

立法會

Legislative Council

LC Paper No. CB(1)628/07-08
(These minutes have been seen
by the Administration)

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Panel on Transport

**Minutes of meeting held on
Friday, 18 December 2007, at 8:30 am
in Conference Room A of the Legislative Council Building**

Members present : Hon Andrew CHENG Kar-foo (Chairman)
Hon CHEUNG Hok-ming, SBS, JP (Deputy Chairman)
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon LAU Kong-wah, JP
Hon Miriam LAU Kin-ye, GBS, JP
Hon LI Fung-ying, BBS, JP
Hon WONG Kwok-hing, MH
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon LEUNG Kwok-hung
Hon Ronny TONG Ka-wah, SC
Hon TAM Heung-man

Members absent : Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Albert CHAN Wai-yip
Hon LEE Wing-tat

**Public officers
attending** : **Agenda item IV**

Ms Annette LEE
Deputy Secretary for Transport and Housing

Miss Rosanna LAW
Principal Assistant Secretary for Transport and Housing

Miss LUI Ying
Assistant Commissioner for Transport/Administration & Licensing

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

Mr Blake HANCOCK
Chief Superintendent of Police (Traffic)
Hong Kong Police Force

Miss Shirley CHU
Senior Superintendent (Administration)
Traffic Branch Headquarters
Hong Kong Police Force

Mr Billy YUEN
Superintendent (Law Revision & Projects)
(Traffic Branch Headquarters)
Hong Kong Police Force

Agenda item V

Ms Annette LEE
Deputy Secretary for Transport and Housing

Miss Rosanna LAW
Principal Assistant Secretary for Transport and Housing

Mr K K SIN
Chief Engineer/Traffic Control
Transport Department

Agenda item VI

Ms Sharon HO
Principal Assistant Secretary for Transport and Housing

Mr LEE Yan-ming
Chief Engineer/Traffic Engineering
(New Territories West)
Transport Department

Mr HON Chi-keung
Deputy Head of Civil Engineering Office
(Projects and Environment Management)
Civil Engineering and Development Department

Mr CHAN Chi-ming
Chief Engineer/Special Duties (Works)
Civil Engineering and Development Department

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)390/07-08 - Minutes of the meeting held on 30 October 2007
LC Paper No. CB(1)398/07-08 - Minutes of the meeting held on 23 November 2007)

The minutes of the meetings held on 30 October 2007 and 23 November 2007 respectively were confirmed.

II Information papers issued since last meeting

- (LC Paper No. CB(1)304/07-08(01) - MTR Corporation's paper on railway fare reduction upon rail merger
LC Papers Nos. CB(1)312/07-08(01) - Correspondence between a member of the public and the Administration on opposition to the extension of the service hours of GMB Route No. 411 and (02)
LC Paper No. CB(1)336/07-08(01) - Submission on railway fare reduction upon rail merger from a member of the public
LC Paper No. CB(1)357/07-08(01) - Administration's paper on railway fare concessions for students responding to the submission from a

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LC Paper No. CB(1)438/07-08(01) - Form 7 student (LC Paper No. CB(1)163/07-08(01))
Administration's paper on amendments to subsidiary legislation to improve the transport-related licensing arrangements)

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

III Items for discussion at the next meeting

(LC Paper No. CB(1)410/07-08(01) - List of outstanding items for discussion

LC Paper No. CB(1)410/07-08(02) - List of follow-up actions)

3. Members agreed that the following items proposed by the Administration would be discussed at the January regular meeting –

(a) Licensed ferry services in Hong Kong; and

(b) Reconstruction and improvement of Tuen Mun Road and widening of Tuen Mun Road at Tsing Tin Interchange.

4. In view of the repeated occurrence of fatal traffic accidents involving franchised buses, Mr WONG Kwok-hing proposed to include in the agenda for the January meeting the item on "Safety of franchised bus operation". In this regard, he reiterated that there was a need to retrofit seat belts on exposed seats of franchised buses. Consideration should also be given to restricting passengers from sitting on exposed seats on the upper deck of buses. Pointing out that the subject had already been discussed by the Panel at various meetings held in the last legislative session and the last time only recently, Ms Miriam LAU considered it more appropriate to ensure that the Administration and the franchised bus companies had made certain progress in following up the measures identified during such previous discussions before further revisiting the subject. The Chairman referred members to the supplementary note recently provided by the Administration, responding to two suggestions raised by members at the meeting held on 9 July 2007 (LC Paper No. CB(1)434/07-08 issued on 12 December 2007), and suggested that the Panel could discuss details of the above response, and review the progress of various work undertaken by the Administration and the franchised bus companies to further enhance the safety of franchised bus operations. Noting the Chairman's suggestion, Ms LAU added that the Administration and the franchised bus companies should also be specifically requested to review the design of bus structure and body so as to ensure maximum protection for passengers.

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5. Referring to the January regular meeting, which had been scheduled for 25 January 2008, Ms LI Fung-ying pointed out that the meeting might clash with the upcoming election of Hong Kong deputies to the National People's Congress of the Mainland. Mr Jeffrey LAM confirmed the likelihood of the clash. Having regard that some Panel members were members of the relevant electorate college, they and Mrs Selina CHOW considered it advisable to reschedule the January meeting to avoid the clash. Mr WONG Kwok-hing shared their views. In consideration of the views of these members, the Chairman agreed to reschedule the January meeting to a date that could facilitate members' attendance.

(Post-meeting note: The January Panel meeting was subsequently rescheduled to Monday, 28 January 2008, at 8:30 am.)

IV Legislative proposals to enhance road safety

- (LC Paper No. CB(1)410/07-08(03) - Administration's paper on legislative proposals to enhance road safety
- LC Paper No. CB(1)393/07-08 - Paper on measures to enhance road safety prepared by the Legislative Council Secretariat (Background brief))

6. At the Chairman's invitation, the Deputy Secretary for Transport and Housing (Transport) (DS(T)) briefed members on the Administration's final stage of preparation of legislative proposals for implementing the following measures to enhance road safety –

- (a) to raise the maximum imprisonment term for the offence of causing death by dangerous driving from five years to 10 years;
- (b) to disqualify drink driving offenders from driving for not less than three months on a first conviction;
- (c) to require drink driving offenders to attend Driving Improvement Courses (DICs) on a mandatory basis;
- (d) to empower the Police to conduct random breath tests (RBTs);
- (e) to mandate repeat traffic offenders (those who had accumulated 10 or more Driving-Offence Points (DOPs) under the Road Traffic (Driving-offence Points) Ordinance (Cap. 375) within a period of two years) and offenders of serious traffic offences incurring 10 DOPs to attend DICs;

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- (f) to raise the penalties for non-compliance with the mandatory DIC requirement, including raising the maximum fine from \$3,000 to \$5,000 for first conviction, and allowing the Commissioner for Transport not to issue, re-issue or renew the driving licence of a driver until he had completed the DIC as required; and
- (g) to extend the Probationary Driving Licence (PDL) scheme, which was currently applicable to novice motorcyclists, to novice drivers of private cars and light goods vehicles (LGVs).

7. Members in general welcomed the above proposals. They however also expressed a number of concerns and views on them.

The proposal to empower the Police to conduct random breath tests

8. While noting general support for the proposal to empower the Police to conduct RBTs (the RBT Proposal), Mr Jeffrey LAM was keen to ensure that measures were available to address public concern about possible abuse of the power. In response, DS(T) pointed out that the RBT proposal had in fact been made in response to requests from Members and the public. The Police would draw up internal guidelines to ensure proper use of the power and minimize disruption to traffic and inconvenience to the public. The Police were also examining new screening equipment to facilitate checks. The Chief Superintendent of Police/Traffic Branch Headquarters (CSP/TBH) supplemented that 12 months previously Members themselves had pressed for RBT, at which time the Police position was that the power would be accepted only if LegCo members and the public considered it appropriate. That remained the Force's stance. While both the drink-driving hit rate and the number of relevant prosecutions in the intervening 12 months had remained stable, the Force was not complacent about the dangers of drink-driving and would maintain enforcement action. In this regard, RBTs would prove useful if conducted according to Police internal arrangements which initially comprised of the following six measures –

- (a) conduct of RBTs would be restricted to screening breath test (SBT)-trained traffic officers only. This was for both practical and safety reasons;
- (b) RBTs would not normally be targeted against vehicles in motion but would be conducted during roadblock operations or as part of other traffic enforcement checks;
- (c) consideration would be given to the use of a quick and simple pre-screening device to speed up the RBT checking process and avoid undue delay/inconvenience to motorists. This would reduce the time needed from 4-5 minutes (for SBTs) to 3-4 seconds;
- (d) limitations by time or location would not be applied initially, as to do so

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would defeat the "random" nature of RBTs;

- (e) no rank restrictions would be placed on the conduct of RBTs initially. All Police officers were vested with considerable powers which they exercised in a responsible manner. There was no reason to suspect that RBT powers would be abused; and
- (f) the number of RBTs conducted would be monitored for a trial period after introduction, so as to determine their effectiveness and gauge whether undue inconvenience would be caused to other non-offending road users.

9. At the Chairman's request, CSP/TBH provided for the Panel's reference a copy of his speaking note on the Hong Kong Police Force's position on RBTs, which was tabled at the meeting.

(Post-meeting note: The above note was issued to members vide LC Paper No. CB(1)476/07-08 dated 18 December 2007.)

10. Mr CHEUNG Hok-ming welcomed the Police's internal RBT guidelines drawn up to address concerns about the possible abuse of Police power. He was however wary that the restriction of the RBT power to SBT-trained traffic officers only might limit the effect of RBTs if the number of such officers was small. He also considered it more desirable to regularly conduct RBTs at traffic accident blackspots to more effectively prevent accidents. In reply, CSP/TBH reported that there were between 2500 to 3000 traffic officers in Hong Kong. Among them, approximately 800 to 900 were SBT-trained. Since the safe conduct of RBTs required experience and expertise, to ensure effectiveness and safety of the traffic officers concerned as well as to other road users, it was important that only SBT-trained traffic officers conducted RBTs initially. As to Mr CHEUNG's latter proposal, the Police's initial plan regarding RBTs precluded targeting vehicles in motion. To maintain the "random" nature of RBTs, the Police also found it more appropriate not to apply limitations by time or location initially. However, when more experience in conducting RBTs was gained over time, the Police might consider extending the scope of RBTs and the duty to more frontline officers.

11. Ms Miriam LAU noted that according to the RBT proposal, the Police could conduct RBTs on a person who was attempting to drive a motor vehicle on a road. In reply to her on the meaning of the expression "attempting to drive a motor vehicle", CSP/TBH briefly explained how an "attempt" was defined in the law and that reasonableness would be the major principle for ascertaining what constituted an attempt. For example, if someone sat on the driver's seat of a vehicle and inserted the car key into the ignition switch, the Police might need to intervene at some point. It was expected that through experience the Police could demonstrate that its exercise of the RBT power was reasonable and proper. Until then, the Police would restrict the conduct of RBTs to roadblock operations only.

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12. Noting that the number of drink driving accidents had not been alarming but had remained quite stable, Mr Ronny TONG enquired whether the Administration had done anything to ascertain public acceptability of RBTs. In response, DS(T) explained that over the past five years the number of drink driving accidents was not particularly high and remained at around 90 plus cases on average every year. However, the average killed and serious injuries rate was 22.5% as compared to about 16% for all traffic accidents. The internal RBT guidelines of the Police should help to address public concerns about possible abuse.

13. Mr Ronny TONG pointed out that some drink drivers might refuse to provide a breath specimen for test at the beginning, so as to buy time to allow their alcohol concentration (AC) levels to go down. He enquired about figures on refusals to provide breath specimens for SBTs and the relevant prosecution figures, and opined that if the situation was serious, there might be a need to plug the loophole concerned before further empowering the Police to conduct RBTs. If not, legal proceedings arising from refusals to provide specimens might increase. In response, CSP/TBH assured members that the legal basis of SBTs was very robust and clear. According to section 39C of the Road Traffic Ordinance (RTO) (Cap. 374), a person who, without reasonable excuse, failed to provide a specimen when required to do so under this section would commit an offence. The prescribed penalties were the same as those for drink driving. Prosecutions instituted against such failure in 2007 totalled 33 as at the date of the meeting. The number for 2006 was 39. The above figures showed that the Police could actively follow up refusals to provide specimens.

14. Mr Ronny TONG asked whether the Administration had conducted any tests on the margin of error of the new pre-screening device to be used for RBTs, so as to ensure the device's reliability. In response, CSP/TBH said that the equipment presently used for SBTs was well established, having been checked by experts and also calibrated on a regular basis. It had been extremely accurate to date and the Judiciary was satisfied with its accuracy. The new device, working also on a calibrated system, was expected to be similarly reliable and would be closely examined before introduction. He further assured members that the new device would initially only be used for pre-screening purposes aiming at facilitating and shortening the RBT process from several minutes to 2-3 seconds per check to minimize disruption to traffic and reduce inconvenience to the public. The Police would only move on to the formal breath test (SBT) if the pre-screening result indicated that the driver might have been drink driving.

The proposed additional penalties for drink driving

15. In consideration of the seriousness of the drink driving offence, Mr WONG Kwok-hing opined that the proposed additional penalties of disqualification from driving for not less than three months on a first conviction, and requirement to attend DIC on a mandatory basis (the proposed additional penalties for drink driving) were insufficient, and that heavier penalties should be proposed.

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16. In reply, DS(T) pointed out that under sections 39, 39A, 39B and 39C of RTO, drink driving offenders were already liable to a maximum fine of \$25,000 and three years of imprisonment. The offender was also liable to be disqualified from driving for not less than two years for a second or subsequent conviction. Given the above existing available penalties, and the fact that the prescribed legal limit of AC in Hong Kong was more stringent than many places, and that the Police would also be empowered to conduct RBTs, it was considered that taken together, the above proposed measures would be a strong deterrent against drink driving. Highlighting the serious consequences of drink driving which was indeed an irresponsible act, Mr WONG maintained the view that the Administration should refer to overseas practices and raise the penalties further. In response, DS(T) advised that the proposed additional penalties had already taken into consideration overseas practices.

17. The Chairman also considered the proposed additional penalties for drink driving not heavy enough to reflect the serious nature of the offence. In his view, drink driving offence was similar to the offence of causing death by dangerous driving which carried much heavier penalties. In order to send a strong message to motorists that drink driving was not in any way tolerated in Hong Kong, and to enable the Judiciary to impose heavier penalties where necessary, the penalties for drink driving should be raised to a level similar to that for the offence of causing death by dangerous driving.

18. In response, DS(T) emphasized that in working out the proposed additional penalties, there was a need to strike a balance among various considerations. She further pointed out that the proposed measures against drink driving would render penalties for conviction of drink driving to be generally comparable with that of dangerous driving, and both might lead to a maximum fine of \$25,000, three years of imprisonment and disqualification from driving.

19. The Chairman urged the Administration to further examine and revise the proposed additional penalties for drink driving, in particular the proposed disqualification period, which according to him was not long enough to produce sufficient deterrent effect. If the period was not extended, he and other Members of the Democratic Party might introduce Committee Stage amendments to the relevant Amendment Bill.

20. Ms Miriam LAU expressed support for the proposal to disqualify drink driving offenders from driving for not less than three months on a first conviction. She, however, highlighted disqualification of the offenders of causing death by dangerous driving from driving for not less than two years for a first conviction, and pointed out that the disqualification periods of the above two offences were not proportionate. In response to her on whether the Administration had made reference to overseas practices when deciding on the proposed disqualification period for drink driving, DS(T) confirmed that reference had been made. She further advised that the proposed disqualification period was broadly comparable with that of Australia with a similar prescribed AC legal limit.

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21. Ms Miriam LAU asked whether a drink driving offender would be disqualified from driving only when his AC level exceeded the prescribed legal limit by a certain extent. In reply, DS(T) said that the same penalty would be imposed regardless of the extent by which the prescribed legal limit was exceeded because the imposition of different levels of penalties for different AC levels beyond the legal limit might give the wrong impression that such levels had varying degrees of acceptability.

The proposed mandatory DIC requirement

22. Mr WONG Kwok-hing enquired whether attendees of DICs would have to go through a test before completion of the courses to ensure they had really corrected their undesirable driving behaviour. In response, DS(T) confirmed that a DIC attendee had to pass an assessment before a course certificate would be issued to him and three DOPs deducted from the total number of DOPs which he had incurred once within a period of two years on completion of course. In response to Mr WONG's query of the adequacy of the assessment which to him might be too simple, DS(T) explained that the DICs were designed to instil in drivers a stronger sense of road safety and good driving behaviour rather than driving skills. Moreover, according to the Transport Department (TD) which approved the DICs, attendees' feedback was good, and they found the courses useful in giving them a chance to share experience with other drivers and to better understand what proper driving behaviour and attitudes should be.

23. Ms Miriam LAU expressed support for the proposed mandatory DIC requirement. She however enquired about the rate of non-compliance to the DIC requirement to ascertain the justification for the legislative proposals to impose heavier penalties for non-compliance. In reply, DS(T) explained that most people attended DICs on a voluntary basis and only 2% of the attendees came in response to court orders. Of the some 400 plus motorists so ordered from 2004 to 2006, around 40% had not complied with the orders.

24. The Chairman pointed out that motorists might tend to become less vigilant after obtaining the driving licence for a few years. He therefore proposed that motorists should be required to attend DICs every five years to improve their driving skills and behaviour. In response, DS(T) said that motorists who had passed the driving test should have the basic driving skills. Since many drivers' driving behaviour was good, it might be more useful for TD to gear up publicity and education efforts as a constant reminder to all motorists to maintain a good driving attitude.

Penalties for causing death by dangerous driving

25. Ms LI Fung-ying cast doubt on the use of raising the maximum imprisonment term for causing death by dangerous driving, pointing out that the actual sentences imposed by the court always fell short of the existing maximum penalty level. She enquired about the number of cases where the maximum penalty of a fine of \$50,000 and

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five years imprisonment had been meted out, and the proportion of this number to the total number of such convictions. In her view, there might be a need to propose heavier penalties for the offence to ensure sufficient deterrent effect. In response, DS(T) said that over the past five years 114 prosecutions had been instituted. Among these cases, about 70% were convicted. Of such convicts, 70% received sentences of imprisonment with one sentenced to the existing maximum imprisonment term of five years. She further advised members that the proposal to raise the maximum imprisonment term should send to the Judiciary a clear message of the views of Members and the public on the need to impose heavier penalties. The Administration expected that the heavier penalties would be reflected in the sentences meted out by the Judiciary for the offence in future. In response to Ms LI, DS(T) further said that in meting out penalties, the Judiciary would take into consideration all relevant factors including whether the convict was a repeat offender.

26. While supporting the proposal to raise the maximum imprisonment term for the offence of causing death by dangerous driving, Miss TAM Heung-man similarly quoted cases where the sentences imposed by the court fell far short of the maximum penalty level, and questioned the use of the above proposal if the Judiciary, which acted independently, would not correspondingly impose heavier penalties for the offence to strengthen the deterrent effect. In response, DS(T) said that the proposal, if supported, could reflect the view of members and the general public that the present maximum imprisonment term was not commensurate with the severity of the offence. While the Judiciary would continue to independently look at a number of factors including the circumstances of individual cases when deciding on the sentences, reference would be made to the maximum imprisonment term so revised.

27. Mr Jeffrey LAM urged the Administration to cancel instead of suspend the driving licences of repeat offenders of causing death by dangerous driving, and to require them to retake the road test. In response, DS(T) emphasized that the problem was their driving attitude and not their driving skills. Mr LAM maintained that the Administration should consider his proposal above because the offence could bring about grave consequences not only to the driver concerned but also to other road users. Moreover, there were views that heavier penalties should be imposed for the offence.

The proposed extension of the Probationary Driving Licence scheme to novice drivers of private cars and light goods vehicles

28. Mr Jeffrey LAM pointed out that given the occurrence of a number of serious traffic accidents lately, the Liberal Party was not opposed to the proposed extension of the PDL scheme to novice private car and LGV drivers (the proposed extension). They however also saw a need to address concerns about the hazards posed by "holders of frozen driving licences" (i.e., those driving licence holders who only started to drive after they had been issued a driving licence for a long time). The Chairman shared his view on the need to address the above hazards.

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29. In reply, DS(T) pointed out that there was difficulty in identifying the above motorists. However, the PDL scheme for motorcyclists introduced in 2000 had proved to be effective in reducing the average accident involvement rate of motorcyclists with one year experience from 72 during 1996-2000 to 47 per 1000 motorcyclists during 2001-2006. Statistics in subsequent years further showed that motorcyclists who had undergone the PDL scheme continued to have lower accident rates as compared to motorcyclists with similar experience before introduction of the PDL scheme. For motorcyclists with one to two years' experience and those with two to three years' experience, the rates dropped from 52 to 33 per 1000 motorcyclists, and from 44 to 24 per 1000 motorcyclists respectively. As such, the PDL scheme should have a lasting effect in reducing accidents .

30. Ms Miriam LAU expressed concern that the proposed extension might not be able to tackle the hazards to road users posed by overseas driving licence holders who, though unfamiliar with the driving environment in Hong Kong, were allowed to drive in Hong Kong without having to go through the local driving test. In response, DS(T) elaborated that this group of motorists could be categorized into two types. The first type was tourists who by virtue of an international convention would be allowed to drive with an International Driving Permit in Hong Kong for 12 months without having to sit for the local driving test if they held valid overseas driving licences. The second type was expatriates who might obtain a full local driving licence by direct issue without test if the countries in which their overseas driving licences were issued had mutual recognition agreements with Hong Kong. In the absence of such agreements, expatriates were allowed to drive in Hong Kong with their overseas driving licences for normally three months within which they should sit for a driving test to apply for the Hong Kong licences. Since these overseas licence holders already possessed sufficient on-road driving experience, the PDL scheme which aimed at allowing novice drivers time to accumulate driving experience would not apply to these overseas licence holders.

31. While recognizing the importance of ensuring road safety, Ms LI Fung-ying referred to the proposed extension, and expressed concern that the requirement on newly qualified LGV drivers to display "P" plates on the vehicle might adversely affect their job opportunities and hence livelihood. In this regard, she enquired whether the Administration had conducted any survey on the number of LGVs used for business operations and the general requirements of drivers employed for the purpose, and whether it had consulted the relevant trade and assessed the impact of the proposed extension on novice LGV drivers.

32. In response, DS(T) said that in the case of motorcyclists, despite the implementation of the PDL scheme, there had been an increase in the number of motorcyclists from some 6000 in 2001 to over 11000 in 2006. As such, the proposed extension should not reduce the number of LGV drivers. Moreover, only about 3% of the 1.2 million LGV licence holders were first-year LGV licence holders. The impact of the proposed extension, if any, should therefore be very limited. Ms LI Fung-ying considered it inappropriate that the motorcyclist PDL scheme should be compared to that

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for LGV drivers having regard that motorcycles were for personal use while many LGVs were used for business operations, so that the drivers concerned might be employees and hence vulnerable to any amendments to the relevant statutory driver requirements. She urged the Administration to consult the trade to better understand their concerns, and provide assistance as necessary to minimize any impact which the proposed extension might have on professional LGV drivers.

33. Mr Jeffrey LAM opined that in addition to the proposed extension, the Police and TD should also work together to designate some areas for novice drivers to practise driving skills and accumulate on-road driving experience. In reply, DS(T) said that since the problem with these drivers was not their skill level but their lack of experience, and that the display of "P" plates on the vehicle could help remind novice drivers to exercise care and at the same time remind other road users to be more tolerant of them in recognition of their lack of experience, the proposed extension should suffice to help novice drivers.

34. Summing up, the Chairman urged the Administration to incorporate in the relevant Amendment Bill views which members had expressed at the meeting, and to submit the Bill to the Legislative Council as soon as practicable. In response, DS(T) said that the Administration was already finalizing the legislative proposals and would submit the Amendment Bill at the earliest opportunity in the first quarter of 2008.

V Replacement of conventional traffic signals with light emitting diode (LED) traffic signals in Hong Kong

(LC Paper No. CB(1)410/07-08(04) - Administration's paper on replacement of conventional traffic signals with LED traffic signals in Hong Kong)

35. DS(T) briefed members on the Administration's proposal to replace the conventional traffic signals with light emitting diode (LED) traffic signals.

36. Mr WONG Kwok-hing expressed concern that the temporary switch off of the traffic signal controller for the installation of the modified circuit boards during replacement of the traffic signals might cause traffic accidents. To address his concern, DS(T) explained that to minimize disruption to the public, TD would replace only one set of traffic signals at one time, so that the switch off time per installation would only be half an hour at most. Police officers would be deployed to regulate traffic at the junction concerned during replacement.

37. As to Mr WONG Kwok-hing's concern about the difficulties which motorists might face in adapting to the difference in brightness between LED and conventional traffic lights, DS(T) confirmed that the two types of traffic lights were equally bright.

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The main difference between the two was the extent of energy efficiency and the length of design life.

38. Mr WONG Kwok-hing opined that the replacement works should as far as possible be conducted only during night time to minimize disruption to traffic. In response, DS(T) said that since every signalized road junction had a few sets of traffic lights, the replacement exercise per junction might together take half a day. As such, replacement works would need to be conducted during off-peak hours instead of only during night time. If not, the whole replacement project would span a very long time.

39. Summing up the above discussion, the Chairman confirmed the Panel's support for the submission of the relevant financial proposal to the Public Works Subcommittee (PWSC) for endorsement on 20 February 2008 and for the approval of the Finance Committee (FC) on 25 April 2008.

VI 5793TH - Improvement to Sunny Bay Interchange

(LC Paper No. CB(1)410/07-08(05) - Administration's paper on 5793TH - Improvement to Sunny Bay Interchange

LC Paper No. CB(1)146/07-08 - Minutes of meeting on 20 July 2007)

40. At the invitation of the Chairman, the Deputy Head of Civil Engineering Office (Projects and Environment Management), Civil Engineering and Development Department (DH/CEO/CEDD) briefed members on the Administration's proposal to upgrade 793TH, Improvement to Sunny Bay Interchange, to Category A in order to carry out the proposed construction works. In particular, he reported that to address members' concern expressed at the Panel meeting on 20 July 2007 about the environmental impacts of the proposed reclamation under 793TH, the Administration had reviewed the construction of the proposed roads on elevated structures to be supported on piles driven into the seabed. The review showed that while the construction of elevated structures was technically feasible, there would be significant drawbacks when compared with the reclamation proposal. In particular, the elevated structures would be visually intrusive and the estimated cost of the works would increase from \$541.4 million (in September 2007 prices) to about \$700 million. Completion of the works would also be deferred to March 2012 from the originally planned April 2011. The environmental impacts of both options were however similar. The relevant statutory environmental impact assessment completed had also shown that the impacts of the proposed reclamation were acceptable, and a series of measures could be taken to mitigate the impacts on water quality. These measures included the deployment of framed type silt curtains to fully enclose any grab dredgers and additional floated type silt curtains to contain sediment loss, control on the rates and methods of reclamation, etc. Water quality would also be kept under close monitoring during the works. Members noted that the Administration intended to submit the project to PWSC and FC on 30 January 2008 and 22 February 2008 respectively for

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upgrading it to Category A. Subject to funding approval, the Administration planned to start construction works in June 2008 for completion in April 2011.

41. While noting that the original option for taking forward the project was more preferable as shown by the above review, Mr WONG Kwok-hing urged the Administration to reduce the extent of the proposed reclamation as far as possible. In response, DH/CEO/CEDD explained that the extent of land to be formed by the proposed reclamation had been worked out after detailed study and was already the minimum that was required to accommodate the requisite elevated carriageways, at-grade roads and roundabout for making connection to the North Lantau Highway.

42. Highlighting the impacts of previous reclamation works on water quality and hence on nearby fisheries, Mr CHEUNG Hok-ming was keen to ascertain whether there were any fisheries near the project area and if so, whether the operators concerned had been or would be consulted on the project. In reply, DH/CEO/CEDD confirmed that the nearest fisheries were in Ma Wan. The Administration had therefore kept up contact with the Ma Wan Fisheries Rights Association Limited (MWFRAL) on the project, and had been able to allay their concern about the impact of the project on the water quality of Ma Wan after explaining to them the environmental mitigation and monitoring measures to be taken by the Administration. Close liaison with MWFRAL would also be maintained throughout the construction period in order to resolve in a timely manner any problem that might arise during construction. He further pointed out that reclamation works of a larger scale conducted some years before at Sunny Bay had not created any adverse impacts on the water quality at Ma Wan. It was therefore believed that the impacts of the proposed reclamation on the water quality should not be a concern.

43. Mr WONG Kwok-hing enquired whether a waterfront promenade would be provided on the reclaimed land for the public to carry out leisure activities, such as fishing and enjoying the beautiful scenes at Sunny Bay, etc. In response, DH/CEO/CEDD said that the land reclaimed would be landscaped and made accessible via a one-lane maintenance path. The Administration could as suggested open the path for public use to facilitate access to the waterfront for leisure activities such as strolling. As to fishing, the Administration would need to further examine the suitability. Pointing out that the waterfront was a kind of valuable public resources which should be made available for public use, Mr WONG indicated hope for the Administration to really honour its above undertaking, and requested that the undertaking be minuted.

44. Summing up, the Chairman indicated the Panel's support for submission of the relevant financial proposal to PWSC and FC as planned.

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VII Any other business

45. There being no other business, the meeting ended at 10:10 am.

Council Business Division 1
Legislative Council Secretariat
22 January 2007