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**Paper for the House Committee meeting
on 23 June 2000**

**Report of the Bills Committee
on Road Traffic Legislation (Amendment) Bill 2000**

Purpose

This paper reports on the deliberations of the Bills Committee on Road Traffic Legislation (Amendment) Bill 2000 (the Bill).

Background

2. Speeding, which has long been one of the main causes of traffic offences, is on an upward trend since the opening of new expressways and carriageways over the past few years. To address the problem of speeding, the Administration consulted the LegCo Panel on Transport and the public in early 1999 on a possible revision of the penalty levels for speeding offences. The Panel considered the speed limits of certain road sections in Hong Kong to be unrealistically low which might have contributed to the seriousness of speeding offences in Hong Kong. In response to the request of Members, the Administration completed the review of speed limits on some 40 major road sections, and the speed limits on 18 road sections have been relaxed.

3. In light of the general support for heavier penalties for excessive speeding, the Administration introduced the Bill into LegCo on 1 March 2000, proposing to increase the penalty levels for the more serious speeding offences (i.e. speeding in excess of the speed limit by 30 km/h or more). The existing penalties for the less serious speeding offences would remain unchanged.

The Bill

4. The purpose of the Bill is to make a number of amendments to various traffic offences, all relating to driving in excess of speed limits, including the proposal to increase the penalties for the more serious speeding offences by :

- a) increasing the fixed penalties for speeding in excess of the speed limit by 30-45 km/h and by more than 45 km/h from the existing level of \$450 to \$600 and \$1,000 respectively;
 - b) introducing the penalty of mandatory disqualification from holding or obtaining a driving licence for a period of not less than 6 months where a person is convicted of speeding under section 41 of the Road Traffic Ordinance (Cap. 374) and he exceeded the speed limit by more than 45 km/h; and
 - (c) revising the driving-offence points incurred for driving in excess of the speed limit by 30-45 km/h from 5 to 6 points and from 8 to 10 points for driving in excess of the speed limit by more than 45 km/h.
5. The Bill also makes consequential amendments to the Magistrates Ordinance (Cap. 227) to specify that a defendant may not plead guilty by letter if he is liable to be disqualified from driving upon conviction of speeding under the Road Traffic Ordinance by reason of exceeding the speed limit by more than 45 km/h.
6. If enacted, the Bill will come into operation on a day to be appointed by the Secretary for Transport by notice in the Gazette.

The Bills Committee

7. Members agreed at the House Committee meeting on 3 March 2000 to form a Bills Committee to study the Bill. Hon CHAN Kwok-keung was elected Chairman of the Bills Committee. A copy of the membership list of the Bills Committee is at **Appendix I**.
8. The Bills Committee has conducted a total of five meetings. It has received submissions from 11 organizations and met representatives from 9 of them. The list of organizations is in **Appendix II**.

Deliberations of the Bills Committee

9. Members of the Bills Committee and the deputations are generally in support of the proposal to increase the penalty levels for the more serious speeding offences. They are 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 motorists of abrupt changes in speed limits ahead. They therefore cast doubt on the appropriateness and fairness of increasing the penalty levels for the more serious speeding offences under such circumstances. Detailed discussion has taken place in respect of the following:

- (a) the structure of speed limit categorization;
- (b) the review of speed limits in Hong Kong;
- (c) the provision of warning signs and road markings; and
- (d) the appropriateness of increasing the penalty levels for the more serious speeding offences.

A summary of the deliberations of the Bills Committee is set out in the following paragraphs.

Speed limit structure

10. One of the major criticisms raised by members of the Bills Committee is the complexity of the existing speed limit structure which might have contributed to the seriousness of speeding offences in Hong Kong due to the unawareness of the speed limits by motorists. According to the Administration, a three-tier system of 50/80/100 speed limit structure is adopted at present. In general, 50 km/h is the standard speed limit on roads in the built-up areas, whether they are in Hong Kong, Kowloon or the New Territories. For newly constructed roads outside the built-up areas, the speed limit is 80 km/h with the speed limit of some of the older urban expressways and rural dual-carriageways set at 70 km/h. For high standard expressways, the speed limit is 100 km/h. There is an exception of adopting a speed limit of 110 km/h on North Lantau Highway which is a longer distance road, engineered to higher design speeds, and with minimal interference from slip roads, etc.

11. The Bills Committee considers that there are in effect five different speed limits on roads in Hong Kong (i.e. 50/70/80/100/110). A number of suggestions have therefore been put forward to the Administration, including revising the general maximum speed limit for roads in the built-up areas to 60 km/h instead of 50 km/h, and streamlining the speed limit structure to three categories (i.e. 50/70/100 or 60/80/100) or even two for easy compliance by motorists.

12. The Administration however holds the view that the general maximum speed limit of 50 km/h for roads in urban areas in Hong Kong is in line with international practice. Hong Kong is a very crowded city with high density of vehicles and pedestrians in the urban built-up area. The design speed of roads in urban areas on aspects such as visibility, stopping sight distance, signing, etc. is based on 50 km/h. An across-the-board revision of the speed limit for roads in the urban area from 50 km/h to 60 km/h in the Hong Kong environment will have road safety implications. For certain road sections in the urban area where there is no signalized junction and the traffic is relatively lighter, the Administration would consider relaxing their speed limit on a case by case basis, where site conditions permit and road safety would not be compromised. It therefore cannot support a 60/80/100 speed limit structure as the adoption of 60 km/h for all road sections in the urban area would have road safety implications.

13. As regards adopting a 50/70/100 speed limit structure, the Administration also considers it not feasible. As most of the new rural dual-carriageways and urban expressways are built to a standard which allows a speed limit of 80 km/h, adopting a 50/70/100 speed limit structure means that roads with limit of 80 km/h would have to be lowered to 70 km/h. This will have implications on the traffic throughput resulting in possible congestion and under-utilization of the capacity of such roads. A consultancy study in 1999 also concludes that the speed limit structure adopted in Hong Kong generally accords with international practices, and recommends that the present speed limit structure is suitable and that no changes should be made.

14. As regards the proposal to introduce a separate speed limit structure on Sundays and public holidays, the Administration's view is that it may lead to further confusion as additional speed limit categories will need to be introduced.

Review of speed limits

15. Regarding speed limits, the Bills Committee agrees with the deputations' criticism that the existing speed limits of certain road sections are unreasonably low, taking into account the advent in road design and construction, and improved performance of motor vehicles. Motorists may inadvertently fall into road traps and commit an offence for serious speeding under such circumstances, let alone the safety implications arising from the unreasonable speed limits on roads and the resulting vehicle maneuvering activities such as frequent lane changing, stopping suddenly or driving too close to vehicle in front.

16. The Bills Committee notes the Administration's policy that relaxation of speed limit would only be recommended if it would not impair road safety. The following factors will be taken into account when reviewing the speed limit of a particular road section: -

- (a) the number of changes in speed limit on a stretch of road should be minimized. For local hazards, appropriate warning signs would be provided rather than lowering the speed limit. The length of road section under consideration should not be less than 1 km;
- (b) the design speed and environment of the road section;
- (c) the accident history of the road section;
- (d) the prevailing speed adopted by the majority of drivers of light vehicles during off-peak periods, i.e. 85th percentile vehicle speed; and
- (e) the road surface characteristics if the speed limit of a road is to be relaxed to 80 km/h or above.

17. The Bills Committee also notes that in the 1999 review of some 40 major road sections, the speed limit on 18 of them have been relaxed. Further, in 1999 and 2000, in response to the suggestions from the public, including Members of the Legislative Council and the transport trade, the Administration has also conducted a review of the speed limits of 18 other road sections, of which 16 have been completed. Only one has

been relaxed while the remaining 15 sections remain unchanged.

18. The Bills Committee however does not find the information provided by the Administration convincing enough to indicate that the present system is satisfactory. Members consider that the speed limits of certain road sections, particularly roads in the periphery of new towns, shall be set at 70 km/h as these roads are relatively straight and wide, and the traffic is not busy. It is only under very special circumstances that the speed limits of such roads shall be lowered to 50 km/h, and in that case, the Administration shall provide detailed justifications to account for the variation.

19. To address the concern of the Bills Committee, the Administration agrees to review the speed limits of all trunk roads and primary distributors in the periphery of new towns with speed limit set at 50 km/h, a list of which is in **Appendix III**. The review is expected to be completed by the end of 2000.

Provision of warning signs and road markings

20. Another major criticism on the present traffic arrangement is the lack of warning signs and road markings to advise motorists of abrupt change of speed limits. The Bills Committee shares the deputations' concern that apart from the safety implications arising from the sudden slowing of vehicles, motorists may inadvertently fall into a road trap and commit an offence of excessive speeding in case they are not aware that the speed limit of a road section is changed, for example, from 80 km/h to 50 km/h.

21. The Bills Committee notes that at present traffic signs are provided for road sections where the speed limit along the mainline ahead is lowered by 20 km/h or more, for example, from 100 km/h to 80 km/h, or from 80 km/h to 50 km/h. These signs are erected in pairs at about 100 metres ahead of the change of speed limit. A trial of placing yellow bar road markings at locations which involve a significant reduction in speed limit, for example, at the approaches to the toll plaza on North Lantau Highway has been conducted and the yellow bar road markings has proved to be effective in giving drivers additional warning.

22. To address the concerns of the Bills Committee, the Administration has 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. A full list is in **Appendix IV**. The installation of road signs/road markings for these sections would also be completed by the end of 2000. The Administration will continue to identify other road sections where advance warning signs or road markings should be placed as appropriate.

Appropriateness of the penalty levels

23. While members generally have no strong objection to the raising of penalty levels in principle, they are concerned about whether it is appropriate to increase the penalty levels before the speed limits on certain road sections have been rationalized and the installation works of warning signs and road markings to forewarn motorists of abrupt changes of speed limits have been completed. Members are worried that the increase in penalty levels, particularly the driving-offence points, will unduly affect the livelihood of professional drivers.

24. The Administration has nevertheless informed members that the new legislation is 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. The Bills Committee notes that the Bill shall come into operation on a day to be appointed by the Secretary for Transport by notice in the Gazette and such notice is subsidiary legislation subject to negative vetting of the Legislative Council. At the request of the Bills Committee, the Administration undertakes to report to the Panel on Transport on the outcome of the speed limit review and the installation works of road signs and road markings before introducing the relevant subsidiary legislation appointing the commencement date of the Bill.

25. The Bills Committee has examined whether it is feasible to impose different penalties for different speeding offences with reference to the speed limits of roads, (i.e. a lighter penalty for speeding on roads with a lower speed limit and a heavier penalty for speeding on roads with a higher speed limit). According to the Administration, in setting the speed limit of a certain road sections, it would take into account factors like design speed, accident records, the geometry and environment of the road section concerned, etc. Excessive speeding on road sections with a lower speed limit in the urban area may pose a greater potential hazard than excessive speeding on expressways as there are more pedestrians and vehicles using those road sections. The suggestion of imposing different penalties for different speeding offences with reference to the speed limits of roads may send a wrong signal to road users that speeding on roads with a lower speed limit is less serious or dangerous. This will go against the objective of enhancing road safety.

26. Mr CHENG Kar-foo is not convinced by the Administration's explanation. He indicates that he will consider moving a Committee stage amendment (CSA) to maintain the current penalty levels for serious speeding on roads with a speed limit of 50 km/h and 70 km/h. Mrs Miriam LAU also indicates that she will consider moving a CSA to delete the proposed increase of driving-offence points from 5 to 6 for speeding offences in excess of 30 km/h but below 45 km/h.

Committee Stage amendments

27. The Administration does not intend to move any CSA.

Recommendation

28. The Bills Committee recommends the resumption of the Second Reading debate of the Bill on 26 June 2000.

Advice sought

29. Members are requested to support the recommendation of the Bills Committee in paragraph 28 above.

Council Business Division 1
Legislative Council Secretariat
19 June 2000

《2000 年道路交通法例(修訂)條例草案》委員會
Bills Committee on
Road Traffic Legislation (Amendment) Bill 2000

委員名單
Membership list

陳國強議員(主席)	Hon CHAN Kwok-keung (Chairman)
何鍾泰議員	Ir Dr Hon Raymond HO Chung-tai, JP
陳智思議員	Hon Bernard CHAN
陳鑑林議員	Hon CHAN Kam-lam
黃宏發議員	Hon Andrew WONG Wang-fat, JP
楊孝華議員	Hon Howard YOUNG, JP
劉江華議員	Hon LAU Kong-wah
劉健儀議員	Hon Mrs Miriam LAU Kin-ye, JP
蔡素玉議員	Hon CHOY So-yuk
鄭家富議員	Hon Andrew CHENG Kar-foo

合共: 10 位議員
Total: 10 members

日期: 2000 年 5 月 17 日
Date: 17 May 2000

**Bills Committee on
Road Traffic Legislation (Amendment) Bill 2000**

List of organizations submitted views on the Bill

1. CTOD Association Company Ltd.*
2. HK, Kln & NT Public & Maxicab Light Bus Merchants' United Association*
3. HK Public & Maxicab Light Bus United Association*
4. Hon Wah Public Light Bus Association Ltd.
5. Kowloon Fung Wong Public Light Bus Merchants & Workers' Association Ltd.
6. LANTAU Taxi Association*
7. Mixer Truck Drivers Association*
8. N.W. Area Taxi Drivers & Operators Association*
9. Tang's Taxi Companies Association Ltd.*
10. United Friendship Taxi Owners & Drivers Association Ltd.*
11. Urban Taxi Drivers Association Joint Committee Co. Ltd.*

""denotes those organizations the representatives of which have given oral presentation to the Bills Committee.

List of trunk roads and primary distributors in the periphery of new towns with speed limit of 50km/h which will be included in the speed limit review

1. Hoi Hing Road
2. Long Yip Street
3. Ma On Shan Road (Hang Hong Street to Sai Sha Road)
4. Ma On Shan Road (Heng On Estate to Hang Hong Street)
5. Ma Wang Road
6. Po Hong Road
7. Po Shun Road (near junction of Tseung Kwan O Tunnel Road)
8. Sai Sha Road (Kam Ying Road to Hang Hong Street)
9. Tai Chung Kiu Road
10. Tai Po Road - Tai Wai Section
11. Texaco Road
12. Ting Kok Road between Nam Wan Road and Dai Kwai Street
13. Wan Po Road
14. Wang Tat Road
15. Yuen Long On Lok Road

List of priority road sections covering major highways and approaches to road tunnels where appropriate signs and road markings would be placed

1. Fanling Highway
2. Island Eastern Corridor
3. Kwun Tong Bypass
4. Lantau Link
5. Lion Rock Tunnel Road
6. Ma On Shan Road
7. North Lantau Highway
8. Route 3 (Country Park Section)
9. San Tin Highway
10. Sha Lek Highway
11. Shatin Road
12. Shing Mun Tunnel Road
13. Tai Po Road (Shatin Race Course)
14. Tai Po Road (Shatin Section)
15. Tate's Cairn Tunnel Road
16. Ting Kau Bridge
17. Tolo Highway
18. Tsing Kwai Highway
19. Tsuen Wan Road
20. Tuen Mun Road
21. West Kowloon Highway
22. Yuen Long Highway