

L.N. 152 of 2007

**ROAD TRAFFIC (CONSTRUCTION AND
MAINTENANCE OF VEHICLES) (AMENDMENT:
SAFETY REQUIREMENTS FOR PASSENGER
SEATS IN STUDENT SERVICE VEHICLES)
REGULATION 2007**

(Made by the Secretary for the Environment, Transport and Works under section 9 of the Road Traffic Ordinance (Cap. 374))

1. Commencement

(1) Sections 2(1), 3(1) and (2) and 4(2), (3), (4), (5), (6), (7), (8), (9), (10), (11) and (12) shall come into operation on 1 December 2007.

(2) Subject to subsection (1), this Regulation shall come into operation on 1 May 2009.

2. Interpretation

(1) Regulation 2 of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A) is amended by repealing the definition of “specified date”.

(2) Regulation 2 is amended by adding—

““middle front seat” (前排中座) has the meaning assigned to it by regulation 2(1) of the Road Traffic (Safety Equipment) Regulations (Cap. 374 sub. leg. F);

“specified passenger’s seat” (指定乘客座位) has the meaning assigned to it by regulation 2(1) of the Road Traffic (Safety Equipment) Regulations (Cap. 374 sub. leg. F);

“student service vehicle” (學生服務車輛) means—

(a) a public bus—

(i) in respect of which a passenger service licence issued under section 27 of the Ordinance which authorizes the operation of a public bus service referred to in section 27(3)(a) of the Ordinance is in force; and

(ii) which is used in the provision of a student service within the meaning of section 4(3)(d) of the Public Bus Services Ordinance (Cap. 230);

(b) a private bus—

- (i) in respect of which a passenger service licence issued under section 27 of the Ordinance which authorizes the operation of a private bus service referred to in section 27(3)(b) of the Ordinance is in force; and
- (ii) which is used in the provision of a student service within the meaning of section 27(5)(a) of the Ordinance; and
- (c) a school private light bus;”.

3. Passenger seats

(1) Regulation 73(1)(b) and (1A) is amended by repealing “the specified date” and substituting “1 August 2004”.

(2) Regulation 73(1A)(e)(i) is amended, in the Chinese text, by repealing “不得有可能在交通意外中令在座乘客受傷的危險或傷勢的嚴重程度增加的鋒利邊緣” and substituting “均不得有可能在交通意外中增加在座乘客受傷的危險或加重在座乘客的傷勢的鋒利邊緣”.

(3) Regulation 73 is amended by adding—

“(1AA) In every student service vehicle registered on or after 1 May 2009—

- (a) every seat shall be forward-facing;
- (b) all seats and the accessories attached to the seats shall not have sharp edges which may increase the risk or severity of injury to seated passengers in a traffic accident;
- (c) subject to paragraphs (1AB) and (1AC), all seats and their anchorages shall—
 - (i) conform to the installation and performance requirements of any specification or standard specified in any section of Part 5 of Schedule 15; and
 - (ii) bear approval marks recognized or assigned by the Commissioner;
- (d) subject to paragraph (1AB), all restraining barriers and their anchorages shall—
 - (i) be constructed to the strength requirements provided for in subparagraph (c) in respect of the seats and their anchorages; and
 - (ii) bear approval marks recognized or assigned by the Commissioner;

- (e) subject to paragraph (1AB), every controlled surface shall be made of impact energy absorption material;
- (f) subject to paragraph (1AB), no folding table or folding accessories shall be installed on any controlled surface;
- (g) subject to paragraph (1AB), all seats and restraining barriers shall be made of fire resistant material;
- (h) subject to paragraphs (1AB) and (1AC), every seat shall have a back rest of not less than 700 millimetres in height and if a back rest exceeds 800 millimetres in height, the seat concerned shall also be equipped with a head restraint that conforms to the installation and performance requirements of any specification or standard specified in any section of Part 2 of Schedule 15;
- (i) subject to paragraph (1AB), every seat shall be so fitted that it has in front of it—
 - (i) another seat back that complies with subparagraph (c); or
 - (ii) a restraining barrier that complies with subparagraph (d),which is so placed and constructed as to afford adequate protection for a seated passenger against being thrown forward to another position in the vehicle in a traffic accident; and
- (j) subject to paragraphs (1)(d), (1AB) and (1AD), every seat shall be so fitted that there is a clear space of not more than 740 millimetres in front of the back rest of any seat.

(1AB) Paragraph (1AA)(c), (d), (e), (f), (g), (h), (i) and (j) shall not apply in relation to any seat which is—

- (a) a specified passenger's seat on a school private light bus; or
- (b) a middle front seat on a school private light bus.

(1AC) Without prejudice to paragraph (1AB), paragraph (1AA)(c) and (h) shall not apply in relation to any seat which has no other seat situated immediately behind it.

(1AD) Where—

- (a) any space in front of the back rest of a seat is required for providing direct access to an emergency exit; and
- (b) as a result it is impractical to keep a clear space in compliance with paragraph (1AA)(j),

the clear space in front of the back rest of such seat shall be kept as small as reasonably practicable.”.

(4) Regulation 73(1B) is amended by repealing “paragraph (1A)(a)” and substituting “paragraphs (1A)(a) and (1AA)(h)”.

(5) Regulation 73(2) is amended by adding—

““controlled surface” (受管制表面)—

(a) means any surface which is likely to be struck by the head of a seated passenger moving in the forward direction in a traffic accident;

(b) includes the rear part, edge or top of seat backs, restraining barriers, guards, screens or partitions; and

(c) in the case of a continuous seat, includes all surfaces which are likely to be struck by the head of a passenger seated in any possible seating position on that seat;

“fire resistant material” (耐火物料), except in relation to public light buses registered before 1 May 2009, means material that conforms to the installation and performance requirements of any specification or standard specified in any section of Part 4 of Schedule 15;

“impact energy absorption material” (吸收碰撞能量物料), except in relation to public light buses registered before 1 May 2009, means material that conforms to the installation and performance requirements of any specification or standard specified in any section of Part 3 of Schedule 15;

“restraining barrier” (約束屏障) means a structure, other than the back of a seat, which is intended to afford adequate protection for a seated passenger against being thrown forward to another position in the vehicle in a traffic accident;”.

4. Schedule 15 amended

(1) Schedule 15 is amended, within the square brackets, by adding “, (1AA) & (2)” after “73(1A)”.

(2) Schedule 15 is amended, in the heading of Part 1, by repealing “SPECIFIED DATE” and substituting “1 AUGUST 2004”.

(3) Schedule 15 is amended, in Part 1, in sections 1 and 2, by repealing “the date this section comes into operation” wherever it appears and substituting “1 August 2004”.

(4) Schedule 15 is amended, in Part 1, by repealing section 3 and substituting—

“3. Council Directive 74/408/EEC of 22 July 1974 made by the Council of the European Communities including all revisions for motor vehicles with regard to the seats, their anchorages and head restraints made before 1 August 2004.”.

(5) Schedule 15 is amended, in Part 1, in sections 4, 5 and 6, by repealing “the date this section comes into operation” wherever it appears and substituting “1 August 2004”.

(6) Schedule 15 is amended, in Part 1, by adding—

“7. Any other specifications and standards which are demonstrated to the Commissioner to be substantially the same as or more stringent than any specification or standard specified in any other section of this Part.”.

(7) Schedule 15 is amended, in the heading of Part 2, by repealing “SPECIFIED DATE” and substituting “1 AUGUST 2004”.

(8) Schedule 15 is amended, in Part 2, in sections 1 and 2, by repealing “the date this section comes into operation” and substituting “1 August 2004”.

(9) Schedule 15 is amended, in Part 2, by repealing section 3 and substituting—

“3. Council Directive 78/932/EEC of 20 November 1978 made by the Council of the European Communities including all revisions for head restraints of seats of motor vehicles made before 1 August 2004.”.

(10) Schedule 15 is amended, in Part 2, by repealing section 4 and substituting—

“4. Council Directive 74/408/EEC of 22 July 1974 made by the Council of the European Communities including all revisions for motor vehicles with regard to the seats, their anchorages and head restraints made before 1 August 2004.”.

(11) Schedule 15 is amended, in Part 2, in sections 5, 6 and 7, by repealing “the date this section comes into operation” and substituting “1 August 2004”.

(12) Schedule 15 is amended, in Part 2, by adding—

“8. Any other specifications and standards which are demonstrated to the Commissioner to be substantially the same as or more stringent than any specification or standard specified in any other section of this Part.”.

(13) Schedule 15 is amended by adding—

“PART 3

IMPACT ENERGY ABSORPTION
REQUIREMENTS FOR PUBLIC LIGHT
BUSES AND STUDENT SERVICE
VEHICLES REGISTERED ON
OR AFTER 1 MAY 2009

1. Annex 4 of ECE Regulation No. 21 Rev. 2 made by the Economic Commission for Europe dated 12 October 1993 (E/ECE/324-E/ECE/TRANS/505/Rev. 1/Add. 20/Rev. 2) including all revisions made before 1 November 2006.
2. Any other specifications and standards which are demonstrated to the Commissioner to be substantially the same as or more stringent than the standard specified in section 1.

PART 4

FIRE RESISTANCE REQUIREMENTS FOR
PUBLIC LIGHT BUSES AND STUDENT
SERVICE VEHICLES REGISTERED
ON OR AFTER 1 MAY 2009

1. ECE Regulation No. 118 made by the Economic Commission for Europe dated 20 April 2005 (E/ECE/324-E/ECE/TRANS/505/Rev. 2/Add. 117) including all revisions made before 1 November 2006.
2. Any other specifications and standards which are demonstrated to the Commissioner to be substantially the same as or more stringent than the standard specified in section 1.

PART 5

SEATS AND THEIR ANCHORAGES FOR
STUDENT SERVICE VEHICLES
REGISTERED ON OR AFTER
1 MAY 2009

1. ECE Regulation No. 80 made by the Economic Commission for Europe dated 25 May 1989 (E/ECE/324-E/ECE/TRANS/505/Rev. 1/Add. 79) including all revisions made before 1 November 2006.

2. Any other specifications and standards which are demonstrated to the Commissioner to be substantially the same as or more stringent than the standard specified in section 1.”.

(14) Schedule 15 (as amended by subsection (7) of this section) is amended, in the heading of Part 2, by repealing everything after “FOR” and substituting “PUBLIC LIGHT BUSES REGISTERED ON OR AFTER 1 AUGUST 2004 AND STUDENT SERVICE VEHICLES REGISTERED ON OR AFTER 1 MAY 2009”.

Dr. Sarah LIAO
Secretary for the Environment,
Transport and Works

27 June 2007

Explanatory Note

This Regulation amends the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A) (“principal Regulations”).

2. Regulation 73 of the principal Regulations sets out certain safety requirements for passenger seats in a bus, light bus, and public light bus registered on or after 1 August 2004.

3. This Regulation amends regulation 73 of, and Schedule 15 to, the principal Regulations by repealing “the specified date” wherever it appears and substituting “1 August 2004”.

4. This Regulation makes alterations to the Chinese text of regulation 73(1A)(e)(i) so as to achieve consistency between the Chinese equivalent for “shall not have sharp edges which may increase the risk or severity of injury to seated passengers in traffic accidents” in the Chinese text of regulation 73(1A)(e)(i) and that in the Chinese text of regulation 73(1AA)(b).

5. This Regulation also makes alterations to section 3 of Part 1 and sections 3 and 4 of Part 2 of Schedule 15 to make the description of the relevant Council Directives referred to in those sections consistent with the descriptions adopted by the Council of the European Communities.

6. This Regulation amends regulation 73 of the principal Regulations to require a student service vehicle registered on or after 1 May 2009—

- (a) to have every seat to be forward-facing;

- (b) not to have sharp edges in all seats and in the accessories attached to the seats which may increase the risk or severity of injury to seated passengers in a traffic accident;
- (c) to have all seats and their anchorages to conform to the installation and performance requirements of any specification or standard specified in any section of Part 5 of Schedule 15 to the principal Regulations;
- (d) to have all restraining barriers and their anchorages to be constructed to the strength requirements provided for in subparagraph (c) in respect of the seats and their anchorages;
- (e) to have every controlled surface made of impact energy absorption material that conforms to the installation and performance requirements of any specification or standard specified in any section of Part 3 of Schedule 15 to the principal Regulations;
- (f) not to have folding table or folding accessories installed on any controlled surface;
- (g) to have all seats and restraining barriers made of fire resistant material that conforms to the installation and performance requirements of any specification or standard specified in any section of Part 4 of Schedule 15 to the principal Regulations;
- (h) to have a back rest for every seat and if a back rest exceeds 800 millimetres in height, to have the seat concerned equipped with a head restraint;
- (i) to have every seat to be so fitted that it has another seat back or a restraining barrier in front of it; and
- (j) to have every seat to be so fitted that there is a clear space of not more than 740 millimetres in front of the back rest of any seat.

7. This Regulation amends Schedule 15 to the principal Regulations by adding Parts 3, 4 and 5 to that Schedule which respectively set out the specifications and standards of—

- (a) the impact energy absorption requirements for public light buses and student service vehicles registered on or after 1 May 2009;
- (b) the fire resistance requirements for public light buses and student service vehicles registered on or after 1 May 2009; and
- (c) the seats and their anchorages for student service vehicles registered on or after 1 May 2009.

8. The amendments set out in paragraphs 6 and 7 are to take effect on 1 May 2009.