

**LEGISLATIVE COUNCIL BRIEF**

**Road Traffic Ordinance (Cap. 374)**

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

**INTRODUCTION**

On 10 January 2014, by virtue of section 9 of the Road Traffic Ordinance (Cap. 374) (“the Ordinance”), the Secretary for Transport and Housing made the Road Traffic (Construction and Maintenance of Vehicles) (Amendment) Regulation 2014 (“the Regulation”) (at **Annex**) to require a goods vehicle first registered on or after 1 October 2014 to be equipped with a reversing video device (“RVD”), with a view to enhancing safety when goods vehicles are reversing.

**JUSTIFICATIONS**

2. The existing regulation 39 of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (“Cap. 374A”) stipulates the installation and maintenance requirement of reflecting mirrors. The regulation requires the mirrors to be so constructed and fitted to the vehicle as to assist the driver, if he so desires, to become aware of the traffic to the rear and on both sides rearwards. However, there are blind spots that the driver cannot detect at the rear of a vehicle, especially when a goods vehicle is loaded with goods. This may pose a risk to the traffic and pedestrians at the rear.

3. In 2000, regulation 38 of Cap. 374A was amended to require the installation of an automatic audible warning device to help warn pedestrians and other vehicles of the approach of a reversing goods vehicle.

4. RVD may also be installed to assist the driver in reversing a goods vehicle. RVD basically consists of a camera unit, a visual display unit, and the necessary connecting cables to each other and the power supply. A guideline containing the relevant specifications was issued in 2007 to facilitate the voluntary installation of RVD. RVD is increasingly installed on goods vehicles on a voluntary basis.

5. To further enhance the safety of reversing goods vehicles, legislative amendments are now introduced to require mandatory installation of RVD in addition to mirrors and the audible warning device.

## **THE REGULATION**

6. The key provisions of the Regulation are to -

- (a) require every new goods vehicle (except tractors of a certain type and trailers) first registered after the commencement date of the Regulation to be fitted with RVD;
- (b) specify the installation and performance requirements of RVD;
- (c) include a defence for contravention of the requirement that RVD be maintained in good working order; and
- (d) exclude a camera unit of RVD from being taken into account when determining the vehicle's overall length.

## **LEGISLATIVE TIMETABLE**

7. The Regulation will be gazetted on 17 January 2014 and tabled at the Legislative Council on 22 January 2014 for negative vetting. It will come into operation on 1 October 2014.

## **IMPLICATIONS**

8. The Regulation is in conformity with the Basic Law, including provisions concerning human rights. It does not affect the current binding effect of the Ordinance. The Regulation has no financial, civil service,

economic, productivity, environmental or sustainability implications. The cost of RVD is very small in comparison to the cost of a new goods vehicle.

## **CONSULTATION**

9. Vehicle suppliers, RVD suppliers and vehicle body builders had been consulted. Their views were that goods vehicles could generally be fitted with RVDs to provide the required vision area, and that there were good quality and reliable RVDs on the market. Vehicle suppliers indicated their readiness to source suitable RVDs and provide the necessary technical support for their customers.

10. The goods vehicle trade, namely the trucking industry associations and goods vehicle drivers associations, generally resisted mandatory installation, mainly because of their concern over the reliability of RVD and the insurance and legal liabilities when RVD malfunctions, as well as the lack of similar statutory requirement in overseas countries. To alleviate the concerns of the trade over the reliability of RVD and the associated liabilities, a clause is included in the Regulation to provide for a defence if it is proven that the defect of the RVD occurred during the journey, or if adequate steps have been taken at the time of the contravention to repair the defect as soon as possible.

11. The installation of RVD was discussed at the Legislative Council Panel on Transport (“the Panel”) in May 2007, June 2011, and May 2012. Members generally supported the proposal to mandate the installation of RVD on newly registered goods vehicles at the meeting in May 2012. Having obtained the Panel’s agreement, TD further discussed with the trade and the vehicle suppliers of the proposal.

## **PUBLICITY**

12. We will issue a press release to inform the public upon gazetting the Regulation. A spokesperson will be available for answering media enquiries.

## **ENQUIRIES**

13. Any enquiries concerning this brief can be directed to Ms Cordelia LAM, Principal Assistant Secretary for Transport and Housing, at 3509 8192.

**Transport and Housing Bureau  
January 2014**

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

(Made by the Secretary for Transport and Housing under section 9 of the Road Traffic Ordinance (Cap. 374))

### 1. Commencement

This Regulation comes into operation on 1 October 2014.

### 2. Road Traffic (Construction and Maintenance of Vehicles) Regulations amended

The Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A) are amended as set out in sections 3 and 4.

### 3. Regulation 2 amended (interpretation)

- (1) Regulation 2, definition of *overall length*, paragraph (d)—

#### Repeal

“and”.

- (2) Regulation 2, definition of *overall length*, paragraph (e)—

#### Repeal

“lamp,”

#### Substitute

“lamp; and”.

- (3) Regulation 2, definition of *overall length*, after paragraph (e)—

#### Add

“(f) any camera unit of a reversing video device.”.

- (4) Regulation 2—

#### Add in alphabetical order

“*reversing video device* (倒車視像裝置) means a device that is designed to be fitted to a vehicle to display to the driver in the driving position a current closed-circuit view of the rear area of the vehicle when the vehicle is reversing or about to reverse;”.

### 4. Regulation 39A added

After regulation 39—

#### Add

#### “39A. Reversing video device

- (1) This regulation applies to a goods vehicle that—
- (a) is first registered on or after 1 October 2014; and
  - (b) is neither—
    - (i) a tractor unit designed primarily to form part of an articulated vehicle; nor
    - (ii) a trailer.
- (2) The vehicle must be fitted with a reversing video device.
- (3) The device must be maintained in good working order.
- (4) The device must be so fitted to the vehicle that—
- (a) it automatically displays a current closed-circuit view of the area specified in paragraph (5) when the vehicle is reversing or about to reverse; and
  - (b) the view is clear to the driver in the driving position, whether in the daytime or at night, except when the visibility is reduced by weather conditions.

- (5) The specified area is the area behind the extreme rear of the vehicle that—
- (a) extends in length to at least 3 200 mm from the extreme rear of the vehicle; and
  - (b) extends in width to at least 500 mm from the outermost part on each side of the vehicle.
- (6) It is a defence in any proceedings for a contravention of paragraph (3) to prove that—
- (a) the defect occurred in the course of the journey during which the contravention was detected; or
  - (b) at the time when the contravention was detected, steps had already been taken to have the defect remedied with all reasonable expedition.”.

  
Secretary for Transport and Housing

10 January 2014

### Explanatory Note

This Regulation adds a new regulation 39A to, and amends regulation 2 of, the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A).

2. The new regulation 39A provides that every goods vehicle (except a tractor of a certain type and a trailer) first registered on or after 1 October 2014 must be fitted with a reversing video device, so that the driver can, in the driving position, observe the rear area of the vehicle through the device when the vehicle is reversing. The installation and performance of the device must satisfy the requirements set out in that regulation.
3. The amendments to regulation 2 are to exclude any camera unit of a reversing video device from being reckoned in the calculation of *overall length* as defined in that regulation and to add a new definition of *reversing video device*.