

立法會
Legislative Council

LC Paper No. CB(1)2134/99-00

(These minutes have been seen
by the Administration and
cleared with the Chairman)

Ref: CB1/BC/12/99/2

Bills Committee on
Road Traffic Legislation (Amendment) Bill 2000

Meeting on
Monday, 5 June 2000, at 2:30 pm
in Conference Room A of the Legislative Council Building

Members present : Hon CHAN Kwok-keung (Chairman)
Ir Dr Hon Raymond HO Chung-tai, JP
Hon Bernard CHAN
Hon CHAN Kam-lam
Hon Howard YOUNG, JP
Hon LAU Kong-wah
Hon Mrs Miriam LAU Kin-yee, JP
Hon CHOY So-yuk

Members absent : Hon Andrew WONG Wang-fat, JP
Hon Andrew CHENG Kar-foo

Public officers attending : Miss Margaret FONG
Deputy Secretary for Transport

Mr Robert FOOTMAN
Commissioner for Transport

Mr Brian LO
Principal Assistant Secretary for Transport

Mr Thomas THUMB
Assistant Commissioner for Transport/
Technical Services

Mr William TANG
Chief Superintendent of Police, Traffic

Mr W L CHEUNG
Government Counsel

Attendance by invitation : **CTOD Association Company Ltd.**

Mr CHUM Yau-chung
Chairman

HK, Kln & NT Public & Maxicab Light Bus Merchants' United Association

Mr LEUNG Hung
Chairman

Mr TAM Chun-tat
Vice Chairman

HK Public & Maxicab Light Bus United Association

Mr WONG Sui-fun
Chairman

LANTAU Taxi Association

Mr NG Kam-jiu, Simon
Chairman

Mixer Truck Drivers Association

Ms LAI Mui-ching
General Secretary

N.W. Area Taxi Drivers & Operators Association

Mr WONG Wing-chung
Chairman

Tang's Taxi Companies Association Ltd.

Mr TANG Pak-wing
Chairman of Committee Board

United Friendship Taxi Owners & Drivers Association Ltd.

Mr AU Yeung-kan
Chairman

**Urban Taxi Drivers Association Joint Committee Co.
Ltd.**

Mr KWOK Chi-piu
Chairman

Clerk in attendance : Mr Andy LAU
Chief Assistant Secretary (1)2

Staff in attendance : Miss Connie FUNG
Assistant Legal Adviser 3

Miss Irene MAN
Senior Assistant Secretary (1)9

I Meeting with the deputations

The Chairman welcomed the deputations to the meeting.

Presentation of views by deputations

CTOD Association Company Ltd.

2. Mr CHUM Yau-chung of the CTOD Association Company Ltd opined that with the improved performance of motor vehicles, the existing speed limits of some of the road sections in Hong Kong might have become too low. He suggested that the general maximum speed limit of 50 km/h for roads in Hong Kong should be relaxed to a higher level. Only under very special circumstances should the speed limit of such roads be lowered again to 50 km/h. In that case, the Administration would have to justify each case on its own merits. Mr CHUM also pointed out that under the existing legislation, a maximum speed of 70 km/h was imposed on medium and heavy goods vehicles. However, appropriate traffic signs were not erected to advise motorists. In view of the foregoing, he requested that the proposal to increase the penalty levels for speeding offences should be withheld, pending a review on the speed limits of roads and the completion of installation of regulatory signs to forewarn motorists.

(*Post-meeting note:* Submission provided by CTOD Association Company Ltd tabled at the meeting was subsequently issued to members vide LC Paper No. CB(1)1791/99-00.)

HK Public & Maxicab Light Bus United Association
(LC Paper No. CB(1)1746/99-00(01))

3. Mr WONG Sui-fun of the HK Public & Maxicab Light Bus United Association indicated that his Association was in support of the Administration's proposal to increase the penalty levels for serious speeding offences provided that the speed limits of roads were set at reasonable levels. He however pointed out that the majority of the existing speeding offences were caused by the existence of speed traps due to the unrealistic speed limits on certain road sections and the lack of warning signs to advise motorists of abrupt changes in speed limits ahead. Under such circumstances, it was unfair to increase the penalty levels for the more serious speeding offences. He urged the Administration to relax the speed limits of roads with a speed limit of 50 km/h and 70 km/h and to install sufficient traffic signs to advise motorists of the road conditions.

LANTAU Taxi Association

4. Mr NG Kam-yiu of the LANTAU Taxi Association considered the existing speed limits of South Perimeter Road and Cheung Tung Road unreasonably low. He requested the Administration to relax the speed limits of these two roads.

Mixer Truck Drivers Association
(LC Paper No. CB(1)1746/99-00(03))

5. Ms LAI Mui-ching of the Mixer Truck Drivers Association pointed out that whilst supporting the proposal to increase the penalty levels for the more serious speeding offences, she considered it necessary to review the speed limits of roads in Hong Kong and to install adequate warning signs including yellow bar road markings at locations where a significant reduction in speed limit was involved. With the advent in road design and construction and improved vehicle design, the maximum speed of 70k m/h for medium and heavy goods vehicles should be relaxed to 80 km/h. She pointed out that in some cases, the setting of unrealistic speed limits might lead to more traffic accidents.

N.W. Area Taxi Drivers & Operators Association

6. Mr WONG Wing-chung of the N.W. Area Taxi Drivers & Operators Association said that the Association was generally in support of the Administration's proposal to increase the penalty levels for the more serious speeding offences. They however requested the Administration to review the speed limit structure in Hong Kong. In this regard, he considered a three-tier structure (60/80/100) most suitable for the environment of Hong Kong. He also urged the Administration to improve the transparency in enforcement and exercise some degree of flexibility in the course of enforcement given the unrealistic speed limits of roads in Hong Kong. He felt dissatisfied about the enforcement actions taken by the Police in the vicinity of Fairview Park where the roads were straight with low density of vehicles and pedestrians. He also highlighted the problems associated with the setting of unrealistic speed limits which might be counter-productive in terms of road safety.

Tang's Taxi Companies Association Ltd.

7. Mr TANG Pak-wing of the Tang's Taxi Companies Association Ltd. highlighted the potential danger of a sudden drop of the speed limit from 100 km/h to 80 km/h. Given the variation in driving skills between professional drivers and normal drivers, he enquired if different treatment could be adopted in the course of enforcement.

United Friendship Taxi Owners & Drivers Association Ltd.

8. Mr AU Yeung-kan of the United Friendship Taxi Owners & Drivers Association Ltd. indicated his support to the Administration's proposal to increase the penalty levels for the more serious speeding offences. He however expressed concern about the low speed limits of certain road sections in Hong Kong. For example, Kwun Tong Road outside Lower Ngau Tau Kok Estate and Ma On Shan Road near Heng On Estate. He pointed out that the Administration should review the speed limits of such roads before introducing revised penalties for speeding offences, otherwise, the interest of motorists would be jeopardized.

Urban Taxi Drivers Association Joint Committee Co. Ltd.

(LC Paper No. CB(1)1746/99-00(04))

9. Mr KWOK Chi-piu of the Urban Taxi Drivers Association Joint Committee Co. Ltd. indicated his support to the Administration's proposal to increase the penalty levels for the more serious speeding offences. He however queried the effectiveness of the speed limit review conducted by the Administration. He pointed out that the Administration was not sincere in relaxing the speed limits of roads as was demonstrated in the result of the review. Presently, the majority of motorists tended to drive at a speed of 70 km/h on certain road sections with a speed limit of 50 km/h. This reflected poorly on the part of the Administration as they failed to pitch the speed limits at appropriate levels. He requested the Administration to seriously review the speed limits of roads in Hong Kong as prosecution under such circumstances was unfair to motorists.

HK, Kln & NT Public & Maxicab Light Bus Merchants' United Association

10. Mr LEUNG Hung and Mr TAM Chun-tat of the HK, Kln & NT Public & Maxicab Light Bus Merchants' United Association opined that they were in support of the Administration's proposal to increase the penalty levels for the more serious speeding offences. However, they considered that there were inadequate traffic signs to advise motorists of abrupt changes in speed limits ahead. They also observed that the Police had recently targeted its speeding enforcement actions against public light buses. They hoped the Police would avoid focusing on a particular type of vehicle to ensure fairness.

Deputations' responses to members' questions

11. Referring to the Administration's reply that an across-the-board revision of the speed limit for roads in the urban areas from 50 km/h to 60 km/h in the Hong Kong

environment would have road safety implications, Mr LAU Kong-wah sought the views of the deputations in this regard. Mr AU Yeung-kan responded that the setting of unrealistic speed limits would also have safety implications as frequent lane changing activities would be resulted. Mr KWOK Chi-piu pointed out that the general speed limit of roads in Hong Kong should be revised from 50 km/h to 70 km/h. Only under very special circumstances should the speed limits of such roads be lowered to 50 km/h. Ms LAI Mui-ching however held a different view. She considered that the speed limits of roads should be pitched at the right levels. Given that Hong Kong was a very crowded city with high density of vehicles and pedestrians in the urban built-up area, it might not be appropriate to pitch the general speed limit of roads at 70 km/h.

12. The deputations highlighted the abrupt changes of speed limits at the following sections of roads and requested the Administration to review the matter and put in place yellow bar road markings with sufficient warning signs there to advise motorists:

- (a) the toll plaza on North Lantau Highway; and
- (b) the toll plaza on Route 3.

13. The Chairman thanked the deputations for attending the meeting.

II Meeting with the Administration

(LC Paper No. CB(1)1746/99-00(06))

Responses to views expressed by the deputations

14. In response to the views expressed by the deputations, the Deputy Secretary for Transport (DS for T) said that the legislative proposal to increase the penalty levels for speeding offences had been discussed for more than two years. In response to the views expressed by the interested parties including the transport trade, the Administration had revised the proposal and reviewed the speed limits of some 40 major road sections in Hong Kong. Under the existing proposal, the penalties for the less serious speeding offences would remain unchanged.

15. DS for T said that she was pleased to note the general support for heavier penalties for excessive speeding as such driving behaviour imposed serious threats on other road users including both drivers, pedestrians and passengers.

16. On the speed limit structure in Hong Kong, DS for T said that speed limits in Hong Kong varied with the type of roads. In general, the limits were 50 km/h for the vast majority of urban roads, 70 or 80 km/h for main roads outside built-up areas and 100 km/h for high standard expressways. A consultancy study in 1999 concluded that the speed limit structure adopted in Hong Kong generally accorded with international practices, and recommended that the present speed limit structure was suitable and that no changes should be made. She added that Hong Kong was a very crowded city with high density of vehicles and pedestrians in the urban built-up areas. An across-the-board revision of the speed limit for roads in the urban areas from 50

km/h to 60 or 70 km/h would have road safety implications. Indeed, the general maximum speed limit of 50 km/h for roads in urban areas in Hong Kong was in line with the international practice. An overwhelming majority of European, North American and Asian countries also adopted 50 km/h as the general speed limit for roads in their urban areas.

17. DS for T pointed out that whilst the driving skill of individual drivers might vary, it would be most desirable for drivers to comply with the statutory speed limits so as to safeguard the interest of all road users including motorists, pedestrians and passengers.

18. On the provision of regulatory and warning signs, DS for T said that the Administration would identify road sections where it could place yellow bar road markings or other appropriate signs to give advance warning to drivers of the reduction in speed limits.

19. Regarding the driving attitudes of motorists, DS for T advised that in the coming few months, the Administration would launch a series of publicity programmes to arouse the awareness of drivers on road safety, particularly the driving attitude and the proper ways in driving.

20. On the speed limit review of Ma On Shan Road near Heng On Estate, DS for T said that a new road project affecting the concerned road section would commence in 2000. The speed limit of that section would be reviewed after the project had been completed. Regarding Kwun Tong Road between Ngau Tau Kok Road and Hong Tak Road, she said that the Administration would review the speed limit of the road upon the restructuring of the bus stops there. As regards Cheung Tung Road, she said that its design speed was 50 km/h. Having regard to the environment of the road section, it was considered not appropriate to relax the speed limit of the road for safety reasons. Regarding roads on the Chek Lap Kok Peninsula, they were under the jurisdiction of the Airport Authority (AA). The Transport Department had examined the subject matter with AA and the latter, having regard to the road environment, considered it not appropriate to relax the speed limit of the road.

21. The Chief Superintendent of Police, Traffic (CS of P) added that the setting of speed limit was subject to detailed examination by professionals in the Transport Department. The Police would take necessary actions to enforce this driving rule in a strict manner. He expressed worries as the trade seemed to be indicating that speeding in some circumstances was reasonable and that the Police should be flexible in taking enforcement actions against speeding offences. He stressed that non-compliance with statutory speed limits was very dangerous and could lead to serious accidents.

22. On enforcement method, CS of P advised that to improve the transparency in enforcement, advisory signs about the installation of automated speeding enforcement cameras along the roads had been installed to forewarn motorists. He stressed that it was not the intention of the Police to issue as many fixed penalty tickets against speeding as possible. Rather, they would prefer to see a reduction in the related

prosecution figures as this would imply that the problem was under control.

23. As regards the allegation that the enforcement action of the Police seemed to be targeted at a particular class of vehicles, CS of P emphasized that there was no question of Police's targeting at a particular class of vehicles. The Police was concerned about the frequent occurrence of traffic accidents involving a particular class of vehicles, and hence, enforcement actions would be taken to enhance road safety.

Responses to questions raised by members

24. Miss CHOY So-yuk highlighted a number of "speed traps" where motorists might be easily caught by the Police for speeding, particularly on Sundays and Public Holidays when the traffic was less heavy. She requested the Administration to provide the related prosecution figures. She also urged the Administration to target their operations at accident black spots instead.

25. As regards the proposal to introduce a separate speed limit structure on Sundays and Public Holidays, DS for T advised that it might lead to further confusion as additional speed limit categories would need to be introduced. As an alternative, the Administration would continue to identify road sections where advance warning signs or road markings should be placed as appropriate.

26. On the method of enforcement, CS of P said that the Police would not normally take action against minor speeding. However, the tolerance level varied from place to place. It would be very dangerous if motorists chose to drive at a speed which they themselves considered appropriate, resulting in frequent lane changing activities which would hamper the safety of other road users.

27. Mr LAU Kong-wah pointed out that should the speed limit of a particular road section be unrealistic, it would create further problem if the related speeding enforcement action was stepped up. He then highlighted the speed check at Tai Chung Kiu Road and queried why the speed limit of the road was not relaxed, given that it had the support of both the District Council and the general public. He requested further information on the before and after situation relating to the number of traffic accidents of road sections whose speed limits were relaxed in 1997 and 1998.

28. DS for T undertook to provide the required information. She remarked that in 1999, the Administration completed the review of speed limits on some 40 major road sections, and the speed limits on 19 road sections had been revised in stages. A preliminary assessment indicated that only two road sections, namely Lung Cheung Road and Yuen Long Highway, recorded an increase in traffic accidents after relaxation. However, it was too early at this point to carry out any meaningful surveys of the "after" situation on these road sections as the traffic patterns had yet to be fully stabilized and the traffic accident data available were for a limited period only.

(*Post meeting note* : The Administration advised that the Transport Department reviewed the speed limit of about 60 road sections in the territory in 1997 and

1998. The majority of the reviews were completed in late 1998/early 1999, new speed limits on most of the roads and expressways had hence been implemented only since March 1999).

29. CS of P advised that in 1999, 36 traffic accidents including two serious accidents occurred at Tai Chung Kiu Road. For the first five months of 2000, 17 accidents occurred killing one person. With the benefit of these figures, it would help consider whether it was appropriate to relax the speed limit of the road. Mr LAU Kong-wah remarked that there was a need to examine the contributory factors of the accidents before any meaningful analysis could be drawn from the figures.

30. Citing the case of Tuen Mun Road between Sham Tsang Interchange and Wong Chu Road where the speed limit was relaxed from 70 km/h to 80 km/h, Mrs Miriam LAU opined that traffic movements had improved a lot since the relaxation. She therefore stressed the importance of pitching the speed limits of roads at appropriate levels. She also expressed grave concern about the effectiveness of the speed limit review conducted by the Administration. She pointed out that the findings of the review were not accepted by the transport trade and the general public at large. Given the circumstances, she asked if the Administration had taken due consideration of the views expressed by the transport trade. She also opined that as a matter of principle, the standard speed limits of certain road sections should be set at 70 km/h. Only under very special circumstances should the speed limits of such roads be lowered to 50 km/h. In that case, the Administration would have to justify each case on its own merits.

31. On the speed limit review, DS for T advised that the Administration maintained close contact with the transport trade and welcomed any suggestions from them. Regarding the relaxation of speed limits on individual roads, she said that the Administration would examine each case on its own merits. During the review of speed limits in 1999, the Administration commissioned the Transport Research Laboratory (TRL) in the United Kingdom, an independent leading transport research establishment in the world, to carry out a Study on the Speed Limits in Hong Kong. The purpose of the consultancy was to research into the latest overseas practices of major countries for reviewing Hong Kong's current speed limit standards/practices and to ascertain whether the speed limit structure was best fitted for Hong Kong. The Study concluded that the speed limit structure adopted in Hong Kong generally accorded with the international practice, and TRL recommended that the present speed limit structure was suitable and that no changes should be made.

32. Mrs Miriam LAU pointed out that the trade had indicated that the imposition of a general maximum speed for medium and heavy vehicles had resulted in frequent lane changing activities. She asked if the Administration intended to relax this regulation. DS for T advised that the Administration was examining the subject matter, taking into account all relevant factors into consideration such as the advent in construction and improved performance of medium and heavy vehicles, and the age of the existing fleet in Hong Kong.

33. Miss CHOY So-yuk requested the Administration to provide details of the

enforcement action taken by the Police on speeding offences in the last six months.

(*Post meeting note* : The Administration advised that given the time constraint, the Police was not able to compile the necessary statistics on the number of enforcement actions taken in the period on speeding offences).

34. Mr LAU Kong-wah enquired whether speeding in excess of 45 km/h would constitute dangerous driving. CS of P advised that speeding alone might not constitute dangerous driving. There were other relevant factors to consider. He also confirmed that the speeding enforcement cameras mounted for the purpose could not be used for assessing the driving attitude and behaviour of a motorist for the purpose of establishing dangerous driving.

35. Mrs Miriam LAU stressed that the transport trade was in support of the principle to impose heavier penalties for serious speeding offences. However, in view that the existing speed limits on certain road sections had not been rationalized and that adequate warning signs were not in place to forewarn motorists of abrupt changes in speed limits ahead, she requested the Administration to consider withdrawing the legislative proposal and re-introducing the Bill for members' scrutiny when everything was in order. After all, speeding offences were already subject to penalties as stipulated in the current legislation.

36. DS for T advised that the legislative proposal had been examined for more than two years. In 1999 and 2000, the Administration received suggestions from the public, including Members of the LegCo and the transport trade, to review the speed limits of 18 road sections, four of which had been relaxed accordingly. There was also rising concern about the occurrence of traffic accidents caused by speeding. Given that there was general support for heavier penalties for excessive speeding, the issue at stake was merely about the relaxation of the speed limits of a very few number of road sections. On the provision of regulatory signs, the Administration had identified a number of priority road sections covering major highways and approaches to road tunnels where "reduce speed" signs and yellow bar road markings or other appropriate markings should be placed. DS for T remarked that the new legislation was intended to take effect on 1 January 2001. By then, the installation works of road signs and the painting of road markings would have been completed. Given that the Bill should come into operation on a day to be appointed by the Secretary for Transport by notice in the Gazette which was a subsidiary legislation subject to negative vetting of the Legislative Council, she appealed to members for support of the Bill at this stage.

37. The Commissioner for Transport remarked that the present proposal had been discussed for more than two years. Over the periods, the Administration had revised the proposal, taking into account views expressed by the transport trade and Members of the Council. Significant progress had been made. However, in order to provide the necessary deterrent effect, there was a need to revise the penalty levels for the more serious speeding offences. This could alert motorists that speeding would lead to an increase in fatalities in traffic accidents and should be strictly prohibited. He said that the debate on the appropriateness of pitching the speed limit of a particular

road section at a particular level was unlikely to ever come to an end. Whilst welcoming any suggestions from the transport trade or the general public, the review on speed limits had to be conducted in a cautious manner to ensure road safety. On the installation of regulatory signs, the Administration would continue with the related work.

38. Mrs Miriam LAU clarified that she had no intention, whatsoever, of deferring the passage of the Bill. She emphasized that she was in support of the spirit of imposing heavier penalties for the more serious speeding offences. However in view of the wide public concern about the setting of unrealistic speed limits, she considered it necessary to review the speed limits of certain road sections and to install adequate warning signs to forewarn motorists before revising the penalties for serious speeding offences. Given that the new legislation was intended to take effect on 1 January 2001, she urged the Administration to speed up the preparatory work in support for the passage of the Bill and re-introduce the Bill for members' scrutiny when the related work was completed.

39. The Chairman sought members' view on the proposal put forward by Mrs LAU.

40. Mr LAU Kong-wah said that the decision to resume the Second Reading debate on a Government's Bill rested with the Administration. Upon resumption, it was then a matter for Members to decide whether or not they supported the Bill. He shared Mrs LAU's view that even if members had different views on the Administration's proposal, it did not mean that they were against the principle of imposing heavier penalties for the more serious speeding offences. In fact, penalties were already in place to penalize offenders of serious speeding.

41. Miss CHOY So-Yuk opined that in view of the fact that speed limits on certain road sections were unrealistic and there was a lack of warning signs to advise motorists of abrupt changes in speed limits ahead, she found it difficult to pass the Bill at this stage. She pointed out that even though the proposal was raised by the Administration for more than two years, not much had been done over the period. She also pointed out that the high accident rate in Hong Kong might be attributable to the inadequate provision of directional signs in Hong Kong. She requested the Administration to review the matter.

42. DS for T took note of members' concerns. She reiterated that the Administration was committed to providing a safe environment for motorists. The speed limits would be pitched at appropriate levels. Warning signs and markings on selected sections of roads would be in place by the end of the year. The Administration would maintain close contact with the transport trade.

43. After deliberation, members agreed to defer consideration of Mrs LAU's proposal, pending further information from the Administration. The next meeting was scheduled for 9 June 2000 at 8:30 am.

(Post meeting note : Additional information was provided by the

Administration vide LC Paper No. CB(1) 1817/99-00)

III Any other business

44. There being no other business, the meeting ended at 5:10 pm.

Legislative Council Secretariat

29 September 2000