

立法會

Legislative Council

LC Paper No. CB(1)1351/08-09
(These minutes have been seen
by the Administration)

Ref : CB1/PL/TP/1

Panel on Transport

Minutes of meeting held on Friday, 27 February 2009, at 8:30 am in Conference Room A of the Legislative Council Building

- Members present** : Hon CHEUNG Hok-ming, SBS, JP (Chairman)
Hon Andrew CHENG Kar-foo (Deputy Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon LAU Kong-wah, JP
Hon Miriam LAU Kin-ye, GBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Albert CHAN Wai-yip
Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon LEUNG Kwok-hung
Hon Ronny TONG Ka-wah, SC
Hon KAM Nai-wai, MH
Hon WONG Sing-chi
Hon IP Wai-ming, MH
- Member attending** : Hon James TO Kun-sun
- Members absent** : Hon Abraham SHEK Lai-him, SBS, JP
Hon LI Fung-ying, BBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
- Public officers attending** : **Agenda item IV**
Mr YAU Shing-mu
Under Secretary for Transport and Housing

Mr Philip YUNG
Deputy Secretary for Transport & Housing
(Transport) 1

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

Mr CHOW Chun-wah
Chief Engineer/Major Works
Highways Department

Agenda item V

Mr YAU Shing-mu
Under Secretary for Transport and Housing

Mr Philip YUNG
Deputy Secretary for Transport & Housing
(Transport) 1

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

Mr WONG Chung-kwong
Chief Engineer/Major Works (Acting)
Highways Department

Agenda item VI

Mr YAU Shing-mu
Under Secretary for Transport and Housing

Miss Rosanna LAW
Principal Assistant Secretary for Transport and
Housing (Transport) 2

Mr Harry CHAN
Chief Engineer/Road Safety & Standards
Transport Department

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

Ms Nancy NGAN
Chief Inspector (Law Revision and Projects)
(Division of Traffic Branch Headquarters)
Hong Kong Police Force

Clerk in attendance : Ms Joanne MAK
Chief Council Secretary (1)2

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

Miss Winnie CHENG
Legislative Assistant (1)5

Action

I Confirmation of minutes

(LC Paper No. CB(1)831/08-09 - Minutes of the meeting held on 19 December 2008)

The minutes of the meeting held on 19 December 2008 were confirmed.

II Information papers issued since last meeting

(LC Paper No. CB(1)691/08-09(01) - Submission on changes made by MTRCL to staff welfare from Hong Kong Railway Employees Union

LC Paper No. CB(1)754/08-09(01) - Submission on drink driving from a member of the public

LC Paper No. CB(1)754/08-09(02) - Submission on drink driving from a member of the public

LC Paper No. CB(1)754/08-09(03) - Submission on breath alcohol ignition interlock devices from a member of the public

LC Paper No. CB(1)754/08-09(04) - Submission on drink driving from a member of the public

- LC Paper No. CB(1)757/08-09(01) - Submission on service of bus routes 103 and 270A from a member of the public
- LC Paper No. CB(1)757/08-09(02) - Submission on service and hygienic condition of a M722 bus from a member of the public
- LC Paper No. CB(1)757/08-09(03) - Submission on bus route 43X from a member of the public
- LC Paper No. CB(1)757/08-09(04)-(06) - Submissions on railway fares from a member of the public
- LC Paper No. CB(1)868/08-09(01) - Submission on drink driving from a member of the public
- LC Paper No. CB(1)868/08-09(02) - Submission on the 2009-2010 Bus Route Development Programme for Sai Kung from the Owners' Committee of Lot 57 Park Central
- LC Paper No. CB(1)868/08-09(03) - Submission on railway fare concessions for students from a member of the public
- LC Paper No. CB(1)881/08-09(01) - Administration's paper on 7743TH – Tsuen Wan Bypass, widening of Tsuen Wan Road between Tsuen Tsing Interchange and Kwai Tsing Interchange and associated junction improvement works)

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

III Items for discussion at the next meeting scheduled for 20 March 2009

- (LC Paper No. CB(1)858/08-09(01) - List of outstanding items for discussion
- LC Paper No. CB(1)858/08-09(02) - List of follow-up actions)

3. Members agreed to discuss the following items proposed by the Administration at the next regular meeting on Friday, 20 March 2009, at 8:30 am –

- (a) Tseung Kwan O Extension (Phase II) progress update and fares; and
- (b) Proposed Speed Map Panels in the New Territories and progress update on the Intelligent Transport Systems.

4. Members noted the letter from Mr WONG Kwok-hing to the Chairman on safety of taxi drivers and installation of safety devices in taxis, which was tabled at the meeting. Members agreed to include the item in the Panel's list of outstanding items for discussion.

IV Central Kowloon Route - Progress update

- (LC Paper No. CB(1)858/08-09(03) - Administration's paper on Central Kowloon Route - progress report
- LC Paper No. CB(1)859/08-09 - Background brief prepared by the Legislative Council Secretariat)

5. With the aid of a power-point presentation, the Chief Engineer/Major Works, Highways Department, (CE/MW) updated members on the progress of the Central Kowloon Route (CKR) and the consultancy study for the project.

(Post-meeting note: The presentation material was issued to members by e-mail on 27 February 2009.)

Progress of works

6. Noting that the implementation of the CKR project would not be completed until 2016, Mr Jeffrey LAM considered the progress too slow and urged the Administration to expedite the implementation. Mr LAU Kong-wah also stressed the need to expedite the project to meet the need for provision of a new strategic road link across central Kowloon. The Under Secretary for Transport and Housing (USTH) and the Project Manager/Major Works, Highways Department (PM/MW) responded that the Administration had already been making every effort to expedite the CKR project. PM/MW explained that the Administration would first have to construct the new replacement buildings and demolish three major government buildings, namely Yau Ma Tei Specialist Clinic Extension, Kowloon Government Offices and Yau Ma Tei Multi-storey Carpark Building, presumably next year before the construction works for the project commenced. If the relevant statutory

procedures proceeded smoothly and the construction of the new government buildings to re-provision the affected facilities could be completed in a timely manner, the above works could commence in 2010.

Heritage conservation and revitalization of old districts

7. Mr Jeffrey LAM called upon the Administration to heed the prevailing high sentiments towards heritage conservation and the public concern about the preservation of the Yau Ma Tei Police Station (the Police Station). Referring to the findings of the conservation study on the Police Station set out in the Administration's paper, Mr LEE Wing-tat expressed concern about whether the Administration was implying that it might conserve the old wing only but would demolish the new wing and ancillary buildings. He considered that the three components should be preserved. He also considered that the Administration should not adopt the preservation approach like that adopted for the Wo Cheong Pawn Shop to preserve the Police Station. He pointed out that the preservation approach adopted for the Wo Cheong Pawn Shop had been much criticized for it had preserved the building envelope intact but failed to preserve the interior including those parts with historical significance. He requested the Administration to draw up a list of interior parts and items of the Police Station with historical significance and publish the list.

8. USTH responded that the conservation study on the Police Station had been commissioned to provide a thorough understanding of the conservation value of the Police Station as well as the conservation opportunities. The findings of the study would provide a basis on which the mode and the extent of the conservation of the Police Station could be further considered. He stressed that ample opportunities would be allowed for further public discussion on the issue. He said that the study had concluded that the preservation of the Police Station in its entirety was feasible in developing the CKR project.

9. Mr LAU Kong-wah stressed the need to preserve built heritages/sites with local characteristics when taking forward CKR, in particular the unique local "Yung Shu Tau" and Temple Street culture. He suggested that the Administration should engage the public and community organizations in discussion of the preservation approach. He also urged the Administration to take the opportunity of implementing the CKR project to improve the sustainability of adjacent areas such as Ma Tau Wai and To Kwa Wan, where valuable heritages such as the Emperor's Rock were located, through integrated planning with conservation.

10. USTH responded that efforts would be made under the project to enhance the connectivity and pedestrian movement on both sides of CKR and, while the Highways Department would be responsible for the construction of

CKR, other departments would also be involved in relevant conservation and improvement works for affected areas including To Kwa Wan and Ma Tau Wai. USTH said that the District Councils (DCs) and community organizations concerned would be consulted in the process and their views would be taken into consideration as far as possible with a view to achieving an optimum design and preserving local characteristics.

11. Mr LAU Kong-wah considered it undesirable that Kowloon City and To Kwa Wan had been left out in the alignments of both CKR and the Shatin to Central Link. He opined that when seeking to link up East and West Kowloon with road or railway networks, the Administration should also map out measures to improve the sustainability of and to revitalize neighbouring old districts through integrated planning with conservation and improvement work. Mr LAU urged the Administration to strike a balance between development and conservation.

Environmental issues at the Western Tunnel Portal

12. Mr Jeffrey LAM highlighted the concerns of local residents, especially Prosperous Garden residents, about the possible air and noise impacts caused by the Western Tunnel Portal of CKR. Referring to paragraph 12 of the Administration's paper, Mr LAM enquired about the possible mitigation measures that would be implemented if the Administration considered that there were technical difficulties in retrofitting the sections of the Ferry Street Flyover (the FSF sections) fronting Prosperous Garden with noise barriers.

13. PM/MW pointed out that CKR would connect the Yau Ma Tei Interchange in West Kowloon with the future Kai Tak Development Area and the road network in Kowloon Bay, thereby providing a new strategic road link across central Kowloon to relieve the traffic congestion at peak hours on the existing east-west corridors. By so diverting vehicles, especially heavy vehicles, away from street level to the CKR tunnel, the noise and air pollution in central Kowloon would be alleviated. As to Prosperous Garden residents' concerns, PM/MW said that a number of mitigation measures had been taken, including plans to install an exhaust extract system to limit emissions at the Western Tunnel Portal of CKR, and to purify the emissions by extracting respirable suspended particulates and harmful chemicals from them.

14. PM/MW further said that CKR's dual three-lane configuration should help avoid large-scale congestion at its Western Tunnel Portal. He added that efforts would be made to ensure that the air impacts arising from the CKR project would be controlled to within the criteria under the Environmental Impact Assessment Ordinance (EIAO) (Cap. 499). Mr LEE Wing-tat requested the Administration to provide a paper detailing the measures to be taken to mitigate the air and noise impacts that might be caused by the Western

Tunnel Portal of CKR to local residents including Prosperous Garden residents. PM/MW agreed to provide a supplementary information paper after the meeting.

15. Mr WONG Kwok-hing sought the Administration's response to a complaint lodged by the Concern Group for Environmental Impacts Arising from the Construction of Kowloon Central Route (the Group) to the Complaints Division in mid-December 2008 demanding that the tunnel portals of CKR be moved away from the residential area in Yau Ma Tei, and that enclosed noise barriers be retrofitted along the FSF sections. CE/MW said that the Administration had responded to the Group's requests as follows –

- (a) To address the Group's concern about the possible air impacts of CKR's Western Tunnel Portal, the vehicular entrance would be moved farther west from Ferry Street to Haiphong Road. The ventilation building would also be relocated to the Yau Ma Tei Interchange of the West Kowloon Highway, which would allow a better dispersion of tunnel exhaust to reduce air quality impact on existing dwellings. Various options to move CKR tunnel further down underground or farther away had been explored, but were found infeasible because permanent reclamation at Yau Ma Tei Typhoon Shelter would be required under those options. The Administration considered that the currently proposed location of the Western Tunnel Portal of CKR was the best option having regard to various practical constraints;
- (b) As regards concern about noise pollution, the Administration would take the opportunity of constructing CKR to retrofit noise barriers on the existing sections of Gascoigne Road Flyover (GRF) to be re-provisioned due to the construction of CKR, by enhancing its structural strength for supporting noise barriers; and
- (c) As for the FSF sections fronting Prosperous Garden, as these sections were not affected by the construction of CKR and would not be re-provisioned, there were technical difficulties in retrofitting them with noise barriers. The Administration would however examine with the Environmental Protection Department and the relevant DC to see whether other practical and effective mitigation measures could be implemented at these sections.

16. Mr WONG Kwok-hing considered that the Administration should take the opportunity of the CKR project to construct additional columns and pillars alongside Ferry Street Flyover for retrofitting noise barriers. CE/MW

said that the Administration would consider the suggestion. He, however, pointed out that the traffic along the Flyover was busy and there was also space constraint in retrofitting noise barriers on the Flyover.

17. In response to Mr LEE Wing-tat's enquiry, PM/MW said that enclosed noise barriers were planned to be installed on the existing sections of GRF to be re-provisioned.

18. Ms Miriam LAU enquired how the Administration had engaged affected residents in collecting their views about the noise and air impacts of CKR. She cited the example of Kwun Tong Bypass, where noise barriers were eventually retrofitted despite earlier claims of technical difficulties to do so, and requested the Administration to further explore the feasibility of retrofitting noise barriers on the FSF sections. She pointed out that noise barrier materials nowadays were very light.

19. USTH responded that the Administration had all along been actively engaging the affected residents in the consultation process and as a result of these efforts, major adjustments had been made to the CKR project. As regards residents' request to install noise barriers at the FSF sections, CE/MW explained that the feasibility of retrofitting noise barriers on flyovers hinged on the original design of the flyovers concerned. While Kwun Tong Bypass had been assessed and was found that it had the necessary residual structural capability for retrofitting noise barriers four to five metres high, this was not the case with FSF, which could only support low noise barriers which might not be effective in alleviating the existing noise pollution problem.

20. The Deputy Chairman said that the Panel could not endorse projects which would impact on neighbouring communities. To facilitate members' consideration of the CKR project, he requested the Administration to provide a paper on the estimated noise impacts in terms of decibels as a result of construction of the CKR project, the noise pollution level at the FSF sections fronting Prosperous Garden, explanation of the technical difficulties in retrofitting these sections with noise barriers and why those difficulties could not be overcome, as well as the alternative mitigation measures under contemplation and the estimated mitigation effect expected to be achieved in terms of reduced decibels.

21. USTH responded that it was already an established policy to map out at the planning stage mitigation measures for environmental impacts that might arise from new road projects. He reiterated that the existing noise pollution at the FSF sections fronting Prosperous Garden was not caused by construction of the CKR project. The Deputy Chairman opined that CKR might increase traffic flow on these sections of FSF and aggravate the noise problem. If that was the case, mitigation measures such as the installation of double-glazed windows and air-conditioning for the affected residents should be considered.

Admin

The Chairman requested the Administration to also address this point in the supplementary information paper.

22. Mr James TO said that if the Administration could not prove that it had already explored all available options of retrofitting noise barriers at the FSF sections fronting Prosperous Garden, Members belonging to the Democratic Party would not support funding proposals that the Administration would submit in the future for implementation of the project. He requested the Administration to clearly explain whether it was out of cost considerations or whether it was merely technical difficulty that had rendered it not feasible to provide noise barriers at the concerned sections of the flyover. USTH responded that it was mainly due to technical difficulties and cost was not the only consideration. He reiterated that the Administration was actively studying if other effective mitigation measures could be implemented at the concerned sections, and details of these measures would be provided to members for consideration when they had been worked out.

Admin

23. Ms Miriam LAU expressed concern that although there was no residential development near the Eastern Tunnel Portal of CKR at present, the Administration should take into consideration that there might be residential development near the site when designing the Tunnel Portal and considering its environmental impacts. CE/MW responded that CKR was a Designated Project under EIAO, according to which noise barriers should be installed as necessary to mitigate the environmental impacts of a project on both existing and future developments.

V PWP Item 6746TH - Reconstruction and improvement of Tuen Mun Road

(LC Paper No. CB(1)858/08-09(04) - Administration's paper on PWP Item 6746TH - reconstruction and improvement of Tuen Mun Road

LC Paper No. CB(1)860/08-09 - Background brief prepared by the Legislative Council Secretariat)

24. USTH briefed members on the proposal to increase the approved project estimate (APE) for 746TH from \$4,620.5 million by \$2,183.8 million to \$6,804.3 million in money-of-the-day (MOD) prices.

Concerns about increase in APE

25. Mr WONG Kwok-hing said that as the prices of construction materials such as steel should have gone down in the prevailing financial

turmoil, the Administration should discuss with the contractors of the works under 746TH on possible adjustments to the relevant contract prices accordingly. PM/MW invited members to note that the Contract Price Fluctuation (CPF) system introduced in 2003 had allowed for both upward and downward adjustments to contract payments in accordance with market fluctuations in the cost of labour and materials in Government civil engineering and building contracts. The objective of this system was for equitable risk sharing between Government as the employer and the contractor.

26. Pointing out that the proposed increase in APE was drastic, Mr LEE Wing-tat expressed concern on the following four factors, also set out in paragraphs 3(b) to (e) of the Administration's paper, accounting for the proposed increase –

- (a) higher estimates of the remaining works contracts;
- (b) change in contingencies;
- (c) additional consultants' fees and resident site staff (RSS) costs;
and
- (d) increase in the provision for price adjustment.

In particular, he expressed doubts about the need for "increase in the provision for price adjustment" considering the recent drop in material costs.

27. In response, USTH and PM/MW made the following points –

- (a) In deciding to make allowance for "higher estimates of the remaining works contracts", reference had been made to the tender outturn price for the latest works contract signed under 746TH, which had only slightly fallen from the revised pre-tender estimate despite the economic situation;
- (b) Regarding the "change in contingencies", it was an established practice to set aside about 10% of the project costs as contingencies for unforeseen works. As the tender prices for the two relevant civil works contracts awarded were higher, the contingencies provision would also need upward adjustment. Notwithstanding, with the award of two contracts and less uncertainty remained, the percentage of contingencies provision for 746TH had already been adjusted downwards to about 6%;
- (c) As to "additional consultants' fees and RSS costs", owing to the need to ensure smooth traffic flow on Tuen Mun Road

during implementation of its maintenance and improvement works, more disruptive works had to be conducted during night time, necessitating three shifts of workers and hence more consultants and RSS to supervise them; and

- (d) The proposed increase was an estimate worked out on the basis of current figures. There was a need to make greater allowance for "increase in the provision for price adjustment" because material prices were going down very slowly after having gone up significantly in 2008. Notwithstanding, the actual payment would be adjusted according to the CPF system. Moreover, although the proposed increase seemed significant, where percentage was concerned the increase was not uncommon among works projects.

28. Mr Andrew CHENG considered that the Administration should take measures to guard against the possibility of contractors seizing the opportunity of the present implementation of many infrastructural projects to make gains by deliberately quoting higher tender prices in their tender returns. He asked about the large increase of 107.5% for earthworks in which temporary construction access would be formed and temporary steel shoring for excavation would be required as set out in paragraph 5(b) of the Administration's paper, and why no ceiling had been imposed on the increase in costs for those works. He asked why a tender price index had not been compiled for roadworks.

29. USTH pointed out that roadworks had to use large quantities of steel which had gone up in cost by 70% in 2008. PM/MW supplemented that the Administration's tendering system was open and transparent, and it also complied with World Trade Organization's requirements to ensure that the tender prices so returned could achieve value for money. He further explained that a tender price index, which was compiled by making projections on the basis of past tender outturn prices, might not be entirely reliable.

30. Noting that the increase in steel price was only some 70%, Mr Andrew CHENG asked why the cost of earthworks in which temporary construction access would be formed and temporary steel shoring for excavation would be required had increased by 107.5%. PM/MW responded that processed steel was more expensive than raw steel. He added that while the price of raw steel had registered a large drop, there was not a corresponding decline in the price of processed steel.

31. Ms Miriam LAU enquired about measures in place to mitigate the inflationary effect that might be caused by the policy of heavily investing in infrastructure and the volatile trend of construction costs, and to avoid seeking funding approval again to further increase APE for 746TH due to increases in

material costs in future.

32. PM/MW responded that a working group set up under the Development Bureau was responsible for monitoring the movements in the cost of labour and materials of public works projects. Ms Miriam LAU, however, considered that the large amount of the proposed increase in APE had reflected fluctuations in prices which merited special attention and the introduction of measures to avoid the need for further increases in APE or the works under 746TH from becoming abortive due to contractors' claim of shortage of funds. PM/MW assured members that measures were in place to ensure that large-scale projects would not be left unfinished because of the financial conditions of the contractors concerned. Apart from screening tenderers according to their track records, experience, and technical and financial capability, where necessary the successful tenderer would be required to provide performance bonds commensurate to the contract price to safeguard due completion of projects.

33. Referring to Enclosure 3 to the Administration's paper on a comparison of the approved APE and the revised project estimate, Ms Miriam LAU asked why the revised project estimate for "price adjustment" (item (1)) had surged by three times. PM/MW responded that the MOD project estimate had been derived by applying to the project estimate at constant price base with a set of price adjustment factors based on forecast of inflation/deflation. Changes in this set of price adjustment factors were explained in paragraph 15 of the Administration's paper. Based on the higher revised estimates and hence higher cashflow requirements of the project, and the most updated assumption on the trend movement of change in prices for public sector building and construction output over the scheduled contract period (2008-2009 to 2016-2017) factored in the phasing of expenditure over these years, the Administration found it necessary to increase the provision of price adjustment by \$771.4 million. At Ms LAU's request, PM/MW agreed to further explain in the PWSC paper the relevant factors accounting for the increase of \$771.4 million in detail, particularly those set out in paragraph 15 in greater clarity.

Admin.

Other views and concerns

34. Highlighting the wish of the residents of North West New Territories to see the reconstruction and improvement of Tuen Mun Road expedited, Mr WONG Kwok-hing asked the Administration when the works could commence. PM/MW responded that the contract for the section of Tuen Mun Road between Tsuen Wan and Tsing Lung Tau had already been signed in October 2008, and the relevant site investigation and statutory procedures had already commenced. The contract for the works on the section between Tsing Lung Tau and Siu Lam had also been signed two weeks ago to enable works to commence very soon. As to the Sam Shing Hui section, tenders were being

invited and, if the current funding proposal was approved by the Finance Committee, the relevant contract was anticipated to be awarded in the third or fourth quarter of 2009, thus enabling all improvement works to the Expressway Section of Tuen Mun Road to proceed for completion as scheduled.

35. Mr WONG Kwok-hing expressed concern about the danger (e.g. rock fall) posed by the roadside slopes along Tuen Mun Road to workers during implementation. In response, PM/MW assured members that to ensure works safety, the Administration would take stringent measures such as rock fall fence for the slope protection and stabilization works to the existing slopes as required near the works sites.

Admin.

36. Summing up, the Chairman said that the Panel supported submission of the current proposal to the Public Works Subcommittee (PWSC) for further consideration and requested the Administration to provide the necessary information requested by members before the relevant PWSC meeting.

VI Traffic safety problems arising from drivers' failure to wear seat belts

- (LC Paper No. CB(1)858/08-09(05) - Administration's paper on traffic safety problems arising from drivers' failure to wear seat belts
- LC Paper No. CB(1)858/08-09(06) - Press cuttings on traffic accidents relating to drivers' failure to wear seat belts)

37. Mr WONG Kwok-hing highlighted recent traffic accidents involving deaths of drivers as a result of failure to wear seat belts, and urged the Administration to introduce new measures in addition to gearing up education, publicity and law enforcement to help eradicate drivers' and passengers' bad habit of failure to wear a seat belt. In his view, such new measures could include raising the penalty for failure to wear a seat belt and installation of exterior seat belt display lights, which would provide a visible warning signal if the occupants of a motor vehicle failed to wear seat belts.

38. The Principal Assistant Secretary for Transport and Housing (Transport)2 (PAS/TH(T)) responded that apart from gearing up education, publicity and law enforcement, the Administration also enlisted assistance from driver organizations to alert their members to the need to wear seat belts. The Administration also conducted large-scale operations to target the offence of "failing to wear a seat belt" from time to time. The Chief Superintendent of Police (Traffic) (CSP(T)) supplemented that the offence was in general a consequential offence drawn to the Police's attention when taking enforcement actions against other traffic offences such as drink driving. As such, vehicles

would not be stopped specifically for the purpose of checking whether drivers and passengers wore seat belts. Notwithstanding, to promote driving safety in general the Police had recently conducted a territory-wide campaign codenamed "Kickstarter" targeting at goods vehicles and public service vehicles, and in an operation conducted the week before issued over 100 fixed penalty tickets. The above campaign was the latest in an ongoing series of campaigns to be conducted periodically over the year, and campaigns against public light buses (PLBs) were also conducted.

39. As to the proposed exterior seat belt display lights, PAS/TH(T) responded that according to the Transport Department (TD), few commercial vehicles had such devices. While purchase of new vehicles with such devices would be encouraged, there remained a need to examine with vehicle suppliers whether existing vehicles could be retrofitted with such devices. Moreover, in recognition that all exterior lights of a vehicle had road safety implications, care had to be exercised to ensure that the proposed display lights would not cause confusion and impact on road safety.

40. To effectively ensure the wearing of seat belts, Mr LEE Wing-tat urged the Administration to ensure that all buses and PLBs would be equipped with seat belts early, and to require buses and PLBs so equipped to broadcast reminders that failure to wear a seat belt was an offence.

41. PAS/TH(T) responded that some 50% of PLBs were already equipped with seat belts. As more PLBs were replaced, the percentage would increase and all PLBs would be equipped with seat belts in due course. The franchised bus companies had also committed to providing seat belts at the exposed seats of all new buses, and retrofitting seat belts at the front row on the upper deck of post-1997 design buses. Regarding seat belt broadcasts, presently 'buckle up' stickers were used to remind passengers to wear seat belts on PLBs and buses. She considered that there should be little problem in requesting bus companies to introduce seat belt broadcasts on board a bus as buses were normally equipped with audio-visual systems. As to PLBs, since few PLBs had such systems, the Administration would need to explore with relevant trade associations the feasibility of retrofitting the systems on PLBs for the purpose.

42. Ms Miriam LAU said that she was glad to note that the number of casualties had decreased after the introduction of the requirement to wear seat belts. She, however, considered it necessary to strengthen efforts in arousing awareness of drivers and passengers of the need to wear seat belts by highlighting the serious consequences, as many passengers were not aware of the need to wear seat belts to protect themselves. USTH undertook to convey her suggestions to relevant parties for consideration and follow-up as appropriate. CSP(T) added that to promote the use of seat belts, the requirement was always featured prominently in all Police road safety campaigns.

43. Mr LEE Wing-tat proposed that summonses should be issued to offenders to enhance the deterrent effect. CSP(T) explained that under the law, fixed penalty tickets were issued to a private car driver for failing to wear a seat belt or for passengers in his car failing to wear seat belts because the driver had the responsibility to ensure that their passengers in their cars wore seat belts. PLB passengers not wearing seat belts would be issued summonses whereas drivers of PLBs not wearing seat belts would be issued fixed penalty tickets.

44. Ms Miriam LAU requested the Administration to consider the need to review and rationalize the above enforcement arrangements. PAS/TH(T) explained that drivers' contact details were readily available to TD which kept their driving licence records. As such, considering that private car drivers would be held liable for their passengers if the latter failed to wear seat belts, so that where necessary these passengers could be easily tracked down through the drivers, there was no need to issue summonses to private car passengers who failed to wear seat belts. In the case of PLB passengers however, since their contact details were not available to TD, there was a need to issue summonses to PLB passengers failing to wear seat belts.

45. Noting that only two territory-wide operations targeting the offence of "failing to wear a seat belt" had been conducted in 2008, Ms Miriam LAU urged the Administration to conduct more such operations and gear up promotional efforts to enhance awareness of the operations. CSP(T) responded that apart from territory-wide operations, traffic formations of respective Police regions also organized their own operations of the same nature. He further drew members' attention to the "Kickstarter" campaign highlighted above, and reported that since a large percentage of vehicles involved in fatal accidents in 2008 were light goods vehicles, more regional operations targeted at light goods vehicles would be conducted in 2009.

46. Mr WONG Kwok-hing pointed out that many passengers of PLBs operating on expressways did not wear seat belts, and urged the Police to gear up spot checks and enforcement actions against such PLBs. CSP(T) responded that the Police had already been stepping up enforcement against long distance PLBs. In fact, 52 PLB passengers with the majority in New Territories North had been caught in the aforementioned operation conducted under the "Kickstarter" campaign. There was however difficulty in conducting such operations because, to ensure passengers could be caught red-handed, plain-clothes police officers had to be deployed to ride on the PLBs concerned.

47. Mr WONG Kwok-hing urged the Police to conduct more undercover operations to enhance deterrent effect and to gear up publicity as he considered that the mandatory installation of Speed Display Devices on PLBs served little

purpose in preventing them from speeding. CSP(T) responded that more efforts would be made in this regard with the assistance of TD and PLB associations. To remind the public to protect themselves, publicity and education activities would be conducted on the first two days of territory-wide operations and 'buckle up' stickers were distributed to drivers and passengers of public service vehicles to remind them of their responsibility to wear seat belts and the relevant penalties for violation under the law, followed by enforcement actions which would commence on the third day.

Concerns related to school buses

48. The Deputy Chairman considered it undesirable that school buses were not required by law to provide passenger seat belts, and school children were even allowed to share seats. To better protect school children and to help them foster the habit of wearing seat belts, he enquired about plans to review regulation in this regard.

49. PAS/TH(T) responded that as a result of past efforts, the provision of escorts had already been made compulsory for school buses serving kindergartens and primary schools. After commissioning a study on overseas experience in the use of safer seats in late 2002/early 2003, legislative proposals had also been introduced to require that, starting from 1 May 2009, newly registered school transport vehicles would have to be equipped with safer seats, which were strong, closely spaced seats with strong floor anchorage, high energy-absorbing seat back and fire-resistant seating upholstery, so as to more effectively protect passengers in the event of an accident. As to the retrofitting of seat belts on school buses, the Administration was still examining the matter in recognition of the need to first resolve various issues, including the feasibility and safety of retrofitting seat belts on existing vehicles, the difficulty in determining which party should bear the legal liability for school children's failure to wear seat belts, whether seat belts would hinder small children who needed assistance to unbuckle from evacuating in the event of an accident, etc. Moreover, there was no overseas experience in legislating the provision of seat belts on school buses for reference. Notwithstanding, the Administration would gladly provide assistance should any school bus operator plan to purchase school buses with seat belts.

50. The Deputy Chairman urged the Administration to study the above issues as soon as practicable, in particular the liability issue. Meanwhile, school children should be educated to wear seat belts to protect themselves. He was not convinced that the provision of escorts and safer seats would adequately protect school children, and considered it unreasonable that, while the provision of seat belts had been made mandatory in many modes of public transport, school buses which carried children were not required to do so probably because of the relevant trade's opposition. USTH responded that there was a genuine need to address the concern that, without sufficient adults

to help school children unbuckle in emergency situations, school children might not be able to evacuate as quickly as necessary. The provision of safer seats was therefore considered a better option for protecting school children. The Administration would however continue to examine the provision of seat belts for school vehicles.

VII Any other business

51. There being no other business, the meeting ended at 10:30 am.

Council Business Division 1
Legislative Council Secretariat
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