453/06-07(02) - List of follow-up actions)

3. Members agreed to discuss the following items at the next meeting scheduled for 26 January 2007 –

- (a) Safety of franchised bus operation;

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- (b) Traffic and transport arrangements for the commissioning of Hong Kong – Shenzhen Western Corridor and Sheung Shui to Lok Ma Chau Spur Line; and
- (c) Safety of reversing goods vehicles.

IV Private bill proposed by Hon Andrew CHENG Kar-foo

- (LC Paper No. CB(1)518/06-07(01) - Road Traffic (Amendment) Bill 2006 proposed by Hon Andrew CHENG Kar-foo
- LC Paper No. CB(1)375/06-07(01) - LegCo Brief prepared by Hon Andrew CHENG Kar-foo
- LC Paper No. CB(1)453/06-07(03) - Information paper provided by the Administration)

4. As the Road Traffic (Amendment) Bill 2006 (the Bill) was proposed by the Chairman, the Deputy Chairman took over the chair of the meeting.

V Measures to combat drink driving

- (LC Paper No. CB(1)453/06-07(04) - Information paper provided by the Administration
- LC Paper No. CB(1)462/06-07 - Background brief on measures to combat drink driving prepared by the Secretariat)

5. As the Bill covered measures to combat drink driving under agenda item V, members agreed to discuss items IV and V together.

6. Members noted the following submissions on the Bill tabled at the meeting –

- (a) Submission from Hong Kong Container Tractor Owner Association Limited; and
- (b) Submission from The Federation of Hong Kong & Kowloon Labour Unions.

(Post-meeting note: The above submissions were issued to members vide LC Paper Nos. CB(1)540/06-07(01) and (02) dated 18 December 2006.)

7. At the invitation of the Chair, Mr Andrew CHENG briefed members on the Bill, proposing amendments to the Road Traffic Ordinance (Cap. 374) (RTO) to achieve the following aims –

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- (a) improve the safety of reversing goods vehicles by introducing mandatory installation of reversing video device (RVD) on goods vehicles. This was because, according to the Report on Vehicle Backover Avoidance Technology submitted by the US Department of Transportation National Highway Traffic Safety Administration (NHTSA) to the US Congress (the Report), RVDs were more effective than rear mirrors and sensor-based systems in reducing reversing incidents;
- (b) raise the penalty for causing death by dangerous driving to enhance the deterrent effect;
- (c) strengthen measures against drink driving;
- (d) improve driving attitude; and
- (e) lower to 55 the age for submission of medical examination report when applying or renewing driving licences.

8. At the invitation of the Chair, the Deputy Secretary for the Environment, Transport and Works (Transport)³ (DS/T3) briefed members on the Administration's response to the Bill and its proposed measures to enhance road safety. She said that the Administration had undertaken to report in December 2006 on the results of the review on the existing legislation and measures against drink driving, and to put forth specific proposals for combating drink driving. Some of the Administration's proposed measures to further combat drink driving and enhance road safety were similar to the proposals in the Bill. However, there were also differences between the Administration's proposals and those of the Bill in the following three areas –

- (a) In consideration of the technical difficulties in introducing mandatory installation of RVDs on goods vehicles, the Administration would continue to encourage the goods vehicle trade to install reversing aids voluntarily instead of pursuing a mandatory approach at this stage. Regarding the Report cited by Mr Andrew CHENG, the Report had also pointed out that RVDs had their own limitations, and the US authorities had to further examine and evaluate the effectiveness of such systems and develop performance specifications for the technologies;
- (b) Regarding the penalty for drink driving offences, Mr Andrew CHENG's proposal was disqualification from driving for one year on first conviction, whereas the Administration's proposal was disqualification from driving for not less than three months on first conviction; and
- (c) The Administration had reservations on the proposal for requiring drivers who were 55 years of age or more to submit relevant medical examination reports when applying or renewing driving licences as there were very few

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accidents that were directly related to the health condition of the driver. Moreover, the proposal would adversely affect all drivers aged between 55 and 70 in Hong Kong.

9. To facilitate follow-up and hence early implementation of the proposals, Mr WONG Kwok-hing asked the Administration to prepare a comparison of its proposals and those by Mr Andrew CHENG, incorporating members' views expressed at this meeting. In response, DS/T3 said that proposals where the Administration and Mr Andrew CHENG differed had already been highlighted in the Administration's response to the Bill (LC Paper No. CB(1)453/06-07(03)). Justifications for the Administration's proposals had also been given in detail.

Reversing safety

The progress of relevant measures

10. In consideration of the grave public concern about reversing accidents, Mr WONG Kwok-hing stressed the need for the Administration to take more active measures to prevent recurrence of the accidents, and enquired when the Administration could finish studying the effectiveness of additional devices to assist reversing of goods vehicles, particularly those cheaper ones.

11. In response, DS/T3 said that a timetable could not be provided because of the difficulty in estimating the time required for exploring with vehicle manufacturers the suitability of different reversing devices for different goods vehicles and the feasibility of installing such devices. Only after the associated technical problems had been resolved could the specific technical requirements be worked out, such that clear statutory requirements could be put in place for effective implementation. She however assured members that the Transport Department (TD) was already closely working with the trade to expedite progress. She further explained that in identifying the additional reversing device to be installed, emphasis would be placed on the effectiveness instead of cost considerations.

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12. Mr WONG Kwok-hing was unconvinced that a timetable could not be provided. He further enquired about the timeframe for the relevant studies. In response, DS/T3 undertook to report back in May 2007 on the progress of the studies, in particular on what vehicles the existing reversing devices could be installed and whether alternative devices were available for vehicles which the existing devices could not be installed, and on the need to grant exemption to vehicles on which no additional reversing device could be installed. Mr Andrew CHENG also requested the Administration to provide an interim report on the outcome of the consultation with the transport trade on the proposed installation of reversing aids and other measures to enhance safe reversing.

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The reversing video device

13. Ms Miriam LAU questioned the rationale behind the proposals in the Bill to make the installation of RVDs a statutory requirement, and the consequential need to raise the penalty for contravention of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A) governing vehicle parts. She pointed out that whilst the goods vehicle trade was willing to install RVDs to enhance reversing safety, there remained a number of technical problems which had yet to be resolved, including the availability of suitable devices for different types of goods vehicles. At present, there were no built-in RVDs on goods vehicles and all such devices were aftermarket products with no standard specifications. Under such circumstances, she considered that it was premature to raise the penalty at this stage. She also remarked that as the vehicle fitting requirements in the Regulations were intended to cover a wide range of instruments, including built-in items such as windscreen wipers and washers, and lamps carried by vehicles, it might not be appropriate to raise the penalty levels across the board for failure to comply with any requirements under the Regulations which would have serious implications on motorists.

14. In response, Mr Andrew CHENG cautioned that Hong Kong was lagging behind Taiwan, Japan, US and Europe in the installation of RVDs. He hoped that by introducing the Bill, the Administration, members and the trade could work together in expediting Hong Kong's progress in this regard. He also remarked that although there were no standard specifications for RVDs and the best model had yet to be identified, the directives issued by the European Union (EU) already contained specifications on the standard of lens, the detection range, etc., which could serve as useful reference should the installation of RVDs be made mandatory. Recognizing that the use of RVD was in line with the international trend, in pursuing this direction, the Administration should focus more on the need to ensure road safety for public interest rather than on cost, technical and enforcement considerations from the perspective of the trade.

15. Ms LI Fung-ying pointed out that while drivers of container trucks were willing to install reversing aids, they were concerned about the proposal to make the installation of RVDs a statutory requirement. As container trucks might carry different length of containers at different time, such unique operational characteristics might affect the performance of RVDs installed on container trucks. The trade therefore hoped that mandatory installation of RVDs would be introduced only after relevant technical problems had been resolved.

16. In response, Mr Andrew CHENG opined that as observed from the submissions tabled and the Administration's response to the Bill, all parties were in fact working towards the same direction and the only difference was more about the implementation timetable. In his view, Hong Kong was lagging behind other places in the installation of the RVD five to ten years. He had therefore proposed the Bill as a means to pressurize the Administration to expedite its work with the relevant trades, in the hope of achieving a consensus in this regard early to safeguard public interests, and to avoid any further

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procrastination under the excuses of technical problems and lack of standard specifications.

17. Mr Jeffrey LAM pointed out that according to the trade, RVDs might not help reduce reversing accidents because firstly, rain and dirt could significantly affect the clearness of objects shown on the screen. Secondly, the level of driver attention might be adversely affected by over-reliance on the device. Wide consultation was therefore necessary before seeking to make installation of RVDs a mandatory requirement. There was also a need to examine the cost implications in the light of the likely need to install more than one RVD to ensure a wide detection range, and the difficult business environment of the trade.

18. In response, Mr Andrew CHENG advised that according to many overseas studies, the RVD could cover all blind spots. As to the effect of weather conditions on camera performance, every reasonable and conscientious driver should get off or find somebody else to check the environment if the image shown on the screen was not clear.

19. Ms Miriam LAU did not agree that Hong Kong was lagging behind in the installation of RVDs. Referring to the Report, she pointed out that while acknowledging the potential that camera-based systems appeared to offer in addressing the risk of reversing, NHTSA also saw a need to "conduct additional work to estimate the effectiveness of such systems". It might therefore be premature and dangerous to legislate for the installation of RVDs pending the completion of the said additional work. Moreover, although a standard model in this regard was available in EU, EU member countries had not mandated the installation of the relevant device. In her view, given the technical nature of RVDs, although the trade was willing to discuss its mandatory installation with the Administration, the Administration should first conduct studies to ascertain the effectiveness of the system and develop specifications of performance for the technology, so that clear standards could be set to facilitate compliance.

20. In response, Mr Andrew CHENG said that although the number of reversing accidents was small, he urged members to look at his proposal from the wider perspective of road safety, and refrain from looking at the concerns of the trade only. In particular, he pointed out that technical problems should not be used as an excuse to procrastinate the mandating of the installation of RVDs, otherwise Hong Kong would continue to lag behind the US, EU, Japan and even Taiwan. He further emphasized that there were clear and detailed directives on the installation of RVDs under EU. As he understood, Taiwan manufacturers had already developed a number of models of RVD according to the directives. In response, DS/T3 reiterated that there were genuine technical difficulties and did not agree that there had been procrastination. She also pointed out that the Administration was in fact working in the same direction as Mr CHENG. However, there was a need to ensure that any additional statutory requirements would be enforceable, and hence the need to work out the technical specifications with care.

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21. Mr Jeffrey LAM said that as he understood, no place in the world had mandated the installation of RVDs on vehicles. In this regard, he pointed out that the Report had not recommended mandatory installation of RVDs. The EU also said it would review the standard model in 2010 to ascertain whether it had a positive effect on road safety. As such, the proposal to mandate the installation of RVDs should not be pursued lightly, and Hong Kong was in fact not lagging behind other places in this regard. He also opined that while there was a need to enhance road safety, there was also a need to exercise care to ensure that the proposed statutory requirements were practicable and enforceable. As such, there was a need for the Administration to conduct more studies and make reference to overseas practices and experiences to ascertain the effectiveness and reliability of installing RVDs on different types of vehicles, having regard to their operational characteristics. DS/T3 echoed his views, and supplemented that a set of specifications for installing different RVDs on different types of vehicles on a mandatory basis would need to be worked out for consultation with the trade and members of the public.

The audible device

22. Ms Miriam LAU expressed reservation about the Bill's proposal to require the installation of audible devices that could give verbal warnings instead of warning alarms having regard that the person(s) standing in the way of a reversing vehicle might be a foreigner and might not be able to understand the verbal warning if it was given in Cantonese only. Moreover, according to some transport professionals, warning alarms were understood all over the world and was the international standard adopted for audible devices. Mr Jeffrey LAM shared her views, and said that there might be technical problems if English, Cantonese and Putonghua were to be used in the verbal warnings at the same time. Further, given the market size in Hong Kong, suppliers might not be willing to tailor-make the audible device for Hong Kong. In response, Mr Andrew CHENG opined that since more than 98% of the population in Hong Kong spoke Cantonese, Cantonese should be used in the verbal warning devices. He also believed that once there were demand in the market, the market force would fill the demand gap.

Other views and concerns regarding reversing safety

23. While agreeing on the need to enhance the awareness of drivers and pedestrians to reversing safety, Mr Jeffrey LAM saw a need to explore measures to effectively separate pedestrians from vehicles as in some cases, reversing of vehicles might pose danger to pedestrians who walked on carriageway, particularly in the case of cul-de-sacs. The Administration noted his views.

24. Mr WONG Kwok-hing enquired whether Government would consider granting subsidies to encourage the goods vehicle trade to install reversing devices voluntarily. In response, DS/T3 said that in recognition that the cost incurred was insignificant when compared to the price of the vehicles and the maintenance cost, and that the drivers and vehicle owners also had the responsibility for ensuring road safety, the Administration

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had no plan to offer subsidies for installing reversing devices. Instead, it would aim to ensure that, should installation of the devices be mandated, the relevant statutory requirements would be clear, fair, reasonable and enforceable.

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25. Noting that a sub-committee under the Road Safety Council had examined ways to enhance reversing safety, Ms Miriam LAU urged the Administration to provide the relevant information to the Panel. The Administration noted her request.

Drink driving

Penalty for drink driving offences

26. Ms LI Fung-ying opined that consideration should be given to making differentiation between drink driving and drunken driving with different penalties imposed as in the Mainland and some overseas countries. In response, DS/T3 explained that as the impact of alcohol on people varied depending on a wide range of factors, it would be difficult to prove drunken driving and subjective judgement was involved. On the other hand, drink driving could be determined by scientifically and objectively measuring the alcohol concentration in the driver's breath, urine or blood to see if it had exceeded the relevant prescribed limits, over which a person's judgement and response would normally be adversely affected, posing danger to other road users if the driver concerned drove a vehicle.

27. Mr LEE Wing-tat enquired about statistics on repeat offenders, and whether current drink driving tests could indicate the extent by which the relevant prescribed limits of alcohol concentration (AC) in a driver's blood, urine or breath had been exceeded, so that different levels of penalties could be set out for different AC levels beyond the legal limits. In response, DS/T3 said the Bureau understood that only one Australian state adopted the above approach. The Administration however had no intention to follow suit because this might give the wrong impression that different AC levels had varying degrees of acceptability. In fact, the prescribed legal limit of Blood Alcohol Concentration in Hong Kong of 50 mg per 100 ml of blood had already set out an objective threshold. Moreover, in imposing penalties for drink driving, the court would give regard to the extent of excess over the prescribed limits. The Chief Superintendent of Police (Traffic) (CSP/T) confirmed DS/T3's points, and said that when a drink driving case was put before the court, the relevant readings would be provided to the magistrate for reference.

28. In considering the serious consequences of drink driving, Mr LAU Kong-wah indicated support for the Administration's proposal to introduce the penalty of disqualification from driving for not less than three months on first conviction. In his view, the Administration's proposal was sufficient, particularly as random breath tests (RBTs) would also be introduced to gear up enforcement actions. Mr LEE Wing-tat, however, supported Mr Andrew CHENG's proposal, that is, to raise the penalty to disqualification from driving for one year on first conviction. This was because firstly, the driver could avoid the accident if he decided against drink driving. Secondly, the

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consequence of drink driving was serious and other road users other than the driver would be affected. Mr Albert CHAN also indicated support in principle to Mr Andrew CHENG's proposal for the strong message it could send to motorists that drink driving was not in any way tolerated in Hong Kong. He saw a need for a strong message because quite a number of studies had already confirmed that alcohol intake exceeding a certain amount would render a driver unfit for driving, and that the danger so arising should not be ignored.

29. Mr Albert CHAN opined that consideration should be given to introducing legislative amendments to implement such additional measures as charging drivers involved in fatal traffic accidents with manslaughter if their AC level was in excess of the relevant prescribed limits by a great extent. This was because drink driving was similar to wielding a deadly weapon and if death was so caused the act was similar to manslaughter. The Administration's proposal to raise the maximum imprisonment term for the offence of causing death by dangerous driving from five to ten years was therefore inadequate having regard that the raised penalty was still much lower than that for manslaughter, which could be life sentence. At his invitation to comment on his proposal, Assistant Legal Adviser 1 (ALA1) advised that as Hon MA CJHC remarked in the obiter dictum in SJ v Poon Wing-kay & Liu Chun-pong CAAR2/2006 & CACC 536/2005, which involved a race between two public light buses ending in many casualties, where appropriate consideration might be given to charging the driver concerned for manslaughter to reflect the seriousness of the case instead of dangerous driving. Given the above flexibility, there might not be a need to raise the penalty for dangerous driving causing death to a level similar to that for manslaughter. Mr CHAN, however, maintained that legislative amendments should be introduced to classify as manslaughter driving with an AC seriously in excess of the relevant prescribed limits.

30. Ms LI Fung-ying cast doubt on the use of raising the penalty for drink driving offences, pointing out that the actual sentences imposed by the court fell short of the existing maximum penalty level for drink driving. To support her point, she also requested information on the number of cases where the maximum penalties had been imposed. In response, DS/T3 reported that after the Panel meeting on 24 February 2006, at which measures to combat drink driving was discussed, the Administration had already conveyed to the Judiciary members' view on the need for heavier penalties for drink driving offences. Although the courts operated independently, and they would decide the penalties taking into account different considerations of each case, it was believed that raising the maximum penalty for drink driving offences could further impress upon the Judiciary the grave public concern about drink driving and hence the need to impose heavier penalties to enhance deterrent effect. Ms LI, however, maintained that more active efforts should be made to alert the Judiciary of the need to impose heavier penalties for drink driving offences. DS/T3 said she understood that the Judiciary would normally respond positively to public calls for higher penalties for certain offences.

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Random breath tests

31. Mr LAU Kong-wah urged the Administration to be more determined in introducing RBTs, and enquired about how RBTs would be conducted and the timeframe for implementation.

32. Regarding the implementation details of RBTs, DS/T3 said that in order to achieve the desired effect, RBTs should be conducted strategically. As such, the Police had to adopt a flexible approach and change its tactics, having regard to the prevailing circumstances. Under the proposal, the Police would be given absolute power to draw up its own administrative procedures and guidelines, including the mode of operation, location, timing and frequencies. CSP/T echoed her points, and supplemented that RBTs would be conducted on a purely random basis, without the need for any reasonable suspicion, and there would not be a pattern on how drivers would be selected for the tests. The power to be granted to the Police in conducting RBTs would be similar to that for checking identity cards. He further said that presently the Police were already empowered to conduct roadside screening breath tests if there was reasonable suspicion. The Police had an open mind as to whether additional power should be given to it to conduct RBTs. If the public and the Legislative Council (LegCo) decided to empower the Police to conduct RBTs, the Police were prepared to follow through on that.

33. As to the Administration's determination in introducing RBTs and the timetable, DS/T3 explained that 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. Noting that members now strongly supported the suggestion, the Administration was ready to take it forward. However, as mentioned above, presently the Police could only conduct roadside screening breath tests if there was reasonable suspicion. To empower the Police to conduct RBTs, legislative amendments would be required. The Administration therefore had to ascertain members' agreement to the proposal to give the Police the power before the normal legislative process could be followed. If there was general support for RBTs, the relevant bill would be introduced into LegCo in the second or third quarter of 2007. Although the process could not be completed in time for RBTs to be conducted at the coming Christmas holidays, as in the past, enhanced operations of the Police would be taken during festive seasons from three fronts, namely, preventive, educational and enforcement. Further, voluntary breath screening tests would be conducted at establishments where alcohol was normally consumed, such as pubs, restaurants, etc.

The legislative process

34. Noting the above legislative timetable, Mr Andrew CHENG pointed out that the amendments involved were simple, and urged the Administration to expedite the legislative process, so that the relevant bill could be made ready in the first quarter of 2007 instead to ensure its enactment within 2007 to enhance road safety early. In response, DS/T3 explained that about six months were required to draft the relevant bill

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because it did not involve only amendments to RTO but also consequential amendments to other related regulations and ordinances. Moreover, additional resources would need to be secured to implement other relevant proposals such as the mandatory requirement for traffic offenders to attend driving improvement courses. The Administration's target was to introduce the amendment bill into LegCo in the second or third quarter of 2007.

35. Ms Miriam LAU opined that in general, the Bill proposed by Mr Andrew CHENG had not been carefully thought out, and echoed DS/T3's view on the need to take time and exercise care in drafting the relevant legislative proposals to ensure each would be backed up by full justification and comprehensive research. She also reiterated that the trade was in fact equally concerned about road safety. However, in consideration of the heavier penalties proposed, any additional statutory requirements should be made clear and enforceable. Mr Andrew CHENG, on the other hand, stressed the importance of enacting the necessary legislative amendments to enhance road safety as early as practicable, and appealed to members to consider the legislative amendments from the wider perspective of public interests instead of just looking at the well-being of a particular trade. Ir Dr Raymond HO, however, shared Ms LAU's view on the need to exercise care and considered the request for six months to further examine the proposals reasonable in consideration of their long-term implications. He therefore did not agree that the legislative process should be compressed.

36. Mrs Selina CHOW considered it undesirable to assume that the interests of the trade and the public were conflicting. In her view, the present legislative proposals would affect not only professional drivers but all motorists. As such, instead of emotionally reacting to individual cases with the introduction of the legislative proposals haphazardly, every effort should be made to ensure that any additional statutory requirement so introduced would be fully justified and enforceable. She therefore agreed that the Administration should carefully examine the legislative proposals.

Lowering the age for submission of medical examination report

37. Referring to the proposal to lower the age for submission of medical examination report, Ms LI Fung-ying pointed out that as she observed from her contact with professional drivers, most of them had reservations about the proposal although they welcomed measures to enhance road safety in recognition that the measures could also protect them. This was because the drivers were afraid that the proposal might aggravate the already serious problem of age discrimination in the job market. Moreover, there were no statistics that indicated any correlation between age and traffic accidents. In response, Mr Andrew CHENG pointed out that an age limit had already been set for the submission of medical examination report. He was only proposing to lower it and not impose an additional requirement. In fact, Kowloon Motor Bus Company (1933) Ltd also required drivers above 55 to receive annual medical check. As such, he did not agree that his proposal would aggravate age discrimination. Moreover, he had not proposed to require drivers aged 55 or above to receive medical

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checks annually. They would only be required to undergo medical check when applying and renewing their licences to ensure they were fit for driving, and this should benefit the drivers themselves and enhance road safety. Noting his explanation, Ms LI commented that in recognition of the tendency of early incidence of chronic diseases in the population, this would mean that all drivers applying and renewing their licences should be required to receive medical checks instead of only subjecting drivers at a certain age or above to the requirement. The proposal therefore had far-reaching implications on motorists.

The way forward

38. In consideration that Mr Andrew CHENG and the Administration had each put forward a set of legislative proposals on how to enhance road safety and that some of them overlapped, Ms Miriam LAU enquired how the proposals should be pursued. Mr Andrew CHENG remarked that his intention of introducing the Bill was to put forward specific proposals for the Administration's reference. As such, where proposals were in duplication but in agreement, he would be content to let the Administration take them forward.

39. Ms Miriam LAU sought advice on how the question of duplication should be handled if the Administration and Mr Andrew CHENG could not agree on certain proposals, and they each introduced their respective legislative proposals to LegCo at the same time. In response, ALA1 advised that, since the Bill would be related to Government policies and hence its presentation should be accompanied by the written consent of the Chief Executive in respect of it, it was unlikely that the Bill and the Administration's legislative proposals would be introduced into LegCo at the same time. In the rare event that two bills relating to the same subject were introduced at the same time, there were rules in the Rules of Procedure on how the President should handle the situation. He would provide further details in this respect to Ms LAU after the meeting. Mr Andrew CHENG reiterated that it would not matter which party would subsequently introduce the relevant legislative proposals as long as necessary measures would be implemented early to enhance road safety.

40. Mr Andrew CHENG took over the chair of the discussion of the following agenda items.

VI Improvement to Tung Chung Road between Lung Tseng Tau and Cheung Sha

- (LC Paper No. CB(1)453/06-07(05) - Information paper provided by the Administration
- LC Paper No. CB(1)463/06-07 - Background brief on improvement to Tung Chung Road between Lung Tseng Tau and Cheung Sha prepared by the Secretariat)

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41. Mr WONG Kwok-hing was gravely concerned about the sub-standard design of Tung Chung Road and the resultant safety implications on road users. He called on the Administration to expedite the related improvement works. To enhance safety, he also requested the Administration to provide proper vehicular parapet and central divider.

42. The Director of Highway (DHy) responded that every effort had been made to expedite the project within the environmental constraints. Where possible, parts of the improved road would be put into use before the completion of the whole project. Upon widening of the road with provision of passing bays/bus lay-bys, the safety of TCR would be greatly enhanced. He added that the Government would install proper vehicular parapet along TCR, having regard to the recommendations in the Report on Enhancement of Highway Safety issued by the Independent Expert Panel on Tuen Mun Road Incident in December 2003.

43. Mr WONG Kwok-hing reiterated that central barriers should be provided in TCR in order to enhance the safety of the road.

44. Mr LEE Wing-tat remarked that the delay of the project was mainly due to lax supervision in the initial years of works. He requested that the Highways Department should closely monitor the project to ensure that the project would be completed on schedule.

45. DHy responded that the whole project was envisaged to be completed in September 2008. However, where possible, consideration would be given to opening parts of the road before the project completion date. For work contracts commissioned since January 2003, the contractor was required to submit a plan for management of the sub-contractors. With the change of the management staff of the contractor in early 2006, there was marked improvement in the supervision of the project. All efforts were being made to complete the project as soon as possible.

46. Ir Dr Raymond HO Chung-tai said that in view of the safety risks of TCR, he had previously requested that the improvement works should be carried out on a 24-hour basis but the Government had turned down his proposal on ground of environmental considerations. Whilst supporting the increase of the project estimate, he said that a balance should be struck between the need to complete the project as soon as possible, and further enhancement on the safety standard of the road such as the building of central barriers on TCR.

47. Mr Albert CHAN Wai-yip said that he also supported the proposal that the improvement work of TCR should be carried out round the clock and he could not accept that such an arrangement would have an impact on the insects in the area. He pointed out that despite his suggestion that lookout areas should be provided at the scenic spots of the new TCR so that motorists could park their cars at the spots, took photographs and enjoyed the scenery, such facilities were not included in the construction plan. He reiterated that such facilities should be provided on TCR. Mr CHAN noted that the paper had not mentioned about the main reason for the delay of the

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project, i.e. a dispute broke out between the main contractor and a sub-contractor leading to a slippage of works for about six months. He said that if the delay of the project was attributable to the lax supervision of the main contractor, the contractor should be responsible for the extra costs so incurred. He asked whether the Government would seek compensation from the main contractor in respect of the delay and additional expenditure of the TCR project.

48. The Deputy Secretary for the Environment, Transport and Work (Transport) 1 (DS/T1) responded that a large part of the TCR project was carried out within the boundaries of country parks, and it was necessary to take into account the impact of the works on the environment. The residents in the vicinity had also raised concern regarding the noise caused by the construction works. Hence there was a restriction on the working hours of the project. DHy added that a pavement of about 1.6 metre wide would be provided in the new TCR and the southern section of the road could be used as a path for pedestrians where people could enjoy the scenery and take photographs. A balance had to be struck between the provision of lookout areas and the impact on the environment. As far as the liability of the contractor on the delay of the project was concerned, DHy said that the Government possessed certain information in this respect. He pointed out that there were provisions in the contract for claiming indemnity if it could be established that the contractor was responsible for the delay of the project. The Government would examine the issue and, if appropriate, would take action to seek compensation from the contractor.

49. Mr Albert CHAN Wai-yip said that he could not accept the Administration's explanation for not providing lookout areas in the new TCR. He opined that it was a serious flaw in the planning of a road project costing over \$800 million if lookout areas were not included. He pointed out that his request for provision of lookout areas on TCR had been raised at the initial stage of the project, and the Administration was disregarding the need of citizens. With regard to the delay of the project, Mr CHAN enquired whether senior Government officials were aware that the serious slippage of the project was caused by the dispute between the main contractor and his subcontractors. The Chairman shared Mr CHAN's concern on the contractor's liability on the delay of the project. He requested that the Administration should provide the relevant information to the Panel before the proposal for the increase of the approved project estimate (APE) for the new TCR was submitted to the Public Works Subcommittee on 3 January 2007.

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50. Whilst supporting the proposed increase in the APE of the TCR project, Mr CHEUNG Hok-ming enquired about the additional expenditure on the resident site staff.

51. DHy explained that the supplementary provision was required to cover the additional work performed by the main contractor's resident site staff.

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VII Any other business

52. There being no other business, the meeting ended at 12:55 pm.

Council Business Division 1
Legislative Council Secretariat
23 January 2007