

LEGISLATIVE COUNCIL PANEL ON TRANSPORT

Review of the Seat Belt Legislation

INTRODUCTION

This paper seeks Members' views on -

- (a) the proposed extension of the seat belt legislation to cover rear seats of taxis; and
- (B) other improvements to the existing seat belt legislation.

BACKGROUND

2. To reduce the number of occupant casualties in vehicles, seat belt legislation was first introduced to drivers and front seat passengers of private cars in October 1983. It was subsequently extended to drivers and front seat passengers of taxis and light buses in July 1989 and then to goods vehicles in January 1990. With effect from 1 June 1996, it was further extended to rear seats of new private cars and middle front seats of all new private cars, taxis, light buses and goods vehicles registered on or after that date. The respective vehicle occupants are required to wear seat belts if available. The latest amendment was made on 1 July 1997 which extended the legislation to drivers of buses.

EFFECTIVENESS OF EXISTING SEAT BELT LEGISLATION

3. After the introduction of the seat-belt legislation, the casualties of drivers and passengers in traffic accidents decreased for all classes of vehicles. A summary of the assessment of the effectiveness of the seat belt legislation is at **Annex A**. It was noted in particular that extension of the seat belt wearing requirement to the rear seat of private cars resulted in a significant drop of 17% in rear seat casualties in the twelve months after the legislation took effect.

4. Among the various classes of vehicles, the highest number of rear seat casualties was recorded for private cars followed by taxis, and to a lesser extent, public light buses and buses. With the encouraging result from the application to private cars, it is considered appropriate to extend the requirement to taxis as a matter of priority.

THE PROPOSAL

5. A research on overseas practices in legislative requirements concerning seat belt fitting and wearing for rear seat passengers found that while most places have legislation requiring the fitting and wearing of seat belt for rear seats in private cars and taxis, there are no such requirements for other vehicle classes.

6. As taxis are basically the same as private cars in terms of vehicle type and most places already have legislation requiring fitting and wearing of seat belt for rear seats in taxis, there should not be any technical difficulties in installing rear seat belts on taxis.

7. The Administration has consulted the taxi trade on the proposal. The trade supported in principle the proposed extension of the seat belt legislation to the rear seats of taxis but had expressed concern over any proposal to make the drivers responsible for passengers not belting up.

8. Currently, the legal responsibility of front seat and middle front seat passengers not wearing seat belt on taxis rests with both the driver and the passengers. The same arrangement applies to all other vehicle classes. Taking into account the special circumstances of taxis and the fact that taxi drivers would not be able to control the passenger's behaviour and ensure that passengers observe the legislative requirement during the whole trip, it is considered more fair and practicable to make passengers responsible for not wearing seat-belts.

9. We therefore propose to extend compulsory fitting and wearing requirements of rear seat belts to taxis as soon as possible. In line with the general principle of the existing seat belt legislation, retro-fitting will not be required. It is further proposed that the responsibility of passengers (whether sitting in front or at the back) not wearing seat belts in taxis should rest with the passengers themselves. To allow the suppliers of new taxis to prepare for the change, a 6-month lead time is proposed.

AREAS FOR FURTHER STUDY

10. As for public light buses and buses, it is noted that rear seat belt requirements are not commonly applied to these classes of vehicles in other countries. In Hong Kong, the existing construction of public light buses and buses may not support the installation of seat belts. If seat belts have to be installed, substantial modification to the vehicle design and construction

is required. While it is not practicable to extend the rear seat belt legislation to these classes of vehicles at the present stage, the Administration would continue to explore with car manufacturers and the trade the provision of in-vehicle protection measures to enhance passenger safety.

OTHER IMPROVEMENTS TO EXISTING SEAT BELT LEGISLATION

11. The Administration has also identified two areas in the existing seat belt legislation which can be further improved to facilitate proper enforcement by the Police.

Generalized rules

12. Currently, owners of some “old” vehicles (registered/manufactured before the cut-off dates) which are not required to be fitted with approved seat belts may have installed seat belts on their own volition. Occupants of such vehicles are, however, not legally required to wear seat belts. This creates confusion at times with police officers on site having to make reference to a large number of such cut-off dates in order to enforce the legislation.

13. To enhance the safety of vehicle occupants and to facilitate enforcement, it is proposed to adopt a generalized and simple wearing rule that a seat belt must be worn if it exists. This will apply to those classes of vehicles which the seat belt legislation covers - at present, it includes drivers and front seat passengers of private cars, taxis, light buses, goods vehicles and buses, and rear seat passengers of private cars.

Inclusion of offences in the fixed penalty schedule

14. At present, driver offences relating to himself or front seat passengers not wearing seat belts have been included in the fixed penalty schedule but those driver offences relating to middle front seat and rear seat passengers have not been included. The latter offences will, hence, have to go through the more time-consuming summons procedures. To facilitate Police enforcement, it is proposed that all driver offences relating to seat belt legislation be included in the fixed penalty schedule.

ADVICE SOUGHT

15. Members are invited to comment on the proposed extension of seat belt legislation to cover rear seats of taxis and the proposed improvements to the existing seat belt legislation as set out in paragraphs 12 to 14 above.

Government Secretariat
Transport Bureau
18 February 2000

**Development of seat belt legislation and the effectiveness
of the respective legislative amendments**

Vehicle class	Seat Occupant to which legislation applies	Legislation Effective Date	Effectiveness Studies		
			Total Casualties of respective seats in the legislative amendments (for the 12 month period before)	Total Casualties of respective seats in the legislative amendments (for the 12 month period thereafter)	% Change
Private Car	Driver & front seat passenger	1.10.1983	3,814	2,765	-28%
Taxi & Light Buses	Driver & front seat passenger	1.7.1989	1,780	1,521	-15%
Goods Vehicles	Driver & front seat passenger	1.1.1990	2,594	2,241	-14%
Private Car	Rear seat and middle front seat * passenger	1.6.1996	1,438♦	1,191♦	-17%
Taxi, Light bus and goods vehicle	middle front seat * passenger	1.6.1996	-	-	-
Bus	Driver	1.7.1997	162	164	+1%

♦ accident casualties for private car rear seat only

* The 'Traffic Accident Data System' cannot separate casualties of middle front seat occupants from those of the front occupants. Hence, it was not able to carry out a meaningful assessment on the effectiveness of middle front seat belts on these vehicle classes after the introduction of the legislation.