

立法會
Legislative Council

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by the Administration and
cleared with the Chairman)

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Bills Committee on
Road Traffic Legislation (Amendment) Bill 2000
Meeting on
Wednesday, 14 June 2000, at 8:00 am
in Conference Room B of the Legislative Council Building

- Members present** : Hon CHAN Kwok-keung (Chairman)
Ir Dr Hon Raymond HO Chung-tai, JP
Hon Howard YOUNG, JP
Hon LAU Kong-wah
Hon Mrs Miriam LAU Kin-yee, JP
Hon Andrew CHENG Kar-foo
- Members absent** : Hon Bernard CHAN
Hon CHAN Kam-lam
Hon Andrew WONG Wang-fat, JP
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

Mr W L CHEUNG
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

Action **I Meeting with the Administration**

An information paper setting out the Administration's response to members' queries raised at the meeting on 9 June 2000 was tabled at the meeting.

(Post meeting note : The paper was subsequently circulated to members vide LC Paper No. CB(1) 1858/99-00).

Warning signs and road markings

2. The Deputy Secretary for Transport (DS for T) advised that in order to alert drivers of the need to reduce speed before the start of the change in speed limit of a particular road section, the Transport Department 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 would be placed. She confirmed that apart from the 18 road sections listed in Annex B of LC Paper No. CB(1) 1817/99-00, the Administration would install road signs/road markings on another four road sections listed in Annex B of LC Paper No CB(1) 1858/99-00. The two lists covered all expressways and approaches to road tunnel in Hong Kong. The installation of road signs/road markings for these sections would be completed by the end of 2000.

3. Mrs Miriam LAU enquired about the provision of warning signs on other road sections other than those covered in the priority list. DS for T explained that in accordance with the existing policy, traffic signs were provided for road sections where the speed limit along the mainline ahead was lowered by 20 km/h or more, e.g. from 100 km/h to 80 km/h, or from 80 km/h to 50 km/h. Apart from the road sections listed in the priority list, the Administration would also provide advance warning signs on other road sections.

Speed limit review

4. DS for T advised that in response to the request of the Bills Committee, the Administration agreed to review the speed limits of 15 road sections in the periphery of new towns with speed limit set at 50 km/h. The review would be completed by the end of 2000.

5. Notwithstanding the fact that a review of speed limits on more than 40 major road sections had been conducted by the Administration, Mrs Miriam LAU pointed out that the transport trade and the general public at large were not satisfied with the results of the review. To avoid coming up with a similar conclusion by replicating the existing review procedures, the Administration should adopt a new approach in conducting the next round of review. Mr LAU Kong-wah shared the view of Mrs LAU. Mrs Miriam LAU further pointed out that as a matter of principle, the standard speed of the trunk roads and primary distributors in the new towns 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. On the scope of the review, Mrs LAU indicated that she would reserve her position at this stage, pending further consultation with the trade.

6. DS for T responded that the Administration would examine whether the speed limits of the 15 road sections could be relaxed to 70 km/h, taking into account all relevant factors. The Administration would provide detailed justifications should the speed limits of such roads could not be relaxed to 70 km/h.

7. Mr CHENG Kar-foo opined that the crux of the problem lay in the existing speed limit structure. Apart from reviewing the speed limits of individual road sections, the Administration should streamline the speed limit structure to three-tier (i.e. 50/70/100 or 60/80/100) and impose different driving-offence points for different speeding offences with reference to the speed limits of roads under different structure and the severity of the offences. In the interim, the Administration should keep the number of driving-offence points incurred for speeding on roads of 50 km/h and 70 km/h unchanged. The new driving-offence points could be applied to speeding on roads with a speed limit of 80 km/h or above whilst the fixed penalty could be adjusted upward.

8. DS for T considered that the current speed limit structure was a three-tier system with 50 km/h for the majority of urban road sections, 70 or 80 km/h for main road sections outside built-up areas with 80 km/h usually adopted in road sections built after the 80s, and 100 km/h for expressways. North Lantau Highway was the only road of 110 km/h due to its special geographical situation. She advised that the levels of penalty should be increased in order to create a deterrent effect on serious speeding offences.

9. As for the 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 merging activities on 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.

10. Mr CHENG Kar-foo 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. He requested the Administration to provide a breakdown of the traffic accidents and the number of fatalities with reference to different speed limits of roads.

11. DS for T clarified that before introducing the present proposal, over 40 major road sections were reviewed and the speed limits of 18 of them had been relaxed. Whilst there might be different views on the speed limits of certain road sections, the Administration was committed to reviewing the speed limits of 15 road sections in the periphery of new towns with speed limit set at 50 km/h. The Administration aimed at completing the review by the end of 2000 so as to match with the target effective date of the Bill which was 1 January 2001. As such, there was no question of revising the penalty levels for speeding offences before completing the review of speed limits.

12. The Chief Superintendent of Police, Traffic (CS of P) advised that the Police was unable to provide the requested information within such a short time. He however pointed out that of the 14,714 traffic accidents happened last year, around 5,810 and 6,400 took place at junctions and pedestrians crossings respectively. This implied that the majority of the traffic accidents occurred at urban roads which had a speed limit of 50 km/h.

13. Mr CHENG Kar-foo pointed out that a breakdown of the number of fatalities in traffic accidents with reference to the road categories would be important for members' consideration of the Bill. He indicated that the issue at stake was not on the speed limits of certain road sections but the divergent views between the Administration and members over the speed limit structure in Hong Kong. He considered it not appropriate to increase the penalties for speeding when different speed traps existed. He called on the Administration to streamline the speed limit structure, otherwise, he would consider moving a Committee Stage amendment (CSA) to the Bill.

14. Ir Dr Raymond HO considered that there were in effect five different speed limits on roads in Hong Kong (i.e. 50/70/80/100/110). In his opinion, a two-tier structure would suffice, one for urban roads (60 km/h or 70 km/h) and one for expressways (100 km/h). He pointed out that whilst he had no intention, whatsoever, of encouraging speed driving, the speed limits of roads should not be set too low. He also considered it not appropriate to increase the penalties for speeding when the speed limits of roads were not rationalized.

15. DS for T responded that there was no dispute over the need to provide a safe environment for road users. The Administration had on various occasions exchanged views with members over the speed limit structure. The Administration maintained the view that the current speed limit structure in Hong Kong was a three-tier system. She said that the speed limit of 80 km/h would be adopted as the general standard for new roads outside the built-up areas. Regarding the upgrading of existing roads so that they could be operated at 80 km/h instead of 70 km/h, she said that where possible, the Administration would carry out the necessary improvement works. Relaxation would be recommended if it would not impair road safety.

16. Ir Dr Raymond HO was not convinced of the Administration's reply. He pointed out that in view of the complicated speed limit structure and having regard to the fact that there was inadequate provision of warning signs and road markings to forewarn motorists of the abrupt changes in speed limits ahead, motorists might inadvertently fall into a speed trap. Under such circumstances, the proposed increase of penalties for speeding offences was unfair to motorists.

17. Mr LAU Kong-wah pointed out that unless there was a fundamental change in the Government's attitude towards the review of speed limits, there was no guarantee that significant improvement could be made after the review. He requested the Administration to relax the speed limits of the roads before introducing the legislative proposal to the Council for Members' consideration.

18. DS for T responded that speed limits were imposed to promote road safety. Whilst different people might have different views on the speed limit of a particular road, the Administration would need to strike a balance, having regard to all relevant factors. Relaxation would only be recommended if it would not impair road safety. She stressed that the review would be conducted in a thorough manner. To address members' concern about the abrupt changes of speed limits in certain road sections, the Administration would install road signs and paint road markings at all major highways and approaches to road tunnels to alert drivers of the need to reduce speed before the start of the change in speed limit of a particular road section.

19. Mr LAU Kong-wah pointed out that in view of the existence of speed traps, he queried why there was a need to wait until the end of the year before the speed limit review could be completed. He pointed out that one of the major principles behind the review of speed limits was to eliminate the existence of speed trap. He cited Tai Chung Kiu Road as an example and indicated that the proposed relaxation was supported by the District Council, Members of this Council and the general public at large.

20. DS for T advised that individual judgement could not be used as a basis to determine the appropriate speed limit of a particular road section. As such, an undertaking could not be given at this stage as to whether the speed limits of the roads could be relaxed. The Administration would review the matter, taking all relevant factors into consideration.

21. CS of P added that the speed limits of roads could not be relaxed if there were road safety implications. Otherwise, a speed trap would be converted into a death trap. He pointed out that the majority of the victims in traffic accidents were not motorists but passengers and pedestrians. In 1999, out of the 217 fatalities in traffic accidents, 160 were pedestrians, passengers and cyclists. He urged members to consider the proposal from the angle of other road users as well.

22. Members considered the remarks made by CS of P not appropriate. They clarified that whilst they were concerned about the existence of speed traps, it did not mean that they were not mindful of the need to enhance road safety. They cast doubt that the rationalization of speed limits of roads would generate death traps at the end. Mr CHENG Kar-foo reiterated that the problem at stake was the speed limit structure and the setting of unrealistic speed limits on certain road sections in Hong Kong. Indeed, penalties were already in place to penalize motorists for breaching speeding offences. He also queried why the Administration was not willing to provide the related traffic accident statistics with reference to the locations of the accidents, for example, at expressways or at urban roads, to facilitate members' consideration of the proposal. Instead, incomplete information on the fatality rate of traffic accidents was provided to reflect how serious the problem was. 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.

23. DS for T reiterated that whilst Members and the Administration might have different views on the classification of the existing speed limit structure in Hong Kong, there was no dispute over the need to provide a simple system for easy compliance by motorists. Likewise, the proposal to impose heavier penalties for the more serious speeding offences was well supported by the two sides. It was hoped that a clear message could then be conveyed to motorists that speeding was dangerous and should be strictly prohibited. The problem at stake was whether the penalties imposed were too severe on which members and the Administration might have different views. Even if there were divergent views, the Administration and Members clearly supported the legislative intent of promoting road safety. She stressed that the Administration would review the speed limits of roads as suggested by the Bills Committee.

24. Mrs Miriam LAU pointed out that the Administration and members were equally concerned about road safety. As such, even if members had different views on the Administration's proposal, it did not mean that they were against the principle of enhancing road safety. She emphasized that the review of speed limits should be conducted in a way which would be accepted by the trade, members and the general public at large. Unrealistic speed limits would be counter-productive in terms of road safety. As such, there was a need to rationalize the speed limits of roads.

Committee Stage amendments proposed by member

25. Whilst supporting the proposal to increase penalties for serious speeding, Mrs

Miriam LAU was concerned about the unrealistic speed limits on certain road sections and the lack of warning signs to advise motorists of abrupt changes in speed limits ahead. She suggested that the number of driving-offence points incurred for driving in excess of the speed limit by 30km/h to 45km/h be maintained at the current level whilst the fixed penalty could be adjusted upward to \$600. After all, five driving-offence points were already incurred for speeding in excess of the speed limit by 30 km/h to 45 km/h. Whilst every effort was made to comply with the statutory speed limits, there were cases whereby motorists were unaware of the abrupt changes in speed limits ahead and fell into a speed trap inadvertently. Under such circumstances, increasing the driving-offence points incurred would have serious implications on the livelihood of professional drivers.

26. DS for T took note of Mrs LAU's view. She 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. Notwithstanding the above, DS for T said that the Administration would review the CSAs to be moved by Mrs LAU.

Clause-by-clause examination

27. Members went through the Bill clause by clause. The deliberations were summarized below:

Clause 1

28. DS for T pointed out that if enacted, the Bill should come into operation on a day to be appointed by the Secretary for Transport by notice in the Gazette which was subsidiary legislation subject to negative vetting of the Legislative Council. The new legislation was intended to take effect on 1 January 2001.

29. Mrs Miriam LAU pointed out that the Administration should report the outcome of the review and the progress of the installation works of road signs and road markings to the Transport Panel before gazetting the commencement notice of the new legislation.

Clause 2

30. Members raised no questions on clause 2.

Clause 3

31. Noting that for speeding in excess of the speed limit by 45 km/h, the means of prosecution could take two forms: a fixed penalty option which incurred the deduction of 10 driving-offence points or a summons option which included a mandatory disqualification from driving for not less than six months on conviction, Mrs Miriam

LAU was concerned about the basis for selection and enquired whether appropriate guidelines would be publicized.

32. DS for T said that the Police would take into account the actual circumstances before making a decision. Over the past three years, more than 80% of the speeding offences were prosecuted by means of the fixed penalty option. CS of P added that prosecution for speeding in excess of 45 km/h would be handled by the Central Traffic Prosecutions Bureau, and hence, consistency could be achieved at all times. For normal speeding offences detected by the speeding enforcement cameras, fixed penalty tickets would be issued to the concerned drivers. However, in some cases, if the Police was satisfied that the driving behaviour of a particular driver was too dangerous, having regard to the prevailing road conditions and other relevant factors, the Police would consider using the summons option.

33. Mrs Miriam LAU and Mr CHENG Kar-foo expressed concern about the possible abuse as the power of selection rested with the Police. CS of P replied that motorists should be aware of the maximum penalties for serious speeding which were stipulated clearly in the law. However, the exact penalty was a matter for the court to decide, having regard to the causes and implications of individual cases. Members noted that under the summons option, the person should be disqualified from driving for not less than 6 months, unless the court or magistrate for special reasons ordered otherwise. The Administration considered a minimum 6-month disqualification period appropriate for offences of this type but some degree of flexibility should be provided in the concerned provision.

34. Mr CHENG Kar-foo enquired whether all prosecutions could take the form of summons to avoid inconsistency. CS of P advised that the fixed penalty option could reduce the workload of the court which could be quite substantial with the use of automated speeding enforcement cameras.

Clause 4

35. Mrs Miriam LAU indicated that she would move a 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.

Clause 5

36. Members noted that if a person was liable to be disqualified from driving by virtue of the proposed section 41(3) of the Road Traffic Ordinance (Cap. 374), he might not plead guilty by letter. This would enable the court to immediately impound his driving licence upon conviction.

Clause 6

37. Arising from the CSA to clause 4, Mrs Miriam LAU indicated that a consequential amendment would be made to clause 6.

38. The Chairman advised that the Bills Committee had completed deliberation of the Bill. He reminded members that the deadline for giving notice of CSAs to the Bill was 16 June 2000 and that the Second Reading debate on the Bill would resume on 26 June 2000.

II Any other business

39. There being no other business, the meeting ended at 9:38 am.

Legislative Council Secretariat
15 September 2000