

立法會
Legislative Council

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

Ref: CB1/SS/5/99/2

Subcommittee on Road Traffic (Safety Equipment) (Amendment)
Regulation 2000 and Road Traffic (Construction and
Maintenance of Vehicles) (Amendment) (No. 2) Regulation 2000

Meeting on
Thursday, 8 June 2000, at 4:30 pm
in Conference Room B of the Legislative Council Building

Members present : Hon Mrs Miriam LAU Kin-ye, JP (Chairman)
Hon Cyd HO Sau-lan
Hon CHAN Kwok-keung
Hon Andrew CHENG kar-foo

Members absent : Hon LAU Kong-wah
Hon FUNG Chi-kin

Public officers attending : Transport Bureau

Miss Margaret FONG
Deputy Secretary for Transport

Mr Owin FUNG
Assistant Secretary for Transport

Transport Department

Mr Thomas THUMB
Assistant Commissioner for Transport/
Technical Services

Mr Alan LUI
Assistant Commissioner for Transport/
Management and Licensing

Hong Kong Police Force

Mr William TANG
Chief Superintendent of Police, Traffic

Environmental Protection Department

Mr W C MOK
Principal Environmental Protection Officer/
Motor Vehicle Emissions

Department of Justice

Ms Betty CHOI
Senior Government Counsel

Ms Mabel CHEUNG
Government Counsel

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

Staff in attendance : Miss Connie FUNG
Assistant Legal Adviser 3

Ms Alice AU
Senior Assistant Secretary (1)5

Action

I Election of Chairman

Ms Cyd HO, the member who had the highest precedence among members present at the meeting, presided over the election of Chairman. Mrs Miriam LAU was nominated by Ms Cyd HO and the nomination was seconded by Mr CHAN Kwok-keung. Mrs LAU accepted the nomination. There being no other nomination, Mrs LAU was elected Chairman of the Subcommittee and took over the chair.

II Meeting with the Administration

Relevant papers:

- (a) the Legislative Council Briefs issued by the Transport Bureau (Ref: TRAN 3/10/7(00) and TRAN 3/9/13) on 17 May 2000; and
- (b) the Legal Services Division Report issued under LC Paper No. LS142/99-00 dated 22 May 2000.

Road Traffic (Safety Equipment) (Amendment) Regulation 2000

2. At the invitation of the Chairman, the Deputy Secretary for Transport (DS for T) briefed members on the Road Traffic (Safety Equipment) (Amendment) Regulation 2000 which sought to -

- (a) extend the seat belt legislation to cover rear seats of taxis; and
- (b) improve and rectify the inconsistencies of the existing seat belt legislation.

DS for T also invited members to note that if enacted, the Amendment Regulation would come into operation on 1 January 2001.

3. Members welcomed the proposed extension of the seat belt legislation to cover rear seats of taxis.

4. At the enquiry of Mr CHAN Kwok-keung, DS for T explained that the present design and construction of taxis did not allow the installation of more than three approved rear seat belts on taxis. As such, in case 5 passengers wished to take a taxi at the same time, 2 of them should sit in the front and the remaining 3 in the rear. In view of the limited space available, the Chairman relayed the safety concern expressed by the taxi trade that with the middle front seat being occupied by a passenger, there would be considerable difficulty in manoeuvring while driving, thereby leading to safety implications.

5. The Chairman also raised concern about the availability of seat belts on taxis. Under the existing legislation, the maximum passenger seating capacity of a taxi was 5. However, for the purpose of establishing the number of persons that might be carried in a taxi, 3 children aged 3 years or above but each not exceeding 1.3 metres in height should be counted as 2 persons. Sharing the Chairman's concern, Mr CHAN Kwok-keung and Miss Cyd HO pointed out that under such circumstances, there might be cases where seat belts would not be available to taxi passengers, for example, 3 adults plus 3 children not exceeding 1.3 metres in height or in the extreme case, 7 children not exceeding 1.3 metres in height. Hence, practical difficulties were involved in the implementation of the extended seat belt regulation. Apart from the availability of seat belts, members were also concerned about the resulting safety implications if a child was allowed to sit on one's knees in a rear seat of a taxi in case of an accident.

6. Acknowledging the concerns raised by members, DS for T said that the Administration would conduct an overall review of the issues involved, including the suggestions to reduce the maximum passenger seating capacity of a taxi from 5 to 4

and to examine whether the aforesaid formula for establishing the number of persons that might be carried in a taxi should be cancelled so that each person, no matter he was an adult or a child, should be provided with a seat belt on a taxi. In supplement, the Assistant Commissioner for Transport/Technical Services informed members that a similar rule in UK had recently been repealed.

7. Mr CHAN Kwok-keung was concerned about increasing public awareness on the implementation of the proposed extension of seat belt requirement. In response, DS for T advised that while the owner of a taxi would ensure that proper notice was displayed in accordance with the legislation, publicity efforts would be stepped up to enhance the public's awareness that they themselves would have to be responsible for any non-compliance with the new seat belt legislation on taxis.

Admin. 8. Summing up the discussion, the Chairman said that members supported in principle the Amendment Regulation but suggested that the Administration should follow up the safety concerns raised by members as it would be most inappropriate for a piece of legislation that was intended to protect passengers would instead cause further safety risks. At the Chairman's request, DS for T undertook to revert back to the LegCo Panel on Transport in due course.

Road Traffic (Construction and Maintenance of Vehicles) (Amendment) (No. 2) Regulation 2000

9. DS for T advised members that the purpose of the Road Traffic (Construction and Maintenance of Vehicles) (Amendment) (No. 2) Regulation 2000 was to extend the emission tests to cover petrol and liquefied petroleum gas (LPG) vehicles as part of their roadworthiness inspection and to introduce exhaust emission standards for these vehicles. If enacted, the Amendment Regulation would come into operation on 1 November 2000.

10. Members welcomed the Administration's proposal to extend the emission tests to cover petrol and LPG vehicles so as to ensure that a certain degree of vehicle maintenance was upheld.

11. Noting that the European Commission (Euro) standards would be adopted as the emission standards for petrol vehicles, concerns were raised by both the Chairman and Mr CHENG Kar-foo as to whether the proposed standards were appropriate and whether pre-Euro vehicles would have difficulties in meeting the standards.

12. In response, the Principal Environmental Protection Officer/Motor Vehicle Emissions (PEO/MVE) pointed out that the Euro standards were commonly adopted as the emission standards for petrol vehicles elsewhere. They provided flexibility in the sense that different emission standards were imposed on different categories of vehicles with reference to the year of manufacturer and the maximum permissible level specified by the vehicle manufacturer. This would ensure that the standards so imposed were realistic as vehicle manufacturers should all be fully conversant with their own products. In case such standards were not available, prescribed standards would be applied to different categories of vehicles with reference to their years of

manufacture PEO/MVE assured members that the standards were reasonable and the vehicle maintenance trades in Hong Kong should be able to cope with the required maintenance work. The Administration had also consulted the Motor Traders Association, the Service Managers Association, and the Hong Kong Vehicle Repair Merchants Association, etc and they indicated support to the proposal.

13. Further concern was raised by the Chairman and Mr CHENG on measures to be taken by the Administration to ensure that small and medium size service depots could have access to vehicle technical data/information, and acquire the necessary techniques and equipment for undertaking the maintenance work. As far as the amendment regulation was concerned, PEO/MVE advised that the Administration had consulted the trade and it had not expressed any difficulties in carrying out the necessary maintenance work and did not require additional information to meet the new requirements. Notwithstanding the consultation undertaken by the Administration, the Chairman said that she would separately solicit views from small and medium size service depots on whether they encountered difficulties in the maintenance of vehicles up to the standard required.

14. Responding to an enquiry from Mr CHENG Kar-foo, PEO/MVE advised that at present, there was about 600 to 700 classic vehicles in Hong Kong and such vehicles which were manufactured before 1 January 1975 would be exempted from the emission tests.

15. Mr CHAN Kwok-keung asked whether the inclusion of the emission test would cause any delay to the annual roadworthiness inspection. DS for T replied in the negative and said that the testing procedures were simple and the results would be available within a matter of minutes. At Mr CHAN's further enquiry, DS for T confirmed that the additional costs incurred for the emission tests would be borne by the car testing centres, and the testing fees would remain unchanged.

16. Summing up the discussion, the Chairman stated the support of the Subcommittee on the proposal to extend the emission tests to cover petrol and LPG vehicles. However, she urged the Administration to make greater efforts in ensuring that small and medium size service depots could have access to the necessary technical data/information.

17. Members then went through the two Amendment Regulations clause-by-clause. No particular questions were raised by members on the drafting provisions.

18. Concluding deliberation of the Subcommittee, the Chairman invited the Administration to take note of members' support to the two Amendment Regulations. The Chairman then drew the attention of members on the legislative timetable and reminded members that the deadline for giving notice of amendments, if any, on the two Amendment Regulations would be 14 June 2000. Members agreed that the Subcommittee would make a verbal report to the House Committee (HC) the next day, (i.e. 9 June 2000), and a written report would then be presented to HC on 16 June 2000.

III Any other business

19. There being no other business, the meeting ended at 6:10 pm.

Legislative Council Secretariat

28 September 2000