

立法會
Legislative Council

LC Paper No. CB(1)2135/99-00
(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
Friday, 9 June 2000, at 8:30 am
in the Chamber of the Legislative Council Building

- Members present** : Hon CHAN Kwok-keung (Chairman)
Ir Dr Hon Raymond HO Chung-tai, JP
Hon CHAN Kam-lam
Hon Andrew WONG Wang-fat, JP
Hon Howard YOUNG, JP
Hon LAU Kong-wah
Hon Mrs Miriam LAU Kin-yeet, JP
Hon Andrew CHENG Kar-foo
- Members absent** : Hon Bernard CHAN
Hon CHOY So-yuk
- Public officers attending** : Miss Margaret FONG
Deputy Secretary 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
- Ms Carmen CHU
Senior Government Counsel

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 Administration
(LC Paper Nos. CB(1)1682/99-00(01) and 1746/99-00(06))

At the invitation of the Chairman, the Deputy Secretary for Transport (DS for T) briefed members on the information paper tabled at the meeting which set out the Administration's response to the information requested by members concerning traffic accident and speeding enforcement records.

(Post-meeting note: The information paper tabled at the meeting was circulated vide LC Paper No. CB(1)1817/99-00 for members' retention.)

Case study at Tai Chung Kiu Road

2. Citing Tai Chung Kiu Road as an example, which was a dual-three lane carriageway with a straight alignment, members queried why the speed limit of the road could not be relaxed from 50 km/h to 70 km/h. They pointed out that Tai Chung Kiu Road was not an isolated case. There were other cases where the speed limits were set too low which might have contributed to the seriousness of speeding offences in Hong Kong. Referring to the contributory factors of the traffic accidents on Tai Chung Kiu Road, Mrs Miriam LAU noticed that only one driver was found to have driving too fast but three driving too close to vehicle in front, thereby leading to traffic accidents. She therefore enquired whether there was a relationship between the setting of unrealistic speed limits and the occurrence of the driving behaviour of driving too close to vehicle in front.

3. DS for T explained that in general, 50 km/h was the standard speed limit on roads in the built-up areas including those in the New Territories. This 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. She advised that the Administration had indeed examined the feasibility of relaxing the speed limit on Tai Chung Kiu Road. However, having regard to the design speed and environment of the road section, the presence of signalized junctions and pedestrian crossing facilities, the prevailing speed adopted by the majority of drivers of light vehicles during off-peak period (i.e. 85th percentile

vehicle speed), and the accident history of the road section, the Administration considered that it was not appropriate to relax the speed limit of the road at this stage. Also, increase in speed limit over different stretches of the road was not recommended for reasons of consistency.

4. The Chief Superintendent of Police (Traffic) (CS of P) advised that many traffic accidents were attributed to speed itself. For example, driving too close to vehicle in front was indeed caused by drivers' unwillingness to reduce speed; overtaking implied that drivers were travelling at different speeds on the same lane; careless lane changing meant poor control of vehicle which was generally operated at high speed. As such, speed-related accidents were not only confined to the driving behaviour of driving too fast. In the past five years, there were a total of 1,200 fatal traffic accidents with over 17,000 people seriously injured. The proposed increase of penalties for serious speeding offences could alert motorists that speeding was strictly prohibited and, in turn, would help promote greater awareness of road safety.

5. On enforcement action against driving too close to vehicle in front, CS of P advised that the Police would deploy ordinary private cars equipped with video recording functions for the purpose. The Police would observe the suspected vehicle for a short while before taking enforcement and prosecution actions.

6. Mr LAU Kong-wah requested the Administration to provide information about the number of fixed penalty tickets issued for speeding offences on Tai Chung Kiu Road. He opined that prosecution figures of individual roads might help examine the reasonableness of the speed limits so imposed.

7. CS of P said that since the Police had taken enforcement actions against speeding offences in as many as 167 spots in the past six months throughout Hong Kong, he was unable to provide the information within such a short time. However, he would be able to provide the information of the enforcement actions against the speeding offences on Tai Chung Kiu Road as requested.

8. CS of P further remarked 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. However, he expressed worries as the trade seemed to be indicating in the previous meeting that speeding in some circumstances was reasonable and that the police should be flexible in taking enforcement action against speeding offences. He stressed that non-compliance of statutory speed limits was very dangerous and could lead to serious accidents.

9. Mr LAU Kong-wah remarked that the trade was not saying speeding was reasonable but was merely pointing out some unreasonable speed limits on certain road sections. Mrs Miriam LAU added that the trade was not solely concerned about their own interest but also the safety of the travelling commuters and other road users. She enquired whether the Administration had explored the causes behind certain driving behaviour, say whether overtaking was due to the setting of unreasonable speed limits. Taking Tuen Mun Road as an example, she said that careless lane

changing seldom occurred after the relaxation of the speed limit from 70 km/h to 80 km/h. She believed that pitching speed limits at reasonable levels would in a way help reduce traffic accidents. The Administration should therefore review carefully the existing speed limit of 50 km/h in certain road sections. The Chairman also clarified that the Bills Committee was in support of the proposal to increase the penalty levels for serious speeding offences. Members were however concerned about the existence of road traps due to the unrealistic speed limits on certain road sections and the lack of warning signs to advise drivers of abrupt changes in speed limits ahead.

Speed limit review

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10. In order to allay members' concerns, DS for T undertook to review the speed limits of all newly built roads in Ma On Shan, Tseung Kwan O and Tin Shui Wai new towns.
 11. Apart from Tai Chung Kiu Road, Mr LAU Kong-wah enquired whether the Administration would also review again the speed limits of the 40 major road sections once considered in 1998 and 1999. He also requested the Administration to clarify whether there was a correlation between the increase of traffic accidents and the relaxation of speed limits.
 12. DS for T advised that in 1997, the Transport Department received suggestions to review the speed limits of five roads. The speed limits of the roads were maintained after a detailed examination. In 1998, most of the suggestions about speed limits were received at the end of the year and the relaxation of the speed limits on some of the road sections were only implemented in early 1999. As such, there was not much information about the traffic accident figures since the relaxation of the speed limits in 1999.
 13. As for the review of the speed limits of some 40 major road sections once considered in 1998 and 1999, DS for T explained that the speed limits of 19 of them had been relaxed already. She advised that the majority of the roads with the speed limits unchanged after review were already operating at 70 km/h or more. The Administration would however review eight roads with a speed limit of 50 km/h again in the coming exercise.
 14. Mrs Miriam LAU sought clarification about the scope of the speed limit review. She considered that the review should include all new roads outside urban centres and in the periphery of new towns. As a matter of principle, she opined that the standard speed limits of such roads 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.
 15. Dr Raymond HO pointed out that in reviewing the speed limits of roads, it seemed that the Administration had failed to consider such technical factors as the vertical curvature, the horizontal curvature and the super elevation of the road section, as well as the availability of traffic lights and other pedestrian crossings. He

emphasized that Tai Chung Kiu Road was taken only as an example of unreasonable speed limits which required review. He sought further clarification from the Administration on whether all the road sections in the periphery of new towns would be reviewed and not just the road sections built in the 90s.

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16. DS for T advised that the Administration undertook to review the speed limits of the road sections built in the 90s because they were relatively new with improved designs. For road sections in the periphery of new towns, the Administration referred to the road sections leading to the three new towns and not those in the town centres. Although most of the road sections built in the 80s had already been reviewed in the 1998/99 review, she reiterated that the Administration would review again all the road sections with a speed limit of 50km/h in the periphery of the new towns including the eight road sections once considered in the 1998/1999 review. In this respect, the Administration would provide a list of trunk roads and primary distributors which were subject to review at the next meeting. In case the speed limits of such roads could not be relaxed to 70km/h, the Administration would also provide detailed justifications for their decision.

17. Mr Andrew WONG shared members' concern over the unreasonable speed limits of certain road sections, for example, Prince Edward Road near San Po Kong. He urged the Administration to carry out the review seriously.

18. DS for T pointed out that despite the fact that there might be different views on the speed limits of certain road sections, there had not been any dispute over the need to impose heavier penalties for serious speeding offences. She emphasized that different parties might have different views on the speed limit of a certain road section and sought members' understanding that even though the speed limit of a certain road section had not been relaxed, the Administration had already taken a conscientious review on it.

Installation of signs and road markings

19. Dr Raymond HO requested the Administration to alert drivers to reduce speed in appropriate spots when they turned from the Lion Rock Tunnel Road, which was a trunk road designed for 80km/h, to Tai Chung Kiu Road, which was a primary distributor. He suggested that flashing lights be installed to alert drivers to reduce speed for there were traffic lights ahead. DS for T advised that the Administration would install appropriate warning signs and road markings for drivers turning from highways or expressways into slip road sections and then into the urban road sections.

20. Apart from the 18 road sections listed in Annex B of LC Paper No. CB(1) 1817/99-00, Mrs Miriam LAU requested the Administration to erect warning signs and to paint road markings between highways and slip road sections where there was a major reduction of speed limit. She also suggested that warning signs to advise motorists to reduce speed should be installed at slip roads leading away from highways where change of speed limits took place. Besides, when drivers turned from a trunk road to a slip road with a lower speed limit, the drivers might not be able to reduce speed in time. As such, she enquired whether the Administration would consider

relaxing the speed limit of slip roads.

21. DS for T advised that the 18 road sections referred to were only priority road sections with wide public concern and the Administration aimed at completing the installation works by the end of 2000. Apart from these 18 road sections, the Administration would also install appropriate signs and paint road markings at junctions between highways and slip road sections where change of speed limit took place. Concerning the short slip road sections, the Administration would give sufficient notice to drivers on highways before turning into slip road sections so that they could start reducing the speed at an earlier time. The Administration would also examine if the speed limits on individual slip roads could be relaxed. The Administration welcomed suggestions concerning any special arrangements for any road sections from the public.

Admin. 22. At the request of Mrs LAU, DS for T undertook to provide further information on the proposed erection of road signs and painting of road markings on highways.

Speed limit structures and levels of penalty

23. Mr Andrew WONG, Dr Raymond HO and Mr Andrew CHENG requested the Administration to streamline the speed limit structure from five tiers to three tiers. Mr CHENG also requested the Administration to consider maintaining the existing levels of penalty for speeding on roads of 50km/h and 70km/h and applying the new penalties for speeding on roads with a speed limit of 80km/h or above only. Since the Administration could not reasonably relax the speed limits of some road sections in time, it would be unfair to motorists if the penalty levels for speeding offences were increased across-the-board without reference to the speed limits of roads.

24. DS for T considered that the current speed limit structure was a three-tier system with 50km/h for the majority of urban road sections, 70 or 80km/h for main road sections outside built-up areas with 80km/h usually adopted in road sections built after the 80s, and 100km/h for expressways. North Lantau Highway was the only road of 110km/h due to its special geographical situation. She agreed that the number of changes in speed limit on a stretch of road should be minimized. The speed limit of 80km/h would be adopted as the general standard for new roads outside the built-up areas. As for member's suggestion of imposing different penalties for different speeding offences with reference to the speed limits of roads, DS for T emphasized that excessive speeding on road sections with a lower speed limit in the urban areas could pose a greater potential hazard than excessive speeding on expressways as there were more pedestrians and vehicles using those road sections. The Administration aimed at conveying a clear message to all road users that serious speeding offences, no matter in road sections of high or low speed limits, would be very dangerous. As such, the proposal could not be accepted.

25. Mr Andrew CHENG admitted that his proposal might not be a perfect solution. However since disputes over the speed limits of certain road sections had not been resolved, there was a need to draw up a proposal which could strike a balance between the need to deter serious speeding offences and protect drivers from the unreasonable

speed limits and the resulting penalties.

26. CS of P advised that in 1999, passengers and pedestrians contributed to the majority of casualties in traffic accidents. Apart from considering speed limits from drivers' perspectives, the Administration would also consider the issue from the viewpoints of other road users. In 1999, 43% of the traffic accidents occurred in the vicinity of pedestrian crossings and 39% at road junctions. Around 83% of the traffic accidents did not happen in expressways. Therefore, if different penalties were applied to road sections of different speed limits, he was worried that a wrong signal might be conveyed to road users that speeding on road sections with a lower speed limit was less dangerous.

27. Mr Andrew CHENG requested the breakdown and relevant details of the percentages mentioned by CS of P. He emphasized that his proposal was based on the Administration's unreasonable speed limits on some road sections and that the pace of the speed limit review was unable to catch up with the study of the Bill. He did not intend to convey a message that speeding was allowed on road sections of low speed limit such as 50km/h; in fact, such speeding offences would still be penalized even under the existing penalty system.

28. Sharing Mr Andrew CHENG's concern, Mrs Miriam LAU said that many drivers were generally not satisfied with the speed limits of some road sections. As far as the trade was concerned, they did not object to increase the penalty levels, both the fixed penalty and driving-offence points, for serious speeding offences like driving in excess of the speed limit by 45km/h. However, for speeding in excess of the speed limit by 30 km/h to 45 km/h, the trade suggested that the number of driving-offence points incurred be maintained at the current level whilst the fixed penalty could be adjusted upward to \$600. In this way, the message that serious speeding offence was dangerous would still be clearly conveyed. Mrs LAU stressed that each driving-offence point was very important to the professional drivers for it might lead to disqualification ultimately. She requested the Administration to consider the trade's view and if necessary, she might move a Committee Stage amendment (CSA) to reduce the driving-offence points from six to five for speeding in excess of the speed limit by 30 km/h to 45 km/h.

29. DS for T advised that the levels of penalty should be increased in order to create a deterrent effect on serious speeding offences. Apart from increasing the fixed penalty, increasing the driving-offence points incurred would be more effective in deterring speeding offences. The Administration considered six driving-offence points for speeding in excess of the speed limit by 30 km/h to 45 km/h reasonable.

Effective date of the Bill

30. DS for T pointed out that the new legislation was intended to take effect on 1 January 2001. By then, the review of speed limits on the road sections in the periphery of new towns and the installation works of road signs and 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, DS for appealed to members for support of the Bill at this stage. She also undertook to report the outcome of the review as early as possible to the Transport Panel before the end of 2000.

31. Mr LAU Kong-wah however expressed reservation for passing the Bill in the current LegCo term given that the review would only be completed by the end of 2000.

32. Mr Andrew WONG opined that in view of the undertakings given by the Administration, he supported the Administration's proposal. He however requested the Administration to inform members well in advance of the subsequent legislative timetable concerning the effective date of the Bill.

33. Members noted that the Administration would give notice to resume the Second Reading debate on the Bill on 26 June 2000.

34. The date of next meeting was scheduled for Wednesday, 14 June 2000 at 8:00 a.m.. There being no other business, the meeting ended at 10:35 a.m.

Legislative Council Secretariat
8 August 2000