

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1809/13-14  
(These minutes have been seen  
by the Administration)

Ref: CB1/SS/8/13

**Subcommittee on Road Traffic (Construction and Maintenance of  
Vehicles) (Amendment) Regulation 2014**

**Minutes of the first meeting held on  
Monday, 10 February 2014, at 10:45 am  
in Conference Room 3 of the Legislative Council Complex**

**Members present** : Hon CHAN Kam-lam, SBS, JP (Chairman)  
Hon WONG Kwok-hing, BBS, MH  
Hon Cyd HO Sau-lan  
Hon Frankie YICK Chi-ming  
Hon WU Chi-wai, MH  
Hon POON Siu-ping, BBS, MH  
Hon TANG Ka-piu

**Public officers  
attending** : **Agenda item II**

Ms Ivy LAW  
Deputy Secretary for Transport and  
Housing(Transport)3

Ms Cordelia LAM  
Principal Assistant Secretary for Transport and  
Housing(Transport)2

Mr CHEUNG Jin-pang  
Assistant Commissioner for Transport/  
Administration and Licensing

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Mr Walter FOO  
Senior Engineer/Vehicle Regulations and  
Standards  
Transport Department

Mr Manuel NG  
Senior Government Counsel (Acting)  
Department of Justice

**Clerk in attendance :** Ms Sophie LAU  
Chief Council Secretary (1)2

**Staff in attendance :** Miss Evelyn LEE  
Assistant Legal Adviser 10

Miss Katherine CHAN  
Council Secretary (1)2

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**I Election of Chairman**

Mr CHAN Kam-lam, the member who had the highest precedence among those present at the meeting, presided at the election of Chairman of the Subcommittee. He invited nominations for the chairmanship of the Subcommittee.

2. Mr WONG Kwok-hing nominated Mr CHAN Kam-lam, and the nomination was seconded by Ms Cyd HO. Mr CHAN Kam-lam accepted the nomination.

3. There being no other nominations, Mr CHAN Kam-lam was elected Chairman of the Subcommittee.

**II Meeting with the Administration**

(L.N. 4 of 2014

- Road Traffic (Construction  
and Maintenance of Vehicles)  
(Amendment) Regulation  
2014

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|---------------------------------|--|
| File Ref.: THB(T) 3/10/36       | - The Legislative Council Brief issued by the Transport and Housing Bureau   |
| LC Paper No. LS24/13-14         | - Legal Service Division Report  |
| LC Paper No. CB(1)866/13-14(01) | - Marked-up copy of the Road Traffic (Construction and Maintenance of Vehicles) (Amendment) Regulation 2014 prepared by the Legal Service Division                 |
| LC Paper No. CB(1)866/13-14(02) | - Paper on Road Traffic (Construction and Maintenance of Vehicles) (Amendment) Regulation 2014 prepared by the Legislative Council Secretariat (background brief)) |

4. The Subcommittee deliberated (index of proceedings attached at **Annex**).

Clause-by-clause examination of the Road Traffic (Construction and Maintenance of Vehicles) (Amendment) Regulation 2014 ("the Regulation")

5. The Subcommittee completed the clause-by-clause examination of the Regulation.

Follow-up actions required of the Administration

Admin 6. The Administration was requested to provide the following information –

- (a) the number of Euro V goods vehicles ("GVs") in Hong Kong and how many of them were installed with reversing video device ("RVD");
- (b) with respect to the text of "except when the visibility is reduced by weather conditions" as appeared in regulation 39A(4)(b), information regarding the interpretation and operation of the exception;

Action

- (c) the number of traffic accidents involving reversing GVs from the year 2007 to 2013;
- (d) information on the technical difficulties involved for mandatory installation of RVD on existing GVs; and
- (e) with respect to the Chinese rendition of the English text "detected", which appeared as "揭發" in regulation 39A(6), to consider whether it was more appropriate to amend the rendition to "發現" or "發覺" in the Chinese text.

*(Post-meeting note: The Administration's response to the request above was circulated to members vide LC Papers Nos. CB(1)963/13-14(01) and (02) on 24 February 2014 and LC Paper No. CB(1)1023/13-14(01) on 3 March 2014.)*

Legislative timetable and report to the House Committee

- Clerk 7. The Chairman advised that he would move a motion at the Council meeting of 19 February 2014 to extend scrutiny period of the Regulation to 19 March 2014. Members noted that the deadline for giving notice to amend the Regulation would be 12 March 2014. If members had no comments on the Administration's written response mentioned in paragraph 6, the Chairman would report the Subcommittee's deliberations to the House Committee at its meeting on 28 February 2014.

**II Any other business**

8. There being no other business, the meeting ended at 12:09 pm.

Council Business Division 1  
Legislative Council Secretariat  
16 July 2014

**Proceedings of the first meeting of  
Subcommittee on Road Traffic (Construction and Maintenance of Vehicles)  
(Amendment) Regulation 2014  
on Monday, 10 February 2014, at 10:45 am  
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<b>Agenda item I – Election of Chairman</b>			
000357 – 000426	Mr CHAN Kam-lam Mr WONG Kwok-hing Ms Cyd HO	Election of Chairman.  Mr CHAN Kam-lam was elected Chairman of the Subcommittee.	
<b>Agenda item II – Meeting with the Administration</b>			
000427 – 000833	Chairman Administration	Briefing by the Administration on the Road Traffic (Construction and Maintenance of Vehicles) (Amendment) Regulation 2014 ("the Regulation").	
000834 – 001829	Chairman Mr WONG Kwok-hing Administration	<p>Mr WONG Kwok-hing's concerns/enquiries that –</p> <p>(a) he was dissatisfied that the Administration had taken more than eight years to introduce legislative requirement of the mandatory installation of reversing video device ("RVD") on new goods vehicles ("GVs");</p> <p>(b) there was a need to implement measures to enhance safety of existing GV's not covered by the Regulation, say, the provision of subsidy to GV owners to install RVD or having another person to assist drivers when reversing vehicles; and</p> <p>(c) the meaning of "reasonable expedition" for GV drivers to remedy the defect of RVD under regulation 39A(6)(b).</p> <p>The Administration' responded that –</p> <p>(a) on the one hand, the technology of RVD was unable to provide the necessary scope of vision for GV's until 2009. On the other hand, the Administration had spent time to alleviate the concerns of GV trade over the reliability of RVD and the associated liabilities;</p> <p>(b) mandatory installation of RVD on existing GV's was not included under the Regulation due to technical difficulties involved in the installation. The Administration would review the arrangement at an appropriate time;</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>(c) as installation of RVDs was to enhance the safety of GVs, the Administration had reservation about provision of subsidy to GV owners (both existing and new) for installation of RVD;</p> <p>(d) the causes of reversing accidents were more related to drivers' driving attitude even though helpers might provide assistance to drivers while reversing vehicles; and</p> <p>(e) as regards regulation 39A(6)(b), there was a similar clause to provide for a defence in other provisions of the Road Traffic (Construction and Maintenance of Vehicles) (Cap. 374A). In addition, whether the condition in the provision had been satisfied was subject to the interpretation of the court having regard to the evidence and circumstances of an individual case.</p>	
001830 – 002815	Chairman Mr WU Chi-wai Administration	<p>Mr WU Chi-wai's views/enquiries that –</p> <p>(a) whether RVD proposed to be installed on new GVs was able to cover all blind spots when reversing vehicles, in particular for long vehicles;</p> <p>(b) mandatory installation of RVD should be extended to cover existing GVs to enhance road safety; and</p> <p>(c) apart from seeking views from vehicle suppliers, RVD suppliers and vehicle body builders, the Administration, such as the Electrical and Mechanical Services Department, should study on their own possible means to tackle the difficulties involved in installation of RVD on existing GVs.</p> <p>The Administration' explained that –</p> <p>(a) upon Mr WU's request, the Administration would provide the number of Euro V GVs in Hong Kong and how many of them were installed with RVD;</p> <p>(b) there were blind spots that the driver might not be able to detect at the rear of a vehicle, especially when GVs were loaded with goods,</p>	Administration to provide information /response (paragraph 6 of minutes)

Time marker	Speaker	Subject(s)	Action required
		<p>and therefore the Regulation was necessary to enhance safety when reversing GVs; and</p> <p>(c) the current technology for installation of RVD on existing GVs was not reliable enough to meet the legislative requirement. Besides, vehicle manufacturers and suppliers in general did not provide technical support for after-market installations. The lack of support would render a retrofitted RVD more unreliable. Nevertheless, existing GVs would be gradually phased out and so eventually all GVs would be installed with RVD under the Regulation. The Administration would also continue to encourage voluntary installation of RVD on existing GVs and remind GV drivers about the importance of safe driving.</p>	
002816 – 003646	Chairman Ms Cyd HO Administration	<p>Ms Cyd HO's views that –</p> <p>(a) the legislative requirement for mandatory installation of RVD on GVs had come too late to enhance road safety; and</p> <p>(b) the Administration should consider providing a definition of "reduced visibility" or giving some objective standard.</p> <p>The Administration' responded that –</p> <p>(a) with respect to Ms HO's concern about the text of "except when the visibility is reduced by weather conditions" as appeared in regulation 39A(4)(b), information would be provided regarding the interpretation and operation of the exception;</p> <p>(b) all GVs would eventually be installed with RVD. Pre-Euro IV GVs would be phased out under the "Phasing Out Pre-Euro IV Diesel Commercial Vehicles Pre-Euro Vehicles Scheme" in the next three years. For the rest, the lifespan of GVs had been restricted to 15 years; and</p> <p>(c) a wide range of measures were put in place to improve the safety of reversing GVs, such as traffic management improvements in all the 18 districts and publication of a guide on installation of RVD for GV owners.</p>	Administration to provide information /response (paragraph 6 of minutes)

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003647 – 004649	Chairman Mr Frankie YICK Administration	<p>Mr Frankie YICK's views that –</p> <p>(a) the Regulation should be made effective on a date earlier than 1 October 2014 so as to enhance road safety at the earliest opportunity; and</p> <p>(b) the education of drivers regarding the importance of safe driving should be enhanced, in particular when reversing vehicles.</p> <p>The Chairman shared Mr YICK's view that the Regulation should come into operation on an earlier date, say 1 August 2014.</p> <p>In response, the Administration advised that since the mandatory installation of RVD would be applicable to all GVs which consisted of many different models and types, it would be appropriate to allow sufficient time after the completion of the negative vetting procedures of the Legislative Council for all the relevant stakeholders to get prepared for complying with the Regulation.</p> <p>To further respond to Ms Cyd HO's abovementioned enquiry on the text of "except when the visibility is reduced by weather conditions" in the Regulation, the Administration explained that various weather conditions (e.g. heavy rain and fog) might render the closed-circuit view of RVD unclear. It was therefore impossible to quantify the concept of visibility.</p>	
004650 – 005239	Chairman Mr TANG Ka-piu Administration	<p>Mr TANG Ka-piu's enquiries that –</p> <p>(a) whether mandatory installation of RVD would be extended to cover existing GVs in the next stage;</p> <p>(b) if the Administration would require RVD installed on new GVs to have recording function at a later stage;</p> <p>(c) whether any survey was conducted on the number of Euro IV and Euro V GVs which were installed with RVD and what measures would be imposed on the existing GVs without RVD; and</p>	



Time marker	Speaker	Subject(s)	Action required
		<p>(d) the meaning of "reasonable expedition" for GV drivers to remedy the defect of RVD under regulation 39A(6)(b).</p> <p>The Administration' responded that –</p> <p>(a) mandatory installation of RVD on existing GVs would not be included in the Regulation at the current stage because of technical difficulties involved in installation. The Administration would however review the situation at an appropriate time;</p> <p>(b) the Administration had no plan to require RVD on GVs to be equipped with recording function;</p> <p>(c) the number of Euro IV and Euro V GVs installed with RVD was not available. The Administration's recent survey indicated that most of the existing GVs with RVD installed were vehicles of younger age; and</p> <p>(d) RVD required by the Regulation would play a supplementary role in ensuring road safety, whereas safe driving attitude of drivers was critical for ensuring safety of passengers and other road users when reversing. Therefore, in case RVD was found defective, GV drivers should take steps to have the defect remedied with reasonable expedition and take extra precautions to ensure safety when reversing GVs. The Administration explained that the Regulation did not require the driver to stop the vehicle, but to make remedy with reasonable expedition in case RVD was found defective.</p>	
005240 – 005515	Chairman Mr POON Siu-ping Administration	<p>Mr POON Siu-ping enquired whether the defence provided in regulation 39A(6)(a) and (b) was able to alleviate the concerns previously raised by trucking industry associations and GV drivers associations over the reliability of RVD and the associated liabilities.</p> <p>The Administration responded that GV trade welcomed the defence clause to be included in the Regulation. In addition, GV owners and drivers could log the normal operation of RVD or equip RVD with recording function in order to prove that the defect of RVD occurred in the course of the journey concerned.</p>	

Time marker	Speaker	Subject(s)	Action required
005516 – 010212	Chairman Mr WONG Kwok-hing Administration	<p>Mr WONG Kwok-hing's enquiries that –</p> <p>(a) whether it was possible for the commencement date of the Regulation to be advanced; and</p> <p>(b) when the Administration would review the mandatory installation of RVD on existing GVs.</p> <p>The Administration' responded that –</p> <p>(a) the number of traffic accidents involving reversing GVs from the year 2007 to 2013 would be provided;</p> <p>(b) because GVs covered various models and types, it would be appropriate to allow six to seven months for GV trade to get prepared to comply with the Regulation; and</p> <p>(c) mandatory installation of RVD on existing GVs would be reviewed in one to two years' time having regard to the latest technology development.</p>	Administration to provide information /response (paragraph 6 of minutes)
010213 – 010818	Chairman Mr WU Chi-wai Administration	<p>Apart from seeking views from GV trade, Mr WU Chi-wai further enquired whether the Administration, like the Transport Department, attempted to solve the technical difficulties on their own so that RVD could be installed on all existing GVs to enhance safety during reversing.</p> <p>The Administration' explained that –</p> <p>(a) supplementary information on the technical difficulties involved for installation of RVD on existing GVs would be provided for members' reference; and</p> <p>(b) the safety awareness and driving attitude of drivers were of prime importance in preventing traffic accidents involving reversing vehicles. Therefore, the Administration would continue the public education to enhance drivers' awareness of reversing safety as well as strengthen publicity on road safety awareness for pedestrians, in particular the elderly and children.</p>	Administration to provide information /response (paragraph 6 of minutes)
010819 – 011300	Chairman Administration	Clause-by-clause examination of the Regulation.	

Time marker	Speaker	Subject(s)	Action required
011301 – 011349	Chairman Ms Cyd HO	Despite the Administration's earlier verbal reply, Ms Cyd HO requested the Administration to provide a written response on the interpretation and operation of the exception in respect of the text of "except when the visibility is reduced by weather conditions" as appeared in regulation 39A(4)(b).	Administration to provide information /response (paragraph 6 of minutes)
011350 – 011456	Chairman Administration	Clause-by-clause examination of the Regulation.	
011457 – 012035	Chairman Ms Cyd HO Mr Frankie YICK Administration	<p>Ms Cyd HO pointed out that the Chinese rendition of the word "detected" in regulation 39A(6) should be amended because the underlying meaning of "揭發" implied that something had been concealed and then revealed. Hence, it was not an appropriate rendition of the word "detected" in the English text. Mr Frankie YICK concurred.</p> <p>In response, the Administration would consider amending the Chinese rendition to "發現" or "發覺" under regulation 39A(6)(a) and (b).</p>	Administration to provide information /response (paragraph 6 of minutes)
012036 – 012305	Chairman	Legislative timetable.	