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

**Background brief
prepared by the Legislative Council Secretariat**

Purpose

This paper provides background information on the measures to enhance safety of reversing goods vehicles ("GVs"), and gives a brief account of the views and concerns expressed by the Panel on Transport ("the Panel") when consulted on the Administration's proposal to mandate the installation of reversing video device ("RVD") on newly registered GVVs.

Background

2. The Panel has all along concerned about the safety of reversing GVVs in the community. According to the Administration, the Transport Department ("TD") has undertaken a wide range of measures with a view to improving the situation. These measures include implementation of a vigorous traffic management project which involves traffic management improvements at 129 locations across 18 districts, promotion of safe driving among GV drivers, and stepping up of publicity and education efforts to encourage GV owners to install reversing aids in their vehicles.

3. To encourage the GV owners to install reversing aids, TD also published in August 2007 "A Guide for the Installation of Devices to Assist Reversing of GVVs" which set out the advantages and limitations of these reversing aids so that GV owners can have some reference when choosing an equipment appropriate to their vehicle type/body. The Guide also

includes a recommended scope of vision for RVDs to help owners select from the market the RVDs which can meet such performance requirements. The Guide was updated in September 2009 to take into account the availability of RVDs with wider viewing angles in the market, which would allow more GV types (mainly those with lower bodies) to be fitted with RVDs which can achieve the recommended scope of vision. According to the Administration, the percentage of GVs voluntarily fitted with RVDs has risen from 6% in 2008 to 20% in February 2012.

4. The Panel was consulted on the Administration's proposal to mandate the installation of RVD on GVs in October 2006, May 2007, June 2011 and May 2012.

5. On 10 January 2014, by virtue of section 9 of the Road Traffic Ordinance (Cap. 374), the Secretary for Transport and Housing made the Road Traffic (Construction and Maintenance of Vehicles) (Amendment) Regulation 2014 ("the Amendment Regulation") to require a GV first registered on or after 1 October 2014 to be equipped with a RVD, with a view to enhancing safety when GVs are reversing. The Amendment Regulation was tabled at the Legislative Council ("LegCo") on 22 January 2014. The main provisions of the Amendment Regulation are set out in the LegCo Brief.

Major views expressed by the Panel

6. When consulted on the proposal to mandate the installation of RVD on GVs, Panel members in general expressed support for the legislative proposal and urged for its early implementation. In the course of deliberation, members raised concern on the following matters.

The need to mandate RVD installation on newly registered GVs and reliability of RVDs

7. The Panel noted that the Administration's proposal to mandate RVD installation on newly registered GVs had met objection from the GV trade, mainly because of their concern over the reliability of RVDs and the insurance and legal liabilities when RVD malfunctions, as well as the lack of similar statutory requirement in overseas countries. They were of the view that the right approach for enhancing reversing safety was to strengthen drivers' training and their safety awareness. Nevertheless, the Administration considered that RVD could improve reversing safety by reducing blind spots behind GVs.

8. In response to members' concern over the reliability of RVDs, the Administration advised that the feasibility of installing RVD on newly registered vehicles had been confirmed except for certain vehicle types like tractors and trailers, which presented difficulties in component matching. Given the advice from the suppliers that RVDs might still be subject to failure from time to time and the concerns of the trade over the reliability of the device operating under special environment, the Administration planned to include defence clauses in the law in order to alleviate the trade's concerns on breaking the law and incurring associated liabilities in case RVD suddenly malfunctioned. Such clauses provided that GV owners or drivers would not be convicted for a malfunctioning of the device if it was proven that adequate steps had been taken to enable safe reversing of GVs and to repair the defect as soon as reasonable.

9. Regarding the trade's view that Hong Kong should not deviate from the international practice by requiring the mandatory installation of RVD on newly registered GVs, some members considered that the environment of each city was different and the overcrowded environment of Hong Kong should be taken into account. In fact, Hong Kong could take the lead in promoting the use of such devices and set a good example in this regard for other countries.

Application of the mandatory installation of RVDs

10. Panel members had discussed the options to require only new GV to be equipped with RVD, existing GVs to be retrofitted with RVDs or to mandate both of the above two options. Some members considered that both new and existing GVs should be installed with RVDs, if the device was demonstrated to be effective in preventing accidents and the installation was technically feasible. Some members considered that the Administration should consider enacting legislating to mandate the installation of RVDs at least on all new GVs in the first phase and on old GVs in the second phase. A few members had asked the Administration to consider the provision of incentives to the vehicle owners for installation of the RVDs if the trade was against the mandatory installation of RVD due to the financial burden to be caused.

11. In June 2011, the Administration advised that given the current state of technology and RVDs available in the market, not all GVs could be fitted with RVDs with the necessary scope of vision. As such, it would be more appropriate to require only new GVs to be equipped with RVDs while encouraging retrofitting of the device on existing GVs because RVDs designed and installed by vehicle suppliers as an integral part of a

new vehicle were more reliable.

Publicity and Education

12. Apart from the mandatory requirement to install RVDs, the Panel also recognized that the safety awareness and driving attitude of drivers were of prime importance in preventing traffic accidents involving reversing vehicles. The Panel had thus urged the Administration to strengthen publicity on road safety awareness for pedestrians, especially the elderly and children. The Panel also requested the Administration to continue to enhance drivers' awareness of reversing safety through public education and publicity.

13. The Administration advised that since 2006, various publicity and education measures targeting at safety of GVs had been undertaken. These included radio announcements, leaflets, specific training and refresher courses, talks organized by the Police regional road safety teams, safety campaign organized by the Road Safety Council and so on. Details of these measures are given in **Appendix I**.

Latest development

14. At the meeting of the House Committee held on 24 January 2014, Members agreed to form a subcommittee to study the Amendment Regulation.

Relevant papers

15. A list of relevant papers is in **Appendix II**.

Publicity and Education for improving behaviour of GV drivers

Since late 2006, the following publicity and education activities / events have been undertaken:

- (a) A radio Announcement of Public Interest reminding goods vehicle drivers about safe reversing has been broadcast on a regular basis;
- (b) A leaflet to remind drivers, vehicle owners, shop and factory owners as well as pedestrians on actions that they can take to enhance safety in respect of reversing vehicles has been distributed through the goods vehicle trades, district offices, car parks and TD's licensing offices and vehicle examination centres;
- (c) TD and the Police have conveyed safety messages to the goods vehicle trades through meetings, talks and seminars;
- (d) TD, in conjunction with other institutions, has organized specific training and refresher courses as well as safety workshops and driving safety seminars for drivers of public service vehicles and goods vehicles;
- (e) The Police regional road safety teams have organized talks at elderly centres, kindergartens and schools in order to reach the senior citizens and children who are the high-risk groups in traffic accidents; and
- (f) The Road Safety Council has launched Campaigns such as "Safe Driving Campaign for Goods Vehicles Drivers". The main objective of this publicity activity was to reduce traffic accidents involving goods vehicles by raising road safety awareness.

List of relevant papers

Date of meeting	Panel	Minutes/Paper	LC Paper No.
24.10.2006	Panel on Transport("TP")	Administration's paper on measures to enhance safety of reversing goods vehicle	CB(1)110/06-07(04) http://www.legco.gov.hk/yr06-07/english/panels/tp/papers/tp1024cb1-110-4-e.pdf
		Minutes of meeting	CB(1)294/06-07 http://www.legco.gov.hk/yr06-07/english/panels/tp/minutes/tp061024.pdf
25.5.2007	TP	Administration's paper on measures to enhance safety of reversing goods vehicle	CB(1)1611/06-07(04) http://www.legco.gov.hk/yr06-07/english/panels/tp/papers/tp0525cb1-1611-4-e.pdf
		Follow up papers	CB(1)1970/06-07(01) http://www.legco.gov.hk/yr06-07/english/panels/tp/papers/tp0525cb1-1970-1-e.pdf CB(1)2177/06-07(01) http://www.legco.gov.hk/yr06-07/english/panels/tp/papers/tp0525cb1-2177-1-e.pdf CB(1)2294/06-07(01) http://www.legco.gov.hk/yr06-07/english/panels/tp/papers/tp0525cb1-2294-1-e-scan.pdf

Date of meeting	Panel	Minutes/Paper	LC Paper No.
			CB(1)2386/06-07(01) http://www.legco.gov.hk/yr06-07/english/panels/tp/papers/tp0525cb1-2386-1-e.pdf CB(1)491/07-08(01) http://www.legco.gov.hk/yr06-07/english/panels/tp/papers/tp0525cb1-491-1-e.pdf
		Minutes of meeting	CB(1)2021/06-07 http://www.legco.gov.hk/yr06-07/english/panels/tp/minutes/tp070525.pdf
24.6.2011	TP	Administration's paper on measures to enhance safety of reversing goods vehicles	CB(1)2514/10-11(03) http://www.legco.gov.hk/yr10-11/english/panels/tp/papers/tp0624cb1-2514-3-e.pdf
		Minutes of meeting	CB(1)2950/10-11 http://www.legco.gov.hk/yr10-11/english/panels/tp/minutes/tp20110624.pdf
24.5.2012	TP	Administration's paper on requirement for installing reversing video device on newly registered goods vehicles	CB(1)1923/11-12(03) http://www.legco.gov.hk/yr11-12/english/panels/tp/papers/tp0524cb1-1923-3-e.pdf

Date of meeting	Panel	Minutes/Paper	LC Paper No.
		Minutes of meeting	CB(1)2511/11-12 http://www.legco.gov.hk/yr11-12/english/panels/tp/minutes/tp20120524.pdf

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