

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1315/07-08  
(These minutes have been seen  
by the Administration)

Ref : CB1/PL/TP/1

**Panel on Transport**

**Minutes of meeting held on  
Monday, 1 April 2008, at 8:30 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)  
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 Miriam LAU Kin-ye, GBS, JP  
Hon LI Fung-ying, BBS, JP  
Hon Tommy CHEUNG Yu-yan, SBS, 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
- Member attending** : Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Hon LAU Kong-wah, JP  
Hon Albert CHAN Wai-yip  
Hon LEE Wing-tat
- Public officers attending** : **Agenda item IV**  
Miss Rosanna LAW  
Principal Assistant Secretary for Transport and Housing (Transport)

Mr M.R. Demaid-GROVES  
Chief Superintendent of Police (Traffic)

Ms CHU Ming-po  
Senior Superintendent of Police (Adm) (Traffic)

Independent Expert

Dr TAM Wing-yim  
Professor, Physics Department,  
the Hong Kong University of Science and Technology

Mr Chao IEONG  
Research Assistant  
HKUST R&D Corporation Ltd.  
Laser Gun Testing Laboratory

Mr John READING, SC  
Deputy Director of Public Prosecutions  
Department of Justice

Agenda item V

Miss Cathy CHU  
Deputy Secretary for Transport and Housing

Mrs Avia LAI  
Principal Assistant Secretary for Transport and Housing

Miss Cindy LAW  
Assistant Commissioner/New Territories  
Transport 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

Ms Angel SHEK  
Council Secretary (1)2

Miss Winnie CHENG  
Legislative Assistant (1)5

---

Action

- I Confirmation of minutes and matters arising**  
(LC Paper No. CB(1)1123/07-08 - Minutes of the meeting held on 22 February 2008)

The minutes of the meeting held on 22 February 2008 were confirmed.

- II Information papers issued since last meeting**  
(LC Paper No. CB(1)1025/07-08(01) - Submission on distribution of traffic among the three road harbour crossings and the implementation of a quota system to control the number and types of vehicles entering various boundary control points from 的士、小巴權益關注大聯盟
- LC Paper No. CB(1)1053/07-08(01) - Administration's paper on update on bus-bus interchange scheme
- LC Paper No. CB(1)1062/07-08(01) - Administration's paper on road safety (Road Safety Bulletin)
- LC Paper No. CB(1)1071/07-08(01) - Submission on alignment of Central Kowloon Route from a group of Yau Ta Tei residents
- LC Paper No. CB(1)1103/07-08(01) - Further submission on alignment of Central Kowloon Route from a group of Yau Ta Tei residents
- LC Paper No. CB(1)1155/07-08(01) - Submission from 南丫島榕樹灣居民渡輪服務關注組 on "Outlying island ferry services")

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

- III Items for discussion at the next meeting scheduled for 25 April 2008**  
(LC Paper No. CB(1)1125/07-08(01) - List of outstanding items for discussion  
LC Paper No. CB(1)1125/07-08(02) - List of follow-up actions)

3. Members agreed that the item on "Bus fare increase applications by Citybus Limited and New World First Bus Services Limited" proposed by the Administration would be discussed at the April regular meeting. Noting the submission from 南丫島榕樹灣居民渡輪服務關注組, members also agreed to invite interested deputations to attend the next regular meeting to give views on various issues arising from the

Action

tendering and re-tendering exercises for the services and continue discussion with the Administration on the related matters.

4. Members further agreed to include the following items in the Panel's list of outstanding items for discussion –

- (a) "Regulation of cargo compartments casually placed at roadsides" ; and
- (b) "Review of recent bus fire incidents" to be discussed at the May regular meeting.

**IV Use of laser guns for detection of speeding**

- (LC Paper No. CB(1)1125/07-08(03) - Administration's paper on the prosecutions for speeding detected with laser guns in the past three years detected by the two laser gun operators involved in the two recent court cases
- LC Paper No. CB (1)1125/07-08(04) - Administration's paper on Force Training Notes for the UltraLyte 100 LR Laser Gun
- LC Paper No. CB(1)1118/07-08(01) - Administration's paper on reviewing operation procedures for the "UltraLyte" laser gun
- LC Paper No. CB(1)1118/07-08(02) - Administration's paper on requests for review from drivers in speeding cases
- LC Paper No. CB (1)1118/07-08(03) - Administration's paper on use of the laser gun for speed enforcement
- LC Paper No. CB(1)831/07-08(02) - Administration's paper responding to the requests for information on use of laser guns for detection of speeding made at the meeting on 28 January 2008 (Second batch)
- LC Paper No. CB(1)739/07-08(01) - Administration's paper responding to the requests for information on use of laser guns for detection of speeding made at the meeting on 28 January 2008 (First batch)
- LC Paper No. CB(1)639/07-08(04) - Administration's paper on use of laser guns for speed enforcement
- LC Paper No. CB(1)1157/07-08(01) - A copy of three letters from Woo Kwan Lee & Lo, the solicitor who acted for Mr Peter LAM Kin-Ngok in TWS 5276 of 2007, to the Secretariat regarding invitation to attend meetings of the Panel

Action

- LC Paper No. CB(1)1001/07-08(01) - Expert opinion prepared for Mr Peter LAM Kin-ngok by Dr Michael A G CLARK dated 23 November 2007
- LC Paper No. CB(1)1001/07-08(02) - Supplemental expert report of Dr Eric LIM dated 27 December 2007
- LC Paper No. CB(1)1001/07-08(03) - A copy of the letter from Messrs Fred Kan & Co., the solicitor who acted for Mr Peter LAM Kin-NGok in TWS 5276 of 2007 to the Department of Justice dated 21 February 2008
- LC Paper No. CB(1)1001/07-08(04) - Report prepared by Professor TAM Wing-yim dated 22 December 2007
- LC Paper No. CB(1)1001/07-08(05) - Report prepared by Professor TAM Wing-yim dated 4 January 2008
- LC Paper No. CB(1)721/07-08(03) - Administration's paper on User's manual from the manufacturer on laser guns)

5. The Chief Superintendent of Police (Traffic) (CSP(T)) briefed members on the Administration's information paper on reviewing operation procedures for the "UltraLyte" laser gun (LG) (LC Paper No. CB(1)1118/07-08(01)).

6. As agreed at the meeting on 22 February 2008, parts of the DVD (the DVD) on experiments illustrating how LGs worked and the circumstances under which inaccurate readings were recorded were shown at this meeting. (The DVD had been admitted as evidence during the trial of a recent court case (HKSAR v LAM Kin-ngok in TWS 5276 of 2007) (the LAM Case), where Mr LAM had pleaded not guilty to the charge by engaging an expert from the United Kingdom to challenge the prosecution's case on the accuracy of the LG.) The topics of the parts of the DVD shown were as follows –

- (a) Misalignment;
- (b) What car;
- (c) Faster cars;
- (d) Moving walls; and
- (e) Beam spread.

Queries raised in the DVD show

7. Mr WONG Kwok-hing pointed out that the DVD show indicated that many factors could give rise to irregular data readings of the LG, such as misalignment, the moving wall effect, misdetection, reflection of the laser beam, etc. He therefore enquired whether, in recognition of the above circumstances, the Police would take such

Action

likely irregular readings into consideration and give the drivers concerned the benefit of doubt before instituting prosecutions.

8. In response, CSP(T) emphasized that since police officers were properly trained to use the LG, and would accordingly conduct a series of assurance tests, the circumstances highlighted in the DVD show would not normally arise. Moreover, when there were irregular readings, the LG would show an error message. Dr TAM Wing-yim, Professor, Physics Department, the Hong Kong University of Science and Technology, in his capacity as an independent expert, also regularly conducted tests on LGs to ensure their accuracy and reliability for speed enforcement in Hong Kong. Dr TAM Wing-yim added that since the LG had to process a large quantity of data collected during the speed check, the software of the LG was very important. The Police had always managed to ensure the reliability of the software. For example, in February 2002 when during testing irregular data readings were discovered from ten UltraLyte LGs because of software problems, the Police immediately withdrew the ten LGs from operational use and required the manufacturer to upgrade the software before the LGs were returned to operational use. He further elaborated that the queries raised in the DVD could be clarified with the results of the tests he conducted in 2000. Moreover, according to the realignment tests he conducted on the LG according to the Manufacturer's Manual (MM), the LG could acquire a target as small as one square centimetre within a distance of 70 metres. Given that the size of the licence plate area of a target vehicle was normally as large as 30 square centimetres, the accuracy of the LG was highly acceptable.

9. Dr TAM Wing-yim further pointed out that the DVD had not shown what would happen when the LG was used properly. Instead, several tests in the DVD might have been set up for a certain purpose. He then responded to the problems highlighted in the DVD show as follows –

- (a) The scope of the LG in the DVD show had been deliberately adjusted to be so wide that the LG could not even hit a target as large as a vehicle. Such misalignment should have been noticed by the LG operator and the LG concerned should have been returned to the manufacturer for rectification under normal operation;
- (b) As to the problems of the LG with static objects highlighted in the DVD show, it should be noted that LGs were used to detect the speed of moving vehicles and not static objects. Notwithstanding, tests to ascertain possible irregular readings of LGs under various circumstances, including hitting of static objects, had been conducted. The likely impacts had already been taken into consideration when confirming the LG's reliability;
- (c) In the DVD show, the expert had deliberately pointed the LG at the target vehicle at a large detecting angle such that the LG was hitting the side body of the vehicle which was not the correct way of using the LG. If the LG was pointed at a small angle, or directly at the front of the vehicle, only the front end of the vehicle would be hit and the reading would be accurate and

Action

reliable;

- (d) On the problem of reflection, it would only occur when there were mirrors around. Vehicle bodies normally would not reflect laser beams to an extent that would affect the readings unless deliberately arranged. Furthermore, it was highly unlikely in real situations that after three reflections, two from the stationary vehicle and one from the moving vehicle, the returned signal was strong enough to be detected;
- (e) As regards the differences in the readings given by two LGs, it was unfair to compare the readings of the two equipment targeting different parts of the vehicle because they were not operated simultaneously and pointed at the same angle;
- (f) Regarding the problem of misdetection, since the LG would give readings of the distance and the speed as well, the reading on the distance could be used to ascertain whether the target vehicle had been hit or not; and
- (g) As regards beam spread, the laser beam from the LG would spread. However, the intensity of the signal was not uniform but had its maximum at the central part of the laser beam. At long distance, the returned signal from a target would be dominated by the reflection of the central part of the beam. Targeting two vehicles at the same time due to beam spread was highly unlikely for the detection range used in Hong Kong.

Concerns about non-compliance with the requirements and procedures on operation of laser guns

10. Ms Audrey EU recalled that during the Panel's site visit to Kai Tak on 7 March 2008 to observe the operation of the LG, the Police claimed that checks had to be conducted at the Police base where the LG was kept prior to and at the conclusion of each operation, and that only when the above two checks were both valid would all enforcement actions taken during the intervening period remain valid. In addition, the LG would be checked upon its arrival at and before leaving the point of an enforcement operation. She then referred to the transcript of court proceedings (the transcript) in respect of the LAM Case, and pointed out that according to it, the police officer involved had never followed the above requirements during the more than 12 months he had been conducting speed checks, and that the LG concerned had all along been placed in the police car instead of being checked in and out at the Police base. She questioned if such non-compliance with the relevant requirements would affect the reliability of the LG concerned having regard that, as shown in the DVD show, the LG was such a precision instrument that many factors, in particular the bounce, roll or sway of the police car, could affect its accuracy. Pointing out that the mistakes committed by the police officer in the LAM Case might not be restricted to one or two officers only, she also cast doubt on the validity of LG speed check operations in general.

Action

11. In response, CSP(T) explained that the Police had only stated that all along all LG speed check operations had been conducted in accordance with the instructions contained in the MM, which required that the following checks be conducted on the LG –

- (a) the "Fixed Distance and Zero Velocity Test " to be conducted at the Police base prior to and at the conclusion of each operation. If the LG failed the tests, it would be sent back to the manufacturer for repair;
- (b) the scope alignment test to be conducted periodically only and without any need to be conducted at a fixed distance; and
- (c) the 200-metre LG scope realignment procedure to be conducted only by the manufacturer during maintenance and repairs.

12. CSP(T) further explained that as elaborated in the Administration's paper responding to the requests for information on use of LGs for detection of speeding made at the meeting on 28 January 2008 (First batch) (LC Paper No. CB(1)739/07-08(01)), the Police internal training notes (TN) had, based on an abundance of caution, required that the scope alignment test in paragraph 11(b) above be conducted daily instead of only periodically as required in the MM. The police officer involved in the LAM Case was however not aware of this requirement in the TN to conduct additional checks, and had only conducted the tests required in the MM. Notwithstanding, passing the tests as required by the MM was already sufficient to ensure the accuracy of the LG. Performing the additional tests at the scene of the operation was not strictly necessary and had no bearing on the accuracy of LGs at all.

13. The Deputy Director of Public Prosecutions (DDPP) added that in the LAM Case, the defence counsel had also queried why the police officer concerned had not conducted the 200-metre LG scope realignment procedure. This procedure, however, should be conducted only by the manufacturer during maintenance and repairs. Dr TAM Wing-yim supplemented that the LG would be sent every six months to the manufacturer's local agent for conducting the 200-metre LG scope realignment procedure. The LG was then passed to his LG testing laboratory for further testing as an extra precaution. The LG involved in the LAM Case had satisfactorily undergone such procedures before and after the LAM Case and as such its validity was not in question. However, since he had not been summonsed to give evidence in the LAM Case, the relevant test records had not been submitted to the court. In response to Ms Audrey EU, he further clarified that the scope "realignment" procedure could only be conducted by the manufacturer and not by any police officer, who could only conduct the scope "alignment" test, which in the past was conducted daily according to the TN but according to the MM, only periodically.

14. Ms Audrey EU however, referred to pages 58 to 59 of the transcript, and pointed out that her major concern was that instead of being placed in its storage place at the police base according to the relevant guidelines, the LG concerned was "actually kept in a police vehicle", and that the police officer involved in the LAM Case just "got on the



## Action

police van and.....got that laser gun", and had admitted that "the custody of all the equipment inside the van" was the responsibility of the driver.

15. In response, CSP(T) explained that the police officer in the LAM Case happened to be the driver of the police car as well during the operation concerned. Hence the LG was in fact in his custody as the driver. CSP(T) however admitted that it was possible in the past that a police officer would directly pass the LG from a vehicle to another officer. Notwithstanding, LGs were always stored in a box specially designed to protect them when being transported on police cars from place to place for use. The LG would also be checked upon its arrival at and before leaving the scene of operation. Only when the above two checks were both valid would all enforcement actions taken during the intervening period remain valid. Moreover, in the Force Training Notes ( FTN ) recently compiled by the Working Group (WG) formed to review internal guidelines and procedures in the wake of the LAM Case, the procedures on LG storage had been standardized, and officers were no longer permitted to hand over the LG to another officer but had to return the LG to the storage room after operations. DDPP added that although the police officer in the LAM Case failed to return the LG to the police base every time he finished using it, on that particular day of the LAM Case, he did carry out the four tests on the LG in question, at the base before he proceeded on the operation, and again when he returned from the operation.

### Other views and concerns about the operation of the laser gun

16. Mr Ronny TONG queried whether it was an easy task for a LG operator to hit the licence plate of a speeding vehicle, especially as the vehicle might be four to five hundred metres away. He also suspected that panning of the LG in pursuit of the speeding vehicle might affect its alignment and hence accuracy. In reply, Dr TAM Wing-yim explained that there was no need for the LG to hit the licence plate before the speed of a vehicle could be detected, reflections from any part of the front end could do the job, although because of its high reflectibility the plate would be a more preferable target. Notwithstanding, LGs should optimally be used within 100 metres of their targets, or else the signals received might be too weak. However, there were cases where speed could be detected within 200 metres. As to the perceived impacts of the panning of the LG, he explained that for the LG to operate reliably, the LG should be fixed in position in preparation for the target vehicle to enter its range instead of moving in pursuit of the target. He however explained that even in the latter scenario the readings might not necessarily be incorrect unless the detection angle so resulting was seriously tilted. The rule of thumb was not to exceed 1 metre off the road for every 10 metres shooting down the road to the target.

17. Pointing out that the detection distance was around 200 metres in the LAM Case, Mr Ronny TONG questioned if such distance would affect the reliability of the readings concerned. He also pointed out that if the optimal distance was 100 metres, the LG operator only had very little time to take the measurements. In reply, Dr TAM Wing-yim clarified that the detection distance in the LAM Case was in fact 180.5 metres. He also pointed out that the time required for one speed measurement was only 0.3 of a second. CSP(T) added that Mr TONG's concerns could be addressed through the series

Action

of instructions set out in section 2-06 of the FTN, in which LG operators were advised not to use the LG if the distance between them and the target vehicles exceeded 300 meters. Typically, LGs were normally used within 100 to 200 metres of their targets. However, if a LG passed the Fixed Distance/Zero Velocity Test, it could in theory be used to accurately detect speeding vehicles at any distance between 15 metres and 300 metres from the LG operator.

18. Mr Ronny TONG pointed out that normally the LG would not be able to directly aim at the front part of a vehicle but there would be an angle between the instrument's position and the target vehicle's direction of travel. He was concerned that the above situation might give rise to inaccurate readings, and enquired whether the Police had means other than an honour system relying on the LG operator to report mistakes committed in the operation to ascertain whether a speed operation had been conducted properly. He also asked whether the LG operator would be penalized if he failed to conduct an operation properly.

19. In reply, Dr TAM Wing-yim said that analysis of the readings and the circumstances under which they were taken could indicate whether the LG had hit a static object or the road surface, and whether the readings were valid. Moreover, for every speeding case where prosecution would be instituted, he would make a visit to the operator's observation location to ascertain the validity of the operation concerned. CSP(T) supplemented that the LG would display an error code instead of a speed if the LG could not acquire a target or could not maintain a 'lock' on the target because the target was out of range, or the LG had been panned off the target during the measurement. As such, if the operator had not operated the LG properly, he would not be able to get a speed reading. Moreover, two police officers, the LG operator and an assistant, would work together in every LG operation. If a mistake was committed, both officers would be aware. He further assured members that according to the FTN, the cosine effect created by not placing the LG directly in front of the target vehicle was always in the motorist's favour by measuring a speed less than the target's true speed.

20. Mr Albert HO enquired about the margin of error of the LG despite the tests conducted and the stringent procedures followed. He opined that the margin should be taken into consideration when deciding whether to institute prosecution against a speeding case. In reply, CSP(T) said that the Police was already giving discount for speeding cases. If the speed detected was below 100 km/h, four km/h would be deducted from the recorded speed. If the speed detected was between 101 to 150 km/h, five km/h would be deducted and if the speed detected was over 151 km/h, six km/h would be deducted. Dr TAM Wing-yim also reported that tests conducted on UltraLyte LGs had already exceeded 5 000. Irregular data readings discovered were at present below 2 km/h on average although irregularities might reach 7 km/h once every 5 000 cases. However, in consideration of the above discount arrangements of the Police, the accuracy of LGs was acceptable.

21. Mr LEUNG Kwok-hung opined that the crux of the problem with the operation of the LG was that the Police had failed to play a monitoring role to ensure that the LG was always used according to the relevant guidelines. He also opined that the Secretary

## Action

for Justice's explanation of the justification for the prosecuting counsel's decision to accept the lesser charge in the LAM Case had contradicted with the defence counsel's claims, and opined that the Legislative Council should follow up on who compromised first.

### Improvements to the operation of the laser gun

#### *Enhanced training*

22. Ms LI Fung-ying enquired whether the Police had assessed the impacts of the LAM Case on frontline officers and taken follow-up measures to improve their training. In reply, CSP(T) said that the officers were disappointed to see the integrity of the LG being questioned because they saw the benefit of using it for speed enforcement and speeding offences were a leading cause of accidents on Hong Kong's roads. They were therefore pleased to see the FTN compiled and the best practices in it endorsed by independent experts. LG operators using the "UltraLyte" LG would each be given a copy of the FTN. They would be trained on the FTN and required to comply with it.

23. Ms LI Fung-ying noted that the Police had compiled the FTN in English and Chinese to standardize LG speed check operations across the Force in recognition that the MM was in English and the content not specifically for law enforcement. In consideration of the above, she suspected that LG training in the past might not be adequate and called for improvement. In response, CSP(T) emphasized that use of the LG was not problematic in the past but was in full compliance with the MM. However, in recognition that LGs could be used for many purposes other than speed enforcement, there was a need to compile the FTN to facilitate speed enforcement.

#### *Improved equipment*

24. The Chairman highlighted the need to ensure the soundness of speed enforcement equipment to ensure that despite the need to seriously tackle speeding, no wrongful charges would be made. He therefore enquired about the plan and cost of procuring LGs which could record images to provide better records for taking prosecution actions. Ms Audrey EU and Mr Ronny TONG shared his view. In particular, Ms EU pointed out that Hong Kong should follow the overseas practice of adopting a type certificate system to ensure that the required procedures and tests would be followed when using the LG. Noting that the WG had recommended that to improve the quality of the sketch of the speed check location, a photograph of the location should be taken and attached to the sketch, she also opined that LGs equipped with a video camera should be procured early to produce real-time images to minimize disputes.

25. In reply, CSP(T) reported that radar speeding equipment was already being replaced with new ones equipped with digital imaging. However, the use of digital images at court was still being developed because digital records could be manipulated. As such, the related issues of security would need to be first resolved in consultation with the Judiciary and the Department of Justice (DoJ). Notwithstanding, the Police would definitely look into technology to address members' concerns about the need for

## Action

digital images to represent what took place at the time of a speeding offence. As to the cost, it would involve not only the photo-taking device but also a system to allow processing of the images, and related considerations such as whether the images would be put on the website, whether the offender concerned should have access to the images, the compatibility with the existing system, etc. In this regard, Mr LEUNG Kwok-hung pointed out that speeding offenders could be charged higher fines, and fees could be charged for request of the digital images to subsidize the purchase of LGs equipped with digital cameras.

### *Possible alternatives*

26. Mr Ronny TONG sought information on the number of road junctions where fixed radar speeding detectors had been installed, and whether they were more accurate and reliable than LGs. In response, Dr TAM Wing-yim said he had not studied the reliability of radar speed detection equipment. However, when he conducted tests on LGs according to the MM on expressways, the readings from LGs were compared with those from radar guns and those shown on the speedometers of police cars. It was discovered from such comparisons that irregular data readings from the above three types of equipment, at 2 km/h in average, were similar. Radar guns however had the disadvantages of a smaller range, lower mobility and more stringent requirements on the detection angle. CSP(T) added that there were 85 fixed speed enforcement radar camera locations and ten cameras for use at these locations in rotation. These locations were public information available on the Police website.

27. Noting the above details on the radar speed detection equipment and casting doubt on the reliability of the LG as a result of the LAM Case, Mr Ronny TONG called upon the Police to cease use of the LG until police officers were retrained on the new operating guidelines on its use, and in the meantime rely on speed enforcement cameras to deter speeding.

### Requests received for review of speeding cases detected with laser guns in the wake of the LAM Case

28. Mr WONG Kwok-hing referred to the 417 written requests that had been received for review of speeding cases detected with LG in the wake of the LAM Case, and noted that of the 369 LG-related requests, 104 requests had been settled by payment of the fixed penalty and were over the six-month limitation for court proceedings. Highlighting the 104 cases where as reported the Police were seeking legal advice on whether there was any legal basis to proceed further, he enquired about the time required for seeking the advice, and how the Administration would likely handle such cases, in particular the four cases which were among the nine drivers who were issued with fixed penalty tickets by the same LG operator in the LAM Case. He also enquired whether in providing the legal advice, the problems with LGs highlighted at this meeting would be taken into consideration.

29. In response, DDPP advised that DoJ was handling the above 104 requests and would provide the legal advice by the end of April 2008. CSP(T) also assured members

Action

that the requests were being actively handled by updating members that apart from the above 104 cases, the Police had already completed 212 reviews of the LG-related cases and the review of 48 cases was in progress. As to non-LG cases, the Police had completed 42 reviews and eleven reviews were in progress. As such, in total only 59 cases out of the 417 requests were still under review. The other requests were either already dealt with (61%) or awaiting legal advice. As a result of the above reviews, two tickets had been withdrawn because of the quoting of wrong contravention code and wrong vehicle registration number respectively. These two cases were however not directly related to the LAM Case. At members' request, he agreed to provide the above update in writing to the Panel.

30. Mr Ronny TONG opined that drivers making the above requests should be treated as innocent before their requests were processed, and that when handling their cases the Police and DoJ should give them the benefit of doubt according to the long-established common law principle that the prosecutor should wish, in the event of uncertainty, to err on the side of caution. The Administration noted his views.

The way forward

31. Summing up the discussion, the Chairman concluded that the Panel should revisit this agenda item later, and requested the Administration to follow up on a number of issues and provide the following information to facilitate members' consideration of the subject matter -

Admin

- (a) Progress update on the review conducted of aggrieved parties of the speeding cases as a result of the LAM Case; and
- (b) Feasibility of deploying LGs which could capture and produce photographic evidence for submission to courts and the estimated cost of such device.

The Chairman directed that the Administration should provide response to the above issues by 18 April 2008 to enable members to decide at the forthcoming meeting on 25 April 2008 whether and how the related matters should be followed up.

**V Road access restrictions on South Lantau including Tung Chung Road**  
(LC Paper No. CB(1)1125/07-08(05) - Administration's paper on road access restrictions on South Lantau including Tung Chung Road)

Review of the proposed traffic and transport arrangements

32. Mr Jeffrey LAM expressed his support in general for the proposed traffic and transport arrangements for south Lantau. He enquired if a review system was in place to assess the impact of the proposed arrangements on various stakeholders, and whether further consultation with them would be conducted upon implementation of the

Action

proposed arrangements. Mrs Selina CHOW urged the Administration to monitor the situation and fast track the review with a view to striking a proper balance between the interests of various stakeholders.

33. Mr WONG Kwok-hing said that in order to promote tourism and local economy, he had all along been suggesting that there was a need to lift the existing traffic control on south Lantau. He therefore welcomed the Administration's proposal and urged the Administration to review the situation with a view to allowing an appropriate use of Tung Chung Road (TCR) by coaches to tie in with the development theme of tourism on south Lantau.

34. The Deputy Secretary for Transport and Housing (DS(T)) said that in the light of comments received during the consultation, the Administration was prepared to commence a review after the proposed traffic and transport arrangements had been implemented for six to seven months when the traffic pattern would become much more stabilized. The Administration would monitor the situation and introduce suitable measures, taking into account further views expressed by the relevant stakeholders.

35. Mr CHEUNG Hok-ming welcomed the Administration's proposal. He enquired about the circumstances under which the Administration would consider allowing other vehicles to access south Lantau via TCR. The Assistant Commissioner for Transport/New Territories (AC for T/NT) said that the Administration would consider issuing permit to applicants on a case by case basis, having regard to the actual circumstances and operational needs. On further relaxation plan, DS(T) added that there was no plan at this stage to further relax the proposed road access restrictions, in considering the possible impact on road traffic and the environment.

Traffic throughput of the upgraded Tung Chung Road

36. Ms Miriam LAU appreciated that there was a need to impose certain restrictions on road use. With the proposed relaxation of the traffic control as proposed by the Administration, she enquired about the traffic throughput of the upgraded TCR and whether it had sufficient capacity to cope with the traffic so generated.

37. DS(T) said that based on traffic forecast in an earlier Environmental Impact Assessment study, the maximum two-way traffic capacity of the upgraded TCR was 1 430 vehicles per hour. Upon the implementation of the proposed traffic and transport arrangements, the anticipated traffic throughput would be about 1 000 passenger car units. As such, the upgraded TCR should have sufficient capacity to cope with the increased traffic. However, the traffic flow would reach the maximum capacity of Tung Chung Road by 2016.

38. Mr LEUNG Kwok-hung enquired if the proposed restriction of the number of coaches accessing south Lantau was due to environmental reason. He suggested the Administration to encourage the use of electric vehicles or trams which should be feasible on south Lantau as the area was physically remote and not busy. He took the view that even though the operating costs of electric vehicles were much higher, it was

## Action

believed that tourists and business operators accessing south Lantau would find it worthwhile to pay for the extra expenses in support of green tourism. Incentives might be given to coach operators or other vehicle owners to switch their vehicles to electric ones or the Administration might liaise with manufacturers of electric vehicles for a bulk purchase. It seemed that the Administration did not have adequate measures in this regard to encourage the use of environmentally-friendly vehicles and promote green tourism, and simply resorted to a quota system on coaches as a solution to nature conservation on south Lantau, leaving business operators in struggle to grab a quota. It was ironical to find that, while no smoking was allowed in country parks, emission from vehicles continued to pollute the area.

39. AC for T/NT explained that environmental protection was one of the considerations behind the proposal to restrict the number of coaches accessing south Lantau. The Administration had considered other relevant factors as well. The Administration would monitor closely the impacts on road traffic and the environment among other things and review the situation. On the use of environmentally-friendly vehicles, she said that at present, new coaches were already required to comply with Euro-four emission standards which would move on to Euro-five in the years to come. The Administration noted the suggestion of using electric vehicles, the feasibility of which had yet to be examined.

### Quota allocation system

40. Regarding the Administration's proposal to maintain the existing arrangements for coaches or restrict the number of coaches accessing south Lantau to 30 or below per day, Ms Miriam LAU was concerned about the working of the quota allocation system. She took the view that the system should be simple, fair and well accepted by the related trades.

41. Mr WONG Kwok-hing shared the concern about the working of the quota allocation system. He urged the Administration to formulate a fair, open and transparent system to avoid the undesirable situation whereby coach services to south Lantau would be monopolized by some operators/individuals.

42. DS(T) said that the Administration was still working on the allocation system in collaboration with the Hong Kong Tourism Board, Travel Industry Council of Hong Kong, transport trade and other relevant stakeholders. The initial thinking was to determine the allocation by drawing lots. The process would be overseen by other relevant parties. Transport Department would ensure that the travel and tourism industry would be well informed of the allocation results in advance to facilitate their preparatory work.

### Use of existing Tung Chung Road upon opening of the new road

43. Mr WONG Kwok-hing enquired about the usage of the existing TCR upon opening of the improved TCR. He considered that TCR could serve as a walking trail and a temporary traffic diversion route in the event of temporary closure of the new

Action

road. DS(T) said that upon completion of the widening works, some sections of the existing TCR would become obsolete. The Administration planned to use these obsolete sections for accommodating the existing and new utility services, while serving as a temporary traffic diversion route in the event of temporary closure of the new road.

Impact on franchised bus services

44. Mr CHEUNG Hok Ming was concerned whether the availability of increased number of coaches to TCR and south Lantau would prompt New Lantao Bus Company (1972) Limited (NLB) to reduce the number of scheduled trips of their franchised bus services or even lead to cancellation of routes.

45. DS(T) said that NLB was required to operate its franchised bus services according to Schedule of Services. The company could not unilaterally alter the frequency or routing of individual route without consulting the locals and obtaining the agreement of TD.

Follow-up

46. Noting that the Administration would review the proposed quota on coaches and other arrangements after six months of implementation, the Chairman expected the Administration to report the outcome of its review to the Panel by October/November 2008. DS(T) said the Administration would commence the review after the measures had been implemented six to seven months. The Administration would liaise with the Secretariat by that time.

**VI Any other business**

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