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Bills Committee on Road Traffic (Amendment) (No. 2) Bill 2011

Background brief prepared by the Legislative Council Secretariat

Purpose

This paper sets out the background to the Road Traffic (Amendment) (No. 2) Bill 2011 (the Bill), and gives an account of the major views and concerns expressed by the Panel on Transport (the Panel) on the Administration's proposed measures to enhance safety of public light bus (PLB) operation.

Background

2. The accident and casualty rates of PLBs have always been higher than those of other classes of motor vehicles. To address public concern on PLB safety, the Administration has introduced the following improvement measures over the years to enhance the safety of PLB -

- (a) promotion of safe driving among PLB drivers;
- (b) mandating installation of speed display device on PLBs;
- (c) strengthening enforcement against speeding and other inappropriate driving behaviours of PLB drivers; and
- (d) installation of passenger protection equipment such as passenger seat belts on PLBs registered on or after 1 August 2004.

3. Following a serious fatal accident involving a green minibus (GMB) on Mong Kok Road in June 2009, the Panel held meetings on 26 June and 27 November 2009 to discuss the safety of PLB operation. Apart from reporting

the findings on the accident, the Administration briefed the Panel on the following additional measures that would be taken to enhance safety of PLB operation: -

(a) Requiring all PLBs to install speed limiters

As the PLB suppliers had confirmed with the Transport Department (TD) that it was technically feasible to retrofit speed limiters onto current models of diesel and liquefied petroleum gas PLBs, TD planned to introduce new conditions into vehicle licence and passenger service licence of PLB in early 2010 to make speed limiter a basic equipment of PLBs, and require all registered PLB owners to retrofit their PLBs with speed limiter that was endorsed and approved by TD. It was expected that by early 2011, all PLBs would be installed with speed limiters according to the licensing requirement. In connection with the requirement of installing speed limiters on PLBs, TD would set a maximum speed for the device. The relevant legislative proposals were planned to be introduced into the Legislative Council (LegCo) in the 2010-2011 legislative session.

(b) Mandating vehicle monitoring system (i.e. "blackbox") as a basic equipment of newly registered PLB

The Administration would introduce into LegCo a proposal to amend the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A) (the Regulations) to include the blackbox as a basic equipment of newly registered PLBs. Under the proposal, all newly registered PLBs must be installed with the blackbox endorsed and approved by TD.

(c) Training and education of PLB Drivers

The Administration would introduce a proposal into LegCo to amend the Road Traffic ordinance (RTO) (Cap. 374) to require applicants for PLB driving licence to attend a mandatory pre-service training course.

Legislative proposals on measures to enhance safety of PLB operation

4. At the Panel meeting on 25 February 2011, the Administration reported on the progress of installation of safety equipment on PLBs, and further actions which the Administration would take to enhance the safety and quality of PLB operation, as detailed in the following paragraphs.

Mandating all PLBs to install speed limiters

5. With effect from 7 June 2010, the Administration introduced new conditions to the vehicle licence and the passenger service licence of PLBs to require installation of speed limiter setting at the maximum speed at 80 kilometers per hour on newly registered PLBs, and retrofitting of such device on all existing PLBs. As at early February 2011, TD has inspected and sealed the speed limiters installed on about 2 830 PLBs, representing about 65% of all PLBs (4 350). According to the Administration, no major difficulties in the supply, installation, inspection and sealing of speed limiters had been encountered. There were 11 models of type-approved speed limiters for PLB owners to choose from.

6. The Administration expected that by September 2011, all PLBs would be installed with a speed limiter. TD aimed to introduce the necessary legislative amendment proposals in the 2010-2011 legislative session to enhance the regulation of the installation and use of speed limiters, and to prescribe the maximum travelling speed of PLBs¹.

Mandating blackbox as a basic equipment of newly registered PLBs

7. All newly registered PLBs would be required to install the blackbox. Depending on the outcome and cost-effectiveness of this new measure on newly registered PLBs, further consideration might be given to extending the installation of the blackbox to existing PLBs, subject to technical feasibility and

¹ The safety measures introduced by the Bill include the following –

- (i) imposing a cap on the maximum speed (80 km/hour) at which a PLB may travel;
- (ii) requiring every PLB to be fitted with a speed limiter approved by the Commissioner for Transport (the Commissioner); and
- (iii) prescribing penalties for non-compliance with the requirement at (ii) above or for tampering with the speed limiter.

availability of suitable models of the blackbox for retrofitting onto existing PLBs.

8. TD has also formulated the specifications of blackbox required for use on PLBs in Hong Kong in consultation with PLB manufacturers and blackbox suppliers. The technical specifications would be stipulated in the Regulations.

Installation of passenger seat belts

9. At the Panel meeting on 25 February 2011, the Administration reported on the progress of installation of passenger seat belts². As at end December 2010, about 2 440 PLBs, representing about 56% of the PLB fleet, have been fitted with passenger seat belts. The Administration noted that in its investigation report published in November 2010, the Ombudsman's Office had recommended the Administration to reconsider extending the requirement for installation of passenger seat belts to PLBs registered before 1 August 2004. In response to the recommendation, TD indicated that it would continue to consult the trade closely in developing a proposal on installation of passenger seat belts to PLBs registered before 1 August 2004.

Discussion on the legislative proposals on measures to enhance safety of PLB operation and related issues

Mandating installation of speed limiters on all PLBs and blackbox as a basic equipment of newly registered PLBs

10. The Panel discussed the Administration's proposals at its meetings on 26 November 2009 and 25 February 2011. The Panel noted from the information provided by the Administration that speed limiters could effectively prevent drivers from driving above the speed limit set, and in turn could reduce the incidence and severity of traffic accidents. As for the blackbox, the data stored in the device would be useful for fleet management and accident investigation. While Panel members in general expressed support for the proposals, some members opined that the blackbox should be included as a basic equipment of all PLBs, instead of only newly registered PLBs. The Administration explained that given the variety of existing PLB models, there was difficulty in identifying a reliable standard model of the blackbox that

² All PLBs registered on or after 1 August 2004 are required under the law to be equipped with passenger seat belts.

would suit the different models of PLBs. Some Panel members urged the Administration to expedite its study on the feasibility of retrofitting the blackbox on existing PLBs to facilitate voluntary retrofitting.

11. Some Panel members opined that to prevent PLB operators from passing the cost for installing the blackbox and the speed limiter onto passengers, the Administration should consider subsidizing at least part of the relevant installation costs. The Administration advised that the procurement and installation costs of the compulsory speed limiter only ranged from \$5,000 to \$7,000. Being one-off, the cost per day was only some \$20. Moreover, when PLB operators applied for fare increases on grounds of increase in operating cost incurred by the installation of the devices, the Administration would carefully assess the justifications provided and it would have to be satisfied that the application was justified before granting approval.

Other concerns

12. The Panel was concerned about whether the pay systems for GMB drivers, in particular the so-called revenue sharing arrangement, had adverse effect on the driving attitude of GMB drivers. Panel members were concerned whether some GMB drivers might drive at excessive speed in order to reduce the travelling time so as to earn a higher income. The Panel urged the Administration to seriously review the pay systems and working hours of GMB drivers. The Administration advised that according to information collected, only 6% of drivers of GMB routes were remunerated on a solely revenue sharing basis. The findings of TD's analysis did not indicate any direct correlation between the pay systems for GMB drivers and the safety of GMB operation. Some members proposed that the Administration should consider reducing the maximum daily duty hours under the PLB Guidelines from 14 to 10 whereas the maximum daily driving duty hours from 11 to eight. The Administration agreed to further study the issue by making reference to the arrangements of the working hours and rest breaks of bus captains³ in some overseas cities.

Latest developments

13. The Bill was tabled at the Council meeting on 13 July 2011. The House Committee decided on 7 October 2011 to set up a bills committee to

³ According to the Administration, no public transport services similar to GMB services in Hong Kong are provided in overseas cities.

scrutinize the Bill.

Relevant papers

Information paper provided by the Administration for the Panel meeting on 27 November 2009

<http://www.legco.gov.hk/yr09-10/english/panels/tp/papers/tp1127cb1-430-3-e.pdf>

Minutes of the Panel meeting on 27 November 2009

<http://www.legco.gov.hk/yr09-10/english/panels/tp/minutes/tp20091127.pdf>

Information paper provided by the Administration for the Panel meeting on 25 February 2011

<http://www.legco.gov.hk/yr10-11/english/panels/tp/papers/tp0225cb1-1288-5-e.pdf>

Minutes of the Panel meeting on 25 February 2011

<http://www.legco.gov.hk/yr10-11/english/panels/tp/minutes/tp20110225.pdf>

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